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To Whom It May Concern:

I am writing in regard to the call for public comments on GN Docket No. 13-86. For context, I am a former General Manager (and continuing volunteer) at a student-run radio station, and a fervent believer in the importance of broadcast media. It is my belief that the FCC rules regarding indecency should be eliminated entirely. Admittedly, this proposition may appear excessive, but I believe that the modern media landscape overwhelmingly supports this conclusion.

The indecency policy suffers from three clear deficiencies, any one of which is sufficient to eliminate it in its entirety:

1. **Definition:** There has never been a clear definition of indecent material.
2. **Context:** Substantial changes in the media landscape have rendered the indecency policy immaterial.
3. **Basis:** The original basis of the policy (protection of children, and avoidance of unwanted speech) is fundamentally flawed.

In spite of the Commission's authority to regulate indecent speech, there has never been a clear definition of indecency by which a broadcast entity could operate. The most apparent problem is the arbitrary nature of "community standards." In reality, a prevailing opinion on what is offensive generally does not exist, and in the rare case that it does, is apt to vary with time and geographic region. Even then, the clause concerning context indicates that whether a word or image is indecent is highly variable and impossible to predict. As such, broadcasters must be excessively conservative in their choice of what to air, often eliminating educational, historical, or otherwise valuable content.

In addition, the enormous increase in cable/satellite television subscriptions and internet access since the Pacifica ruling has made the content practices of broadcast media moot. Indecent and profane material are regularly available through either of these venues with no government-enforced restrictions. Not only that, but such restrictions have been acknowledged as excessively harmful to First Amendment rights in these cases. As a result, holding broadcast media to different standards has no practical effects and serves only to increase the operating burden in an already strained market.

Finally, the basis for indecency regulations has come under continued scrutiny by both the public and a number of Supreme Court judges. Despite what some of the public comments would have you believe, broadcast media is not unavoidable, and limitations on its content does not protect children. Indeed, it is possible to not hear a radio broadcast or watch a television show by not tuning in. As for the children, their exposure to broadcast material is easily controlled by existing mechanisms, typically called parents. Furthermore, the idea that children can be damaged by images or words which reflect the easily observable world around them is absurd.

Frankly, I find the obsession over offensive content in broadcast media to be entirely overblown and inconsistent. That the current standards allow the significant violence in *Saving Private Ryan* but forbid fleeting expletives is beyond confusing. Perhaps most frustrating about this discussion is the manipulation of the Commission by public groups attempting to act as the self-proclaimed moral custodians of the country. Though the Commission does have the authority to define and regulate "indecent" material, I hope that I have been persuasive in my arguments that such material cannot be defined, is readily accessible by other means, and that the basis for this authority is flawed.

Best Regards,
Benjamin T. Yee