
FCC Suspends the Use of the New FCC Form 323 and Postpones the January 11, 2010 Deadline for Filing Biennial Ownership Reports by Commercial Broadcast Licensees

by Richard R. Zaragoza and Christine A. Reilly

This afternoon, the Commission released an Order announcing that, due to technical difficulties, it was temporarily suspending the use of the new FCC Form 323 and, as a consequence, was postponing the January 11, 2010 deadline for the filing of Biennial Ownership Reports for commercial broadcast licensees. The Commission stated that it would announce the reactivation of the new form and the new filing deadline in a subsequent Public Notice. The Order states that the Commission “will temporarily suspend the ability to start a new biennial Form 323 during this interim suspension period but will allow filers to complete and file forms that they have already started should they wish to do so.” The Order also states that the new filing deadline will be at least 90 days from the date that the new form is made available for new biennial filings.

As previously reported, on December 9, 2009, the Commission released the electronic version of the new FCC Form 323 in CDBS. Over the last two weeks, the Commission has fielded numerous inquiries prompted by complaints of technical problems with the new FCC Form 323. As a consequence, the Commission has decided to suspend use of the new FCC Form 323 in an effort to resolve such technical issues.

One of the technical problems that has been encountered by many practitioners is the inexplicable loss of enormous amounts of data that had been uploaded onto the form, notwithstanding the fact that such data had been “saved” during the uploading process. Accordingly, it is hoped that this type of problem will be remedied before the form goes “live” again.

We will provide updates regarding the status of the new FCC Form 323 as developments occur.

If you have any questions about this advisory, please contact one of the attorneys listed below.

Richard R. Zaragoza [\(bio\)](#)
Washington, DC
+1.202.663. 8266
richard.zaragoza@pillsburylaw.com

Christine A. Reilly [\(bio\)](#)
Washington, DC
+1.202.663.8245
christine.reilly@pillsburylaw.com

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