

JUN 16 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of)
)
1998 Biennial Regulatory Review --) MM Docket No. 98-43
Streamlining of Mass Media Applications,)
Rules, and Processes)

Comments of Berry Best Services, Ltd.

Berry Best Services, Ltd. ("BBS") hereby submits the following comments in response to the Notice of Proposed Rule Making in the above proceeding. These comments are limited to the section of the NPRM dealing with *"Requirement to Submit Contracts with Assignment and Transfer Applications"* and *"Streamlined Ownership Reporting Requirements."*

Requirement to Submit Contracts with Assignment and Transfer Applications.

The Commission seeks comment on whether the proposed application procedures and certifications would suffice instead of the requirement that applicants file the sales agreements with their applications. Specifically, the Commission asks if the proposed procedures are sufficient to permit the public to monitor station transactions and whether it should cease requiring the filing of sales agreements with applications. Although BBS understands the Commission's concern for the volume of paperwork currently filed with these applications, it also recognizes the value of the information filed to numerous taxing companies and individuals in the industry. These parties utilize the information for a variety of purposes that suit their individual interests or pass the

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information on to the public through several trade publications. Thus, the facts gleaned from a sales agreement is passed to the interested public in a most efficient manner.

Some parties are interested in nothing more than the consideration paid for the station(s), to some the terms of the deal are important, others want to know who brokered the transaction, while some need to know what contracts convey with the assignment or transfer. The sales agreement is the only source of this and other important decision-making information. To obtain this and other information solely from each station's public file would be an unwieldy and nearly impossible process.

If the Commission ultimately decides that the filing of the sales agreement is unnecessary, then at the very least, it should require the parties of each transaction to divulge the consideration to be paid. Twenty some years ago Forms 314 and 315 had a box on the first page where the consideration could be found. Perhaps a box for the consideration could be provided once again on the proposed forms. If the dollar value of the transaction cannot be explained in simple numbers, then a one-page summary would serve the public's needs and right to know. Our argument for divulgence of the consideration comes from the heart of the Commission's philosophy concerning broadcast spectrum: the spectrum is public property. If it is public property, then the public has the right to know its value without having to go to each station's public file. Thus, the consideration should be mandatory information filed with each transaction.

Like it or not, the Federal Communications Commission is a central repository for a wealth of information utilized throughout the communications industry. (There would be no need for public reference rooms if this was not the case.) The Commission already recognizes this fact. It has, for many years, retained a "duplication contractor" to handle

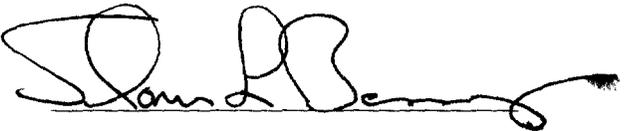
the numerous requests it receives for information on file. It has more recently taken considerable information previously considered "proprietary" and placed it on the Internet for public consumption. Databases, formerly inaccessible except through purchase from government sources like NTIS, are making their way to the public free or through a modest charge. The Commission is clearly attempting to open itself to the public by making more of its acquired information readily available. If some of this information is found in sales agreements, then it is obviously considerably easier, cheaper and faster to obtain it from one source than to scramble throughout the country to collect it. It may not be available on the Internet, but at least it would be centrally housed for perusal and compilation of data.

In summary, the Commission should continue to require sales agreements to be filed with Forms 314 and 315. If the Commission decides that the burden of paperwork far outweighs that requirement, then it should continue to require the filing of the consideration to be paid or, if the dollar amount cannot be specified in numbers, a (maximum) one-page summary should be required. This would serve the public's right to know the value of public property and it would serve the Commission's streamlining goal.

Streamlined Ownership Reporting Requirements. The Commission should be lauded for the proposal to revamp these requirements. However, BBS feels that the Commission does not go far enough. Once a broadcast station has been built or sold and an Ownership Report has been filed, there should be no further requirement to file another Ownership Report until there is a change in ownership. Redundant information with a fresh date has no additional value and serves no constructive purpose.

Respectfully submitted,

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