

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Standardizing Program Reporting Requirements) MB Docket No. 11-189
for Broadcast Licensees)

To: The Commission
Marlene H. Dortch, Secretary

**JOINT MOTION FOR EXTENSION OF DEADLINES FOR FILING COMMENTS
AND REPLY COMMENTS**

The forty-seven (47) State Broadcasters Associations named below, by their attorneys in this matter and pursuant to Section 1.46(b) of the rules of the Federal Communications Commission (the “Commission”),¹ hereby respectfully request the Commission, for good cause shown below, to extend the deadlines for filing comments and reply comments in response to the Commission’s *Notice of Inquiry* (“*NOI*”) in this proceeding from January 17, 2012 to, and including, February 7, 2012, for opening comments and from January 30, 2012 to, and including, February 21, 2012, for reply comments.²

Discussion

The confluence of filing deadlines in two concurrent and closely-related Commission proceedings, compounded by the 2011 end of year holiday season travel absences, necessitates the extension of the comment and reply comment deadlines as requested above.³ At bottom,

¹ See 47 C.F.R. § 1.46(b).

² See *In the Matter of Standardizing Program Reporting Requirements for Broadcast Licensees*, Notice of Inquiry, MB Docket No. 11-189, FCC 11-169 (rel. Nov. 14, 2011) (“*NOI*” or “*Standardized Program Report Proceeding*”).

³ See *Standardized Program Report Proceeding* and *In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Order on Reconsideration and

more time is required by the State Broadcasters Associations and their members, as well as by other interested parties which are most likely to be affected by the outcome of the rule making proceeding, to make their views known to the Commission in a carefully considered way to insure an adequate record upon which the next stage in this proceeding must be based.

The deadline for filing opening comments in this *Standardized Program Report Proceeding* is January 17, 2012, which is the same date when reply comments are due in the *Online Public Inspection File Proceeding*.⁴ The limited extension of time is necessary in this proceeding due to the recent federal holidays and the fact that many interested parties were traveling and/or out of the office throughout the week between Christmas and New Year's Day, and many continuing into this week. In addition, many of the same parties and their counsel, which will be preparing and filing comments and reply comments in this *Standardized Program Report Proceeding*, have been actively involved in the *Online Public Inspection File Proceeding* and will be preparing reply comments in that latter proceeding. Under these circumstances, the brief extensions requested are warranted because it would be very difficult and unduly burdensome for interested parties to be able to adequately provide the Commission with a comprehensive legal and factual record in both proceedings simultaneously.

There should be no genuine dispute that the Commission is required to carefully assess not only the perceived public interest benefit of every new regulation it proposes, but also the impact of all new regulations on the persons and entities upon which the burden of compliance will fall. For that reason, fact-based input will be indispensable to the Commission's required evaluation process. As the Commission has long been aware, the process of gathering facts,

Further Notice of Proposed Rulemaking, MB Docket No. 00-168, FCC 11-162 (rel. Oct. 27, 2011) ("*FNPRM*" or "*Online Public Inspection File Proceeding*").

⁴ See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations* MB Docket No. 00-168, 00-44; Order, FCC 11-2089 (rel. December 29, 2011) ("*Extension Order*").

evaluating them, crafting showings, and drafting comments that can only be finalized and filed after having been reviewed and approved by the parties themselves, is a time consuming process.⁵ That process becomes even more important where, as in this case, an assessment of proposed new burdens on the First Amendment rights of regulated entities is involved.⁶

In addition, the limited extension is needed to afford prospective commenters in this *Standardized Program Report Proceeding* a reasonable opportunity to review the reply comments that will be filed in the *Online Public Inspection File Proceeding* before their responses to the *NOI* must be filed. As noted, the deadline for filing comments in response to the *NOI* is January 17, 2012, which is the same deadline for filing reply comments in response to the *FNPRM*.⁷ The confluence of those two filing deadlines now prevents parties intending to file comments in response to the *NOI* from considering the positions of the parties as expressed in the reply comments filed in response to the *FNPRM*. The relevance of those reply comments to the matters under consideration under the *NOI* is clear. To offer one example, in the *FNPRM*, the Commission is proposing to require television stations to post the contents of their political files online using the FCC's website. At the same time, the *NOI* is exploring whether to change the scope, detail, and presentation of certain programming information already publicly available in the form of the required Quarterly Issues/Programs Lists. For example, under the *NOI*, the

⁵ Further complicating matters is the fact that the current January 30 deadline for reply comments to the *NOI* is the same day that the National Association of Broadcasters ("NAB") will begin its Winter Board Meeting. That meeting is scheduled to take place on January 30 and 31. Given that the reply comment deadline is the same day as the meeting begins, a brief extension of the reply deadline would allow members of the State Broadcasters Associations who will be attending the NAB Board meeting the additional time needed to respond thoughtfully to the initial comments that will be filed in this proceeding.

⁶ The State Associations (and likely other parties) intend to elicit input from television and radio stations nationwide to determine what would be involved, in terms of time, effort, capital and other upgrades, for them to develop all of the data contemplated by the "Sample Form" which has been incorporated in the *NOI* as well as to enter that data onto the form. Additionally, the State Associations will be seeking information from affected stations to determine what effect, if any, would the FCC's special "interest" in the type of programming information (quantitative data limited to certain types of subject matter formats) have on the programming judgments of stations going forward and, if so, in what ways.

⁷ See *Extension Order*.

Broadcasters Association, Kansas Association of Broadcasters, Kentucky Broadcasters Association, Louisiana Association of Broadcasters, Maine Association of Broadcasters, MD/DC/DE Broadcasters Association, Massachusetts Broadcasters Association, Michigan Association of Broadcasters, Minnesota Broadcasters Association, Mississippi Association of Broadcasters, Missouri Broadcasters Association, Montana Broadcasters Association, Nebraska Broadcasters Association, Nevada Broadcasters Association, New Hampshire Association of Broadcasters, New Jersey Broadcasters Association, New Mexico Broadcasters Association, The New York State Broadcasters Association, Inc., North Dakota Broadcasters Association, Oklahoma Association of Broadcasters, Oregon Association of Broadcasters, Pennsylvania Association of Broadcasters, Rhode Island Broadcasters Association, South Carolina Broadcasters Association, South Dakota Broadcasters Association, Tennessee Association of Broadcasters, Texas Association of Broadcasters, Utah Broadcasters Association, Vermont Association of Broadcasters, Virginia Association of Broadcasters, Washington State Association of Broadcasters, West Virginia Broadcasters Association, Wisconsin Broadcasters Association, Wyoming Association of Broadcasters

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