
FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.

Special Advisory to Broadcasters

200 I PENNSYLVANIA AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20006-1851

WEBSITE www.fwclz.com

TELEPHONE 202-659-3494

EMAIL fwclz@fwclz.com

FACSIMILE 202-296-6518

March 1999

Broadcast Station Ownership Report Filing Requirements

Affected States: **Delaware, Indiana, Kentucky, Pennsylvania, Tennessee and Texas**

Commercial Broadcast Stations

All licensees, other than sole proprietorships or partnerships composed entirely of natural persons, operating commercial broadcast stations in **Delaware, Indiana, Kentucky, Pennsylvania, Tennessee and Texas** must file an Ownership Report on the new FCC Form 323 (December 1998 edition) by **April 1, 1999**. Because the new form seeks information regarding gender and ethnicity which was not included in the previous edition, all licensees must file the form this year, and may not use the Certification of No Change in Ownership, even if their ownership did not change since their last Form 323 filing. We reported on the new Ownership Report in **Special Bulletin to Broadcasters**, SB No. 99-2 (January 15, 1999).

In addition, all licensees must disclose to the FCC, by the same date, any adjudication of relevant non-FCC misconduct by individuals or entities with an attributable interest in the station(s). Failure to timely file an Ownership Report is a violation of FCC rule Section 73.3615(a), and could subject a station owner to a fine.

The December 1998 edition of FCC Form 323 must be used for all ownership filings. Previous editions of the form are not acceptable.

The required processing fee for Ownership Reports is \$45.00 per station. For example, a multiple station owner filing a combined Ownership Report for an AM/FM combo plus two independent FM stations would incur a required fee of \$180 (4 x \$45). The FCC requires that only one check or other financial instrument accompany the Ownership Report, regardless of the number of stations involved in the filing. The check should be made payable to the "Federal Communications Commission." The filing must be accompanied by FCC Form 159 (the "Remittance Advice" form) and the filing fee must be paid or the filing will be returned.

Commercial station Ownership Reports must be filed at a special location in Pittsburgh, Pennsylvania, and *not* at the FCC in Washington, D.C. Please forward your Report, along with the required filing fee, to the firm at least seven (7) business days before the **April 1 deadline** so that the document may be reviewed and timely filed in Pittsburgh.

Licenses controlling multiple broadcast stations are permitted to file their Ownership Report on the anniversary of the filing deadline for license renewal application of *any* station they own, provided that no more than one year has passed since the previous Ownership Report was filed. Again, a filing fee of \$45 per station must accompany the filing. If a licensee elects to file its Ownership Report on the anniversary date of another commonly owned station, it should notify the Commission of this decision by **April 1, 1999**.

Time Brokerage Agreements - Radio Stations Only

In recent years, many radio stations have elected to enter into Time Brokerage Agreements (commonly called "Local Marketing Agreements" or "LMAs"). A copy of any such agreement with another radio station in the market must also be filed with the Commission and be placed in the station's public inspection file. The Commission allows radio stations to delete or redact confidential or proprietary information where appropriate. The existence of such an agreement must also be disclosed on the Ownership Report form. In these circumstances, we recommend that you contact the firm for further advice.

Annual Reporting of Non-FCC Misconduct

The Commission requires licensees to report relevant non-FCC misconduct annually by the date of the Ownership Report deadline. Questionnaires should be sent to all persons with an attributable interest in the licensee filing that report. A sample questionnaire is enclosed. Relevant non-FCC misconduct includes:

1. all felonies;
2. mass media related anti-trust violations;
3. mass media related unfair competition violations;
4. false statements to government agencies or departments;
5. adverse employment discrimination decisions.

Licenses need only report adverse court or administrative agency decisions. Pending cases not involving an adverse action do not need to be reported. However, adverse decisions must be reported even while they are on appeal. The enclosed questionnaire inquires about pending, as well as final, decisions in order to help licensees monitor ongoing matters.

Misconduct involving non-broadcast companies that share an officer, director or major shareholder/partner with a broadcast company must be reported in situations where the broadcast principal was in control of the other company or was found to be directly involved in the other company's misconduct. With regard to parent/subsidiary relationships, non-FCC misconduct has to be reported if: there is a close ongoing relationship between the parent (or non-broadcast subsidiary) and the broadcast subsidiary; the two have common principals; and the common principals are actively involved in the operations of the broadcast subsidiary.

