

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

**COMMENTS OF THE MULTICULTURAL
MEDIA, TELECOM AND INTERNET COUNCIL, INC.
IN SUPPORT OF NOTICE OF
PROPOSED RULEMAKING**

To: The Commission

The Multicultural Media, Telecom and Internet Council, Inc. (MMTC), respectfully submits these comments in support of the Notice of Proposed Rulemaking (NPRM) proposing elimination of existing requirements associated with the main studio rule.¹

The main studio rule was conceived 80 years ago, before the Second World War and many decades before the internet. Given the passage of time and the fact that the world is now in the digital age, it is appropriate that the rule's continued existence be reexamined in a formal proceeding.

I. The Benefits of Co-Location.

The main studio rule was liberalized in the late 1990s and early 2000s. Presently, where commonly-owned or jointly operated stations broadcast and are situated in a given market, main studio co-location may be authorized. Eliminating the need for duplicative studios will enable

¹ MMTC is a national nonprofit organization dedicated to promoting and preserving equal opportunity and civil rights in the mass media, telecommunications and broadband industries and closing the digital divide. Although MMTC is not a broadcast licensee among its members and supporters are broadcast stations owned by women and minorities. MMTC has become the nation's leading advocate for minority advancement in communications and has participated in scores of commission proceedings involving the broadcast industry.

many stations to enjoy reduced operating expenses. However, comparable economic benefits are generally unavailable where co-owned or jointly operated stations are licensed to non-contiguous communities within a region such as the Delmarva Peninsula. For instance, a licensee of co-owned stations serving Salisbury, and St. Michael's, Maryland and Dover or Wilmington, Delaware, can locate its headquarters office in Annapolis, Maryland. Under the current rule that licensee will probably have to maintain multiple main studios, in or near each of its station's community of license. By consolidating operations at a single main office as recognized in the NPRM, the licensee will be able to more efficiently monitor its far-flung stations. Labor, rent, utilities and similar overhead expenses will be reduced or eliminated. With such streamlining stations will be better positioned to "carry out the other traditional functions they [serve]."

NPRM ¶7.

II. Retaining Program Origination Capability: No Longer Necessary.

MMTC concurs in the Commission's tentative conclusion that the program origination capability requirement should be eliminated. Stations that regularly engage in local originations are unlikely to risk alienating audiences and advertisers by ceasing or curtailing program originations. Stations that elect to discontinue such programming may retain their equipment (most of it computerized) as backup, sell or scrap it, or find other uses for the technology.

Retaining the requirement that stations retain program origination capability is probably a good idea from a public interest standpoint, but eliminating the requirement is unlikely to cause stations to alter their fundamental service profiles and is outweighed by other benefits discussed herein.

III. Benefits to Non-commercial Broadcast Stations.

In paragraph 7 of the NPRM, the Commission inquires whether any particular issues may surface affecting non-commercial stations if it eliminates the main studio requirement. MMTC believes that eliminating the rule could actually bolster some stations' financial health.

Recently, a considerable number of non-commercial stations have seen their funding dry or dwindle. Affected licensees have had to lay off staff and in some cases, defer acquiring new programming. Responding to these conditions some stations have negotiated time brokerage agreements-- also known as Public Service Operating Agreements (PSOAs)--to cover a portion of their funding "deltas." Like LMAs and TBAs most PSOAs require programmers to reimburse licensees for main studio costs. Relieving prospective programmers of the need to assume such expenses may provide incentives to minorities and other newcomers who lack access to the airways to enter into PSOAs and offer foreign language and other specialized content. Equally important, these agreements can provide an extra measure of financial security for non-commercial.

IV. No Impact on Access to Station Documents.

In MMTC believes that members of the public rarely visit stations' main studios to examine public files and copy documents. Therefore, if the Commission eliminates the main studio rule in the near future all station documents that should be available to the public will be accessible online. Stations may, of course, supplement postings on the web by depositing documents to a local library, a real estate office, the local post office or another public or semi-public location in the community (see local public notice requirements for broadcast applicants) and publicize locations by on-air announcements or over the Internet.

V. Communication of Critical Information to the Public and Interactivity

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.

MMTC believes that 73.1125(c) and the online posting of telephone numbers are adequate under most circumstances and that stations should not have to hire someone to handle telephone calls, e-mails and other electronic messages from the public. Inarguably, all broadcast stations should be reachable telephonically (and over the internet) 24/7, and as a matter of prudence all stations should assign a staff member to monitor incoming communications when the station is broadcasting and retrieve voicemails at regular intervals. These commonsense procedures should present no hardship to even the smallest AM station.

Of course, the need to convey time-sensitive communications may occur where there is a potential threat of danger to life or property. In these situations, no one may be instantly reachable and capable of implementing alerts over the air. In most situations communications “gaps” ---certainly those involving unanswered telephone calls to a local or 800 number-- can be addressed by requiring stations to subscribe to an answering service (as plumbers and physicians do). Therefore, in a true emergency involving the need to broadcast time-sensitive emergency information the TAS operator can convey the message to a designated staffer’s personal cellphone or other mobile device. Moreover, when a station is broadcasting in an automated mode EAS announcements will be available throughout the community. Finally, cellphones and other mobile devices are ubiquitous and even the most seemingly minor emergency in a particular community (e.g., a road-closure or a downed tree) may gain instantaneous publicity although that occurrence may not be broadcast in real-time.

In paragraph 8 of the NPRM, the Commission is concerned that if it eliminates the rule, the flow of communications from audiences to stations that no longer maintain staffed brick and mortar sites could be diminished. On the contrary, as noted, cellphones and other digital devices are ubiquitous; listeners and viewers will continue to give voice to their reactions to stations' programming and report breaking news in real time. Indeed, it has become increasingly apparent that every smartphone user is potentially a "broadcast journalist." In short, elimination of the main studio rule should not impair the public's access *to* stations' management: Likewise, a station's ability to interact *with* audiences on its website, over Facebook, Twitter or other social-media platforms, will be unaffected.

Finally, all stations must ascertain issues affecting the public, offer programming to meet community needs and interests and document those efforts in quarterly reports. Additionally, television and Class-A stations must comply with the children's programming rules. These and other bedrock obligations will remain in place when the rule is eliminated.

VI. Conclusion

Elimination of the main studio rule will relieve twenty-first century broadcasters and the public they serve of unnecessary regulatory burdens, consistent with section 307(b) of the Act.

Respectfully submitted,

**Multicultural Media, Telecom and
Internet Council, Inc.**

/s/ Kim M. Keenan

Kim M. Keenan
President and CEO
David Honig
President Emeritus and Senior Advisor
1620 L Street, NW. Suite 250
Washington, DC 20036
(202) 332-0500

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