

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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 UNIVISION COMMUNICATIONS INC.

Univision Communications Inc. (“Univision”), by its attorneys, submits these comments in support of the Commission’s proposal in the captioned Notice of Proposed Rulemaking (“NPRM”) to eliminate the rule that requires each AM, FM and television broadcast station to maintain a main studio located within a prescribed geographic area (the “Main Studio Rule” or the “Rule”).¹ Univision applauds the Commission’s efforts to streamline burdensome regulations such as the Main Studio Rule that, in a digital era, no longer are necessary and now disserve the public interest. Eliminating the outmoded requirement to maintain a main studio within a narrowly limited area would allow broadcasters to achieve important efficiencies and free up valuable resources, thereby enabling them to better serve their viewers and listeners. Univision knows from long experience that providing service to, interacting with, and maintaining awareness of a community is not dependent upon locating a station’s offices within certain arbitrary geographic boundaries imposed by the Rule.

I. THE MAIN STUDIO RULE IS ARBITRARY IN PROVIDING FLEXIBILITY TO SOME STATIONS, BUT NOT OTHERS.

The Main Studio Rule, adopted nearly 20 years ago, was intended to provide broadcast licensees, particularly those with multiple stations, greater flexibility in locating their facilities.² In

¹ *Elimination of Main Studio Rule*, Notice of Proposed Rulemaking, MB Docket No. 17-106 (rel. May 18, 2017) (“NPRM”).

² *1998 Report and Order*, 13 FCC Rcd at 15694, ¶ 7 (“1998 R&O”).

Univision's experience, however, the benefits of the rule do not apply equally to all stations. In practice, some broadcast stations are afforded a large geographic area in which to locate their main studio, while others are limited to a relatively small area, based on factors that may have little relevance to the stated goals of the Rule. For example, stations licensed to larger communities that have multiple licensees typically have a much greater geographic area in which to locate their main studio than stations licensed to smaller communities in the same market. Yet stations licensed to smaller communities likely are most in need of regulatory relief. And for licensees with multiple stations, the arbitrary effect of the Rule makes planning for station acquisitions and facility relocations extremely difficult.

Univision, the nation's leading Spanish-language media company, owns and operates 41 full power TV stations, 13 Class A TV stations, and 64 AM and FM radio stations throughout the United States and Puerto Rico.³ For many years, the Univision station group has been an important platform for news, public affairs, sports and culturally-relevant entertainment programming directed to the nation's fastest-growing minority group. In many of its local markets across the country, Univision owns both television and radio stations. In some of those markets, the Main Studio Rule permits Univision to combine TV and radio operations in a single main studio. In other markets, however, the rule does not permit colocation, requiring Univision to maintain costly, duplicative facilities.

Perhaps the most arbitrary provision of the Main Studio Rule is the feature permitting a station's main studio to be located not only within its own principal community contour, but also within the principal community contour *of any other broadcast station licensed to the same community*.⁴ Although a number of broadcast stations typically are licensed to the center city in each market, many stations also are licensed to smaller communities, with fewer licensees, in the same

³ Univision also owns and operates 5 low power TV stations, which are not required to maintain a local main studio and share the facilities of their full power sister stations.

⁴ 47 CFR § 73.1125(a)(2).

market. The result is that a station with a small coverage contour that is licensed to a large city will have a large number of alternative main studio locations to choose from, but a smaller number -- or no alternative at all -- if it happens to be licensed to a smaller community in the same market.

In local radio markets, stations licensed to smaller communities compete against stations licensed to the center city for audiences and advertising. But the Main Studio Rule gives a potential advantage to radio stations licensed to the larger city, by giving them the ability to locate their main studio within a greater number of alternative contours. For example:

- In the Los Angeles market, a radio station licensed to the city of Los Angeles, such as Univision's KLVE(FM), may locate its main studio within the principal community contours of any of the 11 full power TV stations, 4 Class A TV stations, 20 FM stations and 12 AM stations licensed to that city. But a radio station licensed to Inglewood, such as Univision's KRCD(FM), may locate its main studio within the principal community contours of just the one AM or one FM station licensed to that community.
- In the Chicago market, a radio station licensed to the city of Chicago, such as Univision's WRTO(AM), may locate its main studio within the principal community contours of any of the 10 full power TV stations, 5 Class A TV stations, 24 FM stations and 12 AM stations licensed to that city. In the same market, however, Univision's WPPN(FM), the only station licensed to Des Plaines, cannot take advantage of this additional "flexibility."

