

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.3580 of the	)	MB Docket No. 17-264
Commission's Rules Regarding Public Notice	)	RM -11591
of the Filing of Applications	)	
	)	
Modernization of Media Regulation Initiative	)	MB Docket No. 17-105
	)	
Revision of the Public Notice Requirements of	)	MB Docket No. 05-6
Section 73.3580	)	
	)	
Revision of Procedures Governing Amendments)	)	MB Docket No. 05-210
To FM Table of Allotments and Changes of	)	
Community of License in the Radio Broadcast	)	
Services	)	

To: Office of the Secretary  
Attention: Chief, Media Bureau

**COMMENTS**

Broadcast Maximization Committee, Guest Technology, Anderson Associates and Horizon Broadcast Solutions, LLC ("Joint Commenters") hereby file comments in this proceeding proposing changes to the rule (Section 73.3580) governing local public notice for broadcast applications. The *Further Notice of Proposed Rule Making* ("FNPRM")<sup>1</sup> states that comments are sought on revisions to the broadcast local public notice rule. The Joint Commenters are concerned with the unnecessary delays in processing city of license change applications. These procedures are different than all other types of applications set forth in Section 73.3580. Specifically, these minor change applications

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<sup>1</sup> 84 Fed. Reg. 55881.

require a 60 day period for comments after publication in the Federal Register.<sup>2</sup> No other types of applications including major applications (Forms 314 or 315) require more than 30 days. In addition, the delays are exacerbated by the time required to publish these applications in the Federal Register, again contrary to the other types of applications. The Joint Commenters urge the Commission to take steps to alleviate the unnecessary delays in processing these types of applications. In support hereof, the following is stated:

1. In the *City of License R & O*, the Commission stated that “due to the importance of local broadcast service to communities, however, we believe it is vital that residents are provided adequate notice to enable them to file information objections to or comments in support of a particular move.”<sup>3</sup> The Joint Commenters do not intend to diminish the importance of local participation in comments. But the average amount of time from the filing of the application to the date the application is published in the Federal Register is 2 months.<sup>4</sup> The last Federal Register publication date was August 30, 2019. Since then there are seven such applications pending ranging from as far back as July 22, 2019 which have not been published yet. When the 60 day period for comments is added to the delay in Federal Register publication, the average wait time is least 4 months from the filing of the application to comment date. Then FCC staff processes the application.

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<sup>2</sup> See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, (“*City of License R&O*”) 21 FCC Rcd 14212 (2006), at para. 12, *recons. pending*.

<sup>3</sup> At para. 12.

<sup>4</sup> For example, for applications filed in 2019, the breakdown is as follows: 1) publication date--Feb. 15, 2019; 7 applications averaging 50 days delay; 2) publication date – May 7, 2019; 5 applications averaging 96 days delay; 3) publication date –June 18 2019; 3 applications averaging 43 days delay 4) publication date -- August 30, 2019; 7 applications averaging 58 days delay.

2. Of the 22 applications filed in 2019 for change in city of license, only 2 of these applications have opposition comments pending. Yet of these 22 applications, 15 remain pending. Unfortunately, the entire process has become bogged down in delays even when there are no other comments filed. While the 2019 applications are being used as an example (See Note 3), these delays are typical of the processing time involved ever since 2006 when these types of applications became minor changes. This type of delay is not apparent in major applications such as Form 314 or Form 315.

3. In the *FNPRM*, the Commission proposes to replace the newspaper publication requirement with the posting of the notice on the station's website along with a hyperlink to the actual application. For city of license change applications, this proposal would amend Section 73.3580(c)(3) which currently requires publication in the newspaper at both the existing city of license and the proposed city to be licensed. The Joint Commenters support this proposal because it could shorten the time frame involved by eliminating one of the reasons for having a 60 day period for comments. But more is needed and can be accomplished consistent with Section 311 of the Communications Act of 1934, as amended.

4. The Commission could direct the staff to publish city of license applications in the Federal Register as they are filed and not wait until there are a "sufficient" number of applications. In addition, the Commission could announce a 30 day period for comments in the Federal Register notice. That amount of time is adequate for major applications and should be adequate as well for all minor applications including those proposing a city of license change. These changes can be accomplished within the scope of the current proceeding or they can be adopted in the long pending MB Docket No. 05-

210 on reconsideration since the notice requirement was adopted in that proceeding. That proceeding is included in the heading to these Comments.

5. Accordingly, the Joint Commenters support the Commission's proposal to replace newspaper publication with notice in the online public file and to direct the staff to publish applications in the Federal Register as they are filed along with a 30 day period for comments.

Respectfully submitted,

BROADCAST MAXIMIZATION COMMITTEE,  
GUEST TECHNOLOGY, ANDERSON  
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