

The background of the slide features a large, light blue watermark of the Federal Communications Commission (FCC) seal. The seal is circular and contains the text "UNITED STATES" at the top and "FEDERAL COMMUNICATIONS COMMISSION" at the bottom. In the center, there is a shield with various symbols, including a radio tower, a satellite dish, and a signal tower. The shield is flanked by two stylized towers.

# **Biennial Ownership Reports:** **Basics and Common Issues**

**Jake Riehm, Assistant Chief, Media Bureau, Industry Analysis Division**

**Bill Durdach, Attorney-Advisor, Media Bureau, Industry Analysis Division**

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## Agenda:

- We will begin with a presentation covering ownership report basics, tips, and common errors.
- The presentation will be followed by a Q&A session.
  - Please submit questions via email to [form323@fcc.gov](mailto:form323@fcc.gov), with “Info Session” in the subject line.
  - We may not be able to get to all submitted questions during this session. If we do not get to yours, we will respond via email shortly.

# 2021 Filing Window for Biennial Ownership Reports:

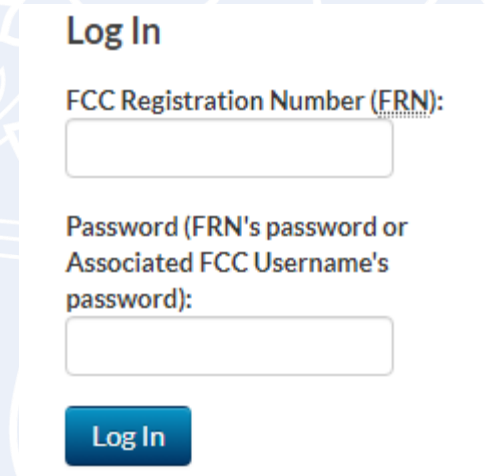
- *When is the window?*
  - The filing window for 2021 biennial ownership reports opened on 10/1/2021 and closes on 12/1/2021.
- *Who must file?*
  - (1) Licensees of Full Power Television, Class A Television, Low Power Television, AM Radio, and FM Radio stations and
  - (2) entities that hold an attributable interest in those stations (see 47 CFR § 73.3555 Note 2).
- *Which form should filers use?*
  - Commercial stations file Form 323 (Ownership Report for Commercial Broadcast Stations).
  - Noncommercial stations file Form 323-E (Ownership Report for Noncommercial Broadcast Stations).

# 2021 Filing Window for Biennial Ownership Reports:

- *What filing fees are required?*
  - Each AM, FM, and Full Power TV station must pay a filing fee of \$85 per station. The fee is applied when filing a Form 323 report for the Licensee itself. (No fee is required for parent level reports.)
  - No fee for Class A and LPTV stations
  - No fee for parent Form 323 filings.
  - No fee for Form 323-E (non-commercial) filings.
- *What is the “as of” date for the data contained in these filings?*
  - Ownership information reported on 2021 biennial ownership reports must be current as of 10/1/21.

## How to File:

- All biennial ownership reports must be submitted electronically via the Commission's Licensing and Management System (LMS) (<https://enterpriseefiling.fcc.gov/dataentry/login.html>).
- Filers will need an FCC Registration Number (FRN) and password to log into LMS:

A screenshot of the LMS Log In form. The form is white with a blue border and is centered on the page. It contains the following elements: a title "Log In", a label "FCC Registration Number (FRN):" followed by a text input field, a label "Password (FRN's password or Associated FCC Username's password):" followed by a text input field, and a blue "Log In" button at the bottom.

Log In

FCC Registration Number (FRN):

Password (FRN's password or Associated FCC Username's password):

Log In

- Parties can obtain an FRN via the COmmission REgistration System (CORES) (<https://apps.fcc.gov/cores/userLogin.do>).

# What Information is Required?

- In general, ownership reports seek to inform the Commission and the public about who owns/controls broadcast stations.
- To accomplish this, each ownership report contains the following key information:
  - A list of all licensees and stations to which the report applies. For each station listed, the report specifies the licensee, Facility ID Number, call sign, community of license, and service.
  - Information about the Respondent and parties that hold an attributable interest in the Respondent, including (but not limited to) FRN, name, address, and, for individuals, gender, ethnicity, and race.
- **IMPORTANT:** The instructions for Form 323 and Form 323-E provide detailed guidance concerning exactly what information is required. Filers should read these instructions carefully and refer to them while completing their reports.

# What Information is Required (cont'd)?

- Each ownership report must contain a list of licensees and stations to which the report applies. This list is at the end of Section I of the report.

Licensee/Permittee Name	FRN
Station Venture Operations, LP	0003593860

Fac. ID No.	Call Sign	City	State	Service
35277	KNSD	SAN DIEGO	CA	DTV
49330	KXAS-TV	FORT WORTH	TX	DTV
64996	WBTS-LD	BOSTON	MA	LPD

Licensee/Permittee Name	FRN
Telemundo of Puerto Rico	0003727880

Fac. ID No.	Call Sign	City	State	Service
64983	WKAQ-TV	SAN JUAN	PR	DTV

## What Information is Required (cont'd)?

- Each report must provide information about the individuals and entities that hold an attributable interest in the Respondent. This information appears in the “Ownership Interests” question in Section II.
  - The first entry for this question prefills automatically, and just restates information for the Respondent.
  - Thereafter, the filer must provide a separate entry for each entity or individual with an attributable interest in the Respondent.



