



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
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MEDIA BUREAU ANNOUNCES REQUIREMENT TO FILE CERTAIN RADIO JOINT SALES AGREEMENTS

Filing Deadline: February 22, 2005

The 2002 *Biennial Regulatory Review Order* (“*Order*”)¹ amended Section 73.3613 of the Commission’s rules to require the filing of radio joint sales agreements (“JSA”s) that result in attribution under the Commission’s multiple ownership rules.² The *Order* also directed parties with “existing, attributable JSAs in Arbitron Metro markets” to file those JSAs with the Commission within 60 days of the effective date of the *Order*.³ On September 3, 2003, the United States Court of Appeals for the Third Circuit stayed implementation of the new rules adopted in the *Order*.⁴ On September 3, 2004, the Court partially lifted the stay to permit certain of the new rules to go into effect, including the attribution of radio JSAs and the JSA filing requirements.⁵ By *Public Notice* dated October 8, 2004, the Media Bureau announced that it would provide JSA filing instructions following receipt of approval from the Office of Management and Budget (“OMB”) to implement the JSA filing requirements.⁶

¹ See *Order*, 18 FCC Rcd 13620 (2003) (subsequent history omitted).

² New subsection 73.3613(d)(2) states that the following must be filed with the Commission: “Joint sales agreements involving radio stations where the licensee (including all parties under common control) is the brokering entity, the brokering and brokered stations are both in the same market as defined in the local radio multiple ownership rule contained in § 73.3555(a), and more than 15 percent of the advertising time of the brokered station on a weekly basis is brokered by that licensee. Confidential or proprietary information may be redacted where appropriate but such information shall be made available for inspection upon request by the FCC.” 47 C.F.R. § 73.3613(d)(2).

³ *Order*, 18 FCC Rcd at 13746. JSAs involving existing stations located outside of Arbitron Metros are to be filed within 60 days of the effective date of a Commission order in *Definition of Radio Markets for Areas Not Located in an Arbitron Survey Area*, 18 FCC Rcd 13870 (2003), unless a different date is announced in that decision.

⁴ *Prometheus Radio Project v. FCC*, No. 03-3388 (3rd Cir. Sept. 3, 2003) (per curiam) (order granting motion to stay effective date of the Commission's new ownership rules).

⁵ *Prometheus Radio Project, et al. v. FCC*, No. 03-3388 (3rd Cir. Sept. 3, 2004).

⁶ *Revised FCC Forms 301, 314, And 315 Approved and Available for Use; Media Bureau Announces End to Freeze on the Filing of Forms 301, 314, and 315 for Commercial Radio Stations*, Public Notice, DA 04-3204 (rel. Oct. 8, 2004).

Today, the Commission is publishing notice of OMB's approval of the JSA filing requirements and other contract filings required by Section 73.3613.⁷ Accordingly, parties with existing attributable JSAs in Arbitron Metro markets must file such agreements with the Commission by February 22, 2005, and parties that enter into such JSAs in the future must file the JSAs with the Commission within 30 days of their execution.⁸ Upon filing, the JSAs will be placed in the appropriate station license files and will be made available for public inspection in the Commission's Reference Information Center.

Action by the Chief, Media Bureau. For further information, contact H. Taft Snowden, Audio Division, Media Bureau at (202) 418-2742.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it has approval from the Office of Management and Budget for this collection of information.

The OMB Control Number is: 3060-0185. The annual reporting burden for this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data and completing and reviewing the collection of information, is estimated to be: 2,300 respondents, 0.25 - 0.50 hours per annum, for a total annual burden of 950 hours, and \$80,000 in total annual costs. If you have any comments on these burden estimates, or how we can improve the collection(s) and reduce the burden(s) they cause you, please write to Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW, Washington, D.C. 20554. Please include the OMB Control Number: 3060-0185, in your correspondence. We will also accept your comments regarding the Paperwork Reduction Act aspects of the collection(s) via the Internet if you send them to Cathy.Williams@fcc.gov or call (202) 418-2918.

Under 5 CFR Section 1320, an agency may not conduct or sponsor a collection of information unless it displays a current valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB Control Number. The OMB Control Number is 3060-0185.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

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⁷ Section 73.3613 requires commercial and noncommercial licensees to file agreements relating to ownership and control of radio, television, low power television, and international broadcast stations with the Commission. *See* 47 C.F.R. § 73.3613. Certain other agreements must be retained in station files. *Id.*

⁸ We remind parties that entered into radio JSAs prior to the *Order's* adoption date that, to the extent such JSAs are attributable and cause the broker of the radio station to exceed --either within or outside an Arbitron Metro market-- our local radio ownership limits ("Non-compliant JSAs"), such JSAs may continue in effect until September 3, 2006; they may not be renewed during the 2-year grace period. *See Order*, 18 FCC Rcd at 13746, ¶ 325. Non-compliant JSAs entered into between the *Order's* adoption date and September 3, 2004 must be terminated within 90 days of today's date.