

ALERT

Comments Sought on Petition for Rulemaking to Amend the Federal Communications Commission's Contest Rule to Permit Online Disclosure of Material Contest Terms

November 21, 2012

On November 20, 2012, the Federal Communications Commission (FCC) issued a Public Notice seeking comment on whether to initiate a rulemaking proceeding to update and amend its so-called "Contest Rule." That rule, as currently construed by the FCC, requires broadcasters to give notice of the material terms of a contest in periodic over-the-air announcements. Indeed, the FCC has expressly rejected broadcaster arguments that online disclosure can substitute for on-air announcements under the Contest Rule, imposing significant fines for violations. (See our prior alert on this subject here.)

The Petition for Rulemaking, filed by Entercom Communications Corporation, asks the FCC to open a rulemaking proceeding to amend the Contest Rule to permit broadcasters to choose between (a) broadcasting material contest terms on the air or (b) providing material contest terms in written form online and by email, fax, mail, or in person, so long as they periodically broadcast information regarding how and where the public can learn of contest rules. In the petition, Entercom states that a shift to online disclosures would be more in line with consumers' current preference for online information, noting that "[i]n today's fast-paced world, Americans expect to instantly access information at their fingertips by merely logging on to a website, conducting a Google search, or using an app on their smartphone." Adoption of the rule change proposed in the Petition for Rulemaking would benefit broadcasters by affording them additional flexibility with regard to making contest rule disclosures, while ensuring that members of the public receive useful information

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regarding material contest terms.

A copy of the Petition is available [here](#), and the FCC's Public Notice is available [here](#). Comments are due on December 20, 2012. If you are interested in filing comments, or would like more information, please contact one of the attorneys listed below.