Although television stations often have larger coverage areas in which to locate facilities, the Main Studio Rule provides more flexibility to legacy stations that were allotted to the center city of each market. In contrast, UHF stations -- on which Spanish language broadcasting was built -- historically were often allotted to smaller communities where no other stations were licensed. Consequently, those stations have fewer or no alternative contours to choose from under the Rule. Our own Unimás television group, formed in 2002, includes stations licensed to communities such as Marlborough, Massachusetts; Aurora, Illinois; Ontario, California; Hollywood, Florida; and Irving and Alvin, Texas. There are far fewer (if any) other broadcast stations licensed to those communities than

to the center cities of Boston, Chicago, Los Angeles, Miami, Dallas and Houston, which are located, respectively, in the same DMAs.⁵

Univision's own experience in colocating the main studios of its stations in the Los Angeles market highlights the arbitrary nature of the Rule. Univision, through subsidiaries, is the licensee of two television stations and five radio stations serving the Los Angeles area.⁶ Historically, it maintained separate main studio facilities for its radio stations in the city of Glendale and for its television stations in the city of Westchester. In 2014, Univision decided to consolidate its radio operations with its television operations at the Westchester main studio location. The Westchester location met the Main Studio Rule's geographic requirements for all the stations -- except for one FM radio station with a relatively small contour.

At the time, Univision's consolidated main studio location in Westchester did not satisfy the geographic requirements for that remaining FM station because it was situated more than 25 miles from the reference coordinates of the station's community of license, outside the station's principal community contour, and outside the principal community contour of the only other station licensed to the same community. Accordingly, even after colocating six of its radio and TV operations in one main studio facility, Univision was required to maintain a separate Glendale main studio for a single FM station that was operated jointly with the rest of its Los Angeles cluster. And, as a main studio, that location was subject to minimum staffing and equipment requirements. Fortunately, Univision ultimately was able to colocate the main studio of that remaining FM station with the rest of its stations at the Westchester facility, for reasons entirely beyond Univision's control, after the one other station

⁵ Further, predicted signal contours themselves are an arbitrary measure. The Commission itself has recognized that certain terrain conditions, such as mountains, may distort a station's predicted coverage contour. Thus, when the propagation path from a transmitter site to the main studio "departs widely" from the normal 50 meter delta standard, a licensee may make an alternative showing using what is called the "supplemental method."

⁶ The Univision stations serving communities in the Los Angeles area are KMEX-DT, Los Angeles; KFTR-DT, Ontario; KTNQ(AM), Los Angeles; KLVE(FM), Los Angeles; KSCA(FM), Glendale; KRCD(FM), Inglewood; and KRCV(FM), West Covina.

licensed to the same community upgraded its facilities and extended its principal community contour over Westchester.

In this case, the Main Studio Rule produced a completely arbitrary result, undermining its stated rationale. Had no other station been licensed to the same community as Univision's remaining Los Angeles FM station, Univision would never have been able to collocate that station at its other stations' main studios. If the other station licensed to the same community had not decided to upgrade, Univision would never have been to collocate its remaining FM station. On the other hand, had Univision's remaining FM station been licensed to Los Angeles itself, then Univision would have been free to relocate that station to its Westchester facility in the first instance, without delay, and without waiting for another station to complete its modification. Although the ultimate outcome for Univision was fortuitous, for a period of time the rule deprived Univision of valuable operational efficiencies by requiring it to maintain redundant facilities in a single market in the same metropolitan area.

More recently, Univision had a similar experience when it relocated the main studio of its television and radio stations serving the San Francisco market -- one of the most expensive real estate markets in the country. The new collocated studio facility would not satisfy the legal requirements for all of Univision's radio stations, forcing us to make other arrangements for the main studio of certain of those stations.

Fortunately, as the NPRM has tentatively recognized, there is no longer a need to maintain a rule that produces such arbitrary effects.

