Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

To: Secretary, FCC

COMMENTS OF HUBBARD BROADCASTING, INC.

Hubbard Broadcasting, Inc. ("Hubbard"), by its counsel, hereby submits these comments in response to the *Notice of Proposed Rulemaking* ("*NPRM*") issued in the above-captioned proceeding.[1] In the *NPRM*, the Commission proposes to eliminate the main studio requirement for AM, FM, and television broadcast stations, and related requirements.

Hubbard has been a broadcaster for nearly 100 years, longer than the main studio rule has been in effect.[2] As the owner of radio and television stations in large and small markets across the United States, Hubbard has witnessed first-hand the increasing burdens associated with the main studio requirements, and the lack of any meaningful consumer benefit for their continued existence. For these reasons, and the reasons set forth below, Hubbard strongly supports the Commission's proposal to eliminate its main studio requirements.

---

[1] *Elimination of Main Studio Rule*, Notice of Proposed Rulemaking, 32 FCC Rcd 4415 (2017) ("*NPRM*").

[2] Hubbard's first commercial radio station signed on as WAMD(AM) in 1923, and continues to operate as KSTP(AM), 1500 kHz, St. Paul, Minnesota. The original main studio rule was adopted in 1939. *NPRM* n.7.

I. Background

Section 73.1125 of the Commission's rules currently requires each AM, FM and television broadcast station to maintain a main studio that is located either: 1) within the station's community of license; 2) at any location within the principal community contour of any AM, FM or television broadcast station licensed to the station's community of license; or 3) within 25 miles from the reference coordinates of the center of its community of license.[3] In addition, Commission policy requires a broadcaster to have a "meaningful management and staff presence" at its main studio on a full-time basis during normal business hours, and the capability of originating programming from its main studio.[4]

Given the widespread availability of social media and other technologies that allow the public to communicate with broadcasters, and the continuous online availability of broadcasters' public inspection files, the *NPRM* tentatively concludes that the main studio rule is now "outdated and unnecessarily burdensome."[5] Hubbard agrees, and believes that the rule now simply serves as an artificial barrier to broadcasters seeking to allocate their resources in a manner that best serves their listeners and viewers.

II. Compliance with the Main Studio Rule Has Become Increasingly Burdensome Economically, with No Meaningful Benefit to the Public

Hubbard has experienced the economic difficulty of maintaining separate main studios in a market unnecessarily. In these situations one facility, rather than the multiple main studios required under the current rule, would make more economic sense and would still allow Hubbard

---

[3] 47 C.F.R. § 73.1125(a).

[4] *NPRM* ¶ 4.

[5] *Id.* ¶ 1.

to serve its community in the same manner. Hubbard expends tens of thousands of dollars annually maintaining duplicative main studios. These costs include redundant expenditures for studio lease space, personnel costs, furniture, studio equipment, telecommunications infrastructure, studio-transmitter links, cleaning costs, upkeep, staff travel time between studios, and utilities. These financial outlays would be better allocated to broader news and community coverage programming, reinvestment in new equipment, and other expenditures that would be more relevant and beneficial to the public.

Moreover, members of the public will no longer need to visit a station's studio in order to view its public inspection file, because the file is (or soon will be) available for viewing online by any member of the public at any time.[6] As Commissioner O'Rielly has noted, the elimination of these paper files means that broadcasters no longer have to "make them available to anyone walking in from the street," a situation which presented unnecessary security exposure for

[6] All television station public inspection files, and most major market radio station public inspection files, are available online. The public inspection files for all other radio stations should be available online by March 1, 2018. *Expansion of Online Public File Obligations To Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, Report and Order, 31 FCC Rcd 526, para. 3 (2016). Residual paper political file information from previous election cycles will be phased out by March 1, 2020 at the latest, and the rule requiring stations to retain paper copies of letters and emails from the public has been eliminated effective June 29, 2017. *See* 82 Fed. Reg. 29438 (June 29, 2017). While the Commission anticipated that a few stations in very small markets might seek a waiver of the online requirement due to hardship, see *NPRM* n.31, the vast majority of broadcasters' public files will be available online. The few (if any) stations that require such waivers should not be deemed an obstacle to the elimination of an otherwise burdensome main studio rule for the rest of broadcasters. To the extent that the Commission does not eliminate the main studio requirements for all stations, the Commission should at the very least eliminate the main studio rule requirements for any station that agrees to fully transition to an online public file, including, if necessary, the voluntary transition of any residual political file materials to the online public file. *See NPRM* n.34.

broadcasters.[7] Removing these public file requirements also eliminates the minimum staffing need to accommodate requests from the public to view paper public files.

