

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
SETON HALL UNIVERSITY (WSOU-FM)

Seton Hall University, licensee of noncommercial Radio Station WSOU-FM at South Orange, New Jersey ("WSOU"), 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 WSOU-FM be exempt from maintaining an online public file. For the reasons set forth below, WSOU 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. Student-run NCE stations often operate on modest funding that comes solely from a portion of a student activity or a university/college appropriation. Furthermore, the Commission recently publicly stated that “[s]tudent-run radio stations play a unique role because they are incubators for talent as well as media outlets” and “a good example of the important role that an NCE radio station can play in the educational mission of a school.” See, *William Penn University, DA 13-1074, Released May 13, 2013*. 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.

Radio Station WSOU-FM is primarily run by a volunteer student staff and receives most of its funding from the sale of underwriting announcements and the receipt of general donations. Although WSOU-FM provides service to a good portion of the New York City radio market, its revenue is far smaller than that of its commercial counterparts due to the on-air content and fundraising regulatory restrictions placed upon NCE broadcast stations. 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 student-run NCE stations already lack a robust online presence due to limited resources and also have limited in-house computer systems that can make tasks such as uploading files or scanning documents difficult and time-consuming. Even with a Commission-hosted online system, requiring

these stations to maintain an online public file would mean diverting scarce funds away from programming and teaching in order to ensure regulatory compliance.

WSOU 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 WSOU-FM can continue the interesting and valuable programming the public has come to expect from Seton Hall University. For example, on May 29, 2005 *The New York Times* newspaper published an article entitled "Seton Hall's WSOU Is Loud, Proud and Important" regarding the station's niche programming that routinely garners an appreciable Arbitron rating. On January 3, 2014 *Radio World* magazine published an article entitled "Seton Hall's WSOU (FM) Sends Two On-Location in Jamaica" about the station's coverage of the school's annual servant-leadership trip to an orphanage in Jamaica. And Seton Hall is proud to say that it just received a Year 2014 Honorable Mention Award for Broadcast Radio General News from the Garden State Journalists Association and a First Place Award from the same association for its sports broadcasting. Clearly WSOU-FM provides a well-rounded programming format consisting of music, news, and public interest information.

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 WSOU (and its licensee Seton Hall University) and other NCE entities to protect the privacy rights of their donors. WSOU 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).*

WSOU applauds and endorses the Commission's proposal to initially exempt NCE radio stations as well as those with fewer than five full-time employees from the online public file requirement. If the Commission ultimately determines that online public file requirements should apply to NCE radio stations, WSOU urges

the Commission to adopt the same standard as it has for EEO reporting requirements and exempt NCE stations with fewer than five full-time employees from having to post public files online. This standard would cover most, if not all, student-run campus stations and ensure that an exemption for NCE radio stations is applied to those stations most in need of relief due to resource limitations.

WHEREFORE, the foregoing premises considered, WSOU 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,

SETON HALL UNIVERSITY

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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