If any principals of your company were involved in such conduct, contact the firm for advice on how this information should be reported. If there has been no reportable adjudication, the FCC does not require the licensee to affirm that fact.

Noncommercial Educational Broadcast Stations

The Ownership Report filing rules for the noncommercial educational ("NCE") broadcast stations have changed as well. NCE stations are defined as those radio and television facilities whose broadcast authorization

identifies the licensee as an educational institution, regardless of whether the station is licensed on a frequency set aside for NCE stations. A new Form 323-E is being prepared by the Commission's staff, in accordance with the FCC's "broadcast streamlining" rulemaking decision which changed the rules for ownership reporting. Although there is no estimate at the present time when a new Form 323-E will be issued, the FCC staff has advised that a *Public Notice* will be released advising NCE stations that they must begin using the new form. The *Public Notice* will also provide a schedule of biennial filing to be followed from that time forward. What remains uncertain at this time is whether the new information regarding gender and ethnicity will be requested from NCE stations. The FCC specifically deferred decision on that issue in the rulemaking, and it is unknown when the issue will be decided. The new Form 323-E could be issued at any time.

The rule changes also deleted the prior requirement that NCE licensees must file their Ownership Reports on FCC Form 323-E within thirty (30) days of any change in the information reported on the previous Ownership Report as well as by the deadline for filing their application for renewal of license. NCE stations are exempt from the filing fee requirement. Thus, noncommercial educational licensees will continue to file their Reports at the Commission's headquarters in Washington, D.C.

Filing of Ownership Reports

We advise you to have your Ownership Report reviewed and filed by the firm for your own protection. When the firm files the document, we obtain an official Commission date-stamped receipt copy for your station's records. If you need any assistance in completing or reviewing your Ownership Report, please contact the firm.

FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.

Editor: Lauren Lynch Flick, Esq.
Managing Editor: Ricky A. Pursley

rap031299
apradv.99

This **Special Advisory to Broadcasters** is published by the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., Suite 400, 2001 Pennsylvania Avenue, N.W., Washington, DC 20006-1851, telephone 202-659-3494, facsimile 202-296-6518, Email: fwclz@fwclz.com, Website: www.fwclz.com. The **Special Advisory** is a service to the firm's clients and friends, and is intended to provide general information only. The contents should not be construed as legal or business advice. Legal and business advice should always be obtained for specific facts and circumstances as the need arises. For more information on any of the subjects discussed in the **Special Advisory**, please contact any of the firm's attorneys. Copyright © 1999, Fisher Wayland Cooper Leader & Zaragoza L.L.P. All rights reserved.

[SAMPLE QUESTIONNAIRE]**NON-FCC MISCONDUCT QUESTIONNAIRE**

- A. Since [year in which the last license renewal was filed], has an adverse finding been made or adverse final action been taken by any court or administrative body with respect to the person (or other entity) completing this questionnaire, which finding or action was brought under provisions of law relating to:
- | | | | | | |
|----|---|-----|-----|----|-----|
| 1. | Any felony? | Yes | ___ | No | ___ |
| 2. | Antitrust (mass media-related)? | Yes | ___ | No | ___ |
| 3. | Unfair competition (mass media-related)? | Yes | ___ | No | ___ |
| 4. | Fraudulent statements to another governmental unit? | Yes | ___ | No | ___ |
| 5. | Discrimination? | Yes | ___ | No | ___ |
| 6. | Illegal Drugs? | Yes | ___ | No | ___ |
- B. Is there any proceeding now pending involving any of the matters referred to in Question A?
- Yes ___ No ___
- C. In the case of illegal drugs, are you subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862?
- Yes ___ No ___

If the answer to any of the above questions is yes, please provide a full description, including identification of the court or administrative body, proceeding by file number, the person or matters involved, and the disposition of litigation. Attach separate sheets, if necessary.

Name of Person Completing Questionnaire: _____

Address: _____

Telephone Number: _____

Entity Represented (if applicable):

Position with Entity Represented:

THIS QUESTIONNAIRE IS FOR OUR INFORMATION GATHERING PURPOSES ONLY AND IS NOT INTENDED TO BE SUBMITTED TO THE FCC. HOWEVER, INFORMATION PROVIDED IN RESPONSE MAY NEED TO BE DISCLOSED TO THE FCC.

