

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

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.3613 of the Commission’s Rules Regarding Filing of Contracts) |) | MB Docket No. 18-4 |
| |) | |
| Modernization of Media Regulation Initiative |) | MB Docket No. 17-105 |

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION

The National Association of Broadcasters (NAB)¹ hereby responds to the above-captioned Notice concerning the Commission’s proposal to eliminate the filing requirement for paper contracts and other documents under Section 73.3613.² NAB supports the proposal and urges the Commission to move quickly to eliminate this redundant and outdated requirement. NAB also commends Chairman Pai’s ongoing commitment to usher broadcast regulations into the 21st Century by modifying and eliminating unnecessary or unduly burdensome rules to better reflect today’s media marketplace.

¹ NAB is a nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Amendment of Section 73.3613 of the Commission’s Rules Regarding Filing of Contracts*, Notice of Proposed Rulemaking, MB Docket Nos. 18-4, 17-105, FCC No. 18-8 (Jan. 30, 2018) (Notice).

II. NAB SUPPORTS THE PROPOSAL TO ELIMINATE REQUIREMENTS FOR BROADCASTERS TO FILE PAPER CONTRACTS WITH THE FCC

Under 47 C.F.R. 73.3613, commercial and noncommercial radio and TV stations must file with the FCC paper copies of numerous contracts, including those relating to ownership or control, certain personnel contracts and network affiliation contracts. To fulfill this requirement, licensees either mail the contracts or have them delivered in person to the Commission.

As NAB previously explained,³ requiring broadcasters to submit paper copies of contracts to the Commission is redundant and no longer serves the public interest. Sections 73.3526(e)(5) and 73.3527(e)(4) already require licensees to retain in their public files either a copy of the contracts identified in a licensee's ownership reports (which are the same documents listed in Section 73.3613)⁴ or an up-to-date list of such contracts.⁵ If a licensee chooses to retain a list of its contracts, it must provide a copy of any contract to a requesting party within seven days of the request. The repeal of the Section 73.3613 requirement to file paper copies of contracts will not have any effect on interested parties' ready access to information about broadcasters' contracts via stations' online public files. For these reasons, the Commission should eliminate this redundant and outdated 80-year-old requirement.⁶

³ Comments of NAB, MB Docket No. 17-105, at 17-18 (July 5, 2017).

⁴ Notice at ¶ 7 (acknowledging that stations currently file ownership reports electronically on FCC Form 323 and 323-E, and on those reports licensees and permittees are required to list all documents required to be filed pursuant to Section 73.3613).

⁵ 47 C.F.R. §§ 73.3526(e)(5) and 73.3527(e)(4).

⁶ The Notice (at ¶ 10) raises technical questions about amendments to its rules. Rather than eliminating Section 73.3613 entirely, NAB suggests that the FCC remove the language that establishes the paper filing requirement. This approach would allow the Commission to clarify Sections 73.3526 and 73.3527 by having those sections reference the contracts and

III. CONCLUSION

NAB strongly supports the proposal to eliminate the requirement for broadcasters to file paper contracts with the Commission. This requirement reflects a time in our distant past when paper files were intended to keep the Commission and the public informed about the ownership and control of broadcast stations.⁷ Today, that information is easily accessible online. Consequently, the current rule places an unnecessary burden on broadcasters – particularly small and noncommercial broadcasters – while no longer offering any corresponding public benefit.

Respectfully submitted,

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other documents listed in Section 73.3513, rather than incorporating the lengthy, detailed list of documents into each of those sections.

⁷ See Notice at ¶ 2.