

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FCC - MAILROOM

In the Matter of)
)
Retention by Broadcasters of) MB Docket No. 04-232
Program Recordings)
)

COMMENTS OF
ST. SIMONS RADIO, INC.

St. Simons Radio, Inc. ("SSR"), by its counsel, respectfully submits its comments requesting exclusion from the rules proposed in the above-captioned proceeding, if they are eventually adopted.

SSR is the licensee of LPFM Station WWEZ-LP, St. Simons Island, Georgia (facility id no. 123743). The station operates seven days a week, and during all hours of the so-called "safe harbor" period from 6 a.m. to 10 p.m. The majority of the programming is all pre-recorded, with the exception of live network news, some occasional weather forecasts and emergency information . There are no "live" call-in shows.

The new rules proposed by the Commission in the Notice of Proposed Rule Making ("NPRM") in this docket would require all broadcasters (full power AM, FM and TV licensees, as well as LPTV and LPFM licensees) to record every minute of programming that is broadcast over its stations from the hours of 6 a.m. to 10 p.m. every day and retain those recordings for a period of 60 to 90 days. The purpose of the

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recording and retention requirements would be to assist in enforcement of the Commission's anti-indecency policy.

SSR respectfully requests an exemption for LPFM stations, from these rules, if adopted, for the following reasons:

1. SSR pre-screens everything that it broadcasts over WVEZ-LP and is very cognizant of the Commission's rules against obscenity and indecency. It is impossible for SSR to imagine a situation where its broadcasts would violate these rules.
2. The cost of purchasing the necessary equipment and employing the necessary personnel to maintain and operate it would be prohibitive. SSR is a small budget, not-for-profit corporation. The fines the FCC could impose for indecency are quite substantial from SSR's perspective

SSR is filing these comments to seek a specific exemption from these rules, though it is confident many smaller operators, both low power and full power, are similarly situated.

WHEREFORE, SSR respectfully requests that in the event the rules proposed in the above-referenced docket are adopted, it be exempted from such rules.

Respectfully submitted,
ST. SIMONS RADIO, INC.

By:



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