

Advocacy Advises FCC on RFA Compliance and Alternatives to Proposed Children's Television Rule

On August 18, 2006, the Office of Advocacy (Advocacy) met with officials of the FCC to discuss the agency's initial regulatory flexibility analysis (IRFA) for its proposed *Children's Television Obligations of Digital Television Broadcasters* rule. Advocacy recommended that the FCC publish the IRFA in the *Federal Register* and suggested several alternatives to the proposed rule that the FCC could discuss in the final regulatory flexibility analysis (FRFA). The most important points discussed at the meeting are summarized below. A complete copy of Advocacy's letter may be accessed at <http://www.sba.gov/advo/laws/comments/>.

- Section 607 of the RFA instructs agencies to publish the IRFA for any proposed regulation in the *Federal Register*. Advocacy noted that the FCC neglected to publish the IRFA for the proposed rule and recommended that the FCC promptly publish the IRFA for a reasonable comment period.
- Section 603 (a) of the RFA instructs agencies to consider any significant alternatives to a proposed rule which accomplish the agency's objectives while minimizing any significant economic impacts on small entities. Advocacy noted that the following alternatives, among others, have been suggested to the FCC by various members of industry:
 - The FCC could consider exempting small broadcasters who already provide public affairs content to their viewers from the additional core programming requirements under the proposed rule.
 - The FCC could consider allowing broadcasters to rely on certifications from programming providers that website addresses displayed during core programming requirements meet the FCC requirements.
 - Under the proposed rule, at least 50 percent of the core programming that counts toward meeting the new requirements must consist of episodes that have not aired within the previous seven days. The FCC could consider revising Form 398 to allow broadcasters to certify compliance with this requirement, and in turn, significantly reduce the paperwork burden on both the FCC and small business.

For more information, visit Advocacy's website at <http://www.sba.gov/advo/> or contact Eric Menge at (202) 205-6949, Eric.Menge@sba.gov.