

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Promoting Diversification of Ownership in the) MB Docket No. 07-294
Broadcasting Services)
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)
)

**COMMENTS ON SIXTH FURTHER NOTICE OF
PROPOSED RULEMAKING**

Educational Media Foundation ("EMF"), by its attorneys, hereby submits these comments in the above-referenced proceeding. EMF is filing these comments for the limited purpose of addressing the impact of extending the requirements for obtaining individual FRNs to all individuals who serve as officers and directors of noncommercial broadcasters, so that these individuals can be tracked through the FCC's databases when these unique identifiers are used in a Form 323E Ownership Report. As set forth below, EMF opposes this extension of the unique FRN obligation to noncommercial stations.

As set forth in the Sixth Further Notice of Proposed Rulemaking ("Sixth FNPRM") in this proceeding,¹ certain noncommercial broadcasters, including National Public Radio ("NPR"), have already objected to this proposal. As noted in the Sixth FNPRM, NPR objected to the extension of the FRN obligation to noncommercial broadcasters as there are public officials and other private individuals who serve on the Boards of public stations who would be very sensitive to providing their Social Security Numbers and other identifying information necessary to obtain an FRN, even if that information was to be kept secure by the FCC. These individuals often

¹ *Promoting Diversification of Ownership in the Broadcasting Services*, Sixth Further Notice of Proposed Rulemaking, MB Docket No. 07-294, FCC 12-166 (released January 3, 2013).

serve in a volunteer capacity, so getting any private information about them may make recruiting for such Board members more difficult.

EMF shares the same concerns that were expressed by NPR. EMF's Board serve purely in a volunteer capacity, and thus the company has no occasion to receive the Social Security Numbers of its Board members. While the company has been able to attract very qualified people to its Board, including some sports figures and others with high profile positions, it is always a concern that imposing too many burdens on such volunteers will discourage the high caliber individuals that the company has been able to attract.

As noncommercial operators like EMF have no "owners" per se, the relevance of the race and ethnicity of its Board members is difficult to fathom in the context of the Commission's inquiries into the diversity of the ownership of broadcast stations. Companies like EMF have no "owners" in any traditional sense of the word. Even the Board of Directors or its equivalent in any noncommercial entity, while having decision-making authority over the company, is not the functional equivalent of ownership per se. Such Board members usually serve for a defined period of time, and members rotate on and off the Board from time to time, yet the company lives on. As the Commission has recognized, in most cases the gradual change in board members in a noncommercial broadcaster does not normally constitute a change in control of a company – as the company endures and carries on with the same goals even as its Board changes.² As such, Board members simply do not have the same importance to determining the mission of a company as do shareholders and Board members in a for-profit enterprise. In many

² See, e.g. *Transfers of Control of Certain Licensed Non-Stock Entities*, 4 FCC Rcd 3403 (1989).

