

ORIGINAL

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
1998 Biennial Regulatory Review –)
Amendment of Part 73 and Part 74)
Relating to Call Sign Assignments for)
Broadcast Stations)

MM Docket No. 98-98

**Comments of the
National Association of Broadcasters**

I. INTRODUCTION

The National Association of Broadcasters (“NAB”)¹ submits the follow comments in response to the above-captioned *Notice of Proposed Rule Making* (“Notice”)² that proposes to institute an online system to reserve call letters for broadcast licensees. NAB generally supports the notion of an online, electronic call letter reservation system, as long as the Commission addresses the security concerns left open in the *Notice*.

As the Commission moves into the 21st Century by proposing an electronic system for call letter reservations and other Commission procedures,³ it should take the opportunity to create secure systems from the beginning in order to avoid problems that could undermine the

¹ NAB is an incorporated, non-profit trade association that serves and represents the interests of the radio and television stations and major television networks in the United States.

² *In the Matter of 1998 Biennial Regulatory Review – Amendment of Part 73 and Part 74 Relating to Call Sign Assignments for Broadcast Stations*, MM Docket No. 98-98, ___ FCC Rcd ___ (1998).

³ See e.g. *In the Matter of 1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes*, MM Docket No. 98-43, ___ FCC Rcd ___ (1998) [*Streamlining Notice*]; *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, ___ FCC Rcd ___ (1998); and the electronic filing of Children’s Television Programming Reports.

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efficiencies created by electronic systems. In regard to the electronic system proposed in this *Notice*, a unique database of identification numbers and passwords to allow access for the users is essential. A finite number of people use call letters, thus access to the online system should be limited to those individuals – namely broadcast licensees, permittees or their representatives – by assigning unique identification numbers to each station.⁴ Additionally, the Commission’s proposal needs to provide more assurances that abuse will not occur when stations are making a call letter “exchange request.”

II. SECURITY CONCERNS MUST BE CONSIDERED BEFORE INSTITUTING ANY ELECTRONIC CALL SIGN SYSTEM

A. “Unauthorized” Use Could Prevent the Realization of Efficiencies.

The Commission’s proposed online system effectively removes the Commission staff from the process of reserving call signs, which translates into increased conservation of Commission resources.⁵ Although the proposed electronic reservation system will provide great efficiencies for both the Commission and the broadcasters, if an electronic system is established for call letter reservation, the Commission must limit access only to broadcasters. As it is proposed in the *Notice*, the system does not appear to have any limitations on who may be a “user.”⁶ Without any limits as to who may use the system, there is the potential for abuse and thus, an overall decrease in efficiencies provided to the Commission.

⁴ This type of database could also be used for many other electronic systems that the Commission is proposing to use in the near term, such as the electronic filing of applications. It would also assist the Commission in the collection of regulatory fees from licensees.

⁵ *Notice* at 3, ¶ 6.

⁶ Although it is inherent that only broadcast licensees, permittees and their representatives would have any need to use the system, the *Notice* does not provide any indication that only those who need the system will have access to it.

As the Commission notes in the *Notice*, broadcast licensees and permittees (or their representatives) would be disinclined to misuse the system due to the significant penalties for such abuse.⁷ However, non-licensees would not have the same incentives to avoid false certifications or false changes. The Commission does provide some security in the form of postcards that are sent out to all “affected” parties to avoid unauthorized changes; however, as the system is proposed now, any individual, whether a licensee or not, would have access to this reservation system.

There is no inherent need for the general public to have access to this system. Limiting access would provide the additional security needed so that abuse is kept to a minimum. For example, an individual could access the system, reserve several – or all – of the available call letter combinations, type in a false name and address, and effectively jam up the system until the Commission begins to receive phone calls from stations after the notification postcards are received. Sorting out this type of mess would be avoided if the Commission only allows licensees or permittees access to the online system.

The Commission should establish a database and assign a unique identifying number and password to each station to better facilitate any online system. The ID number and password would have to be provided by the user and accepted by the system before access to the online forms is provided. A unique identifying number for each station will provide greater security and assure that the Commission will realize the efficiencies provided by an electronic system.

⁷ *Notice* at 7, ¶ 14. Users who submit false certifications are subject to severe sanctions, including revocation of their station licenses or construction permits and/or forfeiture under 47 U.S.C. §§ 312(a)(1), 503.

B. Clarification Regarding “Exchange Requests” Is Necessary to Avoid Potential Problems.

The *Notice* proposes that the system will allow the “exchange” of call letters by two stations.⁸ However, only one of the stations will complete the online form and that user must certify he has received the consent of the other licensee to make the exchange.⁹ The potential for abuse of this specific portion the system can be alleviated if the Commission would limit access to the electronic system as NAB noted above.¹⁰ Additionally, the Commission should require that stations maintain some form of written consent for the exchange. This would avoid potential delays if a question arises whether consent to an exchange was given prior to the electronic request being made by one of the parties. It would also avoid problems where one station misunderstood an oral comment from another.

⁸ *Notice* at 11, ¶ 22.

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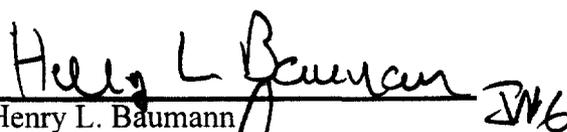
¹⁰ Limiting access to licensees and permittees through the use of unique ID numbers and passwords for each station will decrease the potential for abuse.

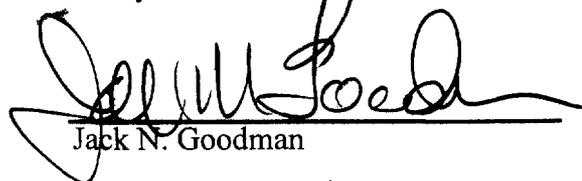
III. CONCLUSION

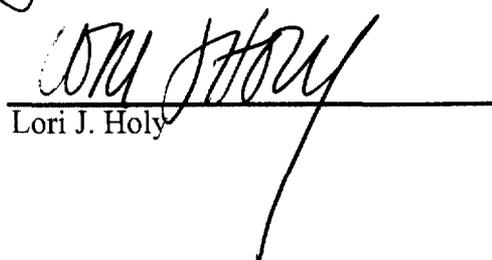
NAB believes the Commission's proposal for an online call letter reservation system will provide many benefits for broadcasters and the Commission. However, in order to realize the full potential and efficiencies of such a system, the Commission must limit access to licensees, permittees and their representatives.

Respectfully Submitted,

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