

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)	
)	
Promoting Diversification in the)	MB Docket No. 07-294
Broadcasting Services)	
)	
2006 Quadrennial Regulatory Review – Review of)	MB Docket No. 06-121
the Commission’s Broadcast Ownership Rules and)	
Other Rules Adopted Pursuant to Section 202 of)	
the Telecommunications Act of 1996)	
)	
2002 Biennial Regulatory Review – Review of the)	MB Docket No. 02-277
Commission’s Broadcast Ownership Rules and)	
Other Rules Adopted Pursuant to Section 202 of)	
the Telecommunications Act of 1996)	
)	
Cross-Ownership of Broadcast Stations and)	MM Docket No. 01-235
Newspapers)	
)	
Rules and Policies Concerning Multiple)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations in Local)	
Markets)	
)	
Definition of Radio Markets)	MM Docket 00-244
)	
Ways to Further Section 257 Mandate and to Build)	MB Docket No. 04-228
on Earlier Studies)	

ORDER

Adopted: May 29, 2009

Released: May 29, 2009

By the Chief, Media Bureau:

1. On April 8, 2009, the Commission adopted a *Report and Order and Fourth Further Notice of Proposed Rulemaking* in the above-captioned proceeding.¹ In pertinent part, the *Report and Order* revised certain requirements for filing FCC Form 323, which provides ownership information about broadcast facilities. The *Report and Order* enlarged the class of broadcast licensees required to file FCC Form 323 biennially, and it substituted a uniform biennial filing deadline for the current system of rolling filing deadlines that are tied to a station’s renewal anniversary. Pursuant to these new requirements, all commercial full power AM, FM, TV; LPTV and Class A stations; as well as entities with attributable or reportable interests in them,² are required to file the revised FCC Form 323 on or

¹ *Report and Order and Fourth Further Notice of Proposed Rulemaking*, MB Docket No. 07-294, FCC 09-294 (rel. May 5, 2009) (“*Report and Order*”).

² For purposes of the biennial filing requirement, the *Report and Order* provided that certain nonattributable interests would be reportable: (1) minority voting stock interests in a corporation with a single majority shareholder, (continued....)

before November 1, 2009, with information current as of October 1, 2009, and to file biennially thereafter.³

2. On our own motion, we are suspending the filing requirement for the existing Form 323 for licensees who would otherwise be required to file between the date of this Order and November 1, 2009.⁴ We believe that it is in the public interest to relieve filers from the burden of filing the existing Form 323 within the six months prior to the new November 1 filing requirement. On balance, we believe that the burden of requiring licensees and other entities to file twice within a six month period outweighs the benefit of receiving the ownership information. In addition, a suspension of the filing requirement will not impair our ability to assess the state of minority or female ownership.

3. In the event that we have not received OMB approval for the new Form 323 by the November 1, 2009 filing deadline, all filers who would have been required to file Form 323 between the date of this Order and November 1, 2009, will be required to file the existing Form 323 by November 1, 2009.

4. Accordingly, IT IS ORDERED, that pursuant to authority under Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 and 303(r) and pursuant to authority delegated to the Media Bureau pursuant to Sections 0.204 and 0.283 of the Commission's rules, 47 C.F.R. §§ 0.204, 0.283, a suspension of the filing requirements as described above IS GRANTED, *sua sponte*.

5. For additional information, please contact Mania Baghdadi or Amy Brett, Industry Analysis Division, Media Bureau, at (202) 418-2330.

FEDERAL COMMUNICATIONS COMMISSION

Monica Shah Desai
Chief, Media Bureau

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and (2) interests in an eligible entity that would otherwise be attributable under the Equity/Debt Plus attribution rule. *Report and Order* at ¶¶ 17-19.

³ The reasons warranting these changes are set forth in the *Report and Order* at ¶¶ 12-15, 22.

⁴ 47 C.F.R. § 73.3615(a). There are three filing dates between now and November 1, 2009: June 1, August 1, and October 1.