



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

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FILING OF FCC ANNUAL DTV ANCILLARY/SUPPLEMENTARY SERVICES REPORT

Each commercial and noncommercial educational digital television broadcast station (DTV) **licensee** is required to annually report whether its station provided ancillary or supplementary services at any time during the twelve-month period preceding September 30, 2003. A new FCC Form 317 (Annual DTV Ancillary/Supplementary Services Report for Digital Television Stations) has been approved by the Office of Management and Budget and is now available for use. FCC Form 317 is to be filed with the Commission on or before December 1, 2003.

The new FCC Form 317 (November 2003 Edition) is available through the Internet. To retrieve the new form by using the Internet, access the FCC's Web Site at <http://www.fcc.gov> and click on the Forms link. Filing procedures for the submission of Form 317 in paper form are set forth in the Instructions to Form 317.

The new Form 317 is also available for filing by using the Media Bureau Consolidated Database System (CDBS) electronic filing. This system will provide the public with the ability to fill out FCC Form 317 on-line via the Internet from the Media Bureau's Web Site, <http://www.fcc.gov/mb>, and to file it electronically with the Commission. Internet access to the CDBS requires a user to have, at a minimum, a browser such as Netscape version 3.04 or Internet Explorer version 3.51.

A copy of FCC Form 317 (November 2003 Edition) is attached to this Public Notice.

For further information, please contact James Brown at (202) 418-1600.

By Chief: Media Bureau

FCC 317
INSTRUCTIONS FOR ANNUAL DTV ANCILLARY/SUPPLEMENTARY SERVICES REPORT

1. **WHO MUST FILE.** Each commercial and noncommercial educational digital television (DTV) broadcast station licensee is required to file FCC 317 each year on December 1st, setting forth whether it provided ancillary or supplementary services at any time during the twelve-month period ending on the preceding September 30th.

The name of the DTV licensee should be stated exactly as it appears on the station's existing license authorization. The current street address or post office box used by the licensee for receipt of Commission correspondence should be set forth.

Any change in the name of the DTV licensee, which does not involve a change in ownership requiring prior Commission approval, can be communicated to the Commission by letter. To report any changes in the mailing address previously used by the licensee, FCC Form 5072, entitled "Change in Official Mailing Address for Broadcast Stations," should be promptly transmitted to the Commission. See 47 C.F.R. Section 1.5.

FCC Registration Number (FRN). To comply with the Debt Collection Improvement Act of 1996, the applicant must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Facility ID Number. The DTV Facility ID Number is the same as the NTSC station's Facility ID Number which can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can also obtain your Facility ID Number by calling (202) 418-1600. Further, the Facility ID Number is now included on all DTV authorizations and postcards.

2. **Ancillary/Supplementary Services.** Ancillary or supplementary services are all services provided on that portion of the station's digital spectrum capacity or bitstream not needed to provide the required one free,

over-the-air video broadcast signal to viewers, except that any video broadcast signal provided at no direct charge to viewers shall not be considered ancillary or supplementary. Such services include, but are not limited to, computer software distribution, data transmissions, teletext, interactive materials, aural messages, paging services, audio signals, subscription video, and the like.

3. **Annual DTV Services Fee.** Pursuant to Section 336(e) of the Telecommunications Act of 1996, and the Commission's regulations implementing that provision, each commercial and noncommercial educational DTV licensee must remit to the Commission an amount equal to 5% of the gross revenues derived by the licensee from any ancillary or supplementary services for which payment of a subscription fee or charge is required in order to receive the service or for which the licensee, directly or indirectly, receives compensation from a third party in exchange for the transmission of material provided by that third party (other than commercial advertisement used to support broadcasting for which a subscription fee is not required). See 47 C.F.R. Section 73.624(g).

