

Justification for Non-Substantial Changes to FCC Form 323—OMB Control No. 3060-0010

The Commission is requesting approval for non-substantial changes to collection 3060-0010, FCC Form 323. As a result of the Commission's recent decision to attribute certain television joint sales agreements ("JSAs"), the Contract Information question in Section II-A (Non-Biennial Ownership Information) and Section II-B (Biennial Ownership Information) are being changed to require the disclosure of attributable television JSAs (*i.e.*, by removing the "radio" modifier for JSAs). Each question was previously limited to attributable radio JSAs, among other agreements no relevant to this request.

These changes do not increase the number of respondents or create a new universe of respondents for Form 323. In addition, the vast majority of respondents will not be a party to an attributable television JSA and will have nothing to disclose; therefore, the changes will not impact these filers at all. For those respondents that must now disclose an attributable television JSA, responding to this question will require a *de minimis* amount of additional time that will not change the overall burden hours calculation or the associated costs for this information collection.

In addition to the changes to the form detailed below, the Commission will make various conforming edits to the table associated with each question and to the instructions for the form.

Current Text (Form 323, Section II-A, Question 1):

Contract Information. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only Licensees, Permittees, or Respondents with a majority interest in or that otherwise exercise de facto control over the subject Licensee or Permittee shall respond. Other Respondents should select "Not Applicable" in response to this question.) If the agreement is a local marketing agreement (LMA) or a radio joint sales agreement (JSA), or if the agreement is a network affiliation agreement, check the appropriate box; otherwise, select "Other" for non-LMA/radio JSA or network affiliation agreements.

Proposed Text (Form 323, Section II-A, Question 1):

Contract Information. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only Licensees, Permittees, or Respondents with a majority interest in or that otherwise exercise de facto control over the subject Licensee or Permittee shall respond. Other Respondents should select "Not Applicable" in response to this question.) If the agreement is a local marketing agreement (LMA) or a joint sales agreement (JSA), or if the agreement is a network affiliation agreement, check the appropriate box; otherwise, select "Other" for non-LMA/JSA or network affiliation agreements.

Current Text (Form 323, Section II-B, Question 1):

Contract Information. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only Licensees or Respondents with a majority interest in or that otherwise exercise de facto control over the subject Licensee shall respond. Other Respondents should select "Not Applicable" in response to this question.) If the agreement is a local marketing agreement (LMA) or a radio joint sales agreement (JSA), or if the agreement is a network affiliation agreement, check the appropriate box; otherwise, select "Other" for non-LMA/radio JSA or network affiliation agreements.

Proposed Text (Form 323, Section II-B, Question 1):

Contract Information. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only Licensees or Respondents with a majority interest in or that otherwise exercise de facto

control over the subject Licensee shall respond. Other Respondents should select "Not Applicable" in response to this question.) If the agreement is a local marketing agreement (LMA) or a joint sales agreement (JSA), or if the agreement is a network affiliation agreement, check the appropriate box; otherwise, select "Other" for non-LMA/JSA or network affiliation agreements.