

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Promoting Diversification of Ownership	)	MB Docket No. 07-294
In the Broadcasting Services	)	
	)	
2006 Quadrennial Regulatory Review – Review of	)	MB Docket No. 06-121
the Commission’s Broadcast Ownership Rules and	)	
Other Rules Adopted Pursuant to Section 202 of the	)	
Telecommunications Act of 1996	)	
	)	
2002 Biennial Regulatory Review – Review of the	)	MB Docket No. 02-277
Commission’s Broadcast Ownership Rules and	)	
Other Rules Adopted Pursuant to Section 202 of the	)	
Telecommunications Act of 1996	)	
	)	
Cross-Ownership of Broadcast Stations and	)	MM Docket No. 01-235
Newspapers	)	
	)	
Rules and Policies Concerning Multiple Ownership	)	MM Docket No. 01-317
of Radio Broadcast Stations in Local Markets	)	
	)	
Definition of Radio Markets	)	MM Docket No. 00-244
	)	
Ways to Further Section 257 Mandate and To Build	)	MB Docket No. 04-228
on Earlier Studies	)	

**THIRD ERRATUM**

**Adopted: March 29, 2010**

**Released: March 29, 2010**

By the Commission:

1. On March 5, 2008, the Commission released a *Report and Order and Third Further Notice of Proposed Rulemaking*, 23 FCC Rcd 5922 (2008) (the “Order”), in the above-captioned proceeding. This Erratum corrects the Order as indicated below to reflect more accurately the Commission’s clear intent.

2. Paragraph 50 is revised to substitute the word “ethnicity” for the word “gender” and will read as follows:

We reject DCS's suggestion that reports about “no urban/no Spanish dictates” require the Commission to dictate the specific language that advertising contracts can or should contain. Reports indicating that some advertising contracts have contained potentially impermissible provisions do not permit the Commission to dictate the language of those contracts. Indeed, serious First Amendment concerns could arise were the Commission to do so. Consequently, we conclude that it is appropriate for the Commission to require broadcasters renewing their licenses to certify that their advertising contracts do not discriminate on the basis of race or ethnicity and

that such contracts contain nondiscrimination clauses. As such, we will amend Form 303-S to require broadcasters to make such a certification.

3. In addition, Appendix A is revised to correct 47 C.F.R. § 73.3555, Note 2(i) and 47 C.F.R. § 73.5008. 47 CFR Part 73 is amended as follows:

1. Amend § 73.3555, Note 2(i) to read as follows:

Section 73.3555, Note 2(i)

\* \* \* \* \*

(i)(1) Notwithstanding paragraphs (e) and (f) of this Note, the holder of an equity or debt interest or interests in a broadcast licensee, cable television system, daily newspaper, or other media outlet subject to the broadcast multiple ownership or cross-ownership rules (“interest holder”) shall have that interest attributed if:

(A) The equity (including all stockholdings, whether voting or nonvoting, common or preferred) and debt interest or interests, in the aggregate, exceed 33 percent of the total asset value, defined as the aggregate of all equity plus all debt, of that media outlet; and

(B)(i) The interest holder also holds an interest in a broadcast licensee, cable television system, newspaper, or other media outlet operating in the same market that is subject to the broadcast multiple ownership or cross-ownership rules and is attributable under paragraphs of this note other than this paragraph (i); or

(ii) The interest holder supplies over fifteen percent of the total weekly broadcast programming hours of the station in which the interest is held. For purposes of applying this paragraph, the term, “market,” will be defined as it is defined under the specific multiple ownership rule or cross-ownership rule that is being applied, except that for television stations, the term “market,” will be defined by reference to the definition contained in the local television multiple ownership rule contained in paragraph (b) of this section.

(2) Notwithstanding section (i)(1) of this Note, the interest holder may exceed the 33 percent threshold therein without triggering attribution where holding such interest would enable an eligible entity to acquire a broadcast station, provided that:

(A) the combined equity and debt of the interest holder in the eligible entity is less than 50 percent, or

(B) the total debt of the interest holder in the eligible entity does not exceed 80 percent of the asset value of the station being acquired by the eligible entity and the interest holder does not hold any equity interest, option, or promise to acquire an equity interest in the eligible entity or any related entity. For purposes of paragraph (2), an “eligible entity” shall include any entity that qualifies as a small business under the Small Business Administration’s size standards for its industry grouping, as set forth in 13 CFR 121-201, at the time the transaction is approved by the FCC, and holds:

(A) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or

(B) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or

(C) more than 50 percent of the voting power of the corporation that will own the media outlet if such corporation is a publicly traded company.

\* \* \* \* \*

2. Amend Section 73.5008 by revising paragraph (c) to read as follows:

§ 73.5008

\* \* \* \* \*

(c)(1) An attributable interest in a winning bidder or in a medium of mass communications shall be determined in accordance with Section 73.3555 and Note 2. In addition, any interest held by an individual or entity with an equity and/or debt interest(s) in a winning bidder shall be attributed to that winning bidder for purposes of determining its eligibility for the new entrant bidding credit, if the equity (including all stockholdings, whether voting or nonvoting, common or preferred) and debt interest or interests, in the aggregate, exceed thirty-three (33) percent of the total asset value (defined as the aggregate of all equity plus all debt) of the winning bidder.

(2) Notwithstanding subsection (c)(1) of this rule, where the winning bidder is an eligible entity, the combined equity and debt of the interest holder in the winning bidder may exceed the 33 percent threshold therein without triggering attribution, provided that:

(A) the combined equity and debt of the interest holder in the winning bidder is less than 50 percent, or  
(B) the total debt of the interest holder in the winning bidder does not exceed 80 percent of the asset value of the winning bidder and the interest holder does not hold any equity interest, option, or promise to acquire an equity interest in the winning bidder or any related entity. For purposes of paragraph (2), an “eligible entity” shall include any entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping, as set forth in 13 CFR 121-201, at the time the transaction is approved by the FCC, and holds:

(A) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or

(B) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or

(C) more than 50 percent of the voting power of the corporation that will own the media outlet if such corporation is a publicly traded company.

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FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary