

Voluntary All-Digital AM Authorized

The FCC has amended its rules to permit AM radio stations to operate in an all-digital mode using the HD Radio technology licensed by Xperi Corporation. The details of this action are explained in a *Report and Order* (FCC 20-154) in Docket 19-311. After extensive testing conducted by NAB Labs and experimental operation of all-digital AM station WWFD, Frederick, Maryland, the Commission has concluded that all-digital transmission results in a clearer, more robust signal, with greater daytime coverage than a hybrid or analog AM signal.

An issue of concern in this proceeding has been the relative lack of digital receivers in use by consumers, although there continues to be a rapid rise in the marketplace penetration of digital receivers, especially in automobiles. If an AM station adopts the all-digital mode of operating, it will no longer transmit an analog signal and will no longer be heard with a traditional analog receiver. The FCC states that the benefits from improved digital service by AM stations, including the long-term viability of AM broadcasting, outweigh the temporary loss of service to some portions of the public. In any event, there are a number of ways to mitigate this loss. For example, if the AM station is being

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New Rules for Public Notices Now Effective

In May of this year, the FCC adopted amendments to Section 73.3580 of its Rules which governs how broadcast applicants are to provide notice to the public about their applications. Those amendments became effective on October 30. The Commission's Media Bureau has released a *Public Notice* (DA 20-1289) to guide broadcasters on implementing the new requirements. Applications subject to these rules include any broadcast application for a new station, a major modification of facilities, an assignment or transfer of control, renewal of a license, a minor modification involving a change in the community of license, and a permit to transmit programming to a foreign station.

Applicants must comply with the new requirements with respect to applications that were accepted for filing on

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Sponsorship ID Requirements Proposed for Foreign Government Programming

In a *Notice of Proposed Rulemaking* (FCC 20-146) in Docket 20-299, the FCC has proposed new requirements for identifying the sponsors of broadcast radio and television programming provided directly or indirectly by a foreign government. The current sponsorship identification rule, Section 73.1212 of the FCC's Rules, requires disclosure of the sponsor's name. It does not, however, require a station to determine whether the ultimate source of the programming is a foreign government nor does it mandate that the connection to a foreign government be disclosed to the public at the time of broadcast. It may not be obvious in some cases that the immediate source of programming, even though identified, is related to a foreign government. The Commission believes that the American public deserves to know when a foreign government has paid for or provided programming so that

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Video (Audio) Description Mandate Expanded to Markets 61-100

The FCC has expanded the mandate for certain television stations to transmit a minimum amount of television programming that includes video (now audio) description to cover stations in markets 61-100. The Commission adopted these amendments to Section 79.3 of its Rules in a *Report and Order* (FCC 20-155) in Docket 11-42. This action continues the FCC's implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010. This law authorizes the FCC to phase in description requirements for up to an additional 10 markets each year if the costs for program owners, providers, and distributors are reasonable, with the option to grant waivers to entities in specific markets if appropriate.

This technology has previously been identified in Part 79 of the FCC's Rules as "video description." In this *Report and Order*, the Commission changed the terminology in its rules to "audio description" so as to be consistent with usage in other spaces in the industry.

The description process makes video programming more accessible to visually impaired individuals in the audience by inserting audio narrated descriptions of a television program's key visual elements into natural pauses between the program's dialogue. This narration is typically provided on the secondary audio channel.

Currently, each of the commercial television stations in the top 60 markets affiliated with one of the top four television networks (ABC, CBS, Fox, and NBC) is required to provide at least 50 hours of audio-described programming

per calendar quarter during prime time or during children's programming, and an additional 37.5 hours per calendar quarter at any time between 6:00 a.m. and midnight.

