

**FCC FACT SHEET**\*

**Elimination of the Main Studio Rule**  
Report and Order – MB Docket No. 17-106

**Background:** The FCC's main studio rule requires each AM, FM, and television broadcast station to maintain a main studio located in or near its community of license. The Commission first adopted main studio requirements in 1939 to ensure that stations would be accessible and responsive to their communities. However, a local main studio is no longer needed to fulfill these purposes. Broadcast stations' transition from local public inspection files, maintained at the station's main studio, to an online file hosted by the Commission will be almost entirely complete by March 2018, and thus the need for community members to visit a station's local main studio to access its public inspection file is quickly becoming a relic of the past. Similarly, broadcast stations now interact with their communities of license online, and technology enables them to produce local news even without a nearby studio.

Additionally, the record shows that eliminating the main studio rule will produce substantial benefits. Broadcasters will be able to redirect the significant costs associated with complying with the main studio rule to programming, equipment upgrades, newsgathering, and other services to the benefit of consumers. Repealing the rule will also encourage the launch of new broadcast stations in small towns and rural areas and help prevent existing stations in those areas from going dark. This Report and Order removes requirements that are now outdated and unnecessarily burdensome for broadcast stations.

**What the Report and Order Would Do:**

- Eliminate the main studio rule;
- Eliminate existing requirements associated with the main studio rule, including the requirement that the main studio have full-time management and staff present during normal business hours, and that it have program origination capability;
- Retain the existing requirement that broadcasters maintain a local or toll-free telephone number to ensure that community members retain the ability to communicate with and obtain information regarding their local stations; and
- Require stations to maintain any portion of the public file that is not part of the online public file at a publicly accessible location within the station's community of license, to ensure that community members will continue to have local access to public files when necessary.

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

In the Matter of
Elimination of Main Studio Rule
MB Docket No. 17-106

REPORT AND ORDER\*

Adopted: []

Released: []

By the Commission:

I. INTRODUCTION

1. In this Report and Order (Order), we adopt our proposal to eliminate the Federal Communications Commission (Commission) rule that requires each AM, FM, and television broadcast station to maintain a main studio located in or near its community of license. We also adopt our proposal to eliminate existing requirements associated with our main studio rule, including the requirement that the main studio have full-time management and staff present during normal business hours, and that it have program origination capability.

2. The Commission first adopted main studio requirements in 1939 to ensure that community members could provide their local broadcast stations with input and that stations could participate in community activities. The record in this proceeding clearly demonstrates that a local main studio is no longer needed to fulfill these purposes. The record also shows that eliminating the main studio rule will produce substantial benefits. Broadcasters will be able to redirect the significant costs associated with complying with the main studio rule to programming, equipment upgrades, newsgathering, and other services to the benefit of consumers. Moreover, repealing the rule will encourage the launch of new broadcast stations in small towns and rural areas and help prevent existing stations in those areas from going dark.

3. Since 2014, broadcasters have been transitioning from local public inspection files, maintained at the station’s main studio, to an online file hosted by the Commission. This transition will

\* This document has been circulated for tentative consideration by the Commission at its October 2017 open meeting. The issues referenced in this document and the Commission’s ultimate resolutions of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Chairman has determined that, in the interest of promoting the public’s ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The Commission’s ex parte rules apply and presentations are subject to “permit-but-disclose” ex parte rules. See, e.g., 47 CFR §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR §§ 1.1200(a), 1.1203.

1 47 CFR § 73.1125(a)-(d).

2 See, e.g., Applications of the Tribune Company, Tampa, Florida, et al., 19 FCC 100, 148 (1954) (“The accessibility of the broadcast station’s main studio may well determine in large part the extent to which the station (a) can participate and be an integral part of community activities, and (b) can enable members of the public to participate in live programs and present complaints or suggestions to the stations.”).

3 See infra Section III.E.

be almost entirely complete by March 2018, when the last group of remaining radio stations to transition must begin using the online file.<sup>4</sup> Although our rules will permit some stations to maintain a small portion of their public file documents locally for a limited period of time, the need for community members to visit a station's local main studio to access its public inspection file is quickly becoming a relic of the past. While we take steps to ensure that community members will continue to have local access to public files when necessary, we find that the few circumstances in which broadcast stations may continue to maintain portions of their public files locally do not justify the existence of our main studio rule. Moreover, the record shows that community members are highly unlikely to visit a station's main studio for other purposes, with people instead choosing to contact their local stations through more efficient means such as the telephone, email, or social media.<sup>5</sup> Similarly, broadcast stations now interact with their communities of license via online means, and technology enables them to produce local news even without a nearby studio.<sup>6</sup> For all of these reasons, we adopt the tentative conclusion in the Notice of Proposed Rulemaking that the main studio rule and its associated requirements are now outdated and unnecessarily burdensome for broadcast stations, and should therefore be eliminated.<sup>7</sup>

## II. BACKGROUND

4. When the Commission first adopted its main studio rules nearly 80 years ago,<sup>8</sup> it defined a "main studio" as "the studio from which the majority of [a station's] local programs originate, and/or from which a majority of its station announcements are made of programs originating at remote points."<sup>9</sup> In the 1970s, the Commission consolidated its previous main studio rules and adopted a single rule requiring each station to have a main studio that is reasonably accessible to its community of license.<sup>10</sup> The Commission subsequently relaxed this rule to provide broadcasters with more flexibility regarding the location of their main studios.<sup>11</sup> Section 73.1125(a) of the Commission's rules currently requires each AM, FM,<sup>12</sup> and television broadcast station to maintain a main studio that is located either: "(1) [w]ithin the station's community of license; (2) [a]t any location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (3) [w]ithin twenty-five miles from the reference coordinates of the center of its community of license as described in §

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<sup>4</sup> *See id.*

<sup>5</sup> *See infra* Section III.A.

<sup>6</sup> *See infra* Section III.A, C.

<sup>7</sup> *Elimination of Main Studio Rule*, Notice of Proposed Rulemaking, 32 FCC Rcd 4415 (2017) (NPRM).

<sup>8</sup> *FCC Rules Governing Standard Broadcast Stations*, 4 Fed. Reg. 2714 (June 30, 1939) (*1939 Broadcast Station Rules*) (47 CFR §§ 3.12, 3.30, 3.31); *Classification of Television Stations and Allocation of Frequencies*, 11 Fed. Reg. 33 (Jan. 1, 1946) (adopting 47 CFR §§ 3.603, 3.604); *Amendment of Section 3.606 of the Commission's Rules and Regulations*, Sixth Report and Order, 17 Fed. Reg. 3905, 4061 (May 2, 1952) (adopting 47 CFR § 3.613), *on reconsideration*, 17 Fed. Reg. 7547 (Aug. 19, 1952).

<sup>9</sup> *1939 Broadcast Station Rules* (47 CFR § 3.12). "Main studio" is not currently defined in Commission rules.

