

**SCIARRINO & ASSOCIATES, PLLC**  
*BROADCAST LEGAL SERVICES*



Making Your Opinion Count 101:  
A Broadcasters' Guide to Filing  
Comments with the FCC  
2004 Edition

So you want to tell the FCC what you think of their latest proposal? Filing comments have never been easier! With just a few clicks of your mouse, your comments will be part of the official record of the proceeding. So, how do you file? Just follow our step-by-step guide.

**I. A Comment About Comments:**

After a Notice of Proposed Rulemaking (NPRM) or Notice of Inquiry (NOI) is released by the Federal Communications Commission (FCC) the public is invited to submit comments and reply comments on the substance of the NPRM or NOI to the FCC.

The public may submit comments either electronically, through the FCC's online Electronic Comment Filing System (ECFS), or by paper, by sending the proper filings to the Secretary of the FCC. To begin, you must provide truthful information, in a clear and concise manner. Provide a brief explanation of your opinion, the basis for such an opinion as well as any relevant supporting information and facts. In addition, it is important that you include any particularly pertinent experience that you may have that gives you insight into the issues of the NPRM or NOI.

## **II. Online Filing & ECFS:**

**Step 1:** ECFS may be found on the FCC's website at <http://www.fcc.gov/cgb/ecfs> and is a very efficient method of filing. All of the specifications for the paper filing are electronically submitted to the FCC when using ECFS and the time for processing is considerably shorter. The deadline for submitting comments online is 11:59 p.m. on the comment date. Usually, only one electronic submission must be filed. In certain instances commenters must file multiple submissions, such as when there are more than one docket or rulemaking numbers within the caption of the proceeding. In every instance, the commenter must provide their full name, mailing address and the applicable docket or rulemaking number.

Once in ECFS, filing a comment online is a three-step process: (1) completing a cover sheet; (2) attaching documents or submitting typed comments; and (3) receiving confirmation.

**Step 2:** After navigating to the ECFS site, click on the 'Submit a Comment' link to the right of the screen and the system will navigate you to the cover sheet, the first step. The cover sheet can be navigated through by pressing the 'tab' key. Most of the required information on the cover sheet varies among each commenter, however, the proceeding number (either docket or rulemaking number) must be specifically entered. Only the numerical digits for a docketed proceeding should be entered whereas rulemaking numbers must be preceded by 'RM-'. For example, the Docket Number for the Localism NOI is 04-233 and the Docket Number for the Retention of Programming Recordings NPRM is 04-232. Commenters must also select what type of document they are filing; in most cases this will be a 'Comment' or 'Reply to Comment'.

**Step 3:** After completing and reviewing the cover page proceed to the next step that documents the actual comments. Filers have the option of either attaching a document or typing a brief comment into the provided space. If you chose to send an attached document you will fill out the form immediately below the cover sheet. Submitting a document can be completed in three steps: (1) confirm/enter a file description; (2) enter the path and name of the document; and (3) select a file type. The preferred format for submitting attached documents is .pdf, however, the system can also accept MS Word, MS Excel, WordPerfect, Lotus and American Standard Code for Information Interchange (ASCII) text file formats. After selecting

the file, click on “send the attached file to FCC” and the system will navigate to a page where you can continue to process your filing.

If you chose to type your comments directly into ECFS, you may do so directly on the webpage by bypassing the ‘Attachments’ box and proceeding to the following ‘typed in’ box. The FCC recommends that you include your name and address within the text of your directly entered comment, so that your comments can be clearly identified if they are printed from ECFS. When you are finished typing in your comments click “send brief comment to FCC”.

**Step 4:** After clicking on “send attaching file to FCC” to submit your attached comments or “send brief comment to FCC” to submit your direct comments, the system will navigate you to a page where you should click the ‘Finish Transaction and Receive Confirmation’ button. The system will generate a confirmation page that will summarize your filing. You should print this page for your records, as the electronic confirmation informs you that the FCC has received your submission and serves the same purpose as the Office of the Secretary’s stamp on a paper filing.

### **III. Filing Paper Comments:**

The proper format to submit comments to the FCC is to use double-spaced, typewritten 12 pt. font text on 8 ½ x 11 inch sized paper. The margins must be at least 1 inch on either side and ¾ inch at the top and bottom. You may print on both sides of the paper, but you must fasten multiple pages together in book format. If you choose to only print on one side of the page, you must staple multiple pages together in the upper left hand corner. If your comments exceed ten pages, you must include a table of contents with page references and a summary of the contents. In all cases, you must include the docket or the RM number at the beginning of your comments. In order to file a ‘formal pleading’ you must submit one original and four copies to the FCC. If you would like for each Commissioner to have a copy of the pleading, you may send five additional copies. An ‘informal comment’ may be filed by submitting only one copy.

You may either hand deliver the filing or mail it to the FCC Secretary as follows:

If via hand delivery between the hours of 8:00am to 7:00pm, to:

Marlene H. Dortch, Secretary of the Commission  
Office of the Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

If via US Mail, to:

Marlene H. Dortch, Secretary of the Commission  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington DC, 20554

If via commercial overnight mail (other than US Postal Service), to:

Marlene H. Dortch, Secretary of the Commission  
Office of the Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

#### **IV. The Bottom Line:**

Your opinion and comments are important! If you need assistance preparing or filing comments in an FCC proceeding, please contact your communications counsel or Sciarrino & Associates, PLLC.

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