

Cathy Williams

From: John Crigler [JCRIGLER@gsblaw.com]
Sent: Monday, December 13, 2010 5:56 PM
To: Nicholas_A._Fraser@omb.eop.gov
Cc: PRA; Cathy Williams; Amy Brett; Peter Doyle
Subject: OMB Control No. 3060-0110
Attachments: Letter to Nicholas A. Fraser re OMB Control No. 3060-0110 (FCC Form 303-S).pdf

On behalf of the Station Resource Group and the National Federation of Community Broadcasters, I am submitting the attached comment on proposed revisions to FCC Form 303-S, Broadcast Station Renewal Application.

John Crigler

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JOHN CRIGLER

Owner | 202.965.7880 x 2521 Tel | 202.965.1729 Fax | jcrigler@gsblaw.com

GARVEY SCHUBERT BARER | 5th Floor | 1000 Potomac Street NW | Washington, DC 20007

► GSBLaw.com

12/22/2010

WASHINGTON, D.C. OFFICE

fifth floor

flour mill building

1000 potomac street nw

washington, d.c. 20007-3501

TEL 202 965 7880 FAX 202 965 1729

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Please reply to JOHN CRIGLER
jcrigler@gsblaw.com
DIRECT DIAL: (202) 298-2521

December 13, 2010

Via e-mail to Nicholas_A_Fraser@omb.eop.gov

Nicholas A. Fraser
Office of Management and Budget

Re: OMB Control No. 3060-0110
FCC Form 303-S
Broadcast Station Renewal Application

Dear Mr. Fraser:

Station Resource Group ("SRG") is an alliance of public media organizations that operate leading public radio stations across the country. The National Federation of Community Broadcasters ("NFCB") is an alliance of stations, producers and others committed to community radio. This comment asks for a revision to the above-referenced form to reduce the paperwork burden on noncommercial radio broadcasters.

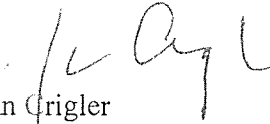
The Federal Communications Commission ("FCC") has submitted for approval by Office of Management and Budget ("OMB") the draft of revised FCC Form 303-S Application for Renewal of Broadcast Station License. 75 Fed. Reg. 62816 (October 13, 2010). A question added to the form in Section II, item 7, requires the applicant to certify that "its advertising sales agreements do not discriminate on the basis of race or ethnicity and that all such agreements held by the licensee contain nondiscrimination clauses." The nondiscrimination in advertising certification was added to the renewal application pursuant to the FCC's Report and Order in *Promoting Diversification of Ownership in the Broadcasting Services*, 23 FCC Rcd 5922, 5941-42 (2008), at paragraphs 49 & 50.

The proposed responses are "yes" and "no." As worded, the question will cause confusion among noncommercial broadcasters, since neither answer is correct, at least without a clarifying exhibit. Noncommercial broadcast stations are prohibited from selling advertising by Section 399B(b)(2) of the Communications Act, 47 U.S.C. § 399B(b)(2) and by Sections 73.503 and 73.621 of the FCC's Rules, 47 C.F.R. §§ 73.503 and 73.621.

SRG and NFCB respectfully request that the form be modified to include "not applicable" as a third response to Section II, item 7, and that instructions to the form indicate that licensees of noncommercial stations should answer "N/A."

Contact us if you have any further questions about this comment.

Respectfully submitted,


John Grigler

JC:cll

cc: PRA@fcc.gov
Cathy.Williams@fcc.gov
Amy.Brett@fcc.gov
Peter.Doyle@fcc.gov