

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

In the Matter of)
)
Amendment of Parts 1, 73, 74 and 76 of the) MB Docket No. 24-626
Commission's Rules to Update Rules Applicable to)
Broadcast Stations)

**COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION AND SUMMARY

The National Association of Broadcasters (NAB)¹ submits comments on the Commission's Notice of Proposed Rulemaking (NPRM) concerning changes and updates to various broadcast rules.² Broadcasting is a mature service that has weathered many technical, competitive, and policy changes during its century-long history but faces unique, ever-increasing competition for audiences and advertising from non-traditional media. NAB appreciates the Commission's continuing efforts to eliminate or update unnecessary or outmoded regulations and supports most of the changes proposed in the NPRM. But NAB believes the proposal to impose additional Local Public Notice obligations is unwarranted because the present notice requirements provide little or no public benefit and should be eliminated.

¹ The National Association of Broadcasters (NAB) is the 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 *Amendment of Parts 1, 73, 74 and 76 of the Commission's Rules to Update Rules Applicable to Broadcast Stations*, Notice of Proposed Rulemaking, MB Docket No. 24-626, FCC 24-126 (December 13, 2024) (NPRM).

II. THE COMMISSION SHOULD ELIMINATE REFERENCES TO OBSOLETE DATABASE SYSTEMS AND FORMS

A. The Commission Should Consider More General References in its Rules to Future-Proof Against Changes to its Databases and Forms

NAB supports the Commission's proposal to amend various sections of its rules to replace references to the Consolidated Database System (CDBS) with references to the Licensing Management System (LMS) and to replace long out-of-date form references.³ Although we welcome the Commission's efforts to maintain updated references in its rules and forms, the change from CDBS to LMS almost assuredly will not be the last database change. Broadcasters have followed the Media Bureau's evolution from paper applications with records kept in manila folders and indexed by 3×5 cards to the Broadcast Application Processing System (BAPS) to CDBS and now to LMS, yet the rules have never kept current with those changes. Consequently, we believe that the Commission's rules should not be tied to a particular database nomenclature. Instead, the Commission's rules perhaps should simply enumerate the data available and reference the Media Bureau's website for the current database system. A similar approach could be adopted for FCC forms and schedules, which also may change over time. Embracing such an approach would enable the Commission to make changes to its database systems or forms without having to update references in its rules each time.

³ NPRM at ¶ 3. NAB notes that the former change is being proposed after the fact, as updates to CDBS were discontinued in 2023. See *Media Bureau Announces Transition of Additional Filings to Licensing and Management System*, Public Notice, DA 23-600 (July 12, 2023).

B. The Commission Should Conduct a Full Review of its Website and IT System to Better Serve Customers

NAB notes that many of the Commission’s web pages continue to reference CDBS, sometimes providing conflicting information about which database to use.⁴ Generally, NAB believes that the Commission’s mammoth website is ripe for thorough review and clean-up. It is replete with obsolete material, broken links, and is often difficult to navigate or search.⁵ Relatedly, the Commission’s computer systems, including LMS, are often unavailable, unresponsive, slow, or have unannounced changes that cause disruption to routine users. Even when confronted with obvious errors and malfunctions, the Commission’s IT contractors are notorious for simply closing user complaints without action. As a result, the user community has resorted to setting up an e-mail reflector to share problem reports and workarounds and to track the status of purported fixes.⁶ NAB suggests that individual web pages and database systems should have specific bureau- or office-level contacts – individuals, such as Chief Data Officers with responsibility for responding to user complaints

⁴ See, e.g., <https://www.fcc.gov/media/radio/new-visitors#CDBS> That page has a section on “finding information in CDBS,” but all of the subsequent text refers to LMS. <https://www.fcc.gov/help/there-users-guide-consolidated-database-system-cdb-electronic-filing-system> That page states that CDBS is the system used to fill out Media Bureau forms online.

⁵ See, e.g., FCC, *FM Radio Stations, 1936 to 1947* (accessed Apr. 18, 2025) <https://www.fcc.gov/media/radio/fm-radio-1936-to-1947> (showing all of the links at the bottom of this page return “ERROR: Could not find the file id specified or file id empty.”); FCC, *Tower Owners: Save Birds! Save Money!* (accessed Apr. 18, 2025), <https://www.fcc.gov/guides/towers-and-birds> (hosting links on this page referencing an obsolete FAA circular from 2015 that has been revised twice). A search for the keywords “drones,” “UAS,” or “Unmanned Aircraft System” fails to return any useful results despite the fact those terms are in common use and are used in the Commission’s News Releases and Report and Order on Unmanned Aircraft Systems. See, e.g., *Spectrum Rules and Policies for the Operation of Unmanned Aircraft Systems*, WT Docket No. 22-323 (Aug. 21, 2024), <https://docs.fcc.gov/public/attachments/FCC-24-91A1.pdf>.

⁶ Association of Federal Communications Consulting Engineers, fcc-updates@afcce.org.

and questions. NAB believes that accountable expert employees would be incentivized and better aligned to correctly and promptly address user complaints and questions, The present nameless IT contractors appear to have little understanding of the actual use of the databases and the systems they administer beyond a parasitic mission to seek additional fees for change orders.

