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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of	)	
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Reexamination of the Comparative Standards for New Noncommercial Educational Applicants	)	MM Docket No. 95-31

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JOINT COMMENTS OF
THE ASSOCIATION OF AMERICA'S PUBLIC TELEVISION STATIONS
and NATIONAL PUBLIC RADIO

Theodore D. Frank
Veronica McLaughlin
Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339
202/857-6016
Counsel for Association of America's Public Television Stations and National Public Radio

Of Counsel:
Marilyn Mohrman-Gillis
Lonna M. Thompson
Association of America's Television Stations
1350 Connecticut Ave., N.W.
Washington, D.C. 20036

Stephen Nevas
Vice President, Legal Affairs and General Counsel
Mary Lou Joseph
Vice President, National Affairs and Member Services
Sabrina McMillian
Associate General Counsel
Gregory A. Lewis
Assistant General Counsel
National Public Radio
635 Massachusetts Avenue, N.W.
Washington, D.C. 20001-3753
202/414-2050

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and NATIONAL PUBLIC RADIO

The Association of America's Public Television Stations ("APTS") and National Public Radio ("NPR") respectfully submit these joint comments in response to the Notice of Proposed Rulemaking in the above-captioned matter, released March 17, 1995 (the "*Notice*"). For the reasons set forth below, APTS and NPR urge the Commission to adopt the noncommercial educational comparative issue suggested in these comments. That issue will permit the Commission to make a meaningful determination as to which applicant will provide the noncommercial educational broadcast service which is most responsive to the needs and concerns of the local community.

APTS is a nonprofit membership association whose members comprise most of the nation's 351 public television stations. NPR is a nonprofit, noncommercial organization that represents and provides programming and interconnection services to more than 500 public radio stations. APTS and NPR submitted joint Comments and Reply Comments in connection with the Commission's earlier *Notice of Proposed Rule Making* in GC Docket 92-52, 7

F.C.C. Rcd 2664 (1992), in which they addressed the comparative issue in noncommercial educational comparative hearings. These Comments are submitted by APTS and NPR on behalf of their members.

SUMMARY

APTS and NPR believe that the Commission should adopt a noncommercial educational comparative issue that is designed to select the applicant which will best advance the public interest goals that originally prompted the Commission to reserve spectrum for noncommercial educational use. The Commission set aside that spectrum because it believed that noncommercial educational entities would increase the diversity of programming available to the public and would serve distinct and unique audiences, which are frequently unserved or underserved by commercial broadcasters. APTS and NPR submit that applicants that are representative of and connected to their local community and can demonstrate the ability to effectuate their proposal will best serve those goals.

Accordingly, APTS and NPR urge the Commission to adopt the following comparative issue:

> (a) When evaluated in light of the overall proposal of the applicant, which applicant will provide a local educational program service that best serves the needs of the community?
>
> > The factors relevant to this consideration are:
> >
> > (i) whether the governing board of the applicant is representative of the community, including its racial, ethnic, and gender

composition, and the various educational, cultural and other groups in the community;

(ii) whether the applicant is integrated into the educational, cultural, social and civic organizations and institutions in the community;

(iii) whether the applicant has ascertained the educational, cultural, social and civic needs of the community and proposed a program service that is responsive to those ascertained needs and will enhance the intellectual, cultural, social and educational life of the community; and

(iv) whether the applicant has demonstrated that it has a reasonable prospect of effectuating its proposal.

(b) Whether the applicant will increase the diversity of noncommercial educational programming to the community.

(c) Whether either applicant will provide service to a meaningfully larger area or population and whether either applicant will provide a first, second or third noncommercial signal to a meaningful population.

APTS and NPR believe that these criteria reflect noncommercial educational broadcasting's mission to provide programming that will serve diverse educational needs and interests of the local community, needs and interests that are frequently underserved by commercial broadcasting.[1/]

[1/] *See Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants*, 58 F.C.C.2d 526, 536 (1976) (noting that public broadcasters program to meet "cultural and informational interests often given minimal attention by commercial broadcasters"); *Revision of Program Policies and Reporting Requirements Related to Public Broadcast Licensees*, 98 F.C.C.2d 746, 751 (1984) (stating Commission's expectation that the programming of public broadcast stations will reflect the stations' special status and that the stations will provide their communities with significant alternative programming designed to satisfy the interests of the public not served by commercial broadcast stations).

