



# PUBLIC NOTICE

**Federal Communications Commission**  
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**DA 03-2896**  
**September 23, 2003**

## **MEDIA BUREAU ACTION**

### **Media Bureau Implements New EEO Form; Mandatory Electronic Filing of FCC Form 396-C MM Docket No. 98-204**

By this Public Notice the Media Bureau announces mandatory electronic filing for the following FCC Form:

- FCC 396-C, Multi-Channel Video Programming Distributor EEO Program Annual Report (September 2003 Edition).

Mandatory electronic filing commenced on September 23, 2003. A paper version of this form will not be accepted for filing after September 23, 2003, unless accompanied by an appropriate request for waiver of the electronic filing requirement. The form is due to be filed with the Commission by September 30 of each year. Given that the form is only now available for electronic filing, for 2003 we will accept as timely filed all forms submitted by midnight on October 15, 2003. Users can access the electronic filing system *via* the Internet from the Media Bureau's Web Site at:

<http://www.fcc.gov/mb>

Randomly selected MVPDs will be required to fill out portions of the Supplemental Investigation Sheet ("SIS") at the end of the form. Only those required to file the SIS will see a box checked on page one of the electronic version of the form next to the statement, "Supplemental Investigation Sheet attached." For those required to file the SIS, we are requiring this year that job descriptions be provided only for the technicians category (two descriptions) and that only questions one, three, and five be answered in the question list. Units will not know that they are required to fill out the SIS until they begin the electronic filing process, but that process can be stopped, and information filled out saved, before actually filing the form. As with other electronic forms, filers may fill out part or all of the form and press "save" to save what they have filled out. "Saving" does not file the form but it does keep what has been entered in the filer's form so that the filer may return to the form later and complete it by the due date. In order to actually file a form, filers must press the "File Form" button and complete the filing process. The form may be printed at any stage while it is being filled out.

Pursuant to the *1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules and Processes*, 13 FCC Rcd 23056 (1998) (*Streamlining Order*), mandatory electronic filing was to commence six-months after a given form was made available for electronic use. The then Mass Media

Bureau made the prior version of the Form 396-C, FCC Form 395-A, available for electronic use more than six months ago. The form was made available in connection with a broadcast Equal Employment Opportunity (“EEO”) rule adopted in February 2000 that was subsequently vacated as a result of a Court order. As a result of the Court’s action, the prior version of Form 396-C was suspended in January 2001.

The current version was adopted by the *Second Report and Order and Third Notice of Proposed Rule Making in MM Docket No. 98-204*, 17 FCC Rcd 24018 (2002), that adopted a new broadcast EEO rule. It is substantially similar to the version adopted in February 2000, minus the annual employment report area that shows unit workforce data listed by job category, race/ethnic group, and gender.

In the *Streamlining Order*, which announced the Commission’s electronic filing requirement, the Commission recognized the need for limited waivers of this requirement in light of the “burden that electronic filing could place upon some licensees who are seeking to serve the public interest, with limited resources, and succeed in a highly competitive local environment.” 13 FCC Rcd 23061. However, such waivers will not be routinely granted and the applicant must plead with particularity the facts and circumstances warranting relief.

Instructions for use of the electronic filing system are available in the CDBS User’s Guide which can be accessed from the electronic filing web site. Special attention should be given to the details of the applicant account registration function, form filing function, and the fee form handling procedures, if a fee is required. Failure to follow the procedures in the User’s Guide may result in an application being dismissed, returned, or not considered as officially filed.

Internet access to the CDBS public access system at the Commission’s Web Site requires a user to have a browser such as Netscape version 3.04 or Internet Explorer version 3.51, or later.

For technical assistance using the system or to report problems, please contact the CDBS Help Desk at (202) 418-2MMB. To request additional information concerning specific broadcast applications, please call (202) 418-2700 (radio forms) or (202) 418-1600 (television forms).

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#### **FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. § 3507) (“PRA”), the FCC is notifying the public that it has approval from the Office of Management and Budget (OMB), granted on September 17, 2003, for the information collection contained herein pursuant to the “emergency processing” provisions of the PRA (5 CFR § 1320.13). The OMB Control Number for the FCC Form 396-C is 3060-1033. The annual reporting burdens for this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data and completing and reviewing the collection of information, are estimated to be: 2,200 respondents, 10 minutes to 2.5 hours per response per annum, for a total annual burden of 3,188 hours; no annual costs. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to Les Smith, Federal Communications Commission, Room 1-A804, 445 12<sup>th</sup> Street, SW, Washington, DC, 20554. Please include the OMB Control Number: 3060-1033, in your correspondence. We will also accept your comments regarding the PRA aspects of this collection via the Internet if you send them to [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov) or call (202) 418-0217.

Under 5 CFR § 1320, an agency may not conduct or sponsor a collection of information unless it displays a current valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid control number. The OMB Control Number for this collection is 3060-1033.

**THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LA W 104-13, OCTOBER 1, 1995, 44 U.S.C. § 3507.**

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