Earlier this year, the FCC released its *Notice of Proposed Rulemaking* in this proceeding, soliciting comment on the proposal to extend the description carriage requirement to the smaller markets through market 100. The Commission says that the record generated in response to this proposal did not provide evidence that this additional requirement would create an unreasonable financial burden for the stations that would be covered by the rule. Accordingly, the Commission adopted the following schedule for imposing the same level of quantity requirements for audio described programming on the television stations affiliated with the top four networks in each of these markets:

Markets 61-70 – the later of January 1, 2021, or the effective date of the *Report and Order*,
Markets 71-80 – January 1, 2022,
Markets 81-90 – January 1, 2023,
Markets 91-100 – January 1, 2024.

For the purposes of this rule, market rankings for each phase through January 1, 2024, will be those determined by The Nielsen Company as of January 1, 2020.

These amendments to the FCC's Rules will become effective as of 30 days after publication in the Federal Register.

Freeze on TV Minor Modifications Lifted

The FCC's Media Bureau has issued a *Public Notice* (DA 20-1269) to announce the lifting of the freezes on minor modification applications for full power and Class A television stations and rulemaking petitions to amend the Digital TV Table of Allotments. These freezes were imposed in 2004 to facilitate the transition to digital broadcasting. They were later extended to ensure a stable database for the incentive auction and the post-auction repack. With the conclusion of the post-auction transition as of July 13, 2020, the purpose for the freezes no longer exists.

In 2004, the FCC froze the following types of filings:

- Petitions for rulemaking to change channels in the Digital TV Table of Allotments.
- Petitions for rulemaking for new digital TV allotments.
- Petitions to swap in-core channels.

- Petitions for rulemaking to change communities of license.
- Modification applications that propose power increases for full power and Class A stations.

This action becomes effective and the freezes will be officially lifted 15 days after publication of this *Public Notice* in the Federal Register.

There are currently no freezes on the filing of minor modification, displacement, or digital companion channel applications for low power television and television translator stations. However, there is a freeze on the filing of applications for new LPTV and translator stations. The Media Bureau states that it will keep this freeze in place because existing LPTV and translator stations are still being displaced by the modification of full power stations as they adjust to their new repacked channel locations.

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or after October 30, 2020. For applications that were accepted for filing on or before October 29, 2020, public notice must be given as required under the old rule. The old rule will pertain to all license renewal applications that were due on or before October 1, 2020. License renewal applications that are due on or after December 1, 2020, will be covered by the new amended rule.

The most notable change in the regulations is that notices formerly required to be published in local newspapers are now to be posted online. The FCC has typically required commercial broadcast applicants to publish a notice in a local newspaper, and if the station is on the air, to broadcast an announcement pursuant to a specific schedule following the filing of the application. Noncommercial broadcast applicants, including low power FM applicants, have generally only been required to broadcast their notices. They needed to publish the notices in a newspaper only if the subject station was not on the air.

Instead of publishing a notice in a newspaper, an applicant will now be required to post the notice on a publicly available website for 30 days, beginning within five business days of, but not earlier than, the FCC's announcement of the acceptance of the application for filing. The website to be used should be one of the following, in this order of availability and priority: (1) the applicant station's website; (2) the website of the licensee of the applicant's station; (3) the website of the applicant station's parent entity; or (4) if there is no applicant-affiliated website, a locally targeted, publicly accessible website, defined as an Internet website that (a) members of the public can access without payment, registration, or any other requirement that the user provide information or respond to a survey or questionnaire in exchange for being able to access the online notice, and (b) is locally targeted to the area served or to be served by the applicant station. An applicant for a permit to originate programming for broadcast on a foreign station under Section 325(c) of the Communications Act should use a website targeting the area in the United States to which its programming is targeted.

If the posting is on an applicant-affiliated website, it must be flagged on the home page by a "conspicuous" link or tab labeled "FCC Applications" that links the viewer to a separate permanent page dedicated exclusively to the full text of all current notices for the station. To be "conspicuous," the link or tab must be displayed in such size, color, contrast and/or location on the home page that it is easily read, understood and located by visitors to that page. If the station has no pending applications that require public notice, the page should indicate that there are no pending applications subject to the posting requirement. There should also be an indication as to when the page was last updated.

