

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:

Public Notice
The Future of Media and Information
Needs of Communities in a Digital Age

DA-10-100
GN Docket No. 10-25

TO: THE COMMISSION:

Comments of National Religious Broadcasters in Response to
Public Notice – The Future of Media and Information
Needs of Communities in a Digital Age

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*A member in good standing of the bar of the Supreme Court of the United States, and a member in good standing of the bar of the Virginia Supreme Court, as well as a member of various courts in other jurisdictions; Mr. Parshall's bar licensing complies with 47 CFR 1.23(a).

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SUMMARY AND INTRODUCTION

National Religious Broadcasters (NRB) is a non-profit association that exists to keep the doors of electronic, broadcast, and digital media open and accessible for the Christian Gospel. Our members, most of whom are radio and television broadcasters that produce and/or telecast faith-based programming, reach millions of Americans daily.

The Commission's Future of Media project has indicated that it will, in this inquiry, consider "policy options" regarding our national media landscape. Public Notice, page 1. It is NRB's judgment that the best option is to empower private media entities, including Christian broadcasters, by (1) lifting out-dated or illogical regulations regarding restrictions on fund raising for third-party non-profit groups by non-commercial stations, and clarifying and making more flexible, existing rules for non-commercial stations concerning sponsorship and underwriting spots, (2) avoiding the temptation to burden broadcasters with new "public interest" standards or "localism" mandates, or government induced standards of "journalism," all of which are constitutionally suspect, and (3) by refusing to super-fund public broadcasting, as such increased funding would create government-funded competition against all other broadcasters, including Christian non-profit, non-commercial stations; an ironic result, considering the fact that this inquiry notes the need to "nourish and sustain" journalism and the media. Public Notice, page 2, citing approvingly the statement from a non-profit media consortium.

I. DISCUSSION

A. Avoid Federalization of Journalism or the Media

“ ... the Future of Media project starts with the assumption that *many* of the challenges encountered in today’s media environment will be addressed by the private for-profit and non-profit sectors, without government intervention.” Public Notice, page 2 (emphasis added).

Given the fact that media freedom is a constitutionally protected right, we believe that federal intrusion into the business of journalism is fraught with problems.

A cursory glance at the text of the First Amendment makes one thing very clear: each of those rights - religion, speech, assembly, and the freedom of the press - were meant to be the rights of private citizens, to keep them vibrant and free from excessive government control. Our Founders believed that the very essence of press freedom required that it be free from any government regulation that would interfere with the primary mission of the press.

In 1774, when it was beginning to be clear to our beleaguered Continental Congress that the colonies might have to eventually break with England, the delegates to that body were already thinking ahead to those basic liberties that should ideally animate the colonies; liberties that are implicit in a free government and a healthy society. On October 26, 1774, the Congress penned a letter to Quebec, hoping to gain its support for the establishment of self-governing colonies, and its partnership in a mounted resistance against England. In that letter, the members of the Continental Congress described, among other fundamental freedoms, what they saw as the essentials of a free press:

The last right we shall mention regards the freedom of the press. The importance of this consists of, besides the advancement of the truth ... its ready communication of thoughts between subjects, and its consequential promotion of union among them,

whereby oppressive officers are shamed or intimidated into more honourable and just modes of conducting affairs.¹

Three concepts from that quote stand out. First, that free press must remain free to investigate and then communicate the “truth.” Second, that the relationship of the press to the public is basically a horizontal one, where the press communicates to the citizens (“communication of thoughts between subjects”). Thirdly, and most important to the Commission’s subject proceeding, is the *subject-matter* of the business of a free press: to monitor, and when appropriate, to forcefully criticize government policies and officials, even to “shame[] and intimidate[]” the ruling government into “more honourable” paths. It is axiomatic that the more entangled the federal government becomes in the running of the press the more likely press outlets will be to self-censor themselves on issues of federal policy.

However, NRB notes a climate of opinion developing both in Washington and among academics, suggesting an increased role of the federal government into the business of journalism, and broadcast media.