As APTS and NPR urged in their earlier comments in GC Docket No. 92-52, *supra*, and as the National Federation of Community Broadcasters ("NFCB") currently concurs, the Commission should reject time sharing, auxiliary power and a point system in evaluating noncommercial applicants. Neither time sharing nor a point system will lead to the selection of the licensee that will best serve the educational and cultural needs of the community.[2/] Indeed, a point system can produce perverse results. Similarly, auxiliary power is irrelevant to the quality of service noncommercial applicants will provide.

APTS and NPR also suggest that the Commission consider adopting procedures for summary disposition of noncommercial applications in order to decrease the time and expense of comparative hearings. Finally, in light of the concerns raised by the court in *Bechtel v. F.C.C.*, 10 F.3d 875 (D.C. Cir. 1993), the Commission might consider imposing a holding period on the prevailing applicant.

INTRODUCTION

In its *Notice*, the Commission solicits additional comments on the criteria used to select among competing applicants for new noncommercial educational broadcast facilities. Those criteria are:

> (1) which applicant will best integrate the operation of the proposed station into the overall educational and cultural objectives of the applicant;

[2/] The NFCB has reconsidered its prior support for such a point system and now believes that a point system is not the best way to select among competing applicants.

(2) the manner in which the proposed operation of the competing applicants will meet the needs of the community to be served; and

(3) whether other factors in the record demonstrate that one applicant will provide a superior noncommercial radio broadcast service.

The Commission originally sought comment on these criteria in its *Notice of Proposed Rulemaking* in GC Docket 92-52, *supra*, but issued the *Notice* in this proceeding in order to obtain additional comments in view of the limited number of comments filed on the noncommercial educational comparative criteria and the divergent views taken by those filing comments on the issue. As the Commission observed, the position taken by APTS, NPR and a coalition of noncommercial educational broadcasters represented by the law firm of Dow, Lohnes & Albertson, on-the-one-hand, and the position taken by the National Federation of Community Broadcasters, on-the-other, were substantially different.[3/] *See Notice* at ¶¶ 6, 10.

With the release of the *Notice*, the Public Broadcasting Entities have met in an effort to reconcile their differences. These Comments state the views of APTS and NPR, but they reflect the consensus reached among the Public Broadcasting Entities. While the other Public Broadcasting Entities will file their own comments, those Comments will support the principles advanced here.

[3/] These public broadcasting entities which filed comments in GC Docket No. 92-52 will be collectively referred to as "the Public Broadcasting Entities."

DISCUSSION

I. Service That Is Responsive to the Local Community Should be the Touchstone In Developing Comparative Criteria

When the Commission initially set aside spectrum for noncommercial educational use, it did so because it concluded that noncommercial educational entities would offer a different kind of program service. Freed from the economic necessity of serving mass audiences, noncommercial educational broadcasters could offer program services to distinct and unique audiences as well as to the general public. *Sixth Report and Order on Television Assignments*, 41 F.C.C. 148 (1952). This goal of serving diverse needs and interests should serve as the touchstone for any criteria which the Commission uses to select among competing noncommercial applicants.

APTS and NPR submit that this goal will best be served by noncommercial applicants that have substantial roots in and ties to the local community and have the support and backing of other educational, cultural and eleemosynary institutions in the community. Applicants that possess these relationships are likely to be in touch with the needs of the local community and responsive to its concerns. By maintaining a tie to these other organizations in the community that are dedicated to addressing the community's educational and cultural needs, these applicants are more likely to provide programs and other services that are responsive to the community.

It is also important that these applicants be dedicated to providing an educational service, in the broad meaning of that term as defined by the 1967 Carnegie Commission on Educational Television. James B. Conant, *et al.*, *Public Television - A Program for Action* 14-15 (1967). The range of services that noncommercial broadcasters could make available under the concept of providing an educational service led to the creation of the Corporation for Public Broadcasting and the provision of federal financial assistance for public television and radio programming. That programming forms the backbone of the quality, diverse, noncommercial educational and cultural services provided by many of the nation's public radio and television stations. The Commission's comparative criteria should foster the provision of that kind of educational and cultural programming.

APTS and NPR submit that the following factors will result in the selection of the applicant most likely to remain in tune with and respond to community needs:

A. Representative Governing Board

Although the Commission's ultimate objective in selecting among competing applicants must be to select the applicant that will provide the most responsive program service, APTS and NPR believe that the Commission should, to the extent feasible, focus primarily on structural factors that will enhance the prospect that the winning applicant will provide responsive service, rather than the applicant's programming proposal. Relying on structural factors not only recognizes the First Amendment

considerations that caution against government involvement in programming, but also provides the Commission with a greater assurance that its decisional criteria will remain applicable once the license is awarded. *Compare, Bechtel v. FCC*, 10 F.3d 875 (D.C. Cir. 1993).

