

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

In the Matter of)
)
Amendment of Sections 73.3526 and 73.3527) RM-11332
of the Commission’s Rules (the Public File))

TO: The Secretary
ATTN: Chief, Media Bureau

**REPLY COMMENTS OF
ADVENTIST RADIO BROADCASTERS’ ASSOCIATION**

The Adventist Radio Broadcasters’ Association (“ARBA”), by counsel, hereby submits its Reply Comments in response to Comments filed by other parties in the above-identified proceeding to consider initiation of a rulemaking proceeding about the Commission’s public inspection file requirements found in Sections 73.3526 and 73.3527 of the agency’s rules.¹

ARBA generally supports the proposal advanced by David Tillotson in his Petition for Rulemaking to abolish or substantially reduce the burden of maintaining public inspection files by each broadcast station. ARBA also generally agrees with the supportive Comments submitted in this proceeding by Family Stations, Inc., Montclair Communications, Inc., Maranatha Broadcasting Company, Inc., and MBC Grand Broadcasting, Inc. Tillotson and the commenting parties agree that the Commission’s public file requirement has become an unproductive burden

¹ARBA is an association of radio broadcast licensees that are institutions or individuals associated with the Seventh-day Adventist Church. These licensees hold authorizations for 36 radio stations scattered throughout the United States, both AM and FM, and both commercial and noncommercial.

on the staff and economic resources of broadcasters with very minuscule measurable public benefit. It is axiomatic that the spectrum belongs to the public and that the public has a right to know about and participate in the use that broadcasters make of the airwaves. However, it is obvious that the public does not find it necessary to keep abreast of station activities by way of visits to review the public file.

A survey of ARBA station managers about the public use being made of their public files resulted in a finding of only ONE occasion on which a member of the public made an inquiry to review the file for what could be legitimately called a public purpose intended by the FCC.² The time-span covered by the responses from the stations is varied. However, some ARBA members have been licensees for nearly 50 years. Many of the managers' observations about their public files date back several decades. Collectively, ARBA represents literally hundreds of years of station ownership and operation, with coverage areas serving millions of people. In all of that history of broadcasting to millions of members of the public, only one of them has found it necessary to review a public file! Surely this does not justify the time and resources spent by the station licensees in maintaining those public files for so many years.

²There is evidence of other public file queries. However, each of these inquiries appears to have been initiated for reasons unrelated to the Commission's purpose in creating the public file rules. Rather, these parties appeared to take advantage of the existence of the public file for private purposes. These other public file visitors included: (1) a student working on a research project about the FCC's regulatory process; (2) listeners searching for material to use in a dispute about carriage of network programming on the station, completely unrelated to FCC regulations; and (3) representatives of an organization that had an application for a new station pending that was mutually exclusive with an application filed by the station's manager in his own capacity as an individual and otherwise completely unrelated to the existing station or its public file. Surely the FCC's regulations are not intended to create such openings for opportunistic private uses.

As Tillotson and the commenting parties have pointed out, many of the documents required to be in the public file are also required to be submitted to the FCC and are available on the FCC's internet website. In this age of nearly universal internet access, these online documents are obviously more accessible to the public than any paper copies resting in a cardboard file in a filing cabinet physically located at the station. Even if the Commission sees fit to continue to require the assembly and archiving of frequently sterile documents such as the quarterly issues and programs lists, it would be better simply to maintain them online (either at the station's website or the FCC's website) than on paper at the station. Station resources previously needed to maintain the paper file and to make it available to the public could then be used for more productive pursuits. Furthermore, these documents would truly be readily accessible to the public online with minimal effort.

History demonstrates that the traditional paper public file – if it ever was useful in helping the public to inform themselves about station activities – no longer serves a productive purpose. For whatever reason, the public never inspects the public inspection file at the vast majority of stations. A realistic view of current public behavior compels the conclusion that these anachronistic archives are no longer purposeful. The Commission should commence a rulemaking proceeding to consider abolishing these requirements entirely or in the alternative, the public access to and archiving of records deemed by the Commission to serve some public review purpose should be moved online.³

³ARBA does not mean to propose a new requirement that each station must maintain an internet website. Stations that otherwise maintain such sites could make their public file material available on such sites, as indeed they are required to do now with respect to many documents. However, in cases where stations do not maintain websites, the FCC should provide online capacity for the public storage and display of the documents it deems necessary.

Respectfully submitted,

ADVENTIST RADIO
BROADCASTERS' ASSOCIATION

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CERTIFICATE OF SERVICE

I, Donald E. Martin, hereby certify this 5th day of July, 2006, that I have caused a copy of the foregoing document to be served by United States mail with first class postage prepaid upon the following:

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