In September 2009, a one million dollar grant was announced, forging a partnership between the Knight Foundation and National Public Radio (NPR). We note that in December, the F.C.C. met with representatives of this partnership to help the effort along, and to assist NPR, a tax-payer funded entity, in enlarging its already considerable media presence through web and mobile platforms such as cell phones. It should also be noted that the Corporation for Public Broadcasting has requested the following sums from Congress: \$542 million as an advance appropriation for fiscal year (FY) 2012; and

¹ *American Political Writing during the Founding Era – 1760-1805*, Vol. I, Charles S. Hyneman, Donald S. Lutz, ed. (Indianapolis: Liberty Press 1983) pages 233-34.

for FY 2010 - \$307 million for “emergency grants to public radio and television stations” as a result of “this time of economic crisis;” \$40 million for digital conversion; \$27 million for satellite upgrades; and \$32 million for children’s programming.²

In July 2009, F.C.C. Commissioner Michael Copps went on record to indicate that, in his opinion, what he perceived as the declining quality of American journalism was due in part to F.C.C. de-regulation of the media. The corollary to that, we assume, is that Commissioner Copps believes that increased regulation may be the solution.

In an October 19, 2009 article in the *Columbia Journalism Review* by the *Washington Post*’s Leonard Downie Jr., and communications professor Michael Schudson, it was suggested that our federal government must correct the decline of journalism both in its quality and its financial status by an even higher increase of public taxpayer funding for the Corporation for Public Broadcasting.³

As we consider the Commission’s inquiry, we note the statements made by Russian journalist, Irina Samokhina at a press freedom roundtable in November of 2009. She described what happens when press freedom translates into a monolithic state-run media: the biggest competitor of the private, free press becomes the government

² Corporation for Public Broadcasting: Appropriations Request and Justification, FY 2010 and FY 2012, submitted May 2009.

³ A similar recommendation has been made by the Knight Foundation’s Commission: *Informing Communities – Sustaining Democracy in the Digital Age*, The Report of the Knight Commission on the Information Needs of Communities in a Democracy (Washington: The Aspen Institute, 2009) page 36.

subsidized, monopolistic press. In Russia there are 63 state-run newspapers in one region alone.⁴

We applaud any efforts of the F.C.C. to stimulate the flagging profession of journalism, including print, electronic, and broadcast, by policies that would *fertilize* the conditions under which the media does its work.⁵ However, we would recommend that the federal government not *subsidize* journalism, either directly or indirectly, as that would lead necessarily to government supported entities becoming monolithic, and the privately funded press struggling, unsuccessfully, to compete.

For the same reason we would oppose any suggestion, by the federal government, of journalism standards regarding professionalism or quality of information, news coverage or editorial opinion. When the government announces a preference, even if it does not come in the form of a regulatory mandate, that preference creates a massive tidal effect. NRB believes that the constitutional autonomy of media outlets, both secular and religious, could well be swept aside in the waves.

Lastly we would oppose federal suggestions of journalism standards, new regulations for the press, or super-funding of any particular segment of the media, on the grounds that it is constitutionally indefensible. As the Supreme Court has recently noted, the “institutional press” is entitled to no greater protection under the First Amendment than newer or more informal media outlets. *Citizens United v. F.E.C.*, 558 U.S. _____

⁴ <http://media.einnews.com/news.php?nid=57104>, Shakia Harris, “Irina Samokhina speaks of government harassment against the media in Russia,” *Editorswebblog.org*, November 30, 2009.

⁵ We suggest two practical policies for such “fertilization” in this Comment regarding non-commercial broadcasters: a rule change permitting fund-raising for qualified, third-party non-profit charities by stations, and relaxation of the current regime of restrictions regarding programming sponsorships and underwriting. See: *infra*, pages 12-15.

(2010), slip op. at page 36 (federal restrictions on broadcasting of political message which applies to some communications entities but not others violates the First Amendment). Further, as a practical matter, if a federal agency draws lines of preference regarding one type of media but not another, that too may be suspect: “[w]ith the advent of the Internet and the decline of print and broadcast media, moreover, the line between the media and others who wish to comment on political and social issues becomes far more blurred.” *Id.*

“The First Amendment was certainly not understood to condone the suppression of political speech ... It was understood as a response to the repression of speech and the press that had existed in England and the heavy taxes on the press that were imposed in the colonies.” *Id.* at page 37.

