



PUBLIC NOTICE

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DA 07-2074
Released: May 16, 2007

Filing Procedures for Broadcast EEO Mid-Term Report (FCC Form 397)

To enable the Commission's staff to conduct its mid-term review of the Equal Employment Opportunity ("EEO") practices of its broadcast licensees, the Commission's EEO rules and policies, including Section 73.2080(f)(2) of the Commission's Rules, require that, where a radio station is part of an employment unit with more than ten full-time employees or a television station is part of a unit with five or more full-time employees, its unit must file with the Commission an FCC Form 397, the EEO Form entitled "Broadcast Mid-Term Report." The Form seeks certain information about the stations that comprise the unit and identification of the person responsible for EEO matters, and requires the submission of the unit's two most recent EEO public file reports. The Form must be filed four years after the due date of the unit station's last license renewal application, which was four months prior to the station's last license expiration date, as provided for in Section 73.1020 of the Rules. The Form has been assigned OMB Control Number 3060-0922.

Thus, the initial station group whose units must file the Form is the DC-Maryland-Virginia-West Virginia radio station renewal group, whose licenses expired on October 1, 2003. These units must file their Forms 397 by June 1, 2007, the four-year anniversary of the June 1, 2003, filing deadline for the renewal applications of the stations in the unit. The units of other station groups must file a Form 397, on a rolling basis, on the four-year anniversary of the most recent filing deadline for the license renewal applications for the units' stations, as those anniversaries arise.

The Media Bureau has received a number of inquiries concerning the appropriate filing procedures for employment units that include both radio and television stations, or stations licensed to various states, with different renewal application deadlines and license expiration dates and, accordingly, varying Form 397 filing deadlines. We provide the following filing guidance for such situations:

Employment Units Containing Stations Licensed to States in Different Renewal Groups. In *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, Second Report and Order and Third Notice of Proposed Rulemaking, 17 FCC Rcd 24018, 24065, paras. 148-49 (2002), *recon. pending* (the "EEO Order"), the Commission allowed each such unit to select the renewal group of a station in the unit for the purpose of determining the filing dates for its annual EEO public file reports, and the selections should have been made by now. Employment units containing stations licensed to states in different renewal groups should file their Form 397s in accordance with their selections, *i.e.*, the filing deadlines for the renewal groups that they have selected for their EEO reports.

Employment Units Containing Radio and Television Stations Licensed to States in the Same Renewal Group. A reporting unit that contains both radio and television stations licensed to states in the same renewal group is an exception to the general policy set forth above. In such a situation, the

renewal application filing deadlines for the radio and television stations will be one year apart. Under such circumstances, the unit must file the Form 397 for the radio and television stations by the **later** mid-term filing deadline: the four-year anniversary of the filing deadline for the television station's renewal application. The unit need not file by the earlier radio deadline. *See EEO Order*, 17 FCC Rcd at 24065, para. 150.

As noted in the Public Notice released on March 9, 2007, DA 07-964, which can be accessed on the Media Bureau's EEO web page, <http://www.fcc.gov/mb/policy/eo/>, FCC Form 397 is available for electronic filing. Users can access the Commission's electronic filing system via the Internet from the Media Bureau's website at <http://www.fcc.gov/mb/cdbs.html>. That Public Notice contains information about the procedures for electronic filing of the Form. For technical assistance using the system or to report problems, please contact the CDBS Help Desk at (202) 418-2MMB. To request additional information concerning the FCC Form 397, please call the EEO staff at (202) 418-1450.

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