

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: October 2, 2009

Released: October 2, 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, 24 FCC Rcd 5896 (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 May 29, 2009, the Media Bureau suspended the filing requirement for the existing Form 323 for licensees who would otherwise be required to file biennially between the date of the Order and November 1, 2009. The Bureau considered it in the public interest to relieve filers from the burden of biennially filing the existing Form 323 within the six months prior to the new November 1 biennial filing requirement. In addition, the Bureau stated that if the Commission has 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 biennially between the date of the Bureau Order and November 1, 2009, but whose filing obligation was suspended by the Bureau's May 29th Order, would be required to file the existing Form 323 by November 1, 2009.

3. On our own motion, we are extending the initial November 1 biennial filing date for the new Form 323.⁴ Accordingly, licensees and other filing entities are not required to biennially file revised Form 323 on November 1. When the Commission receives approval from the Office of Management and Budget ("OMB") for the revised Form 323 (Control Number 3060-0010), the Media Bureau will issue a Public Notice establishing a filing date for the revised Form 323 that will be no earlier than 30 days after the date of public notice of OMB approval. We will also extend the date as of which information submitted on the revised Form 323 must be accurate from October 1, 2009, to November 1, 2009. We believe these deferrals are necessary in order to provide licensees and other entities with sufficient time to review the new form and gather the information needed to complete it.⁵ The filing deadline extension and the November 1 cut-off date for ownership data will apply only to the initial biennial filings. Beginning with the 2011 filing, the form must be filed no later than November 1 with data current as of October 1 of the filing year.

4. We will also not require licensees excused from filing by the Media Bureau's May 29th Order to file the existing Form 323 on November 1, 2009. We believe that it would be an undue burden on licensees and other entities required to file Form 323 to prepare the existing form on November 1 and then prepare and file the revised form soon thereafter.

5. 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, the filing requirements as described above ARE EXTENDED, *sua sponte*.

(...continued from previous page)

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. These requirements, *inter alia*, are subject to a pending petition for reconsideration.

³ The reasons warranting these changes are set forth in the *Report and Order*, 24 FCC Rcd at 5902-05, 5908-09 ¶¶ 12-15, 22.

⁴ This extension applies only to biennial filings of the revised Form 323 and does not apply to any other required filings of the existing Form 323 or to any required filings of Form 323-E.

⁵ The Commission submitted the revised Form 323 and supporting statement to OMB on August 11, 2009. OMB has 60 days to act on the revised information collection, which does not expire until October 13, 2009. Therefore, entities could have less than one month to file the revised form.

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

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau