

NON-SUBSTANTIVE CHANGE REQUEST FOR OMB CONTROL NUMBER 3060-0214

The Federal Communications Commission is submitting a non-substantive change request for OMB control number 3060-0214, Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 73.1212, 76.1701 and 73.1943, Political Files. The reason for the change request is described below:

On October 23, 2018, the Commission adopted and released a Report and Order, FCC 18-145 (*Report and Order*). In the *Report and Order*, the Commission made non-substantive changes to the information collection requirements contained in 47 CFR §§ 73.3526 and 73.3527.

Pursuant to the information collection requirements that the Office of Management and Budget (OMB) previously approved for this collection, licensees and permittees of commercial and noncommercial educational (NCE) broadcast stations are currently required to make the documents listed in their ownership reports available for public inspection via the FCC-hosted online public inspection file (OPIF). Specifically, licensees and permittees must either (i) upload the documents directly to the OPIF or (ii) maintain an up-to-date list of the documents in the OPIF and provide copies to requesting parties within seven days. In addition, licensees and permittees previously were also required to file paper copies of the documents with the Commission within 30 days of execution of such documents, including amendments, supplements, and cancellations. See OMB Control No. 3060-0185, Section 73.3613, Filing of Contracts.

In the *Report and Order*, the Commission decided to eliminate the routine paper filing requirement and rely instead on its existing OPIF rules in §§ 73.3526 and 73.3527. To ensure that the Commission and the public continue to have timely access to the relevant documents, the Commission revised §§ 73.3526(e) and 73.3527(e) to require that licensees and permittees update the documents in the OPIF within the same 30-day timeframe previously required under the eliminated paper filing requirement.

The Commission also revised §§ 73.3526(e)(5) and 73.3527(e)(4) to require that licensees and permittees that list the required documents in the OPIF include on their list all of the information that they are already required provide for such documents on broadcast ownership reports. Specifically, for each document, the list must include a description of the document, the parties to the document, the month and year of execution, the month and year of expiration, and the document type. See OMB Control No. 3060-0010, Ownership Report for Commercial Broadcast Stations, FCC Form 323; OMB Control No. 3060-0084, Ownership Report for Noncommercial Educational Broadcast Stations, FCC Form 323-E. In many instances, this information will already be in the OPIF because the OPIF rules already require that licensees and permittees retain in the OPIF a copy of the most recent broadcast ownership report for the station, which includes this information. Therefore, we believe that these revisions to §§ 73.3526(e)(5) and 73.3527(e)(4) will not significantly impact the costs or burden hours for this collection.

In addition to the changes discussed above, the Commission also revised §§ 73.3526(e)(5) and 73.3527(e)(4) by replacing references to “the contracts listed in [broadcast ownership] reports” with direct references to the Commission rule specifying the documents that licensees and permittees are required to list on broadcast ownership reports. The Commission also revised §§ 73.3526(e)(5) and 73.3527(e)(4) to expand from a subset of the documents to all the relevant documents an existing allowance that explicitly provides for redaction of confidential or proprietary information.

The relevant amendments to §§ 73.3526 and 73.3527 are shown below.

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§ 73.3526 Local public inspection file of commercial stations.

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(5) *Ownership reports and related materials.* A copy of the most recent, complete ownership report filed with the FCC for the station, together with any statements filed with the FCC certifying that the current report is accurate, and together with all related material. These materials shall be retained until a new, complete ownership report is filed with the FCC, at which time a copy of the new report and any related materials shall be placed in the file. The permittee or licensee must retain in the public file either a copy of the station documents listed in §73.3613(a)–(c) or an up-to-date list of such documents. If the permittee or licensee elects to maintain an up-to-date list of such documents, the list must include all the information that the permittee or licensee is required to provide on ownership reports for each document, including, but not limited to, a description of the document, the parties to the document, the month and year of execution, the month and year of expiration, and the document type (e.g., network affiliation agreement, articles of incorporation, bylaws, management consultant agreement with independent contractor). Regardless of which of these two options the permittee or licensee chooses, it must update the inventory of §73.3613 documents in the public file to reflect newly executed §73.3613 documents, amendments, supplements, and cancellations within 30 days of execution thereof. Licensees and permittees that choose to retain a list of §73.3613 documents must provide a copy of any §73.3613 document(s) to requesting parties within 7 days. In maintaining copies of such documents in the public file or providing copies upon request, confidential or proprietary information may be redacted where appropriate.

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(14) *Radio and television time brokerage agreements.* For commercial radio and television stations, a copy of every agreement or contract involving time brokerage of the licensee’s station or of another station by the licensee, whether the agreement

involves stations in the same markets or in differing markets, with confidential or proprietary information redacted where appropriate. These agreements shall be placed in the public file within 30 days of execution and retained in the file as long as the contract or agreement is in force.

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(16) *Radio and television joint sales agreements.* For commercial radio and commercial television stations, a copy of agreement for the joint sale of advertising time involving the station, whether the agreement involves stations in the same markets or in differing markets, with confidential or proprietary information redacted where appropriate. These agreements shall be placed in the public file within 30 days of execution and retained in the file as long as the contract or agreement is in force.

§ 73.3527 Local public inspection file of noncommercial educational stations.

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(4) *Ownership reports and related materials.* A copy of the most recent, complete ownership report filed with the FCC for the station, together with any subsequent statement filed with the FCC certifying that the current report is accurate, and together with all related material. These materials shall be retained until a new, complete ownership report is filed with the FCC, at which time a copy of the new report and any related materials shall be placed in the file. The permittee or licensee must retain in the public file either a copy of the station documents listed in §73.3613(a)–(c) or an up-to-date list of such documents. If the permittee or licensee elects to maintain an up-to-date list of such documents, the list must include all the information that the permittee or licensee is required to provide on ownership reports for each document, including, but not limited to, a description of the document, the parties to the document, the month and year of execution, the month and year of expiration, and the document type (e.g., network affiliation agreement, articles of incorporation, bylaws, management consultant agreement with independent contractor). Regardless of which of these two options the permittee or licensee chooses, it must update the inventory of §73.3613 documents in the public file to reflect newly executed §73.3613 documents, amendments, supplements, and cancellations within 30 days of execution thereof. Licensees and permittees that choose to maintain a list of §73.3613 documents must provide a copy of any §73.3613 document(s) to requesting parties within 7 days. In maintaining copies of such documents in the public file or providing copies upon request, confidential or proprietary information may be redacted where appropriate.

The supporting statement has been updated accordingly.