

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Revitalization of the AM Radio Service ) MB Docket No. 13-249  
 )

To: The Commission  
Attn: Secretary

**COMMENTS OF STARBOARD MEDIA FOUNDATION, INC.**

Starboard Media Foundation, Inc., the licensee of sixteen full-power radio stations (thirteen of which are in the AM band), hereby submits these comments in response to the First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry (FCC 15-142) (“NOI”) in the captioned proceeding. Starboard strongly supports any relaxation of the Commission’s “main studio” rule.<sup>1</sup> At a minimum, Starboard urges the Commission to allow a licensee with multiple stations in a Nielsen Metro to co-locate all such stations in a single location. The reduced cost savings associated with such a relaxation would be a tremendous boon to all licensees, particularly AM stations.

At paragraphs 85-88 of the NOI, the Commission asked for comments on whether and how to relax Section 73.1125 of its rules as a means of further revitalizing the AM band over and above the other rule changes set forth in this proceeding. The NOI specifically mentioned that the Commission for several years routinely has granted waivers of the “location” prong of the main studio rule to non-commercial educational FM (“NCE FM”) stations, pursuant to Section

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<sup>1</sup> The main studio rule, including the cases interpreting it, consists of three prongs: (1) location: a station’s main studio must be located either within its service contour (or the relevant contour of any other broadcast station licensed to the same community) or within 25 miles of its community of license (47 C.F.R. § 73.1125(a)); (2) staffing: a station must have two full-time employees at the main studio, one of whom must be a “manager”; and (3) equipment: a station’s main studio must have sufficient equipment on hand in which to originate broadcasts.

73.1125(b)(2) of its rules. That rule allows for the establishment of a station's main studio at a location other than as required under Section 73.1125(a) if "good cause" exists and the public interest would be served thereby. Thus, an NCE FM licensee with dozens of stations nationwide may house all of their offices at a single "main studio" location, meaning that, in at least one case, a NCE FM station's official main studio is located nearly 3,000 miles from its transmitter location. Starboard believes that the Commission should extend this same courtesy to licensees of all stations (or at least to AM stations). At a minimum, the Commission should allow a party with attributable interests in more than one station in a radio "market" (whether defined as a Nielsen Metro or through some other methodology) to operate all of its stations in that market from a single main studio location.

For example, Starboard presently owns three stations in the Chicago Nielsen Metro and competes with the approximately 100 other radio stations in the market for over-the-air listeners. Starboard is a not-for-profit corporation that operates its stations with noncommercial Roman Catholic religious programming and relies on listener donations to pay its operating expenses. Under the Commission's current interpretation of the main studio rule, two of Starboard's Chicago stations may be co-located, but the third must be located somewhere else. Starboard incurs significant additional operating costs to house its third Chicago station at such "extra" main studio site, including: (a) paying the salaries, taxes, insurance and benefits for two full-time employees (to satisfy the "staffing" prong of the rule); (b) paying rent, utilities and insurance at that location; and (c) purchasing and maintaining equipment (microphones, computers, etc.) sufficient to satisfy the "equipment" prong of the rule. Starboard has, in some years, spent upwards of \$150,000 to operate from the extra main studio location in the Chicago area.

Starboard believes that spending substantial sums on the extra location is simply wasteful because, as set forth in the NOI, advances in technology (e-mail, mobile phones, Internet) can enable members of the community to contact any station's personnel without having to physically visit the main studio.<sup>2</sup> Indeed, the Commission recently adopted rule changes that will ultimately require all AM and FM stations to post their public files to the Commission's online database. *See* MB Docket 14-127. The Commission's action, then, has obviated the very need for a station's offices to be located in the community it serves, because within the next two years, anyone will be able to access any publicly-available document pertaining to any radio station in the country through the Internet. In Starboard's experience in the past decade plus of serving as the licensee of radio stations, the number of persons who have visited its stations' main studios for the purpose of reviewing the public inspection files is at just about zero.

In relaxing the main studio rule, the Commission should not have any concerns about losing the station's local presence. Indeed, even if the rule changes were adopted, each station would remain required to, among other things: (1) place a certain signal contour over its community of license; (2) serve that community with programming responsive to important local issues; and (3) maintain a toll-free number to allow residents in the station's community of license to contact the station. The only difference between the existing rule and the proposed rule would be that a licensee would have greater flexibility as to where to locate a station's physical office. Despite all of these safeguards, if the Commission still remains concerned, then it could require that all stations maintaining offices outside the areas set forth in the "location" prong of the main studio rule appoint a correspondent (who could be a volunteer) who resides in the station's community

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<sup>2</sup> NOI at ¶ 87.

of license. Such person would make the station aware of the specific interests of listeners in that community and would so advise the station's programming staff.

It should be noted that not all licensees would take advantage of this rule change: a licensee may elect to maintain a main studio in a given community precisely to maintain the physical local connection. But licensees of all broadcast stations should have the same choice that NCE FM stations have: to co-locate all of its stations' main studios in a single office.

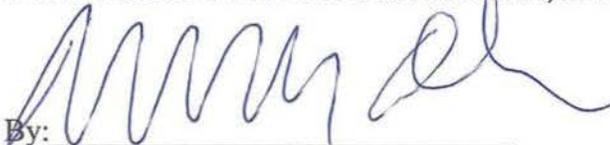
The public interest would be well-served by any relaxation of the main studio rule. It would allow all broadcast stations, particularly struggling AM stations, to realize valuable economies of scale and massive cost savings. Such savings would make it far easier for stations, such as Starboard's, to serve the crucial purpose of continuing to provide their listeners with excellent programming options. The relaxation of the main studio rule would be in keeping with the Commission's goal, stated in the NOI, of helping to revitalize the AM service and better serve the public, thereby "advancing the Commission's fundamental goals of localism, competition, and diversity in broadcast media." NOI at ¶ 1.

**CONCLUSION**

For the reasons set forth herein, Starboard respectfully requests that the Commission revise Section 73.1125 of the Commission's rules to specifically provide that if a party holds attributable interests in more than one station in a "market," such party's stations' main studios may be located at a single location in that market. Starboard also would support even further relaxation of the rule: to allow any station to take advantage of the same accommodation presently offered to NCE FM stations: to locate its main studio anywhere in the country.

Respectfully submitted,

**STARBOARD MEDIA FOUNDATION, INC.**



By: \_\_\_\_\_

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