

Congress of the United States
Washington, DC 20515

September 30, 2008

The Honorable Kevin J. Martin, Chairman
Federal Communications Commission
445 Twelfth Street, S.W., Ste 844
Washington, DC 20554

Dear Chairman Martin:

We are writing to you with respect to the Federal Communications Commission's pending rulemaking regarding broadcast localism (MB Docket No. 04-233). We are particularly concerned that two of the Commission's tentative conclusions will, if adopted in their current form, have an adverse impact on the ability of minority broadcasters to continue to serve their communities.

Our concerns are centered on the Commission's proposals to require 24 hour station staffing, and to require many stations to relocate their main studios. If adopted, these proposals would impose a significant financial hardship on minority broadcasters, with little tangible benefit to the public. For this reason these proposals have been opposed by the National Association of Black Owned Broadcasters (NABOB) and the Minority Media and Telecommunications Council (MMTC).

With respect to the proposal to require 24 hour station staffing, in the ideal world perhaps such a requirement might be viable. Indeed, many large urban stations are staffed around the clock without an FCC requirement telling them to do so. Those stations that are not staffed 24 hours a day tend to be those that do not have a strong balance sheet, and simply cannot afford to do so. There are alternatives that NABOB and MMTC suggest in their filings, and we urge the Commission to carefully consider these alternatives that would impose less of a burden on minority broadcasters.

Similarly, the Commission's proposal to require many broadcasters to move their main studio would have a particularly harsh effect on struggling stations, including those owned by minorities. Many licensees have entered into long-term leases of their studio facilities based on more than 20 years of settled law. Forcing them to break their leases,

acquire new space, and move their studios could well put some stations out of business.

While we are sure that each of these proposals is well-intentioned, we do not believe that the costs involved are justified by an increase in service to the public. Requiring a station to hire extra personnel to staff a station 24 hours a day, 365 days a year, on the chance that a disaster may occur in the middle of the night seems to us to impose a disproportionate burden on stations for a nominal potential increase in public service that might be rendered. And it would be particularly ironic if a community lost the service of a station altogether because it could not afford the extra expense of complying with this new regulation.

Moving a station's main studio in the hope that it would improve localism likewise imposes a burden that is disproportionate to the benefit (if any) that the public would receive.


Radio broadcasters operate in an extremely competitive marketplace. They compete against each other; they compete against unregulated sources of entertainment like ipods and other portables devices. If they don't meet the needs of their communities, they will lose listeners and ultimately fail as businesses. In that kind of competitive environment, imposing costs on licensees with only speculative benefits to the public seems to us to be both unfair and unwise. We urge the Commission either to reject outright, or significantly modify, these two proposals.

We ask that a copy of this letter be made part of the Commission's record in the above-referenced proceeding.


Sincerely,


JAMES E. CLYBURN
Majority Whip



KENDRICK B. MEEK
Member of Congress


GREGORY W. MEEKS
Member of Congress

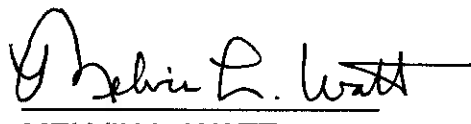

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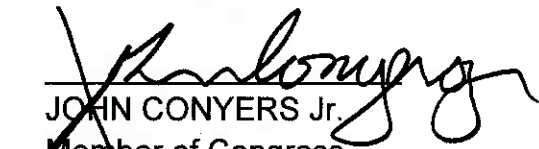

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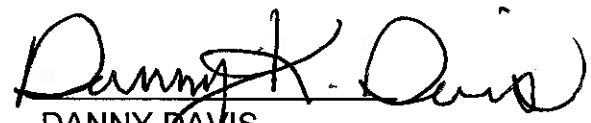

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