

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
) GN Docket No. 13-249
Revitalization of the AM Radio Service)

**COMMENTS OF THE MULTICULTURAL
MEDIA, TELECOM AND INTERNET COUNCIL**

The Multicultural Media, Telecom and Internet Council (“MMTC”) respectfully submits these comments in response to the Federal Communications Commission (“FCC” or “Commission”) Further Notice of Proposed Rulemaking (“FNPRM”) and Notice of Inquiry (“NOI”) proposing changes designed to facilitate improvements and reduce burdens to radio facilities.¹ MMTC supports the Commission’s goal of revitalizing radio. MMTC urges the Commission to consider eliminating the main studio regulations.

Discussion

I. Elimination of the Main Studio Rule will provide broadcasters with a substantial opportunity to benefit from competitive cost efficiencies

The Main Studio Rule is a 20th century holdover. It should be abolished or modified to recognize 21st century technologies. Indeed, the main studio location requirements were first adopted in 1946, were made applicable to television in 1979, and were not substantially changed until the late 1980s. Due to changes in broadcast technology, locally originated programs have in large part been replaced with nationally syndicated shows received via satellite. Consequently, in the overwhelming number of cases, a radio station’s main studio is defined by its location and capability; i.e., production and transmission facilities that meet applicable standards, EAS capability and a “meaningful management presence.” Thus, the need for a downtown brick-and-

¹ Notice of Proposed Rulemaking, Revitalization of the AM Radio Service, FCC 13-139, rel. October 31, 2013 (hereinafter “NPRM”).

mortar facility is no longer required and essential operational tasks can be executed remotely.

From the standpoints of viewers and listeners, maintaining a physical studio has become problematic. Of course, all stations must maintain toll-free numbers to enable viewer and listener access,² and the Commission allows licensees to maintain their public files online.³ In this way, the Commission is facilitating the use of advanced technology to modernize community access to information.⁴ In order to comply with the current rules, broadcasters must pay thousands of dollars a year in rent, mortgage payments and related expenditures required to equip a physical studio, all primarily to accommodate the very tiny and rapidly diminishing number of individuals who may not have computers at home or access to the Internet at the library and who may want to inspect the public file in person..

As noted by commenter Blount Masscom, Inc., the rules already allow non-commercial and commercial stations to petition the Commission for permission to locate the main studio outside a 25-mile boundary.⁵ Although main studio waivers are rarely granted to commercial broadcasters, the existence of this location-expanding waiver suggests that the Commission already recognizes that actual physical location does little to support the goal of ensuring that broadcasters create community-oriented programming. Furthermore, the availability of these waivers does not make it easier for community members to access public files which, as noted, are readily available over the Internet. Even though waivers impose a number of requirements

² If the main studio is not located within the community, it must be located within 25 miles of the reference coordinates of the center of its community of license. *See* 47 C.F.R. §73.1125(a)(3); <https://www.fcc.gov/media/policy/main-studio-rules>.

³ 47 C.F.R. §73.3526(b)(2); <https://www.fcc.gov/media/policy/main-studio-rules>.

⁴ *See* 47 C.F.R. §73.3526(b)(2); <https://www.federalregister.gov/articles/2016/02/29/2016-04117/expansion-of-online-public-file-obligations-to-cable-and-satellite-tv-operators-and-broadcast-ajnd>.

⁵ Comments of Blount Masscom Inc., *et al.* filed January 22, 2014, pp. 2-3.

on broadcasters,⁶ the waivers still allow for a more remote broadcasting location. This suggests that the rule in and of itself is not necessary for broadcasters to meet the FCC's goal of connecting broadcasters to the community through programming or community access to public files.

The Main Studio Rule also allows the co-habitation of multiple broadcasters. As a result, some broadcasters serving more populous cities will have a multitude of potential co-habitation locations, while other broadcasters serving less populated areas are left to bear the full cost of maintaining main studios. This incentivizes broadcasters to refrain from the task of maintaining struggling stations in more remote areas. As a result, smaller communities are left without access to a wide range of broadcast programming.

Finally, the Main Studio Rule disproportionately affects minority broadcasters.⁷ As a result of racial and ethnic discrimination, minority and ethnic broadcasters entered the industry later than others.⁸ Broadcasters who entered the market earlier were able to capitalize off the prime real estate of stronger signals in populous locations. The Main Studio Rule further exacerbates this advantage. Larger companies, who were earlier entrants, are able to maintain a single studio for all of their stations in larger cities, while smaller minority broadcasters frequently have to assemble a cluster of stations in more suburban areas.

Thus, as the Commission modernizes and revitalizes radio, it should consider eliminating the Main Studio Rule entirely. In the modern era, the rule serves no significant purpose. Indeed,

⁶ “With such waivers, the licensee must commit to maintaining quarterly contact with individuals in the community of license of the station receiving the waiver, maintain a toll-free number, and make accommodations to the public for access to the station’s public inspection file.” Comments of Blount Masscom Inc., *et al.*, filed January 22, 2014, pp. 2-3.

