



Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

Richard R. Zaragoza  
tel 202.663.8266  
richard.zaragoza@pillsburylaw.com

April 10, 2012

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communication Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20054

Re: **Ex Parte Submission, MM Docket Nos. 00-168 and 00-44**

Dear Ms. Dortch,

On behalf of Duhamel Broadcasting Enterprises (the “Company”), the licensee of KOTA-TV, Rapid City, South Dakota, KHSD-TV, Lead, South Dakota, KSGW-TV, Sheridan, Wyoming, KDUH-TV, Scottsbluff, Nebraska, K09YI-D, Gillette, Wyoming, K09YH-D, Scottsbluff, Nebraska, and K02NT, Scottsbluff, Nebraska, is an attached Declaration signed by William F. Duhamel, President and Chief Operating Officer of the Company, regarding the Commission’s proposals in the above-referenced proceedings to require television broadcasters to replace their existing locally-maintained public inspection files with digital public inspection files to be maintained online.

As specifically detailed in the attached Declaration, the Commission’s proposals to require local television stations to create a centralized online public file, including political records, will create very serious challenges, particularly for smaller television broadcasters, and will increase substantially the public inspection file burdens for television stations. Please include copies of the Declaration in the records of the above-referenced proceedings.

April 10, 2012  
Page 2

If you have any questions, or require further information, please do not hesitate to contact me directly. Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Sincerely yours,

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Richard R. Zaragoza

534065-0000000

## DECLARATION

I, Dr. William F. Duhamel, hereby declare under penalty of perjury that the following facts are true and correct to the best of my knowledge, information, and belief:

1. I am a resident of Rapid City, South Dakota.
2. I am President, Chief Operating Officer and a stockholder of Duhamel Broadcasting Enterprises (the "Company"). The Company is one of the few remaining family-owned operators of both television and radio stations in the country.
3. The Company was founded in 1953 by my mother, Helen S. Duhamel, to operate KOTA(AM), Rapid City, South Dakota. My mother's goal was to serve the residents of Rapid City, including the vast surrounding rural area, as well as the surrounding but distant communities in South Dakota, Wyoming and Nebraska for which Rapid City serves as the metropolitan center. In keeping with this original mission, over time the Company has expanded its service to these communities through the addition of FM radio stations as well as four full power television stations, two Class A television stations, and one low power television station: KOTA-TV, Rapid City, South Dakota; KHSD-TV, Lead, South Dakota; KSGW-TV, Sheridan, Wyoming; KDUH-TV, Scottsbluff, Nebraska; K09YI-D, Gillette, Wyoming; K09YH-D, Scottsbluff, Nebraska; and K02NT, Scottsbluff, Nebraska.
4. Together, these stations provide local news and public affairs programming, local sports, music, entertainment, nationally syndicated talk, as well as ABC Television Network programming to a listening and viewing audience that stretches from the Big Horns of Wyoming in the West, through the Central Plains, across South Dakota in the East, and north and south from North Dakota and Southeastern Montana through the Nebraska Panhandle to the Colorado border. The Company's total coverage area is nearly 90,000 square miles. The East Coast equivalent would be the area between Cleveland, Ohio and New York City from East to West, and from New York to Washington, DC from North to South.
5. Contained within that area are three different states, numerous Congressional districts, and a multitude of counties, school districts and local communities. During the mid-term election year of 2010, the Company received requests for airtime from 44 different political campaigns or issue advertisers.
6. Our stations are required to keep on file at their main studios and available to the public thousands of documents, including the many requests for airtime the stations receive on behalf of candidates for elective office and issue advertisers. With respect to the television stations alone, the Company must maintain public inspection files that occupy approximately 30 feet of file cabinet space during the political off-season, with the political file swelling from its current two feet of file drawer space to approximately four feet at the height of the political season. In general, the political files tend to be the most "active" portion of the public file with regard to the amount of new material and

updates that must be prepared and placed in the file, along with the short time in which that process must occur.

7. On a Company-wide basis, it takes our staff approximately 40 hours, one full workweek, per non-political calendar quarter to keep our public files updated. During election season, the time demands on our staff increase by another 30 hours per calendar quarter, nearly doubling the hours spent maintaining our public files to roughly 70 hours per quarter.

8. Were the FCC to proceed with its plan to require stations to post the content of their public files, including their political files, online, our time commitment to maintaining the public file would more than double again, as that would add a separate and additional layer to our public file maintenance obligations. It would also require us to interface with outside systems for the posting, thereby greatly increasing the likelihood of delays and technical problems that we currently do not face. It would therefore be challenging to accomplish such online posting without adding additional human resources at the TV stations, and if the FCC should ever expand such a requirement to our radio stations, the need to add additional personnel would be unavoidable, as in rural radio stations, there is absolutely no excess employee capacity to handle that kind of additional workload.

9. Unless the FCC can accurately conclude that the public will be better served by our dedicating an increased proportion of our personnel to electronic file maintenance than by continuing to dedicate those human resources to serving our communities, I believe that an online file requirement would exalt electronic form over substance, with the substance being our continued service to our communities.



Dr. William F. Duhamel, Ph.D.

Dated: March 28, 2012