

associations the responsibility to address regulatory issues that apply more generally to television broadcast stations.

It needs to be said on behalf of the NBC Television Affiliates — and it needs to be said at the outset of these comments — that affiliates of the NBC network take seriously their responsibility for what is broadcast over their licensed air. That responsibility extends, of course, to programming and other material provided by the NBC Television Network, as well as to material generated by the stations themselves or obtained from other sources.

Affiliates of the NBC Television Network generally broadcast 168 hours of programming per week. In programming round the clock, seven days a week, or close to that, stations have to operate in reliance on their own staffs and on outside providers of broadcast material — networks, syndicators, ad agencies, local content providers, public service organizations, local religious and civic organizations, and others. They try conscientiously to choose their own staffs and to work with outside programming sources that they can rely on to recognize and carry out their obligation to broadcast material that is consistent with the public interest. They also use a variety of procedures to assure the high quality of this content.

The NBC Affiliates believe that the NBC Network is a responsible and very high-caliber programming partner that the stations can generally depend on to provide desirable content. Situations do arise when affiliates determine that other content would better serve their local communities than the programming provided by the NBC Network, and the affiliates' ability to make these determinations — as protected by existing FCC rules — is central to the proper functioning of the network/affiliate relationship in the public interest. But establishing a new, across-the-board pre-screening regime for all network content would not promote the public interest.

NBC affiliates use various methods to assure that programming and other broadcast material provided by the NBC Network and other suppliers is suitable for the communities they serve. Individually and through their affiliate association, NBC affiliates frequently make known their concerns about network material to the network. They may do so before a particular program airs or afterwards, or more generally. In the case of programming that has not yet aired, the NBC Network has historically provided affiliates with written pre-air summaries of all network programming that affiliates have the opportunity to review. These summaries include parental advisories where applicable. The network also provides a feed or DVD of new programming at the beginning of each season within 10 days of airtime. In addition, affiliates become aware of upcoming network programming that might be controversial or otherwise incompatible with their community of license's interests and values through non-network sources, such as the media, community groups in their area of service, or other means. In circumstances where concerns arise, NBC affiliates voice them to NBC's Affiliate Relations Department. At times, those expressions of concern are not sufficient, and in those cases individual affiliates exercise their right to reject network programming because of its unsuitability for the communities they serve or because other programming is of greater interest to those communities.

The combination of stations choosing appropriate providers of broadcast content, working with those content providers, using various practical and effective methods for monitoring the material they receive from these providers, and rejecting network and other programming under appropriate circumstances has been, for the very large part, effective in serving the public interest.

A mandate to prescreen all network content would be incompatible with the way in which the NBC Network distributes programming to its affiliates. As the Commission noted, prescreening is not possible for the several hours of live programming that networks provide affiliates on the same day it airs. In addition, the late availability of in-season program content and the frequency of program changes are at odds with a prescreening mandate. The NBC Affiliates recently studied network, prime-time program changes in the period from January to March 2008 and identified 24 changes that were announced within three weeks of the scheduled airtime or less. Ten of these changes were made within less than ten days of scheduled airtime.

The system, of course, is not perfect. No system could be, involving as it does such a massive amount of content produced by an inherently subjective creative process and viewed by audiences of disparate backgrounds, tastes, interests, points of view and standards. The FCC's administration of content policies should be sensitive to the fact that programming creation and newsgathering are human endeavors, often performed under tight time and other constraints, where various factors have to be appropriately balanced. A goal of avoiding any broadcast material that offends some segment of the public or is controversial or that steps over one government official's line is not merely unrealistic. Such a goal would be profoundly at odds with democratic values. It would stifle creativity, diversity, licensee discretion and individual difference.

Finally, this aspect of the Localism Proceeding is focused exclusively on possible negatives in the network/affiliate relationship. This relationship has its strains, and at times, as

with the NASA Petition, the resulting issues have been brought to the Commission's attention.² In all, however, the tensions between networks and their affiliates are healthy. A single-minded preoccupation with these strains or with isolated programming issues obscures the remarkable contributions that the American network/affiliate system brings to the public. The NBC Affiliates submit that, with appropriate respect for the existing rules and principles governing the network/affiliate relationship, the FCC need not and should not impose across-the-board pre-screening requirements.

Respectfully submitted,



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² See Network Affiliated Stations Alliance, Petition for Inquiry into Network Practices (filed Mar. 8, 2001); NASA Early Comments and Motion for Declaratory Ruling, DA 01-1264 (June 22, 2001).