Now that the newly amended rule has become effective, broadcasters are urged to establish the "FCC Applications" link and web page on their websites promptly, but in any event, not later than upon the filing of an application for which notice must be displayed.

For applicants that already have a construction permit or a license, the required text for the public notice reads as follows:

On [DATE], [APPLICANT NAME], [PERMITTEE/ LICENSEE] of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE, or for international broadcast stations, COMMUNITY WHERE THE STATION'S TRANSMISSION FACILITIES ARE LOCATED], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit [HYPERLINK TO APPLICATION LOCATION IN THE MEDIA BUREAU'S LICENSING AND MANAGEMENT SYSTEM; if an international station, HYPERLINK TO APPLICATION LOCATION IN THE INTERNATIONAL BUREAU'S MYIBFS DATABASE].

The text of the notice for applicants that do not yet have a permit or a license is the following:

On [DATE], [APPLICANT NAME], applicant for a new [STATION TYPE] station on [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE, or if international broadcast station, COMMUNITY WHERE THE STATION'S TRANSMISSION FACILITIES ARE TO BE LOCATED], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit [HYPERLINK TO APPLICATION LOCATION IN THE MEDIA BUREAU'S LICENSING AND MANAGEMENT SYSTEM, or if an international broadcast station HYPERLINK TO APPLICATION LOCATION IN THE INTERNATIONAL BUREAU'S MYIBFS DATABASE].

Under the old rule, noncommercial stations needed only to broadcast the notice and were exempt from the requirement to publish it in a newspaper unless the station was not on the air. Noncommercial stations will now likewise be exempt from online publication of their notices.

Public notices about applications concerning low power television stations that do not originate programming, television translator stations, and FM translator and FM booster stations need only be posted online.

Pursuant to the old rule, a commercial station that was the only station in the same broadcast service in the community of license was exempt from newspaper publication. That exemption has been eliminated. Such stations will now have to broadcast announcements and post notices online.

The regime for on-air announcements has been simplified and standardized. For all kinds of applications requiring on-air public notice, a station will have to broadcast six announcements over a period of four consecutive weeks

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DEADLINES TO WATCH



License Renewal, FCC Reports & Public Inspection Files

November 1 & 16	Radio stations in Iowa and Missouri and television stations in Florida, Puerto Rico, and the Virgin Islands broadcast post-filing announcements regarding license renewal applications.	December 1 & 16	Radio stations in Iowa and Minnesota , and television stations in Florida, Puerto Rico, and the Virgin Islands broadcast post-filing announcements regarding license renewal applications.
November 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications has been eliminated for radio stations in Colorado, Minnesota, Montana, North Dakota, and South Dakota and television stations in Alabama and Georgia .	December	Radio stations in Colorado, Minnesota, Montana, North Dakota, and South Dakota , and television stations in Alabama and Georgia begin broadcasting post-filing announcements within five business days of acceptance of application for filing and continuing for four weeks.
December 1	Deadline for television stations that provided ancillary or supplementary services during the 12-month period ending September 30, 2020, to file annual Ancillary /Supplementary Services Report.	December 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications has been eliminated for radio stations in Kansas, Nebraska, and Oklahoma and television stations in Arkansas, Louisiana, and Mississippi .
December 1	Deadline to file license renewal applications for radio stations in Colorado, Minnesota, Montana, North Dakota, and South Dakota , and television stations in Alabama and Georgia .	January 1 & 16	Requirement to broadcast pre-filing announcements regarding license renewal applications has been eliminated for radio stations in Kansas, Nebraska, and Oklahoma and television stations in Arkansas, Louisiana, and Mississippi .
December 1	Deadline to place EEO Public File Report in Public Inspection File and on station's Internet website for all nonexempt radio and television stations in Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, and Vermont .	January 10	Deadline to place quarterly Issues/Programs List in Public Inspection File for all full service radio and television stations and Class A TV stations.
December 1	Deadline for all broadcast licensees and permittees of stations in Alabama, Colorado, Connecticut, Georgia, Maine, Massachusetts, Minnesota, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, and Vermont to file annual report on all adverse findings and final actions taken by any court or governmental administrative agency involving misconduct of the licensee, permittee, or any person or entity having an attributable interest in the station(s).	January 10	Deadline for noncommercial stations to place quarterly report re third-party fundraising in Public Inspection File.
		February 1	Deadline for Children's Television Programming Reports for all full power and Class A television stations for 2020.
		February 1	Deadline to place annual certification of compliance with the commercial limits for children's programming in station's Public Inspection File, covering the period January 1, 2020 through December 31, 2020.

