

8/17/04

DOCKET FILE COPY ORIGINAL

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**REPLY COMMENTS, FCC, MB DOCKET NO. 04-232  
Notice of Proposed Rulemaking in the matter of retention by broadcasters of  
program recordings.**

Submitted by Nevada Public Radio  
1289 S. Torrey Pines Drive  
Las Vegas, NV 89146

Dear Ms. Dortch:

On behalf of Nevada Public Radio, licensee of non-commercial educational stations KNPR and KCNV in Las Vegas; KTPH, Tonopah; KLNK, Panaca and KWPR, Lund/Ely, I am writing to respond to the FCC's NPRM concerning the requirement of broadcasters to retain recordings of their programming for a period of time. The rationale for this proposed rulemaking is to increase the effectiveness of the Commission's process for enforcing restrictions on obscenity, indecent and profane broadcast programming.

Nevada Public Radio is opposed to such a proposed program-logging requirement on both practical and philosophical grounds and urges the Commission to permanently suspend adoption of such a rulemaking.

- 1) As a multiple station operator and operator of two subcarrier channels, we object to the initial cost of purchasing either logging recorders or computer equipment to record 18 hours a day of program material across seven different program streams. With the advent of digital technology and the ability to offer two program streams per channel, the requirements for retention becomes even more burdensome as more program material is offered using new technology.

In addition to the equipment costs, we also object to software and computer programming costs and the costs of storage media over the proposed 60 to 90 day period of retention.

No. of Copies rec'd \_\_\_\_\_  
List ABCDE \_\_\_\_\_

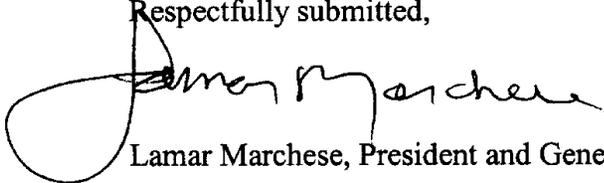
- 2) We also object to the increased technical burden of maintenance and upkeep of such additional required equipment with only a contract engineer to provide service.
- 3) We object most strenuously to the administrative burden of assigning staff to monitor the recording equipment, keep a schedule of erasing out of date media and searching through the retained material to track down complaints.
- 4) We also question the reasoning behind requiring all broadcast stations to record their programming regardless of program content. One of our stations KCNV in Las Vegas is a classical music station with very little talk. Under the proposed FCC provisions that station would be under the same burden to record 18 hours a day of music as our news/talk station would be to record its programming.
- 5) Finally, I find chilling the request for comment on whether the retained program material could be used for other purposes beyond the initial rationale of enforcement of obscenity and indecency. Once the broadcast material resides at stations, a fishing expedition by government to probe for enforcement of other present or future rules would certainly be enticing and equally dangerous to free speech.

In closing, the sweeping nature of this proposed rulemaking to require all radio and television broadcasters to bear the burden of program retention seems an over reaction to a problem of a very small minority of stations. I am also unconvinced that broadcasters should have to bear the burden of FCC rules enforcement.

I suggest that if such monitoring is to be required that it be placed upon those who have had complaints for obscenity or indecency upheld and fines levied for such infractions. Punish the guilty, not the innocent.

Nevada Public Radio appreciates the opportunity to offer its views on the Commission's rulemaking proposal and encourages the FCC to ideally drop this proposal completely as one that punishes all for the infractions of the few. If the proposal is to be adopted I suggest that it be modified and only be mandated for those broadcasters who have a history of violations of the obscenity or indecency rules.

Respectfully submitted,



Lamar Marchese, President and General Manager

NEWS 88.9  
**knpr** CLASSICAL  
89.7 KCNV

NEVADA PUBLIC RADIO

1289 S. Torrey Pines Drive, Las Vegas, Nevada 89146



RECEIVED & INSPECT  
AUG 23 2004  
FCC - MAILROOM

Marlene Dortch  
Secretary  
FCC

445 Twelfth Street, SW

Washington, DC 20554  
|||||