NRB would suggest that it is a very small step from the clearly oppressive taxes imposed on the media at our Founding that led to the free press provision in the First Amendment, to our modern era of suggested federal entitlements and preferences for some aspects of the media but not others. The former was a direct suppression of the press – the latter could be just as devastating, given the economic difficulties all segments of the private media now face and the anti-competitive effect that results if media entitlements and preferences are doled out by our government.

B. Create No New Localism Mandates

“Government policy should ... when appropriate ... facilitate a vibrant media. It should do so in furtherance of some of the longstanding, public interest goals of national media policy: [i.e.] ... localism.” Public Notice, page 2.

NRB appreciates the value of broadcast “localism,” properly defined as those programming decisions made by stations in their exercise of discretion which take into

consideration the myriad number of local interests and concerns of the local community of license. What we have opposed in the past, however, have been proposals to create cumbersome and burdensome “localism” mandates that strangle broadcaster initiative and creativity and threaten the constitutional rights of religious broadcasters in particular.

In a prior (and still pending) localism proceeding, *In the Matter of Broadcast Localism*, MM Docket No. 04-233, FCC 07-218, such mandates were proposed and were motivated by the concern that among large national networks in particular, the trend is toward nationalized news and information without a local emphasis. However, most of NRB’s members are small or medium sized stations or networks, the majority of them non-commercial. They specialize in measuring and meeting local interest. As we pointed out in our localism filings, they have creatively developed their own very effective forms of local “ascertainment.” Our non-commercial stations in particular exist to meet local needs in a “mission” oriented manner rather than through a profit-motive approach. If *anyone* does not need more “localism” mandates it is our Christian non-commercial stations.

Further, we objected to three specific mandates proposed by the Commission.⁶ We argued: (1) Mandatory advisory councils made up of the most ideologically diverse segments of the community, purportedly to advise licensees on programming content, would be a flagrant religious liberty assault against Christian broadcast stations. (2) Requirements that every station maintain physical staff present on site “24/7” during operational hours would serve no practical “localism” goal, would financially burden

⁶ See, filed in that proceeding: Comments of National Religious Broadcasters to Report on Broadcast Localism and Notice of Proposed Rulemaking; Supplemental Comments of National Religious Broadcasters to Report on Broadcast Localism and Notice of Proposed Rulemaking; and Reply Comments of the National Religious Broadcasters.

stations unnecessarily, and ignores the technological methods used successfully by licensees to remotely monitor station broadcast operations during certain hours. (3) Requiring licensees at renewal time to prove compliance with specific “localism” standards in programming would likely be found unconstitutional, an opinion maintained in that proceeding by Commissioner Robert McDowell.

We would strongly oppose in this inquiry, or any other proceeding, any attempt to import those types of mandates, whether under the guise of investigating the future of media, or otherwise.

C. Recognize the Distinctive of Christian News Programming

“How have the changes in the availability of different types of news and information consumption affects different demographic groups? Are benefits or problems concentrated by ... religion?” Public Notice, page 5, question 9.

Despite the fact that evangelical, Christian radio and television have been on the air since the advent of those technologies, there is a wide spread lack of understanding about the basic mission and methodology of Christian broadcasters, the expectations among their regular listeners and viewers, and the variety of their Christian formats.

Comparison of two studies of Christian radio formats is instructive. *Broadcasting and Cable’s Yearbook 2006*, a mainstream directory, defined the religious format for Christian radio as “Christian,” the gospel format as “evangelical music,” and left the “Christian” format undefined; however, NRB’s *Directory of Religious Media* had identified nineteen distinct radio formats within “Christian radio,” including adult contemporary, inspirational, sacred, praise and worship, teaching/preaching, Southern

gospel, and urban contemporary.⁷ In addition, radio talk shows today are a mainstay of Christian radio.

