



# PUBLIC NOTICE

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## MEDIA BUREAU ANNOUNCES EFFECTIVE DATE OF NEW LOCAL PUBLIC NOTICE RULES

**Effective Date of Modified Section 73.3580 and Other Rules is October 30, 2020**

**MB Docket Nos. 17-264, 17-105, 05-6**

On May 13, 2020, the Commission released a Second Report and Order in its proceeding to modernize and revise the local public notice rules for broadcast application filings.<sup>1</sup> The rule revisions streamline and standardize the requirements for on-air and written notice of applications. The *Public Notice Second R&O* revised sections 73.3580 and 73.3594 of the Commission's rules,<sup>2</sup> and also made conforming amendments to several other rule sections.<sup>3</sup>

The amendment to section 73.801 of the Commission's rules became effective on July 20, 2020.<sup>4</sup> By this *Public Notice*, the Media Bureau announces that notice of the effective date for the remainder of the rule sections amended in the *Public Notice Second R&O*, including sections 73.3580 and 73.3594, was published in the *Federal Register* on October 29, 2020,<sup>5</sup> announcing that the effective date is October 30, 2020.<sup>6</sup>

*Pending Applications.* In order to clarify any questions regarding which version of the local public notice rules should be employed for applications that have been accepted for filing, the Media Bureau announces that applicants must use the version of section 73.3580 that was in effect on the date the application was accepted for filing by the Commission. Thus, any applicant whose application was accepted for filing on or before October 29, 2020, shall give notice under the version of section 73.3580

<sup>1</sup> *Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications*, MB Docket Nos. 17-264, 17-105, 05-6, Second Report and Order, FCC 20-65, 35 FCC Rcd 5094 (2020) (*Public Notice Second R&O*).

<sup>2</sup> 47 CFR §§ 73.3580, 73.3594.

<sup>3</sup> *Id.* §§ 73.801, 73.3525, 73.3526, 73.3527, 73.3571, 73.3573.

<sup>4</sup> *Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements*, 85 Fed. Reg. 36786, 36787 (June 18, 2020) (Federal Register summary of the *Public Notice Second R&O* and the rule change that did not require Office of Management and Budget (OMB) approval).

<sup>5</sup> *Filing of Applications; Modernization of Media Regulation Initiative; Revision of the Public Notice Requirements*, 85 Fed. Reg. 68474 (Oct. 29, 2020).

<sup>6</sup> *Id.* at 68474.

that was effective at that time. For example, an applicant whose application was accepted for filing before the new rule's effective date, who was required to give notice by newspaper publication, must complete that notice by newspaper publication. Any applicant whose application was accepted for filing on October 30, 2020, or thereafter, shall give public notice under the amended version of section 73.3580 that became effective on October 30, 2020, including the revised on-air announcement texts and schedules and the new online notice provisions.

*Renewal Applications.* Radio and television licensees who filed applications for renewal of their broadcast licenses that were due by October 1, 2020, should be in the process of making post-filing announcements (or, in the case of FM and TV translator stations and low-power TV stations not originating programming, giving notice by newspaper publication under the previous version of section 73.3580).<sup>7</sup> To the extent such post-filing public notice is not yet complete, it must be completed using the previous (pre-October 30, 2020) version of section 73.3580. Radio and television station licensees filing license renewal applications that are to be filed by December 1, 2020, and thereafter, shall provide public notice, either by on-air announcements or by online notice, under the amended version of section 73.3580 that became effective on October 30, 2020.<sup>8</sup>

*Website Link/Tab.* Under the newly effective version of section 73.3580(b)(2)(ii),<sup>9</sup> broadcast licensees and permittees must include "a conspicuous link or tab labeled 'FCC Applications'" on the station website or an applicant-affiliated website to the extent that such a website exists. Licensees and permittees with such station or applicant-affiliated websites should act expeditiously to include the required link or tab, and the landing page to which it is linked, in a timely manner, but in no event later than when the licensee or applicant files an application requiring it to provide online notice as defined in section 73.3580(b)(2).<sup>10</sup>

For additional information on this proceeding, contact Thomas Nessinger, [Thomas.Nessinger@fcc.gov](mailto:Thomas.Nessinger@fcc.gov), or Nazifa Sawez, [Nazifa.Sawez@fcc.gov](mailto:Nazifa.Sawez@fcc.gov), of the Media Bureau, Audio Division, (202) 418-2700. Press inquiries should be directed to Janice Wise, (202) 418-8165.

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<sup>7</sup> 47 CFR § 73.3580(d)(1), (g). Licensees filing radio and television license renewal applications following adoption of the *Public Notice Second R&O* were excused from broadcasting pre-filing announcements required under the previous version of 47 CFR § 73.3580. See *Pre-Filing Announcement Requirements 2020-2023 Renewal Applications*, Order, 35 FCC Rcd 4859, 4859-60, paras. 2-3 (MB 2020).

<sup>8</sup> To the extent that a broadcast licensee who is to file its license renewal application by December 1, 2020, files a renewal application early that is accepted on or before October 29, 2020, it should proceed under the rules in effect as of the date the application is accepted, *i.e.*, the pre-October 30, 2020, version of 47 CFR § 73.3580. Likewise, to the extent that a licensee failed to file its renewal application due by October 1, 2020, and files a late application that is accepted on October 30, 2020, or thereafter, it should proceed under the amended version of section 73.3580 that became effective October 30, 2020.

<sup>9</sup> 47 CFR § 73.3580(b)(2)(ii).

<sup>10</sup> *Id.* § 73.3580(b)(2).