

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

In the Matter of)
)
Amendment of Section 73.3580 of the) MB Docket No. 17-264
Commission's Rules Regarding Public Notice of)
the Filing of Applications)
)
Modernization of Media Regulation Initiative) MB Docket No. 17-105
)
Revision of the Public Notice Requirements of) MB Docket No. 05-6
Section 73.3580)

ERRATUM

Released: March 1, 2021

By the Managing Director and the Chief, Media Bureau:

On May 13, 2020, the Commission released a Second Report and Order, FCC 20-65, in the above-captioned proceeding. In Appendix A of the Second Report and Order, section 73.3580(e)(2) is amended to reference section 73.3580(b)(1)(vi) (which was listed incorrectly as section 73.3580(b)(1)(v)). Specifically, paragraph (b)(1)(v) refers to the "language of the broadcast," whereas paragraph (b)(1)(vi) refers to stations that are not broadcasting during all or a portion of the period during which on-air announcements are required to be broadcast—the same stations that are expressly referred to in section 73.3580(e)(2). Based on the language of the rule, the Commission clearly intended to reference (b)(1)(vi). Consistent with the Commission's intent and to avoid public confusion arising from the typographical error, this Erratum amends Appendix A of the Second Report and Order as indicated below:

- 1. Paragraph (e)(2) of section 73.3580 is corrected to read as follows:

"§ 73.3580 Local public notice of filing of broadcast applications.

(e) Certification of Local Public Notice.

- (2) An applicant for renewal of a license that is required to maintain an online public

1 See In the Matter of Amendment of Section 73.3580 of the Commission's Rules Regarding Public Notice of the Filing of Applications, Second Report and Order, 35 FCC Rcd 5094 (2020).

2 47 CFR § 73.3580(b)(1)(v) ("Language of broadcast: A station broadcasting primarily in a foreign language should broadcast the announcements in that language.").

3 47 CFR § 73.3580(b)(1)(vi) ("Silent stations or stations not broadcasting: Any station required to broadcast on-air announcements that is not broadcasting during all or a portion of the period during which on-air announcements are required to be broadcast, including silent stations and noncommercial educational broadcast stations that are not scheduled to broadcast during the portion of the year during which on-air announcements are required to be broadcast, must comply with the provisions of paragraph (b)(2) of this section during the time period in which it is unable to broadcast required on-air announcements, and must broadcast required on-air announcements during the time period it is able to do so.").

inspection file shall, within seven (7) days of the last day of broadcast of the required on-air announcements, place in its online public inspection file a statement certifying compliance with this section, along with the dates and times that the on-air announcements were broadcast. An applicant for renewal of a license that is required to maintain an online public inspection file, and that is not broadcasting during all or a portion of the period during which on-air announcements are required to be broadcast, as set forth in paragraph (b)(1)(vi) of this section, shall, within seven (7) days of the last on-air announcement or last day of posting online notice, whichever occurs last, place in its online public inspection file a statement certifying compliance with this section, along with the dates and times that any on-air announcements were broadcast, along with the dates and times that online notice was posted and the Universal Resource Locator (URL) of the internet website on which online notice was posted. This certification need not be filed with the Commission but shall be retained in the online public inspection file for as long as the application to which it refers.

* * * * *

2. Because this change is editorial and non-substantive, we find good cause to conclude that notice and comment are unnecessary for its adoption.⁴ Because this rule change does not require notice and comment, the Regulatory Flexibility Act⁵ does not apply.

3. This Erratum does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA).⁶ In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002.⁷

4. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of the Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

5. Accordingly, **IT IS ORDERED** that, effective on the date of publication of this Erratum in the Federal Register, section 73.3580(e)(2) of the rules **IS AMENDED**, as set forth herein, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and in sections 553(b)(3)(B) and 553(d)(3) of the Administrative Procedure Act, 5 U.S.C §§ 553(b)(3)(B), 553(d)(3).

⁴ See 5 U.S.C. § 553(b)(B). In light of the ministerial nature of this change and to avoid confusion to the public, we find there is “good cause” under 5 U.S.C. § 553(d) to make the change effective prior to 30 days after publication in the Federal Register. See 5 U.S.C. § 553(d)(3) (stating that publication of a substantive rule shall be made not less than 30 days before its effective date, “except . . . as otherwise provided by the agency for good cause found and published with the rule.”).

⁵ 5 U.S.C. § 601 *et seq.* See *id.* § 601(2).

⁶ Public Law 104-13.

⁷ Public Law 107-198; see 44 U.S.C. § 3506(c)(4).

6. This action is taken under delegated authority pursuant to sections 0.11, 0.61, 0.231(b), and 0.283 of the Commission's Rules, 47 CFR §§ 0.11, 0.61, 0.231(b), 0.283.

FEDERAL COMMUNICATIONS COMMISSION

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