

## Changes to Form 323-E Requirements in Flux

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Last year, the FCC adopted revisions to the biennial ownership reporting requirements for noncommercial educational (NCE) broadcast stations. The revisions would have required all NCE stations to file an Ownership Report (Form 323-E) on a uniform date by December 1<sup>st</sup> in odd years. They would also have required officers and board members to register for an FCC Registration Number or Restricted FCC Registration Number ("FRN" or "RUFNR"). Both the FRN and RUFNR registrations require all or part of an individual's social security number to be submitted.

Several public media groups asked the FCC to reconsider that requirement, which the FCC's Media Bureau refused to do on January 4, 2017. On the same day, the Republican FCC Commissioners, Ajit Pai and Michael O'Rielly, released an unusual joint statement strongly objecting to the Media Bureau's dismissal of the petitions for reconsideration. The Republican Commissioners, who will soon constitute the majority, stated that the Media Bureau's decision should have been issued by the Commissioners themselves, and that the decision did not have the support of the new Commission. The statement encouraged Public broadcasters to file an application for review so that the new Commission could revisit the requirement. The deadline for filing an application for review is February 3, 2017.

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**What this means for noncommercial broadcasters:** While it is highly likely that noncommercial broadcasters will continue to need to file Ownership Reports in the future, the statement from Commissioners Pai and O'Rielly calls into doubt the requirement for NCE stations to obtain FRNs or RUFNRs for members of their boards. At this point, it would be advisable to hold plans to obtain FRNs or RUFNRs from the FCC for officers and directors until the new administration has ruled on applications for review.

If you have any questions, contact Colin B. Andrews at [candrews@gsblaw.com](mailto:candrews@gsblaw.com) or at 202-298-1736. You may also contact any of the other attorneys in the Communications and Information Technology Group listed below.

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