

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

In the Matter of )  
Elimination of Main Studio Rule ) MB Docket No. 17-106  
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**COMMENTS OF NEXSTAR BROADCASTING, INC.**

Nexstar Broadcasting, Inc. (“Nexstar”), the licensee of 160 full-power and Class A television stations, respectfully submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (“NPRM”) pursuant to which the FCC proposes to eliminate its Main Studio Rule, 47 C.F.R. § 73.1125 requiring each AM, FM and television broadcast station to maintain a main studio located in or near its community of license.”<sup>1</sup> The Commission seeks comment on matters associated with the existing rule, including how often individuals from the community visit the station and for what purpose, the impact of technology on the communication between the station and its community, the costs associated with compliance with the rule, and some anticipated effects of eliminating the rule such as the efficiencies to be realized by commonly owned or jointly operated stations and the impact to a station’s ability to communicate time-sensitive or emergency information.<sup>2</sup> Nexstar agrees with the Commission’s position that the Main Studio Rule is “outdated and unnecessarily burdensome,” agrees with the Commission’s proposal to eliminate the Main Studio and other associated rules,<sup>3</sup> and provides these comments in support.

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<sup>1</sup> *Elimination of Main Studio Rule*, Notice of Proposed Rulemaking, 32 FCC Rcd 4415 (rel. May 18, 2017). See also 47 C.F.R. § 73.1125(a)-(d) (“*Main Studio Rule*”).

<sup>2</sup> *Id* at p. 4418.

<sup>3</sup> *Id* at p. 4420 (“[W]e propose to eliminate other Commission rules that currently reference section 73.1125.

## I. Introduction.

As the Commission succinctly detailed in the NPRM, times have changed and the Main Studio Rule is “unnecessary as a means for viewers and listeners to communicate with or access their local stations and to carry out the other traditional functions that they have served.”<sup>4</sup> The nature of communities, and more importantly the people within those communities, has evolved in 70 years since the Main Studio Rule was adopted.<sup>5</sup> That evolution has been fueled by transitioning populations, including the suburbanization movement<sup>6</sup> where people moved from urban, commercial or industrial areas to the suburbs, beyond the immediate proximity the traditional main studio location, as well as the never-ending churn of technology. However, the increasing physical distance between community members and their local station has not hampered their relationship. Rather, this ongoing relationship has remained intact due partly to the adoption, deployment and widespread use of the internet as a communications means, but also, more importantly, due to broadcasters’ efforts to remain connected and relevant to the communities they serve.

The Commission first acknowledged these shifts in culture, consumption, and communication, and embraced responsive technology when it mandated that all television stations provide access to their public file via an online portal hosted by the FCC.<sup>7</sup> That agency

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Specifically, if we eliminate the main studio rule, we also will need to delete sections 73.3538(b)(2) (informal application to relocate main studio), 73.1690(c)(8)(ii) (location of FM studio within station principal community contour), and 73.1690(d)(1) (permissive change in studio location) of the Commission’s rules, all of which are premised on the existing main studio rule.”).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at p. 4416.

<sup>6</sup> Becky Nicolaidis and Andrew Wiese, “Suburbanization in the United States after 1945,” Oxford Research Encyclopedias – American History, April 2017, DOI: 10.1093/acrefore/9780199329175.013.64.

<sup>7</sup> *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535 (2012).

mandate recognized that the early 20<sup>th</sup> century construct requiring a broadcaster to be physically present to interact with its community was no longer valid. In the wake of this transition success, pioneered by television broadcasters, the Commission, in 2016, expanded the online public inspection file mandate to include AM and FM radio stations.<sup>8</sup>

The Commission has further discussed the consequences of innovation extensively in various proceedings relating to broadcast, broadband and telecom. It is a well-documented that the United States population, generally, is a “connected” society with increasing use of mobile devices, social media and other internet/broadband options – all regardless of our exact and instant geolocation. Today, you can make a call, order food, schedule services and unlock your front door whether you are standing outside of your front door or a continent away from home. As such, elimination of the requirement to physically locate a main studio building and its associated personnel<sup>9</sup> close to the “center of town” or some other arbitrary community of license boundary, will neither sever nor even diminish a station’s local connection to its community.

## **II. Elimination of the Main Studio Rule Will Not Deter or Decrease Community Interaction.**

The Commission asked “how often do stations receive in-person visits from members of the community.”<sup>10</sup> Nexstar polled its stations in several markets including Albany-Schenectady-Troy, NY (59), Amarillo, TX (131), Grand Junction, CO (186) and San Francisco, CA (6) to determine how many visitors, other than station scheduled tours for local organizations (i.e. girl/boy scout troops, etc.), came to the station in the last 12 months. Each market indicated that

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<sup>8</sup> *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 (2016).

