

Before the  
Federal Communications Commission  
Washington, DC 20554

In the matter of )  
Modernization of Media Regulation ) MB Docket 17-105  
)

Reply Comments

I am Ben Downs, Vice President of Bryan Broadcasting Corporation (BBC), operator of a number of AM and FM radio stations in Texas. I am replying in support of the comments of Gleiser Communications LLC (Gleiser) regarding the need to modernize the Commission's EEO rules.

Gleiser makes an excellent point that decades of Commission policy has not appreciably increased the participation in ownership by women and minorities. I would suggest, however, that any analysis that does not take into account ownership interests in publicly traded companies will overlook a number of women and minority owners.

Likewise, it would be illustrative to review the history of the process of awarding the 680+ FM radio stations in the Docket 80-90 proceeding. These licenses were awarded based on applications as now, but conflicting applications were awarded based on a set of four criteria. The most important of the four was female and minority ownership of the applicant. With the relative weight given to each criterion (minority ownership, first time ownership, integration of management, AM daytime licensee), it would have been possible that every station licensed during this process would be awarded to a minority or female applicant. And yet, we continue struggling to increase minority and female participation decades later. Indeed, as Gleiser notes, only the "Minority Tax Certificate" has appreciably moved the numbers of owners higher.

BBC also has observed that the current EEO rules have resulted in process violations as opposed to violations involving actual discrimination. A licensee can have a sterling record of wide dissemination of employment opportunities yet draw an FCC sanction due to a misplaced resume or a lost newspaper tear sheet.

Given there are other governmental agencies that specialize in addressing cases of employment discrimination, we believe the FCC effort is duplicative when viewed against the resources of the Equal Employment Opportunity Commission.

BBC supports the suggestions made by Gleiser and asks that the FCC consider reducing the paperwork burden on broadcasters which results from the current EEO rules. With EEO audits, EEO programs, subjective outreach, and record retention rules, the potential for a violation (process or otherwise) is arguably greater in the EEO arena than in any other aspect of broadcast regulation. Perhaps a reevaluation of the role and methods of the FCC in ensuring equal opportunity is in order.



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