Proposed Amendments to the Television Table of Allotments

The FCC is considering petitions to amend the digital television Table of Allotments by changing the channel allotted to the communities identified below. The deadlines for submitting comments and reply comments are shown.

COMMUNITY	STATION	PRESENT CHANNEL	PROPOSED CHANNEL	COMMENTS	REPLY COMMENTS
Minneapolis, MN	KARE	11	31	Nov. 12	Nov. 23
Portland, OR	KGW	8	26	Nov. 13	Nov. 23
Mesa, AZ	KNPX	12	18	Nov. 17	Nov. 27



DEADLINES TO WATCH



Deadlines for Comments in FCC and Other Proceedings

DOCKET	COMMENTS	REPLY COMMENTS
(All proceedings are before the FCC unless otherwise noted.)		
Docket 20-270; NPRM (FCC 20-116) Application filing fees	November 16	November 30
Docket 20-343; Public Notice (FCC 20-145) Limit on number of NCE applications to be filed in filing window	November 20	November 30
Docket 20-369; Public Notice (DA 20-1324) Transfer of control of television stations owned by subsidiaries of Ion Media Networks, Inc.	December 7 (Petitions to Deny)	December 22 (Oppositions)
Docket 20-299; NPRM (FCC 20-146) Sponsorship ID for foreign government programming	FR+30	FR+60
Docket 20-36; NPRM (FCC 20-156) Unlicensed operations in TV white spaces	FR+30	FR+60

FR+N means the filing deadline is N days after publication of notice of the proceeding in the Federal Register.

Paperwork Reduction Act Proceedings

The FCC is required by the Paperwork Reduction Act to periodically collect public information on the paperwork burdens imposed by its record-keeping requirements in connection with certain rules, policies, applications and forms. Public comment has been invited about this aspect of the following matters by the filing deadlines indicated.

TOPIC	COMMENT DEADLINE
Low power auxiliary stations, Section 74.802	Nov. 17
Recordkeeping for LPTV, TV translator, TV booster, FM translator, and FM booster stations, Sections 74.781, 74.1281	Nov. 19
Carriage dispute procedures, Sections 76.61, 76.1003, 76.1302, 76.1513	Nov. 19
RF exposure guidelines, Sections 1.1307, 1.1311	Dec. 7
Blanketing interference, Sections 73.88, 73.318, 73.685	Dec. 14
3.7 GHz service licensee and earth station operator agreements	Dec. 14
EEO Program Model, Form 396-A	Dec. 14
Closed captioning, Section 79.1	Jan. 4
Advertisement loudness mitigation, Section 73.682(e)	Jan. 5

Limits Proposed for Noncom FM Filing Window

The FCC has indicated that there will be a filing window for applications for new noncommercial FM stations and for major changes to existing noncommercial FM stations in 2021. The timing and procedural details for that filing window will be announced later. However, the Commission has now proposed to limit to 10 the maximum number of applications in the filing window in which a party may hold an attributable interest. The FCC invited public comment on this proposal in a *Public Notice* (FCC 20-145).