II. THE MAIN STUDIO IS NO LONGER NECESSARY OR IN THE PUBLIC INTEREST

A. The Transition to Online Public Inspection Files Obviates the Need to Maintain a Main Studio.

Beyond the inequities that result from arbitrarily tying main studio location to broadcast principal community contours, a key rationale for requiring broadcasters to maintain a physical main

studio – to facilitate access to a station’s public inspection file -- no longer exists.⁷ The Main Studio Rule was long justified by the requirement that broadcast stations maintain physical public inspection files at their main studios in order to enable members of the public to monitor station performance and to promote community involvement.⁸ Since the Commission adopted online public inspection file requirements for AM, FM, and television broadcast stations, listeners and viewers need not travel to a station’s main studio to have access to its public file.⁹ To the contrary, the entire contents of any station’s public file soon will be able to be accessed online from any location -- from home, on a smart phone, or at a school or public library. Television broadcasters completed the transition to online public files in 2014, and radio broadcasters will complete their transition by March 1, 2018.

The Commission need not delay until March 1, 2018, to streamline its rules. In order to enable radio and television stations both to realize the operational efficiencies stemming from elimination of the Rule, the Commission could permit radio stations to phase out their physical main studios either upon their early transition to an online public inspection file or subject to a certification that they have placed their public inspection file at another location in their community of license, including at another station or a local library, until they complete the transition to online files.¹⁰ We note that, even in Univision’s experience as a broadcaster serving a uniquely engaged community, very few, if any, members of the public visit Univision stations to request access to the stations’ public inspection files. For example, Univision’s Community Empowerment Director in Los Angeles, who has been on the job since September of 2011, can remember only *one instance* in which a member of the public asked

⁷ The associated requirement that a station actually originate programming from its main studio was eliminated thirty years ago, with the limited exception of Class A television stations. See *1987 Main Studio and Program Origination Order*, 2 FCC Rcd 3215, 3218-19, ¶¶ 39-43.

⁸ 1998 R&O, 133 FCC Rcd at 15700, ¶ 18.

⁹ See *Standardization and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Second Report and Order*, 27 FCC Rcd 4535 (2012); *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Satellite Radio Licensees*, Report and Order, 31 FCC Rcd 526 (2016).

¹⁰ NPRM at ¶ 11. Additionally, the Office of Management and Budget finalized the Commission’s elimination of its former public correspondence and e-mail retention requirement on June 29, 2017. See 82 FR 29438-39 (2017). *Revisions to Public Inspection File Requirements - Broadcaster Correspondence File and Cable Principal Headend Location*, Report and Order, 32 FCC Rcd 1565 (2017).

to review any of the Los Angeles stations' public inspection files. That request was by a reporter from the trade press doing a story on station public inspection files.

B. The Main Studio Is Not Necessary For Broadcasters to Carry Out Their Public Service Responsibilities.

Univision knows from long experience that neither maintaining awareness of community issues nor providing community service is dependent upon a station's offices being located within certain arbitrary geographic parameters that vary from station to station. In fact, most community interaction and community service activities take place outside the main studio building.¹¹

For example, while a station may originate its newscasts from its main studio, the reporting that underlies those newscasts originates across the market and across the region. Univision's flagship station in Los Angeles, KMEX, has been a news leader in Southern California for more than 50 years. Its early and late newscasts are among the highest rated in the entire country, regardless of language, and have been recognized with multiple prestigious honors by the Associated Press, the Radio Television Digital News Association, the National Academy of Television Arts & Sciences and the Regional Edward R. Murrow Award. The station typically has six reporters and eight videographers *in the field* every day to cover and report on the news. Moreover, members of the community can and do regulatory contact Univision's news team in Los Angeles *via* a special e-mail address.

Community service also takes place outside the main studio building and in the community. Thus, in downtown Los Angeles, Univision created the Univision Media Center at the *Para Los Ninos* Charter Middle School, which provides students with experience in production and editing, utilizing donated cameras, computers and other equipment, as well as hands-on training from Univision media professionals. Univision opened five of those Media Centers last fall. To the south in Orange County,

¹¹ Univision supports the Commission's proposal to eliminate the program origination capability requirement. NPRM at ¶ 6. In the digital age, it makes little sense to require stations to equip every main studio with program origination capability. Today's stations originate and transmit programming from myriad facilities utilizing highly portable technology -- not only news and entertainment, but also other community-responsive programming. And members of the public already participate in local programming through audio over IP Codec, Skype, and other technologies that obviate the need to have origination capability at the main studio.

