



PUBLIC NOTICE

Federal Communications Commission
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DA 13-1071
Released: May 10, 2013

FCC EXTENDS PLEADING CYCLE FOR INDECENCY CASES POLICY

GN Docket No. 13-86

Comment Date: June 19, 2013
Reply Comment Date: July 18, 2013

On April 1, 2013, the Enforcement Bureau and the Office of General Counsel released a Public Notice seeking comment on whether the full Commission should make changes to its current broadcast indecency policies or maintain them as they are.¹ The *Notice* was published in the Federal Register on April 19, 2013,² thereby establishing May 20, 2013, as the deadline for filing comments, and June 18, 2013, as the deadline for filing reply comments.

On April 26, 2013, the National Association of Broadcasters (NAB) filed a request to extend the deadlines for filing comments and reply comments by 30 days.³ The NAB cited the importance of the Commission's rules and policies governing broadcast indecency and the need for additional time to "respond fully to the complex policy, legal and constitutional questions raised in this proceeding."⁴ NAB particularly cited its need to consider the views of its members on the issues and the impact on stations and networks.⁵

¹ See *FCC Reduces Backlog of Broadcast Indecency Complaints by 70% (More than One Million Complaints); Seeks Comment on Adopting Egregious Cases Policy*, Public Notice, DA 13-581, 2013 WL 1324503 (Enf. Bur. and OGC rel. Apr. 1, 2013) (*Notice*).

² 78 Fed. Reg. 23,563 (Apr. 19, 2013).

³ NAB, *Motion for Extension of Time* (Apr. 26, 2013) (on file in GN Dkt. No. 13-86).

⁴ *Id.* at 1.

⁵ See *id.* at 2.

By this Public Notice, we grant the NAB's request for additional time. We recognize the importance of affording all interested parties sufficient time to prepare their comments and to consider the comments filed in preparing reply comments as warranted. We also respect the interest of the public in having sufficient time for review and consideration of the various positions and concerns.

All comments should refer to GN Docket No. 13-86. 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. Comments can be filed through the Commission's ECFS filing interface located at the following Internet address: <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case GN Docket No. 13-86. Parties who choose to file by paper must file an original and two copies of each filing.

For paper copies, 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.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

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

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-

⁶ See 47 C.F.R. §§ 1.1200, 1.1206.

sentence description of the views and arguments presented generally is required.⁷ Other rules pertaining to oral and written ex parte presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules.⁸

For further information about this Public Notice, please contact Eloise Gore, Associate Bureau Chief, Enforcement Bureau, at (202) 418-1066, or Jacob Lewis, Associate General Counsel, Office of the General Counsel, at (202) 418-1767.

Please direct press inquiries to Mark Wigfield at (202) 418-0253.

By the Chief, Enforcement Bureau and the General Counsel.

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⁷ See 47 C.F.R. § 1.1206(b).

⁸ *Id.*