# What Information is Required (cont'd)?

- **Records for reported parties require the following information:**
  - **FRN**
  - **Name**
  - **Address**
  - **Listing type**
    - **For the Respondent, this will be “Respondent”**
    - **For all others, this will be “Other Interest Holder”**
  - **Positional Interests (*e.g.*, officer, director, stockholder, limited partner)**
  - **Voting, Equity, and Total Asset (Equity Debt Plus) percentages (0.0% - 100.0%)**
  - **An indication as to whether the interest holder has an attributable interest in any stations that do not appear on the report**

# What Information is Required (cont'd)?

- Records for attributable *entities* also require an indication as to whether the party is a Tribal Nation/Entity (yes/no).
- Records for attributable *individuals* also require the following information about the attributable party:
  - Citizenship
  - Gender
  - Ethnicity (Hispanic or Latino OR Not Hispanic or Latino)
  - Race (check all that apply)
    - American Indian or Alaska Native
    - Asian
    - Black or African American
    - Native Hawaiian or Other Pacific Islander
    - White

The background of the slide features a large, light blue watermark of the Federal Communications Commission (FCC) seal. The seal is circular and contains an eagle with wings spread, holding a shield. The shield is divided into four quadrants, each containing a different communication symbol: a satellite dish, a radio tower, a television set, and a telephone. The words "UNITED STATES" are arched across the top, and "FEDERAL COMMUNICATIONS COMMISSION" is arched across the bottom. There are also several stars scattered within the seal's design.

**FILING TIPS and**  
**AVOIDING ERRORS**

# 1. Remember that Parent Reports can Cover Multiple Licensee Subs:

- Previous versions of Forms 323 and 323-E only allowed parent entity filers to specify one subsidiary licensee. This means, for example, that a parent entity with 5 licensee subs was required to file 5 separate reports that differed only with respect to the licensee and station(s) listed.
- Forms 323 and 323-E now allow a parent entity filer to list all of its subsidiary licensees and their stations on one report (at the end of Section I).

Licensee/Permittee Name	FRN
Station Venture Operations, LP	0003593860

Fac. ID No.	Call Sign	City	State	Service
35277	KNSD	SAN DIEGO	CA	DTV
49330	KXAS-TV	FORT WORTH	TX	DTV
64996	WBTS-LD	BOSTON	MA	LPD

Licensee/Permittee Name	FRN
Telemundo of Puerto Rico	0003727880

Fac. ID No.	Call Sign	City	State	Service
64983	WKAQ-TV	SAN JUAN	PR	DTV

## 2. Avoid Inaccurate Station Lists:

- Station lists on ownership reports must be current as of the report's "as of" date (October 1, 2021 for the 2021 biennial window). Some filers fail to comply with this requirement. For example:
  - Some filers list stations that the filer owned previously but sold before the "as of" date.
  - Some filers list stations that they did not yet own on the "as of" date, because those stations are part of a transaction that did not consummate before 10/1.
  - Some filers fail to list stations that they owned on the "as of" date, but subsequently sold.
- When station lists are inaccurate, ownership information for the stations involved does not process correctly.
- Accordingly, if the station list on a report is inaccurate, we will require a corrective amendment.

### **3. Avoid Inconsistent/Incomplete Station Lists:**

- For a station's ownership information to process properly, that station must be listed on all ownership reports that apply to it. That is, the station lists must be consistent across all of the relevant reports.
  - Licensee reports must include all stations licensed to the licensee on 10/1.
  - The station lists on all reports for parents of the licensee must include all of the stations that appear on the licensee's report.
- If a station is omitted from one or more of the reports applicable to that station, its ownership filings are incomplete, and we will require corrective amendments.

## 4. Avoid Inconsistent FRN Usage:

- Each individual or entity that files or is reported on Form 323 or 323-E must provide an FRN.
  - As noted earlier, parties can obtain an FRN via the COMmission REGistration System (CORES) (<https://apps.fcc.gov/cores/userLogin.do>).
- The FRN is used to uniquely identify individuals and entities. When parties do not use FRNs consistently, submitted ownership data cannot be searched, aggregated, cross-referenced, or processed reliably.
- Accordingly, it is crucial that filers use FRNs consistently throughout their ownership filings.

