

Effective January 22, 2019: FCC's Elimination of Paper Contract Filing Obligation for Broadcasters

January 22, 2019

On January 22, 2019, the FCC's Order eliminating broadcasters' obligation to file paper copies of contracts pursuant to Section 73.3613 of the Commission's rules will go into effect. Covered contracts include those related to network affiliations, control of station licenses, certain employment agreements, joint sales agreements (JSAs), and local marketing agreements (LMAs) (collectively, Section 73.3613 documents).

This Order eliminates the burden to file physical copies of covered contracts on paper with the FCC Secretary's office but, importantly, does not remove all related recordkeeping requirements. Instead, broadcasters must continue to either (1) maintain an updated list of Section 73.3613 documents in their online public file and provide a copy within seven days of receiving a request, or (2) upload copies of all such documents to the online public file. Broadcasters must add covered contracts to the public file or list of contracts within thirty days of execution or amendment, and must update their inventory or list to reflect a contract's termination within thirty days of such termination. To comply with the new rules, the list of contracts contained in the public file must include any execution or expiration dates, as well as a description of the document, the parties to the contract, and the type of agreement.

The Order also extends rules that expressly permitted the redaction of JSAs and LMAs to all Section 73.3613 documents. Broadcasters may redact information that would generally be subject to confidential treatment under the FCC's rules, including commercial, financial, or trade secret information that would cause competitive

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harm if shared with the public.

This Order reflects another of the Commission's efforts to modernize its rules applicable to broadcasters, removing a rule that has been on the books for nearly eighty years.

Please contact one of the authors listed on this alert if you have any questions.