SEPARATE STATEMENT OF COMMISSIONERS SUSAN NESS AND GLORIA TRISTANI

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, MM Docket No. 97-138

This item improves our rules by requiring that the main studio and public inspection files be located together. We write separately, however, to note our apprehensions about allowing the main studio and public file to be located within the primary contour of *any* station in *any* service, serving the community of license. Such leniency, we are afraid, may erode the important concept of localism upon which the broadcast service is premised.

Our decision attempts to balance competing priorities. We have sought to permit multi-station owners to reduce operating expenses by consolidating their stations' facilities in one location. We also have sought to ensure access by listeners and viewers in the communities of license so they may be fully informed about station ownership, operations, programming and other matters documented in the public file. We fear, however, that today's decision may have overly tipped the scale in favor of economic savings from consolidation, to the detriment of local accountability.

Under Section 307(b) of the Communications Act, the Commission must distribute the licenses "among the several States and communities so as to provide a fair, efficient, and equitable distribution...." We have historically allocated stations to communities -- large and small, urban, suburban, and rural -- rather than authorizing service on a larger, regional basis. Each station is assigned a community of license and it is this local community to which the broadcaster must be oriented. The change in our rules adopted today might permit a station in Toledo to maintain its studio and public file in Detroit. Such a large distance between the community of license and the physical location of the public file could well erode the station's commitment to its assigned community.

Of special concern are suburban communities which may end up having a local broadcast station in name only. The proposal of the United Church of Christ, the Media Access Project, the Center for Media Education, and Minority Media and Telecommunications Council which would permit a station to locate its studio and public file within any contour of any station licensed to the community, or 25 miles from the community center, whichever is *less*, would have been a reasonable compromise.

Our order emphasizes that allowing such a change in no way relieves broadcasters from their obligation to serve the needs and interests of their local communities of license, and we hope and expect broadcasters will adhere to that commitment.

One other important aspect of the item is our continued commitment to maintaining

the accessibility of broadcasters' public files. In a deregulatory environment, the enforcement of many of our rules relies upon private citizens to monitor the contents of these files.

Although the public file may now be located outside the community of license (and thus more inaccessible), we are hopeful that other factors will compensate for such inconveniences. First, since the file will now be located at the main studio, we believe that it will be kept more organized and up-to-date. Second, all stations -- regardless of location -- will now be required to provide specific documents by mail upon request and must provide meaningful assistance to members of the public who call for information. Such assistance will be especially helpful to those without access to transportation or for whom travel is physically difficult. Finally, our Mass Media Bureau will be creating a new guide for consumers on the purpose and contents of the public file. This should assist both members of the public in formulating requests for documents and broadcasters by clearly spelling out what is to be included in the public file.

In sum, we have serious concerns about this item. While we do not oppose giving broadcasters additional flexibility in locating their main studio, the public's interest in localism and access to broadcasters' public files remains our first priority. But so long as these principles are adhered to and enforced, we believe that today's decision and the public interest can be harmonized.