

FCC FACT SHEET*

Modernization of Media Regulation Initiative
Public Notice – MB Docket No. 17-105

Background: Media entities, including television and radio broadcasters, cable operators, and satellite television providers, must comply with hundreds of pages of Commission rules, many of which are decades old. This public notice would initiate a comprehensive review of such regulations, which would ensure that only relevant and necessary rules remain on the books.

What the Public Notice Would Do:

- Seek comment on which of the FCC's media-related rules the Commission should propose to modify or repeal in subsequent rulemaking proceedings.
- Seek comment on specific media-related rules from which small businesses should receive regulatory relief.
- Advance the public interest by reducing unnecessary regulations and undue regulatory burdens that can stand in the way of competition and innovation in the media marketplace.

* This document is being released as part of a "permit-but-disclose" proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in MB Docket No. 17-105, which may be accessed via the Electronic Comment Filing System (<https://www.fcc.gov/ecfs/>). Before filing, participants should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. See 47 CFR § 1.1200 *et seq.*



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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FCC-CIRC1705-03

Released:

COMMISSION LAUNCHES MODERNIZATION OF MEDIA REGULATION INITIATIVE*

MB Docket No. 17-105

Comment Date: [30 days after release date]

Reply Comment Date: [60 days after release date]

With this Public Notice, the Commission initiates a review of its rules applicable to media entities, including television and radio broadcasters, cable operators, and satellite television providers. The objective of this proceeding is to eliminate or modify regulations that are outdated, unnecessary or unduly burdensome. By initiating this review, the Commission takes another step to advance the public interest by reducing unnecessary regulations and undue regulatory burdens that can stand in the way of competition and innovation in media markets. Pursuant to Section 1.430 of the Commission's rules, 47 CFR § 1.430, we seek input from the public as to what rules should be modified or repealed as part of this review. We also seek input regarding specific rules from which small businesses should receive regulatory relief. We will take such comments into consideration in determining whether to propose modifying or eliminating the rules brought to our attention.

Submissions should identify with specificity the rule or rules that the commenting party believes should be modified or repealed, and explain why and how the rule or rules should be modified or repealed. Commenters whose comments raise issues related to other open dockets should file their comments in all relevant dockets.¹ A list of the principal rule parts that pertain to media entities and that

* This document has been circulated for tentative consideration by the Commission at its May 2017 open meeting. The issues referenced in this document and the Commission's ultimate resolutions of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Chairman has determined that, in the interest of promoting the public's ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The Commission's *ex parte* rules apply and presentations are subject to "permit-but-disclose" *ex parte* rules. *See, e.g.*, 47 CFR §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission's meeting. *See* 47 CFR §§ 1.1200(a), 1.1203.

¹ We note that the Commission, pursuant to the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. § 610 *et seq.*, recently issued a Public Notice seeking comment on possible revision or elimination of ten-year-old rules that have, or might have, a significant economic impact on a substantial number of small entities. *Possible Revision or Elimination of Rules*, Public Notice, 31 FCC Rcd 13053 (2016). Comments in that proceeding were due May 4. Federal Communications Commission, Possible Revision or Elimination of Rules, 82 Fed. Reg. 9282 (Feb. 3, 2017).

(continued...)

are the subject of this review² is attached.

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). *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. 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 St., 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 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Public Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.³ 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

² Because the Commission is required by statute to review its media ownership rules every four years, we are excluding those rules (47 CFR §§ 73.3555 and 73.658) from the instant review. Telecommunications Act of 1996, Pub. L. No. 104-104, § 202(h), 110 Stat. 56, 111-12 (1996) (1996 Act); Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, § 629, 118 Stat. 3, 99-100 (2004) (Appropriations Act) (amending Sections 202(c) and 202(h) of the 1996 Act to make the then-biennial review requirement a quadrennial review requirement). We are also not including in this review the Commission's video accessibility rules, given that many of those rules were recently adopted pursuant to a complex scheme set out in the Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010), and certain of the rules have only recently gone into effect or have yet to go into effect for smaller entities.