<sup>10</sup> The Commission initially consolidated the main studio rules for AM, FM, and television stations into a single rule in 1979, and it has amended that rule multiple times since then. *See Regulations and Rules Oversight of the AM, FM, and TV Broadcast Rules*, 44 Fed. Reg. 69933 (Dec. 5, 1979).

<sup>11</sup> *See Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Report and Order, 2 FCC Rcd 3215 (1987) (*1987 Main Studio and Program Origination Order*).

<sup>12</sup> Although low-power FM (LPFM) stations have no main studio requirement, points are awarded under the service's comparative selection procedures to those applicants that pledge to locally originate at least eight hours of programming per day and to maintain a main studio with local origination capability. *See* 47 CFR § 73.872(b)(2), (3), and (4).

73.208(a)(1).”<sup>13</sup>

5. In addition to the main studio rule itself, the Commission has adopted associated requirements pertaining to staffing and program origination capability. Specifically, the Commission has held that a main studio must have a “meaningful management and staff presence” to fulfill the main studio’s function,<sup>14</sup> which at a minimum requires “management and staff presence on a full-time basis during normal business hours.”<sup>15</sup> This means that main studios must have at least two employees present on a full-time basis: one management-level employee and one staff member. The main studio is also subject to a program origination capability requirement, pursuant to which broadcasters are required to “equip the main studio with production and transmission facilities” and to ensure that the main studio has “continuous program transmission capability.”<sup>16</sup> In 1987, the Commission repealed a rule requiring each broadcast station to originate more than 50 percent of its non-network programs from its main studio or other points within its community of license,<sup>17</sup> but a requirement to have program origination “capability” at the main studio remains in place. Both the staffing requirement and the program origination capability requirement are based on Commission precedent and have not been codified in our rules.

6. Each broadcast radio and television station is assigned to a community of license that it is obligated to serve, and the Commission has stated in the past that the existence of a main studio allowed stations to be accessible and responsive to their communities.<sup>18</sup> However, the agency also has recognized for many years that technological changes are obviating the need for main studio requirements. For example, when it relaxed the main studio rule in 1987, the Commission recognized that “[c]urrent broadcast technology and innovative production methods enable stations to present programming in numerous ways and from a diversity of locations.”<sup>19</sup> Since that time, technological advancements have made it even easier for broadcasters to produce and transmit local programming without a local main studio.<sup>20</sup> For example, broadcasters are now able to cover local events, including severe weather or other emergencies, through the use of portable cellular devices.<sup>21</sup> The Commission further found in 1987 that

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<sup>13</sup> 47 CFR § 73.1125(a). Section 73.1125(a) of the main studio rule applies to full-power commercial and non-commercial radio and television stations, and Section 73.1125(c) requires each Class A television station to maintain its main studio at a location within the station’s predicted Grade B contour. *Id.* § 73.1125(a), (c). The main studio rule does not apply to: (1) AM boosters; (2) FM translators; (3) low-power television (LPTV) stations, TV translators, or TV boosters, *see* 47 CFR § 74.780; or (4) LPFM stations, *see* 47 CFR § 73.872(b) and *supra* n.12 (discussing LPFM stations that pledge to maintain a main studio).

<sup>14</sup> *See Amendment of Sections 73.1125 and 73.1130 of the Commission’s Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5026, para. 24 (1988) (*1988 Main Studio and Program Origination Reconsideration Order*).

<sup>15</sup> *Application for Review of Jones Eastern of the Outer Banks, Inc. Licensee, Radio Station WRSF(FM) Columbia, North Carolina*, Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616, n.2 (1991).

<sup>16</sup> *1988 Main Studio and Program Origination Reconsideration Order*, 3 FCC Rcd at 5026, para. 24; *see also University of San Francisco (Assignor) and Classical Public Radio Network LLC (Assignee), Application for Consent to Assignment of License Station KOSC(FM), San Francisco, CA*, Memorandum Opinion and Order, 30 FCC Rcd 10530, 10533-34, para. 6 (2015).

<sup>17</sup> *See 1987 Main Studio and Program Origination Order*, 2 FCC Rcd at 3218-19, paras. 39-43.

<sup>18</sup> *See, e.g., Amendment of Parts 1 and 73 of the Commission’s Rules and Regulations Pertaining to the Main Studio Location of FM and Television Broadcast Stations*, Report and Order, 27 FCC 2d 851, 852, para. 3 (1971); *1987 Main Studio and Program Origination Order*, 2 FCC Rcd at 3218, para. 36.

<sup>19</sup> *1987 Main Studio and Program Origination Order*, 2 FCC Rcd at 3218, para. 30.

<sup>20</sup> *See, e.g., Bryan Broadcasting Corporation et al. (Bryan Broadcasting et al.) Comments at 8; Florida Public Radio, Inc. (FPR) Comments at 2; Saga Communications, Inc. (Saga) Comments at 4-5; Univision Communications Inc. (Univision) Comments at 7, n.11.*

<sup>21</sup> *Bryan Broadcasting et al. Comments at 8.*

“[r]esidents generally communicate with a station by telephone or mail, neither avenue dependent on locale.”<sup>22</sup> Today residents often make use of additional options such as email, social media, or a station’s own website to communicate with the station, rather than visiting the main studio in person.<sup>23</sup> In addition, the Commission has adopted online public inspection file requirements for television and radio licensees and other entities.<sup>24</sup> As discussed below,<sup>25</sup> these new requirements dispense with the need for members of the public to visit a main studio in order to access a station’s public file.<sup>26</sup>

### III. DISCUSSION

7. We adopt the NPRM’s proposal to eliminate the Commission rule requiring AM, FM, and television broadcast stations to maintain a local main studio.<sup>27</sup> We also adopt the proposal to eliminate the associated staffing and program origination capability requirements that apply to main

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<sup>22</sup> 1987 *Main Studio and Program Origination Order*, 2 FCC Rcd at 3218, para. 32.

<sup>23</sup> See, e.g., Actualidad Media Group, LLC (AMG) Comments at 2; Blackbelt Broadcasting Inc. (Blackbelt Broadcasting) Comments; Blount Masscom, Inc., *et al.* (Blount) Comments at 3; Bryan Broadcasting *et al.* Comments at 3; Cordillera Communications, LLC and Cox Media Group, LLC (Cordillera/Cox) Comments at 3-4; Farmworker Educational Radio Network, Inc. (FERNI) Comments at 4-5; Forum Communications Company (Forum) Comments at 5-6; Hubbard Broadcasting, Inc. (Hubbard) Comments at 4; Jackman Holding Company, LLC and Sebago Broadcasting Company, LLC (Jackman/Sebago) Comments at 2; Max Media LLC (Max Media) Comments at 4; MBC Grand Broadcasting, Inc. (MBC Grand) Comments at 4; Miller Media Group Comments; National Association of Broadcasters (NAB) Comments at 3; Nexstar Broadcasting, Inc. (Nexstar) Comments at 4; New Hampshire Public Radio, Inc. (NHPR) Comments at 3; Peninsula Communications, Inc. (Peninsula Communications) Comments; Saga Comments at 3-4; Starboard Media Foundation, Inc. (Starboard) Comments at 3; Mountain Licenses, L.P. *et al.* (TV Licensees) Comments at 2; Venture Technologies Group, LLC (Venture) Comments at 1; Eagle Bluff Enterprises (Eagle Bluff) Reply at 1.

