

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
Elimination of Main Studio Rule) **MB Docket No. 17-106**
)
To: The Commission

**COMMENTS OF TRINITY BROADCASTING NETWORK
IN SUPPORT OF ELIMINATING THE MAIN STUDIO RULE**

Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network (“Trinity” or “TBN”)¹, by undersigned counsel, hereby submits the following comments in response to the Commission’s May 18, 2017 *Notice of Proposed Rulemaking* (“NPRM”) in the captioned proceeding.² The NPRM proposes to eliminate the requirement that all AM, FM, and television broadcast stations must maintain a main studio in or near its community of license (“Main Studio Rule”).³ TBN supports the proposal and urges the Commission to eliminate the Main Studio Rule. Elimination of the outdated Main Studio Rule will benefit broadcasters by allowing current station business and program operations to modernize and align with the technological and operational realities of how stations interact with their local communities

¹ The affiliated non-profit ministry and church organizations of TBN, which consist of 31 commercial and 6 non-commercial television stations across the nation, include: Trinity Christian Center of Santa Ana, Inc., Trinity Broadcasting of New York, Inc., Trinity Broadcasting of Florida, Inc., Trinity Broadcasting of Texas, Inc., Trinity Broadcasting of Oklahoma City, Inc., Trinity Broadcasting of Arizona, Inc., Trinity Broadcasting of Washington, Trinity Broadcasting of Indiana, Inc., Jacksonville Educators Broadcasting, Inc., San Antonio Community Educational Television, Inc., and Community Educational Television, Inc.

² See, *In the Matter of Elimination of Main Studio Rule*, FCC 17-59 (released May 18, 2017).

³ 47 CFR § 73.1125(a)-(d).

today. Adoption of the proposed change will also serve the public interest by reducing regulatory burdens and costs for broadcasters without harming the relationship stations have with their communities.

When the Main Studio Rule was originally implemented nearly 80 years ago, before the Second World War and the advent of the Internet and social media, it was intended to facilitate input from community members and insure a station's participation in community activities.⁴ Subsequently the Commission held that a station's main studio must have a "meaningful management and staff presence" to fulfill the main studio's function,⁵ which at a minimum requires "management and staff presence on a full-time basis during normal business hours."⁶ The Commission also implemented a program origination capability requirement⁷ which by precedent obligates a station to "equip the main studio with production and transmission facilities" and to ensure that the main studio has "continuous program transmission capability."⁸ All of these main studio requirements are outdated and maintain a considerable unnecessary

⁴ See, e.g., *Applications of the Tribune Company, Tampa, Florida, et al.*, 19 FCC 100, 148 (1954) ("broadcast station's main studio may well determine in large part the extent to which the station (a) can participate and be an integral part of community activities, and (b) can enable members of the public to participate in live programs and present complaints or suggestions to the stations."); 47 U.S.C. § 307(b), to "make such distribution of licenses . . . as to provide a fair, efficient, and equitable distribution of radio service."

⁵ See, *Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, 3 FCC Rcd 5024, 5026, para. 24 (1988) (*1988 Main Studio and Program Origination Reconsideration Order*).

⁶ *Application for Review of Jones Eastern of the Outer Banks, Inc. Licensee, Radio Station WRSF(FM) Columbia, North Carolina*, 6 FCC Rcd 3615, 3616, n.2 (1991).

⁷ *1988 Main Studio and Program Origination Reconsideration Order*, 3 FCC Rcd at 5026, para. 24.

⁸ *Id.*; see also, *Application for Consent to Assignment of License Station KOSC(FM), San Francisco, CA*, 30 FCC Rcd 10530, 10533-34, para. 6 (2015).

financial burden on broadcasters, particularly on TBN's religious non-profit and non-commercial broadcast stations and operations.

Today, as the Commission has noted, the widespread availability of electronic communication enables stations to participate in the activities of their communities of license, and for members of the community to contact stations without the physical presence of a local broadcast studio. In addition, because the Commission has adopted online public inspection file requirements for AM, FM, and television broadcast stations, community members no longer need to visit a station's main studio to access its public inspection file. Technological innovation and the ubiquity of electronic communication have rendered a local main studio requirement unnecessary as a means for viewers and the public to communicate with or have access to their local stations. Given the abundance of modern communications, the Main Studio Rule is no longer necessary to ensure proper communication between broadcasters and their local communities.

Over the 45 years TBN has been broadcasting, and long before the exponential growth of electronic mail, Facebook, and social media, members of the general public rarely visited a station's main studio. Community participation and engagement with TBN centers around programming and live events, which will continue without regard to the Commission's Main Studio Rule. Viewers almost exclusively rely on electronic forms of communication, such as telephones, Facebook, email and text, and the Internet to interact with a station and its employees. As a result, the Main Studio Rule is no longer necessary. Current circumstances warrant elimination of the Main Studio Rule, which would significantly reduce broadcasters' operational costs, without adversely impacting station programming or service to the community.

In TBN's experience, the operating and maintenance cost of a station's main studio physical plant represents approximately 6% of total costs (e.g., mortgage, lease, insurance, maintenance, services, taxes, repairs, etc.). While this will vary market-by-market, with costs higher in the major markets, in the context of TBN's average annual gross revenue this represents an annual cost of between \$6- \$8 million. When the cost of the minimum number of required personnel per station is factored in - 2 full time employees across 37 stations with an average cost of minimum salary and benefits @ \$65,000 - the costs to just maintain compliance with the current Main Studio Rule jumps another \$4.5-\$5.5 million. Elimination of the Main Studio Rule would permit TBN to combine and consolidate a number of its studio operations and represents a significant *annual* savings - \$10.5-\$13.5 million - which would be available for redeployment in additional and upgraded programming. Such an outcome is manifestly in the public interest.

The Supreme Court explained more than seventy-five years ago "that the widest possible dissemination of information from diverse and antagonistic sources" promotes a free society, *Associated Press v. United States*, 326 U.S. 1, 20 (1945). The savings broadcasters will receive by eliminating the Main Studio Rule will help serve this core First Amendment value. Such savings will also help specialty broadcasters like TBN, as well as other under-represented, economically disadvantaged, minority, and small business operators overcome the capital and cost hurdle that too often limits "diversity" and the voices of "antagonistic sources."⁹ The

⁹ See also, *Turner Broadcasting System, Inc. v. FCC*, 520 U.S. 180, 189 (1997) ("promoting the widespread dissemination of information from a multiplicity of sources" is a core First Amendment value); *Time Warner Entertainment Co v. FCC*, 93 F.3d 957, 976 (D.C. Cir. 1996), *reh'g en banc denied*, 105 F.3d 723 (D.C. Cir. 1996) ("This interest lies at the core of the First Amendment: 'Assuring that the public has access to a multiplicity of informational sources is a governmental purpose of the highest order, for it promotes values central to the First

Commission acts properly in the public interest when it removes unnecessary cost and operational barriers. Accordingly, the Main Studio Rule should be eliminated.¹⁰

Wherefore, TBN respectfully supports the Commission's proposal to eliminate the Main Studio Rule and the minimum staffing requirement as noted in the *NPRM*.

Respectfully submitted,

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Amendment.”” quoting *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 663)).

¹⁰ *NPRM* paragraph 10 inquires whether if the staffing requirement is eliminated members of the public may encounter problems communicating with local stations--e.g., during or after business hours, when a station is off the air or is operating on automation. TBN believes that 73.1125(c) and the online posting of telephone numbers, and access to a toll-free number, are adequate and could be maintained without undue hardship.