4. **Filing Procedures.** The Commission is currently developing electronic versions of various broadcast station application and reporting forms, such as this annual report form. As each application form and report goes online, the Commission will by Public Notice announce its availability and the procedures to be followed for accessing and filing the application or report electronically via the Internet. Until such time, DTV licensees should adhere to the following procedures to submit the required filing in **paper form**:

FCC Form 317 - File one copy of this report directly with the Federal Communications Commission, 445 12th Street, S.W., Washington, D. C. 20554, to the attention of the Video Division, Media Bureau.

FCC Form 162 - File one copy of the CORES certification form with the non-feeable FCC Form 317 submitted to the Commission.

FCC Form 159 - Concurrent with the submission of FCC Form 317, each commercial and noncommercial educational DTV licensee is required to remit to the Commission a payment in the amount of 5% of the gross revenues derived from the provision of its ancillary or supplementary services. FCC Form 159 (February 2003 Revised Edition) should be mailed to the Federal

Communications Commission, Media Services, P.O. Box 358180, Pittsburgh, Pennsylvania 15251-5180. Hand-delivered FCC Form 159s can be submitted to the Commission's lockbox bank, the Mellon Bank, in Pittsburgh, Pennsylvania. See 47 C.F.R. Section 0.401(b)(2).

In completing FCC Form 159 (February 2003 Revised Edition), the DTV licensee should specify in Section C on:

- line 23 - the DTV station's call sign
- line 24 - payment code "MDTA"
- line 27 - the fee remitted (5% of line 29)
- line 28 - DTV station's Facility ID Number
- line 29 - total gross revenues derived from feeable ancillary and supplementary services

NOTE. Further information concerning the Commission's policies and regulations regarding DTV ancillary or supplementary fees is set forth in the Report and Order in MM Docket No. 97-247, 14 FCC Rcd 3259 (1998) and MM Docket No. 98-203, 16 FCC Rcd 19042 (2001), and 47 C.F.R. Section 73.624.

5. **Certification.** The person certifying the accuracy of the information in this report must be the individual licensee, a general partner in the licensee partnership, or an appropriate officer in the licensee corporation or association.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information requested in this report. We will use the information provided in this report to assess compliance with the Commission's regulations and policies. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your form may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your report may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the

matching of computer records when authorized.

If you do not provide the information requested on this form, the report may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

We have estimated that each response to this collection of information will take 2.5 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0906), Washington, DC 20554. We will also accept your comments via the Internet if you send them to jboley@fcc.gov. Please **DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS**. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0906.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

FCC 317
ANNUAL DTV ANCILLARY/SUPPLEMENTARY
SERVICES REPORT FOR
DIGITAL TELEVISION STATIONS

FOR
FCC
USE
ONLY

FOR COMMISSION USE ONLY
FILE NO.

SECTION I - GENERAL INFORMATION

1. Legal Name of the Licensee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)		E-Mail Address (if available)
FCC Registration Number	Facility ID Number	Call Sign

2. Contact Representative (if other than Licensee)	Firm or Company Name
Telephone Number (include area code)	E-Mail Address (if available)

3. **For the twelve-month period ended September 30th, has the DTV licensee provided, at any time during the period, an ancillary or supplementary service as defined by 47 C.F.R. Section 73.624?** Yes No

If "No," complete Question 7 and submit this Report to the Commission.

If "Yes," proceed to Questions 4 through 7.

4. **Ancillary/Supplementary Services Provided.** Briefly describe below the service provided; whether a fee was charged for the provision of such service; and, if so, the amount of gross revenues received therefrom and the amount of DTV bitstream used to provide such service.

Description of Service	Feeable (Y/N)	Gross Revenues (\$)	Bitstream Used

5. Total amount of gross revenues derived from feeable ancillary or supplementary services: \$ _____
6. Has the DTV licensee remitted to the Commission, through the filing of FCC Form 159, a payment in the amount of 5% of the gross revenues derived from the feeable ancillary or supplementary services? Yes No
 N/A
7. **Certification.** I certify that I have examined this Report and that, to the best of my knowledge and belief, all statements in this Report are true, correct and complete.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).