<sup>24</sup> See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Second Report and Order, 27 FCC Rcd 4535 (2012) (*Television Online Public File Order*); *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, Report and Order, 31 FCC Rcd 526 (2016) (*Expanded Online Public File Order*). See also *infra* Section III.E (discussing the online public inspection file requirements).

<sup>25</sup> See *infra* Section III.E.

<sup>26</sup> The majority of commenters in a 2015 proceeding seeking to revitalize the AM service supported changes to lessen the main studio requirements for certain AM stations. See *Revitalization of the AM Radio Service*, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, 30 FCC Rcd 12145, 12180, para. 88 (2015) (*AM Revitalization NOI*); see also, e.g., Bemidji Radio, Inc. Comments, MB Docket No. 13-249, at 7 (Mar. 21, 2016); Blount Masscom, Inc., *et al.* Comments, MB Docket No. 13-249, at 1-4 (Mar. 15, 2016); McCarthy Radio Enterprises, Inc. Comments, MB Docket No. 13-249, at 18-24 (Mar. 21, 2016); Multicultural Media, Telecom and Internet Council Comments, MB Docket No. 13-249, at 5 (Mar. 21, 2016); National Association of Broadcasters Comments, MB Docket No. 13-249, at 7-13 (Mar. 21, 2016); Robert Bittner Comments, MB Docket No. 13-249, at 4 (Mar. 21, 2016); Starboard Media Foundation, Inc. Comments, MB Docket No. 13-249, at 1-4 (Mar. 10, 2016).

<sup>27</sup> 47 CFR § 73.1125(a)-(d); NPRM, 32 FCC Rcd at 4418, para. 6. Because we are eliminating the main studio rule, we need not address one commenter’s argument that the current main studio rule is unenforceable under the Administrative Procedure Act. See The Presence Radio Network, Inc. and Saint Joseph Missions, d/b/a We Are One Body® Catholic Radio (TPRN/WAOB) Comments at 2. We also decline to address herein arguments that are outside the scope of this proceeding, which is limited to elimination of the main studio rule and the associated staffing and program origination capability requirements. See, e.g., Kona Coast Radio, LLC (KCR) Comments at 5 (the Commission should consider changing its community of license requirements and should allow station owners to select the community they feel they best serve, regardless of technical compliance parameters); REC Networks (REC) Comments at 4, n.8 (as part of the NCE comparative review process, the Commission should award points to NCEs that pledge to maintain their main studios); Wolfpack Media LLC (Wolfpack Media) Comments at 2 (if the Commission eliminates the main studio rule, it also should restore strict station ownership limits)

studios.<sup>28</sup> To ensure that community members retain the ability to communicate with and obtain information regarding their local stations, we retain the existing requirement that broadcasters maintain a local or toll-free telephone number.<sup>29</sup> We also require stations to maintain any portion of their public file that is not part of the online public file at a publicly accessible location within the station's community of license.<sup>30</sup> Finally, we make conforming edits to other Commission rules that are necessitated by the elimination of the main studio rule.<sup>31</sup>

#### A. Elimination of the Main Studio Rule

8. We agree with the vast majority of commenters<sup>32</sup> in this proceeding that the main studio rule should be eliminated. We are persuaded that eliminating the rule will result in significant cost savings for broadcasters and other public interest benefits. For example, the record shows that in some small towns and rural areas the cost of complying with the current main studio rule dissuades broadcasters from launching a station, even if the broadcaster has already obtained a construction permit for the station.<sup>33</sup> Eliminating the rule thus may lead to increased broadcast service in those areas. In addition, as commenters suggest, eliminating the main studio rule will provide broadcasters with the same flexibility as Internet radio stations and cable and satellite providers, none of which are subject to a main studio

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<sup>28</sup> See *supra* para. 5; see also NPRM, 32 FCC Rcd at 4418, para. 6; Blount Comments at 2; Cumulus Media Inc. (CMI) Comments at 1; FPR Comments at 1; Dennis Jackson (Jackson) Comments at 1; Miller Media Group Comments; NAB Comments at 1; National Public Radio, Inc. (NPR) Comments at 2; Prime Time Christian Broadcasting, Inc. (Prime Time) Comments at 2; TV Licensees Comments at 1.

<sup>29</sup> See *infra* Section III.D.

<sup>30</sup> See *infra* Section III.E.

<sup>31</sup> See *infra* Section III.F.

<sup>32</sup> See, e.g., Brad Anderson (Anderson) Comments; Jonathan Appelbaum (Appelbaum) Comments at 1; Rene Bell (Bell) Comments at 2; Robert Bittner (Bittner) Comments; Blackbelt Broadcasting Comments; Blount Comments at 1; Beasley Broadcast Group, Inc., *et al.* (Broadcast Licensees) Comments at 1; Bryan Broadcasting *et al.* Comments at 1; Cornerstone Community Radio, Inc. (CCR) Comments at 1; Classic Broadcasting, Inc. (Classic Broadcasting) Comments at 2; CMI Comments at 1; Cordillera/Cox Comments at 1; Crawford Broadcasting Company (Crawford) Comments at 1; DeLaHunt Broadcast Group (DeLaHunt) Comments; FERNI Comments at 1; Joseph Fiorini (Fiorini) Comments; Forum Comments at 1; FPR Comments at 1; Great Plains Media (Great Plains) Comments; Garvey Schubert Barer's Media, Telecom and Technology Group (GSB's Media Group) Comments at 2; Houston Christian Broadcasters, Inc. (HCBI) Comments at 1; Hubbard Comments at 1; Jackman/Sebago Comments at 1; Jackson Comments at 1; Flinn Broadcasting Corporation *et al.* (Joint Commenters) Comments at 2; KCR Comments at 1; L.M.N.O.C. Broadcasting, L.L.C. (L.M.N.O.C.) Comments at 1; Max Media Comments at 2; MBC Grand Comments at 1; Miller Media Group Comments; Multicultural Media, Telecom and Internet Council, Inc. (MMTC) Comments at 1; Moody Bible Institute of Chicago (Moody) Comments at 1; NAB Comments at 1; Nexstar Comments at 1; National Federation of Independent Business (NFIB) Comments at 1; NPR Comments at 2; Thomas G. Osenkowsky (Osenkowsky) Comments at 1; Prime Time Comments at 2; Saga Comments at 1; Starboard Comments at 1; TPRN/WAOB Comments at 1; Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network (Trinity) Comments at 1; TV Licensees Comments at 1; Univision Comments at 1; Urban One, Inc. (Urban One) Comments at 1; Venture Comments at 1; James P. Wagner (Wagner) Comments at 2; WLOH Radio Company Comments; R. Morgan Burrow Jr. (Burrow) Reply at 1; Eagle Bluff Reply at 1. Contrary to the suggestion of Common Frequency, the ample record in this proceeding provides the Commission with sufficient information to proceed to this Order. See Common Frequency, Inc. (Common Frequency) Reply at 20-23 (asserting that before proceeding to an order the Commission should answer several questions, such as how a licensee will ensure that the station participates in the local community, and suggesting that the Commission seek further comments and conduct public hearings).

