



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 21-945

Released: August 3, 2021

MEDIA BUREAU SEEKS COMMENT ON PETITION FOR CLARIFICATION OF SPONSORSHIP IDENTIFICATION REQUIREMENTS FOR FOREIGN GOVERNMENT-PROVIDED PROGRAMMING ON BROADCAST STATIONS

MB Docket No. 20-299

Comment Date: September 2, 2021

Reply Comment Date: September 17, 2021

On July 19, 2021, the ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates (collectively, the “Affiliates”) filed a petition for clarification (“Petition”¹ of the Commission’s *Report and Order* in the above captioned proceeding.² The Commission’s *Report and Order* requires disclosure for broadcast programming aired through a leased airtime agreement sponsored by any entity or individual that is a foreign government, a foreign political party, an agent acting on behalf of such entities, or a U.S.-based foreign media outlet based on definitions drawn from the Foreign Agents Registration Act of 1938 and the Communications Act of 1934. The *Report and Order* requires broadcasters to make certain inquiries of those parties leasing airtime on a station to determine whether the programming requires a disclosure.

In their Petition, the Affiliates seek a clarification that the rules contained in the Commission’s *Report and Order* and the inquiries associated with these rules do not apply when a station “sells time to advertisers in the normal course of business,”³ in contrast to when it leases airtime on the station. According to the Affiliates, the Commission’s reference to “traditional short-form advertising” in paragraph 28 of the *Report and Order* has caused confusion amongst the Affiliates’ members about what type of programming arrangements are subject to the new requirements.

To the extent those commenting on the Petition agree with Affiliates’ concerns, we encourage such participants to provide *objective criteria* that could distinguish between advertising and arrangements for the lease of airtime. For example, commenters are encouraged to articulate specific characteristics that might distinguish what they consider to be advertising from a lease of airtime on a station, such as duration, content, editorial control, or differences in the nature of the contractual relationship between the third-party and the station.

We issue this Public Notice to seek comment on the *Petition*. Pursuant to sections 1.415 and

¹ The full text of the Petition is available for viewing on the ECFS database at [https://ecfsapi.fcc.gov/file/1071951674496/Sponsorship%20ID%20Clarification%20Request%20\(FINAL%207-19-2021\).pdf](https://ecfsapi.fcc.gov/file/1071951674496/Sponsorship%20ID%20Clarification%20Request%20(FINAL%207-19-2021).pdf).

² See *Sponsorship Identification Requirements for Foreign Government-Provided Programming*, Report and Order, MB 20-299, FCC 21-42 (rel. April 22, 2021) (*Report and Order*).

³ Petition at 2.

1.419 of the Commission's rules,⁴ interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All filings in response to this Public Notice must reference MB Docket No. 20-299.

Filing Requirements. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent 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
 - 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 45 L Street, NE, 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-19.⁵

Ex Parte Requirements. This proceeding is treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).⁷ In proceedings governed by rule 1.49(f)⁸ or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.⁹

⁴ 47 CFR §§ 1.415, 1.419.

⁵ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (2020).

⁶ *Id.* §§ 1.1200 *et seq.*

⁷ 47 CFR § 1.1206(b).

⁸ 47 CFR § 1.49(f).

⁹ 47 CFR §§ 1.1200-1.1216.

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Additional Information. For additional information on this proceeding, contact Radhika Karmarkar, Radhika.karmarkar@fcc.gov, of the Media Bureau, Industry Analysis Division.

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