Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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 THE NATIONAL ASSOCIATION OF BROADCASTERS

NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street, NW
Washington, DC 20036
(202) 429-5430

Jane E. Mago
Jerianne Timmerman
Erin Dozier
Scott Goodwin

December 22, 2011

Executive Summary

In these comments, the National Association of Broadcasters (NAB) agrees with the Commission that advances in digital and IP technology now make it more feasible to host a significant portion of television stations' public files online. We also agree that placing portions of those public files into an online database has merit. However, we do not believe that all elements of the public file can or should be housed in a central database.

With regard to the specific contents of any centralized public file, NAB submits that the Commission must carefully weigh the costs (including unintended costs) and benefits of particular requirements. NAB recognizes that parts of the public file can likely be uploaded with relatively few difficulties, but notes that other portions – especially the political file – raise very complex implementation and other issues for both stations and the Commission. For some TV stations, the political file can contain many thousands of pages covering multiple federal, state and local races and, especially during busy election seasons, require many updates per day.

Several declarations attached to NAB's comments describe the very burdensome activities that would be required to initially create, and maintain going forward, a useful online central political file. Not only must broadcasters be able to upload extensive records quickly and seamlessly, these thousands of pages must be properly organized. That could require creation of dozens and, in some cases, hundreds of subfolders per station. Clearly, the process of keeping an organized online political file will be very complex and potentially slow and cumbersome if a central structure is unable to accommodate simultaneous inputs. Undue delays will severely diminish the usefulness

of an online political file for candidates and the public. NAB is also concerned that requiring only TV broadcasters – and not their competitors in the video marketplace – to place their political files online could create unintended market distortions that could severely disadvantage over-the-air television vis-à-vis these competitors and directly impact the public's enjoyment of free television.

In light of these concerns, NAB recommends the Commission form a joint FCC/broadcaster working group that will identify and analyze potential problems and their solutions before new requirements are placed on all broadcasters. Such a working group, or other fact-gathering process, also could help the Commission accurately determine the burdens and benefits of the various elements of placing stations' public files online.

NAB also argues that the Commission should not impose new substantive content requirements for the public file. Including sponsorship identification information in the public file, for example, would provide no clear new benefit to the public but would be a new burden on broadcasters. The proposal to require every station to identify sponsors for all programming online, including nationally distributed programs, is particularly onerous, unnecessary and duplicative. NAB further observes that there is no demonstration that the FCC's existing sponsorship identification rules are inadequate. Similarly, the proposal to include copies of all stations' shared services agreements in the public file is premature in this proceeding. The Commission is considering the need to obtain information about such agreements in a separate docket and should not prejudge the issue here.

NAB and the broadcast industry look forward to working with the Commission to consider whether and how to move forward with its proposals to implement online public files for broadcast television stations.

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COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS

I. Introduction

The National Association of Broadcasters ("NAB")[1] submits these comments in response to the Commission's *Order on Reconsideration and Further Notice of Proposed Rulemaking* in the captioned dockets. In this latest *Notice*, the Commission proposes to require television broadcasters to replace their existing locally-maintained public inspection files with digital public inspection files to be hosted on the Commission's website.[2] In general, NAB agrees with the FCC that the technology available today makes it easier to house a significant portion of television stations' existing public inspection files online. NAB also agrees that online access to some

[1] NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

[2] *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Extension of the Filing Requirement For Children's Television Programming Report (FCC Form 398)*, Order on Reconsideration and Further Notice of Proposed Rulemaking in MM Docket Nos. 00-168 and 00-44 (rel. October 27, 2011) ("*Notice*").

portions of the public file has merit. For this reason, we have previously urged the Commission to eliminate the need for stations to duplicate public file documents available on the FCC's website.[3] NAB further agrees that creating easier access to materials intended to encourage viewers' interaction with stations, such as issues/programs lists, could be useful. We do not believe, however, that all elements of the public file can or should be housed in a central database.

With regard to the specific contents of any centralized public file, NAB submits that the Commission must carefully weigh the costs (including unintended costs) and benefits of particular requirements. As highlighted below, creating a centralized public file database presents serious implementation challenges and, in some cases, could substantially increase burdens on local broadcast stations. The difficulty of creating a massive online database of broadcaster information – one that will be secure, easy for the FCC to manage and for broadcasters to upload public file material, and, most importantly, useful to the public – is significant. NAB urges the Commission to move forward with due consideration, taking the time necessary to address the myriad implementation challenges and potential market distortions that could flow from asymmetric regulation, especially with regard to the political file. NAB believes that establishing a joint FCC/broadcaster working group is an important initial step. The Commission must make a full and realistic assessment of whether and how the public can benefit from the various elements of such an online database.

[3] *See* Comments of the National Association of Broadcasters in MM Docket No. 00-168, at 24-25 (filed Dec. 18, 2000); *see also* Comments of the National Association of Broadcasters in OMB Control No. 3060-0214 at 2 (filed Jun. 17, 2011).

II. The Commission Must Carefully Consider the Costs and Benefits of Requiring TV Broadcasters to Place their Public Files in a Central Database

Local broadcast stations have been maintaining public inspection files in their main studio and/or within their community of license for decades, providing members of the public with access to information on the ways in which their local stations serve their communities. For all that time, the Commission has, through its rules, sought "to strike an appropriate balance between ensuring that the public has reasonable access to each station's main studio and public file and minimizing regulatory burdens on licensees."[4]

As technology and the industry have changed, so have the obligations of broadcasters. In 1984, the Commission, as part of a broader effort to modernize its regulations, eliminated or revised several rules specifically applicable to TV broadcasters, including the requirement that stations maintain complete program logs, because it found that those requirements no longer served the public interest.[5] In 1998, the Commission modified its rules again, allowing a station to keep the public inspection file at its main studio even if that station's main studio was located outside of the community of license. *1998 Main Studio Order* at ¶ 21. In that same order, the Commission, for the first time, gave stations the "option of maintaining all or part of their public inspection file in a computer database rather than a paper file." *Id.* at ¶ 53. Stations were encouraged, but not required, to post that file to "any World Wide Web sites they maintain." *Id.*

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[4] *Review of the Commission's Rules Regarding the Main Studio Rule and the Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 13 FCC Rcd 15691, 15693 (1998) ("*1998 Main Studio Order*").

[5] *See Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations*, Report and Order, 98 FCC 2d 1076 (1984).

Today, 13 years later, we live in a world dominated by digital technology. NAB agrees with the Commission that a re-examination of the rules governing the public inspection file is again useful in light of changing technology and consumer habits. The requirement that stations maintain a local public inspection file, usually still as a paper file, appears increasingly outdated.

We thus agree with the Commission that replacing some parts of the paper-based public file in a station's main studio with a digital file accessible via the Internet has merit. The Commission's new proposal, to host broadcaster information in a centrally-accessible and uniformly-designed database, is a potentially less burdensome and more user-friendly approach than the FCC's earlier determination requiring every station to place their public files on their own disparately designed websites.[6] We note, however, that the online public file would actually become more burdensome and costly if it became an addition to, rather than a replacement for, the paper public file.[7]

To achieve an online public file that truly benefits the public, the Commission must approach this effort with three major goals in mind: (1) create a robust, secure and organized system that ensures broadcasters can upload the most useful information in a timely manner without undue burden; (2) organize the information in a such a way that it provides the maximum public benefit; and (3) avoid unintended consequences, such

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[6] See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Report and Order, 23 FCC Rcd 1274 (2007).

[7] For example, the FCC appropriately proposes to exempt letters and emails from the online public file. *Notice* at ¶ 26. It then seeks comment on not only requiring stations to retain copies of this correspondence at the station for public viewing, but also inquires about requiring stations to report quarterly on how many letters they received and even requiring a brief description of the letters received. *Id.* Clearly, these proposals go beyond existing public file obligations and would add, rather than reduce, burdens associated with maintaining a public file.

as market distortions, that could accrue if the public file is not used for its intended purpose of informing the public and encouraging viewer and station interaction.

As partners in this major effort, the Commission and broadcasters should work closely to identify problems and solutions that work for all. This will be a complex, time-consuming project that cannot be accomplished successfully in an abbreviated time frame. For example, recent history indicates that unanticipated problems can and do arise when a number of licensees attempt to upload data to the FCC's database around the same time.[8] Given the massive amount of data that will be uploaded as part of this effort, especially at the beginning, NAB believes that specific measures, such as a graduated implementation schedule that will alleviate network congestion on Commission servers and a joint working group to address other serious implementation concerns, are essential.[9] *See* Section V, *infra*.

NAB recognizes that parts of the public file can likely be uploaded with relatively few difficulties, but notes that other portions – such as the political file – raise very complex implementation problems. It is essential to examine each element of the file with an eye toward the likely cost of uploading and maintaining it online. In this regard, size and need for updating are important factors. This is particularly true given the

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[8] Recently, for example, broadcasters have had difficulties, including significant uploading delays, with the Commission's website when electronically filing Ownership Reports on FCC Form 323. *See* Attachment D, Letter from Andrew S. Kersting, Dickstein Shapiro LLP, Request for Extension of Time to File Biennial and Post-Consummation Ownership Reports (filed Dec. 1, 2011) and Letter from Charles R. Naftalin, Holland & Knight, Request for Extension of Time within which to file Biennial Ownership Reports (filed Nov. 30, 2011).

[9] For example, allowing greater amounts of time for television stations in smaller markets to comply with any new requirements that the Commission may adopt would help alleviate very real network congestion concerns. *See Notice* at ¶ 50 (asking whether FCC should create different requirements for small television broadcasters).

challenges associated with creating and maintaining an organized and easy to access online political file on the FCC's website. The Commission should address in detail these special considerations relating to the online political file, including the potential unintended competitive consequences and the unique needs and capabilities of its primary users, political candidates and campaign organizations and their media buyers. *See* Section III, *infra.*

To address more effectively all of the implementation issues and technical challenges raised by the *Notice*, NAB recommends that the Commission establish a joint FCC-broadcaster working group. As described in Section V below, utilizing such a working group would likely reduce overall costs and burdens for the Commission and stations by identifying more quickly potential problems and their solutions. A working group would also help accurately determine the true costs and benefits associated with online public files, and assist the Commission in determining whether and how to move forward.

III. The Commission's Proposal to include the Political File in the Online Public File Database Raises Numerous Challenges and Many Practical Concerns, as well as Questions About How It Will Be Implemented to Serve the Public and Avoid Unintended Marketplace Consequences

Just four years ago, the Commission exempted the political file from its new requirement for television stations to place their public files on their own websites.[10] The agency recognized that candidates and campaigns make heaviest use of the political file and they have sufficient resources to "provide them with greater access" to stations and thus have less need for online access. *Id.* at ¶ 20. The FCC also noted

[10] *In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations,* Report and Order, 23 FCC Rcd 1274 ¶¶ 19-20 (2007).

the burden that stations would face in placing their frequently updated political files online, as well as the problems raised for candidates and campaigns if online files cannot be updated quickly. *Id*. NAB continues to believe that the previous exemption is appropriate, particularly given the way that the political file is used and the differences in how stations collect and organize the information required to be kept in these files. Moreover, we have serious concerns about unintended but potentially very real marketplace distortions and consequences that could occur if market sensitive information is readily accessible for one group of participants in the local video advertising market (e.g., local broadcast TV) and not others (e.g., cable and satellite providers).

To reverse its previous decision to exempt the political file, the Commission will need to address a significant number of technical concerns and practical implementation problems associated with placing political files online, as described in detail below and in the attached declarations. It must carefully consider all the potential costs and benefits of an online political file before changing course.[11] To this end, NAB recommends that the Commission should include the political file as a key part of the working group described below. *See* Section V, *infra*. A working group would allow the Commission to address all the challenges associated specifically with placing political files online. After conducting such a program and evaluating the results, the Commission can then adopt rules that reflect how political candidates, campaigns, issue

[11] An agency changing course must "provide reasoned explanation for its action" and "show that there are good reasons for the new policy*." FCC v. Fox Television Stations, Inc.*, 129 S. Ct. 1800, 1810-13 (2009). "An agency cannot simply disregard contrary or inconvenient factual determinations that it made in the past." *Id.*, at 1824 (Kennedy, J., concurring).

advertisers, media advertising buyers and the public at large actually use stations' political files.

In this section, we discuss matters relevant to the FCC's consideration of whether it should put the political file online. First, for many stations, especially television stations, maintaining their extensive political files during a political season requires very significant time and personnel resources. Second, designing an online database system that is, at once, sufficiently flexible to accommodate the myriad ways broadcasters sell and document political advertisements and yet still useful to candidates, advertisers and members of the public, will be an extremely challenging task. Finally, we discuss the potential market distortion that could result if only one portion of the local advertising industry is required to place market sensitive information in a central database.

A. Maintaining a Political File, Especially During Contentious Elections, Requires Broadcasters to Expend Significant Time and Personnel Resources

Broadcaster political file obligations are an extension of the political advertising requirements articulated in Section 315 of the Communications Act of 1934. Section 315 was born out of the Radio Act of 1927, specifically section 18, which was designed to ensure that all candidates for public office were treated equally by broadcast stations and eliminate any perceived or actual favoritism by owners of broadcast stations.[12] Section 73.1943 of the Commission's rules require that stations on which political candidates appear or which sell advertising to campaigns and issue advertisers maintain extensive records and make those records available to the public in a separate

[12] See *The Communications Act: A Legislative History of the Major Amendments 1934-1996*, Max D. Paglin, ed., Pike & Fisher (1999) at 75.

portion of the station's public inspection file. 47 C.F.R. § 73.1943. The Communications Act demands that material be placed into the political file "as soon as possible."[13]

The political file must include a record of every request for political time made by or on behalf of a candidate and also requests for time for issue ads "relating to any political matter of national importance." 47 U.S.C. § 315(e)(1)(B). Effectively, other than general requests from candidates or issue advertisers for information about a station's political advertising policies or requests for time for issue ads about local issues, any communication to a station about purchasing time for a political message must be immediately reflected in the political file.[14]

Stations must then place information in the file to show how they disposed of each request. Often, particularly in markets with very active political contests, stations are not able to provide all of the time an advertiser desires. In that case, a station typically will either ask the advertiser to revise its request or offer a different schedule of availabilities for the advertiser's consideration. These discussions can occur by e-mail or by telephone conversations, and there may be several offers and counter-offers

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[13] 47 U.S.C. § 315(e)(3); *see* 47 C.F.R. § 73.1943(c). The Commission interprets "as soon as possible" to mean "immediately, under normal circumstances." *Codification of the Commission's Political Programming Policies*, 7 FCC Rcd 678, 698 (1991)("*Political Rules Codification"*). Notably, in that proceeding, the Commission rejected calls for it to establish a "uniform political file format." *Id.; see Codification of the Commission's Political Programming Policies*, Order on Reconsideration, 7 FCC Rcd 4611, 4621 (1992)("*Political Rules Reconsideration*")("Because advertising may be purchased or ordered in a variety of ways, we do not believe we can mandate a definitive list of material that must be maintained in the political file.").

[14] Although stations have some discretion in determining when a request is sufficiently specific to require inclusion in the political file, the Commission concluded that a "request for availabilities" could trigger the requirement. *Political Rules Reconsideration*, 7 FCC Rcd at 4621 n.150.

before the station and the advertiser reach an agreed upon schedule. National rep firms communicate with the stations they represent using proprietary communications software that may not include information about classes of time or rates in the documents they generate. For any one advertising buy, notations of this negotiation process – including the terms of each offer – may result in many entries into the political file before an agreement to provide time is reached.

Once an agreement is reached, its terms must be included in the political file. The file must show the amount of time purchased, the length of each purchased spot, the schedule for the purchased spots, the class of time for each spot involved in the purchase and the amount the station charged for the time. If the spots are run on behalf of a candidate or an authorized campaign committee, the file must also include the name of the candidate, the identity of the committee purchasing the time, and the treasurer of that committee. 47 U.S.C. § 315(e)(2)(F). For issue ads subject to expanded disclosure rules, stations are also required to include in their political file the names of any candidates referred to in the spots, the office they are seeking or the election addressed in the spot, or the issue the spots concern. The political file must also show, for each purchase, the name, address and contact telephone number for the entity purchasing the time.

For all issue ads, including ads addressing only local issues, the file must identify the issue that the spots concern. The station must also place into the political file a “list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group or other entity” sponsoring the ads. 47 C.F.R. § 73.1212(e).

Typically, stations try to collect all of this post-agreement information on a contract with the advertiser, such as the NAB Political Broadcast Agreement forms that are designed to assist stations in complying with the political file rule. Some advertising agencies and other buyers instead use their own contract forms that stations may accept, and other stations have developed proprietary forms that may not include all of the information requested on the NAB forms. Some information, such as the identity of officers, may also be provided to stations on attachments. Contracts may be sent to stations in differing ways, either as attachments to e-mails, by facsimile transmission, or by mail or personal delivery.

The Commission also recognizes that political time may be purchased orally. The Commission left it "to the station to determine how to memorialize the terms of the purchase in the political file." *Political Rules Reconsideration*, 7 FCC Rcd at 4621. Even where a station sends a contract form to a candidate, it is common that candidates and other political advertisers do not sign them. Stations then collect the information for the political file as best they can from the materials they have. Thus, the way that stations collect information that must be included in the political file is not uniform, and the Commission cannot assume that all of the information that must be in the public file will be included on one form.

Moreover, when an agreement is reached, the actual times when spots run may not be established or may change after the agreement. Many spots are bought on a pre-emptible basis and the time that those spots were projected to run may end up going to another advertiser. Other spots are sold to political advertisers on a "run-of-

schedule" or "rotator" basis and the times that those spots actually air may not be finalized until the day of the broadcast.

Stations must also put in the file information about rebates that they pay to candidates, and show the date they were paid and the order to which they relate. Stations must also create records of any free time they offer candidates or other candidate uses of their facilities, if those uses do not fall within the exemptions established in Section 315(a) of the Act.

The Act and the Commission's rules require that stations include the time and date spots air in the public file.[15] The Commission recognized that most stations use computer-based systems to manage ad placement and to integrate traffic records with their billing systems. Those systems are not intended to fulfill the "immediate" update requirements of the political file and normally only create a record showing the times when spots actually were broadcast when a monthly invoice is generated. In the *Political Rules Reconsideration* decision, the Commission agreed that "stations need not be required to employ extraordinary efforts to place immediately in the political file the exact time that candidate spots aired." 7 FCC Rcd at 4621. Instead, the Commission allowed stations to provide information about the times spots ran on request until a final document showing those times is created. Most stations' political files, therefore, do not now include the times spots actually aired until some weeks later.

Billing systems commonly used by stations generate a separate series of reports for each order. During the political season, advertisers generally order time on a weekly basis, although some buys may be for longer periods and, particularly near the end of a

[15] 47 U.S.C. § 315(e)(2)(C); 47 C.F.R. § 73.1943(a).

campaign, there may be orders that cover shorter periods. A typical billing system will generate three documents for the political file relating to each order – one report showing the original order placed into the station's traffic system, another showing the exact times that spots ran, and a third showing the final charges paid by candidates for those spots. For each order, these reports occupy three to ten printed pages. And for very active advertisers, a weekly report may be much longer. Printed to pdf, one set of weekly reports for an NAB member station resulted in an 82 KB file. Over the almost nine weeks of a general election political "window," just these reports for one advertiser – which do not include the original request or its disposition or much of the contract information with the advertiser – may total 100 or more pages. If stations were required to update the political file to reflect the times spots aired on a daily basis, that could entail filing more than 100 pages a day of reports *in addition* to the materials already required to be in the political file.[16]

NAB asked several member stations to estimate the total number of individual files generated by a television station in an active political year, and the length of a typical political file. Stations in several active political markets indicated that their political files, covering one two-year cycle, occupied two or more entire file drawers. A Midwestern station's political file for the past two years – one campaign cycle – occupies 36 inches of file space. That translates to approximately 8,000 pages of materials. Another Midwestern station that did not have a statewide race in 2010 still

[16] *See* Attachment A, Declaration of Jack N. Goodman, Esq. at ¶ 5.

collected more than 24 inches of material in its political file, or approximately 5,400 pages.[17]

One station in a mid-sized market looked at their files from recent campaigns in particular. An active House race resulted in approximately 1,000 pages of file material. A hard-fought Senate or gubernatorial race generated over 2,000 pages in its public file. And those totals do not include the separate files for issue advertisements relating to those campaigns. One station group tallied the number of pages associated with political advertising sales orders in its traffic system for the 2010 election cycle. Although this page count did not include all of the documents that are in the stations' paper files (such as invoices or forms with officer/director information), the orders alone totaled 28,000 pages across the group's 18 stations.[18]

The burden on stations of creating, assembling and uploading the required political file material on a daily basis would be extremely high. Although some records, such as e-mails from advertisers or billing system reports, are in electronic form, they would have to be transferred to the Commission's required file format. Other documents would have to be scanned or created. And if stations would be required to indicate on a daily basis when spots actually ran – a requirement that the Commission previously disavowed – that would generate far more records.

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[17] *See* Attachment A, Declaration of Jack N. Goodman, Esq. at ¶¶ 3-4 (identifying the size of stations' political files in six different small and mid-sized markets).

[18] *See* Comments of Joint Broadcasters in MM Docket Nos. 00-168 and 00-44 (filed Dec. 22, 2011) at Appendix C, Declaration of Elizabeth Hicks, General Manager of Central Traffic Operations, Media General Broadcast Group at ¶ 3. Since 2010 was not a presidential election year, the station group anticipates higher political sales volume in 2012. *Id.* at ¶ 2.

The Commission also requires that the political file be kept in an orderly manner. *Political Rules Reconsideration*, 7 FCC Rcd at 4620. Most stations file documents relating to each particular race separately. For more active races, they may keep separate files for each candidate, and also separate files for each advertiser. For example, a station may keep separate records for ads purchased by a candidate and that candidate's campaign committee, and separate records for ads purchased by a national party campaign committee in that race, and a separate file for non-party issue advertisers. LIN Television reports that its Grand Rapids station's political file consisted of 110 separate folders for the 2010 political season alone.[19] For some races, moreover, stations may have an accurate estimate going into a campaign about the likely volume of advertisements and participants in that campaign. For other races, their projections may turn out to be wrong. If a campaign generates more interest than a station expected, it is easy to separate its paper files into subfolders as the campaign develops. Any online system the Commission establishes would need to permit such dynamic changes in stations' files as a campaign progresses. Obviously, moving stations' very large and carefully organized political files to an online environment will present myriad challenges for both broadcasters and for the Commission.

B. Requiring Stations to Upload the Entire Political File Would Likely Impose Substantial New Burdens on Stations and the Commission, Particularly if the Database Is Not Designed Carefully

It is difficult enough for stations to ensure that thousands of pages of paper be placed into the correct physical file. The burden of ensuring that these records be placed into the correct folder on the Commission's website – folders that may not be

[19] *See* Attachment B, Declaration of Fred Corbus, General Sales Manager of Station WOOD-TV, Grand Rapids, MI.

within a station's control – could be far greater. As with any industry the size and diversity of broadcasting, the level of computing aptitude can vary greatly between stations. Some TV stations in major markets may have a team of information technology ("IT") and sales professionals that can help place a station's public file online. At the same time, there are stations, particularly in smaller markets, where the IT person *is* the sales person. For those stations, the burden of placing the public file online would be significantly greater. For every station, however, placing the political file online will require a new level of technical sophistication and a shift in focus to ensure that this important and ever-changing collection of documents serves its intended purpose. And for the Commission, the responsibility of hosting hundreds of thousands of pages of documents in an organized manner that serves the needs of both political advertising buyers and the public could prove daunting and be a major burden on its staff.

Because of variations in the way in which stations manage sales of all advertisements, not just political advertisements, there is no uniform way in which broadcasters generate and maintain these records. The Commission has recognized this variety previously, and has accorded broadcasters a measure of flexibility that ensures Commission rules do not interfere with broadcaster operation and sales practices.[20] NAB believes that the Commission should continue its previous policies that allowed broadcasters to manage their political file in a manner consistent with their particular operational and sales procedures. There is no one-size-fits-all solution. Any

[20] *See Political Rules Reconsideration* at 4621. The Commission has also allowed, for example, stations to memorialize an oral contract in whatever manner they choose "so long as information concerning length of spot, time scheduled, class of time and price is provided."

rules or database designs that would limit, explicitly or implicitly, the ways in which broadcasters currently comply with public file requirements would expand exponentially the burdens broadcasters bear in keeping a political file by interfering with efficiencies that stations develop on an individual basis reflecting their own particular markets, resources and personnel.

Although the *Notice* does not include detailed descriptions of how uploading documents to the online public database will work (nor do we believe it should), NAB, through interviews with our members and as evidenced in the attached declarations, has attempted to make some estimation of the burden that could be incurred by stations if they are required to put their political file online. As noted above, for TV stations centered in districts with hotly contested races, documents in the political file, even for *one* race, can number greater than 2,000. Even in smaller markets in nonpresidential election seasons, stations' political files can easily reach 7,000 – 8,000 pages.[21] As with the paper-based political file, the burden of maintaining an online political file will fluctuate greatly depending on the time of year, with the weeks just before a primary or general election requiring very significantly greater amounts of staff time. Likewise, the Commission can and should anticipate the greatest strain on their servers during this time.

In the *Notice*, the Commission indicates that it has reversed its earlier decision to exempt the public file from online requirements because "the vast majority of television stations handle political advertising transactions electronically, through emails and a variety of software applications." *Notice* at ¶ 23. While it may be true that many

[21] *See* Attachment A, Declaration of Jack N. Goodman, Esq. at ¶ 4.

broadcasters handle much of their advertising sales electronically, including political ad sales, the electronic sales invoices do not include, or are not designed to include, all the necessary information required to be included in the political file.[22] That information is often input in a different manner, sometimes electronically, and sometimes in hand-written form, before it is coupled with a sales invoice and included in the political file. And even if a document is in electronic form, requiring stations to upload those documents into a Commission-controlled database, even one that is well-designed, will likely result in a greater burden on stations.

NAB's initial canvassing of its members suggests that the apparent assumption of the *Notice* that creating an electronic file is no more burdensome than keeping an organized paper file is wrong. There could be issues with converting stations' files into an appropriate electronic format. Scanning and moving documents into local files before moving them into Commission controlled files would be time consuming. While one instance of copying, scanning, converting and uploading may not appear to be burdensome, multiplied by thousands, it could well require the attention of additional station staff members during a busy election season. Indeed, two stations in North and South Carolina estimate that the time and workload involved in a typical political ad buy would "essentially double" in an online environment.[23] These two North and South

[22] *See, e.g.,* Comments of Joint Broadcasters in MM Docket Nos. 00-168 and 00-44 (filed Dec. 22, 2011) at Appendix B, Declaration of Stephanie Helsley, Corporate Director of Traffic, Allbritton Communications Company (discussing how each traffic management system is unique, how identical traffic systems can be used differently by different stations, and the challenges of modifying electronic systems to be compatible with an FCC online political file).

[23] Attachment C, Declaration of Chris Wolf, Director of Programming and Creative Services for Stations WJZY(TV), Belmont, NC and WMYT(TV), Rock Hill, SC (estimating that maintaining an online political file would have increased the total staff

Carolina stations additionally stated that they would have to hire a total of approximately eight more sales personnel on at least a seasonal basis to assist in handling the increased workload associated with an online political file, which, given the costs of temporary personnel, would impose an estimated additional cost of nearly $80,000 during the political window.[24]

Moreover, just the conversion of a station's *existing* paper political file to an online version could well take hundreds of hours for a single station, even assuming no delays in the online system.[25] The efficiency of such a system depends greatly on the speed in which files can be uploaded, which itself depends on how robustly the Commission system is built. Lags in uploading times, resulting, for example, in individual file uploads that take minutes (or even hours) instead of seconds, would

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time devoted to handling political spots from 1,458 hours to 2,917 hours for the 2008 election cycle and from 281.5 to 562.5 hours for the 2010 election cycle – approximately double the staff time). *See also* Comments of Joint Broadcasters in MM Docket Nos. 00-168 and 00-44 (filed Dec. 22, 2011) at Appendix C, Declaration of Elizabeth Hicks, General Manager of Central Traffic Operations, Media General Broadcast Group at ¶ 3 (estimating that to scan, save, and upload political sales orders alone in a non-presidential election year would require 4,800 hours of staff time across Media General's 18 stations); Attachment B, Declaration of Fred Corbus (During the 2010 election cycle, Station WOOD-TV received 222 political orders. Mr. Corbus estimates that the time required to save relevant documents to PDF form, login into the FCC's website, browse a hard drive for the PDF file, upload it to the FCC's site, and perform organizational tasks online would have required an additional 37 hours for *post-airing reports alone*, not including orders and other required political file material); Attachment A, Declaration of Jack N. Goodman, Esq. at ¶ 8 ("For new files, since the scanning and uploading would not be undertaken in batches, but on a daily basis as information is created, the total time to upload these files would be far greater since the files could not be scanned in bulk and the station would have to sign on to the FCC's system, enter any required file information, and wait for confirmation for each file . . .").

[24] Attachment C, Declaration of Chris Wolf at ¶15.

[25] *See* Attachment A, Declaration of Jack N. Goodman, Esq. at ¶ 7 (estimating at least 270 hours to scan and upload a Wichita, Kansas television station's existing political file, assuming no delays in the FCC's system).

multiply the burden on broadcasters exponentially.[26] For this reason, and several others articulated below in Section V, NAB strongly suggests that the Commission work closely with the broadcast community, via a working group or similar process, to examine all of the ways in which such system can be designed to maximize efficiencies.

The Commission addresses another integral issue in the *Notice* that could greatly affect the burden of moving political files online – how the documents will be categorized into proper subfolders. The Commission asks, for example, whether it should "create federal, state, and local subfolders for each station's political file." *Notice* at ¶ 24. Creating specific subfolders for each station could prove to be a very cumbersome task for the Commission. Nonetheless, to the extent that the Commission can do this in a timely and accurate manner, for both the general and primary elections for every race in the country where candidates and issue advertisers may purchase advertising on a local TV station, NAB agrees that it would be desirable. Should the Commission create such subfolders, it also should create subfolders for every station to account for any advertisement that relates to any political matter of national importance. If the Commission determines that stations should themselves be responsible for creating subfolders, it could substantially increase the burden on broadcasters, depending on how the system is designed.[27] We believe that if the Commission creates

[26] *See* Attachment D, Letter from Andrew S. Kersting, Dickstein Shapiro LLP, Request for Extension of Time to File Biennial and Post-Consummation Ownership Reports (filed Dec. 1, 2011) and Letter from Charles R. Naftalin, Holland & Knight, Request for Extension of Time within which to file Biennial Ownership Reports (filed Nov. 30, 2011)("Members of the FCC staff have informed us that it may require more than 24 hours to upload a single spreadsheet as part of the filing of an ownership report.").

[27] The Commission might also consider, rather than designing and hosting the system on its own servers, employing the services of a third-party Web-based file hosting service like Dropbox.

subfolders for broadcasters, it should also give broadcasters the flexibility to create their own subfolders and to create "subcategories" within those folders. There is very real concern, that absent these organizing folders, the online political file will be nothing more than a dump of data, useless to everyone. At the same time, an overly-prescriptive design that limits a broadcaster's flexibility to mold their online political file into categories that fit their operations and sales practices could have unintended negative consequences on the ways in which broadcasters sell advertisements.

NAB also submits that the Commission must identify and evaluate the true cost of designing and maintaining the proposed system before moving forward. Clearly, the cost of developing the complex database and accessible website will be substantial. The *Notice* does not discuss who will bear the costs of system development and maintenance. If these costs are passed to broadcasters in the form of regulatory fees, the additional burden to local stations would be even more significant. Further, if an online system fails to meet the needs of candidates, broadcasters could ultimately be forced to bear the cost of two political files – one online and one paper.

C. The Commission Must Consider the Unintended Consequences of Requiring Television Broadcasters Alone to Place Rate Information in a Central Database

Finally, quite apart from the practical considerations discussed above, NAB urges the Commission to tread carefully before requiring the broadcast television industry to upload potentially hundreds of thousands of pages containing commercially sensitive information, such as rate information, into a central online database. Broadcasters rely on revenue from advertising to support the free service they provide to the public. Stations compete with many other segments of the media market to earn these vital ad dollars. Requiring broadcast television stations alone to make their rates available in a

central and anonymously accessible file would create market distortions and place broadcasters at a disadvantage vis-à-vis their competitors. Broadcasters could see advertising revenues drop if competitors attempt to use the data in the file to undercut their rates. This disadvantage would directly harm the public because, if advertising revenue drops due to disparate regulation, stations would not be able to expand service offerings, and may have to cut back on current offerings.

The rate disclosure requirements of Section 315 were never intended to produce this type of market distortion. Indeed, the political file requirements apply not only to broadcasters but also to cable systems and direct broadcast satellite ("DBS") services.[28] Any analysis of the true costs and benefits of the proposed online political file requirement must recognize this unintended, but potentially devastating consequence.

IV. To the Extent That This Proceeding Is About Creating an Online Version of a Public File, the Commission Should Refrain From Considering New Rules That Would Require Stations to Include Additional Documents and Information

While the majority of the *Notice* addresses issues regarding the immense task of moving every television stations' public file into a Commission created and controlled database, it also includes separate proposals that would substantially increase the content broadcasters are required to include in their public files. Specifically, the Commission proposes new rules that would require TV stations to include a list of all sponsors contained within their programming, and a separate list of all shared services agreements (or contracts with other stations). *Notice* at ¶¶ 33-35. These new requirements would clearly increase the burden on broadcasters, but more importantly, are likely to create confusion and unnecessary repetitive databases with little or no

[28] *See* 47 C.F.R. § 76.1701 (cable political file requirement); 47 C.F.R. § 25.701(d) (DBS political file rule).

corresponding benefit to the public. To the extent that the Commission believes the public file should be expanded to include this additional information, it should address these questions in a separate proceeding, or in an existing proceeding that more extensively considers the public policy reasons that may or may not support these new disclosures.[29]

A. There is No Clear Public Benefit to Including a Separate List of All Sponsors in an Online Public File

In the *Notice*, the Commission proposes a new rule that would require TV broadcasters to include a list of all sponsors in their online public file. *Notice* at ¶ 34. No such list exists in stations' current paper public files. And, there is no evidence to suggest that the current notice requirements – which require stations to list sponsors during each program – are not sufficient or that posting this information online, a clear additional burden for broadcasters, will somehow address an existing public concern. Furthermore, the *Notice* provides almost no information how such a list should be organized or managed by broadcasters.

Currently, broadcasters are required to list each sponsor – not including obvious commercial advertisers – during each specific sponsored program. 47 C.F.R. § 73.1212. Broadcast stations are required to identify the list of sponsors by noting that the program was "sponsored, paid for, or furnished, in whole or in part" by the entities listed. 47 C.F.R. § 73.1212(a)(1)-(2). This longstanding rule makes sense. It is contemporaneous with the sponsored program. It is unobtrusive, but available to

[29] *See, e.g., Sponsorship Identification Rules and Embedded Advertising*, MB Docket No. 08-90, Notice of Inquiry and Notice of Proposed Rulemaking, 23 FCC Rcd 10682 (2008).

anyone who wants to view it. And it is a proven method for providing interested viewers and listeners with information about sponsors of programming.

The proposed new rule, on the other hand, does not make sense. First, it strains credibility to suggest that many, if any, interested members of the public will, rather than simply read a list of sponsors at the end of a program they are already watching, choose instead to reach deep into a large government database to find that information. To do so would presumably require them to go online, go to the FCC website, find the database that includes stations' public files, find a folder that includes their local station, then the program, then the specific time at which that program aired, and then parse through a list of sponsors for that show. Second, it makes little to no sense to have broadcasters list the same sponsorship information for programs aired on many stations across the country, when hundreds of other stations that air that same programming would be listing the same information. Such duplication is wasteful and unnecessary, and does not serve the viewing public.

The Commission is proffering this new rule based in large part on the findings presented in the "Information Needs of Communities" report released this past summer.[30] As the Commission acknowledges, however, the *INC Report* does not suggest that broadcasters be required to provide all sponsorship identification information online. Instead, the *INC Report*, citing what it deems "disturbing examples of 'pay-for-play' arrangements at local TV stations," suggests that the Commission

[30] "The Information Needs of Communities: The Changing Media Landscape in a Broadband Age," by Steven Waldman and the Working Group on Information Needs of Communities (June 2011), available at www.fcc.gov/infoneedsreport. ("*INC Report*"). As the Commission notes in footnote 18 of the *Notice*, "the views of the report 'do not necessarily represent the views of the Federal Communications Commission, its Commissioners or any individual Bureaus or Offices.'"

consider new rules that require broadcasters to provide online sponsorship identification information for newscasts only. *Id.* at 349. Therefore, the *Notice's* proposal to require online disclosure of all sponsorships for all programming goes above and far beyond the recommendations made in the *INC Report*. Furthermore, the "disturbing examples" cited in the *INC Report*, a report which was never voted on by the Commission nor commented upon by the public, are strictly anecdotal, providing little to no evidence that "pay-for-play" sponsorships in news, where advertisers are allowed to dictate news scripts, are a systemic problem. *INC Report* at 91-94. Current sponsorship identification rules require stations to properly identify any and all sponsorships of news, just as they do for other programming. 47 C.F.R. § 73.1212. NAB agrees, of course, that stations should be required to identify clearly sponsors in any news programming. The *INC Report* does not establish that current disclosure requirements, when properly followed by stations – which they are in the vast majority of cases – are not sufficient. Nor does the report provide evidence showing how an online database of sponsors would better inform viewers than the existing requirement for contemporaneous on-air disclosure.

Finally, as evidence within the *INC Report* suggests, increased government intervention is unnecessary. Stations, citing either public pressure or pushback from journalists, have voluntarily developed stricter policies creating a stronger wall between editorial and sales departments.[31] The *INC Report* further claims that the "pay-for-play" arrangements "will rot away the community's trust in local TV." *INC Report* at 349. To

[31] *See, e.g.,* the example of WCMH-TV in Columbus, where Ike Walker, the current news director, told FCC officials that "there is now a clear wall between sales and news departments." *INC Report* at 92.

the extent this is true,[32] broadcast stations would be acting contrary to their own economic interest by expanding these arrangements, as local news is, for many stations, the most profitable programming they air. In a competitive market for news, where more and more consumers are turning to alternative sources, including online, for local, national and international news, viewers will turn away from any medium that loses their trust. Simply put, news, in this regard at least, is no different from any other product. The market will dictate that those producers providing the most relevant and trustworthy news will receive the most viewers, listeners and readers.

NAB agrees that viewers, as the *Notice* suggests, "are entitled to know by whom they are being persuaded."[33] NAB continues to believe, as we stated in response to the Commission's inquiry into "embedded advertising" in 2008, that the existing rules are sufficient to achieve this goal.[34] The proposal contained in the *Notice* would, by imposing a new requirement on broadcasters, compound the burden of putting the public file online. It is difficult, however, to estimate the burden of this new requirement on individual broadcasters because the *Notice* provides very little detail on what will be

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[32] NAB disputes the notion that there has been any widespread loss of trust in local television stations generally or their news product specifically. A 2010 study found that, on a typical day, 78 percent of Americans get news from a local TV station and that local TV news "is the top source of news for Americans." Pew Research Center, *Understanding the Participatory News Consumer* (March 1, 2010), at 3, 11. Moreover, another study specifically addressing public evaluations of the news media found that favorability ratings of local television news remain at the top of all media. Pew Research Center for the People and the Press, *Public Evaluation of the News Media*: *1985-2009* (Sept. 12, 2009) at 11 (also noting that local TV news is not seen as partisan, with both Democrats and Republicans viewing local TV news favorably).

[33] *Notice* at ¶ 34, quoting *Applicability of Sponsorship Identification Rules*, Public Notice, 40 FCC 141, 141 (1963).

[34] *See* Comments of the National Association of Broadcasters in MB Docket No. 08-90 (filed Sept. 22, 2008).

required of each station.[35] It is not clear, for example, whether broadcasters would simply be required to provide a running list of all sponsors without regard to program, or whether they would be required to create specific lists for each program every time it airs. If the Commission proposes that such lists be searchable, it is not clear how broadcasters will be asked to comply. If broadcasters are required, for example, to input sponsorship information into a Commission-controlled and designed database using a series of drop-down menus, and to do so for each show individually, the burden could be much greater than if broadcasters are simply required to upload one list that includes many programs.

It is also not clear from the *Notice* how quickly broadcasters will be required to provide this information online. If the answer is "immediately," as it is for the political file, the burden could be much greater. As the Commission is aware, many programs aired on local television are developed and distributed by national networks and program syndicators. Under most existing arrangements, those networks and syndicators ensure proper sponsorship identification information is included in the program in compliance with FCC rules. Very few, if any, current contracts between networks and local stations, or syndicators and local stations, require sponsorship identification information to be given in any other form to the local station. Therefore, absent a new arrangement between stations and networks or syndicators, each broadcast station would be required to assign someone to watch and record the list of

[35] *See* Attachment C, Declaration of Chris Wolf at ¶ 18 (noting difficulties in estimating impact on staff resources at this time, but explaining that staff time would be much greater if stations were required to review and compile the required disclosures for syndicated programming as well as the station's original programming).

sponsors for each program that is not originally sourced at the station. Clearly, the burden of doing so would be very high.[36]

B. The Proposed Requirement Regarding Shared Service Agreements Is Premature

In the *Notice*, the Commission also proposes for the first time to require stations to put copies of any "shared service agreement" ("SSA") in their public files. *Notice* at ¶ 35. As the Commission correctly notes, the category of SSAs represents a wide-range of contractual relationships between licensees designed to gain some market efficiencies for both stations, including administrative and sales support, and some programming arrangements. *Id.* The Commission should refrain in this proceeding from adding new substantive requirements to the public file. The question of whether broadcasters should be required to disclose SSAs should be handled in a separate or stand-alone proceeding in which the Commission can properly examine all of the public policy considerations.

Broadcasters are required currently to include copies of any time brokerage and joint sales agreements in their paper public file, and such agreements presumably would be included in an online public file as well. 47 C.F.R. §§ 73.3526 (e)(14), (e)(16). Broadcasters are not currently required to include copies of SSAs in their public files. This new requirement, like the requirement for sponsorship identification information, would constitute a new substantive addition to the public file. To the extent that this

[36] *See, e.g.*, Letter from Mark Prak, counsel for Hearst Television, Inc. to Marlene H. Dortch, Secretary, FCC, filed in MM Docket Nos. 00-168, 00-44 (Dec. 14, 2011) ("Hearst has estimated that, should the proposals be adopted without modification, it would be required to hire at least one new full-time equivalent employee and perhaps as many as four new employees per station—in the worst case scenario, one employee to handle political file compliance and three others to ensure compliance with the sponsorship identification proposal.").

proceeding is designed to facilitate rules that will put the existing paper file online, this is not the proper venue for discussion of putting previously private contractual arrangements into the public domain. Unlike time brokerage agreements, not all SSAs involve arrangements that affect content. NAB does not believe the Commission should simply assume – based on little to no evidence – that it is in the public's interest to view all SSAs.[37]

V. A Working Group or Other Practical Fact-Gathering Process Would Materially Assist the Commission in Assessing Whether and How Viewers Can Benefit from Placing the Various Elements of Public Files Online Without Unduly Burdening Local Stations

The Commission has recognized the value of information-gathering, tests and pilot programs to promote better decision-making, balance benefits and burdens, and avoid unintended consequences. It has a successful history of obtaining input from affected parties and the public in a practical manner that extends beyond the comment process. Such an approach would be highly effective in connection with transitioning to an online public file system. The establishment of a working group to analyze the transition to an online public file would allow the Commission to assess a variety of matters that are, at best, difficult to determine without real-world experience. A working group could help the Commission consider, for example:

- Ways to effectively design the system from the standpoint of a "filer," including such issues as what "drop-down" menus are appropriate, what options should be contained in the menus, and whether the system can otherwise be tailored to reduce burdens.

[37] SSAs vary widely in their scope and include, for example, station sharing of expensive equipment such as news helicopters and satellite trucks or administrative tasks. The viewing public's interest in such operational details of broadcast stations would seem quite limited.

- The nature and extent of burdens imposed on filers who are organizing, scanning (or otherwise converting to an electronic format), and uploading public file material. This could include consideration of what format should be used for uploading data[38] and how metadata should be treated.[39]

- The relative burdens of the online public file versus a paper file (particularly as it pertains to the political file).

- Ways to effectively design the system from the standpoint of a public file "reviewer" (e.g., members of the public, and purchasers of political advertising time).

- The nature and extent of use of an online public file database by reviewers (e.g., How often are the databases accessed? Can parties locate the information needed? Is there significant lag time between when a station uploads a document and the availability of that document to reviewers?).

- The relative benefits of the online public file versus a paper file (particularly as it pertains to the political file).

- How well the FCC's servers will perform under the burden of a processing and maintaining the online public files of significant numbers of stations.

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[38] *See Notice* at ¶ 37.

[39] *See Notice* at ¶ 38 (seeking comment on what metadata should be made available in the online public file, such as information on when an item was uploaded, "who" uploaded an item, and issues concerning confidentiality of metadata). While a working group may identify other issues, NAB anticipates, as an initial matter, that many stations may wish to use software that removes metadata from its documents for reasons of confidentiality, privilege and/or privacy, and that stations should be permitted to do so. With regard to the question of disclosing "who" uploaded an item, NAB is uncertain about what parties the Commission is referring to (i.e., is the Commission seeking comment on whether the online public file should specify that the station uploaded a document versus an FCC upload?) NAB does not foresee a potential problem with identifying whether the FCC or a licensee uploaded material, but does not see any value in any further disclosure (such as the name of a specific FCC staff person or station employee).

A. The FCC Has Extensive Experience with Consultations, Trials, and Phase-Ins to Gather Practical Data and Feedback

The FCC has a history of successfully using consultation, pilot programs, or other trials to evaluate the potential costs and benefits of proposed rules or procedures, and to make modifications as appropriate. Such actions reflect the fact that application and experimentation are often the best means to identify potential burdens or other public interest harms that may arise from proposed rules or procedures. For example, the FCC's Office of Engineering and Technology is conducting 45-day public trials of each private database system for identifying available channels for unlicensed operations in the television band.[40] The Commission also sought comment on whether to establish a pilot program for its establishment of a system of expanded Part 5 experimental licenses. Before authorizing these new "research licenses," the Commission proposes to "choose a limited number of institutions to which we would grant licenses and under which we would evaluate the program" with the goal of "balanc[ing] [its] interests in promoting innovation and flexibility while protecting against harmful or unanticipated interference."[41] The Commission proposed a pilot program to evaluate whether and

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[40] *See* FCC, *Office of Engineering and Technology Announces the Opening of Public Testing for Spectrum Bridge's TV Band Database System,* 26 FCC Rcd 12906 (2011); *see also* FCC, *Office of Engineering and Technology Announces the Opening of Public Testing for Telecordia Technology, Inc.'s TV Band Database System,* ET Docket No. 04-186, DA 11-1956 (rel. Dec. 2, 2011) (Such trials "allow the public to access and test [the] database system to ensure that it correctly identifies channels that are available for unlicensed TV band devices . . . and provides protection to authorized services and registered facilities as specified in the rules.").

[41] *See Promoting Expanded Opportunities for Radio Experimentation and Market Trials Under Part 5 of the Commission's Rules and Streamlining Other Related Rules*, 25 FCC Rcd 16544 ¶ 36 (2010).

how Lifeline/Link Up can support broadband adoption by low-income households,[42] worked collaboratively with other Federal agencies to establish a spectrum-sharing "test-bed" program to examine the feasibility of increased sharing between Federal and non-Federal users,[43] and established the "Learning-on-the-Go" pilot program to investigate the merits and challenges of making wireless connectivity services eligible for E-rate support.[44] The transition to digital television also was marked by the use of a "test market," which was intended to help identify potential issues that could be addressed through additional consumer education and preparation elsewhere in the country.[45]

For the same reasons, the Commission often uses consultation, transition periods, and/or phase-in approaches in connection with the introduction of new electronic filing requirements. For example, the FCC has conducted an all-day workshop and hosted several information sessions concerning its development of a Consolidated Licensing System ("CLS").[46] At CLS information sessions, FCC staff have

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[42] *Further Inquiry into Four Issues in the Universal Service Lifeline / Link Up Reform and Modernization Proceeding,* 26 FCC Rcd 11098 (2011).

[43] FCC, *Federal Communications Commission Designates Spectrum and Provides Guidance for Participation in a Spectrum Sharing Innovation Test Bed*, Public Notice, 23 FCC Rcd 1654 (2008) (the FCC coordinated with the Department of Commerce's National Telecommunications and Information Administration and other federal agencies in establishing the test bed pilot program and has designated 10 megahertz of spectrum in the 470-512 MHz band for this purpose).

[44] *E-Rate Deployed Ubiquitously 2011 Pilot Program*, Order, 26 FCC Rcd 9526 (2010) (identifying selected projects which received a total of up to approximately $9 million for the 2011-2012 funding year).

[45] *See* FCC, *DTV Transition Premiers in Wilmington, North Carolina*, News Release (rel. May 8, 2008).

[46] *See* FCC, *Federal Communications Commission to Hold April 7, 2010 Workshop on Development of Consolidated Licensing System*, Public Notice, 25 FCC Rcd 3176 (2010) (urging parties to address such questions as: "What are the major concerns

offered demonstrations and requested feedback on the interface, functionality and other issues from parties attending the sessions.[47] This extensive consultation with members of the public and potential filers is likely to significantly improve the resulting system and smooth the eventual transition from the FCC's current service-specific licensing systems to CLS.[48] Similarly, the FCC's transitions from paper to electronic filing systems were all accompanied by trials or phase-ins. Applications processed by the International Bureau featured a voluntary electronic filing pilot program, which commenced in February 1999.[49] For many types of International Bureau applications, electronic filing remained voluntary until 2006.[50] During the transitions to the Universal Licensing System ("ULS") for wireless licensees,[51] the Consolidated Database System ("CDBS")

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raised for the broadcasting, international, wireline, satellite, and wireless industries and the public safety communities by the transition to required electronic filing where it is not already required?" and "What kinds of data uses by system users and the general public would be anticipated?").

[47] At least one event featured opportunities for members of the public to use CLS. *See* FCC, *Federal Communications Commission to Hold October 14, 2010 Initial Public Usability Test Sessions for the Proposed Consolidated Licensing System*, Public Notice, 25 FCC Rcd 15284 (2010).

[48] The Commission has urged the public "to provide significant input into this process so as to inform its decision making in regard to improving system functionality." FCC, *Federal Communications Commission to Hold April 7, 2010 Workshop on Development of Consolidated Licensing System*, Public Notice, 25 FCC Rcd 3176 (2010).

[49] *See* FCC, *International Bureau On-Line Reports and Electronic Filing Pilot Program*, Public Notice, Report No. IBFS-99-0001 (rel. Feb. 10, 1999).

[50] *See Mandatory Electronic Filing For International Telecommunications Services and Other International Filings,* Report and Order, 20 FCC Rcd 9292 (2005); FCC, *International Bureau Announces Mandatory Electronic Filing For All International Telecommunications Services And Other International Filings Effective June 12, 2006,* Public Notice, DA 06-1104 (rel. May 26, 2006).

[51] *See Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services*, 13 FCC Rcd 21027 ¶ 10 (1998) ("For each service that is subject to mandatory electronic

for broadcast licensees,[52] and the Cable Operations and Licensing System ("COALS"),[53] licensees had six months from the time a form became available for use by a particular service in the respective electronic system to transition to electronic filing.[54]

The electronic filing phase-ins served to insulate the Commission, filers, and users of the system from potential problems that could have developed without the "cushion" of a transitional period. While longer transition periods were sometimes sought, the transition periods provided afforded some opportunity for filers to upgrade equipment (if necessary), try the electronic system, contact FCC staff with questions about the system, and consult with expert advisors such as attorneys or engineers about how to respond to any questions that were different from the paper versions of

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filing, these requirements will take effect on July 1, 1999, or six months after we begin use of ULS in the particular service, whichever is later"*).*

[52] *See 1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules and Processes*, 13 FCC Rcd 23056, 23061 (1998).

[53] *Amendment of the Commission's Rules for Implementation of its Cable Operations and Licensing System (COALS) to Allow for Filing of Licensing Applications, Forms, Registrations and Notifications in the Multichannel Video and Cable Television Service and the Cable Television Relay Service,* 18 FCC Rcd 5162 ¶ 8 (2003).

[54] Even filing systems that have operated for significant periods of time are not without flaw or error, and can sometimes be overwhelmed by high volumes of activity or technical problems. *See, e.g.,* FCC, *Media Bureau to Extend Window for NCE FM New Station and Major Change Applications; Window Will Close on October, 22, 2007*, Public Notice, DA 07-4355 (rel. Oct. 17, 2007)(extending an application filing window due to a 6.5 hour CDBS outage); FCC, *Media Bureau Announces Extension of Certain Filing Deadlines*, Public Notice, 18 FCC Rcd 24370 (2003)(announcing a one-week extension of the deadline for filing various forms in CDBS due to "filing difficulties following planned system upgrade and maintenance" and "system outages"); *In the Matter of Digital Broadcast Copy Protection*, 17 FCC Rcd 24796 (2002)(granting an extension request to commenters who were unable to file comments in ECFS "due to technical difficulties"); FCC, *Electronic Comment Filing System is Shutdown Until June 18, 2001*, Public Notice, 2001 WL 664249 (2001)(announcing an ECFS shutdown for several days following "a major hardware failure, which has rendered the system unavailable").

the forms. Additionally, these phase-ins afforded the Commission an opportunity to receive feedback and make modifications it deems necessary *before* an electronic filing requirement became mandatory. The Commission should consider its history of successful tests and trials with regard to new rules and procedures in evaluating NAB's proposal for an online public file working group. The Commission should also note that insufficient consultation concerning the practical implementation of new processes has hindered other transitions.[55]

B. An Online Public File Working Group Will Facilitate Analysis of the Burdens and Benefits of Specific Aspects of the Online Public File Proposal

An online public file working group could involve station volunteers in markets of various sizes, stations that receive varying levels of audience share, and stations that have differently sized owners (i.e., group owners as well as parties that own only one or two stations). Participating stations would advise the Commission on all aspects of a transition to an online public file and report on such matters as:

[55] For example, in spite of its best efforts, the Commission and its staff were unable to anticipate various issues associated with implementation of a substantially revised FCC Form 323, which was designed to obtain more and better data concerning minority and female ownership. When the electronic form was initiated in Fall 2009, broadcasters and their counsel made significant efforts to timely file the new form but ultimately sought relief from the January 11, 2010 filing deadline due to: (i) the significant time it took to add new records to certain subforms; (ii) system timeouts and failures resulting from the inordinate amount of time it took to add additional data records; and (iii) the loss of large amounts of data, despite having "saved" the data in CDBS. *See* Letter from Kathleen A. Kirby of Wiley Rein, LLP *et al.* to Marlene H. Dortch, Secretary, FCC, filed in MB Docket No. 07-294 (Dec. 18, 2009). Broadcasters reported spending up to 800 hours to prepare and file a single form. *Id. T*he FCC ultimately suspended the filing requirement until it could re-work the electronic form. *See Promoting Diversification of Ownership in the Broadcast Services*, Order, 24 FCC Rcd 14628 (2009). The initial filings on Form 323 were made nearly six months after the original deadline, on July 8, 2010.

- The time and expense associated with the initial upload of material to the online file.

- The time and expense associated with adding additional material to the file over the course of a specified period of time.

- Functionality of the online system and whether technical modifications are needed.

- Any reactions from users of the public file that the station receives (i.e., comments/reactions from viewers in the station's community of license who access the online public file).

- Additional staffing or outsourcing required, if any, to establish and maintain the online public file (for example, a station might hire a temporary employee to scan certain material currently in the paper file; it may also outsource conversion of the file from paper to electronic form).

- Expenses (if any) for purchases associated with establishing and maintaining the online public file (for example, a station that does not currently own a scanner or software that converts documents to PDF form might purchase such items in order to facilitate electronic filing).

- Costs, burdens and marketplace consequences associated with specific provisions of the rules (i.e., political file, sponsorship identification information).

- Identification of changes or clarifications in FCC rules needed to facilitate the placing of public files online, including specifically the political file.[56]

[56] In the *Notice* at ¶ 23, the Commission tentatively concludes that stations should be required to upload records into the political file "as soon as possible," meaning "immediately absent unusual circumstances." This requirement may need to be altered to account for uploading delays and time burdens on personnel. NAB recognizes the importance of including timely information in the political file, but the Commission must take into consideration the practical limitation of its own servers and the likely delays broadcasters will face in uploading records during the height of the political season. The FCC should also clarify how "dispositions" should be limited to initial request and final contract, and not include all documentation related to interim negotiations.

Should the Commission choose to gather information through a working group of television broadcast stations or other interactive fact-gathering process, NAB would be happy to identify potential broadcaster participants.

VI. Conclusion

In this digital age, NAB agrees with the Commission that moving parts of a TV broadcaster's existing paper file into a Commission-hosted database has merit. As we note, however, this would be a major process, would involve considerable effort by the Commission, and would require close cooperation between the broadcast industry and the Commission. We have grave concerns that certain elements of the proposal – particularly proposals to put the political file online -- may be far more complex and difficult than the *Notice* suggests and may well raise unintended competitive consequences. The Commission should also refrain from adding new substantive requirements for the public file. For all these reasons, NAB urges the Commission to consider forming a joint broadcaster-FCC working group that will be able to explore creatively the best options for moving the public file online and in ways that serve the public without creating unnecessary new burdens for broadcasters. NAB and the broadcast industry look forward to working with the Commission to accomplish this goal.

Respectfully submitted,

NATIONAL ASSOCIATION OF BROADCASTERS

Jane E. Mago
Jerianne Timmerman
Erin Dozier
Scott Goodwin

1771 N Street, NW
Washington, DC 20036
(202) 429-5430

December 22, 2011

Attachment A

Declaration of Jack N. Goodman

Jack N. Goodman declares as follows:

1. At the request of the National Association of Broadcasters, I asked several television station clients of the Law Offices of Jack N. Goodman to measure the political broadcasting portion of their public inspection files.

2. I received reports from six television stations. All of these stations are the leading providers of news in their respective television markets. Some of the stations are in states and markets where there were very active political contests in 2010; others had fewer competitive races. Some of the stations also have had local elections within the two-year period covered by the political file. One station is in Virginia where there were elections for the state legislature during 2011.

3. Each station measured the amount of file space in inches that is occupied by their political file. They reported the following amounts of files:

Television Market	Political File in Inches
Anchorage, AK	14"
Burlington, VT	19.5"
Roanoke, VA	21"
South Bend, IN	24"
Springfield, MO	30"
Wichita, KS	36"

4. A 500-page ream of normal copying paper is approximately two inches thick. Since the political files include file separators and folders that are thicker than normal copying paper, I made a conservative assumption that there were roughly 225 pages of file material per inch. Based on that assumption, the number of pages in political files for these six stations are:

Television Market	Pages in the Political File
Anchorage, AK	3,150
Burlington, VT	4,388
Roanoke, VA	4,725
South Bend, IN	5,400
Springfield, MO	6,750
Wichita, KS	8,100

5. These totals include, with respect to information arising after the station and advertiser enter into an agreement, only reports of when spots aired that are created at the end of an advertising buy since the FCC now permits stations to provide "times aired" information upon request until an invoice is generated by the station's traffic management system. If that information were required to be included in the file on a daily basis for each advertising buy, the

political file for a station in an active political market could increase by another 100 pages for every day of the political season, since separate reports are generated for each advertiser (including separate reports for issue advertisers), and the reports for each advertiser may run from three to ten pages.

6. Some of the materials that must be placed in the political file can be generated in pdf format ready to be uploaded. Others would have to be scanned by stations. And for the existing file, almost every document would have to be scanned since it would be difficult to determine which documents had been scanned earlier and for those files to be located (if they continue to exist).

7. If you assume that it takes five minutes to scan and assign a file name to a five-page document, and then at least another five minutes to designate it for uploading to an FCC website and wait for it to be uploaded, scanning and uploading even the smallest of these existing political files would take more than 100 hours of time for station personnel. For the Wichita 2009-10 file alone, scanning and uploading it (assuming no delays in the FCC's system or additional time needed to ensure that documents are placed in correct subfolders), would require at least 270 hours of time by station employees (or almost seven person-weeks).

8. For new files, since the scanning and uploading would not be undertaken in batches, but on a daily basis as information is created, the total time to upload these files would be far greater since the files could not be scanned in bulk and the station would have to sign on to the FCC's system, enter any required file information, and wait for confirmation for each file, rather than being able to upload the contents of an entire folder at once.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 21, 2011

Jack N. Goodman

Attachment B

DECLARATION OF FRED CORBUS

I, Fred Corbus, General Sales Manager of WOOD-TV, Grand Rapids, MI (NBC), hereby declare that in the 2010 election year, WOOD-TV, Grand Rapids, MI (NBC) received more than 200 political orders. For each order, someone must extract from our traffic system two post-airing reports for the public political file. Each report is between one and three pages.

I estimate that the time to produce and upload each report to the Federal Communications Commission's website (presuming commercially acceptable speed of the Commission's website similar to an upload on a similar commercial site) would be five minutes per report. This five minutes would be in addition to the time we already spend to update the political file. Currently, we print the reports and place them in the political file. That's only two steps. Under the proposed online political file rule, we would presumably be required to save the reports as a PDF, login to the FCC's website with a username and password, browse for the PDF on the hard drive, upload the PDF to the FCC's website, and perform organizational tasks online. That process entails at least two extra steps (*i.e.*, login and browse) that are not currently required. I therefore estimate that for the 222 orders placed in 2010, such a system would have taken thirty-seven additional hours for post-airing reports alone, nearly a full workweek.

This estimate does not include orders and other political file material. For example, our LIN Media Grand Rapids 2010 political file (the last full political-cycle year) consists of 110 folders and takes up an entire filing cabinet drawer.

Signed: Fred Corbus Jr. General Sales Manager

Dated: 12-19-11

Attachment C

Declaration of Chris Wolf

I, Chris Wolf, declare the following to the best of my personal knowledge and belief, which includes knowledge based on information provided to me by others:

1. I am the Director of Programming and Creative Services of co-owned stations WJZY(TV), Belmont, North Carolina, a CW network affiliate, and WMYT(TV), Rock Hill, South Carolina, a MyNetwork affiliate (collectively, the "Stations").

2. In that capacity, I have supervised the preparation of the political broadcasting documentation required under Section 73.1943 of the Commission's rules for the Stations.

3. I have reviewed the proposals contained in the Commission's October 27, 2011 Notice of Proposed Rulemaking in the *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations* proceeding, MB Docket No. 00-168, concerning proposed changes to the existing political file requirements and the proposed addition of new reporting obligations concerning programming subject to the Commission's sponsorship identification ("sponsorship ID") rules.

4. With respect to the political file, the new proposal to require immediate uploading of each relevant document would impose significant burdens on the Stations' staff, which already operate with 2 fewer full-time personnel than they did during the Fall 2008 election campaign period.

5. As of today, the sale of political time and related record maintenance for the Stations involves four station managers and one sales assistant.

6. The current tasks involved in handling an average request for political time, including time estimates for personnel, are as follows: (1) rates sent to requesting agencies – five minutes; (2) orders received; (3) rates confirmed – five minutes; (4) input into traffic system – 10 minutes; and (5) copies made and placed in political file – five minutes; for a conservative total estimate of 25 minutes per order. This time estimate does not include those situations when spots are missed and "make goods" are required, which can increase the estimated administrative time for handling a single political time order to an hour or more.

7. In the Fall 2008 general election season, which involved a presidential election, the Stations aired approximately 3,500 local, state and federal political spots during the 60-day window preceding the November 2008 general election. Consequently, based on the average time discussed in Paragraph 6, the Stations devoted approximately 1,458 hours to handling political spots, including the required documentation, during this period.

8. In the Fall 2010 general election season, which did not involve a presidential election, the Stations aired approximately 675 local, state and federal political spots during the 60-day window preceding the November 2010 general election. Consequently, based on the

average time discussed in Paragraph 6, the Stations devoted 281.5 hours to handling political spots, including the required documentation, during this period.

9. The increase in workload in the days leading up to an election is accelerated to the point that it becomes more than a full-time job per person involved. The Stations are under tremendous pressure from the campaigns to get political spots aired in a timely fashion.

10. The Stations use the following documentation and internal forms in handling requests for political time: Request for Time, Disclosure Statement, Certification of Federal Candidate, Third Party Certification, Non-Candidate/Issue Agreement Form, copy of check, copy of Order, and Traffic Instructions.

11. If the Stations were required to scan their current political documentation into electronic form (Adobe Acrobat pdfs) for immediate uploading onto the FCC's website, the scanning task would require an estimated additional 10 minutes per spot, for a total time estimate of 35 minutes per order.

12. If immediately uploading each required piece of political documentation took an additional 15 minutes of staff time, the total time estimate for the new obligation would be an average of 50 minutes per order. Based on past experience with delayed uploading of information into FCC databases during periods of peak demand, when multiple stations are attempting to access the FCC's computer systems (such as the days immediately before an FCC ownership report filing deadline), this time estimate likely understates the actual time that would be required, particularly during the days immediately before an election.

13. If such an obligation had been in effect during the 2008 election window discussed in Paragraph 7, the total staff time devoted to handling political spots, including the required documentation, would have been approximately 2,917 hours (50 minutes x 3,500 spots). If such an obligation had been in effect during the 2010 election window discussed in Paragraph 8, the total staff time devoted to handling political spots, including the required documentation, would have been approximately 562.5 hours (50 minutes x 675 spots).

14. Based on the foregoing, I estimate that the Stations' workload would essentially double if the proposed rule for immediate uploading of requisite political file material were imposed.