In response to question 9 above, we would note that general news and information provided by mainstream media, including public broadcasters, meets only *part* of the news/information needs of the Christian, evangelical community. What the mainstream media, and public broadcasters cannot, and do not provide, is news and information analysis from a Biblical perspective, which is at the core of what evangelicals seek from Christian broadcasters. This kind of analysis is provided in three types of formats among Christian programming: teaching/preaching, news, and talk shows. NRB's last survey data (2007) culled from Christian program producers shows that those three categories collectively account for 59% of Christian programming.⁸

With the current economic down turn, Christian stations face challenging times. Some stations have been forced to sell, with those stations being taken over by general market or public broadcasting entities. When that happens, Christian evangelical audiences in those markets have been deprived of their core need for news analysis through a specific theological lens. However, when the opposite occurs – when an evangelical station buys up a former general market station - the general population in that market is usually not deprived of basic, secular news and information, given the predominance of several mainstream media outlets in almost every community.

⁷ Quentin J. Schultze and Robert Woods, Jr., ed., *Understanding Evangelical Media* (Downers Grove: InterVarsity Press 2008) page 35.

⁸ Arguably, this percentage could well be higher. Our survey also showed 7% of producers had a “magazine” format as their primary broadcast, and much of Christian magazine format programming is news or current events analysis from a Biblical standpoint.

D. Change Fundraising and Sponsor Regulations for Non-Com Stations

“Are there changes in ... non-profit law, noncommercial or commercial broadcasting laws or policies ... that should be considered?” Public Notice page 5, question 11.

Previously in this Comment (page 7, nt. 5) we have suggested two practical policies by which the F.C.C. could “fertilize” the conditions affecting the ability of the media to do its job, without giving in to the temptation to “subsidize” the media. Here we address those more thoroughly.

First, NRB proposes a rule change permitting fund-raising for qualified, third-party non-profit charities by non-commercial broadcast stations.

Under current rules, stations may not substantially alter or suspend regular programming in order to raise funds for other nonprofits. See: *Windows to the World Communications, Inc.* forfeiture letter (December 3, 1997) (stations wrongly suspended regular programming to conduct a fundraiser that was not solely for the benefit of the station). See: Memorandum Opinion and Order, *Daystar Public Radio, Inc., Licensee of Noncommercial Educational Stations WKSG (FM), Cedar Creek, FL* (July 8, 2002) (“... the Commission has narrowly construed what constitutes permissible fundraising on noncommercial stations”). Specifically, the Commission has held that, in the absence of a waiver, noncommercial stations are prohibited from conducting any fundraising activity which substantially alters or suspends regular programming and is designed to raise support for any entity other than the station itself, and for purposes other than station operations. See: Commission Policy Concerning the Noncommercial Nature of Educational Broadcasting Stations (“Policy Statement”),

90 FCC 2d 895, 907 (1982), recon. Granted, 97 FCC 2d 255, 264- 65 (1984); Ohio State University, 38 RR 2d 22 (1976).

In the absence of a large national or international crisis, it is our information that the Bureau does not grant these kinds of requests. NRB would suggest permitting NCE licensees to alter or suspend up to 1% of its annual broadcasting time for the purpose of raising funds for third-party, non-profit organizations recognized under section 501(c)(3) of the I.R.S. code. This would not only serve the “public interest” in terms of utilizing and marshalling volunteer, non-profit resources in America to meet critical needs, it would also increase the role that NCE broadcast media can play in that process, and would increase audience awareness of the vital importance of non-commercial radio and television.

The effectiveness of Christian stations to operate in the public interest by raising funds for worthy third-party non-profit causes is exemplified by just one recent example: NRB member Blue Ridge Broadcasting’s station, WMIT-FM, which is not in a top 20 market but is in Arbitron market # 159, Asheville, NC, has raised \$272,250 for non-profit Samaritan’s Purse for their Haiti relief project, in an on-air fundraiser in February, which will help 1815 Haitian families with shelter, clean water, and medical supplies.⁹

Secondly, NRB urges the Commission to consider clarifying and making more flexible the current regime of restrictions regarding programming sponsorships and underwriting for NCE stations that do not receive federal money. This is necessary not only to assist the continued economic survival of NCE stations, but to permit a healthier competition with the stations affiliated with the Corporation for Public Broadcasting,

⁹ “Radio station raises \$272K for Haiti relief,” *RBR.com – TVBR.com.*, February 15, 2010. NRB had asked the F.C.C. to expedite waivers for these kinds of efforts.

which receives substantial tax payer funding. Public broadcasters, who already have the benefit of congressional subsidies, should not be entitled to qualify for relaxation of these rules.

