

NON-SUBSTANTIVE CHANGE REQUEST FOR OMB CONTROL NUMBER 3060-0185

The Federal Communications Commission (FCC or Commission) is submitting a non-substantive change request for OMB control number 3060-0185, Section 73.3613, Filing of Contracts. 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 § 73.3613.

The Commission revised § 73.3613 to eliminate the requirement that licensees and permittees of commercial and noncommercial AM, FM, TV, and international broadcast stations routinely file paper copies of station contracts and other documents with the Commission within 30 days of executing such documents. Rather than continuing to require routine paper filings, the Commission will rely instead on its existing online public inspection file (OPIF) rules in 47 CFR §§ 73.3526 and 73.3527.

The existing OPIF rules already require licensees and permittees of commercial and noncommercial AM, FM, and TV stations to make the relevant documents available to the Commission and the public electronically via the OPIF. Specifically, the OPIF rules require that licensees and permittees 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.

Consistent with the existing OPIF requirement, the Commission added language to § 73.3613 to state explicitly that copies of the relevant documents must be provided to the Commission within seven days of a request by the FCC.

The Commission also revised § 73.3613 to eliminate from subsection (d) a duplicative filing requirement for attributable time brokerage agreements (TBAs) and attributable joint sales agreements (JSAs). The existing OPIF rule for commercial stations already requires that TBAs and JSAs be uploaded directly to the OPIF.

In addition, the Commission eliminated § 73.3613(a)(3), which required that licensees and permittees notify the Commission in writing whenever a network affiliation agreement was cancelled or terminated. Such written notifications are no longer necessary since (i) the expiration date of the affiliation agreement will be available via the OPIF, and (ii) the OPIF rules require that the inventory of documents in the OPIF be updated within 30 days of cancellations.

The Commission also made additional minor, conforming edits to § 73.3613 to reflect the elimination of routine paper filings, including changing the section heading from “§ 73.3613 Filing of contracts” to “§ 73.3613 Availability to FCC of station contracts.”

The amendments to § 73.3613 are shown below.

* * * *

§ 73.3613 Availability to FCC of station contracts.

Each licensee or permittee of a commercial or noncommercial AM, FM, TV or International broadcast station shall provide the FCC with copies of the following contracts, instruments, and documents together with amendments, supplements, and cancellations (with the substance of oral contracts reported in writing), within 7 days of a request by the FCC.

(a) *Network service*: Network affiliation contracts between stations and networks will be reduced to writing and filed upon request as follows:

* * * *

(2) Each such filing shall consist of all of the terms and conditions of such contract, agreement or understanding, including any other paper or document incorporated by reference or otherwise.

(b) * * *

(3) * * *

(iii) Agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation, pledges, trust agreements or abstracts thereof, options to purchase stock and other executory agreements. Should the FCC request an abstract of the trust agreement in lieu of the trust agreement, the licensee or permittee will submit the following information concerning the trust:

* * * *

(4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of 1 year, and all proxies, whether or not running for a period of 1 year, given without full and detailed instructions binding the nominee to act in a specified manner. With respect to proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee if the stock covered by such proxies has been voted. However, when the licensee or permittee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors, or who have 1% or more of the corporation's voting stock. When the licensee or permittee is a corporation having more than 50 stockholders and the stockholders giving the proxies are not officers or directors or do not hold 1% or more of the corporation's stock, the only information required to be filed is the name of any

person voting 1% or more of the stock by proxy, the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the shares were voted by proxy.

* * * * *

(d) *Other agreements*: Subchannel leasing agreements for Subsidiary Communications Authorization operation; franchise/leasing agreements for operation of telecommunications services on the television vertical blanking interval and in the visual signal; time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs and special events) broadcast pursuant to the contract is not under control of the station; and contracts with chief operators or other engineering personnel.