

Section 73.3613

Below is a list and description of the type of documents that must be filed with the Commission under Section 73.3613 of the FCC's rules. In general, broadcast stations must file copies of these contracts, instruments, and documents together with amendments, supplements, and cancellations, within 30 days of the execution of the agreement.

Network service: All network affiliation contracts, agreements, or understandings between a TV broadcast or low power TV station and a national network. The term network here means any person, entity, or corporation which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more states; and/or any person, entity, or corporation controlling, controlled by, or under common control with such person, entity, or corporation. The FCC must also be notified of the cancellation or termination of network affiliations.

Ownership or control: Contracts, instruments or documents relating to the present or future ownership or control of the licensee or permittee or of the licensee's or permittee's stock, rights or interests therein, or relating to changes in such ownership or control shall include but are not limited to the following:

- 1) Articles of partnership, association, and incorporation, and changes in such instruments;
- 2) Bylaws, and any instruments effecting changes in such bylaws;
- 3) Any agreement, document or instrument providing for the assignment of a license or permit, or affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or nonvoting). Pledges, trust agreements, options to purchase stock and other executory agreements are required to be filed.
- 4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of 1 year, and all proxies, whether or not running for a period of 1 year, given without full and detailed instructions binding the nominee to act in a specified manner.
- 5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those affecting voting rights, specifying or limiting the amount of dividends payable, the purchase of new equipment, or the maintenance of current assets.
- 6) Any agreement reflecting a change in the officers, directors or stockholders of a corporation, other than the licensee or permittee, having an interest, direct or indirect, in the licensee or permittee as specified by Section 73.3615 of the FCC's rules.
- 7) Agreements providing for the assignment of a license or permit or agreements for the transfer of stock filed in accordance with FCC application Forms 314, 315, 316 need not be resubmitted pursuant to the terms of this rule provision.

Personnel: Management consultant agreements with independent contractors; contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee or permittee; station management contracts with any

persons, whether or not officers, directors, or regular employees, which provide for both a percentage of profits and a sharing in losses; or any similar agreements. Please note, however, that agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with attorneys, accountants or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements do NOT need to be filed with the Commission.

Time brokerage agreements (also known as local marketing agreements): Time brokerage agreements involving radio stations where the licensee (including all parties under common ownership) is the brokering entity, the brokering and brokered stations are both in the same market as defined in the local radio multiple ownership rule contained in Section 73.3555(a) of the FCC's rules, and more than 15 percent of the time of the brokered station, on a weekly basis is brokered by that licensee; time brokerage agreements involving television stations where the licensee (including all parties under common control) is the brokering entity, the brokering and brokered stations are both licensed to the same market as defined in the local television multiple ownership rule contained in Section 73.3555(b), and more than 15 percent of the time of the brokered station, on a weekly basis, is brokered by that licensee; time brokerage agreements involving radio or television stations that would be attributable to the licensee under Section 73.3555 Note 2, paragraph (i) of the FCC's rules. Confidential or proprietary information may be redacted where appropriate but such information shall be made available for inspection upon request by the FCC.

Joint sales agreements: Joint sales agreements involving radio stations where the licensee (including all parties under common control) is the brokering entity, the brokering and brokered stations are both in the same market as defined in the local radio multiple ownership rule contained in Section 73.3555(a) of the FCC's rules, and more than 15 percent of the advertising time of the brokered station on a weekly basis is brokered by that licensee. Confidential or proprietary information may be redacted where appropriate but such information shall be made available for inspection upon request by the FCC.

Agreements that Do Not Have to Be Filed: The following contracts, agreements or understandings do NOT need to be filed with the FCC but must be kept at the station and made available for inspection upon request by the FCC:

- a) subchannel leasing agreements for Subsidiary Communications Authorization operation;
- b) franchise/leasing agreements for operation of telecommunications services on the television vertical blanking interval and in the visual signal;
- c) time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs and special events) broadcast pursuant to the contract is not under control of the station; and
- d) contracts with chief operators.