

November 2009

FCC Sets December 15 Deadline for Biennial Ownership Reports

The FCC has announced that broadcast licensees, permittees and their attributable parent entities must file ownership reports by December 15, 2009. Reports are to be filed on line and will use a new Form 323 that was recently approved by the Office of Management and Budget. All information is to be current as of November 16. Among other changes, the new form requires that **each attributable owner – including individual principals – will need an FCC Registration Number (FRN)**.

A separate report is to be filed by each business entity with an attributable interest in a licensee or permittee. Affected entities are those that vote or own 5% or more, together with managers, members and non-insulated partners, plus certain creditors and investors. Individuals must be included in all reports for the entities in which they hold an attributable interest. Affected individuals include the above interests as well as most officers or directors.

Reports will be required for the first time for low power TV and Class A TV stations. Also for the first time, reports must be filed by individual licensees and by partnerships consisting only of natural persons. Pending the outcome of a rulemaking, those sheltered from attribution by the “single majority shareholder” or “Equity/Debt Plus” rules will not need to be included in reports at this time. As in the past, gender and race/ethnicity must be specified for all reported individuals.

The Commission is to post the official version of its new Form 323 on its website on or about November 16. The primary changes from the prior version of the report are the requirements that licensees attach an organizational chart, that all respondents other than licensees list the licensee-related entities in which they hold an attributable interest, and that every listed entity or individual report its own FRN. A filing fee of \$60 per station must be paid with the licensee/permittee report, but not with reports of attributable owners.

FRNs may be obtained on line at <https://fjallfoss.fcc.gov/coresWeb/publicHome.do> or we would be glad to obtain one for each entity or person who will be listed in your reports. Please note that to complete an FRN registration, the entity’s Taxpayer Identification Number or the individual’s Social Security Number, as well as a full address, must be provided.

If you plan to file your own reports, please let us know immediately. Otherwise, we will be in touch shortly to obtain the necessary information based on prior years’ submissions.

If you have any questions regarding the content of this Client Alert, please contact [Peter Gutmann](#), or any member of the firm’s [Communications Law Group](#).

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