



Federal Communications Commission
Washington, D.C. 20554

March 20, 2020

DA 20-311

Small Entity Compliance Guide

Electronic Delivery of Notices to Broadcast Television Stations; Modernization of Media Regulation Initiative

**FCC 20-8
MB Docket Nos. 19-165 & 17-105**

This Guide is prepared in accordance with the requirements of section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking dockets. This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)

TTY: 1-888-TELL-FCC (1-888-835-5322)

Fax: 1-866-418-0232

I. OBJECTIVES OF THE PROCEEDING

In the *Report and Order* in MB Docket Nos. 19-165 and 17-105, released January 31, 2020, the FCC updated its notification rules for cable operators and direct broadcast satellite (DBS) providers by transitioning certain notices (discussed below) to broadcast television stations from paper to electronic delivery. The *Report and Order* is part of the FCC's ongoing Modernization of Media Regulation initiative and advances the Commission's goal of modernizing its rules to eliminate outdated regulatory burdens.

II. COMPLIANCE REQUIREMENTS

E-mail Delivery Requirement. After July 31, 2020, cable operators and DBS providers must use e-mail to deliver covered notices (discussed below) to broadcast television stations.

Notices to full-power TV and Class A stations. After July 31, 2020, covered notices to full-power and Class A television stations must be delivered via e-mail to the inbox that the station designates for carriage issues in the Online Public Inspection File (OPIF), <https://publicfiles.fcc.gov/>.

Notices to LPTV stations. After July 31, 2020, covered notices to low-power television (LPTV) stations that lack Class A status, and are not subject to the OPIF rules, must be delivered to the e-mail address listed for the licensee of the LPTV station in the FCC's Licensing and Management System (LMS), <https://enterpriseefiling.fcc.gov/dataentry/public/tv/publicFacilitySearch.html>.

Notices to qualified NCE translator stations. After July 31, 2020, covered notices to qualified noncommercial educational (NCE) television translator stations must be delivered either (i) to the e-mail address listed for the licensee of the qualified NCE translator station in LMS, *or* (ii) to the "carriage issues" e-mail address listed in the primary station's OPIF, if the qualified NCE translator station does not have its own e-mail address listed in LMS.

Notices Covered by E-mail Delivery Requirement. The e-mail delivery requirement applies to the following notices from cable operators and DBS providers to broadcast television stations.

Notices from Cable Operators to Television Stations. For cable operators, the e-mail delivery requirement applies to the notices required by the following rules: sections 76.64(k) (intent to commence service); 76.1601 (deletion or repositioning of broadcast signals); 76.1607 (changes to principal headend); 76.1608 (system technical integration requiring uniform election of must carry or retransmission consent status); 76.1609 (non-duplication and syndicated exclusivity); and 76.1617 (activation of a cable system).¹

Notices from DBS Providers to Television Stations. For DBS providers, the e-mail delivery required applies to the notices required by the following rules: sections 76.54(e) and 76.66(d)(5) (intent to retransmit "significantly viewed" out-of-market station); 76.66(d)(2) (intent to launch new local-into-local or HD carry-one, carry-all service); 76.66(d)(1)(vi) and (d)(3)(iv) (response to carriage requests); 76.66(f)(3)–(4) (location of local receive facility or intent to relocate such facility); and 76.66(h)(5) (deletion of duplicating signal or addition of formerly duplicating signal).²

¹ 47 CFR §§ 76.64(k), 76.1601, 76.1607, 76.1608, 76.1609, 76.1617.

² 47 CFR §§ 76.54(e), 76.66(d)(1)(vi), (2)(i)-(ii), (v)-(vi), (3)(iv), (5)(i), (f)(3)-(4), (h)(5).

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The FCC did not adopt new recordkeeping or reporting requirements in the *Report and Order*.

IV. IMPLEMENTATION DATES

The rule amendments adopted in the *Report and Order* contain non-substantive and non-material modifications to information collection requirements that were previously reviewed and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. Following OMB approval, the Commission will publish a document announcing the effective date of the amended rules.

V. INTERNET LINKS

Report and Order (R&O)

<https://www.fcc.gov/document/fcc-modernizes-delivery-mvpd-notices-broadcast-tv-stations-0>

Federal Register Summary of *R&O*

<https://www.govinfo.gov/content/pkg/FR-2020-03-20/pdf/2020-05478.pdf>