



PUBLIC NOTICE

Federal Communications Commission
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November 7, 2001

MASS MEDIA BUREAU ACTION

COMMENT SOUGHT ON MOTION FOR DECLARATORY RULING

ERRATUM

This replaces Public Notice dated November 5, 2001.

On October 1, 2001, Lorillard Tobacco Company filed a Motion for Declaratory Ruling with the Commission pursuant to Section 1.2 of the Commission's Rules. This Notice solicits comment on Lorillard's Motion. The Motion asks the Commission to find that Section 73.1206 of the Commission's Rules, pertaining to the broadcast of telephone conversations, prohibits the broadcast of advertisements and other programming material supplied to the licensee by a third party if the licensee knows or has reason to know that the material includes a telephone conversation that was recorded for broadcast without the knowledge or permission of one of the parties to that conversation. It also asks the Commission to find that a particular advertisement broadcast on various radio stations in August 2001, violated Section 73.1206 of the Commission's Rules. An Opposition to Lorillard's Motion was filed by the American Legacy Foundation on October 16, 2001, and Lorillard has responded to the Opposition.

Comments must be filed on or before December 5, 2001; and reply comments must be filed by December 20, 2001. To file formally in this proceeding, interested parties must file an original and four copies of all documents, reply comments, and supporting comments. All comments should reference **DA 01-2565** and should be addressed to: Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C., 20554. The full text of the Motion for Declaratory Ruling is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room, CY-A257, 445 12th Street, S.W., Washington, D.C., 20554. Copies may also be purchased from the Commission's copy contractor, Qualex International (202) 863-2893.

For further information contact Roger Holberg, Mass Media Bureau at (202) 418-2130.

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