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

In the Matter of	)	
	)	
Standardized and Enhanced	)	MM Docket No. 00-168
Disclosure Requirements for	)	
Television Broadcast Licensee	)	
Public Interest Obligations	)	

To: The Commission

REPLY COMMENTS OF
TRIBUNE BROADCASTING COMPANY

Tribune Broadcasting Company shares the views of the vast majority of broadcasters and broadcaster associations in opposing the initiatives proposed in this Docket. The Commission proposes, through a standardized disclosure form, to turn back the regulatory clock nearly 20 years by imposing unnecessary and unconstitutional forms of content regulation. The only justification offered for this proposal, and the proposal that stations digitize their entire public inspection files and make them accessible from their Internet websites, are making public-service programming reports more consistent and facilitating communications between broadcasters and their communities. Neither rationale justifies the substantial burdens the Commission's proposal would impose on broadcasters, or the intrusions on their editorial freedom.

Tribune respectfully files these brief reply comments to highlight its objections.

A. There Is No Need for the Standardized Disclosure Form.

Providing programming that serves the public interest is a bedrock obligation of every

***** The Commission has found that, consistent with the First Amendment and its statutory

obligations, the public interest is best served by permitting competitive forces and journalistic enterprise, rather than quotas and governmental micro-management, to guide broadcasters' programming efforts.

Simply to make stations' reports on their public affairs programming more uniform, easy to understand and accessible to the public, the Commission proposes to require stations to prepare a quarterly standardized disclosure form, such as that proposed by the President's Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters. *Notice of Proposed Rule Making*, 15 FCC Rcd 19816 at ¶18 (2000). The Advisory Committee's proposed form, advocated by several commenters in this Docket, would reinstate ascertainment requirements, create *de facto* quotas for specified categories of public affairs programs, public service announcements and free time for political candidates, and create new disclosure requirements concerning closed captioning and video descriptions. Tribune joins NAB, ALTV, the State Broadcasters Associations, the Media Institute and other commenters in opposing these substantive programming obligations in the guise of disclosure requirements. As these commenters demonstrate, there is no factual record or statutory authority justifying these regulatory measures, and the First Amendment bars the Commission from encouraging certain types of speech in the standardized form while chilling other types that do not enjoy the Commission's blessing.

A perceived lack of uniformity among stations' issues/programs lists certainly does not justify these substantive policy changes. Variations in the formats of stations' issues/programs lists is no more worthy of criticism or correction by the Commission than variations among the formats of the programs these reports describe. So long as the reports provide "a list of programs that have provided the station's most significant treatment of community issues ... describing

what issues were given significant treatment and the programming that provided this treatment ... includ[ing] the time, date, duration, and title of each program in which the issue was treated,[**] the Commission's purposes have been served. It should not matter whether a station lists its programs and issues chronologically, alphabetically or in some other order or arrangement, so long as it is clear from the report that the station is aware of the major issues in its community and is addressing them in its programming.

B. Electronic Access to a Station's Public File is Unnecessary and Unwarranted. [*****] Nothing in the record of this Docket warrants changing that policy decision to make duplicate availability of the public file on the Internet mandatory.

As NAB points out (Comments at 24), most of the FCC forms kept in the public file are accessible on the Commission's professionally-maintained website. Even the United Church of Christ, *et al*.—fervent advocates of the Commission's proposals—express a strong preference for accessing documents from the FCC website rather than having to check individual station sites. (Comments at 27.) Nothing in the record justifies putting broadcasters to the effort and expense of making these documents available in duplicate form on their own websites.

Likewise, nothing in the record justifies putting broadcasters to the burden and expense of digitizing other documents, such as the contents of the political file and letters from the public, converting them to broswer-compatible form, and making the entire electronic public file user-friendly, with download, index and search functions. The primary reason offered by advocates of this proposal is that it would be more convenient. This does not outweigh the major and continuing burden and expense this requirement would place on broadcasters of all sizes. For example, WGN-TV's file of letters from the public consumes nearly *32 linear feet* of file

space, which translates to more than 72,000 pages, and is more than five times the average size of an *entire* public file using NAB's statistics. (NAB Comments at 20.) Moreover, contrary to many commenters' assumptions, the vast majority of Tribune's stations do not have a dedicated employee who maintains the station*****

People for Better TV's comments recount visits to stations' public files, and treatment that ranges from businesslike to unfriendly. The Commission's public file rule requires that the file "shall be available for public inspection at any time during regular business hours." § 73.3526(c)(1). If stations are violating the rule, the proper remedy is to enforce it, rather than force the station to create a duplicate public file.

Conclusion

As the Commission sets out on its new regulatory agenda in 2001, there are many tasks before it that are far more deserving of its attention and resources than an effort to micro-manage and establish *de facto* quotas for public service programming. The Commission has established no basis for intruding on licensees' choices on how best to serve and inform their communities. For the reasons stated above, a light touch is far preferable to a heavy hand when the Commission proposes to regulate programming infused with First Amendment concerns. The issues/programs list, which has worked well for nearly two decades, suffices to inform the public and the Commission of a broadcaster's performance in this regard.

Likewise, Tribune submits that the burdens far outweigh the benefits of creating redundant access to a station's public inspection file on the Internet. In this area, as well, existing regulation has worked well and is in no need of change.

Respectfully submitted,

TRIBUNE BROADCASTING COMPANY

By _____
Charles J. Sennet
Roger C. Goodspeed
Elisabeth M. Washburn

Dated: February 14, 2001