

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
musicFIRST Petition Regarding) MB Docket No. 09-143
The Actions of Certain Radio Broadcasters)
In Opposition to the Performance Rights Act)

COMMENTS OF THE PARENTS TELEVISION COUNCIL

The Parents Television Council (PTC), representing more than 1.3 million Americans dedicated to protecting children from sex, violence and profanity in entertainment, hereby submits the following reply comments in the above proceeding.

While the PTC offers no particular position on the Performance Rights Act itself, there are key issues that are raised by the musicFIRST coalition which require careful examination by the Commission. There is evidence that broadcasters have refused to provide access to the public airwaves under their control to the petitioners who desired to run advertisements for appropriate payment because providing such access could negatively affect the broadcaster's own financial interest at the detriment of the public interest. Given this development, one can easily foresee broadcasters refusing to air further educational information, whether paid or unpaid, about parental control devices since programmers have a built in conflict of interest in implementing the TV Ratings System and the V-chip technology that is dependant upon them. Without being compelled by the Commission we fear any further public education campaign as discussed in the recent Report on the Implementation of the Child Safe Viewing Act is much less likely to be realized if broadcasters are allowed to consider only their own

pecuniary interest. Indeed, broadcasters and cable programmers only implemented their so-called voluntary “The TV Boss” campaign public service announcements in the wake of numerous Congressional hearings on the subject on violent and indecent programming.

Furthermore, the musicFIRST coalition has asked the Commission to review the licensing procedures for broadcasters, and we fully support this review. In considering whether to grant a license application or a license renewal, the Communications Act obligates the Commission to analyze whether the public interest, convenience, and necessity will be served by granting the application or license renewal. This obligation exists today just as it did when the Communications Act of 1934 was enacted. The most recent cycle of license renewals ended in 2006, and broadcasters face no deadlines for relicensing until June, 2012. These lengthy cycles make it very difficult for the public to have a meaningful input in the licensing process. We call on the Commission shorten the license renewal cycle to at most 4 years to ensure broadcasters to face review at a more timely interval and to carefully scrutinize each applicant at renewal.

The courts have recognized that the Commission has flexibility in deciding how to implement and determine whether a broadcaster’s obligations to serve the public interest have been satisfied. The Supreme Court contemplated that one approach to deal with this issue would be to scrutinize a broadcaster’s activities during license renewal proceedings.¹ The Commission should consider these principles in determining how to proceed.

¹ See *DNC*, 412 U.S. at 110; *Syracuse Peace Council*, 867 F.2d at 658.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tim Winter". The signature is written in a cursive style with a prominent initial "T" and a stylized "W".

Timothy F. Winter
President