Call Sign	Service/Class/FIN	Ch	Community	St	Atty	Client No.
WKDQ	FM C		Henderson	KY	CMH	2670-003
WKYQ	FM C1		Paducah	KY	CMH	2670-002
WKYQ	AM		Paducah	KY	CMH	2670-002
KXTX -TV IND 35994		39	Dallas	TX	CMH	2055-000
KUVN TV UNI 35841		23	Garland	TX	CMH	2300-006
KXLN	-TV UNI 53847	45	Rosenberg	TX	CMH	2300-015
KWEX	-TV UNI 35881	41	San Antonio	TX	CMH	2300-005
WKDPAM			Corbin	KY	DDO	9838-000
WGRB	(TV)		Campbellsville	KY	DDO	9877-000
WKNT	(TV)		Bowling Green	KY	DDO	9876-000
WOLF -TV FOX 73375		56	Hazleton	PA	DDO	9717-005
WSWB	-TV WB 73374	38	Scranton	PA	DDO	9853-001
WILF	TV FOX 52075	53	Williamsport	PA	DDO	9717-004
WRIE	(AM)		Erie	PA	DDO	9737-005
WXKC	(FM)		Erie	PA	DDO	9737-005
WDSI	-TV FOX 71353	61	Chattanooga	TN	DDO	9717-002
WRLT FM			Franklin	TN	DDO	9728-001
WRLGFM			Smyrna	TN	DDO	9728-001
WYYB	(FM)		Dickson	TN	DDO	9728-003
WDBLAM			Springfield	TN	DDO	9728-005
WDBLFM			Springfield	TN	DDO	9728-005
WWGM	FM		Alamo	TN	DDO	1050-001

Call Sign	Service/Class/FIN	Ch	Community	St	Atty	Client No.
KRFE	AM		Lubbock	TX	DDO	9760-000
KLTG	FM C1 FIN 63342		Corpus Christi TX	TX	DDO	2360-001
KDAE AM FIN 63346		Sinton		TX	DDO	2360-001
KSTB	(FM)		Crystal Beach	TX	DDO	3205-007
KFRO	(AM) FIN 70455		Longview	TX	DDO	9864-000
KERO	(AM)		Longview	TX	DDO	9864-000
WNDZ	(AM)		Portage	IN	FRM	01745-039
WURD	AM		Philadelphia	PA	FRM	1747-001
KICI	AM		Corsicana	TX	FRM	1938-008
KESS	AM FIN 34298		Fort Worth	TX	FRM	1938-007
KECS	FM		Gainesville	TX	FRM	1938-009
KDOS	AM FIN 42149		Laredo	TX	FRM	1920-002
KZTQ	FM		Laredo	TX	FRM	1920-001
KIRT	AM FIN 56474		McAllen	TX	FRM	1931-002
KSAH	AM FIN 23072		Universal City TX	TX	FRM	1941-000
KBOR AM FIN 36167		Brownsville		TX	FRM	2450-000
KTJN	FM A FIN 36166		Mercedes	TX	FRM	2450-001
KOYE FM		Laredo	TX	FRM		1920-003
KMRT AM		Dallas	TX	FRM		1938-013
KHCK FM		Denton	TX	FRM		1938-015
KMRT-FM		Granbury	TX	FRM		1938-016
KICI	-FM		Corsicana	TX	FRM	1938-018
KTJX	FM FIN 36168		???	TX	FRM	2450-002

