NFIB
The Voice of Small Business.
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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

June 9, 2017

TO: Secretary of the Commission
Office of the Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

RE: Comments on Notice of Proposed Rulemaking, "Elimination of Main Studio Rule" MB Docket No. 17-106, 82 *Fed. Reg.* 25590 (June 2, 2017)

1. The National Federation of Independent Business (NFIB) writes in support of the rule proposed by the Federal Communications Commission (FCC or Commission) in the notice of proposed rulemaking (NPRM) on "Elimination of Main Studio Rule," with one recommended revision regarding the means for the public to communicate with broadcast stations. The proposed rule increases the opportunity for small and independent businesses to operate radio and television stations effectively and efficiently.

2. NFIB is an incorporated nonprofit association with more than three hundred thousand members across the country. NFIB protects and advances the ability of Americans to own, operate, and grow their businesses and, in particular, ensures that the governments of the United States and the fifty states hear the voice of small business as they formulate public policies. NFIB advances the interests of small and independent businesses, including small and independent broadcasters.

3. The NPRM proposes to eliminate the FCC rules that require each AM, FM, and television (TV) broadcast station to maintain a studio located in or near its community of license (47 CFR 73.1125 (a) through (d)), with a staff and program origination capability. Eliminating the main studio requirement, and the associated staffing and program origination capability requirements, opens a range of cost-saving options for radio and TV broadcasters. The cost-saving options include (a) elimination of certain costs of ownership or leasing of real estate, (b) reduction of costs through sharing of real estate with others, including other broadcasters, (c) elimination of certain costs of owning and maintaining broadcast facilities, (d) reduction of costs of owning and maintaining broadcast facilities through sharing of such facilities with other broadcasters, and (e) reduction of staff costs. Accordingly, NFIB supports the FCC proposal to revoke subsections (a) through (d) of section 73.1125 of title 47 of the Code of Federal Regulation and references elsewhere in the Code to those subsections.

4. The NPRM proposes to retain as the complete text of new section 73.1125 the current text of subsection (e) of that section, which requires maintenance of a station telephone number ("Each AM, FM, TV and Class A TV broadcast station shall maintain a local telephone number in its community of license or a toll-free number") and notes that FCC rules require that the telephone number be staffed. The goal at which the FCC appears to aim is ensuring that listeners, viewers, and others in the community have at least one means of communicating at no marginal cost to the broadcast station and when appropriate receiving a response. The Commission should define its communication requirement functionally, so as to give stations flexibility in meeting the functional requirement, with a safe harbor that plainly meets the functional requirement. Thus, NFIB recommends that the Commission revise the new section 73.1125 to read:

§ 73.1125 Means for Communication with Station

(a) Each AM, FM, TV, and Class A TV broadcast station shall ensure that persons in its community of license have a reasonable opportunity to communicate with the station through at least one generally available means of communication at no charge.

(b) The station shall publish through an appropriate means of publication, such as in the station's online public files required by the Commission, on a station website, or in a telephone directory, the number or address for the means of communication to which subsection (a) refers.

(c) A station shall be deemed to have complied with subsection (a) if it maintains and publishes as specified in subsection (b), the station's (1) email address, (2) toll-free telephone number, or (3) telephone number in its community of license.

(d) A station shall monitor, or retrieve communications from, the means of communication to which subsection (a) refers and shall respond as appropriate to the communications.

5. NFIB appreciates the Commission's effort, with issuance of the notice of proposed rulemaking on "Elimination of the Main Studio Rule," to reduce some of the regulatory burden on small and independent businesses in broadcasting.

David S. Addington

June 9, 2017

David S. Addington
Senior Vice President and General Counsel
National Federation for Independent Business, Inc.

Date