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May 6, 2008

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

Dear Chairman Martin,

I am writing you today in reference to the Commission's *Report on Broadcast Localism and Notice of Proposed Rulemaking*. I am concerned that the Commission is considering changes that would replace current regulations with decades-old rules that have been previously dismissed as ineffective and unnecessary. I urge the Commission to reconsider these proposals and concentrate on ensuring the continued viability of our nation's broadcasting system.

In the *Localism Report*, the Commission has proposed returning to a bygone era when it was necessary to regulate the behavior of broadcasters that were the only game in town. In the midst of a digital revolution, however, it is clear that the media market has changed. Dusting off old regulations, more suited to the 1950s than today, is problematic on a number of levels. One, it unfairly places broadcasters, both radio and television, at a competitive disadvantage relative to other major players in the market, including cable and satellite program providers, and digital media companies. Two, the proposed rules raise a number of constitutional issues. New content-based license renewal processing guidelines, for example, could force broadcasters to air programming they might not otherwise air for fear they may lose their broadcasting license. These processing guidelines are, in effect, programming quotas that give certain types of speech the government stamp of approval. The First Amendment was written to prevent this kind of action by our government, and it should prevent the Commission from pushing forward with these old and unnecessary rules.

Finally, I am concerned for many of the smaller broadcasters that operate to benefit small towns and rural areas. My home state of North Carolina has many such broadcasters, and I fear that these new regulations could unfairly hamper their ability to provide quality local service. According to the *Localism Report*, the Commission is considering a change to the rule regarding unattended operation of a radio or television station. The current rules allow many stations that have limited funds and staff to operate their stations at night, and provide revenue for better

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daytime operations. Further, these rules help ensure that *more* radio stations are on-air at any given time, providing more opportunity for coverage in case of an emergency. I am not convinced by "critics" that suggest these rule changes are necessary to strengthen our emergency alert system. Knocking stations off the air will only hamper, not improve, broadcasters ability to alert the public. The proposed rule change is illogical, and will likely cost more lives that it saves.

I appreciate the Commission's attempt to improve local broadcasting, but I disagree that the rule changes proposed are the right approach. Marketplace incentives have driven Commission policy for the last 25 years, and there is little reason to change that policy today. I urge the Commission to reconsider these proposed rule changes.

Sincerely,



Mike McIntyre
Member of Congress

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