The most obvious structural factor is the composition of the applicant's governing board. Specifically, an applicant whose governing board is representative of the community, including its racial, ethnic and gender composition and the various educational, cultural eleemosynary organizations, should receive a comparative credit. An applicant should not be required to have representatives of every group or organization within a community in order to be given a credit under this criterion, but rather its governing board should be reasonably representative of the make-up of the community.[4/] Participation by diverse groups within the community in the policy-making decisions of the applicant will tend to produce a program service that is responsive to the diverse needs and interests of those within the community.

Furthermore, in order to ensure the continued effectiveness of this factor, the weight given to the factor should be

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[4/] It is important that the governing board of an applicant remain a manageable size if it is to have a meaningful role in the governance of the applicant. Large governing boards can become more ceremonial than functional. Consequently, any obligation beyond one that the governing board be reasonably representative of the composition of the community will create incentives for applicants to expand the size of their boards to the point where they are too large.

increased where an applicant's articles of incorporation or other organic documents assure that the composition of its governing board will remain representative of the community. Giving weight to this factor will minimize the risk that an applicant will be organized to gain a comparative advantage in a hearing but will be free to change the board's composition after the hearing is over.

In evaluating whether an applicant's governing board fulfills this requirement, the Commission should give credit to state agencies and entities that are created to provide educational and public broadcast programming to the State. The members of the governing boards of those organizations are typically selected by the governor or other elected officials and thus are, by their very nature, likely to be sensitive and response to local constituencies. Further, such an approach recognizes, and gives appropriate consideration to, the decision by the States as to how they believe educational broadcasting should be provided to the residents of the State. This approach also provides greater assurance that noncommercial stations will receive financial support from the State, an increasingly important factor in view of congressional movement to reduce materially the level of federal financial support for public broadcasting.

B. Integration into the Community

A second factor the Commission should consider is whether the applicant is integrated into the educational, cultural, social and civic organizations and institutions in the community. An applicant should receive credit under this factor where its governing board members and officers are integrated into these organizations and institutions. The existence of such a relationship between the applicant and such community organizations will enhance the prospect that the applicant will work with the educational and cultural organizations within the community to provide a program service that is responsive to the community. Such ties could include, among others, membership or participation in the local school board, local community affairs, outreach program, local museums, symphony orchestras, art galleries, musical groups and other local cultural organizations. The important fact is whether the applicant is integrated into the community and is likely to form an important part of its educational, social and cultural fabric.

C. Ascertainment of Community Needs

A third factor the Commission should consider is whether the applicant has ascertained the educational, cultural, social and civic needs of the community and whether the applicant's proposed program service enhances the intellectual, cultural, social and educational life of the community by responding to the ascertained needs.

Under this factor, an applicant who has conducted an ascertainment of community needs and has in place reasonable procedures for assuring continued ascertainment of community needs should receive credit. The applicant's ascertainment procedures need not comply with any formal ascertainment requirements and stringent rules such as those discarded by the Commission when it adopted the *1984 Public Broadcasting Deregulation Order*,[5/] should not be required. Rather, the ascertainment process need only demonstrate the applicant's commitment to developing and maintaining a relationship with, and becoming an integral part of, the community it seeks to serve.

An applicant should receive further credit if its proposed broadcast and related nonbroadcast or outreach services meet the needs it has identified. Although this factor will involve the Commission in some review of the programming offered by the applicant, that review should focus primarily on whether there is a method for translating ascertained needs to programming proposals. Nonetheless, given the Commission's and Congress' objectives for public broadcasting, the Commission should also consider the nature of the programming proposal -- is it designed to foster educational and cultural goals; does it serve to inform the public; does it serve the needs of diverse audiences within the community? Clearly, creative news and public affairs program should be given substantial credit in any comparative analysis.

[5/] *Program Policies and Reporting Requirements Related to Public Broadcasting Licensees*, 98 F.C.C.2d 746 (1984) ("*1984 Public Broadcasting Deregulation Order*").

