



PUBLIC NOTICE

Federal Communications Commission
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MEDIA BUREAU SEEKS COMMENT ON POSSIBLE CHANGES TO FCC FORMS 395-A AND 395-B

MM DOCKET NO. 98-204

Comment Date: May 22, 2008
Reply Comment Date: June 6, 2008

The Media Bureau hereby seeks comment on possible changes to its annual reporting forms that request certain employee data from multichannel video programming distributors (“MVPDs”) (FCC Form 395-A) (OMB Control No. 3060-0095) and broadcasters (FCC Form 395-B) (OMB Control No. 3060-0390). In its Third Report and Order and Fourth Notice of Proposed Rulemaking in the above-noted proceeding concerning the equal employment opportunity rules governing such entities, the Commission stated that these forms conformed to the racial and employment categories contained in the then-existing Form EEO-1 Employer Information Report issued by Equal Employment Opportunity Commission (the “EEOC”).¹ It noted that the EEOC had proposed to revise its EEO-1 form to incorporate new racial and employment categories adopted by the Office of Management and Budget, and that, when the revised EEO-1 form was released, the Commission would review its forms to see what changes were needed to comply with the new OMB standards, and whether it could so conform those forms to those standards consistent with Sections 334 and 634 of the Communications Act of 1934, as amended (the “Act”).² With the EEOC’s release of the revised EEO-1 incorporating revised racial and employment categories, we have conducted that review, and hereby seek public comment on whether we should so incorporate the EEOC revised standards and whether such changes are consistent with Sections 334 and 634 of the Act.³ The revised EEO-1 form, which specifies these categories at Section D, and the Instruction Booklet to the form, which contains the definition of each such category at its Appendix, are attached.

Parties must file comments or before **May 22, 2008** and reply comments must be filed on or before **June 6, 2008**. **All filings must reference MM Docket No. 98-204**. Comments and reply comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*.⁴

¹ *Review of the Commission’s Broadcast and Cable Equal Employment Opportunity Rules and Policies*, Third Report and Order and Fourth Notice of Proposed Rulemaking, 19 FCC Rcd 9973, 9977-78 (2004).

² 47 U.S.C. §§ 334, 554; *see* 19 FCC Rcd at 9978.

³ 19 FCC Rcd at 9978, note 38.

⁴ 63 FR 24121 (1998).

- Electronic Filers: Comments and reply comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: MM Docket No. 98-204. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: “get form”. A sample form and instructions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
 - The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m., on business days. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
 - U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request information in accessible formats for people with disabilities (Braille, large print, electronic files, and audio format), send an e-mail to fcc504@fcc.gov or call the FCC’s Consumer and Governmental Affairs Bureau at (202) 418-0530 (Voice), (202) 418-0432 (TTY).

Action by the Chief, Media Bureau

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