<sup>33</sup> See, e.g., Bryan Broadcasting *et al.* Comments at 3; CCR Comments at 3; DeLaHunt Comments; Jackman/Sebago Comments at 2-3; KCR Comments at 1-2. See also *infra* para. 14 (noting that the cost savings may prevent some stations from going dark).

requirement.<sup>34</sup> While we recognize the importance of local broadcast television and radio stations as a source of news and information,<sup>35</sup> we agree with NAB that the record does not provide any “evidence that the physical location of a station’s main studio is the reason local broadcasters are able to deliver content that meets the needs and interest[s] of their communities, or that the location and staffing of the studio has any relationship to the ability of a station to serve its local audience.”<sup>36</sup>

9. We affirm the tentative conclusion in the NPRM that technological innovations have rendered local studios unnecessary as a means for viewers and listeners to communicate with or access their local stations and to carry out the other traditional functions that they have served.<sup>37</sup> The record shows that it is exceedingly rare for a member of the public to visit a station’s main studio,<sup>38</sup> with community members overwhelmingly choosing instead to communicate with stations through more efficient means such as email, station websites, social media, mail, or telephone.<sup>39</sup> This has been the case even more so since the Commission created the online public inspection file.<sup>40</sup> Once broadcasters fully transition to the online public file in early 2018, as discussed in more detail in Section III.E below, requiring stations to maintain a fully staffed main studio for purposes of providing access to the file will no longer be practical or justifiable.<sup>41</sup> It is also relevant that community members already participate in

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<sup>34</sup> See Bryan Broadcasting *et al.* Comments at 5-6; TPRN/WAOB Comments at 4; TV Licensees Comments at 2.

<sup>35</sup> See Free Press Comments at 6-7, 15, 23.

<sup>36</sup> NAB Reply at 2.

<sup>37</sup> See NPRM, 32 FCC Rcd at 4418, para. 6; AMG Comments at 2; Anderson Comments; Broadcast Licensees Comments at 1, 3; Bryan Broadcasting *et al.* Comments at 3-4; CCR Comments at 5; FERNI Comments at 2; FPR Comments at 3; GSB’s Media Group Comments at 3; HCBI Comments at 2, 3; Jackman/Sebago Comments at 1; L.M.N.O.C. Comments at 2; Max Media Comments at 2; Miller Media Group Comments; Moody Comments at 2; NAB Comments at 1; Peninsula Communications Comments; Saga Comments at 2; Starboard Comments at 2; Univision Comments at 1; Urban One Comments at 2; Venture Comments at 1; Burrow Reply at 1; Eagle Bluff Reply at 1.

<sup>38</sup> See, e.g., AMG Comments at 2; Blount Comments at 3; Broadcast Licensees Comments at 8; Bryan Broadcasting *et al.* Comments at 5, 7; Cordillera/Cox Comments at 2, 4; Forum Comments at 5; Jackman/Sebago Comments at 2; Joint Commenters Comments at 3; Miller Media Group Comments; McCarthy Radio Enterprises, Incorporated (MRE) Comments at 4; Nexstar Comments at 3-4; Prime Time Comments at 3; Trinity Comments at 3; TV Licensees Comments at 2; Venture Comments at 1; Eagle Bluff Reply at 1.

<sup>39</sup> See, e.g., AMG Comments at 2; Blackbelt Broadcasting Comments; Blount Comments at 3; Bryan Broadcasting *et al.* Comments at 3; Cordillera/Cox Comments at 3-4; FERNI Comments at 4-5; Forum Comments at 5-6; FPR Comments at 2; Hubbard Comments at 4; Jackman/Sebago Comments at 2; Max Media Comments at 4; MBC Grand Comments at 4; Miller Media Group Comments; MMTC Comments at 5; NAB Comments at 2-3; Nexstar Comments at 4; NHPR Comments at 3; Peninsula Communications Comments; Saga Comments at 3-4; Starboard Comments at 3; TV Licensees Comments at 2; Venture Comments at 1; Eagle Bluff Reply at 1. Although broadcast licensees are obligated to serve “the public interest, convenience, and necessity,” we find that “convenience” need not include reasonable physical access to the station’s facilities in the community of license, contrary to the suggestion of one commenter, given how rarely community members today opt to access such facilities. See 47 U.S.C. § 309; James B. Potter Comments at 1.

<sup>40</sup> See, e.g., Anderson Comments; Bell Comments at 1 (the existence of the online public file undermines the rationale for the main studio rule); Blackbelt Broadcasting Comments; Broadcast Licensees Comments at 8; Crawford Comments at 2; FPR Comments at 3; Great Plains Comments; Jackson Comments at 1; MMTC Comments at 3; NAB Comments at 3; NPR Comments at 9-10; Osenkowsky Comments at 2; Saga Comments at 2; Starboard Comments at 3; Univision Comments at 6; Urban One Comments at 3; Eagle Bluff Reply at 2. *But see* Common Frequency Reply at 9-10 (asserting that few members of the public seek to view the public inspection file not because they are not interested in doing so, but because they do not know it exists).

<sup>41</sup> The Commission previously recognized that online public file requirements might alter its analysis of whether it should modify the main studio requirements. See *AM Revitalization NOI*, 30 FCC Rcd at 12181, para. 88. See also

(continued....)

station shows from outside the main studio, for example by appearing via telephone or Skype.<sup>42</sup> As some commenters state, in-person visits from community members are now “unnecessary, if not obsolete,” as a result of the “near ubiquity of remote communication.”<sup>43</sup>

10. We disagree with arguments that in the absence of a local main studio, the Commission will be unable to ensure that a station serves its local community.<sup>44</sup> Broadcast licensees still will be required to include in their public inspection files, on a quarterly basis, a list of those “programs that have provided the station’s most significant treatment of community issues during the preceding three month period,” including a brief description of each relevant program.<sup>45</sup> Further, as part of the broadcast station license renewal process, the Commission is required to find that “the station has served the public interest, convenience, and necessity” during its preceding license term.<sup>46</sup>

11. We also are not persuaded by contentions that broadcasters’ local community involvement<sup>47</sup> or the provision of local news<sup>48</sup> will significantly decline if we eliminate the main studio rule. Broadcast commenters explain that they keep apprised of local needs and issues to distinguish themselves from their competitors, to gain popularity and thus advertising dollars or, in the case of noncommercial educational (NCE) stations, contributions, and to fulfill their public interest obligations.<sup>49</sup> Broadcasters will retain these incentives even in the absence of the main studio rule.<sup>50</sup> In addition, we

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NPRM, 32 FCC Rcd at 4418, para. 6 (tentatively finding that “staffing sufficient to accommodate visits from community members no longer will be justified once broadcasters fully transition to online public inspection files”); 47 CFR §§ 73.3526 and 73.3527 (public inspection file requirements for commercial and NCE stations). As discussed below, however, we are taking steps to ensure that community residents will continue to have local access to public files in those cases when such access will remain necessary. *See infra* Section III.E.