D. Ability to Effectuate the Proposal

The fourth relevant factor is whether the applicant has demonstrated that it has a reasonable prospect of effectuating its proposal. As the Commission is well aware, promises are relatively easy to make while effectuating those promises is often far more difficult. Since the number of reserved channels is limited and public broadcasting is facing a difficult and uncertain financial future, it is important that the Commission grant authorizations to those applicants that can actually provide the service proposed. Thus, this factor should carry substantial weight in any comparative evaluation.

In measuring an applicant under this factor, the Commission should consider a variety of different matters, including, but not limited to, whether the applicant has demonstrated financial resources beyond the mere showing necessary to establish its financial qualifications; whether the applicant has a realistic business plan; whether the applicant has a past record of providing broadcast service; whether the applicant historically has engaged in activities in the community; and such other factors as may be relevant to whether the applicant can effectuate its proposal.

This factor is distinguishable from the basic financial qualifications required of applicants in that, rather than merely requiring a showing of sufficient funds for a limited time period, this factor involves making a prediction about the applicant's ability, financial and otherwise, to provide a

program service that will enhance and benefit the community over time. Applicants that have a track record of bringing an educational broadcast service to a community or who have demonstrated substantial financial resources that will permit it to withstand a long start-up period should be given substantial credit. Similarly, applicants that have developed their proposals pursuant to a meaningful business plan, or who have examined the sources of on-going funding and shown the ability to raise funds are far more likely to provide the service they propose than applicants who have not gone through the rigors of such a process. Signficiantly, application of this factor need not favor existing licensees or large entities over others -- only those applicants best capable of providing a reliable and lasting noncommercial educational service to the public.

II. The Extent to Which the Applicant will Increase the Diversity of Noncommercial Educational Programming to the Community

While APTS and NPR believe that the Commission should focus primarily on structural factors, they also believe that the provision of diverse programming to the community is an important factor. In the commercial context, the Commission takes this factor into consideration under its diversification criteria and gives credit to applicants without other interests in the mass communications media. That approach is, as the Commission has recognized in *Real Life Educational Foundation of Baton Rouge, Inc.*, 6 F.C.C. Rcd. 259 (1991); 6 F.C.C. Rcd. 2577 (Rev. Bd. 1991), *aff'd* 8 F.C.C. Rcd 2675 (1993), inappropriate in the

noncommercial educational context, particularly today where economic considerations require that public broadcasters strive to maximize their efficiency and the programming return on the tax and charitable contributions on which they rely.

In light of public broadcasting's financial status, it is vital that public broadcasters maximize the programming return on the tax and charitable contributions on which they rely. As the Commission acknowledged when it relaxed the cross-ownership rules for commercial broadcasters,[6] common operation of multiple broadcast stations is more efficient than separate operations. Moreover, it is not inconsistent with the provision of diverse program services.[7]

Thus, the Commission should give comparative consideration and weight to noncommercial applicants that propose to increase the diversity of public broadcast programming without regard to the diversity of ownership. Under this criterion, an applicant that proposes to bring a new and different programming service from those in the market would be preferred over an applicant that is merely proposing to duplicate existing program services. In making this determination, the Commission should consider the totality of the programming proposals of the applicants, as well

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[6] *Revision of Radio Rules and Policies*, 7 F.C.C. Rcd 2755 (1992), *recon. granted in part, denied in part*, 7 F.C.C. Rcd 6387 (1992), *further recon. granted in part, denied in part*, 9 F.C.C. Rcd 7183 (1994).

[7] Frequently, commonly owned duopoly radio stations offer very different program formats in an effort to reach difference audiences.

as the nature of the programming. In any event, a proposal that includes some duplicated program services, which are distributed nationally or regionally, should not result in its opponent being preferred under this criterion.[8/]

III. Whether Either Applicant Will Serve a Meaningfully Larger Area or Population and Whether Either Applicant Will Provide a First or, Less Importantly, a Second or Third, Noncommercial Signal to a Meaningful Population

As is the case currently, the Commission should consider whether either applicant will serve a substantially larger area or population. In both noncommercial educational radio and television services, applicants that propose to make a more efficient use of the spectrum and to serve a larger audience should be given comparative credit. Manifestly, the difference in the populatin served must be meaningful in order for this criteria to be significant; minor differences in population should not result in favoring one applicant over the other.

Further, comparative credit should be given to applicants that propose to provide a first, second or third noncommercial signal to a meaningful population.[9/] Such a criterion further the goals of Section 307(b) of the Act and promotes the established Congressional goal of expanding access to

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[8/] *See*, Joint Comments of APTS and NPR at 28.

