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CONGRESS OF THE UNITED STATES
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The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 Twelfth Street, SW
Suite 844
Washington, DC 20554

Dear Chairman Martin:

The Federal Communications Commission (FCC) is considering a series of proposals to promote localism in the broadcast radio industry. As a senior member of the Committee on Energy and Commerce and the Subcommittee on Telecommunications and the Internet, I have long voiced my strong support for quality local radio programming. I believe that promoting localism should be a priority at the Commission in order to serve the unique needs of the community and maintain diversity. With this mindset, I am concerned that some of the proposals that the Commission is considering would not achieve their purported goals and would unnecessarily harm small and minority broadcasters.

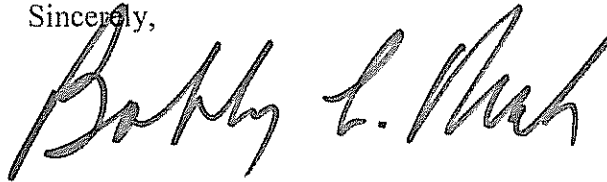
In particular, I am concerned with two possible mandates: (1) the 24-hour presence of personnel at radio stations; and (2) the physical relocation of studios to the communities of license. Neither regulation would, in my estimation, promote the cause of localism, but would impose unnecessary and possibly unbearable burdens on local broadcasters.

Many small and minority-owned radio stations may not have the financial wherewithal to pay personnel to staff their facilities 24-hours a day. Such a costly mandate could have the unintended consequence of harming the cause of localism by driving these broadcasters out of business or towards consolidation with bigger corporate entities. It is my understanding that the logic behind this proposal is to ensure radio stations will be able to inform communities of emergencies. However, given that the Commission rescinded a similar requirement in 1995 in recognition of modern technology, it is not clear to me how the technological and regulatory landscaped has changed to warrant the re-imposition of this costly mandate.

Moreover, to promote localism, modern technology also renders unnecessary the need for a radio station's studio to be physically located in the community of license. Many broadcasters have already made costly investments in the construction and maintenance of their studios. A mandate to physically relocate these studios could be particularly burdensome to small and minority-owned radio stations unable to make costly capital outlays. Localism is about unique programming serving the needs and characteristics of a particular community, not about a physical formality. The Commission has consistently recognized this logic – progressively relaxing the so-called Main Studio Rule since 1987 – and broadcast studios can now be located within the station's listening area. It is not clear why such a re-imposition of this costly rule would serve the cause of localism.

I applaud the Commission's intent to promote quality local programming for our communities across America, and I hope to forge a partnership with the Commission on this matter through Congressional oversight and legislation. However, I hope that the Commission fully weighs the costs of these proposals, particularly for those that may, at best, have only marginal benefits, or, at worst, be counterproductive in the promotion of localism. Should you wish to discuss this matter, please feel free to contact me or have someone with your staff contact Christian Tamotsu Fjeld in my office at (202) 225-4372. Thank you for your attention to my concerns.

Sincerely,

A handwritten signature in black ink that reads "Bobby L. Rush". The signature is written in a cursive, flowing style.

Bobby L. Rush
Member of Congress