

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

RECEIVED

AUG 08 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Review of the Commission's Rules )  
regarding the main studio and )  
local public inspection files of )  
broadcast television and radio stations )  
 )  
47 C.F.R. §§ 73.1125, )  
73.3526 and 73.3527 )

MM docket No. 97-138

DOCKET FILE COPY ORIGINAL

To: The Commission

**COMMENTS**

Bible Broadcasting Network, Inc. ("BBN"), by its attorneys, files these Comments on the Commission's *Notice of Proposed Rule Making* ("NPRM"), FCC 97-182, released May 28, 1997. Comments are due by August 8, 1997.

**Background**

The Commission proposes to revise the provisions of Title 47 C.F.R. §§1125 (main studio rule), 73.3526 and 73.3527 (local public inspection file rules). At *NPRM*, ¶¶ 14-16, the Commission proposes to relax the main studio rule to require its location within the principal community contour of any station licensed to the community of license in question. The Commission also seeks comment on using a straight mileage standard rather than relying on a measurement based on signal contours, or to combine the two approaches. The Commission also sought comment on other proposals, but reminded licensees that it is a "bedrock obligation" of every broadcast licensee to serve the needs and interests of its community, and that it proposes to relax the main studio rule in a manner consistent with this obligation.

No. of Copies rec'd  
List / 1/1/97

024

With respect to the local public inspection file rule, the *NPRM* at ¶¶ 20-22 indicates that the Commission proposes to amend its rules to permit both commercial and noncommercial stations to locate their public inspection files at their main studios, wherever located. The Commission also sought comment on updating its requirements regarding the materials that a station must place in its public inspection file.

### **BBN Comments on Main Studio Rule**

BBN is the licensee or permittee of 28 radio stations and a number of FM translators that operate with a noncommercial format. Many of BBN's programs are originated at its network studios in Charlotte, North Carolina, and relayed by satellite to its stations. BBN is currently required by the rules to maintain a main studio along with a meaningful management and staff presence<sup>1</sup> in each of the communities where it operates a full-power station. It is BBN's experience that very few members of the public seek access to BBN's local main studios. Since virtually all programming is produced in Charlotte, there is little demand for such access. BBN proposes that, for noncommercial educational licensees that operate multiple stations, the Commission require only the maintenance of a local public inspection file in the community of license, or within the city-grade contour of the station. The obligation to staff a main studio in the community of license ought to be optional on the part of the licensee so long as the licensee provides a toll-free telephone number to the originating studio, wherever that is located.

This makes logical sense in light of the Commission's repeal in 1987 of its former "program origination rule," Section 73.1130. See *Main Studio and Program Origination Rules*, 62 RR 2d 1582 (1987). That rule required a majority of a station's programs to originate from

---

<sup>1</sup>See *Jones Eastern of the Outer Banks, Inc.*, 77 RR2d 1270 (1995).

the main studio. In eliminating the program origination rule, the Commission noted that it could no longer justify a requirement that stations originate a stated minimal percentage of their programming from their main studios or other points in their communities:

We do not believe the original rationale of the Rules, to facilitate locally-oriented programming by indirectly promoting the use of local talent and ideas, is still valid. In addition, we now believe the Rule imposes unnecessary costs and may actually preclude the presentation of responsive programming.

\*\*\*

As discussed above, the main studio no longer plays the central role in the production of a station's programming and programming originated from within the political boundaries of the community is not necessarily responsive to the needs and interests of the community. Today, remote production and transmission equipment permits responsive programming to originate from outside the main studio or community of license and marketplace forces dictate the provision of such programming from whatever its source.

With those underpinnings, the Commission eliminated the program origination requirements, but continued to require the maintenance of a main studio. If ten years ago, the Commission recognized the unnecessary costs of originating programs from a main studio in the community of license, today there is even more reason to relax the rules. Computers have, in many cases, replaced local live announcers. Many of the programs heard on radio today are delivered from remote points by satellite as are BBN's. Thus, with the repeal of the program origination rule, there seems no longer to be a valid reason to maintain a main studio in the local community at all. Therefore, the FCC should consider elimination of the main studio rule, or in the alternative, relaxing it further. So long as members of the public can conveniently review the

licensee's public file and reach the licensee's managers by toll-free telephone, it seems the Commission's requirement to license stations to serve the public interest is served.

In light of the foregoing, BBN respectfully requests the Commission to revised Section 73.1125(b)(3) of the Rules as follows:

(iv) Relocation of the main studio to the origination point where the licensee delivers programming to more than one of its licensed stations so long as the licensee maintains a toll-free telephone number to the origination point from the community of license of each licensed station, and so long as the licensee makes its public inspection file available in each community of license.

Wherefore, BBN respectfully requests the Commission to adopt its proposal as set forth herein.

Respectfully submitted,

**BIBLE BROADCASTING NETWORK, INC.**



By: \_\_\_\_\_  
Gary S. Smithwick  
Its Counsel

**SMITHWICK & BELENDIUK, P.C.**  
1990 M Street, N.W.  
Suite 510  
Washington, D.C. 20036  
(202) 785-2800

August 8, 1997