Univision has launched a partnership with the Latino Communications Initiative at Cal State University Fullerton, a workforce pipeline to Spanish and bilingual media organizations. To the north in the San Fernando Valley, Univision hosted an Education Fair at Cal State University Northridge last fall, attended by a crowd estimated at 10,000 people, intended to increase the graduation rate and college attendance of Latino students. At East Los Angeles College in Monterey Park last month, Univision sponsored a Health Fair attended by over 3,500 people, where 76 participating organizations provided over 2,000 tests and screenings. And Univision's General Manager in Los Angeles, Luis Patiño, returned to his alma mater in May to give the keynote speech to the graduating class of 2017 at Cal State University LA.

Univision's community service in Los Angeles, and all its markets, doesn't require a physical studio, with prescribed staffing, located in a specific part of the market. Regardless of where our studios are located and how they are staffed, Univision's viewers expect Univision to provide service throughout the community. In turn, the community interacts with our stations through our news coverage and public affairs programming, at the Media Centers we support in Los Angeles and elsewhere, at the fairs and town halls we host, and at other events we sponsor.

III. THE COMMISSION SHOULD NOT IMPOSE ONEROUS NEW STAFFING REQUIREMENTS.

We agree with the Commission's proposal to retain the requirement that stations maintain a local telephone number in their community of license, or, alternatively, a toll-free number.¹² Telephone access ensures that viewers and listeners have a reliable means by which to access their local stations. The Commission, however, need not create additional staffing requirements for responding to phone inquiries. It is wholly unnecessary, for example, for the Commission to require that a broadcast licensee staff a telephone number at all hours a station is in operation.¹³ It makes no

¹² *Id.* at 10, citing 47 CFR § 73.1125(e).

¹³ *Id.*

sense to require any broadcast station, and, in particular, smaller market stations, to have personnel available *overnight* solely in order to answer the phone in the rare event a member of the public calls with a general inquiry. Indeed, such a requirement would undermine the efficiencies gained by eliminating the Main Studio Rule and staffing requirements.

To be competitive, broadcasters must be highly responsive to community needs, interests and concerns. Univision's audience expects such responsiveness. And while the telephone provides one means of responding to the public, it is hardly the only means by which viewers and listeners communicates with a station and its employees. E-mail, websites and social media (Instagram, Twitter, Facebook, etc.) facilitate continuous community-station discourse. And for emergencies that may occur at any hour, broadcasters coordinate with federal, state or local emergency management and law enforcement officials; protocols for handling emergencies and the dissemination of emergency information, including EAS activation, are already in place at stations. Thus, any telephone staffing requirement or FCC-mandated process to handle incoming emergency or other time-sensitive information is redundant and unnecessary.

Moreover, stations should not be required formally to designate a contact person to handle public inquiries.¹⁴ A one-size-fits-all requirement to designate a single person to handle all inquiries is not practicable, for several reasons. First, station personnel responding to an inquiry about whether a station can sponsor an upcoming community event are unlikely also to be the right personnel to respond to a call (or e-mail) from a state emergency manager. Second, a single contact person is not likely going to be present at the station at all times of operation, or even every single day during business hours. Finally, there is no indication that the means of communication by which listeners and viewers routinely engage with multiple station personnel (including not only telephone calls, but also

¹⁴ *Id.*

e-mail and social media) are insufficient tools by which a broadcast licensee can respond effectively, efficiently and productively to public input.

IV. CONCLUSION

Univision commends the Commission for undertaking this rulemaking and urges the Commission promptly to eliminate the Main Studio Rule, including the Rule's main studio staffing requirements and programming origination requirements. Not only is the Rule arbitrary in practice, but it yields no public interest benefits in an era of online public inspection files, highly portable program origination technology, and communication by e-mail and social media. Reducing regulatory burdens on broadcasters can allow stations to allocate their resources where they yield the most benefit -- toward serving their local communities.

Respectfully submitted,

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