



August 21, 2012

Ms. Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
Room TW-A325
445 12th Street, SW
Washington, DC 20554

REPLY COMMENTS

Re: MB Docket No. 12-106

Notice of Proposed Rule Making re Third Party Fundraising on Non-Commercial Stations

Dear Ms. Dortch:

This is a reply comment from New England Public Radio (“NEPR”) in the above-referenced proceeding (the “NPRM”), in which NEPR has previously filed comments.

We continue to believe that the proposal to allow third-party fundraising on NCE stations is ill-advised.

In its reply comment, the National Religious Broadcasters (“NRB”) responded to some points made by NEPR in its original comment, and some clarification is in order.

NRB says, “...we do not see how” fundraising for charities “would create the appearance that the NCE station is becoming more *commercial*.” (NRB reply comment, page 6, emphasis in the original.) However, our point was less dramatic, not that NCE stations would appear to become “more commercial” with expanded fundraising but



merely that not being a vehicle for fundraising by external entities is an element of our identity that has proven to be beneficial.

More significantly, NBR says, “We do not believe that NCE stations need or seek protection from requests for air time from third party non-profit groups as NEPR suggests.” However, several filed comments have said exactly that, including those of National Public Radio (“...removing the ban on third-party fundraising may cause stations to be inundated with fundraising requests from local nonprofits,” page 5); Nevada Public Radio (“Stations will be faced with evaluating multiple requests weekly or monthly from community non profits and play a gatekeeper role that may be contentious or misinterpreted as an unwillingness to engage in community causes,” comments filed by Phil Burger, page 1); the University Station Alliance; and Chuck Miller for Station WNKU. Several comments also noted a special concern about requests for air time from institutional license holders.

We were struck by a point made by the Station Resource Group (“SRG”) in its comments: “While this proposal [to allow expanded fundraising] was one of many concepts articulated during the Commission’s hearings on the information needs of communities, it was not raised by the public broadcasting entities that participated in those hearings.” (SRG comments, page 1.)

Thus, granting some natural diversity of view, it would be incorrect to see the instant proposal as one sought or even welcomed by the public broadcasting world generally. Nearly all the public radio stations and organizations that filed comments opposed the proposal, as did PBS on behalf of public television (preferring to exclude CPB stations from the proposal’s effects, or otherwise not to adopt it for anyone).

In the NPRM, the Commission repeatedly refers to prior concerns and conclusions about third party fundraising, noting that stations are not licensed to serve as fundraising vehicles for other parties (notably at ¶ 2 and in Footnote 6), and saying that the concerns that led to the original policy remain valid (NPRM at ¶ 8). NPR addressed this matter thoroughly in its comments (*see* page 3), concluding that “[t]he Commission offers no evidence that the underlying rationale for its policy has lost its persuasiveness.”

The Public Broadcasting Act of 1967 described public broadcasting as having “instructional, educational, and cultural purposes.” Fundraising for community entities was not among them. Granting that the Act was formally addressing just CPB and the stations it would support, it’s a good principle.

Respectfully submitted,

/s/ Richard Malawista

Richard Malawista

Executive Director of Broadcasting
and Assistant Station Manager