Call Sign	Service/Class/FIN	Ch	Community	St	Atty	Client No.
WCYN	AM		Cynthiana	KY	KRS	2175-001
WCYN	FM A		Cynthiana	KY	KRS	2175-001
WIEL	AM		Elizabethtown KY	KRS		9502-002
WKMO	FM A		Hodgenville	KY	KRS	9502-003
WRLP FM		Russell	PA	KRS		9665-000
KCCT	AM FIN 54646		Corpus Christi TX	KRS		2380-000
KBSO	FM FIN 55679		Corpus Christi TX	KRS		2155-000
KEDA AM FIN 14892		San Antonio		TX	KRS	2390-000
KPAN	-FM A FIN 35452		Hereford	TX	KRS	9512-002
KPAN	AM FIN 35451		Hereford	TX	KRS	9512-002
KSAM-FM FIN 70721		Huntsville		TX	KRS	9512-004
KSAMAM FIN 70720		Huntsville		TX	KRS	9512-004
KERV	AM FIN 25378		Kerrville	TX	KRS	9630-000
KRVL	FM A FIN 25380		Kerrville	TX	KRS	9630-000
KHDY FM		Plainview		TX	KRS	9667-000
KTEM AM FIN 63200		Temple		TX	KRS	9675-000
KBEC	AM FIN 21233		Waxahachie	TX	KRS	4235-000
KAAM	AM FIN 49320		Plano	TX	KRS	9670-000
KVCI	AM FIN 08545		Canton	TX	KRS	9689-000
KFLZ	(FM) FIN 11228		Bishop	TX	KRS	2155-000
WTBK?		Manchester		KY	LLF	1510-000
WIIB	TV IND 10253	63	Bloomington	IN	MRL	3070-009

Call Sign	Service/Class/FIN	Ch	Community	St	Atty	Client No.
WTTK(TV)	56526	29	Kokomo	IN	MRL	3070-030
WTTV(TV)	56523	4	Bloomington	IN	MRL	3070-030
WDKY	-TV IND 64017	56	Danville	KY	MRL	3070-032
WJZC	(FM)		Russellville	KY	MRL	3070-040
WDKA	(TV)		Paducah	KY	MRL	3070-064
WPGH-TV FOX	73875	53	Pittsburgh	PA	MRL	3070-012
WMBS	(AM)		Uniontown	PA	MRL	3470-000
WILP	(AM)		West Hazelton	PA	MRL	3070-034
WKRF(FM)			Tobyhanna	PA	MRL	3070-034
WWFH	(FM)		Freeland	PA	MRL	3070-034
WWSH	(FM)		Pittston	PA	MRL	3070-034
WGBI	(AM)		Scranton	PA	MRL	3070-034
WGGY	(FM)		Scranton	PA	MRL	3070-034
WILK	(AM)		Wilkes Barre	PA	MRL	3070-034
WKRZ(FM)			Wilkes Barre	PA	MRL	3070-034
WCWB	(TV) IND 73907	22	Pittsburgh	PA	MRL	3675-000
WJCE	(AM)		Memphis	TN	MRL	3070-038
WOGY	-FM		Germantown	TN	MRL	3070-038
WRVR	-FM		Memphis	TN	MRL	3070-038
WLAC(AM)			Nashville	TN	MRL	3070-040
WLAC-FM			Nashville	TN	MRL	3070-040
WEMT	(TV) FOX 40761	39	Greeneville	TN	MRL	03070-055

Call Sign	Service/Class/FIN	Ch	Community	St	Atty	Client No.
WUXP-TV			Nashville	TN	MRL	3070-035
WZTV (TV)			Nashville	TN	MRL	3070-035
KRRT	(TV) IND 51518	35	Kerrville		TX	MRL3069-006
KABB (TV)	56528	29	San Antonio		TX	MRL 3070-048
KAKW	(TV) 00148	62	Killeen		TX	MRL 3724-004
KETK	-TV 55643	56	Jacksonville		TX	MRL03070-067
KLSB	-TV		Nacodoches		TX	MRL3070-067
KFXK	(TV)		Longview		TX	MRL3724-008
KKWB	(TV) 68753		El Paso		TX	MRL3724-005
WJTL	FM		Lancaster		PA	RCF 4059-000
KLVWFM			Odessa	TX	RCF	0815-018
KXPZ	(FM)		Lytle		TX	RCF 00815-023
WBHQ	FM A		Bloomfield		IN	RRZ 4743-001
WFLQ	FM A		French Lick		IN	RRZ 4743-000
WKHY	AM		Lafayette		IN	RRZ 4061-001
WNPVAM			Lansdale		PA	RRZ 4487-000
WLBR (AM)			Lebanon		PA	RRZ 4290-000
WQIC	(FM)		Lebanon		PA	RRZ 4290-000
KZZN	FM		Littlefield		TX	RRZ 4323-000
KULM-FM A	FIN 70706		Columbus		TX	SRF 0511-000