

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

In the Matter of	)	
	)	
Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations	)	MM Docket No. 00-168
	)	
Extension of the Filing Requirement For Children’s Television Programming Report (FCC Form 398)	)	MM Docket No. 00-44
	)	

**COMMENTS OF HUBBARD BROADCASTING, INC.**

Hubbard Broadcasting, Inc. (“HBI”), by its attorneys, hereby submits its comments in the above-captioned proceeding. HBI is the parent company of the licensees of 21 radio stations and 12 full power television stations, with decades of experience in the broadcasting industry. That experience includes careful compliance with FCC regulations, including those related to broadcast stations’ public inspection files. Based on that experience, HBI offers the following comments in response to the Commission’s efforts to require broadcasters to place most public inspection file materials online in order to make public access to them easier.

HBI supports the Commission’s efforts to expand public access and transparency for public inspection documents by use of the Internet. However, HBI is not confident that use of the FCC’s website for posting public inspection files is the best or most efficient approach, due to regular problems associated with submitting materials online into the FCC’s computer systems. Assuming the FCC eventually requires that licensees use its website as a public inspection file location, then in implementing such a new system, HBI asks the FCC to be mindful of the significant burdens that broadcasters already face in maintaining compliant public

inspection files.<sup>1</sup> In that regard, it would serve the public interest for the Commission to deploy a system that is efficient, effective, and minimally time-consuming for posting public inspection file items on the FCC's website.

As the Commission is aware, its computer resources often are stretched to the limit. For example, broadcasters faced lengthy delays in filing their biennial ownership reports in the FCC's Consolidated Database System ("CDBS"), which were due by December 1, 2011. It often required many hours for CDBS to accept an upload of a single attachment to an ownership report. Indeed, at one point, the FCC's staff advised that it would require more than 24 hours to complete the upload of a single required ownership spreadsheet into CDBS. During the time it takes to upload a document into a CDBS account, no other filing may be made into the same account. Thus, these delays can paralyze a licensee's ability to make filings for hours at a time or longer.

Therefore, assuming the FCC decides to require that public inspection file materials be made available on its website, HBI suggests that the FCC:

- Establish a computer system dedicated solely to broadcasters' public inspection files, so as not to burden already overwhelmed systems, such as CDBS.
- Establish a standard format for copies of public inspection file documents so that broadcasters have clear guidance as to their form. HBI suggests the FCC indicate that pdf, an extremely common standard, be considered compliant.
- The FCC should establish links within a new public inspection file system to the website locations of public inspection file items that the Commission already requires to be on

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<sup>1</sup> As HBI established in its June 17, 2011 comments concerning public inspection file burdens, OMB Control Number 3060-0214: "None of HBI's eleven radio and television station groups fell within the range of annual hours that the Commission assumes are needed to maintain a public inspection file. In fact, the eleven groups averaged approximately 291 hours for public file maintenance in 2010, more than 2.6 times the maximum number of hours assumed by the Commission. ... Breaking the actual number of hours down further, HBI television station operations averaged more than 318 hours in 2010 to maintain their public inspection files, while HBI radio group operations averaged 258 hours."

file, for example, to children's programming reports, applications, ownership reports, and licenses. That way, the public would have easy access to required items and broadcasters would not be forced into the burden of multiple filings of the same documents.

- Allow a ten-day filing period from the time that a document must be placed in the public inspection file to the required deadline for online posting. That would help ameliorate computer-based filing delays and is consistent with many other FCC submission deadlines.
- Before requiring compliance with a new public inspection file system, establish thorough public participation in testing such a new system to avoid unintended problems.
- Maintain accurate filing instructions for the system and make no material changes to the system, or its filing instructions, without prior notice and public testing.

On many occasions, broadcasters have to make many (sometimes dozens a day) public inspection file entries, especially for political broadcasting matters. In that regard, the Commission should not require the electronic posting of political file documents, or in the alternative, it should study an online system for at least a year or two and seek additional comments before requiring the posting of political broadcasting materials. Sporadic delays in making public file entries caused by the FCC's computer systems could be perceived as unfair in the heat of political campaigns, or even favoritism on the part of a station (when delays would be outside of station control), because timely access to political broadcasting materials may be important. Prompt access to political file information on some occasions, but delayed access at other times, might be seen as inequitable. Therefore, making an online system at least as efficient as a paper system is imperative for the fairness of the political process. HBI offers its suggestions in this proceeding in support of the public interest in efficient systems that would conserve valuable public and private resources.

Respectfully submitted,

HUBBARD BROADCASTING, INC.

By: /s/ \_\_\_\_\_

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