NAB similarly supports the Commission’s proposals to replace obsolete, paper filing-related terms such as “tendered for filing” as well as procedures that are no longer used in electronic filing.⁷

C. The Commission Should Ensure Access to AM Broadcast Station Records

NAB observes that many stations in the AM Broadcast Service were originally authorized decades ago, predating any public-facing FCC electronic databases. The records supporting those early authorizations still have value in determining allocation conditions. Yet, despite the Commission’s database migration to LMS, they are still not available electronically. Even station “History Cards,” which were formerly available on the Commission’s website from the CDBS user interface, are often missing.⁸ Measurements of AM stations to determine ground conductivity in support of allocation studies and other purposes,⁹ which were prepared at great cost and effort and submitted with AM license applications, are often not available online. While they can sometimes be obtained through

⁷NPRM at ¶¶ 33-37.

⁸ For example, Station KCBS, 740 kHz, San Francisco, was first authorized in 1921 but online Commission records date back only to 1992 or so. The “History Card” link for that station returns an error. See, FCC, Enterprise Filing (accessed Apr. 18, 2025) <https://enterpriseefiling.fcc.gov/dataentry/api/download/attachment/99ac6b1f-20e6-7e41-b1ed-14f85ba97837.pdf> (“ERROR: Could not find the file id specified or file id empty.”).

⁹ See, e.g., Jack S. Sellmeyer, *AM Radio Antenna System and Field Strength Measurements*, NAB ENGINEERING HANDBOOK (11th ed. 2018).

third-party research and records retrieval service, that process takes time and is expensive, and there is no guarantee that the information sought will be available within a reasonable time or, indeed, at all.¹⁰ The Commission should make available online all records and data used to make allocation determinations.

III. THE COMMISSION MUST BE CONSISTENT IN ITS TECHNICAL LANGUAGE AND ELIMINATE OBSOLETE RULES

A. The Distinctions Between “Allocation,” “Allotment,” and “Assignment” are Important

NAB supports the Commission’s proposals to update inconsistent terminology concerning references to allotment tables.¹¹ As the U.S. spectrum regulator for non-federal users, the FCC should never confuse the terms defining the hierarchy of spectrum management. An *allocation* of a frequency band is the highest level of spectrum management: an entry in the Table of Frequency Allocations for the purpose of its use by one or more terrestrial or space services.¹² An *allotment* is the next highest level: an entry of a designated frequency (channel) in a geographical area under specified conditions. Finally, an *assignment* is an authorization given (often to a specific entity) to use a frequency (channel) under specified conditions. For example, the band 470–608 MHz is *allocated* to the Broadcast Radio Service (TV) on a primary basis. Within that allocation, Channel 14 (470–

¹⁰ Media Bureau staff reports that “... all outside reps must direct all requests for copies of old AM station docs via email to the Reference Information Center staff at RICRequest@fcc.gov. The RIC staff will then respond back to you **IF** they can obtain the old files, then you have to make arrangements to send a legal or engineering rep down to our HQ building to make PDF/hardcopies of any desired old docs. [emphasis added] Unfortunately no word if any official FCC copy contractor will be setup in the future by RIC for our new building to research old files and make copies, so a rep must come down in person to make copies of all old docs.” (e-mail correspondence with Media Bureau staff, March 18, 2025).

¹¹ NPRM at ¶ 5.

¹² 47 CFR § 2.1(c).

476 MHz) is *allotted* to Bessemer, Alabama (and also to other communities) within certain engineering criteria. The Bessemer allotment is *assigned* to WDBB-TV, Inc. with a license specifying the location, effective radiated power and other parameters.

B. References to Specific Filing Windows Should be Eliminated

NAB agrees that disused references to specific filing windows, such as the 2021 NCE-FM window, should be eliminated from the rules.¹³ In general, we note that very often, the filing windows referenced in the FCC rules are out-of-date, which can cause significant confusion to the public. We encourage the FCC to identify a flexible mechanism for publicizing its specific-filing windows so that the filing windows are consistently reported to the public. NAB also agrees that the Broadcast Incentive Auction-related requirements that television stations provide notice to viewers prior to transitioning to a different channel or terminating operation no longer serves any purpose and should be eliminated. Similarly, notice to MVPDs concerning changes that were completed over four years ago should be eliminated.¹⁴

IV. APPLICATION PROCESSING REQUIREMENTS SHOULD BE CONSISTENT TO THE MAXIMUM REASONABLE EXTENT

NAB agrees that LPFM applications received on the same day should be treated as simultaneously filed.¹⁵ This would be consistent with the treatment of similar full-service AM and FM applications as well as Class A, LPTV, and TV Translator applications.¹⁶ Because LMS is nearly a real-time system, applications become publicly available immediately upon filing.

¹³ NPRM at ¶ 6.

¹⁴ NPRM at ¶¶ 12-14.

¹⁵ NPRM at ¶¶ 15-18.

