

**Before the
Office of Advocacy, Small Business Administration**
U.S. Small Business Administration 409 3rd Street, SW, Washington, DC 20416

In the Matter of)	
)	
Assessment and Collection of Regulatory Fees for Fiscal Year 2013)	MD Docket No. 13-140
)	
Procedures for Assessment and Collection of Regulatory Fees)	MD Docket No. 12-201
)	
Assessment and Collection of Regulatory Fees for Fiscal Year 2008)	MD Docket No. 08-65

COMMENTS OF FIREWEED COMMUNICATIONS LLC AND JEREMY LANSMAN

Fireweed Communications LLC (FWTV) is a regulatee of the Federal Communications Commission (FCC), broadcasting as KYES-TV to South Central Alaska. Fireweed is a member managed LLC. FWTV has two broadcast operations. One is KYES-TV, which main channel is a My Network television affiliate. The other is KNIK-LP which operates as an FM station, under a Local Management Agreement to a local radio broadcasting company. FWTV and its members have no other broadcast interests. KYES-TV may be one of the last independent stand alone full service (not Low Power TV) stations left in the United States.

Under SBA rules, FWTV combined with revenue of its members qualifies as a small business¹.

FCC's Initial Regulatory Flexibility Analysis is Deficient

Fireweed believes that the FCC's Initial Regulatory Flexibility Analysis (IRFA) contained in the proposed rules is deficient, and that the FCC should revise and republish its IRFA for additional public comment before proceeding with the above captioned rulemaking. The required contents of an IRFA are established at 5 U.S.C. 603(b) and (c). Fireweed is concerned that because the IRFA is deficient, the public has not been adequately informed about the possible impact of the proposed rules on small broadcast entities, or whether there are significant alternatives to the proposed rules that would meet the statutory objectives in a less costly manner.

¹ The Small Business Administration sets the upper revenue limit for small television broadcasters at \$35.5 million. Fireweed's revenue is approximates 1% of the upper limit. <http://www.sba.gov/content/table-small-business-size-standards>

The IRFA does address certain industries, such as Local Exchange Carriers² , but not television or radio broadcasters. Specifically, FCC has;

- (1) No description of and, where feasible, an estimate of the number of small broadcasting entities to which the proposed rule will apply;
- (2) No description of the projected reporting, record keeping and other compliance requirements of the proposed rules, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of a request for waiver of an annual regulatory fee;
- (3) The IRFA in paragraph 26, Section VI, states in answer to the requirement that it list, “Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules . **None**. As Fireweed explains its comments in this proceeding, the excessive reporting burden greatly **INCREASES** on exactly the small broadcasting entities least able to cope; those requesting a fee waiver. The fees directly impact the entities ability to perform as required under other FCC rules, and the time taken to file reports in order to request a waiver diminishes the entities ability to meet other rule requirements. FCC, is deficient in this section of the IRFA.
- (4) The initial regulatory flexibility analysis has only a superficial description of any significant alternatives to the proposed rules which accomplish the stated objectives of applicable statutes and has made no effort to minimize significant economic impact of the proposed rule on small entities.
- (5) The IRFA does not discuss an exemption from coverage of the rules, or any part thereof, for small entities.

In its comments in this proceeding, Fireweed has proposed alternatives to the proposed rules.

Fireweed fears the Commission will not seriously consider its alternative proposals. We request

² Paragraph 9, IRFA

that SBA move to require FCC to republish its IRFA, including within it consideration of
broadcasters, and consideration of Fireweeds alternatives,

Filed by and signed by
Jeremy Lansman
Member: Fireweed Communications, LLC
June 19, 2013