

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

In the Matter of )  
 )  
Promoting Diversification in the Broadcasting ) MB Docket No. 07-294  
Services )  
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ORDER

Adopted: September 1, 2017

Released: September 1, 2017

By the Chief, Media Bureau:

1. By this Order, the Media Bureau (Bureau), on its own motion, postpones the opening of the 2017 biennial filing window for the submission of broadcast ownership reports on FCC Forms 323 and 323-E until December 1, 2017, and extends the filing deadline to March 2, 2018.

2. Pursuant to the Commission’s rules, licensees of commercial AM, FM, TV, Class A, and Low Power Television (LPTV) stations and entities with attributable interests in such stations are required to file biennial ownership reports on Form 323 in all odd-numbered years.<sup>1</sup> Previously, licensees of noncommercial educational (NCE) broadcast stations and entities with attributable interests in NCE stations were required to submit biennial ownership reports on Form 323-E in accordance with a schedule of rolling filing deadlines tied to each station’s renewal anniversary date.<sup>2</sup> In January 2016, the Commission revised Form 323-E to require that NCE stations file biennial ownership reports by December 1 in all odd-numbered years and that such reports provide information that is current as of October 1 of the year in which the ownership report is filed, consistent with the filing obligations applicable to commercial stations.<sup>3</sup> The Commission also adopted other significant revisions to Forms 323 and 323-E that streamlined the reporting requirements, reduced the filing burden on licensees, and improved the comprehensiveness and reliability of the data collected on the forms.<sup>4</sup>

<sup>1</sup> 47 CFR §§ 73.3615(a), 73.6026, 74.797.

<sup>2</sup> See *Promoting Diversification in the Broadcasting Services*, Order, 31 FCC Rcd 13263 (MB 2016) (*323-E Suspension Order*). On December 20, 2016, the Bureau suspended the biennial filing requirement for NCE licensees and entities that would otherwise be required to file biennial ownership reports on Form 323-E between December 20, 2016, and December 1, 2017. *Id.*

<sup>3</sup> *Promoting Diversification in the Broadcasting Services*, Report and Order, Second Report and Order, and Order on Reconsideration, 31 FCC Rcd 398, 432-33, paras. 64-67 (2016) (*323 and 323-E Order*).

<sup>4</sup> See generally *323 and 323-E Order*. The Commission released drafts of the revised forms in Appendices D and E of the *323 and 323-E Order*; the revised forms have been approved by OMB. See Office of Management and Budget, Notice of Office of Management and Budget Action, ICR Reference No. 201609-3060-005, OMB Control No. 3060-0010 (Nov. 25, 2016), [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201609-3060-005#](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201609-3060-005#) (select the “Retrieve Notice of Action (NOA)” hyperlink); Office of Management and Budget, Notice of Office of Management and Budget Action, ICR Reference No. 201705-3060-013, OMB Control No. 3060-0084 (May 31, 2017), [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201705-3060-013#](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201705-3060-013#) (select the “Retrieve Notice of Action (NOA)” hyperlink). The effective date of the new forms—and the associated rule sections—will be announced by a subsequent public notice once the form is online.

3. On our own motion, we hereby postpone the opening of the 2017 biennial filing window to December 1, 2017, and extend the filing deadline to March 2, 2018.<sup>5</sup> We are postponing the start of the filing window to provide sufficient time to properly implement the electronic versions of the revised Forms 323 and 323-E in the Licensing and Management System (LMS). Furthermore, given the intervening holidays, extending the window will ensure that filers have sufficient time to complete and submit their reports. Filers are encouraged to complete and submit their Form 323 and Form 323-E filings as early as possible during the window and well in advance of the extended deadline.<sup>6</sup> As stated above, this extension applies only to the 2017 biennial filing.<sup>7</sup> **Note: This Order only impacts the timing and duration of the 2017 biennial ownership report filing window, not the “as-of” date of the data contained on the reports. Information contained on the reports will continue to be required to be current as of October 1, 2017.**<sup>8</sup>

4. Filers seeking advice on how to complete the forms should consult the draft forms and instructions in Appendices D and E of the *323 and 323-E Order*.<sup>9</sup> In addition, in order to ease the transition to the use of the revised forms, the Bureau plans to update its Form 323 website, <https://www.fcc.gov/media/ownership-report-commercial-broadcast-station-form-323>, to reflect the revised filing requirements for Forms 323 and 323-E once the forms are available in LMS. Filers are encouraged to review the website and check for updates. For additional advice on completing Forms 323 and 323-E, please contact the Bureau via e-mail at [Form323@fcc.gov](mailto:Form323@fcc.gov).

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 in Sections 0.204 and 0.283 of the Commission’s rules, 47 C.F.R. §§ 0.204, 0.283, the 2017 biennial filing window IS POSTPONED and the filing deadline IS EXTENDED as described above, *sua sponte*.

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<sup>5</sup> On July 19, 2017, the National Association of Broadcasters (NAB) filed a letter suggesting that the Bureau suspend the December 1, 2017, biennial filing deadline, potentially indefinitely. Letter from Rick Kaplan, General Counsel and Executive Vice President, Legal and Regulatory Affairs, NAB, to Michelle Carey, Chief, Media Bureau, FCC, MB Docket No. 07-194 et al. (filed July 19, 2017) (NAB Letter). As discussed above, we are postponing the filing window and extending the filing deadline *sua sponte*. The extension of time we grant today addresses NAB’s primary concerns that the rollout of the revised forms in LMS goes smoothly and that broadcasters have sufficient time to familiarize themselves with and test the new forms. Thus, our action today essentially implements NAB’s suggestion that we postpone the 2017 biennial filing window to ensure the successful implementation of the revised forms. We see no reason or justification, however, to hold the filing of Forms 323 and 323-E in abeyance indefinitely pending consideration of the recent suggestions, made by NAB and others, that the Commission radically overhaul the broadcast ownership reporting rules. See NAB Letter.

<sup>6</sup> The Commission’s rules require that biennial ownership reports on Forms 323 and 323-E provide all information required by, and comply with all requirements set forth in, the version of Form 2100, Schedule 323 and Form 2100, Schedule 323-E that is current on October 1 of the year in which the ownership report is filed. 47 CFR § 73.3615(a), (d). We will deem the LMS versions of Forms 323 and 323-E as the current versions required by the rule.

<sup>7</sup> As discussed above, the Bureau previously suspended the biennial filing requirement for NCE licensees and entities that would otherwise be required to file biennial ownership reports on Form 323-E between December 20, 2016, and December 1, 2017. Because we are delaying the filing deadline for the revised Form 323-E, we hereby suspend the existing biennial filing requirement for NCE licensees and entities that would otherwise be required to file biennial ownership reports on Form 323-E on December 1, 2017, and February 1, 2018. See *323-E Suspension Order*, 31 FCC Rcd 13263.

<sup>8</sup> Thus, in cases where a broadcast station is assigned or transferred after October 1, 2017, a biennial ownership report for the station must be filed by the individual or entity that held the station’s license on October 1, 2017, as well as any entity that held an attributable interest in the station’s licensee on October 1, 2017, even if they no longer own the station at the time the biennial ownership report is filed.

<sup>9</sup> *323 and 323-E Order*, Appendices D & E.

6. For further information, please contact Christopher Clark, Industry Analysis Division at 202-418-2609.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey  
Chief  
Media Bureau