[9/] This factor is more significant in radio proceedings than television, since radio allocations are made on a demand basis and mutually exclusive applications can propose service to different communities and largely different areas. In television proceedings, applicants apply for alloted channels and thus it is less likely one applicant will serve a significant unserved area that is not served by a competing applicant.

noncommercial broadcast service to all Americans.[10] Under this criterion, an applicant proposing to extend public broadcast service to an area with no noncommercial educational service should receive comparative credit. As is the case in commercial comparative hearings, the significance of the credit should vary depending on the size of the unserved audience. Service to a small unserved population should not carry as much weight as service to a large unserved population.

Similarly, an applicant proposing to provide a community with its second or third noncommercial signal should receive a credit, since it will expand the range of programming services, but the credit should be substantially less than where a first service is proposed. While the credit for a second and clearly for a third service probably would not be decisional in most cases, it could be relevant in a close case.

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[10] *See, e.g.*, Public Broadcasting Act of 1967, 47 U.S.C. § 396(a)(7) ("[I]t is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make public telecommunications services available to all citizens of the United States."), 15 C.F.R. § 2301.2 (providing that the Public Telecommunications Facilities Program (PTFP) of the National Telecommunications and Information Administration (NTIA), which awards federally-appropriated funds for the construction of NCE broadcast facilities, will give its highest priority to applications seeking to extend service to unserved areas).

IV. The Commission Should Reject Time Sharing, Auxiliary Power and a Point System In Evaluating Noncommercial Applicants

A. Time Sharing

The Review Board first imposed a time-share arrangement between competing noncommercial applicants in *New York University*.[11/] This consideration has evolved into the time-share issue, which routinely has been designated in comparative noncommercial radio hearings. The issue seeks "to determine . . . whether a share-time arrangement between the applicants would result in the most effective use of the channel and thus better serve the public interest. . . ."[12/]

As the Commission recognized in the *Notice*, APTS and NPR previously urged the Commission to eliminate the mandatory time-share issue from noncommercial comparative proceedings as contrary to the public interest. That view was supported by the other Public Broadcasting Entities. Thus, all the parties commenting on the noncommercial comparative issue opposed the continued use of this issue and the arguments for that position are compelling. Mandatory time-share arrangements force organizations with different objectives, audiences, staffing, program policies and approaches toward funding station operations to share a frequency. These arrangements prevent stations from developing a solid public identity and consistent program

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[11/] 19 F.C.C.2d 358 (Rev. Bd. 1969).

[12/] *See, e.g., Board of Visitors of James Madison University*, 8 F.C.C. Rcd 1751 (Chief, Audio Servs. Div. 1993).

schedule, thereby resulting in listener confusion, a reduction in listenership and listener loyalty and support, and a reduction in the ability of the station to respond to community interests and needs.[13/]

Where competing applicants choose to offer a joint service rather than go through the time and expense of a comparative hearing, they should be allowed to do so. On the other hand, where applicants choose to expend resources to compete for an available frequency, the public interest supports an award of the construction permit to the applicant that is more qualified.

B. Auxiliary Power

As indicated in their Reply Comments in GC Docket 92-52, APTS and NPR urged the Commission to eliminate auxiliary power as a comparative criterion. They remain of that view. A requirement that broadcast applicants propose some form of backup power is relevant to applicants' basic, technical qualifications rather than to their comparative qualifications. It is irrelevant to the quality of the noncommercial service the applicant will provide.

[13/] *See also*, Joint Comments of APTS and NPR in GC Docket No. 92-52 at 33-34 for a discussion of Dr. Donald Mullally's testimony in *Maricopa County Community College District*, 5 F.C.C. Rcd 4081 (ALJ 1990) and of his telephone survey. (Both indicate that the public interest is better served by the award of an available frequency to the noncommercial applicant that prevails at a hearing rather than imposition of a time-share arrangement): and for discussion of studies indicating that successful public radio stations have a well-defined mission and consistent program schedule.

C. Point System

In their Reply Comments in Docket No. GC 92-52, APTS and NPR demonstrated that a point system is wholly inappropriate for selecting the noncommercial applicant that will best serve the public interest. As indicated there,[14] the noncommercial comparative criteria do not lend themselves to simple quantification, and use of a point system will materially impair the Commission's ability to select the applicant that will best serve the public interest. That decision requires a careful case-by-case consideration of each applicant's qualifications.

