

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

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In the Matter of	§	
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	§	MB DOCKET NO. 14-127
Expansion of Online Public File Obligations to	§	
Cable and Satellite TV Operators and Radio	§	
Licensees	§	

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To: The Commission

**Comments of Rio Grande Bible Institute, Inc.**

Through undersigned counsel, Rio Grande Bible Institute, Inc. (“RGTBI”) hereby files comments in the above captioned proceeding regarding the expansion of the online public file requirement to radio.<sup>1</sup> RGTBI is a non-profit corporation serving the Hispanic population in Texas’ Rio Grande Valley with a network of three radio stations called *Radio Esperanza* (“Hope Radio”). All three stations -- KRIO-AM, McAllen, Texas, KRIO-FM, Roma, Texas, and KOIR-FM, Edinburg, Texas – are licensed and operated non-commercially.

Part-time volunteers are essential to RGTBI’s broadcast ministry, and are used in many capacities. RGTBI’s donor-driven broadcast budget is modest, with resources maximized toward the delivery of quality programming to the public. RGTBI saves money by co-locating KOIR’s studio with the main studio for the other two stations in Edinburg pursuant to an FCC-issued main studio waiver.

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<sup>1</sup> In the Matter of Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees, Notice of Proposed Rulemaking, FCC 14-209 (rel. Dec. 18, 2014), [hereinafter “NPRM”]

**I. NONCOMMERCIAL RADIO STATIONS SHOULD BE EXEMPT FROM THE ONLINE PUBLIC FILE REQUIREMENT.**

The Commission already recognizes the burden imposed by an online public file rule, as evidenced by its suggested 2-year staggered implementation of such a requirement.<sup>2</sup> The NPRM, in seeking comment on whether NCE stations should be exempt, also recognizes that the online public file compliance burden could be more pronounced for NCE stations. RGBI knows that adding an online element to its public file compliance will be more burdensome, and strongly urges the FCC to exempt NCE stations from the online public file requirement.

In keeping with its limited budget, RGBI's staffing is intentionally low, and heavily relies on volunteers. That necessary reality complicates managing an online public file, which requires significant time and training. To begin with, the rule and its requirements, along with the minutiae and unique aspects of the FCC's online file processes, must be taught to more than one person so that there is backup if an individual is not present when filings are due.

Further, compliance is not limited to simply uploading documents, but also involves removing those that are no longer required; ensuring the accuracy of information submitted; monitoring for accuracy and access; proper labeling/dating of items; making a computer available for public access at the studio; maintaining passwords, control and confidentiality; and compliance confirmation by other personnel.

The myriad and timing of required tasks eliminates even the best part-time volunteers from carrying out these responsibilities, thereby adding to the already heavy workload of RGBI's full time staff. The natural by-product of RGBI's limited staffing and the time required for compliance is an increase in the likelihood for errors, which may not be discovered for some

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<sup>2</sup> NPRM, ¶66.

time and will result in heavy FCC fines. RGBI's budget is already limited, and it cannot afford to pay a new employee to perform online public file compliance, or pay fines for unintended errors.

For these reasons, an online public file requirement will unfairly burden RGBI and all NCE radio stations, negatively impacting those stations who deliver much using very little.

## **II. THE PUBLIC LOSES IF ONLINE PUBLIC FILE REQUIREMENTS APPLY TO NCE STATIONS.**

Staffing, cost and risks of noncompliance aside, noncommercial radio stations like RGBI's do not fit the FCC's paradigm for new online public file access. NCE stations do not air advertising at all, much less political advertising, which has been at the forefront of the online public file effort. And unlike most commercial stations that rely on advertising dollars to operate, NCE stations are closely connected to their communities, operating only to the extent the public affirms their programming and donates money to support it.

Put another way, donations from the public to RGBI's stations are a vote of trust in its stations. Community members simply do not need 24-hour online access to RGBI's public files to confirm public service; they already know RGBI's programming serves their communities. Why impose a new online public file requirement to increase transparency and access on the very NCE stations that already have the most public transparency and community contact?

In the end, requiring online migration and maintenance of the public file has no upside in the NCE arena. It is superfluous – regulation for regulation's sake -- and a perfect example where logic dictates a government "light touch" approach. Content and public service suffer exponentially for every minute of new regulatory compliance time. The FCC should use its discretion to exempt all NCE stations from an online public file requirement so that RGBI and others can flourish with what they do best – serving communities.

**III. IF ONLINE PUBLIC FILES ARE IMPOSED ON NCE RADIO STATIONS, DONOR LISTS SHOULD BE MAINTAINED AT THE STATION, NOT ONLINE.**

NCE radio stations like RGBI's with very limited budgets rely heavily on donations, including donations to specific programs that require donor identification in the public file. If any NCE radio station is ultimately required to have an online public file, RGBI urges the FCC to allow the continued maintenance of donor lists at the station so that RGBI's does not have to risk losing program-specific donors because of online posting. For NCE radio, which is already uniquely and often hyper-connected to communities, disclosure is sufficient at the studio. This approach balances donor disclosure without jeopardizing donations because of online posting.

**CONCLUSION**

For the above reasons, RGBI requests that NCE stations be exempt from any online public file requirement. If such a requirement is imposed anyway, donor lists should be maintained at the studio, not online.

Respectfully submitted,

Rio Grande Bible Institute, Inc.



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