



December 21, 2017

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of Ex Parte Communication, MB Docket No. 17-105

Dear Ms. Dortch:

On December 19, 2017, Erin Dozier and Larry Walke of the National Association of Broadcasters (NAB) spoke by telephone with Martha Heller, Chief of the Media Bureau's Policy Division, regarding proposals in the above-captioned proceeding to modernize the Commission's equal employment opportunity (EEO) rules. During this call, we also referenced a previous telephone conversation between Mr. Walke and Lewis Pulley, Assistant Chief of the Policy Division, on December 11, 2017, about the same issue. Specifically, we discussed potential policy changes that may obviate the need for broadcasters to file the EEO Mid-Term Report (Form 397), without reducing the ability of Commission staff to conduct a mid-term review of broadcasters' compliance with the EEO rules.

We noted that Form 397 is primarily a vehicle for Commission staff to identify which stations are subject to a mid-term review, because only a subset of stations that must comply with the EEO rules are subject to a mid-term review (*i.e.*, radio stations part of an employment unit with more than ten full-time employees and television stations part of an employment unit with five or more employees).¹ In addition to basic contact information, Form 397 requires filers to indicate whether they have enough employees to qualify for a mid-term review. We discussed one option that would require all stations subject to the EEO rules to indicate whether they qualify for a mid-term review on their annual EEO public file report. Broadcasters must file these reports annually on the anniversary of the deadline for filing their license renewal application. Commission staff could then scan through all the annual EEO public file reports in its centralized online public file database to identify which stations are subject to a mid-term review.

We also discussed the possibility of adding a gating field to the online public file database that would require all stations to indicate whether they qualify for a mid-term review as a prerequisite to filing their annual EEO public file report. Either method would enable

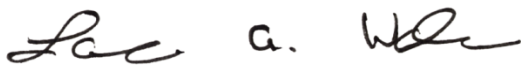
¹ Broadcast Mid-Term Report, Section I, available at <https://transition.fcc.gov/Forms/Form397/397.pdf>.

Commission staff to isolate the relevant universe of radio and television stations subject to a mid-term review of their EEO compliance efforts, without the filing of Form 397.

We also discussed the requirement that broadcasters must attach copies of their annual EEO public file reports from the previous two years to Form 397. Commission staff stated that some kind of clarification may be useful to ensure that broadcasters retain these reports in their public file, to provide staff with the information needed to conduct the mid-term review of broadcasters' compliance with the EEO rules.

In closing, NAB emphasized that compliance with filing requirements such as Form 397 has little bearing on broadcasters' commitment to equal employment opportunity, or compliance with the Commission's substantive EEO rules. NAB appreciates the Commission's efforts to address proposals raised in this proceeding and we look forward to continued dialogue about this and other approaches to modernizing the Commission's broadcast regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Larry A. Walke". The signature is fluid and cursive, with the first name "Larry" being the most prominent part.

Larry Walke
Associate General Counsel
Legal and Regulatory Affairs
National Association of Broadcasters

cc: Martha Heller
Lewis Pulley