<sup>42</sup> *See, e.g.*, AMG Comments at 2; Crawford Comments at 1; Univision Comments at 7, n.11.

<sup>43</sup> FERNI Comments at 4; GSB’s Media Group Comments at 4; MBC Grand Comments at 4; NHPR Comments at 3. In addition, some commenters point to the legitimate public safety concerns that are associated with allowing uninvited members of the public to visit a station’s main studio. *See, e.g.*, Blount Comments at 3; Classic Broadcasting Comments at 1; Hubbard Comments at 3-4; Saga Comments at 3; Wagner Comments at 3.

<sup>44</sup> *See* Free Press Comments at 4, 18-20.

<sup>45</sup> *See* 47 CFR §§ 73.3526(e)(11)(i), 73.3526(e)(12), 73.3527(e)(8); MMTC Comments at 5; Starboard Comments at 5; TV Licensees Comments at 3.

<sup>46</sup> 47 U.S.C. § 309(k)(1).

<sup>47</sup> Bruce Aleksander Comments; Common Frequency Reply at 5; David Crider, Ph.D. (Crider) Comments; Joe Donahue (Donahue) Comments; Free Press Comments at 18-19; Maynard R. Meyer Comments; Romar Communications Inc. (Romar) Comments at 5, 7-8; Brian Wheeler Comments; Wolfpack Media Comments at 1.

<sup>48</sup> *See, e.g.*, Free Press Comments at 12, 22; Max Lewis Comments; Joe Mlodzik Comments.

<sup>49</sup> *See, e.g.*, AMG Comments at 2; Bell Comments at 2; Bittner Comments; Broadcast Licensees Comments at 8; Bryan Broadcasting *et al.* Comments at 1-2 (“[C]ommunity service is the hallmark of the local broadcaster, and it is what distinguishes the broadcaster from all of the other competitors now squaring off against broadcasters in the media marketplace.”); CMI Comments at 8; GSB’s Media Group Comments at 3; Max Media Comments at 5; NAB Comments at 11; Nexstar Comments at 4; NPR Comments at 5; Peninsula Communications Comments; Saga Comments at 4; TV Licensees Comments at 2; Univision Comments at 1; Venture Comments at 1; Wagner Comments at 7. *But see* Free Press Comments at 21-22 (claiming that broadcasters today face limited competition and thus are less motivated to invest in coverage of their local communities, especially marginalized communities). We note that the main studio rule does not require broadcasters to provide coverage of their local communities; rather, the rule simply governs the permissible location of a station’s main studio.

<sup>50</sup> The record suggests that not all stations will choose to eliminate their current main studios after the main studio rule is repealed. *See, e.g.*, Starboard Comments at 4. *But see* Romar Comments at 8-9 (claiming that if one local broadcaster operates without the overhead expense of a local main studio, other local broadcasters will be compelled to eliminate their local main studios as well to compete). Those stations that do choose to eliminate their current

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agree with Univision that today, “providing service to, interacting with and maintaining awareness of a community is not dependent upon locating a station’s offices within certain arbitrary geographic boundaries imposed by the” main studio rule.<sup>51</sup> To the contrary, broadcasters can interact with local community members by using technology such as social media,<sup>52</sup> and even without a local main studio, broadcasters can use modern technology to broadcast information about local events.<sup>53</sup> The main studio rule does not require broadcasters to provide any particular level of local coverage or involvement in the local community, and there is no evidence in the record that elimination of this rule will cause a decrease in such involvement or coverage.

12. We reject claims that the elimination of the main studio rule will have a negative impact on broadcasters’ ability to broadcast emergency and time-sensitive information.<sup>54</sup> One commenter explains that in terms of “a station’s ability to communicate time-sensitive or emergency information to the public,” today telephone and Internet communications are more efficient than an in-person interaction at a local studio.<sup>55</sup> In furtherance of their obligation to serve their communities of license, commenters state that broadcasters will continue providing timely emergency information to their viewers and listeners.<sup>56</sup> Additionally, we note that the elimination of the main studio rule will not in any way alter a station’s obligations to transmit emergency alerts received via the emergency alert system (EAS).<sup>57</sup>

13. Because we find that technological innovations have eliminated the need for a local main studio, the costs of complying with the main studio rule substantially outweigh any benefits.<sup>58</sup>

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main studios likely will often maintain an office or studio that is convenient to their viewers or listeners, so that, among other things, community members can appear in person to serve as on-air guests or attend in-studio events, and so that contest prize winners can visit the station to retrieve their prizes. *See* Urban One Comments at 5.

<sup>51</sup> Univision Comments at 1. *See also* NPR Comments at 2 (“While the principle of localism remains as vital as ever, a regulatory obligation to maintain a main studio rule in any given place is no longer needed to preserve localism, at least in the case of public radio. To the contrary, public radio stations are and, for a number of reasons will remain, inherently local program services and community institutions.”).

<sup>52</sup> AMG Comments at 2-3.

<sup>53</sup> *See, e.g.*, FPR Comments at 2.

<sup>54</sup> *See, e.g.*, Darryl Brown (Brown) Comments; Free Press Comments at 5, 15, 17; Common Frequency Reply at 17-18. While Free Press points to a 2002 train derailment in North Dakota as an example of the need for local television and radio staff to be available to relay emergency warnings, *see* Free Press Comments at 16-17, NAB explains that the station in question complied with the main studio rule and the problem was the failure of law enforcement personnel to properly activate the EAS. *See* NAB Reply at 8.

<sup>55</sup> Saga Comments at 4.

<sup>56</sup> *See, e.g.*, Forum Comments at 4; NPR Comments at 9; Starboard Comments at 4.

<sup>57</sup> *See, e.g.*, Bryan Broadcasting *et al.* Comments, Statement of Point Broadcasting Company at 2; Forum Comments at 4-5; Wagner Comments at 6. *But see* Romar Comments at 12 (arguing that elimination of the staffing requirements associated with the main studio rule will be harmful because EAS alerts are only broadcast once, so station personnel must be based in the main studio to provide further emergency information). As explained below, broadcasters already have processes in place to ensure that they are responsive to emergency situations. *See infra* Section III.D.

