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March 25, 2015

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
Room TW B204  
The Portals  
445 12th Street SW  
Washington, DC 20554

**Re:** Notice of Ex Parte MB Docket No. 14-127

Dear Ms. Dortch:

This letter is submitted pursuant to Section 1.1206 of the Commission's rules to disclose the communications made in the above referenced proceedings. On Tuesday, March 17, 2014, Lisa Fields, Vice President of Broadcast1Source and I met with Bill Lake, Bill Cline, Hossein Hashemzadeh, Alison Neplokh, Holly Sauer, Sarah Whitesell. Also attending the meeting was Larry Walke, NAB Associate General Counsel.

Broadcast1Source is a small business initially created to simplify broadcaster rule compliance and ease the record-keeping requirements of FCC rules. The service was expanded to offer electronic Public Inspection File management ("ePIF") for broadcasters to achieve ease of compliance in anticipation of the FCC requirement to place television station public files online with the FCC. When the Commission adopted the online public file requirement, ePIF was modified and enhanced to work with the FCC folders as then adopted.

Broadcast1Source recalled the FCC statements in its Second Report and Order that encouraging and accommodating "third-party Web-based hosting" services would allow for greater efficiencies and instructed the FCC staff to cooperate with industry as it develops specifications and to incorporate them in the Commission's online system. The staff was also delegated authority to design, add to, or adjust the features of the online public file, as needed.<sup>1</sup>

Broadcast1Source described how it set out to fulfill that mission, particularly for individually or small group owned stations that, as the Commission recognized, do not possess "the dedicated IT resources to resolve issues that may arise with implementation" and also,

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<sup>1</sup> Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations (Second Report and Order), 27 FCC Rcd 4535 (2012) at 4565 ¶61.

smaller market stations, about whom the Commission itself expressed concern.<sup>2</sup> It was pointed out that, relying on its own previous rationale in the TV proceeding, the Commission reiterated its belief that third party hosting services would be an important source of support for radio broadcasters in its Notice of Proposed Rulemaking to expand the online public file requirement to radio stations.<sup>3</sup>

Broadcast1Source explained that the FCC may not yet rely on such hosting services in adopting any order since the Commission has so far been unable to provide a reliable interface for hosting services to efficiently load documents into their client stations' online public files. This is due in part to the API interface. As part of the FCC's efforts to achieve open government, the Commission develops APIs to allow third party machine access to publicly disclosed data and to develop better online means of submitting information.<sup>4</sup> ***When Broadcast1Source approached FCC staff, it was their advice to develop its ePIF hosting service using API interface.*** Broadcast1Source accepted the challenge to build a superior user interface with added value to broadcasters through the FCC API standard. Indeed, since first meetings with FCC staff, Broadcast1Source has devoted nearly 2000 development hours and countless additional hours in administrative, managerial and project management time to this project, in addition to managerial, administrative, travel and legal fees.

A discussion was had whereby Broadcast1Source explained that time and again it was ready for the next phase, but was informed that the FCC server had been changed in various ways for security enhancements and other purposes, and that the Broadcast1Source interface would have to wait for a yet further unspecified period of development time. Broadcast1Source related its experience that since the time that all TV stations have been required to maintain their public file on-line, smaller stations and station groups have been particularly hurt by their inability to use its utilities. As a result of this experience, until these tests can occur and reliability can be assured, Broadcast1Source and its clients cannot imagine the FCC extending the requirement to the majority of radio stations.

With the FCC proposal to extend online public file requirements to radio, it is apparent that many more entities will soon require the professional assistance that could be provided through hosting services such as the Broadcast1Source ePIF. Small market radio stations and clustered radio station ownership have an even greater need for the organizational assistance that hosting services can provide to reduce the labor requirements for public file maintenance and for coordinated management and oversight of multiple stations' public files. Accordingly, Broadcast1Source asked the FCC staff to arrange for proper testing and coordination for its service and to not adopt the online public file for radio until such a service can be reliably offered.

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<sup>2</sup> Id. At ¶48, p. 4559

<sup>3</sup> See: Expansion of Online Public File Obligations To Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees; MB Docket 14-127, at ¶61 et. seq.

<sup>4</sup> "We believe that electronic filings with the Commission should be machine readable whenever technically possible." *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, 26 FCC Rcd 1594 (2011) at ¶19

Should there be additional questions regarding this submission, kindly contact the undersigned.

Sincerely,

**WOMBLE CARLYLE SANDRIDGE & RICE**  
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