

JOHN M. McHUGH
23RD DISTRICT, NEW YORK



Congress of the United States
House of Representatives
2366 Rayburn House Office Building
Washington, DC 20515-3225

(202) 225-4611

<http://mchugh.house.gov>

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Office of the Secretary

DISTRICT OFFICES

HSBC BANK BUILDING
120 WASHINGTON STREET, SUITE 200
WATERTOWN, NY 13601-2576
(315) 782-3150

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(518) 583-1406

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MAYFIELD, NY 12117-0800
(518) 661-6486

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CANASTOTA, NY 13032-1312
(315) 697-2063

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The Honorable Kevin Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Report on Broadcast Localism and Notice of Proposed Rulemaking,*
MB Docket No. 04-233

Dear Chairman Martin:

I write today regarding recent news that the Federal Communications Commission (the Commission) may reregulate our nation's broadcast system by way of the pending "localism" proceeding. It is my understanding that the Commission is set to turn back the clock on decades of deregulatory progress by imposing a series of new and burdensome regulations on broadcasters. I urge you to reconsider these actions.

I agree with the Commission that fostering more and better local programming is a laudable goal. However, I must stress that it is my strong belief that mandates from Washington are not the best approach to take. Indeed, the tentative conclusion in the localism proceeding is to effectively force broadcasters to air programming that fits pre-ordained categories. I believe this raises constitutional concerns. In addition, mandating how broadcasters interact with their communities, such as by forcing licensees to form permanent advisory boards, would require layers of bureaucracy that will weigh down the marketplace. This would unfairly burden broadcasters while leaving other media, including cable, satellite and the Internet, free to compete without comparable government interference.

According to the recently released *Report on Broadcast Localism*, the Commission is considering the reinstatement of a particularly archaic policy that had long been abandoned - the rules regarding unattended technical operation of broadcast facilities. A proposed change to the current rule would require broadcasters to maintain a physical presence at every broadcasting facility during all hours of operation. I am worried that this proposed rule will cost the broadcast industry millions of dollars in unnecessary costs.

The old rule requiring broadcasters to keep a licensed radio operator at the transmitter site at all hours was abandoned in 1995. The Commission had deemed this rule to be "superfluous" and "archaic" in light of modern technology. Technology hasn't reverted, so why go back? If there is a concern about emergencies, then I believe that the best approach would be to focus on reforming emergency training and education to better prepare our local

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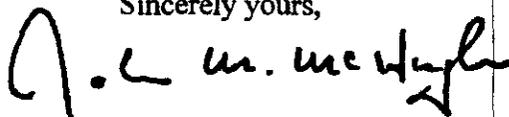
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broadcasters for situations that may arise.

I appreciate your attempts to improve local media, but, regretfully, disagree with your proposed methods. Any approach to regulate media that violates constitutional principles, or unnecessarily burdens the industry when other, less burdensome methods are available, should be discarded.

With best wishes, I am

Sincerely yours,

A handwritten signature in black ink, appearing to read "John M. McHugh". The signature is written in a cursive style with a large initial "J" and a stylized "M".

John M. McHugh
Member of Congress

JMM/ml