<sup>58</sup> This rationale for eliminating the main studio rule applies to all broadcast stations, and we thus will eliminate the rule in its entirety rather than eliminating it only for a certain subset of stations. *See* NPRM, 32 FCC Rcd at 4421, para. 14 (asking whether the Commission should “only eliminate the rule for a certain subset of stations, such as those that are located in small and mid-sized markets or those that have fewer than a certain number of employees,” and asking whether there is “any reason to distinguish between our treatment of AM, FM, and television broadcast stations in this context”); Kevin Erickson Reply (arguing that the Commission should only ease the burden of complying with the main studio rule for student-run or college broadcast stations that may have trouble complying with the rule when school is not in session).

Broadcasters detail the significant costs that they face under the main studio rule, including such expenses as: (a) rent, utilities, insurance, and maintenance costs for the studio itself; (b) equipment and transmission facilities; and (c) salaries, taxes, insurance, and benefits for the main studio's two full-time employees.<sup>59</sup> Broadcasters claim that main studio-related costs range from \$20,000 per year to several hundred thousand dollars per year.<sup>60</sup> One broadcaster states that it could consolidate main studios and save more than \$10 million *annually*.<sup>61</sup> The main studio rule imposes significant and burdensome costs on broadcasters, particularly smaller broadcasters and NCE stations.<sup>62</sup>

14. The cost savings broadcasters may achieve following elimination of the main studio rule will enable them to allocate greater resources to local programming and other matters such as community outreach, newsgathering, equipment upgrades, and attracting new talent and personnel.<sup>63</sup> According to some commenters, such savings could even prevent some stations from going dark.<sup>64</sup> Stations will have the flexibility to operate studios in the most efficient manner, and some stations that are co-owned or

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<sup>59</sup> See, e.g., Blount Comments at 2; Broadcast Licensees Comments at 5; Hubbard Comments at 3; MMTC Comments at 2; MRE Comments at 3; NFIB Comments at 2; Prime Time Comments at 2-3; Starboard Comments at 2-3.

<sup>60</sup> See, e.g., Blount Comments at 2; Broadcast Licensees Comments at 5; Bryan Broadcasting *et al.* Comments at 6; Cordillera/Cox Comments at 5-6; Crawford Comments at 2; Hubbard Comments at 3; MRE Comments at 3; Prime Time Comments at 2-3; Starboard Comments at 3. Due to the specific information broadcasters have provided regarding costs of compliance with the current main studio rule and associated requirements, we are not persuaded by commenters' unsupported arguments that maintaining a local main studio "has never been *more* affordable" and that broadcasters do not need relief from the Commission in this regard. See, e.g., Aurora Broadcasting (Aurora) Comments at 2; Free Press Comments at 13-14; Common Frequency Reply at 14.

<sup>61</sup> Trinity Comments at 4 (elimination of the main studio rule would enable Trinity to combine and consolidate several studios, leading to "a significant *annual* savings – \$10.5-\$13.5 million – which would be available for redeployment in additional and upgraded programming") (emphasis in original).

<sup>62</sup> See, e.g., AMG Comments at 1; Anderson Comments; Bittner Comments; Blackbelt Broadcasting Comments; Broadcast Licensees Comments at 4; Crawford Comments at 2; Fiorini Comments; John Fox Comments; Great Plains Comments; GSB's Media Group Comments at 2; HCBI Comments at 2; Joint Commenters Comments at 4; L.M.N.O.C. Comments at 2; Miller Media Group Comments; Moody Comments at 2; NAB Comments at 8; NPR Comments at 7; Peninsula Communications Comments; Saga Comments at 3; Trinity Comments at 4; Venture Comments at 1. Some commenters claim, without evidence, that small and independent broadcasters will not benefit from the elimination of the main studio rule because they likely will not relocate their existing studios and will become unable to compete against consolidated multi-station broadcasters. See Free Press Comments at 5, 14; Common Frequency Reply at 17. See also Aurora Comments at 2 (arguing that, since the value of small market stations will artificially inflate as they become less expensive to operate, it will become more difficult for minority and small owners to purchase stations). The fact-based statements of small broadcasters in this proceeding, detailing the costs of compliance with the main studio rule and the potential benefits to them of the elimination of the rule, belie these claims. See NAB Reply at 6-7.

<sup>63</sup> See, e.g., AMG Comments at 1; Bell Comments at 1; Broadcast Licensees Comments at 7; CMI Comments at 2, 8; Cordillera/Cox Comments at 5; FERNI Comments at 4; Forum Comments at 6; GSB's Media Group Comments at 3; Max Media Comments at 2; MBC Grand Comments at 3; Miller Media Group Comments; NAB Comments at 6-7; Nexstar Comments at 5; NPR Comments at 6; Saga Comments at 3; Starboard Comments at 3; Trinity Comments at 4; Urban One Comments at 3-4; Wagner Comments at 3-4; Eagle Bluff Reply at 2. *But see* Free Press Comments at 12 (arguing that broadcasters' current lack of spending on local news programming salaries belies any belief that eliminating the main studio rule will lead to more programming or community service); Common Frequency Reply at 12-13 (arguing that, despite broadcasters' statements that the cost savings will facilitate greater investment into programming and other matters, there is no proof that such a result will occur and it is contradictory to say that eliminating the staff stationed at local main studios will enable the station to spend more money on quality local broadcasting).

<sup>64</sup> See Blackbelt Broadcasting Comments.

jointly operated may find it to be more efficient for them to co-locate their studios.<sup>65</sup> We conclude that providing stations with the maximum flexibility by eliminating the main studio rule in its entirety is preferable to the more limited approaches proposed by some commenters,<sup>66</sup> which could still impose significant cost burdens on some stations and would not entirely address concerns that the costs of complying with the main studio rule are no longer justified today.

15. Eliminating the main studio rule and associated requirements is not inconsistent with section 307(b) of the Communications Act of 1934, as amended (the Act), which requires the Commission to “make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide for a fair, efficient, and equitable distribution of radio service to each of the same.”<sup>67</sup> In the absence of the main studio rule, broadcast stations still will be licensed to a specific community of license, and they will be obligated to place a certain signal contour over that community.<sup>68</sup> As noted above, broadcasters also will remain subject to license renewal and quarterly issues/programs list requirements.<sup>69</sup> Moreover, programming designed to meet a community’s needs and interests can be produced anywhere today.<sup>70</sup> For the reasons discussed herein, the record supports our finding that a local main studio is no longer necessary to ensure that broadcast stations serve their local communities,<sup>71</sup> and thus eliminating the main studio requirement will not prevent compliance with the distribution directive in section 307(b) of the Act.

