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Hon. Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington D.C. 20554

Re: Implementation of the Online Public File, *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Requirements*, MB Docket 00-168

Dear Chairman Genachowski:

Members of the Public Interest Public Airwaves Coalition – Benton Foundation, Campaign Legal Center, Media Access Project, New America Foundation, Common Cause, Office of Communication Inc. of the United Church of Christ, and the United States Conference of Catholic Bishops -- call on the Commission to take immediate steps to make effective the online public file rule adopted more than two years ago. The *Enhanced Disclosure Order* requires commercial television stations to make their public inspection files available on their web sites and replaces the quarterly issues/programs list with a standardized form. Although the Commission is still considering whether to modify the form, it should take immediate steps to implement the online public file rule.

As revised, Rule 73.3526(b)(2) requires that commercial television stations make available much of the contents of their public inspection files on their web sites. However, this rule has never taken effect. It was supposed to take effect 60 days after the Commission published a Federal Register Notice announcing OMB approval. However, the Commission has apparently never even sought OMB approval.

Prompt implementation of the online public file rule would further the Commission's goals of modernizing the agency in the digital age, increasing transparency, and promoting public participation. The Commission initially required broadcast stations to maintain a public inspection file more than forty years ago to ensure that the public had the necessary information to hold their local broadcasters accountable. Because the Commission does not routinely monitor each station's programming, the Commission depends on viewers and listeners to provide information about whether stations are meeting their public interest obligations to local

communities. The Commission routinely fines stations that fail to maintain their public inspection file. *See, e.g., In the Matter of Gaston College* (January 29, 2010); *In the Matter of R-S Broadcasting Company, Inc.* (January 11, 2010)

In 2000, the Commission proposed that television stations post their public inspection files online to provide 24-hour access and increase public accessibility. *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, 15 FCC Rcd 19816 (2000)(NPRM). In the same NPRM, the Commission tentatively concluded that television broadcasters should provide information on how they serve the public interest in a standardized format on a quarterly basis.

In 2008, the Commission adopted both proposals. *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, 23 FCC Rcd 1274 (2008) (*Enhanced Disclosure Order*). The Commission found that the costs of posting the information on line were “outweighed by the benefits to the public of Internet accessibility.” *Id.* at ¶10. By making the material more accessible, it hoped “to encourage the public to play a more active role in dialogue with broadcasters.” *Id.* at ¶12. Placing public files online would enhance “the ability of both those within *and* those beyond a station’s service area to participate in the licensing process.” *Id.* at 13 (emphasis in original). The *Enhanced Disclosure Order* also replaced the quarterly issues/programming list with a standardized form, Form 355, on which broadcasters report on various types of public interest programming such as local news, electoral coverage, and public service announcements.

Some parties representing the broadcast industry filed petitions for reconsideration of the *Enhanced Disclosure Order*. Most focused on the burdens associated with Form 355 rather than the online posting requirement. While the Commission may need more time to consider modifications to Form 355, it should be able to act quickly on the petitions for reconsideration addressing the online public file rule and submit that rule to OMB for approval, if necessary.

Since taking office, you have taken steps to increase public participation in Commission proceedings, make the agency more data driven, and take advantage of the power of the Internet. For example, you told Congress that the American people deserve a Commission that encourages and facilitates participation by all stakeholders. *Testimony Before Subcomm. on Comm’n, Tech. and the Internet of the House Comm. on Commerce, September 17, 2009*. The FCC Reform Agenda presented in February recognized that the FCC has “enormous opportunities to make the agency more data driven.” That same month, the FCC issued two Notices proposing rule changes to improve decision-making and promote public participation in FCC proceedings. In addition, the Commission itself is using the web to solicit public participation in developing the national broadband plan, the Open Internet Inquiry and the Future of the Media Inquiry.

Each of these goals – public participation, data-driven policy-making, and leveraging the power of the Internet – would be served by making public inspection files more accessible by posting them online. Not only would the public be more likely to engage in dialog with broadcasters and participate in licensing proceedings, but increased access to this information would allow more informed participation by members of the public in other FCC proceedings

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such as the Future of Media Inquiry and the 2010 Quadrennial Review. The Commission should also move expeditiously to resolve the issues associated with Form 355, since it will serve many of the same goals. For these reasons, we urge the FCC to promptly issue an order disposing of petitions for reconsideration of the online filing requirement and immediately thereafter, seeking OMB approval.

Respectfully Submitted,

/s/ Angela J. Campbell

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