**Before the**

**Federal Communications Commission**

**Washington, D.C. 20554**

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In the Matter of )

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Amendment of Section 73.624(g) of the ) MB Docket 17-264

Commission’s Rules Regarding )

Submission of FCC Form 2100, Schedule G, )

Used to Report TV Station’s Ancillary or )

Supplementary Services )

)

Amendment of Section 73.3580 of the )

Commission’s Rules Regarding )

Public Notice of the Filing of Broadcast )

Applications )

)

Modernization of Media ) MB Docket No. 17-105

Regulation Initiative )

)

Revision of the Public Notice Requirements ) MB Docket 05-6

of Section 73.3580 )

**COMMENTS OF AMERICA’S PUBLIC TELEVISION STATIONS,**

**CORPORATION FOR PUBLIC BROADCASTING, AND**

**PUBLIC BROADCASTING SERVICE**

**SUMMARY**

America’s Public Television Stations, Corporation for Public Broadcasting, and Public Broadcasting Service (collectively, “Public Broadcasting”) file these comments in response to the Commission’s Notice of Proposed Rulemaking (“NPRM”) proposing (i) to relieve certain broadcasters of the reporting obligations for ancillary and supplementary services and (ii) to eliminate or modernize broadcaster public notice requirements for certain license applications.[[1]](#footnote-2) This NPRM is related to the Commission’s Modernization of Media Regulation Initiative (MB Docket 17-105), which has been and continues to be supported by Public Broadcasting.

As previously set forth in its comments in the Modernization of Media Regulation Initiative, Public Broadcasting fully supports reporting relief for broadcasters that have no feeable ancillary and supplementary Services to report. Public Broadcasting also supports modernization of the public notice requirements and, if the requirements are retained, more flexibility so public broadcasters can provide such notices cost effectively.

**COMMENTS**

America’s Public Television Stations (“APTS”)[[2]](#footnote-3), Corporation for Public Broadcasting (“CPB”)[[3]](#footnote-4), and Public Broadcasting Service (“PBS”)[[4]](#footnote-5) (collectively, “Public Broadcasting”) submit these comments in response to the Federal Communications Commission’s NPRM proposing (i) to relieve certain broadcasters of the reporting obligations for Ancillary and Supplementary Services and (ii) to eliminate or modernize broadcaster public notice requirements for certain license applications.

Ancillary and Supplementary Services Reports. At present, Section 73.624(g) of the FCC rules requires all DTV stations to file annual reports on revenues derived from ancillary and supplementary services, even if stations did not provide any such services whatsoever during the relevant reporting period.

The NPRM appropriately recognizes that the burdens of requiring all DTV stations (including Class A, LPTV, and TV translator stations) to submit a filing to report revenues from ancillary and supplementary services, even if a station did not provide any such services, clearly outweigh any public interest benefit. As Public Broadcasting commented in the Modernization of Media Regulation proceeding, “there is no reason why stations should have to file forms every year if they have nothing to report and are not required to remit any fee,” and “only stations with something to report and pay” should be required to bear the regulatory burden of reporting.[[5]](#footnote-6)

Consistent with the NPRM, the Media Bureau, by Order, already waived the December 1, 2017 deadline for reporting by DTV stations that provided no feeable ancillary and supplementary services during the reporting period; that temporary relief was welcomed by Public Broadcasting and saved scarce time and resources for local public service. As set forth in its prior comments, Public Broadcasting supports permanent relief from this annual filing burden for stations with no feeable ancillary and supplementary services to report.[[6]](#footnote-7)

Public Notice for Applications. There is no doubt that the public notice provisions in Section 73.3580 of the FCC rules are antiquated and convoluted. The NPRM indicates that the rule dates back over half a century; the text of the rule reflects that era. For example, Section 73.3580(g)(1)(ii) refers to “posting in the post office” as a means of providing notice to the general public in certain circumstances. Moreover, Section 73.3580 is difficult to parse; the rule is replete with exceptions and oddities.[[7]](#footnote-8) If the public notice provisions are not eliminated, they are certainly ripe for modernization consistent with the way the general public receives information in the modern day.

In addition, broadcast publication has opportunity costs – public broadcasting stations have a discrete amount of broadcast time for program content and open avails, given required donor acknowledgements and other interstitial messages. Newspaper publication has actual out of pocket costs. For these reasons, proponents of retaining publication by applicants (including by broadcast) should explain how the benefits of publication outweigh the costs on Public Broadcasting stations.

Finally, Public Broadcasting notes that, for decades, noncommercial educational broadcasters have enjoyed relief from newspaper notice requirements for certain applications pursuant to Section 73.3580(e) of the FCC’s rules; therefore, Public Broadcasting expects that any rule modernization would similarly afford appropriate regulatory relief from burdens on noncommercial broadcasters. Public Broadcasting would welcome additional flexibility to comply with any retained public notice provisions in ways that are cost-effective and in keeping with the overall noncommercial educational missions for public broadcast stations.

**CONCLUSION**

The FCC should relieve the burdens from certain DTV stations to file ancillary and supplementary services reports – there is no need for stations to file reports demonstrating that there is “nothing to report.” The FCC should also eliminate or modernize the public notice requirements, with particular attention to the cost burdens and appropriate regulatory relief for noncommercial educational broadcasters.

Respectfully submitted,

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1. *Amendment of Section 73.624(g) of the Commission’s Rules Regarding Submission of FCC Form 2100, Schedule G, Used to Report TV Stations’ Ancillary of Supplementary Services*; *Amendment of Section 73.3580 of the Commission’s Rules Regarding Public Notice of the Filing of Broadcast Applications*, MB Docket No. 17-264, FCC 17-138 (rel. Oct. 24, 2017) (“NPRM”). [↑](#footnote-ref-2)
2. APTS is a non-profit organization whose membership comprises the licensees of nearly all of the nation’s CPB-qualified noncommercial educational television stations. The APTS mission is to support the continued growth and development of a strong and financially sound noncommercial television service for the American people. [↑](#footnote-ref-3)
3. CPB is a private, non-profit corporation created and authorized by the Public Broadcasting Act of 1967 to facilitate and promote a national system of public telecommunications. Pursuant to its authority, CPB has provided millions of dollars in grant monies for support and development of public broadcasting stations and programming. [↑](#footnote-ref-4)
4. PBS, with its 350 member stations across the country, offers all Americans the opportunity to explore new ideas and new worlds through television and online content. Each month, PBS reaches nearly 100 million people through television and nearly 30 million people online, inviting them to experience the worlds of science, history, nature and public affairs; to hear diverse viewpoints; and to take front row seats to world-class drama and performances. [↑](#footnote-ref-5)
5. Comments of America’s Public Television Stations, Corporation for Public Broadcasting, National Public Radio, Inc., and Public Broadcasting Service (collectively, “Public Broadcasting”), MB Docket 17-105, at 8. [↑](#footnote-ref-6)
6. *Id*. [↑](#footnote-ref-7)
7. *See* NPRM at fn. 46, citing NAB Comments (“Section 73.3580 is a complicated and confusing rule requiring different types of public notice to be given for different FCC applications filed by different types of broadcast licensees.”). [↑](#footnote-ref-8)