

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of)	
)	
)	MB Docket No. 14-127
Expansion of Online Public File Obligations to)	
Cable and Satellite TV Operators and Radio)	
Licensees)	
)	

To: The Commission

Comments of LeSEA Broadcasting Corporation

LeSEA Broadcasting Corporation (“LeSEA”) is a non-profit corporation that, with its subsidiaries, is the licensee of three full power commercial FM radio stations, eight full power commercial televisions stations and several low power televisions stations. As a radio licensee already experienced with compliance of the Commission’s online public inspection file rules for commercial television stations,¹ LeSEA is one of a small number of radio licensees that knows the problems and pitfalls of online public files. LeSEA has several concerns that the Commission should address including 1) the Commission’s procedural approach to the extension of the rule to radio; 2) whether a radio online public file rule will provide a real benefit to the stations’ local listening public; 3) the actual beneficiaries of the rule; and 4) the burden on radio station licensees.

LeSEA’s first concern is the Commission’s procedural approach. Specifically, in response to a Petition for Rulemaking filed by national advocacy groups seeking, ostensibly,

¹ 47 CFR § 73.3526(b)(2) & (3)

easier access to information about who is paying for political advertising on cable and satellite systems, the Commission simply lumped in radio, asking whether they too should upload their public files onto the FCC's system. Though the idea of requiring radio broadcasters to upload their public file was discussed in the second report and order in MM Docket 00-168, *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*,² it is interesting and somewhat problematic, administratively and in terms of effective notice to the public, that a new discussion on the issue is taking place in a completely separate docket that does not include any of the record from the TV online public file proceeding. The concerns of the petitioners urging a cable/satellite online public file rule do not align with issues posed for radio stations, and the FCC's decision to add radio to the public notice creates the potential for an incomplete or conflicting record.

Additionally, the second part of the Commission's two part question, "whether the Commission should initiate a rulemaking proceeding to require broadcast radio stations to use the online public file, and on an appropriate time frame for such a requirement," makes it clear that the first part of the question is moot. That the Commission is seeking comment on when such a requirement should be instituted shows that, without taking into account any of the comments that may be filed, it has already decided that a rulemaking should be initiated and that radio stations will be required to use the Commission's online public file system (though comments on that separate issue haven't even been sought).

LeSEA questions the real purpose of having online public files on the Commission's website. Who, in fact, does such a requirement benefit? Based on the limits of the technology, broadcast radio listeners are nearly all local, they do not need the FCC's website to find

² FCC 12-44, rel. April 27, 2012.

information about their local stations. Listeners can go to the local main studio to view a station's public file, or if a station's studio is not located within its community of license, listeners can call the station, have the file contents described to them, request copies, and receive them at no charge.³ Thus, local listeners, if they are interested, already have easy and convenient access to the locally held public file, in keeping with the FCC's localism and community service objectives.

It therefore appears that the real purpose for creating a public file database is to benefit non-local national advocacy groups and individuals who do not listen to and are not connected to a radio station's local service area in any way. Online public files make it easier for those national advocacy groups or individuals to review public files in order to file complaints about any rules violation, even those that may be *de minimus*. For radio stations with smaller staffs and limited budgets, compliance and complaints create real burdens. Even meritless complaints delay, and sometimes even prevent, application processing at the FCC.

Further, despite the Commission's assurances in the TV docket that it would not use online public files as an enforcement tool, the Commission staff has regularly used the online public file to indirectly enforce the public file requirements (*e.g.* by confirming or disputing renewal certifications based on what is viewable in the online public file).

Additional proof that the online public file rules do not actually serve the public interest can be found in the Commission's own actions. During the 2013 government shutdown, the Commission prevented access to the public file database for 16 days when the FCC's website was shut down. A person wanting to see a television station's public file from October 1 through October 16, 2013 simply could not. Further, stations could not even comply with public

³ See 47 C.F.R. §73.3526(c)(iii)

file requirements during this period because uploads to the file were not possible. The same would occur if the FCC's host site was hacked or temporarily unavailable. However, if public files were still kept at the station's main studio, a local listener would have had easy access to the public file.

Finally, there is the burden that the online public file causes to radio licensees. LeSEA's radio station staffs are small and employees are already multi-tasking in order to deliver quality programming to their listeners. It takes more time to correctly and accurately upload documents than to simply print and place a document in a file. The extra time, combined with having to respond to spurious complaints, will have a significant negative effect on small radio broadcasters like LeSEA in an economy when their operations are already financially strained.

For these reasons, the Commission should not open a rulemaking proceeding and should not require that radio stations place their public files in the Commission's online public file database. The current public file rules provide ready and convenient access; both to radio station listeners and to those members of the public within their coverage areas.

Respectfully submitted:

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