Currently, F.C.C. rules permit sponsorship content that merely “identifies” the sponsor in a given broadcast spot, but prohibits any that “promotes” a sponsor. See: *Christian Voice of Central Ohio, Inc.* [WCVZ (FM), South Zanesville, OH], *Forfeiture Order*, FCC 08-250, Memorandum Opinion and Order, October 23, 2008, (Forfeiture Order affirmed, Pet. For Recon. Denied). In that order, the station’s sponsor spots which referred to its sponsor, Tastee Freeze, as providing “tastefully decorated” products was found to have violated the rule. *Id.* Page 3. Yet as the Commission noted, in a prior case, *Window to the World Communications, Inc.*, a sponsor spot containing the phrase “excellent service” was found to be permissible in that case “because it was part of an established corporate slogan” of the sponsor. *Id.*, page 2.

While the “corporate slogan” rationale may make the process of decision-making easier and more objective for the reviewing Bureau or the Commission, the effect of this distinction is manifestly unfair: those stations having sponsors clever enough to develop clearly promotional “slogans” as part of their business identity will still have their sponsor spots pass muster; they will gain an advantage over other non-commercial stations, even though the net effect of those spots will be to praise and promote the sponsor in the text of the spot, something the rules are designed to forbid.

The need for a revised rule is apparent in the *Christian Voice of Central Ohio, Inc.* decision. At page 2, nt. 15, citing the *Xavier* decision, the Commission recognizes that the line between sponsor content that merely “identifies” a sponsor (which therefore

is permissible) and that which “promotes” a sponsor (which is forbidden) “can at times be difficult to distinguish.” NRB would support a new rule which makes sponsorship and underwriting regulations more flexible, provided that it would not substantially alter the non-commercial nature of NCE licensees nor cause them to morph into a commercial model.

E. Avoid New Public Interest Mandates

“Broadcasters have certain public interest obligations ... Should these ... be strengthened ...?” Public Notice, page 6, question 19.

NRB contends that any “public interest” discussion must begin with the Bill of Rights. In other words, the Commission should start with the premise that erring on the side of favoring the First Amendment rights of broadcasters regarding communications that are not otherwise illegal, is, in itself, an advancement of the public interest.

We should never forget the passionate manner in which our Founders considered a free press essential to social good and general welfare. In his earliest amendment version, James Madison described it this way: “ ... the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.”¹⁰

During the Bill of Rights debate, in a letter to James Madison, Edmund Randolph noted that “[t]he liberty of the press is indeed a blessing, which ought not to be surrendered but with blood ...” *Id.* At page 224, Edmund Randolph to James Madison, March 27, 1789.

¹⁰ *Creating the Bill of Rights – The Documentary Record from the First Federal Congress*, Helen Veit, Kenneth Bowling, Charlene Bickford, ed. (Baltimore & London: John Hopkins University Press, 1991) page 12, citing the Madison Resolution, June 8, 1789.

Next, NRB agrees with the Commission's desire in this inquiry to use an approach similar to the Hippocratic oath; in other words, "first, do no harm." Public Notice, page 2. The question is: how can the Commission best avoid "harm" to the industry it regulates, harm to the information needs of the American people and confusion in the marketplace? We believe the answer lies in a leaner, narrower use of the "public interest" obligation.

Historically, two very different policy approaches have been suggested regarding "the public interest." One is well represented by former Commissioner Kathleen Q. Abernathy. She presented it this way: "... I believe that the FCC can best implement the public interest by adhering closely to the text of the Communications Act and relying *on market forces* where the statute grants us discretion to do so."¹¹ This approach has the advantage of disciplined restraint, generally relying on "market" factors (to the extent compatible with Congressional intent) as the best way to establish a healthy and competitive broadcasting environment.

The opposite end of the policy yardstick is exemplified by comments made last year by Commissioner Michael Copps: "Since we still need broadcasters to contribute to the democratic dialogue, we need *clear standards* that can be fairly but vigorously enforced ... it is time to say 'Good-bye' to post-card renewal every eight years and

¹¹ Commissioner Kathleen Q. Abernathy, "My View of the FCC's Public Interest Obligation," remarks before the Practicing Law Institute, December 13, 2001, Washington, D.C. (emphasis added).

