

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

In the matter of:)
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Elimination of the Main Studio Rule) MB Docket No. 17-106
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COMMENTS OF REC NETWORKS

REC Networks (“REC”) has been a major advocate for a citizen’s right to access the airwaves by supporting the Low Power FM (LPFM) service as well as the revitalization of rural, minority-owned, community-based and “mom-and-pop” AM broadcast stations and other initiatives.

The issue at hand is whether the elimination of the rules requiring full-power broadcast stations to maintain a main studio with a meaningful staff presence is in the public interest. While we can understand that the maintenance of a “brick and mortar” public interface location can be a cost burden for some broadcast stations, including some of the types of stations that REC supports; At the same time, we feel that eliminating the local presence requirement will result in a major disconnect between the broadcaster and the community that they are licensed to serve. We have been experiencing this disconnect in the non-commercial sector with national organizations (with enough money to sponsor NASCAR drivers) which operate full-power FM stations across the country as “satellites” with waivers of the main studio rules. Other than contract engineers that serve a region, these stations normally do not have a true local presence and “connect” with their listeners through a non-geographically based toll free number terminating at a call center in California or somewhere else out-of-state, and therefore do not demonstrate accountability to their community of license.

Eliminate the “brick and mortar” but keep the staff local.

REC feels that a different approach must be taken where it comes to licensee accountability to their community of license. We feel that every broadcast facility must have a local contact person.¹ A person of management capacity should be available during business hours, even if it is just over the phone. This person must be physically located within (1) the station’s community of license, (2) at any location within the principal community contour of any AM, FM or TV broadcast station licensed to the station’s community of license or (3) within twenty-five miles of the reference coordinates of the center of its community of license.² This person can work from home or while on the road. Bottom line, it must be someone local. With the addition of a local contact person in each community in an environment without a physical studio, we must ask that this local contact requirement apply to all facilities, including those currently on a main studio waiver. Licensees with multiple full-service facilities must be required to maintain a management contact person in each of their facility’s local area. This way, if someone wants to contact their local radio station, they are reaching a local person and not the call center in California. In addition, information on how to reach the local contact person must be made public beyond the online public file. Whether it’s through the station’s website, social media or over the air announcements, listeners should be able to contact this person, even if they have to leave a voice mail. The information should be also made available in the CDBS and LMS data feeds or through the public file API. In addition, telephone numbers should be local with geographically-based area codes that are a local call to the community of license. Licensees should be specifically prohibited from using toll free (800, 888, 844, etc.) area codes as this can give the perception that the contact person is not local.³

¹ - NPRM at 10.

² See 47 C.F.R. §73.1125(a).

³ - In all fairness, it is also possible for a phone number with a geographic area code to be forwarded to any phone number in the world but using geographic area codes will give a better listener perception.

“Brick and mortar” is not needed but someone still needs to answer the phone.

The Commission inquires on whether the elimination of the main studio rule would impact a station’s availability to communicate time-sensitive or emergency information to the public.⁴ As we saw many years ago in Minot, North Dakota, that even with a main studio, nobody responded. This was because no one answered the phone. Because of technology, any station can be remotely controlled and while a studio location would be nice, it is possible for many stations to originate programming from any location connected to the internet. However, the only way they are going to do this is if someone answers the phone, especially rural stations that operate on main studio waivers and the contact person is over a thousand miles away in California.

The lack of local accountability through main studio waivers already goes against §307(b).

The Commission inquires on whether the elimination of the main studio rule would not significantly impact the requirement that the Commission distributes licenses among the several States and communities to provide a “fair, efficient and equitable distribution of radio service” in accordance with §307(b) of the Communications Act.⁵ REC feels that the Commission is already engaged in unfair and inefficient distribution of radio services to communities based on the abuses of the main studio waiver by certain national and regional non-commercial educational broadcast networks. Those communities have already been disconnected from their stations meaning that the community does not have true involvement in the local station. The rural station in Iowa on a main studio waiver is not really a rural station in Iowa; it is actually a 25 kW translator of a full-service station in California. The elimination of the main studio rule will have an impact on §307(b) if there is no replacement method of local accountability. This is yet again why stations, including those currently on main studio waivers should have a local contact person who is physically in their community and that contact person is accessible by listeners.

⁴ - NPRM at 8.

