

Background

In 1987, the Commission eliminated its previous rule which had required a broadcast station to originate a majority of its non-network programming from its main studio.³ This action was based largely on technical advancements in the production and distribution of programming during the prior thirty-five years. In 1995, in response to continuing improvement in the stability of station monitoring and transmission equipment, the Commission authorized unattended technical operation of broadcast stations and expanded the ability of stations to control and monitor technical operations from remote locations, including automating stations' ability to operate pursuant to the Emergency Alert System ("EAS"), which was specifically designed for unattended operations.⁴ Since 1995, broadcast licensees have broadly embraced this new technical flexibility. Fisher, for example, operates the four above-referenced television stations with unattended operations during a portion of nighttime operations.

Discussion

Despite the proliferation of unattended operation by numerous stations without any specific alleged failure to meet current localism requirements, the Commission is now considering the imposition of a 24/7 staffing requirement. Neither the Commission goal of increasing responsiveness in an emergency situation nor the Commission goal of providing additional local programming will be accomplished by imposing a 24/7

³ *Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Report and Order, 2 FCC Rcd 3215 (1987).

⁴ *Amendment of Parts 73 and 74 of the Commission's Rules to Permit Unattended Operation of Broadcast Stations and to Update Broadcast Station Transmitter Control and Monitoring Requirements*, 10 FCC Rcd 11479, ¶14 (Oct. 23, 1995).

staffing requirement. To the contrary, the burdensome staffing requirement will ultimately undermine both Commission goals.

I. A 24/7 STAFFING REQUIREMENT WILL NOT INCREASE A STATION'S RESPONSIVENESS IN AN EMERGENCY SITUATION

In requesting comments on the unattended operation issue, the Commission specifically noted that requiring each licensee to maintain a physical presence at each broadcasting facility would permit each station to provide information of a local nature to the community of license “particularly in the event of severe weather or a local emergency.”⁵ However, the Commission has already adopted sufficient requirements to meet community needs in the event of a severe weather or local emergency. The EAS system has been adopted by broadcasters at considerable expense, and the purpose of the system is to allow emergency information to be imparted immediately and automatically, even during unattended periods of operation. EAS equipment instantly interrupts regular programming, and relays each essential local EAS message to the local population without delay. Fisher’s EAS equipment is maintained in fully operational condition, and all Commission EAS requirements have been met. In fact, the EAS system in place would likely be superior to the delays created if local staff were required to intervene in the EAS processing by locally reviewing, approving, and transmitting the EAS information.

II. A 24/7 STAFFING REQUIREMENT WILL NOT INCREASE THE PRODUCTION OF LOCAL PROGRAMMING AND WILL ULTIMATELY UNDERMINE BROADCAST LOCALISM

Disallowing unattended operation would ultimately serve to undermine broadcast localism. Remote operation is generally undertaken to permit stations to provide

⁵ *Id.* at ¶29.

continuous service to small communities despite economic constraints. The cost savings derived from unattended operation permit broadcasters to present a high standard of programming during all hours, thereby more completely meeting the needs of the station's local community. Even in employing unattended operation, Fisher continues to provide programming that is locally originated and produced. For example, even though it is located in the smaller Yakima-Pasco-Richland-Kennewick DMA (DMA rank 124), KEPR-TV currently provides 4 hours of locally produced live local news coverage each day, and operates on a 24 hour per day, 7 day per week basis. While the station originates local programming on a daily basis, control room operations are handled from a central control room that controls several small-market Fisher stations simultaneously. If unattended operation is disallowed, Fisher will have to consider whether to reduce its local news origination, or to adopt a schedule with less than 24 hours a day of operation due to cost constraints.

Stations which curtail operational hours rather than maintain full time local staffing will be able to provide neither locally produced programming nor any emergency information while off the air, even if the EAS system is properly activated. The stations most likely to reduce operations are those in smaller markets, the same markets which are least likely to have other signals available to provide programming or carry emergency communications. Accordingly, the local needs of these small communities would not be addressed should the proposed 24/7 staffing requirement be implemented.

Conclusion

For the reasons set forth above, Fisher respectfully requests that the Commission maintain the current rules regarding remote station operation rather than imposing a 24/7 staffing requirement that would ultimately serve to undermine broadcast localism.

Respectfully submitted,

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