Losing public access to a station's studio does not mean that the public will be cut off from broadcasters. Hubbard's primary connection to its viewers and listeners is through electronic mail and social media, platforms which are widely available to the public through ubiquitous mobile communications. Hubbard also conducts its own outreach in the communities it serves, through activities such as classroom visits by station personnel, live programming on location, and through equal employment opportunity outreach efforts. All of these activities will continue without the need for a main studio rule.

III. Broadcasters Should Be Free to Locate Their Facilities in any Area that They Determine Best Serves the Public

The current main studio rule acts as an arbitrary restraint on the ability of broadcasters to serve the public. It is irrational to assume, for example, that a station would better serve the public if it were located 24 miles from the reference coordinates of the center of its community of license, but would not do so if it were located 26 miles from those reference coordinates. In addition, the flexibility to locate a main studio within the principal community contour of any broadcast station licensed to the station's community of license may be of limited use. A station

[7] *Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, Notice of Proposed Rulemaking, 31 FCC Rcd 5796 (separate statement of Commissioner Michael P. O'Rielly); *see also Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, Report and Order, 32 FCC Rcd 1565 (2017) (separate statement of Commissioner O'Rielly) ("Local broadcasters and their hardworking staffs are mostly celebrated in their communities due to their high-profile work performing various official and public service functions, but this exposure and notoriety can leave them particularly vulnerable. Station employees face safety risks every day, and have been targets of attacks....These were necessary risks to take in an era of paper files, but online public files have the potential to improve the safety of broadcast and cable facilities while enhancing public access to important information.").

that is the only station licensed to a community is unlikely to benefit from this rule, particularly if its contour is small, whereas a station that has many other broadcasters in its community of license is arbitrarily afforded greater flexibility in terms of where to locate its main studio, because it can take advantage of the potentially larger contours of other broadcasters in its market. Ironically, this rule tends to harm rural broadcast stations, which frequently are the only station allocated to a community.

In addition, significant changes in newsgathering methods have rendered the main studio concept moot. Televisions stations today use numerous remote live shots to cover news events in all areas of their coverage area, further diminishing the need for a main studio. Moreover, legacy main studio requirements mean that broadcasters may be forced to incur duplicative costs in order to maintain a rule-compliant main studio, even where a population shift has resulted in a station opening another studio in a different area with the attendant financial burden.

Broadcasters understand that they must serve not only the audience within the confines of their community of license, but all listeners and viewers within their coverage area. As a result, broadcasters should be given the flexibility to locate their facilities in any area that they determine best serves the public, without arbitrary restrictions imposed by the Commission.

IV. The Commission Should Permit Broadcasters to Maintain Multiple Methods of Contacting Their Stations, Without Commission Mandates

The *NPRM* seeks comment on whether a broadcaster should be required to continue maintaining a local telephone number in its community of license or a toll-free number.[8] Hubbard agrees that a local or toll-free number should be viewed as one acceptable method for broadcasters to permit the public to contact them. Stations already provide a contact telephone

[8] *NPRM* ¶ 10.

number in their online public inspection files, along with a physical address, fax number, and email address. Hubbard believes that all of these methods of communication should continue to be included in station online public files. Such public files are easily located online through commercial search engines.

While the Commission is free to encourage stations to publicize their phone numbers and other contact information in additional ways, Hubbard believes it would be unnecessarily burdensome for the Commission to impose any mandates in this area. Instead, the specific contact methods employed by broadcasters to engage with the public should be left to the reasonable discretion of broadcasters. The public currently has numerous ways in which to contact broadcasters – via telephone, voice mail, email, fax, station website and social media. Broadcasters are incentivized in a competitive marketplace to be responsive to their viewers and listeners who contact the station, through whatever means. Any concerns with an individual broadcaster's lack of responsiveness to the public can be addressed in the normal course through the Commission's online complaint process.

V. Conclusion

For the reasons set forth above, Hubbard strongly supports the Commission's tentative conclusion that the main studio requirements may be eliminated in their entirety, and Hubbard

urges the Commission to eliminate them as soon as possible.

Respectfully submitted,

HUBBARD BROADCASTING, INC.

/s/ David A. O'Connor
Kenneth E. Satten
David A. O'Connor
Wilkinson Barker Knauer, LLP
1800 M Street, NW, Suite 800N
Washington, DC 20036
Tel: 202-783-4141
Email: ksatten@wbklaw.com,
doconnor@wbklaw.com
Its Counsel

July 3, 2017