

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Expansion of Online Public File Obligations) MB Docket No. 14-127
To Cable and Satellite TV Operators and)
Broadcast and Satellite Radio Licensees)

To: The Commission

**COMMENTS
OF
CHRISTIAN BROADCASTING SERVICES, INC.**

Christian Broadcasting Services, Inc. ("CBI"), licensee of noncommercial Radio Station WHKC-FM at Columbus, Ohio, by Counsel and pursuant to the *Notice of Proposed Rule Making ("NPRM") FCC 14-209 (released December 18, 2014)*, hereby submits these Comments in the above-captioned rule making proceeding regarding the Commission's proposal to require all broadcast radio stations to post their public and political files onto the Commission's online database. The NPRM at paragraph 66 suggests that noncommercial educational radio stations ("NCE stations") such as WHKC be exempt from maintaining an online public file. For the reasons set forth below, CBI supports an unqualified exemption for NCE stations from the obligation to maintain an online public file.

Long ago the Commission recognized that noncommercial broadcasters have limited resources since most of their funding comes directly from their listeners in the form of underwriting and general donations. Noncommercial broadcast stations cannot interrupt regular programming to broadcast underwriting,

sponsorship or donor announcements. Noncommercial broadcast stations must be particularly careful in the types of contests they promote so as not to indirectly promote the goods and services that might be the subject of the contest. And, noncommercial broadcast stations that lease portions of their broadcast schedule to third party programmers cannot charge a fee in excess of their line charges or legitimate operating costs.¹ For these and other reasons, the Commission has exempted NCE stations from numerous regulatory burdens that could impose additional costs, or it has minimized their regulatory burdens in recognition of the strict budgetary restraints within which most NCE broadcast stations operate.

CBI operates WHKC with a staff of less than five full-time people, and a host of volunteers. CBI receives most of its funding from the sale of underwriting announcements and the receipt of general donations. Should the Commission require NCE radio stations to maintain an online public file, the cost to maintain such an electronic file would consume much needed funds that would otherwise be used for public interest programming. Many noncommercial broadcast stations already lack a robust online presence due to limited resources and requiring these stations to maintain an online public file would mean diverting scarce funds away from programming and ministry teaching in order to ensure regulatory compliance.

CBI does not seek this exemption in an attempt to shirk its public interest responsibilities as a broadcaster. Just the contrary. The time and resources that would be required to set up and maintain an online public file could be put to better use so that CBI can continue the interesting and valuable programming the public

¹ See, Hoosier Broadcasting Corporation, DA 14-1770 (Released January 9, 2015).

has come to expect from WHKC, otherwise known as "Freedom FM." Approximately ninety percent (90%) of WHKC's programming is talk and teaching programming designed to educate and enlighten its audience in a spiritual and positive way. WHKC's programming focuses on faith, family, love and the community, with a small portion of the day devoted to financial advice and urban living.

Although some of the Comments filed in this proceeding indicate that there is a public benefit derived from having an online public file with complete transparency of a broadcast station's political advertising activity, such transparency benefits are entirely inapplicable to NCE broadcast stations because they are prohibited from selling political advertising. Therefore, requiring online public file obligations for NCE radio stations will not advance the goals that originated in the petition that commenced this proceeding since an NCE public file does not contain any information about political spending or political advertising rates.

Should the Commission ultimately decide not to provide a complete online public file exemption for NCE radio stations there would necessarily have to be a limited exemption provided with regard to the donor's list in order for CBI and other NCE entities to protect the privacy rights of their donors. CBI could lose many of its donors if their names and other information were suddenly made public on the worldwide Internet. The Commission must carefully consider the ramifications of its policies here so that they do not back fire to the detriment of NCE radio broadcasters. Providing limited exemptions on public disclosure would be consistent with past Commission practices of excluding letters and emails from listeners from current NCE "paper" public files. *See, comparison of FCC*

Rules 73.3526 (Local public inspection file of commercial stations) to 73.3527 (Local public inspection file of noncommercial educational stations).

If the Commission ultimately determines that online public file requirements should apply to some types of NCE radio stations, CBI urges the Commission to adopt the same standard as it has for EEO reporting requirements and exempt NCE stations with fewer than five (5) full-time employees from having to post public files online. .

WHEREFORE, the foregoing premises considered, CBI respectfully requests the Commission to adopt a full blanket exemption for NCE radio stations from any online public file obligation that might be implemented in the future.

Respectfully submitted,

**CHRISTIAN BROADCASTING
SERVICES, INC.**

By: 

Cary S. Tepper

Its Attorney

Tepper Law Firm, LLC
4900 Auburn Avenue
Suite 100
Bethesda, MD 20814-2632

(301) 718-1818

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