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## **FCC “DELETE DELETE” DOCKET SWAMPED WITH BROADCAST DEREGULATION PROPOSALS**

Reply comments in the “[In re: Delete, Delete, Delete](#)” docket were due by April 28<sup>th</sup> and, by any measure, the scope of comments filed urging elimination or modification of broadcast regulations is unprecedented.

A short sampling of those recommendations will give readers an appreciation for what may be considered and the changes that might result:

- Eliminate EEO reporting, outreach and audit requirements
- Eliminate biennial ownership reporting or only require a filing upon a material change in ownership
- Eliminate quarterly issues/programs list public file requirements
- Allow two or three business days instead of one to upload political file documents
- Modify children’s television
- Eliminate Rural Radio Policies when moving from rural to community near urban area
- Permit licensees to grant lenders a security interest in FCC licenses
- Allow for a primary station’s signal delivery to NCE fill-in and non-fill-in translators, whether or not commonly owned with the primary station, by any means
- Eliminate rule requiring reserved-band NCE Stations to protect Channel 6 TV
- Redefine FM translator minor change as any change where the interfering and protected contours of the existing and proposed sites overlap
- Eliminate or significantly reduced FM second- and third-adjacent minimum spacing requirements
- Eliminate rule prohibiting commercial TV stations from reaching, in the aggregate, more than 39 percent of the total number of TV households in the nation
- Delete all portions of the public file requirements that require broadcasters to upload documents to the

online public file online that the Commission has in its possession

- Delete requirement to post a certification of compliance in online public file for airing license renewal announcements
- Eliminate EEO Form 395-B filing requirement
- Delete children's television annual reporting requirement and replace with renewal application certification
- Eliminate or significantly reduce parameters for content to qualify as children's television "core" programming
- Delete telephone broadcast rule informing recorded person that they are being recorded
- Eliminate FM Radio Duplication Rule
- Delete minimum efficiency standards that hamper AM stations from choosing antennas and locations that would optimize reach and lower station costs
- Eliminate rule that prohibits the transmission of a simulation of the EAS codes or Attention Signal and narrow application of the false EAS signal rule to the transmission of any false or fraudulent signal of distress that triggers an actual EAS alert
- Eliminate rule requiring a physical hardware ENDEC device to carry out the functions of monitoring for, receiving and/or acquiring, decoding and encoding EAS messages, and permit the use of a software-based system to carry out these functions

There are literally hundreds more similar or slightly varied proposals contained within docket comments.

So, what happens from here? That is a very good question. A number of scenarios are possible, including outright and immediate elimination of rules or rule sections, new rulemaking proceedings to consider rule modifications that lessen regulatory burdens, and perhaps even a suspension of some rule requirements while the FCC considers the necessity of certain rules. Each of these actions could prompt opposition filings or legal challenges, leaving a somewhat chaotic picture for ongoing station regulatory requirements and compliance actions.

All broadcast licensees should pay close attention to this proceeding and any others stemming from this docket.

## **CHAIRMAN CARR PUBLISHES HIGHLIGHTS FROM FIRST 100 DAYS**

On April 29, 2025, Chairman Carr issued a [news release](#) highlighting various agency actions and accomplishments during the first 100 days of the new Republican Administration. In broadcast specific matters, the Chairman lists "holding broadcasters accountable to their public interest obligations and empowering them to serve the interests of local communities," no doubt a reference to the FCC's payola, underwriting, and news distortion proceedings launched in the past few months. The outcome of those proceedings, as well as investigations into DEI practices, remains to be seen.

## **FCC BROADCAST APPLICATION FEE INCREASES KICK IN MAY 3<sup>RD</sup>**

May 3, 2025 is the effective date of the FCC's January [Order](#) increasing FCC application fees by an average of 17% based upon inflation and increases in the Consumer Price Index. The FCC's systems will automatically update with the new fees and populate when applicants are submitting applications. Annual regulatory fees are separate from application fees, and the outcome of the normal proceeding establishing the annual regulatory fee amounts is not expected until August.

## **COMMISSIONER GOMEZ ANNOUNCES FIRST AMENDMENT TOUR**

FCC Democratic Commissioner Anna Gomez has [announced](#) a First Amendment Tour designed to challenge government censorship and control. The announcement states that the Tour will consist of various speaking engagements and listening sessions focused on First Amendment rights and freedoms "and fighting back against this Administration's ongoing campaign of censorship and control."

## DATES TO REMEMBER

### May 7, 2025

**Deadline to file comments** in the ATSC 3.0 Transition NPRM

### June 1, 2025

**Radio and TV Stations located in Michigan, Ohio, Arizona, Idaho, Nevada, New Mexico, Utah, Wyoming Maryland, Washington DC, Virginia and West Virginia:** if five (5) full time employee threshold is met, prepare EEO public file report covering the period from June 1, 2024 – May 31, 2025, upload it to the station online public inspection file and post it on the station website

**Mid-Term EEO Review for Radio stations located in Arizona, Idaho, Nevada, New Mexico, Utah and Wyoming:** if station employment unit has **eleven (11) or more full-time employees**, an independent **mid-term EEO review** of your last two EEO public file reports by the FCC will occur in connection with the 2024-25 EEO public file report due June 1, and when uploading the report, each station in the SEU must indicate that the SEU has 11 or more full-timers using the “Mid-Term Review” tab in the OPIF settings section. If the SEU has **between five and ten full-time employees**, when uploading the 2024-25 report, each station in the SEU should indicate that the SEU has fewer than 11 full-time employees using the “Mid-Term Review” tab in the OPIF settings section (by doing so, no mid-term review of the SEU will take place)

**Mid-Term EEO Review for Television stations located in Michigan and Ohio:** if station employment unit has **five (5) or more full-time employees**, an independent **mid-term EEO review** of your last two EEO public file reports by the FCC will occur in connection with your upload of the 2024-25 EEO public file report due June 1. By uploading an EEO public file report, the FCC automatically knows that your television station meets the 5 or more full-time employee threshold for a mid-term review. Therefore unlike for radio, there is no OPIF mechanism available or needed for TV stations to specify the number of SEU employees.

### June 6, 2025

**Deadline to file reply comments** in the ATSC 3.0 Transition NPRM

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Actual resolution of legal issues depends upon many factors, including variations of facts and applicable Federal laws. This publication is not intended to provide legal advice on specific subjects, rather, it seeks to provide insight into legal developments and issues that we feel could be useful to our clients and friends.

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