

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

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MASS MEDIA BUREAU IMPLEMENTS MANDATORY ELECTRONIC FILING OF FCC FORMS 302-FM, 316 AND 347

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Released: October 20, 2000

By this *Public Notice* the Mass Media Bureau announces mandatory electronic filing for: The Application for FM Broadcast Station License, FCC Form 302-FM; the Application for Consent to Assign Broadcast Station Construction Permit or License or to Transfer Control of Entity Holding Broadcast Station Construction Permit or License, FCC Form 316; and the Application for a Low Power TV, TV Translator or TV Booster Station License, FCC Form 347. Mandatory electronic filing will commence on November 1, 2000. Paper versions of these forms will not be accepted for filing after October 31, 2000, unless accompanied by an appropriate request for waiver of the electronic filing requirement. Users can access the electronic filing system *via* the Internet from the Mass Media Bureau's Web Site at:

<http://www.fcc.gov/mmb>

We will not, at this time, require electronic filing of the remaining broadcast forms that have been available for electronic use and filing: The Application for Construction Permit for Commercial Broadcast Station, FCC Form 301; the Application for Consent to Assignment of Broadcast Station Construction Permit or License, FCC Form 314; and the Application for Consent to Transfer Control of Corporation Holding Broadcast Station Construction Permit or License, FCC Form 315. We expect to phase in mandatory electronic filing of these sales and construction permit applications expeditiously. During this phase-in period, we will evaluate our experience with mandatory filing of Forms 302-FM, 316 and 347. In the meantime, applicants are encouraged to voluntarily file sales and construction permit applications electronically.

In the *1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes*, 13 FCC Rcd 23056 (1998) (*Streamlining Order*), which announced the Commission's intention to require electronic filing, the Commission recognized the need for a limited number of waivers of this requirement in light of the "burden that electronic filing could place upon some licensees who are seeking to serve the public interest, with limited resources, and succeed in a highly competitive local environment." 13 FCC Rcd at 23061. However, such waivers will not be routinely granted and the applicant must plead with particularity the facts and circumstances warranting the relief. Waivers also may be appropriate when applicants have been unable to successfully file electronic applications due to a technical impediment. In those circumstances, a

waiver will be granted upon a certification by the filer that the Bureau's Help Desk was contacted and was unable to assist in the successful completion of the electronic filing process. The waiver request should also include a detailed description of the specific problem, a copy of the application or amendment, and any other pertinent documentation. The grant of a waiver request will result in the applicant receiving the rights that would have accrued as of the date of the unsuccessful electronic filing attempt. It is expected that the paper filed application will be filed within five days of the unsuccessful electronic attempt.

Pursuant to the *Streamlining Order*, mandatory electronic filing was to commence six-months after a given form was made available for electronic use. On April 28, 2000, the Mass Media Bureau implemented the electronic forms filing component of the Radio and Television Broadcast Station Consolidated Database System (CDBS), making available for electronic use FCC Forms 301, 302-FM, 314, 315, 316 and 347.

Instructions for use of the electronic filing system are available in the CDBS User's Guide which can be accessed from the electronic filing web page. Special attention should be given to the details of the applicant account registration function, form filing function, and the fee form handling procedures, if a fee is required.

Internet access to the CDBS public access system at the Commission's Web Site requires a user to have a browser such as Netscape version 3.04 or Internet Explorer version 3.51, or later.

For technical assistance in running the system or to report technical problems with the system, please contact the CDBS Help Desk at (202) 418-2MMB. To request additional information concerning specific broadcast applications, please call (202) 418-2700 (radio forms) or (202) 418-1600 (television forms).

By: Chief, Mass Media Bureau

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