

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

In the Matter of)
)
Media Bureau Reorganization)

ORDER

Adopted: April 29, 2020

Released: April 29, 2020

By the Commission: Commissioner Rosenworcel concurring.

I. INTRODUCTION

1. In this Order, we conclude that it will serve the public interest and improve the Commission's operations to streamline the organization of the Media Bureau. Specifically, we eliminate the Engineering Division and fold the work and staff of the Engineering Division into the Media Bureau's Industry Analysis Division (IAD). We take this action to account for changes in the Engineering Division's duties and in the organizational structure of the Commission. By incorporating the work and staff of the Engineering Division into IAD, we can better ensure that the Bureau's technical expertise is integrated more fully into the Bureau's adjudicatory matters and policy proceedings. We therefore conclude that this organizational change is warranted and amend the Commission's rules accordingly to reflect this new structure.

II. BACKGROUND

2. The current composition of the Engineering Division and the IAD stem back to the creation of the Media Bureau in 2002.¹ The Engineering Division was established to conduct technical reviews of media related matters, including essential work overseeing technical compliance of multichannel video programming distributors, as well as television and radio broadcast licensees, with Commission rules.² The IAD was established to conduct and participate in proceedings regarding media ownership and the economic aspects of existing and proposed rules and policies, to review license transfers that implicate significant policy issues, and to develop reports on relevant industry and market data and information.³

3. More specifically, the Engineering Division processed cable industry regulatory filings (such as registrations and their updates, and signal leakage and proof of performance results), Cable Television Relay Service (CARS) applications, and requests for rulings on technical matters. As the industry has transitioned from analog to digital and from paper to electronic filing processes, and as the Commission has engaged in dozens of proceedings to modernize its rules,⁴ the Engineering Division's tasks have diminished. For example, many of the tasks that the Engineering Division used to perform, such as monitoring and enforcing proof-of-performance testing requirements and collecting FCC Form

¹ Press Release, FCC, FCC Announces Organization of New Media Bureau (March 8, 2002), *available at* https://transition.fcc.gov/Bureaus/Mass_Media/News_Releases/2002/nrmm0202.html.

² *Id.*

³ *Id.*

⁴ See *Commission Launches Modernization of Media Regulation Initiative*, MB Docket No. 17-105, Public Notice, 32 FCC Rcd 4406 (MB 2017) (initiating a review of rules applicable to media entities to eliminate or modify regulations that are outdated, unnecessary, or unduly burdensome).

325 (Annual Report of Cable Television Systems), are no longer necessary given updates to our rules.⁵ The Division's work is now primarily focused on consulting with other Bureaus and Offices and the Media Bureau's other divisions in all aspects of media-related technical rulemakings and enforcement and providing analysis of the Commission's cable industry data, as well as maintaining the Cable Operations and Licensing System (COALS) database, which includes the CARS licensing process.

4. Among other things, the IAD collects, compiles, analyzes and develops reports on relevant industry and market data and information, including conducting rulemakings and preparing reports to Congress on the status of competition in the media industry. With the recent creation of the Office of Economics and Analytics (OEA),⁶ the IAD's economists and a portion of its responsibilities were relocated to the new OEA.

III. DISCUSSION

5. We find that there are notable benefits to bringing the Engineering Division team within the larger IAD. Simplifying the organizational structure of the Bureau will streamline its operations, improve the supervisor-to-employee ratio thereby reducing redundancies in management, and encourage more extensive staff interaction and collaboration. The IAD staff has extensive experience analyzing the media industry and incorporating such analysis into the Bureau's rulemaking and regulation. Therefore, they are well positioned to effectively utilize the technical resources of the Engineering Division. Further, IAD manages the Bureau's collection of data pertaining to media ownership issues. Combining this extensive experience and responsibility for information technology with the Engineering Division's COALS database expertise would be beneficial to the Bureau's management and would coalesce much-needed technical resources. In addition, the mission of both divisions involves providing technical support and subject matter expertise to the Media Bureau's other divisions, as well as consultation and coordination with other Bureaus and Offices related to various policy proceedings, adjudications, and enforcement matters.

6. For these reasons, we believe that combining the Engineering Division and the IAD will promote more effective use of Commission resources. Accordingly, we find that Engineering Division personnel and responsibilities should be moved into the IAD, and the Engineering Division should be eliminated as a separate Media Bureau division. The key objectives of this organizational change are to more efficiently deploy Commission resources, enhance the Bureau's understanding and analysis of the media industry, and rationalize and modernize our organizational structure. We believe that we can best accomplish these objectives through organizational change. In order to effectuate this change, we modify our rules to account for the reorganization.⁷

7. The amendments adopted herein pertain to agency organization, procedure, and practice. Consequently, the notice and comment and effective date provisions of the Administrative Procedure Act contained in 5 U.S.C. §§ 553(b) and (d) do not apply.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED THAT**, pursuant to sections 1, 4, 5(b), 5(c), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154, 155(b), 155(c), 303(r), this Order IS ADOPTED.

9. **IT IS FURTHER ORDERED** that Part 73 of the Commission rules **IS AMENDED** as set forth in the Appendix.

⁵ *FCC Form 325 Collection*, MB Docket 17-290, Report and Order, 33 FCC Rcd 9252 (2018); *Cable Television Technical and Operational Standards*, MB Docket 12-217, Report and Order, 32 FCC Rcd 7754 (2017).

⁶ *Establishment of the Office of Economics and Analytics*, MD Docket 18-3, Order, 33 FCC Rcd 1539 (2018).

⁷ 47 CFR § 73.3617 (removing reference to the Engineering Division webpage).

10. **IT IS FURTHER ORDERED** that, consistent with the Consolidated Appropriations Act, 2020,⁸ this Order **WILL BECOME EFFECTIVE** when the appropriate clearance has been obtained and upon the date set forth in the Federal Register publication of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁸ See Consolidated Appropriations Act, 2020, Pub. L. 116-93, at Div. C, Title VI, sec. 608, 133 Stat 2317 (Dec. 20, 2019).

APPENDIX**Final Rules**

For ease of review, the final rules set forth below show amendments in ~~strikethrough~~ (for deletions).

The Federal Communications Commission amends 47 CFR Part 73 to read as follows:

PART 73 – RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

2. Amend section 73.3617 to read as follows:

§ 73.3617 Information available on the Internet.

The Media Bureau and each of its Divisions provide information on the Internet regarding rules and policies, pending and completed rulemakings, and pending applications. These sites also include copies of public notices and texts of recent decisions. The Media Bureau's address is <http://www.fcc.gov/mb/>; the Audio Division's address is <http://www.fcc.gov/mb/audio>; the Video Division's address is <http://www.fcc.gov/mb/video>; the Policy Division's address is <http://www.fcc.gov/mb/policy>; the ~~Engineering Division's address is <http://www.fcc.gov/mb/engineering>~~; and the Industry Analysis Division's address is http://www.fcc.gov/mb/industry_analysis.

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