

[FCC Clarifies Requirement for Antidiscrimination Clause in Advertising Contracts - And Sets Out Other License Renewal Changes](#)

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The FCC today released a [Public Notice](#) announcing **new provisions in its license renewal Form 303S** - the form that radio and television stations will be using to file license renewal applications, starting with license renewals for radio stations in DC, Virginia and West Virginia in June. The Notice addressed several changes in the license renewal form - including the addition of certifications concerning whether a station was **off the air at any point during the license term for a period of more than 30 days**, whether principals of the licensee have **interests in daily newspapers** in the same area, and whether the station is in compliance with the RF radiation rules. Two other issues of note were raised in the Public Notice - one dealing with stations that have not received a license renewal from the last license cycle, and one dealing with the newly required certification that stations must make - **that their advertising contracts contain a nondiscrimination provision to assure that advertisers are not purchasing advertising on the station for a discriminatory purpose.**

We've [written about the advertising anti-discrimination certification before](#), suggesting language that stations include in their contracts. What is new in today's notice is that the FCC has clarified that the certification only covers the period from today's notice until the filing of the license renewal application. So stations that do not have such certifications can still get them into their contracts now to avoid certification issues later. In our previous articles on this subject, we've noted that this is a confusing requirement, and that even its supporters have urged the FCC to clarify it. Today's Notice only says that stations must avoid advertising purchases made on the basis of "no urban, no Spanish" dictates, but does not go any further in interpreting the requirements of this policy.

The Public Notice also requires that stations that have license renewals pending from the last license renewal cycle file another application updating all their information from the time since their last renewal application was filed. We [had suggested that this would occur](#) in our article reporting on the FCC's attempts to clear up some of the backlog of old renewal cases. But this notice makes clear that broadcasters who have had their applications held up (for the most part due to indecency complaints), must file another license renewal application (which itself will presumably not be acted on while the indecency issue remains unresolved).

The RF certification is actually a reduction in paperwork, eliminating the need for stations that have had no change in the RF situation at their tower sites from having to provide any sort of exhibit explaining why no RF issue exists. That exhibit will still be required if new antennas have been added at the station's tower site, changing the RF situation there.

The certification about whether a station has been off the air for 30 days arises as the FCC has suggested that a prolonged period of silence by a station could affect the FCC's determination of whether the station is operating in the public interest. The newspaper certification is required as the rules preclude the FCC from granting any application for a license for an AM, FM or TV station if any attributable party owns an interest in a daily newspaper that serves substantially the same area (unless the FCC makes a public interest finding that such cross-ownership is acceptable). Thus, the FCC will not grant an application to acquire a broadcast station if an owner has interests in a daily paper. But the FCC has no jurisdiction over whether an existing licensee subsequently buys a daily newspaper. The first chance that the FCC may have to deal with broadcast-newspaper cross-ownership created by the subsequent purchase of a daily newspaper may be in connection with the station's renewal application.

The FCC also notes that they will not be mailing any reminders to broadcasters about the need for the filing of the license renewal application. At most, applicants will get an email reminder from the FCC, but only if their email address is current and on file at the FCC. The FCC suggests that stations update this information now to avoid issues later. There is a base fine of \$4000 for a late-filed renewal.

Renewal applications are fast approaching. Read this public notice - and be ready!

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