

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

In the Matter of)	
)	
Revisions to Public Inspection)	
File Requirements –)	MB Docket No. 16-161
Broadcaster Correspondence File)	
And Cable Principal Headend Location)	

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (NAB)¹ submits these reply comments to the *Notice of Proposed Rulemaking* (NPRM) in the above-captioned proceeding regarding the Federal Communication Commission’s (FCC) proposal to eliminate the requirement that commercial broadcast stations retain correspondence from the public in their local paper inspection file.² As stated in our initial comments, NAB supports the proposal to eliminate the requirement to retain public correspondence, and only correspondence, in stations’ local paper file.³ Broadcast commenters agree that members of the public rarely – if ever – access stations’ paper correspondence, instead relying on digital forms of communication to comment about a station’s performance. Further, broadcasters agree that eliminating the

¹ The National Association of Broadcasters 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 *Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, Notice of Proposed Rulemaking, MB Docket 16-161, at ¶ 1 (May 25, 2016) (NPRM).

³ See Comments of the National Association of Broadcasters, MB Docket No. 16-161 (July 22, 2016) (NAB Comments).

correspondence file from their public inspection files would alleviate concerns about privacy and station safety.

I. THE PUBLIC DOES NOT RELY ON STATIONS' CORRESPONDENCE FILES

Broadcast commenters make clear that the public simply does not make use of stations' paper correspondence files. Saga Communications notes, for example, that not a single member of the public has visited a Saga station in any one of its 26 markets to review documents in the correspondence file in the last five years.⁴ The Broadcaster Coalition agrees. Out of the 99 television stations and 59 radio stations included in the coalition, “few, if any, members of the public ever review a station’s correspondence file.”⁵

Meredith Corporation also observes that the public now uses the Internet and social media to “self publish” comments about broadcasters.⁶ This information is then immediately accessible to the public without broadcasters needing to grant physical access to stations. As Meredith further notes, this easy access allows consumers to not only communicate in the first place but also to “interact[] with like-minded consumers” to “more coherently unite and advance issues and change.”⁷ The purpose of the correspondence file is to allow individuals to review comments by other members of their community to understand the extent to which their concerns are shared by the community.⁸ Blogs, website comments, Facebook, Twitter,

⁴ Comments of Saga Communications, Inc., MB Docket No. 16-161, at 2 (July 22, 2016) (Saga Comments).

⁵ Comments of The Broadcaster Coalition, MB Docket No. 16-161, at 1 and 2 (July 22, 2016) (Broadcaster Coalition Comments).

⁶ Letter of Joshua N. Pila, Meredith Corporation, MB Docket No. 16-161, at 1 (July 21, 2016) (Meredith Letter). NAB also discussed this concept in its comments. See NAB Comments at 2.

⁷ *Id.*

⁸ See NPRM at ¶ 3 (quoting *Formulation of Rules and Policies Relating to the Renewal of Broadcast Licensees*, Memorandum Opinion and Order, 44 FCC 2d 405, 415, ¶ 35 (1973)).

and other digital media lower the barriers to engagement by the public and more effectively fulfill this purpose than a paper correspondence file.

If members of the public still want to communicate with broadcasters through written mail or e-mail, however, as the Broadcaster Coalition states, they can still do so.⁹ Television stations will continue to review and respond to concerns expressed in certain correspondence, and they will continue to fulfill their duty to include a summary of that correspondence in their license applications per 47 U.S.C. § 308(d) and renewal Form 303-S.¹⁰ Eliminating the correspondence file from broadcasters' public inspection files does not change or eliminate any obligations broadcasters have to consider communications from the public.

Given the benefits of digital correspondence and the risks broadcast commenters highlight in their comments related to paper files, including privacy concerns for letter writers¹¹ and visits from unknown members of the public to stations,¹² the Commission cannot justify continuing to require stations to maintain a paper public inspection file solely for the correspondence file.

II. ARGUMENTS IN FAVOR OF MAINTAINING THE PAPER CORRESPONDENCE FILE ARE UNSUPPORTED BY EVIDENCE

The National Hispanic Media Coalition (NHMC) argues that the Commission should continue to require stations to maintain a correspondence file because it is “often the most informative folder in a station’s entire public file.”¹³ To support this position, NHMC cites to

⁹ See Broadcaster Coalition Comments at 3.