¹⁶ See 47 CFR §§ 73.3571(f), 73.3572(f), and 73.3573(e) and (f).

The Commission might consider delaying making public all or portions of applications filed in LMS so that all applications filed on the same day become publicly available simultaneously. Making LMS filings publicly available on the same day would help avoid unscrupulous mutually exclusive filings that are intended to block timely application processing or to extract payment in exchange for withdrawal of an application.¹⁷

V. AM STATIONS SHOULD NOT BE LIMITED AS TO POWER INCREASES

NAB agrees that AM stations should be free to request power increases of any amount consistent with their station class and allocation conditions.¹⁸ While NAB agrees with the Commission’s previous conclusion that power increases of less than 20 percent “do[es] not provide significant improvement in coverage,” such power increases could be necessary to achieve the required community of license coverage from some, otherwise desirable, transmitter sites and this relaxation would contribute to the success of NAB’s proposal to eliminate minimum efficiency requirements for AM stations.¹⁹

VI. CONSTRUCTION PERMITS ARE “AUTHORIZATIONS” AND LATER-FILED LPFM APPLICATIONS MUST PROTECT EARLIER APPLICATIONS

NAB agrees that construction permits (CPs) are authorizations inasmuch as they convey authority to operate, albeit with some limitations. NAB supports the Commission’s proposal to clarify and make consistent the interpretation of the term “authorization” for LPFM stations to apply to both licenses and granted CPs.²⁰ NAB also supports the proposed

¹⁷ See e.g., Reply Comments of Prometheus Radio Project, MB Docket 24-626 at 2 (undated and posted to ECFS 01/14/2025).

¹⁸ NPRM ¶¶ 7-11.

¹⁹ Comments of NAB, *Delete, Delete, Delete*, GN Docket 25-133, at 57 (April 11, 2025) (NAB Delete Comments).

²⁰ NPRM ¶¶ 19, 20.

clarifications that FM, LPFM, and FM Translator applications filed prior to the release of a Public Notice detailing the procedures for an LPFM application filing window must be protected by LPFM applicants during that window.²¹ The release of a Public Notice merely announcing the dates of an upcoming LPFM application filing window should not trigger cut-off protection.

VII. LOCAL PUBLIC NOTICE REQUIREMENTS FAIL TO GENERATE PUBLIC PARTICIPATION AND SHOULD BE ELIMINATED – NOT INCREASED

NAB disagrees with the Commission’s proposal to increase Local Public Notice obligations for non-commercial stations.²² As NAB has discussed in the context of commercial station applications,²³ these local public notices do not provide material public benefit as the public rarely comments in these application proceedings. To the extent that there is participation in these proceedings, it inevitably involves entities with a long-standing interest in the station involved. Such entities would be expected to monitor the FCC’s Daily Digest or LMS for activity. Rather than increasing Local Public Notice obligations, the Commission should eliminate them.

VIII. THE DEFAULT 90-DAY PERIOD FOR SPECIAL TEMPORARY AUTHORIZATIONS SHOULD BE INCREASED TO 180 DAYS

NAB supports the Commission’s proposal to increase the default period for special temporary authorizations necessitated by technical or equipment issues from 90 to 180 days.²⁴ This change will reduce burdens both on applicants and on FCC staff. With supply

²¹ NPRM ¶¶ 21-24.

²² NPRM at ¶¶ 29-31.

²³ NAB Delete Comments. at 26.

²⁴ NPRM ¶ 32.

chain issues and the common use of older equipment, NAB believes that a map and compass are often needed to avoid getting lost in the equipment repair expedition.²⁵

IX. INFORMAL OBJECTIONS SHOULD BE SERVED UPON THE RELEVANT APPLICANT WITH LIMITATIONS ON THE NUMBER OF ADDITIONAL PLEADINGS

NAB supports the Commission's proposal to require that informal objections to broadcast applications be served upon the relevant applicant, and that appropriate timelines be imposed for responses.²⁶ NAB believes that many or most such objections are without merit, and the establishment of procedures and deadlines will discourage specious filings. In the case of objections that may have some merit, a requirement for timely service on the applicant will provide a consistent opportunity for response and will improve the efficiency of the process by removing FCC staff as intermediary.

NAB also supports the Commission's proposal to limit responsive pleadings to one opposition and one reply. While NAB agrees with the proposed deadlines for oppositions and replies, we would not object to a modest relaxation of those time frames to reasonably accommodate *bona fide* objections by parties who are not familiar with FCC processes and may not have convenient access to research tools and resources.

X. CONCLUSION

NAB generally supports the Commission's efforts toward elimination or amendment of outmoded or unnecessary regulations and supports all but one of the proposed changes. With respect to expanding requirements for Local Public Notice, however, NAB urges the Commission to instead eliminate such requirements.

²⁵ *Id.*

²⁶ NPRM ¶¶ 39-43.

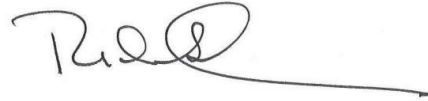
Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

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April 23, 2025