15. The Stations would have to hire approximately 8 additional sales personnel on at least a seasonal basis to assist in handling the additional workload imposed under the proposed requirement referenced in Paragraph 4. In the Stations' local market, costs for appropriate temporary personnel are approximately $25 per hour, or an additional $1,000 per week per person, for an estimated total additional cost of $79,795 during the political window.

16. In addition, the Stations would need to purchase or rent scanning equipment which they do not now possess.

17. The size of each Station's political file varies depending on whether the reporting period involves a presidential election. The approximate size of each Station's political file in 2008 was one full lateral file drawer. The approximate size of each Station's political file in 2010 was one-third of a full lateral file drawer.

18. With respect to the proposed rule that would mandate creation of lists of all programming subject to the FCC's sponsorship ID rules, including identification of specific sponsors, it is difficult to estimate the impact on staff resources at this time. At a minimum, each Station likely would have to devote at least 30 minutes of one staffer's time daily to reviewing original programming and compiling the required disclosures. This figure would likely quadruple if each Station were required to review syndicated programming for compliance.

19. The time necessary for compliance with the proposed sponsorship ID disclosure would increase dramatically if the Stations' programming suppliers, including the broadcast networks with which the Stations are affiliated and various syndicators, did not provide certifications for the programming they provide. Based on the Stations' experience, I have particular concerns about the timely production of such certifications by syndicators, who typically are not FCC licensees and therefore are not subject to direct Commission enforcement authority.

I declare under penalty of perjury that the foregoing is true and correct.

Chris Wolf
Director of Programming and Creative Services
WJZY(TV) and WMYT(TV)

Executed on: 12/22, 2011

Attachment D

DICKSTEINSHAPIRO LLP

1825 Eye Street NW | Washington, DC 20006-5403
TEL (202) 420-2200 | FAX (202) 420-2201 | dicksteinshapiro.com
Writer's Direct Dial: (202) 420-3631
E-Mail Address: KerstingA@dicksteinshapiro.com

December 1, 2011

FILED/ACCEPTED

DEC 01 2011

Federal Communications Commission
Office of the Secretary

By Hand

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, D.C. 20554

Re: Cumulus Media Inc.
Request for Extension of Time to File Biennial and Post-Consummation Ownership Reports and 47 C.F.R. §73.3613 Documents
File Nos. BTC-20110330ALU, and Related Form 315 Applications
File Nos. BTC-20111017AID, and Related Form 316 Applications

Dear Ms. Dortch:

Cumulus Media Inc. ("CMI"), on behalf of its subsidiaries identified in Appendix A annexed hereto (the "Licensees") and other parties who have similar reporting obligations, hereby requests a two-week extension of time, through and including December 15, 2011, in which to file consolidated biennial and post-consummation ownership reports for purposes of satisfying Sections 73.3615(a) and 73.3615(c) of the Commission's rules. CMI also requests an extension of time on behalf of the Licensees through the same date for the submission of any related documents pursuant to Section 73.3613 of the Commission's rules.

CMI, the ultimate parent entity of each of the Licensees reflected in Appendix A, owns and operates (through its indirect subsidiaries) approximately 560 full-power radio stations which are licensed to 19 separate entities. The preparation and filing of the requisite biennial ownership reports require a substantial amount of time and resources. Biennial and post-consummation ownership reports are being filed today for five (5) CMI Commission licensees, including Cumulus Licensing LLC and Radio License Holding CBC, LLC, which together are the licensees of approximately 500 full-power radio stations. However, it has not been possible to complete the ownership reports for CMI's remaining licensees solely because of delays occasioned by malfunctions on the FCC website that have precluded the timely uploading of the numerous broadcast interest spreadsheets to the various FCC Form 323s. Since November 28, 2011, it has required anywhere from several hours to more than 24 hours to upload a single spreadsheet to an FCC Form 323.

As a result of the extraordinary delays occasioned by the FCC website, CMI will be unable to file all of the biennial/post-consummation ownership reports by today's filing deadline.

For that reason, additional time will be needed to complete and file the ownership reports for the Licensees listed in Appendix A and to submit the related documents required by Section 73.3613 of the rules.

Accordingly, CMI hereby requests an extension of time for the entities identified above through and including December 15, 2011, in which to file consolidated biennial and post-consummation ownership reports and to submit any related documents pursuant to Section 73.3613 of the Commission's rules. Neither the public interest nor any private interest will be adversely affected by a grant of this request.

If the staff has any questions regarding this request, please communicate directly with this office.

Very truly yours,

DICKSTEIN SHAPIRO LLP
Attorneys for
Cumulus Media Inc.

By: Andrew Kersting
Andrew S. Kersting

Enclosure

cc: Richard S. Denning, Esq. (w/ encl.) (by e-mail) (for inclusion in public inspection files)
Lew Paper, Esq. (w/ encl.)

Appendix A

Susquehanna Radio Corp.
KSAN(FM), San Mateo, CA (Facility ID 14484), *et al.*
File Nos. BTCH-20110331AIF, *et seq.*

AR Licensing, LLC
KCHZ(FM), Ottawa, KS (Facility ID 33332), *et al.*
File Nos. BTCH-20110331AJF, *et seq.*

Radio License Holding I, LLC
WJR(AM), Detroit, MI (Facility ID 8626)
File No. BTC-20110330ALJ, *et seq.*

Radio License Holding II, LLC
WYAY(FM), Gainesville, GA (Facility ID 48727)
File No. BTCH-20110330ALM, ALN

Radio License Holding III, LLC
KQRS-FM, Golden Valley, MN (Facility ID 35505)
File No. BTCH-20110330ALO, *et seq.*

Radio License Holding IV, LLC
WBAP(AM), Ft. Worth, TX (Facility ID 71200)
File No. BTC-20110331AAA, *et seq.*

Radio License Holding V, LLC
WLS-FM, Chicago, IL (Facility ID 73228)
File No. BTCH-20110331AYC

Radio License Holding VI, LLC
KABC(AM), Los Angeles, CA (Facility ID 33254)
File No. BTC-20110330AYD

Radio License Holding VII, LLC
WMAL(AM), Washington, DC (Facility ID 73250)
File No. BTC-20110330AYF, *et seq.*

Radio License Holding VIII, LLC
KGO(AM), San Francisco, CA (Facility ID 34471)
File No. BTC-20110331AHZ, AIA

Radio License Holding IX, LLC
WPLJ(FM), New York, NY (Facility ID 73887)
File No. BTCH-20110331AEU

Radio License Holding X, LLC
WABC(AM), New York, NY (Facility ID 70658)
File No. BTC-20110331AEV

Radio License Holding XI, LLC
WLS(AM), Chicago, IL (Facility ID 73227)
File No. BTC-20110331AEW

Radio License Holding XII, LLC
KLOS(FM), Los Angeles, CA (Facility ID 35078)
File No. BTCH-20110331AEX

Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Charles R. Naftalin
charles.naftalin@hklaw.com
(202) 457-7040

November 30, 2011

FILED/ACCEPTED

NOV 30 2011

Federal Communications Commission
Office of the Secretary

Hand Delivered

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: Request for Extension of Time within which to file Biennial Ownership Reports

Dear Ms Dortch:

On behalf of the broadcast station licensees listed on the attached page (the "Licensees"), and their parent companies, the Licensees hereby respectfully request a two-week extension of time, from December 1, 2011 to December 15, 2011, within which to complete the electronic submissions of their biennial ownership reports on FCC Form 323, along with associated charts and spreadsheets. This extension of time is necessary, and in the public interest, because the FCC's computer systems which accept and process such ownership report submissions are not functioning in such a way as to permit the timely submission of such ownership reports. For example, and as the FCC's staff is aware, it is requiring many hours of time for the FCC's computer systems to accept the upload, and accept the complete the submission, of a single ownership report. Members of the FCC staff have informed us that it may require more than 24 hours to upload a single spreadsheet as part of the filing of an ownership report. Consequently, the Licensees will not be able to observe a December 1, 2011 filing deadline due to circumstances beyond their control.

The Licensees are able to submit complete paper copies of their ownership reports, and are prepared to do so, promptly upon a request for them from the FCC staff.

Very truly yours,

Charles R. Naftalin

The Licensees:

Urban Radio I, L.L.C., Debtor-In-Possession, the licensee of :
WLIB(AM), New York, New York (Facility ID 28204)
WBLS(FM), New York, New York (Facility ID 28203)

Urban Radio II, L.L.C., Debtor-In-Possession, the licensee of:
WOIC(AM), Columbia, South Carolina (Facility ID 73370)
WARQ(FM), Columbia, South Carolina (Facility ID 58400)
WMFX(FM), St. Andrews, South Carolina (Facility ID 19471)
WWDM(FM), Sumter, South Carolina (Facility ID 58398)
WHXT(FM), Orangeburg, South Carolina (Facility ID 50522)
WZMJ(FM), Batesburg, South Carolina (Facility ID 12421)
WOAD(AM), Jackson, Mississippi (Facility ID 50404)
WJQS(AM), Jackson, Mississippi (Facility ID 50409)
WKXI-FM, Magee, Mississippi (Facility ID 50407)
WJMI(FM), Jackson, Mississippi (Facility ID 50408)
WZNO(FM), Pickens, Mississippi (Facility ID 29512)
WJNT(AM), Pearl, Mississippi (Facility ID 7691)

Urban Radio III, L.L.C., Debtor-In-Possession, the licensee of:
KVTO(AM), Berkeley, California (Facility ID 28681)
KBLX-FM, Berkeley, California (Facility ID 28670)
KVVN(AM), Santa Clara, California (Facility ID 28438)