

United States Senate

April 25, 2008

The Honorable Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Chairman Martin:

I appreciate the efforts of the Federal Communications Commission to study the issue of localism in broadcasting. I do, however, want to convey some concerns which have been brought to my attention by broadcasters in my home state regarding the recommendations made in the Commission's Report on Broadcast Localism and Notice of Proposed Rulemaking.

Local broadcasters play an important role in the communities they serve, and most are dedicated to providing programming which meets the needs and interests of those communities. In Nebraska, many of these stations are locally-owned and operated and are an integral part of the cities and surrounding areas they serve. While I agree with many of the goals outlined in the Commission's report, such as the need to encourage community input and to ensure that emergency communications are properly disseminated to the public, I am concerned about imposing one-size-fits-all mandates on our local broadcasters.

One of the stated goals in the report is to ensure that broadcasters are appropriately addressing the needs of their local communities. The report states that many stations do not engage in adequate public dialogue as to community needs and interests; however, there are many stations which do have meaningful outreach and involvement with members of the community. Encouraging this dialogue is good, but mandating that licensees set up permanent advisory boards may not be the best way to achieve this goal. As one of my broadcasters explained it to me, this idea exalts form over substance. Imposing a blanket requirement to convene permanent advisory boards ignores the diverse needs and challenges of communities in different parts of the country and completely discounts what broadcasters are already doing that is successful in facilitating community involvement.

Broadcasters in my state are also concerned with the Commission's proposal to reinstate rules requiring that licensees maintain a physical presence at each broadcasting station during all hours of operation. Reverting to this "Main Studio Rule" may not achieve the Commission's stated goal of increasing the ability of the station to provide local information to the community in which it is located. Broadcasters in smaller markets, such as many in my state, need the benefit of savings achieved by taking advantage of modern-day technologies allowing remote and automated management of stations. Requiring staffing for all hours of operation could actually reduce the amount of locally-originated programming, given the additional cost of staffing stations 24 hours a day, 7 days a week.

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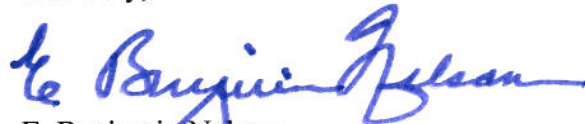
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Part of the Commission's discussion on the Main Studio Rule focused on the dissemination of emergency communications. I agree it is of the utmost importance that emergency information be disseminated as quickly and as efficiently as possible to the public. Broadcasters in my state share that belief and are committed to the safety of the citizens they serve. Due to advances in technology, it is not always necessary to have a physical presence in the studio to ensure these emergency communications are distributed to the public. We should continue to focus on improving emergency alerts; and the Commission should continue working with broadcasters to find the most appropriate and efficient ways of alerting the public to emergency situations, rather than simply mandating that broadcasters have a physical presence in their stations at all times.

It is my hope as the Commission moves forward on this rulemaking that you take into consideration the impact that some of these proposals will have on small, locally-owned stations. These are small businesses with narrow operating margins who will feel the impact of additional regulatory burdens. I fear that implementation of some of these proposals, regardless of how well-intentioned, could negatively impact some stations in my state to the point where we risk losing them as a local voice in the communities they serve.

Thank you for your consideration of my comments.

Sincerely,



E. Benjamin Nelson
United States Senator

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