⁷ Supplemental Comments of the Minority Media and Telecommunications Council and the Independent Spanish Broadcasters Association in Response to the Report on Broadcast Localism and Notice of Proposed Rulemaking, FCC 04-233, filed May 19, 2008 pp. 1-4.

⁸ Comments of the Minority Media and Telecommunications Council and the Independent Spanish Broadcasters Association in Response to the Report on Broadcast Localism and Notice of Proposed Rulemaking, FCC 04-233, filed April 28, 2008, pp. 8-9.

meeting the main studio staffing requirement can be a significant financial burden for smaller stations, particularly those owned by minorities. Further, the rule does not lead to more community-based programming, it does not increase public access the public file, and it locks in the present effects of past discrimination against minority licensees.

II. If the Commission does not eliminate the Main Studio Rule, it should provide whatever tangible and immediate relief it can

MMTC agrees with commenters Blount, Thomas G. Osenkowsky, the National Religious Broadcasters NRB, and Salem Communications Corporation⁹ supporting the relaxation of the Main Studio Rule. Radio broadcasting provides a wide variety of valuable programming to the community. By reducing the cost of operating radio stations, broadcasters will be provided with more capital to invest in community-oriented programming and diversity initiatives. Investment in these initiatives would increase listenership and ultimately aid in the revitalization of radio. Furthermore, relaxing the Main Studio Rule will allow broadcasters greater flexibility to deal with the challenges of servicing the needs of changing communities as they expand. MMTC outlines its proposed changes below.

III. Proposed Changes to Main Studio Rule

A. Immediate Relief to Radio Broadcasters

MMTC supports commenter Blount's argument urging the Commission to immediately begin granting main studio waivers to both non-commercial and commercial broadcasters utilizing a more relaxed interpretation of the "good cause" standard

B. Absolute Distance Restrictions

⁹ Comments of Blount Masscom Inc. *et al.*, filed January 22, 2014, pp. 2-3; Comments of Thomas G. Osenkowsky, filed January 13, 2014; Comments of Salem Communications Corporation, filed March 20, 2014, p. 4; Comments of National Religious Broadcasters, filed January 22, 2014, p. 3.

Commenter Salem Communications Corporation¹⁰ suggests that the absolute distance restriction be expanded from 25 to 50 miles, while Anthony V. Bono¹¹ suggests the distance be expanded to 40 miles. MMTC believes that it is unnecessary to specify an inflexible mileage standard. As previously mentioned, because broadcasters can request waivers allowing them to relocate main studios to a location greater than 25 miles away,¹² the distance requirement cannot be an integral part of promoting community based programming or public access to information. Imposing an arbitrary distance requirement appears unfair. To the extent that the Commission desires to impose distance restrictions, the final restriction should be greater than the 25 miles currently in place, but should consist of a range of miles, e.g., 25-40. However MMTC still asserts that the Commission's efforts to revitalize radio are better spent focusing on relaxing staffing requirements, increasing community programming and engagement with broadcasters.

C. Relaxed Staffing Requirements

MMTC urges the Commission to relax staffing requirements. Staffing requirements that go beyond the staffing needed for competitive operations impose costs on broadcasters with no demonstrated benefits to listeners. These costs disproportionately burden smaller broadcasters.

Technology has changed the way people communicate. Using the latest technology like email, online chats, text message systems, and automated alerts can revolutionize the way that the public contacts broadcasters. As a result, physical presence by a broadcaster's staff is not necessary to ensure public engagement. Moreover, if the Main Studio Rule is eliminated, it is clear that present-day communication techniques will ensure that each station has a meaningful management presence and operational control at locations than those specified in the current rule.

¹⁰ Comments of Salem Communications Corporation, filed March 20, 2014, p. 4.

¹¹ Comments of Anthony V. Bono, filed January 22, 2014.

¹² 47 C.F.R. §73.1125 (b), (d).

Conclusion

For the reasons previously stated, MMTC respectfully submits that the Main Studio Rule adversely affects minority and smaller broadcasters and no longer serves a legitimate purpose. As such, the rule's elimination is imperative to the revitalization of radio. Alternatively, MMTC submits suggested changes to the current rule.

Respectfully submitted,

**Multicultural Media, Telecom and
Internet Council**

/s/ Kim M. Keenan

Kim M. Keenan
President and CEO
David Honig
President Emeritus and Senior Advisor
Henry Solomon
Counsel
3636 16th St. NW, Suite B-366
Washington, DC 20010
(202) 332-0500
kkeenan@mmtconline.org

Of Counsel:

Kemi Ijitimehin
Law Clerk

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