

revising the local television ownership rule by eliminating the “eight voices” test and permitting applicants to seek the combination of two top-four ranked stations in a given market on a case-by-case basis; and (3) deeming joint sales agreements between television stations to be non-attributable. By vacating the *Order on Reconsideration*, the *Prometheus* decision abrogated these rule changes and reinstated the prior media ownership rules adopted in the *2010/2014 Quadrennial Review Order*. See *2010/2014 Quadrennial Review Order*. The court also vacated the Commission’s definition of an “eligible entity,” which had been adopted in the *2010/2014 Quadrennial Review Order*.<sup>2</sup>

On November 29, 2019, the Third Circuit issued its mandate in *Prometheus*. Letter from Patricia S. Dods zuweit, Clerk, *Prometheus Radio Project v. FCC*, Nos. 17–1107 *et al.* (3d Cir. Nov. 29, 2019). Accordingly, by order released December 20, 2019, the Commission’s rules have been amended to reflect the changes required by the court’s foregoing actions. *2014 Quadrennial Regulatory Review—Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 et al.*, Order, DA 19–1305 (MB Dec. 20, 2019) (2019 Order). The purpose of this Public Notice is to clarify the application of these new rules as they bear on pending and future applications for assignment and transfer of control.<sup>3</sup>

**New Applications:** Effective immediately, every applicant filing an assignment application on FCC Form 314 (Application for Consent to Assignment of Broadcast Station Construction Permit or License—<https://transition.fcc.gov/Forms/Form314/314.pdf>) or a transfer of control application on FCC Form 315 (Application for Consent to Transfer Control of Corporation Holding Broadcast Station Construction Permit or License—<https://transition.fcc.gov/Forms/Form315/315.pdf>) must take account of the media ownership rules now in effect by virtue of the issuance

of the mandate in *Prometheus*. The Media Bureau is in the process of seeking approval from the Office of Management and Budget to restore the previous ownership language to the FCC Form 314 and 315. Pending that approval and effective immediately, all applicants must use the existing certification in each form that requires the applicant to certify that it “complies with the Commission’s multiple ownership rules.” See FCC Form 314, section III, Item 6.b; FCC Form 315, section III, Item 8.b. We clarify that when an applicant certifies compliance with the “multiple ownership rules” it is certifying compliance with all of the rules set forth in 47 CFR 73.3555, including the “eight voices” test and the prohibition on top-four combinations in the local television rule; radio/television cross-ownership rules; newspaper/broadcast cross-ownership rules; and attribution of joint sales agreements. 47 CFR 73.3555(b) through (d), notes. See 2019 Order.

**Pending Applications:** To the extent that licensees have a pending assignment or transfer application filed on Form 314 or 315, they must update their application as described herein. Specifically, within 30 days of the date of this Public Notice, each assignee or transferee must file an amendment to its pending application as required by section 1.65 of the Commission’s rules, 47 CFR 1.65. This amendment must include, as Exhibit 1, a statement certifying whether each assignee or transferee complies with the Commission’s multiple ownership rules now in effect as a result of the *Prometheus* decision. To the extent the assignee or transferee cannot certify compliance, it should file an explanation with all necessary showings. No action will be taken on pending applications prior to submission of this amendment. Applicants seeking prompt action on their application should not wait the full 30 days to file the required amendment. Applications will be processed once amendments are received.

**Thomas Horan,**

*Chief of Staff, Media Bureau.*

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## FEDERAL COMMUNICATIONS COMMISSION

[DA 19–1304; FRS 16387]

### Media Bureau Announces Procedures for Processing License Renewal Applications for Commercial Radio Stations in Light of Third Circuit Mandate

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Media Bureau announces revised processing procedures for applications to renew commercial radio station licenses, following the remand of certain Commission rules by the United States Court of Appeals for the Third Circuit, in its decision in *Prometheus Radio Project v. FCC*, 939 F.3d 567 (3d Cir. 2019), *petition for rehearing en banc denied* (3d Cir. Nov. 20, 2019) (*Prometheus*).

**DATES:** Applicable January 3, 2020.

**FOR FURTHER INFORMATION CONTACT:** Michael Wagner, *Michael.Wagner@fcc.gov*, (202) 418–2775, or Tom Hutton, *Tom.Hutton@fcc.gov*, (202) 418–7266, of the Media Bureau, Audio Division. Press inquiries should be directed to Janice Wise, *Janice.Wise@fcc.gov*, at (202) 418–8165. Filers who have questions regarding basic filing requirements or who need assistance logging into LMS or amending Schedule 303–S should contact the Commission at (877) 480–3201 (Option 2), Monday–Friday, 8:00 a.m.–6:00 p.m. ET, or submit a request online at <https://fccprod.service-now.com/auls?id=esupport>.

**SUPPLEMENTARY INFORMATION:** By this Public Notice, the FCC’s Media Bureau announces revised procedures for commercial radio station renewal applications in light of the United States Court of Appeals for the Third Circuit’s decision in *Prometheus*. In its decision, the court vacated and remanded the Commission’s *2010/2014 Quadrennial Review Order on Reconsideration*,<sup>1</sup> thereby reinstating the Commission’s Newspaper/Broadcast Cross-Ownership Rule and the Radio/Television Cross-Ownership Rule. On November 29, 2019, the Third Circuit issued its mandate in *Prometheus*. Letter from Patricia S. Dods zuweit, Clerk,

<sup>2</sup> *Prometheus*, 939 F.3d at 587, 589, referencing *2010/2014 Quadrennial Review Order*. That definition is reflected in Section III, Item 6.d. of FCC Form 314 and Section III, Item 8.d. of FCC Form 315. Pending further Commission action on this topic, the eligible entity definition and attendant provisions of FCC Forms 314 and 315 are unavailable.