¹⁰ *Id.*

¹¹ See, e.g., Meredith Letter at 1.

¹² See, e.g., Broadcaster Coalition Comments at 5-6.

¹³ Comments of the National Hispanic Media Coalition, MB Docket No. 16-161, at 2 (July 22, 2016).

two instances when it says it has used the correspondence file to bring to light the airing of hate speech by broadcasters.¹⁴ The actual citations, however, do not contain a single mention of any station's correspondence file, or a single instance when NHMC reviewed a station's public inspection file. Indeed, in examining NHMC's citations, it appears that NHMC may not understand the distinction between a broadcaster's public inspection file and complaints filed by the public using the FCC's Consumer Help Center.

NHMC first cites to its press release discussing a complaint it filed against a station at the FCC.¹⁵ The complaint references multiple indecency complaints made by consumers about that station to the FCC, which NHMC obtained from the Commission through a Freedom of Information Act (FOIA) request.¹⁶ NHMC evidently did not rely on information from the station's correspondence file in submitting its complaint with the FCC. NHMC's second citation, also to one of its own press releases, similarly makes no mention of the correspondence file of the station to which it referred.¹⁷

NHMC also challenges the Commission's conclusions about the public's lack of reliance on the correspondence file, the redundancy of the file and the file's burden on broadcasters.¹⁸ But again, NHMC's comments are devoid of evidence that it or any other member of the public rely on broadcasters' correspondence files. If NHMC believes it

¹⁴ *Id.*

¹⁵ See, NHMC Comments at 2, n. 7.

¹⁶ See, *Obscene, Indecent, and Profane Material Broadcast on KRCA*, Complaint, at ¶ 8-10 (Feb. 2011), available at <http://www.nhmc.org/wp-content/uploads/2011/02/Jose-Luis-Sin-Censura-Liberman-Complaint.pdf> (discussed in NHMC Comments at 2, n. 7).

¹⁷ See, NHMC Applauds KFI AM for Suspending Hate Mongers John and Ken, (Feb. 16, 2012), available at <http://nhmc.org/sites/default/files/Applauds%20KFI%20AM%20for%20Suspending%20Hate%20Mongers%20John%20and%20Ken.pdf> (cited in NHMC Comments at 2, n. 7).

¹⁸ See NHMC Comments at 3.

imperative that broadcasters maintain their correspondence files, then it should produce at least some shred of evidence demonstrating the continuing value of those paper files.

NHMC's comments also include outlandish assertions, claiming that if the Commission eliminates the correspondence file, the public will only be able to air grievances with broadcasters once every eight years during license renewals.¹⁹ As the NPRM reflects, every avenue of communication with broadcasters is available 24 hours per day, seven days a week, whether it be through written letters, phone calls, e-mails, websites or social media. Members of the public also may easily file complaints about stations through the Commission's Consumer Help Center at any time. NHMC's very failure to understand this basic concept demonstrates exactly why the Commission should discard NHMC's comments.

Howard Media Group is the only other commenter that opposes the Commission's proposal to eliminate the correspondence file from stations' public inspection files.²⁰ As NAB noted in our initial comments, Howard's argument that a paper correspondence file is necessary for members of the public that lack Internet access "is undermined by the Commission's own determination that an online public inspection file better serves the public interest."²¹ NHMC also raises this argument,²² but it fails to provide any additional support. Contrary to what NHMC asserts, members of the public who lack broadband access at home still have the means to communicate with broadcasters, including, but not limited to, writing letters to stations, which will be unaffected by eliminating the correspondence file requirement. This argument should be rejected.

¹⁹ See *id.* at 4-5.

²⁰ Letter of the Howard Media Group, MB Docket No. 16-161 (June 29, 2016).

²¹ See NAB Comments at 3.


²² See NHMC Comments at 4.

III. CONCLUSION

For these reasons and those stated in our initial comments, NAB continues to encourage the Commission to eliminate the broadcaster correspondence files from their public inspection file requirements.

Respectfully submitted,

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BROADCASTERS**
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A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right from the end of the signature.

Rick Kaplan
Jerianne Timmerman
Scott Goodwin
Emmy Parsons

August 22, 2016