While the adoption of a point system would tend to produce comparative criteria that are more easily quantifiable, such criteria are unlikely to lead to the selection of the most qualified licensee and may produce absurd results. For example, under a system awarding points to the applicant with a minority-controlled governing board, the Commission could be forced to select a licensee with a majority-controlled African-American board and foreclosed from considering a licensee with a 49% Hispanic board to serve a community that has a larger Hispanic v. African-American population. Indeed, the NFCB which initially supported the use of a point system, has concluded such an approach is not the best way to choose among competing applicants and now opposes a point system.[15]

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[14] *See*, Reply Comments of APTS and NPR at 22-24.

[15] APTS and NPR also urge the Commission to reject the use of a finder's preference as a tie-breaker in the context of a point (continued...)

V. The Commission Should Consider Adopting Procedures for Summary Disposition of Noncommercial Applications

In lieu of a point system, APTS and NPR suggest that the burden and cost of a comparative hearing can be substantially reduced through the greater use of summary procedures to resolve comparative proceedings.[16/] For example, the Commission might institute greater use of "paper hearings" in which competing applicants would be required to file their direct and rebuttal cases, with accompanying exhibits and affidavits, on paper, rather than through the use of live witnesses. Evidentiary hearings would be conducted in appropriate circumstances, such as when cross examination or live witnesses are required for the applicant to present its case fully. Adopting these procedures would materially reduce the time and expense of any comparative hearing.

The Commission employed such expedited procedures in connection with the comparative evaluation of cellular applicants in the top-30 markets. Although those procedures were deemed too slow to allow the rapid introduction of cellular service, the proceedings were far more rapid than a typical comparative

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[15/] (...continued)
system. Even without a point system, grant of a finder's preference for the first-to-file for a noncommercial frequency contravenes the public interest. Any use of such a preference threatens to trigger a "land rush" for the remaining noncommercial channels and subverts a careful decision-making process based on public interest considerations.

[16/] The actual burdens of noncommercial comparative hearings are probably over stated. As the Comments filed by Dow, Lohnes & Albertson in GC Docket No. 92-52 demonstrated, few noncommercial comparative cases actually go through hearing to decision.

broadcast hearing. APTS and NPR believe that use of such summary and expedited procedures could facilitate the comparative evaluation of noncommercial applicants while permitting the Commission to consider the applicants' entire proposal in a holistic manner best designed to determine which applicant will better serve the public interest.

VI. The Commission Should Consider Imposing a Holding Period on the Prevailing Applicant.

In light of the decision in *Bechtel v. F.C.C., supra*, the Commission might consider adopting a requirement that winners of comparative noncommercial hearings hold the license for a reasonable period of time after they commence operation, for example, five years -- the license term for television stations. In *Bechtel*, the District of Columbia Court of Appeals held in the commercial context that the Commission's award of a preference for the integration of ownership and management was arbitrary and capricious. As part of its justification for this holding, the court noted that licensees who won their stations through their integration proposals had no obligation to remain integrated.[17]

Noncommercial licenses are generally held for long periods of time, and trafficking in such licenses is not a problem. Nevertheless, where a noncommercial applicant prevails in a comparative hearing based on application of the comparative criteria, *Bechtel* suggests that the applicant should be required to retain its license for an appreciable period of time in order

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[17] 10 F.3d at 879.

to insure the continued viability of the comparative criteria. The Commission may waive the holding period in appropriate circumstances, such as where noncommercial licensees merge, there is a non-substantial change in the control of the licensee,[18] financial hardships require a noncommercial licensee to transfer its assets to another operator or go dark, or other public interest considerations make a waiver appropriate.

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[18] As the Commission recognized when it issued its *Notice of Inquiry* in MM Docket No. 89-77, 4 F.C.C. Rcd 3403 (1989), it is not clear whether there is a transfer of control of a noncommercial licensee as a result of a change in the membership of its governing board. If the Commission adopts a holding period requirement for winners of noncommercial licensees, it should not treat a gradual change in the composition of the Board as a transfer of the license for purposes of the holding period.

CONCLUSION

For the reasons set forth above, APTS and NPR respectfully request that the Commission adopt the comparative criteria proposed herein. Such criteria will lead to the selection of the noncommercial educational applicant that best serves the educational and cultural purposes for which noncommercial licenses are granted.

Respectfully submitted,

Theodore D. Frank
Veronica McLaughlin

Arent Fox Kintner Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339
202/857-6016
Counsel for Association of America's Public Television Stations and National Public Radio

Of Counsel:

Marilyn Mohrman-Gillis
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