The FCC cited the congestion that bogged down the processing system when over 13,000 applications were received in the 2003 FM translator filing window. In an effort to avoid that kind of problem again, the Commission has

tentatively concluded that it should adopt the 10-application limit for the upcoming filing window. The Commission says that this limit will deter speculative filings, permit the expeditious processing of applications filed in the window, and provide interested parties with a meaningful opportunity to file for and obtain licenses for new noncommercial FM stations.

If a party files more than 10 applications in the filing window, the Commission proposes to dismiss the applications that are submitted after the 10-application limit was attained.

Comments are due by November 20. The deadline for reply comments is November 30.

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rebroadcast on an FM translator, the FM translator service will continue to be available. If the AM station licensee has multiple stations in the market, it could simulcast the AM digital program stream on another station. Furthermore, the licensee's decision to convert to all-digital will be completely voluntary. That decision will most likely be informed by market forces, including the financial need to retain existing listeners and/or develop new audiences.

The HD Radio system has two AM service modes: hybrid (MA1) and all-digital (MA3). The FCC approved the voluntary adoption of the MA1 mode in 2002. To accommodate both the analog and digital signals, the MA1 transmission occupies 30 kHz of bandwidth. Without the analog element, the MA3 signal occupies a narrower bandwidth, reducing the potential for adjacent-channel interference. Two MA3 configurations are possible: a 10 kHz primary carrier-only mode ("core only mode"), and a 20 kHz configuration using all-digital sidebands ("enhanced mode").

AM licensees are authorized to install digital facilities and commence broadcasting without prior FCC consent. However, 30-days advance notification to the Commission is required. The 30-day period is for (1) potentially affected stations to collect baseline data on the current listenable coverage area to support any subsequent interference complaint, and (2) notifying the public about the change in service, including the fact that there will no longer be an analog signal. The advance notice is accomplished by electronically filing a Form 335-AM Digital Notification. The Form 335-AM is to be used in connection with the following changes: (1) the commencement of new all-digital operation, (2) an increase in nominal power for an all-digital AM station, or (3) a transition from core-only to enhanced operating mode. The FCC will publish notifications in a public notice, and the new operation may not begin until 30 days after the date of the public notice.

Form 335-AM must be filed within 10 days of implementing other changes, including (1) any reduction in nominal power of an all-digital AM station, (2) transition from enhanced to core-only operating mode, or (3) reversion from all-digital to hybrid or analog operation.

Although broadcasters are instructed to use the Form 335-AM, the current version of the form does not request all of the information needed for notification of all-digital AM operations. Therefore, until a revised Form 335-AM is available, filers are advised to select "N/A" as appropriate within the form and to submit an attachment with the Form 335-AM containing the following information:

- (a) the type of notification (all-digital, nominal power increase or reduction, transition between the two MA3 modes, or reversion to hybrid or analog);
- (b) the date on which the new or modified all-digital operations will commence or has ceased;
- (c) certification that the all-digital operations will conform to the relevant nominal power spectral emissions limits;
- (d) the nominal power of the all-digital station;

(e) certification that the all-digital station complies with all EAS requirements; and

(f) if a notification of commencement of new all-digital service or a nominal power change, whether the station is operating in core-only or enhanced mode.

A station commencing new all-digital operations must use the 30-day period between notification and start-up to provide reasonable notice to the listeners that the station will be converting to all-digital operations and that the analog signal will terminate. Stations will have flexibility in their choice of how to notify their audiences, including on-air and website announcements. The FCC will presume notice is sufficient if the broadcaster provides at least the same amount of notice as that required in connection with most applications in the recently revised Section 73.3580 of the FCC's Rules.

