



PUBLIC NOTICE

Federal Communications Commission
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DA 20-949
August 26, 2020

MEDIA BUREAU SEEKS COMMENT ON THE APTS AND PBS PETITION FOR WAIVER OF NCE TRANSLATOR BASELINE CARRIAGE NOTICE REQUIREMENTS

MB Docket Nos. 17-105, 17-317

Comments Due: September 8, 2020

Reply Comments Due: September 14, 2020

America's Public Television Stations (APTS) and the Public Broadcasting Service (PBS) (collectively, Petitioners) have filed a petition¹ requesting that the Media Bureau waive the Commission's requirement that qualified noncommercial educational (NCE) television translators email a "baseline" carriage notice, no later than October 1, 2020, to multichannel video programming distributors (MVPDs) on which they will be seeking or expecting carriage in the 2021-2023 carriage cycle.² Petitioners request relief from this one-time obligation, given the unique characteristics of NCE translators.

In 2019, the Commission adopted rules modernizing the carriage election notice rules for full power broadcast stations and sought comment on adopting similar rules for qualified low power television (LPTV) stations and NCE translators.³ Among other steps, these modernized rules require covered stations to send carriage notices to MVPDs via email and to place carriage election statements into their online public files.⁴ In the *2020 Report and Order*, the Commission noted that qualified LPTV and NCE translator stations do not currently maintain online public files and found that it would be unduly burdensome to require them to do so.⁵ In the alternative, in order to provide "baseline" information to MVPDs, the Commission directed both of these groups of stations to email one-time notifications, no later than October 1, 2020, to all MVPDs on which they expect to be carried in the 2021-2023 cycle.

Petitioners note that, unlike qualified commercial LPTV stations, qualified NCE translators may only elect must carry under the Communications Act of 1934, as amended.⁶ Accordingly, under the

¹ Petition for Waiver America's Public Television Stations and the Public Broadcasting Service, MB Docket Nos. 17-105 and 17-317 (filed Aug. 25, 2020) (Petition).

² *Electronic Delivery of MVPD Communications; Modernization of Media Regulation Initiative*, MB Docket Nos. 17-105 and 17-317, Report and Order, 35 FCC Rcd 1636 (2020) (*2020 Report and Order*). Petitioners request a waiver for good cause shown. 47 CFR § 1.3.

³ *Electronic Delivery of MVPD Communications; Modernization of Media Regulation Initiative*, MB Docket Nos. 17-105 and 17-317, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd 5922 (2019) (*2019 Report and Order* and *2019 Further Notice*).

⁴ *Id.*

⁵ *2020 Report and Order*, 35 FCC Rcd at 1640-42, paras. 10-13.

⁶ 47 U.S.C. § 535(a).

status quo they are carried by MVPDs serving millions of Americans without the need to contact or provide information to those MVPDs.⁷ Petitioners assert that NCE translators do not even know, in many cases, which MVPDs are carrying them, and that no resource exists to easily determine this information.⁸ As a result, Petitioners contend, even emailing a one-time notice would impose a substantial burden, while providing no benefit to the public, to MVPDs, or to the translators themselves, and could potentially result in a loss of service.⁹ Therefore, Petitioners request that the Media Bureau waive the requirement that qualified NCE translator stations provide e-mail notice to all MVPDs that are or will be carrying the translator no later than October 1, 2020.¹⁰ We seek comment on Petitioners' request.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).¹¹

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight 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 Street, 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 and boxes 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 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (Mar. 19, 2020) available at <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand->

⁷ Petition at 3.

⁸ *Id.*

⁹ *Id.* at 4, 3.

¹⁰ *Id.* at 5.

¹¹ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

[delivery-policy](#).

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Filings are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554, telephone (202) 418-0270.

For further information, contact Lyle Elder at Lyle.Elder@fcc.gov.

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