

## NON-SUBSTANTIVE CHANGE REQUEST JUSTIFICATION

### OMB CONTROL NUMBER 3060-0110

#### **Application for Renewal of Broadcast Station License, FCC Form 303-S; Section 73.3555(d), Daily Newspaper Cross-Ownership**

The Commission submits this non-substantive change request to the Office of Management and Budget (OMB) for approval of minor non-substantive changes to the instructions of FCC Form 303-S, Application for Renewal of Broadcast Station License. There are no modifications to FCC Form 303-S itself; there are only modifications to the instructions.

On September 30, 2016, the Commission adopted *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Report and Order, 31 FCC Rcd 11272 (2016) (*2016 Foreign Ownership Order*). Pursuant to the *2016 Foreign Ownership Order*, the Commission modified a series of FCC broadcast form instructions. We are similarly modifying the instructions to FCC Form 303-S, Section II, Item 5: Alien Ownership and Control, in order to simplify and provide consistency for applicants, by replicating the same non-substantive instructional language that OMB recently approved in this series of FCC broadcast forms (*e.g.*, FCC Forms 314 and 315, OMB Control No. 3060-0031, OMB NOA 10/14/2016, and FCC Form 301, OMB Control No. 3060-0027, OMB NOA 10/20/2016). There is no change to the substance; the instructional language is simply modified to provide consistency with other recently modified FCC broadcast form instructions.

Next, as recently approved in this series of FCC broadcast forms, the Commission plans to modify the instructions to FCC Form 303-S, Section II, Item 5: Alien Ownership and Control, to state that an applicant may seek a declaratory ruling pursuant to Section 1.5000 *et seq.* of the Commission's rules (47 CFR § 1.5000 *et seq.*), under a separate Information Collection, OMB Control No. 3060-1163, when seeking Commission consent to exceed the 25 percent foreign ownership benchmark. Additionally, in order to assist and direct the applicant in understanding the Commission's foreign ownership requirements, a citation to the *2016 Foreign Ownership Order* is added to the end of the paragraph of the instructions to FCC Form 303-S, Instructions Section II, Item 5: Alien Ownership and Control.

The substance, burden hours, and costs under OMB Control No. 3060-0110 are not impacted by these minor non-substantive changes to the FCC Form 303-S Instructions. The minor non-substantive changes are highlighted below:

Change #1– FCC Form 303-S, Instructions Section II, Item 5: Alien Ownership and Control. As explained above, to simplify and provide consistency for the applicant, we are modifying the instructions to FCC Form 303-S, Instructions Section II, Item 5: Alien Ownership and Control to replicate language that OMB has approved in a series of FCC broadcast forms pertaining to Alien Ownership and Control (*e.g.*, FCC Forms 314 and 315, OMB Control No. 3060-0031, OMB NOA 10/14/2016, and FCC Form 301, OMB Control No. 3060-0027, OMB NOA 10/20/2016). There is no change to the substance of the FCC Form 303-S Instructions, and there is no change to the FCC Form 303-S itself. The substance, burden hours, and costs under OMB Control No. 3060-0110 are not impacted by these minor non-substantive changes to the FCC Form 303-S instructions. The former FCC Form 303-S, Instructions Section II, Item 5: Alien Ownership and Control, first paragraph, read:

**Item 5: Alien Ownership and Control.** Aliens, foreign governments and corporations, and corporations of which less than 80% of the capital stock is owned or voted by U.S. citizens are prohibited from holding a broadcast station license. Where a corporate licensee is directly or indirectly controlled by another corporation, of which less than

75% of that corporation's stock is owned by or voted by U.S. citizens, the Commission must consider whether denial of renewal would serve the public interest. Licensees are expected to employ reasonable, good faith methods to ensure the accuracy and completeness of their citizenship representations.

The modified FCC Form 303-S, Instructions Section II, Item 5: Alien Ownership and Control, will read (new language in bold):

Item 5: Alien Ownership and Control. **All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit or station license to an alien, the representative of an alien, a foreign government or a representative thereof, or a corporation organized under the laws of a foreign government. This proscription also applies with respect to any entity of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or an entity organized under the laws of a foreign country. The Commission may also deny a construction permit or station license to a licensee directly or indirectly controlled by another entity of which more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or another entity organized under the laws of a foreign country.**

Change #2 – FCC Form 303-S, Instruction Section II, Item 5: Alien Ownership and Control. Once Change #1 is instituted, at the end of the revised paragraph, the Commission seeks to state that an applicant may petition for a declaratory ruling covered by the Information Collection for Section 1.5000 *et seq.* of the Commission's rules, OMB Control No. 3060-1163, when seeking Commission consent to exceed the 25 percent foreign ownership benchmark. Additionally, to assist and direct the applicant in understanding the Commission's foreign ownership requirements, a citation to the *2016 Foreign Ownership Order* is added.

There is no change in substance, cost, and burden hours to comply with FCC Form 303-S, under OMB Control Number 3060-0110. There is also no change to the FCC Form 303-S itself. In particular, an applicant's petition for declaratory ruling is covered by a separate Information Collection for Section 1.5000 *et seq.* of the Commission's rules, OMB Control No. 3060-1163. Furthermore, these same modifications were recently approved by OMB in a series of FCC broadcast forms (*e.g.*, FCC Forms 314 and 315, OMB Control No. 3060-0031, OMB NOA 10/14/2016, and FCC Form 301, OMB Control No. 3060-0027, OMB NOA 10/20/2016). The new language to the revised FCC Form 303-S, Instructions Section II, Item 5: Alien Ownership and Control, first paragraph, will read (new language, once Change #1 is instituted, is in bold):

**Item 5: Alien Ownership and Control.** All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit or station license to an alien, a representative of an alien, a foreign government or the representative thereof, or a corporation organized under the laws of a foreign government. This proscription also applies with respect to any entity of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or an entity organized under the laws of a foreign country. The Commission may also deny a construction permit or station license to a licensee directly or indirectly controlled by another entity of which more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or another entity organized under the laws of a foreign country. **Any such applicant seeking Commission**

**consent to exceed this 25% benchmark in Section 310(b)(4) of the Act must do so by filing a petition for declaratory ruling pursuant to Section 1.5000 *et seq.* of the Commission's rules. For more detailed information on identifying and calculating foreign interests, see *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended, Report and Order*, 31 FCC Rcd 11272, paras. 44-77 (2016) (*2016 Foreign Ownership Order*).**