



August 14, 2017

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Notice of Ex Parte Communication in MB Docket No. 17-106

Dear Ms. Dortch,

On Wednesday, August 9, 2017, Diana Sokolow of the Media Bureau contacted the undersigned of the National Association of Broadcasters (NAB) to request information on an issue raised by the Commission's proposed elimination of the main studio rule.<sup>1</sup> On Thursday, August 10, 2017, I responded via telephone to Ms. Sokolow's inquiry.

The *Notice* seeks comment on how members of the community can access a station's public file if a station maintains any portion of its file on paper and does not maintain a local main studio.<sup>2</sup> In our comments, NAB supported a Commission proposal that stations make their paper public inspection files available at another accessible place within the community of license, such as another station's main studio, an attorney's office or a local public library.<sup>3</sup>

Ms. Sokolow asked NAB for information on the potential impact of making paper public files available to members of the community via email or paper mail. NAB continues to believe that maintaining the paper file in an accessible location in the community of license is the best course. However, NAB does not object to the Commission offering email or paper mail as an *option*. While some broadcasters may appreciate that flexibility, such a

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<sup>1</sup> *Elimination of the Main Studio Rule*, Notice of Proposed Rulemaking, MB Docket No. 17-106, FCC No. 17-59 (May 18, 2017) (*Notice*).

<sup>2</sup> See *Notice* at ¶ 11 (observing that stations can seek waivers of the online public file requirement; that not all radio stations have transitioned their files online; and that portions of television stations' political files may remain in the paper file until the end of the two-year retention period).

<sup>3</sup> Comments of NAB in MB Docket No. 17-106 at 8-9 (July 3, 2017), *citing Notice* at ¶ 11, 47 C.F.R. § 73.3526(b)(1).

requirement would be unduly and unnecessarily burdensome for many broadcasters. For example, broadcasters with larger public files would now be forced to spend considerable time and expense to photocopy and mail (or scan and email) documents from the public file. Accordingly, NAB would not support requiring broadcasters to make the paper public file available via email or mail in addition to maintaining a paper file in an accessible location.

Ms. Sokolow also asked whether Section 73.3526(c)(2) of the Commission's rules is relevant to its analysis of this issue.<sup>4</sup> This section requires a station that maintains its main studio and public file at a location outside its community of license to mail copies of documents in the file (excluding the political file) to certain members of the public upon request.<sup>5</sup> This requirement was adopted against the backdrop of the existing main studio rule and should be updated to reflect the elimination of the rule as part of this proceeding.<sup>6</sup> The requirement does not directly address the question of how a station's paper public file should be made accessible absent the rule. Importantly, Section 73.3526(c)(2) also does not constrain the Commission's ability to adopt different standards for making the file accessible.

NAB appreciates the opportunity to share our views on this matter. Please direct any inquiries to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'ERL Dozier', with a stylized, cursive flourish at the end.

Erin L. Dozier  
Senior Vice President and Deputy General Counsel  
Legal and Regulatory Affairs

cc: Holly Saurer, Martha Heller, Diana Sokolow

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<sup>4</sup> 47 C.F.R. § 73.3526(c)(2).

<sup>5</sup> *Id.*

<sup>6</sup> *Notice* at ¶ 12, note 37.