A frequent objection to the hybrid AM mode was the need for a broad bandwidth that had the potential to give rise to interference complaints. As noted above, the all-digital modes require less bandwidth, and should therefore be less likely to cause adjacent-channel interference. Nevertheless, the FCC has adopted streamlined interference resolution procedures based on procedures currently applicable to hybrid stations. The Commission expects parties to work together to identify whether interference exists and to resolve interference complaints in a mutually satisfactory manner, including voluntary power reductions. To facilitate this, a power reduction of up to six dB of all-digital secondary or tertiary sidebands will be permitted without advance approval by the FCC. Similar reductions in the power of the primary sideband may also be allowed, but only upon grant of a special temporary authorization or a waiver of Section 73.404(b) of the FCC's Rules. If all else fails, the affected station may file an interference complaint, fully documenting the source and extent of the interference. Although not required, the FCC suggests that interference issues can be mitigated if stations configure their systems as set out in the voluntary industry standard NRSC-5-D HD Radio Specifications.

Stations operating in the all-digital mode will have new additional transmission capacity. Each station will be required to provide at least one free over-the-air digital programming stream that is comparable to or better in audio quality than a standard analog signal. Beyond this requirement, an all-digital station can use its additional digital bitrate capacity for either broadcast or non-broadcast services as long as they comply with the technical rules.

These amendments to the FCC's rules will become effective 30 days after publication in the Federal Register, except for the newly created Section 73.406. This section pertains to the revisions of the Form 335-AM, which must be approved by the Office of Management and Budget. Section 73.406 will become effective after the FCC publishes a notice in the Federal Register announcing the approval and the effective date.

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listeners and viewers can better evaluate the value and accuracy of such programming.

To assist with identifying the foreign governmental entities that the new rule would be intended to cover, the Commission would rely on established lists of foreign government actors whose activities already warrant disclosure of their identities to other United States government agencies responsible for national security and foreign policy. The proposed rule would apply if the broadcast content sponsor falls into one of the following categories:

(1) The government of a foreign country as defined by the Foreign Agents Registration Act (“FARA”). The FARA definition of a “foreign government” includes the national government of a foreign country, any subdivision or delegated agency of that government, and insurgents within a country attempting to exercise governmental authority whether or not recognized by the United States as a legitimate government.

(2) A foreign political party. According to FARA, a foreign political party is an organization engaged in any activity devoted to the establishment, control, or acquisition of administration or control of a foreign country, or the furtherance or influencing of political or public interests of a foreign country.

(3) An individual or entity registered under FARA as an “agent of a foreign principal,” meaning an agent of a foreign government or political party. Such an agent is one who, at the principal’s direction, engages in political activity; acts as a public relations agent, information-service employee, or political consultant; solicits, collects, or disburses money or other things of value for the benefit of the principal; or represents the interests of the principal before any agency or official of the United States. Certain media entities are excluded from this term. These include any news or press service organized under the laws of a United States jurisdiction or any periodical or publication as long as its officers and directors are U.S. citizens, and it is at least 80 percent beneficially owned by U.S. citizens, provided that such news service or periodical is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal or agent of a foreign principal.

(4) Foreign missions, as designated under the Foreign Missions Act. Foreign missions are typically the embassies and consulates of foreign governments. However, the State Department’s Office of Foreign Missions has determined on occasion that certain foreign media outlets also qualify as foreign missions.

(5) A U.S.-based foreign media outlet as defined by Section 722 of the Communications Act that has filed a report with the FCC. The law defines this entity as one that (a) produces or distributes video programming that is transmitted or intended for transmission by a multichannel video programming distributor to consumers in the United States, and (b) that would be an agent of a foreign principal

under FARA.

The FCC recognizes that these proposed categories may not include all of the kinds of foreign government entities that provide programming to broadcasters in the United States. Suggestions are requested as to other identifiable categories that should be added to this list.

Section 317 of the Communications Act requires broadcast licensees to exercise reasonable due diligence in determining the appropriate sponsorship identification to be associated with programming. This includes making inquiries of station employees and other persons with whom they deal. Consistent with this approach, the FCC has tentatively concluded that a broadcast licensee must exercise reasonable diligence to determine if any entity or individual that is purchasing airtime, or providing programming free of charge, is a foreign government entity or agent that would require identification as such. Such diligence would include, at a minimum, inquiring of the entity whether it falls into one of the five categories of entities listed above. Beyond that, the licensee could consult government databases such as the FARA database maintained online by the Department of Justice, the Office of Foreign Missions of the State Department, and the FCC’s list of U.S.-based foreign media entities. The Commission asks whether other steps, if any, should be required or encouraged.

