Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Radio Broadcasters Coalition	)	
	)	MB Docket No. 15-52
Petition for Class Waiver of the	)	
Commission's Sponsorship Identification	)	
Requirement	)	

COMMENTS OF MEDIA ACCESS PROJECT

Media Access Project (MAP) respectfully submits these brief comments with respect to the above-captioned matter.[1]

MAP takes no position at this time with respect to whether the Commission can or should grant the proposed waiver. There is significant doubt as to whether the Radio Broadcasters Coalition (Coalition) has defined a "case or class of cases" within the meaning of 47 U.S.C. §317.[2] Nor it is clear based on the Coalition's petition that grant of the requested waiver will not have an adverse effect on the diversity of music and artistic expression available to the listening public. MAP looks forward to reviewing the comments of other parties with respect to these

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[1]MAP suspended active operations as a public interest law firm in April, 2012. However, purusant to the direction of its Board of Directors, MAP continues to function as an organization which will periodically comment upon issues relating to its long-term mission of promoting the public's right to have access to diverse perspectives in the marketplace of ideas.

[2] *See* "State of The Media Today: Audio 2015," at p. 14, http://www.nielsen.com/content/dam/corporate/us/en/reports-downloads/2015-reports/state-of-the-media-audio-today-q1-2015.pdf The Commission's authority under Section 317 is limited to granting a waiver for a "class," not a general waiver for most stations. At least 80% of U.S. radio stations employ a music or sports format. As such, a waiver releasing all these stations from sponsorship appears to a blanket waiver for most of the industry rather than for a defined "class."

questions.

MAP appreciates the fact that prior to filing of its petition for rulemaking, representatives of the Coalition agreed to make sure that the petition did not seek a waiver for news and talk programming or programming of a political nature. It is absolutely essential that existing rules remain in place for those programs, as the danger of misleading the public is very substantial for programming of that kind. However, other issues remain.

At this time, MAP wishes to address one major aspect of the waiver request, which is the frequency of announcements that sponsorship identification. In the event that the Commission is disposed to grant a class waiver, the frequency of the required announcement should be at least hourly. The Coalition proposes that after an initial "listener education period," announcements referring listeners to a web site would be carried only once per day. This is grossly inadequate. "In enacting Section 317 of the Act, Congress made clear its intention to design a regulatory scheme which attempts to ensure that the public knows the identity of those persons or entities attempting to persuade it." *In re Advertising Council*, 17 FCCRcd 22616, 22623 (2002). Technology changes may justify changes in how the Commission enforces Section 317, but the core need to inform the public remains. As the Commission has observed,

> content providers may be turning to more subtle and sophisticated means of incorporating commercial messages into traditional programming. As these techniques become increasingly prevalent, it is important that the sponsorship identification rules protect the public's right to know who is paying to air commercials or other program matter on broadcast television and radio and cable.

In the Matter of Sponsorship Identification Rules and Embedded Advertising, 23 FCCRcd 10682 (2008).

The Coalition claims, at page 2 of its petition, that one of the benefits of its proposal is that listeners will experience "fewer interruptions." This is perhaps true, but it flies in the face of a Congressional scheme that expressly contemplated frequent "interruptions" because announce-

ments would be made at the time of broadcast. This is a bug, not a feature.

To insure that the public is fully informed, it must be constantly reminded when there is sponsored content. The notion that a once-daily announcement is sufficient for this purpose flies in the face of reality. Many listeners do not regularly listen to the specific day parts that would be used in the Coalition's plan. Even those who listen in one of the three day parts covered by the Coalition's proposal would be receiving access to an announcement only once every three days, assuming that there is a daily rotation. Some listeners, particularly during drive times, may be distracted at the moment of a once-daily announcement and thus miss it; they would be more likely to hear the next announcement if it were hourly.

Assuming that a waiver is granted, it must be more tightly framed than suggested by the Coalition. Cumulus Media Inc.'s (Cumulus) comments point to the fact that the definition of "sports team" should be clarified and the tense of the announcement should be clarified. Cumulus is also correct that sports programming is often a form of news; MAP believes that this poses a potentially serious problem which the Commission must address so as to insure the integrity of news broadcasts.

Finally, in the event that the Commission is disposed to grant a waiver, it should insure that the websites used for providing sponsorship identification be readily accessible without having to set up an account or having to provide a user name or password. These websites should not be used for marketing purposes without clear opt-in consent. Listeners should not have to sacrifice their privacy to obtain information which they are entitled to receive as a matter of law.

Respectfully submitted,

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April 13, 2015