⁵ - Id. See also, 47 U.S.C. §307(b).

Program origination capability is paramount to local accountability.

REC feels that all stations must continue to have some form of ability to originate programming from a point physically located within their current main studio area.⁶ Again, a full-service station is supposed to provide “full service” to their community. This means that when necessary, especially during an emergency, someone in the community needs to be able to access the station, even if it is in the station owner’s spare bedroom. The public does not need to be able to access this program origination point but the public is entitled to a station that has the ability to originate programming from their local area, even if it is just for emergencies.

Action should be contingent on the transition to online public files.

Any rule to eliminate the main studio rule for a particular service should be delayed until that particular radio service has fully migrated to the online public file.⁷ Access to the public file is very important and REC supports to the transition of the public file from a physical location to an online location as well as the ability for LPFM licensees to *voluntarily* use the online public file system, a capability LPFM stations is currently denied as the public file rule does not apply to those stations.⁸

Some stations may keep their studios/offices, it’s just good business.

We do feel that many major group owners will maintain some form of brick-and-mortar facility within a region. It would be good business to do so as this would be a “headquarters” for sales persons and a base for promotional (“street patrol”, etc.) types of employees as a part of their station’s presentation. The elimination of the main studio rule will offer relief to many smaller broadcast stations including minority, community and “mom-and-pop” owned Class C and D AM stations. The elimination of the main studio rule will permit the daily business of the station

⁶ - NPRM at 9.

⁷ - NPRM at 11.

⁸ - As mentioned in the NPRM, LPFM stations that are subject to pledges do have a 20 hour per week “main studio” requirement. This was as a result of points earned during the comparative review of mutually exclusive LPFM applications. One thing the Commission should consider is adding points to the full-power NCE comparative review process for full power NCE stations pledging to keep a brick-and-mortar studio/offices. This way, local accountability is more encouraged and given more priority over a national applicant.

to be conducted from the owner's back bedroom instead of a more-expensive storefront location along Main Street. As long as there is a geographically-based local telephone number in the community of license and calls on that phone are answered or addressed within a reasonable period, then you have a connection with your community. In contrast the elimination of the main studio rule without the requirement of a local contact person including (and especially) those that are currently on main studio waivers, will benefit the chain broadcasters, especially those in the NCE sector who will take advantage of this rule to further disconnect their stations from their local communities while denying other organizations desiring to operate facilities with a true local presence.

We must end the community disconnect by giving radio back to the community.

The large NCE broadcasters have already proven that it is possible to completely disconnect yourself from a community with a main studio waiver. Instead of giving a "waiver" to all stations, we need to take all of those "waivers" away and while we can get rid of the offices and the desks, we must keep the telephones and the studio equipment for ALL full-service facilities, including those that are "satellites" of California organizations. Otherwise, if an owner does not want to be accountable to their community then we need to stop rubber-stamping renewals and allow the community to truly challenge these out of town owners so they can get their local station back. In the non-commercial sector, this spectrum belongs to the *community*, not to Educational Media Foundation, Calvary Chapel of Twin Falls, American Family Association, Classical Public Radio Network or any the other organizations who are excluding a local agenda in favor of their own national agenda. We also need to assure that the community continues to have access to the airwaves. This includes the more periodic opening of LPFM filing windows and looking at creative solutions such as LPAM, restricted service licenses, promotion of digital audio broadcasting penetration through the elimination of the so-called "HD-2" translator in favor of listening on the more efficient HD-2 subchannel, alternate spectrum such as the 11-meter shortwave band and the expansion of the broadcast spectrum to add 60 additional analog channels from 76~88 MHz to assure more community voices have their say and small AM stations can have a permanent home on FM while assuring that upgraded 250-watt LPFM stations continue to serve their communities.

Conclusion

If this Commission even cares one bit for listeners and the communities they serve, they will replace the main studio with a rule of *universal local accountability* and actually take challenges to license renewals more seriously and force the national owners to start becoming accountable to their community of license or step aside if a local group desires the spectrum. Where it comes to challenging renewals, it should not have to take the death of a listener for the Commission to finally wake up. The rubber-stamping of renewals must not happen in the next renewal cycle. For now, we must assure that each full-service facility has a local person, with a pulse. We don't need an office to go to, just someone locally who will respond to the needs of our local community.

Respectfully submitted,

/S/

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