The FCC has tentatively concluded that disclosure notices about the foreign government source of programming should be standardized as to content, format and frequency. The Commission proposes the following uniform text for the announcement:

The [following/preceding] programming was paid for, or furnished, either in whole or in part, by [name of foreign government entity] on behalf of [name of foreign country].

The FCC invites comment about the appropriateness and sufficiency of this proposed text, and whether for stations operating with a primary language other than English the announcement should be presented in that other language. The Commission proposes to require this announcement at the beginning and at the conclusion of programs longer than five minutes. Programs of five minutes length or less would need only one announcement at the beginning or at the conclusion. In cases where the programming requiring identification is longer than one hour, the Commission proposes that the notice should be broadcast at regular intervals, but not less than once per hour. For announcements on television, the Commission proposes to duplicate the format rule for political candidate spots. The size of the letters in the notice should be equal to or greater than four percent of the height of the picture and visible for not less than four seconds. Multicast streams would be subject to the same

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identification mandate and the same format requirements.

The FCC has also tentatively concluded that these disclosures should be available in the station's online Public Inspection File. It also asks for comment as to what, if anything, beyond the text of the on-air announcement should be included in the Public File. Specifically, the Commission asks whether disclosures about foreign government sponsors should include the same information that is now required for programming that involves a political or controversial issue. For that type of programming, the station must place in the Public File a list of the sponsor's chief executive officers, members of its executive committee, or members of its board of directors. The Commission asks whether the public file material should include information about the relationship between the sponsor and the foreign government or other entity it represents.

The FCC proposes to require documentation about the sponsored programming to be uploaded to the online Public File "as soon as possible." In the context of the station's political file, that means within 24 hours of the broadcast of the program in question. The Commission asks whether the same standard should be applied to foreign government programming. Public input is also requested about the length of time that this material should be retained in the Public File. Section 73.1212(e) of the FCC's Rules now requires a retention period of two years with respect to other sponsored

programming.

The licensee of a station operated under a time brokerage agreement or similar arrangement remains ultimately responsible for the station's compliance with the rules, even though all of the programming may be provided by the broker. If the broker is providing programming that triggers the disclosures proposed in this proceeding, the broker must inform the licensee. The FCC asks for comment on a proposal to require brokerage agreements to include a provision contractually obligating the broker to make such disclosures to the licensee.

Parties who transmit programming to a foreign station with the intention of broadcasting from that station back into the United States, intending to reach a United States target audience, are required to apply for and obtain a permit under Section 325(c) of the Communications Act. The FCC tentatively concludes that the proposed rule for foreign government sponsorship disclosure should apply to programming transmitted under these permits as well as to domestically licensed stations. Public comment is solicited on this issue.

Public comments on these proposals must be filed with the FCC within 30 days of publication of notice of this proceeding in the Federal Register. Reply comments will be due 60 days after that publication.

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beginning not later than five business days after the FCC announces that the application has been accepted for filing. There must be at least one announcement aired each week, but if a station airs more than one announcement in a single day, only one will count toward the requirements. These announcements can be aired anytime between 7 a.m. and 11 p.m. local time, Monday through Friday. Pre-filing announcements for license renewal applications have been eliminated.

On-air announcements under the amended rule must conform to the following script:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit publicfiles.fcc.gov, and search in [STATION CALL SIGN]'s public file.

An applicant station that does not have an online Public File must broadcast the following alternate announcement:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments or petitions can visit www.fcc.gov/stationsearch, and search in the list of [STATION CALL SIGN]'s filed applications.

Television stations must present a visual of the full text of the announcement while an announcer recites the announcement orally.

On-air announcements are to be presented in the primary language featured in the station's programming.

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