

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Revision to Public Inspection File)	MB Docket No. 16-161
Requirements - Broadcaster Correspondence)	
File and Cable Principal Headend Location)	

**REPLY COMMENTS OF THE NATIONAL HISPANIC MEDIA COALITION,
THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS, THE CENTER FOR MEDIA JUSTICE,
COMMON CAUSE, COMMUNICATIONS WORKERS OF AMERICA,
FREE PRESS, AND PUBLIC KNOWLEDGE**

A group of public interest and civil rights organizations, the National Hispanic Media Coalition, the American Federation of Labor and Congress of Industrial Organizations, the Center for Media Justice, Common Cause, Communications Workers of America, Free Press, and Public Knowledge (“Public interest and civil rights groups”) respectfully submit these reply comments to oppose the Federal Communication Commission’s (“Commission”) tentative conclusion in the Notice of Proposed Rulemaking (“NPRM”) to eliminate the requirement that commercial broadcasters retain public letters and emails in a public inspection file.¹ All public interest and civil rights commenters in the docket support maintaining the correspondence folder, while only broadcasters support its elimination. Public interest and civil rights commenters have explained the value of the correspondence folder and how moving to an online-only format would frustrate poor people and people of color – who still tend to rely on over-the-air television – from effectively communicating with their local broadcasters. Moreover, broadcasters’ three main arguments against maintaining the correspondence folder are either contradictory or wildly theoretical. It is in the public interest for the Commission to retain this requirement.

¹ Revisions to the Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location, MB Docket No. 16-161, Notice of Proposed Rulemaking, FCC 16-62 at 5, para. 9 (rel. May 25, 2016) (“Public Inspection File NPRM”).

Public interest and civil rights groups agree that eliminating the correspondence folder would disproportionately hurt the poor and communities of color. As Howard Media Group explained, “these stations operate in the public interest, necessity, and convenience.”² Community members without access to the internet should not be excluded from the resources that allow them to hold their broadcasters accountable. The National Association of Broadcasters states that, “consumers today are far more likely to use social media or other online forums to communicate their views.”³ However, the growing reliance of social media does not negate the need for a correspondence folder, especially in an era when some studies suggest that only 55 percent of African Americans and 46 percent of Latino adults currently use home broadband.⁴ Civil rights groups further agree with the Howard Media Group that “[p]ublic interest does not and should not exclude the interest of anyone, particularly the low income, less educated or minorities who currently do not have access to online platforms...[t]hese individuals, too, have an interest in station performance.”⁵ Due to the disparate lack of internet access, eliminating the correspondence folder would disempower those members of the broadcaster’s community of license who still rely on this vital resource. Public interest and civil rights groups agree that the correspondence folder is by far one of the most informative parts of the public file because it continues to empower members of the community, and serves as an important source of information for those who want to hold their local broadcasters accountable.

² Comments of Howard Media Group, MB Docket No. 16-161 at 2, filed June 29, 2016 (“HMG Comments”).

³ Comments of the National Association of Broadcasters, MB Docket No. 16-161 at 2, filed July 22, 2016 (“NAB Comments”); *see also*, Comments of the Broadcasters Coalition, MB Docket No. 16-161 at 5, filed July 22, 2016 (“BC Comments”) (“stations receive much of their feedback from interested viewers and commenters through public social media accounts than any interested party can monitor.”); Joint Comments of the Named State Broadcasters Association, MB Docket No. 16-161 at 4, filed July 22, 2016 (“Named State Broadcasters Comments”) (“the vast majority of communications from listeners and viewers comes via social media, web forms, and other digital means.”).

⁴ *See* Anna Brown, Gustavo López & Mark Hugo Lopez, Digital Divide Narrows for Latinos as More Spanish Speakers and Immigrants Go Online, Pew Research Center 5 (July 20, 2016), *available at* http://www.pewhispanic.org/files/2016/07/PH_2016.07.21_Broadbank_Final.pdf.

⁵ HMG Comments at 2.

Broadcasters throw around numerous claims to support eliminating the correspondence folder on the grounds that it is burdensome to maintain, yet they rely on two main arguments that seem inherently contradictory and that are not supported by facts in the record. First, broadcasters argue that that too few members of the public review the correspondence folder to make it worthwhile to maintain;⁶ and second, that it is burdensome to maintain it.⁷ Yet if so few members of the public review the correspondence folder, it is difficult to comprehend how maintaining that folder constitutes such a burden so as to justify eliminating the requirement altogether. For example, the Named State Broadcasters Associations' assertion that staff must be in "*constant vigil* for visitors who could drop by at any moment wanting to see the public file"⁸ runs afoul of its statements in the very same document that "communications between the public and broadcasters is...largely a digital endeavor,"⁹ and that the "vast majority of communications from listeners and viewers comes via social media."¹⁰ One cannot claim credibly that staff are burdened by constant visits from the public and then also argue that such visits never actually happen because communications occur largely through social media. If social media dominates the way viewers and listeners communicate, then maintaining a file that contains these letters and emails should not rise to a burdensome level. Broadcasters also fail to cite any data of how many hours per week, month, or year an employee spends in specifically maintaining the

⁶See, NAB Comments at 3-4 ("very few members of the public made the effort to examine stations' local public inspection files. With most file content now online, those numbers will dwindle to nearly zero."); BC Comments at 2 ("few, if any, members of the public ever review a station's correspondence file."); Comments of Saga Communications, Inc., MB Docket No. 16-161 at 3, filed July 22, 2016 ("Saga Comments") ("members of the public rarely view the local public files at all."). Saga's counsel conducted a survey of 26 markets, and of the managers that responded all "reported that none of Saga's stations has had any member of the public in the last 5 years visit a Saga station to review the local correspondence file." *Id.* at 2. Further, they state that any visits to inspect the public file were to "review the policy file and not the correspondence portion of the local public file." *Id.*

⁷See, NAB Comments at 1 (NAB applauds the Commission taking steps to "reduce regulatory burdens on commercial broadcasters."); Named State Broadcasters Comments at 5 ("commercial broadcasters as the only entities required to maintain Letters from the Public in their public inspection file."); Saga Comments at 2 (eliminating the requirement will "reduce the burden on commercial broadcasters...without affecting the public's ability to express to the Commission its concerns.").

⁸Named State Broadcasters Comments at 4 (emphasis added). See also, NAB Comments at 3 ("resources devoted to maintain a local public file solely for correspondence diverts resources that stations would otherwise be able to invest in services that would more meaningfully serve their viewers and listeners.").

⁹Named State Broadcasters Comments at 3.

¹⁰*Id.* at 4.

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