<sup>9</sup> *NPRM*, 32 FCC Rcd at 4416 (citing *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, Memorandum Opinion and Order*, 3 FCC Rcd 5024, 5026, para. 24 (1988)).

<sup>10</sup> *NPRM*, 32 FCC Rcd at 4418.

it had not had one walk-in community visitor in the last 12 months requesting to see the station's public file or to discuss programming, local or otherwise. Conversely, the stations indicated they receive some calls but more typically receive emails from community members on a daily basis regarding programming and other issues. In addition, community members routinely are interacting with the stations through social media platforms such as Facebook and Twitter.

Further, the Commission consistently has granted main studio waivers to non-commercial stations,<sup>11</sup> and those stations have remained responsive to their communities even in the absence of a brick and mortar building filled with at least two employees. Moreover, even in the absence of a regulatorily mandated main studio, broadcasters need to remain close to their communities to remain viable as commercial entities. Consequently, broadcasters have had no choice but to evolve with their communications technology to remain relevant and responsive to their consumers. Without consumers, broadcasters serve no purpose.

Finally, consumer shifts in communication have been readily adopted by the industry, evidenced<sup>11</sup> by the growing social media presence of broadcasters. Nexstar, like its peers, not only have interactive websites, which provide email and telephone contact information to the public, but also now have real time connections to its communities through Facebook, Instagram and Twitter. Moreover, some stations have mobile apps providing real time information to consumers 24 hours a day/7 days a week. These mediums offer viewers, and the public at large, an opportunity to communicate in real time with the stations with comments, ideas, or other matters. Accordingly, concerns regarding any disconnect between a broadcaster and its community of license if the Main Studio Rule is eliminated are unfounded.

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<sup>11</sup> The Commission also has granted main studio waivers to commercial stations, which stations have remained equally responsive to the local community. *See e.g.*,

### **III. Maintaining and Staffing a Main Studio Is Inefficient and an Unnecessary Waste of Resources and Elimination Will Permit Broadcasters to Better Serve Their Communities.**

As the Commission is aware, providing a broadcast service to the public is expensive. The cost of the equipment required to distribute broadcast signals, plus a (main studio) building and at least two full-time employees result in expenditures well into and beyond six figures annually between lease and/or structure payments and salary and benefit obligations. The funds expended to maintain unnecessary main studios can be better spent to provide local news, additional local programming or better transmission services.

Moreover, upon elimination of the Main Studio Rule, broadcasters are not likely to immediately pick up and flee their local communities. Licensees have already made significant investments in their physical facilities (i.e., long-term leases, purchased facilities, existing transmission sites and immobile equipment and facilities). However, elimination of the Main Studio Rule will allow broadcasters to consider future modifications that benefit their communities through better allocation of financial resources to activities such as more local news and programming. In addition, commonly owned or commonly operated could readily combine facilities and staff to realize significant financial savings, again providing funds that could be better spent on improved transmission, better technology and more programming.

Aside from increasing funds available for more local programming, elimination of the Main Studio Rule, and its associated brick and mortar expenses, will provide broadcasters with an opportunity to obtain or improve existing equipment, such as better weather radiolocation facilities or mobile remote pickups. Additionally, it will allow broadcasters the chance to develop or improve existing real-time apps that may be used and readily downloaded, free of charge, by its community members. Broadcasters have developed apps that alert consumers about local

events including entertainment and traffic but more importantly, these apps provide, or have the potential to provide, information regarding real time emergency or other disaster events, and information that can save life and property.

Broadcasters, regardless of service and local, state or federal regulations, have an ongoing incentive to remain connected and responsive to their communities because without active, interested, engaged listeners or viewers, broadcasters cannot survive. Accordingly, Nexstar respectfully asks the Commission to move swiftly in this proceeding to eliminate the Main Studio Rule (and associated obligations) so that broadcasters have the authority, flexibility and resources to innovate and provide their communities with the improved and expanded services and benefits.

Respectfully submitted,

**Nexstar Broadcasting, Inc.**

By: \_\_\_\_\_/s/\_\_\_\_\_  
Elizabeth Ryder  
EVP & General Counsel  
545 E. John Carpenter Freeway  
Suite 700  
Irving, TX 75062

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