16. We note that the Commission or Media Bureau has previously granted waivers of the main studio rule.<sup>72</sup> Our decision to eliminate the main studio requirement supersedes these waiver grants, including pledges that the licensees made in connection with those waivers, with one exception discussed in paragraph 26 below.<sup>73</sup> Accordingly, as of the effective date of the rules adopted in this Order, stations

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<sup>65</sup> See, e.g., AMG Comments at 1-2; Anderson Comments; Broadcast Licensees Comments at 7; FERNI Comments at 2; Max Media Comments at 2; NAB Comments at 5; Peninsula Communications Comments; Saga Comments at 3. Contrary to the suggestion of one commenter, we see no evidence in the record that any broadcast station would attempt to move its studio outside of this country, and we question whether doing so would be feasible or economical. See Brown Comments.

<sup>66</sup> See, e.g., MRE Comments at 7-9 (proposing that the Commission adopt a relaxed main studio requirement under which a station must be located within 75 miles of its community of license); Aurora Comments at 2 (proposing that the Commission maintain its current main studio requirement but adopt a modified waiver process that could include consideration of such factors as market size and economic hardship).

<sup>67</sup> 47 U.S.C. § 307(b).

<sup>68</sup> See 47 CFR §§ 73.24(i), 73.315, 73.625; Starboard Comments at 5.

<sup>69</sup> See *supra* para. 10.

<sup>70</sup> See, e.g., Saga Comments at 4.

<sup>71</sup> We thus reject claims that the main studio rule is still needed to meet the obligations in section 307(b) of the Act. See, e.g., Free Press Comments at 4; Common Frequency Reply at 2, 7. In addition, we agree with NAB that any assertion that the main studio rule is needed to enforce the “transmission service” requirement is misplaced because “[t]he Commission effectively abandoned this definition of transmission service when it eliminated the program origination requirement.” See Free Press Comments at 9-10; Common Frequency Reply at 11; NAB Reply at 4, 6 (explaining that, while in the 1950s the FCC held that a station could not provide “transmission service” in the absence of a physical local studio, that is no longer true today since stations now originate programming outside of the main studio). See also *infra* paras. 19-20.

<sup>72</sup> See, e.g., *Delmarva Educational Association*, Memorandum Opinion and Order, 19 FCC Rcd 6793, 6798 (2004) (*Delmarva Order*).

<sup>73</sup> See, e.g., HCBI Comments at 3; Moody Comments at 3; NHPR Comments at 2, n.3. The main studio waiver grants are superseded by this Order because there will no longer be a main studio rule to be waived. Given that waivers of the main studio rule will no longer be necessary, we need not address one commenter’s claim that the current waiver process leads to an unfair and inefficient distribution of radio services. See REC Comments at 3.

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that have previously received a waiver of the main studio rule must comply with the Commission's rules, including the requirement to maintain a local or toll-free number, rather than the licensee pledges, if any, associated with their superseded waiver grants. Upon the elimination of the main studio rule, it would not make sense to continue subjecting stations to the commitments they made in obtaining a waiver of the main studio rule,<sup>74</sup> including any related recordkeeping requirements.<sup>75</sup>

### **B. Elimination of the Associated Staffing Requirements**

17. In addition to eliminating the main studio rule itself, we adopt our NPRM proposal to eliminate the staffing requirements currently associated with the rule. This will provide broadcasters with more flexibility to staff their operations as they see fit. As explained above,<sup>76</sup> pursuant to Commission precedent, there currently must be two employees (one management and one staff) present on a full-time basis at a main studio during normal business hours. Given the technological advances that enable remote monitoring and control of broadcast stations,<sup>77</sup> commenters attest that some main studio employees have nothing to do but sit at the main studio in fulfillment of this requirement.<sup>78</sup> Commenters persuasively state that it can be difficult for small or rural stations and for financially-challenged AM stations to support two full-time employees.<sup>79</sup> For example, station KIHT(FM) is licensed to Amboy, California (population: four) and serves motorists traveling through the Mojave Desert.<sup>80</sup> One employee travels over an hour each way each day to staff the main studio.<sup>81</sup>

18. We find that decisions regarding location and number of staff members should be left to broadcast licensees.<sup>82</sup> Although we acknowledge that elimination of the main studio staffing requirement may lead to fewer employees available to interact locally with the community, we have explained above that technology enables broadcasters to interact with the local community and to broadcast information about local events even without a local main studio.<sup>83</sup> Eliminating the main studio requirement and associated staffing requirement promotes our statutory goals by allowing broadcasters to allocate greater resources to programming and other matters, promoting increased broadcast service in small towns and

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Below we explain one type of main studio waiver for which we will grandfather the station's current main studio as a permissible location for its local public file. *See infra* para. 26.

<sup>74</sup> *See, e.g.*, CCR Comments at 5-6.

<sup>75</sup> *See* NAB Comments at 11.

<sup>76</sup> *See supra* Section II.

<sup>77</sup> *See, e.g.*, Blount Comments at 2.

<sup>78</sup> *See, e.g.*, Bryan Broadcasting *et al.* Comments at 6.

<sup>79</sup> *See, e.g.*, Bryan Broadcasting *et al.* Comments at 7; Classic Broadcasting Comments at 2; FPR Comments at 1; Jackson Comments at 2.

<sup>80</sup> *See* Bryan Broadcasting *et al.* Comments at 7.

<sup>81</sup> *See id.*

<sup>82</sup> We caution that the deletion of the main studio rule does not in any way limit or reduce broadcast licensees' obligation and responsibility to retain and maintain control over essential station matters, such as personnel, programming, and finances. 47 U.S.C. § 310(d). *See, e.g., WHDH, Inc.*, 17 FCC 2d 856 (1969), *aff'd sub nom. Greater Boston Television Corp. v. FCC*, 444 F.2d 841 (D.C. Cir.), *cert. denied*, 403 U.S. 923 (1971); *Stereo Broadcasters, Inc.*, 55 FCC 2d 87 (1981), *recon. denied*, 50 RR 2d 1346 (1982); *Radio Moultrie, Inc.*, Order to Show Cause and Notice of Opportunity for Hearing, 17 FCC Rcd 24304, 24306-07 (2002). The Commission expects that broadcast licensees will continue to be able to demonstrate such control notwithstanding the elimination of the main studio rule and the staffing requirements associated with the main studio rule. *See, e.g.*, NAB Comments at 10-11.

<sup>83</sup> *See supra* para. 11.

rural areas, and preventing stations from going dark.<sup>84</sup> To the extent commenters express concerns about potential job loss following the elimination of the main studio rule and the associated staffing requirement,<sup>85</sup> we do not believe we are required to disregard our statutory goals to prevent such loss. Further, preventing stations from going dark and enabling broadcasters to launch stations that they otherwise may not launch<sup>86</sup> may promote employment.

