

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC20554**

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	)	

**COMMENTS OF MENTOR PARTNERS, INC.**

**I. INTRODUCTION AND SUMMARY**

Mentor Partners, Inc. (“Mentor”) hereby submits comments in response to the Federal Communications Commission’s (“Commission”) Notice of Proposed Rulemaking,<sup>1</sup> proposing to expand to cable operators, satellite TV providers, broadcast radio licensees, and satellite radio licensees the requirement that public inspection files be posted to the FCC’s online database.

Mentor is a family owner and operator of several FM and AM licenses in the Big Rapids, Michigan area, and is subject to the Commission’s existing public file regulations.

---

<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, MB Docket No. 14-127, FCC 14-209 (rel. Dec. 18, 2014) (“NPRM”).

Through a focused approach to community engagement as well as local news and sports coverage, Mentor provides an important public service to the its community of license and the surrounding area. Mentor takes its obligations as a licensee of radio broadcast frequencies very seriously, including the maintenance of public and political files. Despite operating at staff levels far below even small market television broadcast stations, Mentor's staff work to ensure that public and political files comply with the letter and spirit of the Commission's relevant regulations, while also handling numerous other duties involved with keeping a small family-owned radio broadcast operation running.

Mentor submits comment in this matter to address the impact of the Commission's proposal on radio broadcasters that serve irreplaceable roles in rural communities across the United States through their services. In comments below, Mentor:

- fully incorporates its views<sup>2</sup> submitted in response to the Petition, which requested that the Commission initiate a rulemaking to expand to cable and satellite systems the requirement that public and political file documents be posted to the FCC's online database,<sup>3</sup> and the Commission's related Public Notice seeking comment on it,<sup>4</sup> and reiterates that the application of the online filing requirement to the radio broadcasting industry is wholly out of the scope of the petition at issue; and the Commission's consideration of the application of the requirement to file online the public and political files of radio stations is inconsistent with the states approach of the Commission and is

---

<sup>2</sup> See Comments of Mentor Partners, Inc.,

<sup>3</sup> See Campaign Legal Center, *et al.*, Petition for Rulemaking, MB Docket No.14-127 (July 31, 2014) ("Petition").

<sup>4</sup> See also *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*, MB Docket No. 14-127, DA 14-1149 (Aug. 7, 2014) ("Public Notice").

underdeveloped as it does not consider the many differences between the radio industry and the cable/satellite industries; and

- Urge that, should the Commission move forward and expand to broadcaster radio stations the requirement that public and political file documents be posted to the FCC's online database, a permanent exemption from this requirement be given to broadcast radio stations with twenty-five (25) or fewer employees, as using a metric of five employees for an exemption translates practically to the new requirements applying to many radio stations such as Mentor's which are small, family operated businesses and that would experience unnecessary added financial or other technical obstacles, resulting in effects detrimental to the public interest served by radio broadcasters.

## **II. MENTOR OBJECTS TO THE COMMISSION ADDRESSING RADIO BROADCASTERS IN THIS MATTER**

In its comments on the related Commission Public Notice, Mentor explained that that the application of the online filing requirement to the radio broadcasting industry is wholly out of the scope of the petition at issue which initiated this request;<sup>5</sup> and that the Commission's consideration of the application of the requirement to file online the public and political files of radio stations is inconsistent with the states approach of the Commission and is underdeveloped as it does not consider the many differences between the radio industry and the cable/satellite industries. We fully incorporate our objections raised into this response to the Commission's proposed changes to its regulations in which the Commission has chosen to continue down a path that, in regard to rural radio broadcasters, is unconnected to the Petition and would cause harm far outweighing any public benefits that would result.

---

5

**III. SHOULD IT PROCEED TO ADDRESS RADIO BROADCASTERS, THE COMMISSION SHOULD PROVIDE AN APPROPRIATE EXEMPTION FOR SMALL BROADCAST RADIO STATIONS**

Mentor believes that already, the record for this docket has demonstrated that requiring radio broadcast stations will result in an unnecessary hardship for small business radio broadcasters. Mentor joins many other commenters already on the record that adding new duties to small radio broadcast station staff by requiring the creation and monitoring of the Commission's public file database (such as, to determine when new materials are added and old materials need to be removed) is inefficient and overly burdensome, adding to the duties of already limited staffing, and taking away from the public service that thousands of these stations provide to small and medium markets across the United States.

The Commission, acknowledging that radio stations may face financial or other obstacles through its activity, nonetheless proposes to phase in the application of such a requirement to broadcaster radio stations after two years, and to permanently exempt NCE radio stations as well as those with fewer than five full-time employees from the online public file to "help ensure that [the Commission] commence[s] online file requirements for radio with stations with greater resources."<sup>6</sup> Mentor views this permanent exemption, as proposed, to be inadequate in protecting small radio stations such as Mentor, not reflective of the staffing of small rural radio stations, and certain to cause harm to the public good thousands of radio stations contribute to across the country. Specifically, by limiting the proposed exemption to radio stations with five or fewer employees, the Commission ensures that a very large portion

---

<sup>6</sup> NPRM at ¶ 69.

of small business stations will not be protected from the added financial and technical issues associated with compliance.

As the Commission notes in its Regulatory Flexibility Analysis (RFA), the Small Business Administration already provides a definition of a “small business” radio broadcast station as one that has no more than \$38.5 million in annual receipts, and is not “dominant in its field of operation.”<sup>7</sup> While the Commission notes that it has found difficulty in finding ways to define or quantify criteria that would establish whether a specific radio station is dominant in its field of operation, it nonetheless states that the SBA definition “may be over-inclusive to that extent.”<sup>8</sup> Mentor does not believe that the fact that the Commission struggles to determine adequate small business criteria for field of operation dominance to concretely justify such a conclusion. Instead, we urge the Commission to strive for harmonization with other agencies in definitions across government agencies, lending to less confusion for small radio stations already strapped for resources they expend on compliance with Commission regulations.

Mentor has serious concerns that, in its effort to avoid such an “over-extension,” the Commission’s exemption, as proposed, would exclude the majority of the radio stations the Commission intends to protect from financial, technical, and administrative burdens it notes in the NPRM. For example, local on-air talent, as members of the communities they work in, are the cornerstone of local interaction and content that listeners rely upon in thousands of communities across the country. From a practical perspective, small stations that employ local on-air talent for shifts (let alone sales, promotions, and other administrative staff for their

---

<sup>7</sup> See NPRM RFA at ¶ 9-10.

<sup>8</sup> *Id.*

essential business functions) are guaranteed to fail to qualify for the exemption. Mentor does not believe that such a consequence is in the interest of the public. Mentor therefore urges for the Commission to raise the threshold for permanent exemption from its online public filing rules to broadcast radio stations with 25 or less employees.

#### **IV. CONCLUSION**

Mentor strongly recommends that the Commission consider its views contained in this filing, and thanks the Commission for the opportunity to provide input on this matter.

**MENTOR PARTNERS, INC.**

Jeffrey Scarpelli  
President  
Big Country 100.9 WWBR  
Today's Hit Music Y-102 WYBR  
Newsradio 1460 107.7 WBRN  
18720 16 Mile Rd  
Big Rapids, MI 49307

March 16, 2015