

ORIGINAL

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

RECEIVED

JUL 16 1998

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)
)
1998 Biennial Regulatory Review –)
Streamlining of Mass Media Applications,)
Rules, and Process)

MM Docket No. 98-43

**REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters ("NAB")¹ submits these reply comments in the above captioned *Notice of Proposed Rule Making* ("Notice")². NAB remains supportive of the concepts outlined in the Commission's *Notice*, and offers the following reply comments.

A majority of the commenters offered constructive suggestions regarding the issues posed by the Commission. However, a few suggestions were clearly beyond the scope of the *Notice* and should be rejected outright. Media Access Project, for example, proposes to place additional, unnecessary regulatory burdens on broadcasters in a proceeding that is intended to streamline applications, forms and processes and reduce regulatory burdens.³

It is clear that one of the main issues that must be addressed by the Commission is the security concerns raised by many of the commenters. The Commission must ensure that the integrity of the application process is not compromised during any transition to an electronic

¹ NAB is a non-profit, trade association that represents the interests of radio and television stations and the major television networks.

² *Notice of Proposed Rule Making* in MM Docket No. 98-43, ___ FCC Rcd ___ (1998).

³ Media Access Project Comments at 19.

No. of Copies rec'd 0111
List A B C D E

filing system. Although electronic filing may provide greater efficiencies for the Commission – and ultimately transfers into greater benefits to broadcasters and the public – there must be assurances that applications are received and maintained in a secure manner. One approach that would maintain the integrity of the application process would be to allow applications to be filed electronically on a permissive basis during a phase-in period so that both the Commission and broadcasters can work out any problems with a new electronic filing system.

Specifically, NAB agrees with the Federal Communications Bar Association’s concern over the security issues surrounding the lack of a signature requirement for any electronically filed application.⁴ Although it may be a rare occasion where an unauthorized application is filed, in an electronic world, the probability of unauthorized filings increases.⁵ Absent an “original” signature that is on file with the Commission, there must be a unique identification and password system so that only authorized individuals may file applications, or amend applications, with the Commission.

In initial comments, NAB supported the Commission’s proposal to extend the construction permit window to three years.⁶ NAB would not oppose applying the extended time frame to all construction permits that are currently pending at the Commission, but have not yet exceeded the three-year period as proposed by Waimea Broadcasting, Inc (WBI).⁷ As WBI

⁴ Comments of the Federal Communications Bar Association at 9.

⁵ NAB notes that the FCC’s new electronic filing system for formal comments does not require any “official” identification of parties who file formal comments electronically. This notion is troubling to NAB, but it is more concerning in the context of this proceeding because an unauthorized or false application could have harsher implications than the filing of “unauthorized” comments.

⁶ NAB comments at 2.

⁷ Waimea Broadcasting, Inc. at 1.

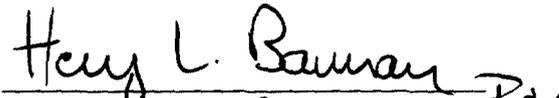
pointed out in its comments, the Commission now is faced with a situation that is similar to when it extended the construction periods in 1985.⁸ NAB believes that the construction period should be extended to three years with the new period applied to all future permits and all current pending permits that have not exceeded the proposed three-year period.

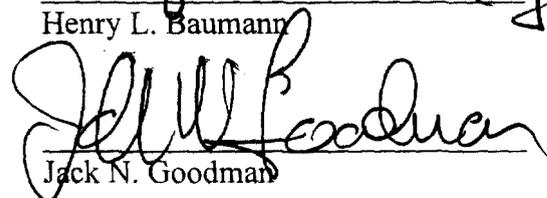
In conclusion, NAB supports the laudable goal of streamlining the application processes to provide benefits to both broadcasters and the Commission. The Commission, however, should not sacrifice any substance or security simply for the sake of convenience.

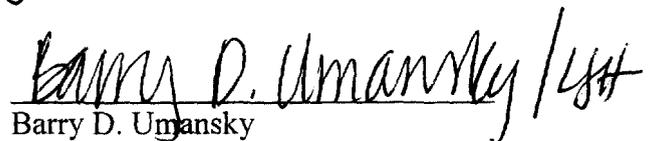
Respectfully Submitted,

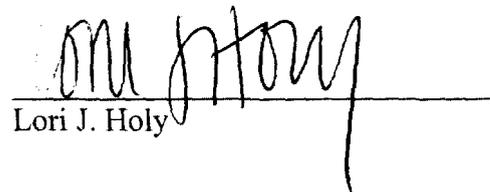
**NATIONAL ASSOCIATION OF
BROADCASTERS**

1771 N Street, N.W.
Washington, D.C. 20036
(202) 429-5430


Henry L. Baumann *2/16*


Jack N. Goodman


Barry D. Umansky


Lori J. Holy

July 16, 1998

⁸ *Id.* at 4; *Amendment of Section 73.3598 and Associated Rules Concerning the Construction of Broadcast Stations*, 102 FCC 2d 1054 (1985).

CERTIFICATE OF SERVICE

I, **Angela L. Barber**, Legal Secretary for the National Association of Broadcasters, hereby certifies that a true and correct copy of the foregoing Reply Comments of the National Association of Broadcasters was sent this 16th day of July, 1998, by first-class mail, postage prepaid, to the following:

Cheryl A. Leanza
Media Access Project
1707 L Street, N.W.
Suite 400
Washington, D.C. 20036

Lawrence Roberts
Federal Communications Bar Association
1722 Eye Street, N.W.
Suite 300
Washington, D.C. 20006-8650



Angela L. Barber