

## MANDATORY STAFFING

KFCF and the Fresno Free College Foundation feel that the proposed requirement for 24 hour a day staffing of broadcast stations is unwarranted and is the result of FCC concerns about the activation of EAS alerts during emergencies not being broadcast and is overreaching in it's scope and attempts to remedy the problem. The FCC has not shown that requiring mandatory staffing of stations beyond the entry point or LP-1 class of stations will in any way enhance the EAS system. The FCC's concern about EAS problems stems from incidents where authorities were not able to reach staff at the LP-1 or EAS entry points in order to disseminate important information.

The FCC should look at the idea of implementing staffing policies that are only for broadcast stations that are LP-1s or other points of entry in the Emergency Alert System. For example, in the San Joaquin Valley of California the State EAS implementation requires that stations monitor LP-1 stations KMJ AM 580 KHz and KFSN-TV 30. The system also is set up so that the State Office of Emergency Services, The California Highway Patrol, The Fresno County Sherriff's Office and the National Weather Service office located in Hanford, CA, all may originate emergency alerts, tests, and administrative messages directly into the system. The requirement for stations located past the LP-1 level to have 24/7 staffing is burdensome and unwarranted in light of the design of the FCC and State/Regional EAS plans and the reliability of current EAS equipment.

In light of the Department of Homeland Security taking over the EAS system, and imminent changes, unknown to broadcasters at this time, that the FCC is requiring be implemented within six months of the DHS announcing their changes, it is unreasonable for broadcasters be forced to make changes when the system is likely be changed. The DHS and FCC should work on making sure that entry points and LP-1 stations are reachable 24 hours a day. The FCC rules already address weekly and monthly testing of the EAS system, which should serve to pinpoint and prevent any problems with the current system.

Recently KFCF had a failure of the receiver that monitors the KFSN-TV EAS LP-1 monitoring assignment, and when the FCC field offices in San Francisco, and Los Angeles were contacted to see if it would be permissible to monitor the KFSN-DT signal, no one could answer the question. Repeated attempts to get an answer from the FCC in Washington DC, the head of the State Plan and others were also fruitless. The officials talked to suggested that it was now a DHS issue, and that the FCC could not address the issue. With the upcoming digital television transition drop dead date of Feb. 19, 2008, the FCC should address the legality of monitoring the digital signal of an LP-1 TV assignment.

If, as was suggested by FCC staff, the FCC has a policy of not being involved in EAS planning now that the DHS has become involved, why should the FCC be mandating staffing rules for EAS

purposes?

## LOCALISM/ REPORTING REQUIREMENTS

The proposed localism reporting requirements would be burdensome and would divert valuable station resources that could be used to produce local programming. KFCF broadcasts some programming from Pacifica's KPFA in Berkeley, CA, providing a wide assortment of views, ideas and music that are not always heard on other broadcast medium in the area. When KFCF went on the air in 1975, we were the first non-commercial radio or TV station in the San Joaquin Valley, which was isolated from other media markets. The FCC picked this market as a test market for its' UHF only testbed for exactly that reason in the late 1950s. We feel that we have been responsible for exposing Valley residents to a wealth of ideas, music and culture that otherwise were unavailable in the area.

KFCF is proud of the amount of quality local public affairs, public service and educational and cultural programming it produces and airs , with a budget of under \$200,000 a year. However, the requirements being proposed would mean that valuable station resources would have to be dedicated to a paper trail, internet posting and compliance issues. These resources could better be dedicated to producing relevant and exciting local programming. If these reports, whose need is not clear, are required, the station may be forced to reduce local public affairs, news, cultural and educational programming. The FCC has not shown why the proposed paperwork is needed, and how it will be used, other than as eventual landfill.

With this proposal, the more local news, public affairs, election coverage, and public service programming that a station is doing, the more paperwork that will be required. This proposal will actually discourage localism and public affairs programming. Unless the FCC is going to require mandatory amounts of airtime for each category, or subject licensing renewal to programming litmus tests, what is the purpose of the requirement?

Should the FCC decide that there will be some type of requirement for a fixed amount of programming; the FCC should look at exemptions for non commercial broadcasters that produce a certain number of hours weekly of local and/or public affairs programming.

If the FCC is going to require that stations post their public file on their websites, the commission should also look at relaxing the mandatory business hour staffing of broadcast stations. Since the material would be available 24 hours a day, 365 days a year, it would allow for better access to the material. Small stations often have to spend a good deal of resources ensuring that qualified personnel are available all day. It would be nice to have the flexibility to allow limited hours so that staff could go to lunch, or have meetings with community leaders, or actually go out and record material for broadcast without having to worry about public accessibility to the public file.

## ASCERTAINMENT, COMMUNITY ADVISORY BOARDS

KFCF has dozens of volunteer programmers producing Public Affairs, cultural and educational programming that represents a diverse range of cultures, socio-economic levels and political views. The station's Board of Directors also represent a good cross section of the Valley culturally, geographically and socially. This broad cross section helps provide KFCF with knowledge of what the issues in our community are. KFCF also receives input from our listeners and subscribers about what they consider to be important. Since KFCF relies entirely on support from its' listeners, it is critical that KFCF be aware of what our listeners want, and address the issues of concern to them. Imposing a plethora of paperwork on the station would be burdensome and would deflect station resources from producing local relevant programming. Non-commercial educational stations are different from commercial stations, in that we are serving our listeners needs, not serving listeners to advertisers at the cheapest possible cost to maximize profit. NCEs do not need an additional paperwork burden. While the FCC may be looking at promoting localism as their reason for wanting to require ascertainment and advisory boards, the majority of NCEs lead their markets in the amount of airtime devoted to serving their community of license with locally produced programming of civic, cultural, educational and social relevance. If the FCC wants to do this in a way that will be fair to non-commercial stations, they should consider a simplified reporting for ascertainment and CAB requirements for station that meet some minimum requirements in local produced programming that meets non-entertainment criteria. For example, if a station produces at least 20 hours a week of locally produced programming and at least 10 hours a week of news, public affairs, and other non-entertainment programming, they would only be required to file an affidavit certifying that they have met those obligations.

Rychard Withers  
President, Fresno Free College Foundation  
KFCF-FM  
PO Box 4364  
Fresno, CA 83744