

Declaration of Kim Eshleman

I, Kim Eshleman, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration.

2. I am a Paralegal for the law firm Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P. in Raleigh, NC. As part of my job duties, I prepare and file applications, reports, and other materials for filing with the Federal Communications Commission ("FCC") via the FCC's various on-line filing systems.

3. In particular, I have extensive experience with preparing and filing Ownership Reports for commercial broadcast stations using the FCC's on-line Form 323, which was revised in 2009.

4. Prior to the latest revisions to Form 323, respondents had the flexibility to upload attachments so that ownership report data could be filed in varying formats depending on the particular ownership structure being presented. The revised Form 323 now generally prohibits attachments and requires ownership information to be inputted in a uniform manner in prescribed fields and formats.

5. Form 323 requires that the vast majority of the ownership data be typed manually into the FCC's web-based filing system. In many cases where there are multiple layers of entities in an ownership structure, the Form requires particular data items to be manually inputted and repeated multiple times across multiple forms. This means that the same data item, for example, an attributable person's name and demographic information, must be repeatedly typed, manually, into the FCC's on-line ownership report system several times over and over.

6. The repetitive information required by the Form 323 results in an astonishing number of pages for some reports. For example, one of my law firm's clients had fewer than 200 pages of ownership data that we had to convert into the on-line Form 323. Once that data, which originally comprised fewer than 200 pages, was converted into the Form 323 prescribed format, the resulting ownership reports, as filed with the FCC, exceed 4,800 pages. This is purely because the FCC's prescribed format has the effect of requiring certain data items to be repeated over and over again.

7. In addition to having to repeatedly input the same data items, the FCC's ownership report filing system is also very burdensome and "buggy" to use. For example:

a. The tab settings in the Form 323 are not programmed for efficient data entry. When tabbing through the data fields, the cursor jumps to random positions within the form. For example, in one section of the form, when you hit tab after entering data in the address field, the cursor jumps back to the beginning of a completely different section of the form instead of to the next address field. When entering large amounts of data, this creates a cumulatively large loss of time.

b. Some data entry fields do not function properly. For example, when you click on the drop down box for a "state" data field, the cursor automatically jumps to the top of the form, instead of displaying a list of the states to choose from. You must hold down the arrow on the drop down box while dragging the mouse over to the list of states in order to prevent this from happening. This significantly slows the data entry process, requiring the user to switch between the keyboard and the mouse. Also, the fact that the form requires the user to choose from a list of states instead of being able to just type the state's two-letter abbreviation further slows the process.

c. More general issues with the usability of the on-line Form 323 include awkward placement of buttons (e.g., Add copies, Show Copies, etc.), random disappearance of significant amounts of data upon validation of the form, and the validation process not catching inconsistencies between call signs and facility identification numbers, and general "slowness" when large amounts of data items have been entered into the form.

d. The revised Form permits certain data to be uploaded in a prescribed Broadcast Interests Spreadsheet format, which is intended to ease the data entry burden. However, I have encountered multiple problems with this feature, and there were several instances for which I had to upload a spreadsheet multiple times. On the first attempt, the system would return validation errors related to what appeared to be blank lines in the spreadsheet. I would upload the same file again, with no changes, and the spreadsheet would validate. I also experienced major delays in the validation of the Broadcast Interests Spreadsheets, particularly in the last several days prior to the December 1, 2011, filing deadline. During the last couple of days, it was taking 24 hours or more for a spreadsheet to validate due to the FCC's server load. This made last minute changes and corrections nearly impossible.

e. The revised Form 323 permits copying data from previously filed ownership report forms, which is also intended to ease the data entry burden. However, I experienced several issues with this feature too. For example, decimal values from previously filed reports do not copy over into new reports. Additionally, the Broadcast Interests Spreadsheets do not consistently copy into the new reports. In many cases, a link to the spreadsheet appears to be in the new form, but it is, in fact, an invalid link. This requires the user to delete the attachment (even though it is not really there) and re-upload the spreadsheet.

8. Due to the having to manually type repetitive data over-and-over again into the FCC's prescribed format, and due to the burdensome and "buggy" nature of the FCC's ownership report filing system, I have spent an exorbitant amount of time preparing and filing FCC ownership reports. For example, I spent approximately 64.2 hours inputting data and filing the more than 4,800 pages of 2011 biennial reports for the one client referenced above in paragraph 6.

The undersigned, under penalty of perjury, declares the foregoing to be true, complete, and correct to the best of her personal knowledge.

December 22, 2011
Date

Kim Eshleman
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Brooks, Pierce, McLendon,
Humphrey & Leonard, L.L.P.