## 4. Avoid Inconsistent FRN Usage (cont'd):

- FRNs appear in several places on Forms 323 and 323-E. For example, they appear:
  - At the very beginning of the form, identifying the Respondent i.e., the party that filed the form:

### 1. Respondent

FRN	Entity Name
0019014661	NBC Telemundo LLC

- At the end of Section I, identifying the licensee(s) for which the report is being filed:

### 5. Licensee(s) and Station(s)

Respondent is filing this report to cover the following Licensee(s) and station(s):

Licensee/Permittee Name	FRN
NBC Telemundo License LLC	0019509470



## 4. Avoid Inconsistent FRN Usage (cont'd):

- In the Ownership Interests portion of the form, where filers list all parties with attributable interests in the Respondent:

Ownership Information			
FRN	0019014661		
Entity Name	NBC Telemundo LLC		
Address	PO Box		
	Street 1	300 New Jersey Avenue, NW, Suite 700	
	Street 2	NBCUniversal	
	City	Washington	
	State ("NA" if non-U.S. address)	DC	
	Zip/Postal Code	20001	
	Country (if non-U.S. address)	United States	
Listing Type	Other Interest Holder		
Positional Interests (check all that apply)	LC/LLC/PLLC Member		
Tribal Nation or Tribal Entity	Interest holder is not a Tribal nation or Tribal entity		
Interest Percentages (enter percentage values from 0.0 to 100.0)	Voting	100.0%	Jointly Held? No
	Equity	100.0%	
	Total assets (Equity Debt Plus)		
Does interest holder have an attributable interest in one or more broadcast stations that do not appear on this report?			Yes

## 4. Avoid Inconsistent FRN Usage (cont'd):

- Once an FRN is reported for a party on Form 323 or 323-E, that same FRN must be used for the party on all ownership filings.
  - Note: This does not just apply to the reports filed by one station. If an individual or entity appears on reports for multiple stations, all of these stations must coordinate to ensure consistent FRN usage across reports.
  - Note: This does not just apply within a specific filing window. Once a party uses an FRN on Form 323 or 323-E, that party must use the same FRN in future ownership filings as well.
- It is imperative that filers double-check the FRNs used throughout their reports to ensure that each reported/listed party uses one and only one FRN.
- If we find that filers have used FRNs inconsistently, we will require corrective amendments.

## 5. Identify Jointly Held Voting Interests Properly:

- As noted earlier in this presentation, the subforms in the “Attributable Interests” portion of Section II asks the filer to indicate if the voting interest is jointly held:

Interest Percentages (enter percentage values from 0.0 to 100.0)	Voting	0.0%	Jointly Held? No
	Equity	0.0%	
	Total assets (Equity Debt Plus)		

- As explained in the instructions, this question is meant to capture situations in which two or more parties really do hold their voting interest jointly. For example, two parties may hold 100 percent of the voting interests in an entity together as joint tenants (as opposed to each individual holding 50 percent of the voting interests), or partnership/LLC agreements may provide that two or more parties hold their voting interest such that each can exercise full voting power on their own.
- Please answer “yes” to the “Jointly Held” question only if the interest really is jointly held. Otherwise, answer “no.”

## **6. Use the Copy/Prefill Functionality of LMS to Save Time, Reduce Work, and Help Avoid Errors:**

- Many filers need to submit multiple reports, with long station/licensee lists and multiple attributable interest holders.
- Entering all of this information from scratch for each report will take quite a bit of time.
- In addition, entering the same information multiple times increases the chances of data entry errors.
- To avoid all of this, filers should make use of copy/prefill functionality in LMS, which allows filers to create new filings based on existing filings. This allows filers to create a new report that duplicates a previous filing except with respect to information about the Respondent.

## **6. Use the copy/prefill functionality of LMS to save time, reduce work, and help avoid errors (cont'd):**

- There are three ways to use the copy/prefill functionality in LMS.
  - (1) Start a new biennial Form 323/323-E filing in LMS. Then, enter the file number of the previously-submitted filing when prompted.
  - (2) Log in to LMS using the same FRN and password that was used to log in to LMS to prepare the previous filing. Then, go to the “Reports” tab and click the file number associated with Form 323 filing you wish to copy. On the next screen, click “File an Application” and then select “Copy to Biennial.”
  - (3) Click the “Copy” button next to the draft report on the “Saved Applications” tab in LMS.
- These methods are discussed in more detail in our Form 323/Form 323-E FAQs.

## **7. Check Information in Form Carefully, Especially When Using the Copy/Prefill Functionality of LMS:**

- In general, it is important to make sure the information contained in ownership filings is accurate.
- Many of the errors discussed above – such as inconsistent FRN usage and incomplete, inconsistent, or inaccurate station lists – occur when filers copy/prefill from previous filings and do not verify that the information in the new filing is consistent and remains correct.
- For example, once you have created the new filing, it is important to verify that the station lists in the new filing are complete and accurate as of 10/1 and that the FRNs used to refer to the Respondent and attributable parties are consistent with other ownership filings.
- As noted above, if we find these sorts of errors, **we will require corrective amendments.**



## Remember...

- All biennial ownership reports must be submitted by 12/01/2021.
- All data submitted on biennial ownership reports must be accurate as of 10/01/2021.
- Media Bureau 323/323-E website: <https://www.fcc.gov/media/ownership-report-commercial-broadcast-station-form-323>. Contains links to forms and instructions, FAQs, our 2017 information session that discussed the filings in detail, and (soon) today's information session.
- Forms 323 and 323-E Public Notices, Orders, and Other Related Documents: <https://www.fcc.gov/forms-323-and-323-e-public-notice-orders-and-other-related-documents>.
- Questions? Email [form323@fcc.gov](mailto:form323@fcc.gov).