

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Revisions to Public Inspection)
File Requirements –) MB Docket No. 16-161
Broadcaster Correspondence File)
And Cable Principal Headend Location)

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)¹ hereby responds to the *Notice of Proposed Rulemaking* (NPRM) in the above-captioned proceeding seeking comment on the Federal Communication Commission’s (FCC) proposal to eliminate the requirement that commercial broadcast stations retain correspondence files in their public inspection files.² NAB applauds the Commission for taking this step to reduce the regulatory burdens on commercial broadcasters and supports the proposal to eliminate the correspondence file from commercial broadcasters’ public inspection files.

¹ The National Association of Broadcasters is a nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, Notice of Proposed Rulemaking, MB Docket 16-161, at ¶ 1 (May 25, 2016) (NPRM).

I. THE COMMISSION CORRECTLY CONCLUDES THAT MAINTAINING A LOCAL CORRESPONDENCE FILE NO LONGER SERVES THE PUBLIC INTEREST

The Commission has asserted two main benefits of moving broadcast station public inspection files to an online database: allowing the public easier access to information about broadcasters' service and reducing broadcasters' compliance burdens.³ Yet, privacy concerns dictated that one part of the public inspection file -- letters and emails from the public -- should be kept out of the online database, remaining instead in an onsite paper inspection file.⁴ The Commission recognizes in the NPRM that this split requirement continues to burden stations and does little to further the goal of ensuring that "broadcasters comply with their public interest obligation to air programming that is responsive to the needs and interests of their community of license."⁵ It notes that eliminating the correspondence file from stations' public files will not adversely affect viewers' and listeners' ability to communicate with stations or to lodge complaints against them.⁶ NAB agrees.

Previous limitations on the public's ability to communicate with stations and to comment on programming no longer exist. In addition to having easy access to the Commission's revamped consumer help center, the public no longer relies solely on paper letters or phone calls to express opinions about local broadcast stations. Consumers today are far more likely to use social media or other online forums to communicate their views, which are more publically available than paper letters or email printouts tucked into a station's local paper public inspection file.

³ *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Inspection Obligations, Extension of the Filing Requirement for Children's Television Programming Report (FCC Form 398)*, Second Report and Order, 27 FCC Rcd 4535, 4536 (2012) (Order).

⁴ *Id.* at 4566.

⁵ NPRM at ¶ 9.

⁶ *Id.*

For these and other reasons, NAB disagrees with the Howard Media Group, which argues that broadcasters should continue to be required to maintain public correspondence, and only correspondence, in a paper file located at a station’s main studio.⁷ First, as noted above, the requirement is outdated. Stations receive feedback from the public in myriad ways; many of which are online, already available to the public, and not captured in the paper inspection file. Second, the resources devoted to maintaining a local public file solely for correspondence diverts resources that stations would otherwise be able to invest in services that would more meaningfully serve their viewers and listeners.⁸ The cost of compliance to stations far outweighs the very limited benefit to the public.

Howard Media Group’s argument that broadcasters should be required to maintain the paper correspondence file for viewers and listeners that lack Internet access⁹ is undermined by the Commission’s own determination that an online public inspection file better serves the public interest. The Commission’s decisions to “bring broadcast disclosure into the 21st century” and to reduce broadcaster burdens by eliminating the requirement to maintain most local paper inspection file materials, were made with full understanding that some Americans cannot access those files from home.¹⁰ The fact that broadband adoption is not yet universal is no reason to require every broadcaster in the country to keep publically–available paper files containing only letters and emails at their stations. Even before the Commission created the online database, very few members of the public made the effort to examine stations’ local public inspection files. With most

⁷ Letter of the Howard Media Group, MB Docket No. 16-161 (June 29, 2016) (Howard Media Group Letter).

⁸ See, e.g., Joint Comments of the Named State Broadcasters Associations in Response to Notice of Proposed Rulemaking, MB Docket No. 14-127, at 5 (March 16, 2015).

⁹ Howard Media Group Letter at 1.

¹⁰ Order at ¶ 1.

file content now online, those numbers will dwindle to nearly zero. Howard Media Group has not demonstrated that any member of the public who does not have internet access at home has taken steps to visit a station to view its public file in person.

Keeping dual public files raises stations' compliance costs and provides little to no benefit to the public. Accordingly, the Commission should complete its modernization of the public inspection file and eliminate the requirement to maintain paper correspondence files at their stations.

II. CONCLUSION

For the foregoing reasons, NAB supports the Commission's efforts to reduce the regulatory burdens faced by commercial broadcasters and encourages the Commission to adopt this proposal without delay.

Respectfully submitted,

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