'Hello' to license renewals every three years with some *public interest teeth*.”¹² This approach involves the imposition of new “standards” that define the “public interest.”¹³

We would oppose any attempt to further “clarify” the “public interest” obligation of broadcasters. We envision two theoretical approaches to this kind of “clarification” process; both of them are equally troublesome. These two approaches are exemplified in F.C.C. Chairman William E. Kennard’s 2001 report to Congress on the public interest obligation of television broadcasters. At one point in his report he announced a broad broadcasting value in a section-heading that was listed this way: “Enhancing Democracy.” Then, underneath that heading we read a specific standard he proposed: “Broadcasters should air programming that covers political candidates and events of significance to their communities.”¹⁴

The second approach above would impose specific programming requirements on licensees by enumerating certain identifiable “interests” that pertain to the public good. In that part of Chairman Kennard’s report, as an example, he identified the need for programming “that covers political candidates ...”

But there are several problems with this concept. First, it usurps individual broadcasters’ initiative in determining for themselves what “interests” are vital to their particular community. Second, if there are multiple licensees in a community or region, is

¹² Quoted in: Matt Cover, “FCC Commissioner Circulates Document on ‘The State of Media Journalism,’” CNSNews.com, July 9, 2009 (emphasis added).

¹³ As part of his national election campaign, Barack Obama promised to “clarify the public interest obligations of broadcasters who occupy the nation’s spectrum.” http://change.gov/agenda/technology_agenda/

¹⁴ William E. Kennard, Chairman, F.C.C., “Report to Congress on the Public Interest Obligation of Television Broadcasters as they Transition to Digital Television,” 2001, page 24.

it practical or even beneficial to require them all to have the same amount of local election coverage? If so, isn't that duplicative? If not, why not?

Moreover, if the F.C.C. is to itemize a *laundry list* of specific "interests" that it intends to require in programming as essential to the "public interest" [e.g. Health and medical information, literacy, local election results, criminal enforcement, public safety] it will find itself on the horns of a dilemma. It will be impossible to list all of the potential "interests" that every community would value. At the same time, those not listed may suffer from neglect as licensees are forced to emphasize on those programming "interests" that the F.C.C. has mandated.

Further, such a listing of mandated programming subjects that licensees must broadcast will simply create new classes of "underserved" groups whose "interests" have been overlooked by the Commission. Programming subjects that deal with "interests" not listed by the F.C.C. could be treated as belonging to a mere "second-class" of interests in license renewal decisions.

Religious issues in particular may be subjected to disfavored treatment given the secular nature of federal agencies and the difficulty that secular agencies have in arriving at a value for theological programming content.

Lastly, it is quite probable that such specific programming requirements would run afoul of *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 650 (1994) (the FCC's oversight responsibilities do not grant it the power to mandate a particular type of broadcast programming).

But we also see problems in the first approach discussed above, where the "public interest" is defined by broad "values" to be advanced by broadcasters (e.g. the

Chairman’s “enhancing democracy” concept). An approach that lists general “values” to be promoted (others could include public education, listener participation, enhanced democratic involvement, community unity, or civic awareness) will fall prey to the ancient Greek philosopher’s paradox: how can two or more people objectively agree on exactly when such a generalized value has been accomplished?

Eubulides of Miletus asked the question this way: how many grains of sand finally become a “heap?” The philosopher’s paradox reveals that some genuinely valid end-goals are nevertheless incapable of a consensus as to when they have been conclusively achieved.¹⁵

But this is not mere sophistry. Although the use of broad, vague public interest values would seem to be a smooth solution to setting standards, there is a jagged edge to this approach that cuts against broadcasters. Judgments by the Commission about when the broad values it proposes as essential to the “public interest” have been finally achieved by a licensee, and when they haven’t, would be prone to a kind of standard-less subjectivity. Yet under the rule of *Chevron, U.S.A. Inc. v. Natural res. Def. Council, Inc.*, 467 U.S. 837 (1984) such judgments would probably be granted great *deference* by U.S. District judges, and hence, rarely reversible.