<sup>3</sup> Nothing in this Public Notice shall be construed to affect the right of the Commission or any other party to the *Prometheus* litigation to seek further review of the Third Circuit’s decision in the U.S. Supreme Court, or to limit the Commission’s discretion in the event that the Supreme Court were to take further action in that litigation.

<sup>1</sup> *2014 Quadrennial Regulatory Review—Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 et al.*, Order on Reconsideration and Notice of Proposed Rulemaking, 32 FCC Rcd 9802 (2017) (*2010/2014 Quadrennial Review Order on Reconsideration*).

*Prometheus Radio Project v. FCC*, Nos. 17–1107 *et al.* (3d Cir. Nov. 29, 2019). Accordingly, by order released December 20, 2019, the Commission's rules have been amended to reflect the changes required by the court's foregoing actions. *2014 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 et al.*, Order, DA 19–1304 (MB Dec. 20, 2019) (2019 Order). The purpose of this Public Notice is to clarify the application of these new rules as they bear on pending and future renewal applications.<sup>2</sup>

**New Renewal Applications:** Effective immediately, every licensee seeking renewal of a commercial station license must report any violation of the Newspaper/Broadcast or Radio/Television Cross-Ownership rules contained in the revised section 73.3555 of the Rules. The Media Bureau is in the process of seeking approval from the Office of Management and Budget to add a new question on this topic to the renewal application, FCC Form 2100, Schedule 303–S. Pending that approval and effective immediately, all licensees must use the “FCC Violations during the Preceding License Term” question in the “Renewal Certification” section of the renewal application to report any violations of section 73.3555.<sup>3</sup> If the licensee (or any party with an attributable interest in the licensee) is in violation of the Newspaper/Broadcast or Radio/Television Cross-Ownership rules, it must answer that question “No” and include an explanatory exhibit. Licensees should answer “No” and provide an explanatory exhibit even if the acquisition of an attributable interest in a newspaper/broadcast combination or radio/television combination has previously been approved by the Commission or its staff. If the licensee is not in violation of the Newspaper/Broadcast or Radio/Television Cross-Ownership rules, and there have been no other violations of the Communications Act of 1934, as amended, or the rules or regulations of

the Commission during the preceding license term, it must answer that question “Yes.” The Media Bureau will issue a future Public Notice when a permanent question on this subject has been added to the renewal application.

**Pending Renewal Applications:** Each licensee that has a pending application for renewal of a commercial station license must update its application as described herein. Specifically, within 30 days of the date of this Public Notice, the licensee must file an amendment to its pending application<sup>4</sup> as required by section 1.65 of the Commission's rules, 47 CFR 1.65. This amendment must include an attachment certifying whether the station licensee (and each party with an attributable interest in the licensee) complies with the Commission's cross ownership rules now in effect in revised section 73.3555. The attachment should state:

The station licensee (and each party with an attributable interest in the licensee) hereby certifies it is in compliance with the Newspaper/Broadcast and Radio/Television Cross-Ownership rules in revised 47 CFR 73.3555.

To the extent the licensee cannot certify compliance, it should file an explanation with all necessary showings. Licensees should address these rules in the amendment even if the acquisition of an attributable interest in a newspaper/broadcast combination or radio/television combination has previously been approved by the Commission or its staff. No action will be taken on pending renewal applications prior to submission of this amendment. Pending renewal applications will be processed once amendments are received.

**Thomas Horan,**

*Chief of Staff, Media Bureau.*

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<sup>4</sup> Licensees must use the Media Bureau's LMS database to file this amendment. After logging into LMS, the licensee should click on the “Applications” tab at the top of the screen. The Applications tab enables licensees to amend pending renewal applications. Next, the licensee must click on the “Submitted” tab to see any pending renewal applications. Then, click on the application File Number to get to the screen to create the amendment. This is the “Application Summary” page. From this page, click on the “File an Application” button and select “Amend Application.” To add an attachment from any Application section, click on the “Attachments” link from the top/middle of the page. For Attachment Type, Select “Amendment.” Then, use the “Browse. . .” button to locate the appropriate attachment from your computer. Then, select the relevant document and click on “Open.” Next, add a description of the document and click on “Upload File.” Once this is complete, click on the “Back” button at the bottom of the page.

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0347, OMB 3060–0695, OMB 3060–0881 OMB 3060–1008; FRS 16365]

### Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written comments should be submitted on or before March 3, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email: [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce

<sup>2</sup> Nothing in this Public Notice shall be construed to affect the right of the Commission or any other party to the *Prometheus* litigation to seek further review of the Third Circuit's decision in the U.S. Supreme Court, or to limit the Commission's discretion in the event that the Supreme Court were to take further action in that litigation.

<sup>3</sup> 47 CFR 73.3555. That question states, “Licensee certifies that, with respect to the station(s) for which renewal is requested, there have been no violations by the licensee of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term. If “No”, the licensee must submit an explanatory exhibit providing complete descriptions of all violations.”