

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Parts 0, 1, 5, 73, and 74 of the Commission's Rules Regarding Posting of Station Licenses and Related Information)	MB Docket No. 18-121
)	
Modernization of Media Regulation Initiative)	MB Docket No. 17-105

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

I. INTRODUCTION

The National Association of Broadcasters (NAB)¹ hereby files these comments supporting the Commission's proposal to eliminate rules requiring broadcasters to post hard copies of licenses and other information at specific locations.² Advancements in technology have made physical posting requirements obsolete, and thus removing such requirements would meet the Commission's goal of modernizing its regulations.³ Likewise, NAB also urges the Commission to take necessary measures to ensure that electronic filing is available for all broadcast services, including the AM service.

¹ NAB is a nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Amendment of Parts 0, 1, 5, 73, and 74 of the Commission's Rules Regarding Posting of Station Licenses and Related Information*, Notice of Proposed Rulemaking, MB Docket Nos. 18-121, 17-105, FCC 18-61 (May 10, 2018) (Notice).

³ See *Commission Launches Modernization of Media Regulation Initiative*, Public Notice, MB Docket 17-105, FCC 17-58 (May 18, 2017).

II. RULES REQUIRING BROADCASTERS TO POST PHYSICAL COPIES OF LICENSES AND OTHER BROADCAST AUTHORIZATION DOCUMENTS ARE UNNECESSARY, OBSOLETE AND DO NOT SERVE THE PUBLIC INTEREST

The Commission acknowledges that it has never provided a clear rationale for adopting posting requirements; the first being adopted nearly 90 years ago.⁴ The most plausible reason for the requirements is that they were intended to ensure that a station's authorization, ownership and contact information were readily accessible to Commission inspectors and the public. At that time, the only means for the public to access that information was through an in person visit. With the advent of the internet, however, anyone who wants to obtain this information can do so far more efficiently through a computer, phone or tablet. Modern technology has rendered these physical posting obligations obsolete.

A. Existing Posting Requirements Are Obsolete and Unhelpful to the Public

1. Advancements in Technology Have Made Posting Requirements Outdated

Technological advancements in recent years have made retaining posting requirements unnecessary. No longer are the days when an interested person had to travel to a broadcast station, or another transmission facility, to view or obtain specific information from a licensee's authorization documents. As the Notice observes, the public today has immediate access to a wide range of licensee information through Commission databases.⁵ Because licensee information is easily accessible online, posting physical documents at

⁴ Notice at ¶¶ 4 & 7.

⁵ *Id.* at ¶¶ 5 & 6. In addition, significant information about broadcast licensees, such as ownership information, is available through online sources, including company websites. And members of the public do not need to see physically posted contact information to be able to communicate with local stations, given the ubiquity today of station websites with contact information.

transmission facilities is redundant and provides no meaningful value to the public. There is no evidence that anyone avails themselves of the opportunity afforded by the current rules. Thus, the time and effort spent by station personnel to post and maintain these posting requirements is without any corresponding public benefit.⁶

Improvements in broadcast technology have also contributed to posting requirements' obsolescence. Certain rules require licensees to post authorization documents at the "principle control point of the transmitter."⁷ As the record reflects, broadcasters have transitioned to dial-up or IP remote control systems, allowing them to control transmitters by mobile devices or smartphones.⁸ As a result, many broadcasters no longer have centralized "principle control points," making any reference to such obsolete today.

2. Removing Posting Requirements Will Not Adversely Impact the Public

The Commission also seeks comment on whether removing posting requirements will undermine any public safety objectives.⁹ NAB firmly believes that it will not. As discussed above, posting requirements are generally redundant given the accessibility of licensee

⁶ As the Notice acknowledges (at ¶ 10), custodian of record information that LPTV, translator and booster stations are required to post under Sections 74.1265(b) and 74.765(b) is not available through Commission databases. However, this information serves little purpose as station licensee and contact representative information are accessible online. NAB believes that members of the public today seeking such information are much more likely to check FCC databases rather than physical postings on structures that may be located miles away.

⁷ See 47 C.F.R. §§ 73.1230 (applicable to full power broadcast stations and Class A TV stations) and 73.801 (applying § 73.1230 to low power FM broadcast stations).

⁸ Comments of Alpha Media LLC, Emmis Communications Corporation, iHeartMedia, Inc., Liberman Broadcasting, Inc., New York Public Radio, and Urban One, Inc., MB Docket No. 17-105, at 4 (July 5, 2017); Reply Comments of NAB, MB Docket Nos. 17-105, 15-216, 10-71 & RM-11643 at 6 (Aug. 4, 2017).

⁹ Notice at ¶ 9.

information online. Some of these rules, moreover, are unhelpful to the public as they require broadcasters to post documents in areas that may not be publicly accessible. For example, Sections 74.765(b) and 74.1265(b) require certain broadcasters to post licenses “on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground.” As the Notice observes, LPTV, booster and translator transmission sites are often in areas surrounded by security fencing, thereby limiting the public’s access to these facilities and any posted information required under these rules.¹⁰ In such cases, the posting requirements serve little evident public purpose.

Moreover, removing posting requirements would not impact first responders’ ability to contact the appropriate person during an emergency.¹¹ Antenna structure registration numbers allow first responders and others to rapidly identify the owner of a tower structure in the event of a tower lighting outage, collision or other problem. Because licensees typically do not own the towers on which their antennas are placed, eliminating requirements to have licensees’ information physically displayed would not impede a first responder’s ability to respond to an emergency involving a tower.¹²

B. The FCC Should Make Electronic Filing Available for All Broadcast Services and Applications

As the Commission moves to eliminate unnecessary regulations and expand its use of electronic filings and databases, NAB urges the Commission to allow all AM station applications to be filed online, as is the case for other services. This will ensure that the

¹⁰ *Id.* at ¶ 8.

¹¹ *Id.* at ¶ 9.

¹² In addition, NAB notes that broadcasters have every incentive to make relevant information, such as station operating parameters, available and readily accessible to station personnel at their studios or transmitter sites to ensure proper station operation.

most accurate AM licensee information is available online and updated regularly.¹³

Ensuring that its databases accurately reflect all pertinent licensee technical information will promote the interests of the public, broadcasters and the FCC itself.

III. CONCLUSION

NAB supports the proposal to eliminate rules requiring broadcasters to post physical licenses at specific transmission facilities. Removing posting requirements is consistent with the FCC's overall media modernization efforts to ensure its regulations reflect the current marketplace and keep pace with technology. As part of the continuing modernization of its rules and processes, the Commission also should allow electronic filing for all broadcast services, including all AM applications, which will further enhance the accuracy of its databases.

Respectfully submitted,

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¹³ If AM licensee information must be manually entered into the FCC's databases, then errors may occur.