³ 47 C.F.R. §§ 1.1200 *et seq.*

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). In proceedings governed by rule 1.49(f) 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.

For further information about this proceeding, contact Raelynn Remy, Policy Division, Media Bureau, at (202) 418-2936 or raelynn.remy@fcc.gov.

Action by the Commission on []. Commissioners [] issuing separate statements.

- FCC -

ATTACHMENT

**PRINCIPAL RULE PARTS CONTAINING REGULATIONS
PERTAINING TO THE AUDIO AND VIDEO PROGRAMMING MARKETS**

Part 1 – Practice and Procedure – In addition to containing procedural rules of general applicability to all Commission licensees, contains certain rules that address license renewal and other applications (Subpart A); hearing proceedings (Subpart B); procedures in certain broadcast rulemaking proceedings (Subpart C); random selection procedures for mass media services (Subpart L); the Cable Operations and Licensing System (COALS) (Subpart M); competitive bidding proceedings (Subpart Q); restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services (Subpart S); foreign ownership of broadcast licensees (Subpart T); spectrum leasing (Subpart X); and disturbance of AM broadcast station antenna patterns (Subpart BB).

Part 15 – Radio Frequency Devices – Contains rules that apply to devices that receive broadcast and cable signals.

Part 17 – Construction, Marking and Lighting of Antenna Structures – Prescribes certain procedures for antenna structure registration and standards with respect to the Commission's consideration of proposed antenna structures.

Part 25 – Satellite Communications – Contains rules applicable to direct broadcast satellite service, including equal employment opportunity requirements (Subpart I) and public interest obligations (Subpart J).

Part 73 – Radio Broadcast Services – Prescribes rules governing AM broadcast stations (Subpart A); FM broadcast stations (Subpart B); digital audio broadcasting (Subpart C); noncommercial educational FM broadcast stations (Subpart D); television broadcast stations (Subpart E); international broadcast stations (Subpart F); low power FM broadcast stations (Subpart G); all broadcast stations (Subpart H); procedures for competitive bidding and for applications for noncommercial educational broadcast stations on non-reserved channels (Subpart I); Class A television broadcast stations (Subpart J); and application and selection procedures for reserved noncommercial educational channels, and for certain applications for noncommercial educational stations on non-reserved channels (Subpart K).

Part 74 – Experimental Radio, Auxiliary, Special Broadcast and Other Program Distributional Services – Contains rules governing remote pickup broadcast stations (Subpart D); aural broadcast auxiliary stations (Subpart E); television broadcast auxiliary stations (Subpart F); low power TV, TV translator, and TV booster stations (Subpart G); low power auxiliary stations (Subpart H); and FM broadcast translator stations and FM broadcast booster stations (Subpart L).

Part 76 – Multichannel Video and Cable Television Service – Contains general requirements for procedures and pleadings (Subpart A); registration statements (Subpart B); cable franchise applications (Subpart C); carriage of television broadcast signals (Subpart D); equal employment opportunity requirements (Subpart E); network non-duplication protection, syndicated exclusivity (Subpart F); cablecasting (Subpart G); general operating requirements (Subpart H); forms and reports (Subpart I); ownership of cable systems (Subpart J); technical standards (Subpart K); cable television access (Subpart L); cable inside wiring (Subpart M); cable rate regulation (Subpart N); competitive access to cable programming (Subpart O); competitive availability of navigation devices (Subpart P); regulation of carriage agreements (Subpart Q); Telecommunications Act implementation (Subpart R); open video systems (Subpart S); notices (Subpart T); documents to be maintained for inspection (Subpart U); reports and filings (Subpart V); encoding rules (Subpart W); and access to MDUs (Subpart X).

Part 78 – Cable Television Relay Service – Contains rules governing the licensing and operation of fixed or mobile cable television relay service stations (Subpart A); applications and licenses (Subpart B); general operating requirements (Subpart C); and technical regulations (Subpart D).