

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

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

REPLY COMMENTS OF STC BROADCASTING, INC.

STC Broadcasting, Inc. ("STC"), which wholly owns the licensees of eleven television stations in medium and small television markets throughout the country, by its attorneys, respectfully submits these reply comments in response to comments regarding the proposal to require all television stations to make their entire local public inspection files available through the Internet (the "On-Line Local File Requirement") that was suggested in the above-captioned proceeding. [1/](#)

In the *Notice*, the Commission specifically requested that licensees provide information regarding the burdens such an On-Line Local File Requirement would impose on television stations throughout the country. [2/](#) STC has informally polled certain of its stations in markets throughout the country to determine the costs involved in such a requirement. The response confirms what the many commenters opposed to an On-Line Local File Requirement have contended: that the actual burdens

[1/](#) Notice of Proposed Rule Making, *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, MM Docket No. 00-168 (rel. October 5, 2000) (the "*Notice*").

[2/](#) *Id.* at ¶ 31.

of a requirement on a station to maintain its local public inspection file on its or another website far outweigh the minimal benefits of the convenience that the proposal may offer. Even if the Commission has sufficient authority to compel a television station to maintain a website and to compel certain content on that website, which is itself questionable, ^{3/} the disproportionate burdens such a requirement would impose on television broadcast licensees (and, indirectly, their viewers) is sufficient reason to quash the proposal.

I. THE BENEFITS OF AN ON-LINE LOCAL FILE REQUIREMENT ARE TRIVIAL.

In tentatively considering an On-Line Local File Requirement, the Commission noted only a single benefit from the proposal: it would make the information contained in the local public inspection file for a local broadcast station more universally available. ^{4/} On its face, the thrust of this benefit would seem irrelevant to the guiding purpose of the rule. The local public inspection file requirement is rooted in the obligation of each licensee to serve the needs and interests of its community by seeking to insure that members of the *local* community have reasonable access to station management and information about the station. ^{5/} The proposed On-Line File Requirement would do little to serve this purpose: local individuals already can request

^{3/} As Viacom demonstrates, the Commission may well lack such authority. Viacom Comments at 21-23 (quoting *NAACP v. FPC*, 425 U.S. 662 (1976) and *Lutheran Church-Missouri Synod v. FCC*, 141 F.3d 344 (D.C. Cir. 1998)).

^{4/} *Id.*

^{5/} See, e.g., Report & Order, *Review Of The Commission's Rules Regarding The Main Studio And Local Public Inspection Files Of Broadcast Television And Radio Stations*, 13 FCC Rcd 15691, 15692 (1998) ("*Local File Proceeding*").

copies of public inspection file documents through a local toll-free number (if the main studio is outside the station's community of license) or can visit the station's main studio, which must be at a location that is reasonably accessible to the station's viewers. ^{6/}

The only benefit to the persons who are supposed to be the focus of the rule – a station's local constituents – is that those who have some level of Internet expertise will be able to access the station's public materials 24 hours a day, rather than only during working hours. But even this benefit is overstated, as much of the material that must be placed in a station's local public file is increasingly available on the Commission's own website. ^{7/} As of February 15, 2001, most of the Commission's most critical application forms *must* be filed (and, consequently, will be available to other parties) via the Internet. ^{8/} Other forms, which are not yet required to be filed electronically, are nonetheless being filed electronically by a number of licensees. To the extent an interested person wishes to access a recent application, he or she now is likely to have access not just to the form, but to the form's exhibits through the Commission's central database merely by searching under the station's call sign. ^{9/}

^{6/} See Memorandum Opinion & Order, *Local File Proceeding*, 14 FCC Rcd 11113 (¶ 13) (1999).

^{7/} For the last several months, the Commission has posted on its website applications that are electronically filed. See, e.g., http://svartifoss.fcc.gov:8080/prod/cdb/pubacc/prod/app_sear.htm.

^{8/} *Public Notice*, Mass Media Bureau Implements Mandatory Electronic Filing of FCC Forms 301, 314 and 315 (DA 01-283) (February 2, 2001).

^{9/} See NAB Comments at 24-25.

Accordingly, the proposal to require a station to keep copies of such filings on its own website would not just be costly, but redundant.