But these problems do not require that we abandon the stimulation of civic values and virtues as an over-riding goal of broadcasting. What it means is that – just like the

¹⁵ Ben Dupre, *50 Philosophy Ideas You Really Need to Know*, (London: Quercus Publishing, 2007) pages 120-21 (“The sorites paradox”). The illustration proceeds on the assumption that a single grain will never make a critical difference. Thus, “if 1 grain does not make a heap, then 2 grains do not ... If 99,999 grains do not make a heap, then 100,000 do not. If 100,000 grains do not make a heap, then ...” and so on. Eubulides, a logician, pointed out that by continuing with this line of logic it becomes impossible to arrive at a precise determination.

boy gathering sand on the beach – while we may not be able to agree on when he has amassed a sufficient number of sand grains to constitute a “heap,” still, we should be able to recognize when he is in the process of working with shovel in hand toward that end, and when he has abandoned it to play in the waves. Broadcasters should be determined to be “in the public interest,” when they are, in good faith, “in the process of working toward that end.” That should be enough.

F. Appreciate the Minimal Staffing at Christian Stations

“With regard to nationally-orientated [local] noncommercial television and radio ... what have been the trends and what is the current state of affairs regarding news staffing and coverage ...?” Public Notice page 6, questions 21 and 22.

NRB notes a current trend toward a staggering increase in administrative record-keeping for the average station. Most Christian radio stations accomplish this administrative work with a relatively small number of full time staff workers compared to their general market radio counterparts. According to our most recent survey data, 52% of all Christian stations, both commercial and non-commercial, have full time staff consisting of 5 or less employees.

We note that questions 21 and 22 inquire about trends in “news staffing and coverage” among both national, and local, non-commercial stations. NRB has noticed an across-the board trend among all of our non-commercial stations to reduce staff and cut expenses in order to survive. Staff at all non-commercial Christian stations wear multiple “hats” and many have to rely on news-feeds because the cost of maintaining staff dedicated primarily to news coverage would be financially prohibitive. Only a few national Christian broadcasters are able to have full time staff dedicated to news

gathering. And unlike public broadcasters NPR and PBS, our stations receive no federal funds, but rely on either ad revenue (if commercial) or audience donations (if NCE).

H. Heed Our Recommendations Regarding the “Open Internet”

“Who would policies related to “open Internet” ... affect the likelihood that the Internet will meet the information needs of communities?” Public Notice, page 8, question 35.

In response to the FCC proceeding, *In the Matter of Preserving the Open Internet, Broadband Industry Practices*, GN Docket No. 09-191, WC Docket No. 07-52, National Religious Broadcasters has filed its Comments.¹⁶ Our strong suggestions and observations there, and here, are: (1) that the Commission should stay that proceeding pending a comprehensive study of the instances of viewpoint discrimination currently being occasioned by Internet service providers against web users; and (2) that the current NPRM is heavy on “network management” considerations in that lengthy report, but is feather light in the area of First Amendment concerns for web users; (3) that the Commission’s NPRM has failed to articulate any consideration of private, marketplace, or remedial alternatives to its proposal for federalized control of the Internet.¹⁷

II. CONCLUSION

It is our considered judgment that the best option to improve the outlook for media is to empower private media entities, including Christian broadcasters, by (1) lifting out-dated or illogical regulations regarding restrictions on fund raising for third-party non-profit groups by non-commercial stations, and clarifying and making more

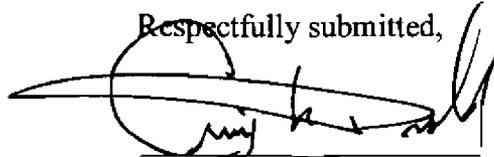
¹⁶ See: Comments of National Religious Broadcasters Regarding Notice of Proposed Rulemaking on Preserving the Open Internet, January 13, 2010.

¹⁷ *Id.*, pages 6 – 16.

flexible, existing rules for non-commercial stations concerning sponsorship and underwriting spots, (2) avoiding the temptation to burden broadcasters with new “public interest” standards or “localism” mandates, or government induced standards of “journalism” which would be constitutionally suspect, and (3) refusing to super-fund public broadcasting, as increased funding would create an increase in government-funded competition against all other broadcasters, including Christian non-profit, non-commercial stations.

Dated this 18th day of February, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Parshall', written over a horizontal line.

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