



PUBLIC NOTICE

Federal Communications Commission
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Status of Filing of FCC Form 395-B MB Docket No. 98-204

On February 22, 2024, the Commission released the Form 395-B Fourth Report and Order (*Fourth Report and Order*) and Order on Reconsideration (*Order on Reconsideration*).¹ The *Fourth Report and Order* reinstates the Form 395-B data collection for broadcast licensees, as required by Section 334 of the Communications Act of 1934, as amended.²

As the Commission previously explained, prior to the time the first filing of the Form 395-B will be due pursuant to the *Fourth Report and Order*, the Media Bureau will issue a Public Notice with details of the electronic filing process and instructions about how to submit the filings.³ Because the Bureau has not yet released that Public Notice, the data collection will not be due on September 30th this year. The Bureau will provide broadcasters ample time to put into place whatever data collection processes they require prior to the first filing deadline, consistent with the *Fourth Report and Order*.⁴

The issuance of this Public Notice is not intended to alter the legal effect of the Commission's action in the *Fourth Report and Order*.⁵

¹ *Review of the Commission's Broadcast and Cable Equal Opportunity Rules and Policies*, MB Docket No. 98-204, Fourth Report and Order and Order on Reconsideration, FCC 24-18 (rel. Feb. 22, 2024) (*Fourth Report and Order and Order on Reconsideration*).

² 47 U.S.C. § 334.

³ *Id.* at para. 30.

⁴ *Id.* at para. 78 (“The Commission directs the Media Bureau to announce the compliance date for the Fourth Report and Order and Order on Reconsideration by subsequent Public Notice.”) *See also id.* at para 38 (“To provide broadcasters adequate notice regarding the details of the electronic filing process, the Media Bureau will issue a Public Notice with instructions about how to submit the filings, prior to the first filing after the Order becomes effective. This Public Notice will provide broadcasters ample time to put into place whatever data collection processes they require, including, for example, the development of employee surveys and instructions for employees regarding which job classification to report.”).

⁵ There are currently three petitions for review of the *Fourth Report and Order* pending in the United States Court of Appeals for the Fifth Circuit. *See National Religious Broadcasters, et. al. v. FCC and the United States*, Case Nos. 24-60219 and 24-69226 (5th Cir.) ; *see also theDove Media Inc. v. FCC and the United States*, Case No. 24-60407 (5th Cir.). A request for stay of the *Fourth Report and Order* pending resolution by the United States Court of Appeals was filed with the Commission. *See Joint Request for Stay of National Religious Broadcasters, American Family Association, and Texas Association of Broadcasters*, MB Docket No. 98-204 (filed June 27, 2024). In addition, there have also been filed with the Commission one petition for reconsideration and one petition for reconsideration and stay of the *Fourth Report and Order* pending resolution of the petition. *See Petition for Partial Reconsideration of the National Association of Broadcasters*, MB Docket No. 98-204 (filed June 3, 2024); and *Joint Petition for Reconsideration and Motion for Stay of Catholic Radio Association, Sanctus Josephus Society, et. al.*, MB Docket No. 98-204 (filed June 3, 2024). The request and petitions remain pending with the Commission.

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