II. A REPRESENTATIVE SAMPLING OF STC'S STATIONS CONFIRM THAT THE COSTS OF AN ON-LINE LOCAL FILE REQUIREMENT FAR OUTWEIGH THE PROPOSAL'S MINIMAL BENEFITS.

As Viacom, among other commenters, outline, the direct costs of an On-Line Local File Requirement would be substantial, especially in smaller markets. ^{10/} Stations would have to budget additional funds to cover increased website storage space, to contract with personnel expert enough to create (or re-design) and maintain a station's web site, and to afford the equipment and personnel necessary to scan hundreds of pages of materials into a suitable computer file (or files) for uploading to the website. In addition, an On-Line Local File Requirement would compel a station to exercise constant vigilance over its on-line file, lest persons delete or modify its materials in such a manner as to expose the station to the risk of FCC-imposed fines or forfeitures.

In this regard, the cost projections of several STC stations are further evidence that the On-Line Local File Requirement should not be adopted. At the outset, it should be noted that many of these estimates did not include certain of the many technical issues noted by the State Broadcasters Association, among others, such as the need to ensure that the uploaded documents will be W3C/WAI compatible. ^{11/}

^{10/} See, e.g., NAB Comments at Attachment B (noting that, when including technical and other costs, fees for uploading general local file onto website could exceed \$128,000); Viacom Comments at 24-26; Joint Comments of State Broadcasters Associations at Exhibit A.

^{11/} See *id.*; NAB Comments at Attachment B.

Nonetheless, they underscore the burden that such a requirement would place on television stations in markets as small as Minot-Bismarck-Dickinson, North Dakota (DMA Rank: 152).

One of STC's stations, WEYI-TV, Saginaw, Michigan, estimates that it has approximately 86 linear inches of paper in its local (and political) inspection files. Projecting that there are 200 sheets in every linear inch of paper, the station concludes that it would have to scan and input more than 17,000 sheets of paper. Even assuming that it only takes roughly 3.5 minutes to scan, process and upload each sheet to the station's web site (in fact, the scanning process alone takes that long), it would take roughly 1,000 hours to add these materials to the station's site. To create any sort of a search engine and folders for this material would require an additional investment of at least \$8,000. Then, to accommodate the additional information on the station's web site server would cost approximately \$125 extra per month (or \$1500 per year).

The costs for WDTN-TV, Dayton, Ohio, are similar. Its personnel estimates that the station has approximately 13,700 separate pages in its local FCC files. Simply to scan these materials would require roughly 800 work hours, for which the station does not currently have the available personnel. To organize the files (back into the file and on the website) would require another 300 hours of higher-wage labor. The total *initial* cost, including the probable increase in server capacity costs, would exceed \$10,000.

KFYR-TV, Bismarck, North Dakota, estimates that it has approximately 1000 pages of material in its local public inspection file (with approximately 1,500 additional pages in its political file). The costs of scanning and organizing this material

approximate those of WDTN-TV and WEYI-TV, albeit for a lesser number of pages, but would pose an even more significant burden for a station whose market includes fewer than 140,000 households. [12/](#)

Each of these estimates includes only the initial (and most basic) costs of setting up the on-line local file. None of them include the day-to-day costs of maintaining and monitoring the file, or the need for increased website security, or the periodic need to purge the file of outdated or unnecessary materials. Accordingly, each of these projections likely underestimates the total costs that the requirement would impose even in the first year of operations. In light of such reasonable station estimates, and the estimates of other commenters and experts in these fields, there is no doubt that the Commission should not institute any on-line local file requirement at this time.

CONCLUSION

The proposed on-line file requirement would do little to benefit local viewers of a television broadcast station. Worse, such an on-line requirement would add significant additional and ongoing costs to the operations of every television broadcast licensee. During the transition to digital television, when all television stations face the increased construction and operation costs of new facilities, the Commission especially should be reluctant to force broadcasters to take dollars away from programming or construction budgets so that they can construct, operate and maintain a website that may contain hundreds of pages of information.

[12/](#) *Broadcasting & Cable 2000* at B-207.

Accordingly, STC respectfully requests that the Commission recognize that an On-Line Local Public File Requirement is contrary to the stated purpose of the local public inspection file rule, to the Commission precedent outlining the justifications for that rule, and to the public interest.

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