

**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 Media Bureau  
Federal Communications Commission

**COMMENTS OF RADIO TRAINING NETWORK, INC.**

Radio Training Network, Inc. (“RTN”), by its counsel, submits these comments in response to the Notice of Proposed Rulemaking (“NOPR”) issued on December 18, 2014 in the above-referenced proceeding. RTN is the licensee of numerous noncommercial stations located primarily in the Southeast.<sup>1</sup>

RTN opposes the additional regulatory requirements proposed by requiring stations to maintain public files online. First, the above-referenced proceeding should be focused on cable and satellite systems, not radio. Secondly, additional regulatory burdens on already stressed noncommercial radio operators are not in the public interest.

---

<sup>1</sup> RTN is the licensee/permittee of KWFC(FM) Springfield, MO (Facility ID No. 3681); KWND(FM) Springfield, MO (Facility ID No. 51636); WAFJ(FM) Belvedere, SC (Facility ID No. 54859); WAHP(FM) Cokesbury, SC (Facility ID No. 173883); WALC(FM) Charleston, SC (Facility ID No. 72377); WAQV(FM) Crystal River, FL (Facility ID No. 40159); WCCE(FM) Buies Creek, NC (Facility ID No. 8499); WCIE(FM) New Port Richey, FL (Facility ID No. 60262); WDFJ(FM) Dillon, SC (Facility ID No. 176380); WFLJ(FM) Frostproof, FL (Facility ID No. 93274); WGFJ(FM) Cross Hill, SC (Facility ID No. 84438); WHIJ(FM) Ocala, FL (Facility ID No. 40160); WIZB(FM) Abbeville, AL (Facility ID No. 23615); WJFH(FM) Sebring, FL (Facility ID No. 81147); WJIS(FM) Bradenton, FL (Facility ID No. 54857); WJLF(FM) Gainesville, FL (Facility ID No. 21506); WLFH(FM) Claxton, GA (Facility ID No. 176341); WLFJ-FM Greenville, SC (Facility ID No. 54856); WLFS(FM) Port Wentworth, GA (Facility ID No. 85801); WMBJ(FM) Murrells Inlet, SC (Facility ID No. 76588); WRFJ(FM) Fort Mill, SC (Facility ID No. 175640); WRTP(FM) Franklinton, NC (Facility ID No. 5018); WZAE(FM) Wadley, GA (Facility ID No. 170969); and WZLC(FM) Summerville, SC (Facility ID No. 173901).

The Notice of Proposed Rulemaking was issued in response to a Petition for Rulemaking (the “Petition”) filed jointly by the Campaign Legal Center, Common Cause, and the Sunlight Foundation.<sup>2</sup> The Petition requested Commission action based on concerns about the amount of political television advertising distributed through cable and satellite. Nowhere did it mention expanding online public file requirements for radio. Nor is there any demonstrated need for such an expansion. Indeed, on the issue of political advertising, noncommercial radio stations are prohibited under Section 399B of the Communications Act from accepting political and issue advertising.<sup>3</sup>

It also makes sense to focus first on cable and satellite system implementation of online public files due to the magnitude of the resources that would be necessary to extend these requirements to more than 15,000 radio stations. The Commission itself acknowledged that it only started to “analyze the budget and technical issues that are involved in allowing radio licenses to upload documents to the online public file voluntarily.” Public Notice at note 5.

Instead of increasing the regulatory burden on radio broadcasters, the Commission should focus on ways to decrease the burden. This is especially true for noncommercial broadcasters. The financial strain of providing noncommercial programming has been well-recognized by the Commission in, for example, its policy of granting satellite main studio waiver requests. The basis for such waivers is routinely recognized as a means to conserve financial resources of noncommercial broadcasters in order to allow them to provide improved programming. *See Main*

---

<sup>2</sup> See *Media Bureau Seeks Comment on Petition for Rulemaking Filed by the Campaign Legal Center, Common Cause and the Sunlight Foundation Seeking Expansion of Online Public File Obligations to Cable and Satellite TV Operators, Bureau Also Seeks Comment on Expanding Online Public File Obligations to Radio Licensees*, Public Notice, MD Docket No. 14-127, DA 14-1149 (Aug. 7, 2014).

<sup>3</sup> 47 C.F.R. §§ 73.3526(e)(6), 73.3527(e)(5), 73.1943. noncommercial radio station are prohibited by Section 399B of the Communications Act, 47 U.S.C. § 399B, from accepting paid political and issue advertising. They are required to maintain a political file for documenting any candidate “uses” that would trigger “equal opportunities” under the Act. Noncommercial stations must also maintain a record in the political file of any candidate requests for free or furnished time.

*Studio and Origination Rules*, 3 FCC Rcd 5024 (1988); see also *American Family Association*, (Marksville, Louisiana), 12 FCC Rcd 15128 (Hearing Designation Order 1997); *Public Broadcasting in Northwest Ohio (Defiance, Ohio)*, 12 FCC Rcd 15114 (Hearing Designation Order February 19, 1977); *Greater Washington Education Telecommunications Association, Inc.* (Leonardtown, Maryland), 12 FCC Rcd 15123 (1997).

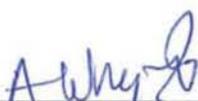
Noncommercial as well as commercial broadcasters are also facing an ever-growing host of competitors. These include satellite and Internet radio, such as among others, Pandora and Spotify. Many of these services have few or no regulatory constraints. The public interest is served by a regulatory framework that enhances the likelihood of financial viability for over the air broadcasters instead of threatening that viability. If there were some compelling rationale, then the additional burden may, arguably, be warranted. In the case of the on line public file, however, no compelling rationale exists. Much of the information that would be required in the Commission's electronic public file database is already available from the Commission website—these items include FCC licenses and authorizations, FCC applications, ownership reports, contour maps, *The Public and Broadcasting*, and FCC Investigative materials.

The Commission noted in the NOPR that, “In the Second Report and Order we required NCE television broadcasters to include donor lists and their online public files, and we propose to take the same approach with respect to radio. We seek comment on this issue. Is there reason to treat NCE radio station donor list differently from NCE television station donor lists?” NOPR at paragraph 75. RTN strongly posits that donor lists should remain confidential. There is no compelling basis for requiring disclosure. Any donor disclosure would serve to chill donations which are the backbone of assuring the continued viability of noncommercial station operations.

In conclusion, RTN suggests that there is no or minimal public benefit interest in adopting the online public file requirement for radio. This is especially true for noncommercial stations which are the least able to bear the cost of complying with additional administrative requirements. The public interest supports less regulation in order to free up resources for programming. At the very least any consideration of online public files for radio should only be considered after the issue is addressed with respect to cable and satellite systems.

Respectfully submitted,

**RADIO TRAINING NETWORK, INC.**

By:  \_\_\_\_\_  
A. Wray Hitch III  
*Its Counsel*

Gammon & Grange, P.C.  
8280 Greensboro Drive, 7<sup>th</sup> Floor  
McLean, VA 22102  
703-761-5013

Dated: March 16, 2015