### C. Elimination of the Associated Program Origination Capability Requirement

19. In addition to the foregoing, we also adopt our NPRM proposal to eliminate the program origination capability requirement currently associated with the main studio rule. This will provide broadcasters greater flexibility with respect to their programming operations. As explained above,<sup>87</sup> pursuant to Commission precedent, the main studio currently must be capable of transmitting programming and must be equipped with production and transmission facilities. When the Commission decided thirty years ago to eliminate its rule requiring stations to actually originate programming at their main studios, it concluded that “the main studio no longer plays the central role in the production of a station’s programming and programming originated from within the political boundaries of the community is not necessarily responsive to the needs and interests of the community.”<sup>88</sup> That statement is only more true today. Technology makes it easier than ever before to originate locally relevant programming from locations outside of the station’s community of license,<sup>89</sup> and the existence of technology that enables stations to provide local broadcast coverage without a local main studio<sup>90</sup> also moots concerns that licensees need a local main studio to broadcast emergency information.<sup>91</sup>

20. There is no evidence in the record that the current program origination capability requirement has enhanced local programming or otherwise served the public interest. Commenters state that many broadcasters that currently originate programming locally will continue to do so in the absence of the current program origination capability requirement.<sup>92</sup> In any case, it appears that the location from which programming is originated is irrelevant to whether the programming serves a community’s needs and interests.<sup>93</sup> We agree with broadcast commenters “that a licensee’s understanding of the needs and

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<sup>84</sup> See *supra* Section III.A. See also 47 U.S.C. §§ 303(g) (authorizing the Commission to “generally encourage the larger and more effective use of radio in the public interest”); 307(b) (directing the Commission to make “distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same”).

<sup>85</sup> See, e.g., Brown Comments; Crider Comments; Donahue Comments.

<sup>86</sup> See *supra* Section III.A.

<sup>87</sup> See *supra* Section II.

<sup>88</sup> See *1987 Main Studio and Program Origination Order*, 2 FCC Rcd at 3219, para. 41. In that order, the Commission recognized the limited utility of the program origination requirement by deleting its rule requiring each broadcast station to originate more than 50 percent of its non-network programs from its main studio or other points within its community of license. See *id.*, 2 FCC Rcd at 3218-19, paras. 39-43.

<sup>89</sup> See Bryan Broadcasting *et al.* Comments at 8; Burrow Reply at 1.

<sup>90</sup> See *supra* para. 11.

<sup>91</sup> See, e.g., REC Comments at 4.

<sup>92</sup> See, e.g., AMG Comments at 3 (“Even if [the] program origination requirement were eliminated, AMG believes that a significant number of broadcasters would continue to provide local program origination as a matter of prudent business operation, in order to serve their communities and receive the economic support of same through advertising sales.”); MMTTC Comments at 2 (“Stations that regularly engage in local originations are unlikely to risk alienating audiences and advertisers by ceasing or curtailing program originations.”).

<sup>93</sup> See Starboard Comments at 5. See also NPR Comments at 7 (noting that the location in which a program was produced does not dictate whether the program responds to local needs).

concerns of its station's audience," not the physical location of its studio or program production equipment, "promotes the broadcast of issue-responsive programming."<sup>94</sup>

#### **D. Continued Maintenance of a Local or Toll-Free Telephone Number**

21. As proposed in the NPRM, we retain section 73.1125(e) of our rules, which requires "[e]ach AM, FM, TV and Class A TV broadcast station [to] maintain a local telephone number in its community of license or a toll-free number."<sup>95</sup> NAB supports this requirement, which it says "keep[s] the community well-informed and [is] not unduly burdensome."<sup>96</sup> The telephone number rule permits station owners to provide one telephone number for multiple stations, provided that the number is toll-free or local to each station's community of license.<sup>97</sup> Some consumers are subject to an additional fee for non-local calls, and we thus retain the requirement for a local or toll-free number. Retaining the telephone number rule will help promote continued access to local broadcast stations by community members upon elimination of the main studio rule.<sup>98</sup> We find that retaining the existing rule is an appropriate means to ensure that members of the public can easily contact station representatives and receive timely responses.<sup>99</sup>

22. Stations currently are required to post their telephone numbers in their online public files.<sup>100</sup> We retain that requirement and do not require stations to publicize their phone numbers in any additional ways.<sup>101</sup> We agree with commenters that broadcasters have marketplace incentives to be

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<sup>94</sup> Broadcast Licensees Comments at 8-9. For this reason, we reject the assertion that a main studio's most important function is program origination capability. Romar Comments at 10.

<sup>95</sup> 47 CFR § 73.1125(e); NPRM, 32 FCC Rcd at 4419, para. 10. Several commenters support this proposal. *See, e.g.*, Bittner Comments; Blount Comments at 3; Crawford Comments at 2; Hubbard Comments at 5; NAB Comments at 9; NPR Comments at 9; Romar Comments at 13; Univision Comments at 8; Burrow Reply at 2. One commenter stated that co-located stations should be permitted to utilize a single telephone number. MRE Comments at 11; *see also* Appelbaum Comments at 2 (proposing that stations should be able to establish call centers).

<sup>96</sup> NAB Comments at 9.

<sup>97</sup> Implicit in the requirement to maintain a local or toll-free number is the requirement that phone calls made to this number be answered during business hours. We encourage broadcasters to use voicemail or another way for consumers to leave messages outside of stations' normal business hours. *See* AMG Comments at 4 (broadcasters should use voicemail outside of normal business hours); MMTTC Comments at 4 ("the need to convey time-sensitive communications may occur where there is a potential threat of danger to life or property" and it "can be addressed by requiring stations to subscribe to an answering service (as plumbers and physicians do).").

<sup>98</sup> *See, e.g.*, NAB Comments at 9; Univision Comments at 8. We recognize that there is some cost to stations of maintaining a local or toll-free telephone number, *see* MRE Comments at 10-12, but we find that on balance the relatively limited cost is outweighed by the benefit of ensuring that the station remains accessible to local community members.

<sup>99</sup> NFIB has proposed instead that the Commission adopt a functional requirement that each station "ensure that persons in its community of license have a reasonable opportunity to communicate with the station through at least one generally available means of communication at no charge." NFIB Comments at 2 (stating that the means of communication could include an email address, toll-free telephone number, or telephone number in the station's community of license). We find that such an approach would be unworkable for consumers who do not use email and thus would have no way to contact a station if the station eliminates its local main studio. Accordingly, maintenance of the current telephone number requirement is a more practical approach.

<sup>100</sup> *See* 47 CFR §§ 73.3526(b)(2)(ii); 73.3527(b)(2)(iii). These rules also currently require a station to include its main studio address, and as discussed below we modify them to require the public file to include the station's address (rather than its main studio address). The posted address should be a location at which the licensee may be contacted by mail and in person, for example, a studio, office, or headquarters. *See infra* Section III.F.

<sup>101</sup> *See* Cordillera/Cox Comments at 7; NAB Comments at 9. Several commenters suggest that we should encourage or require stations to publicize their telephone numbers in additional ways. *See, e.g.*, AMG Comments at 4;

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accessible and responsive to their audience,<sup>102</sup> and we note that telephone numbers by their nature generally are accessible in other ways. Broadcasters will retain the flexibility to determine whether they want to publicize their telephone numbers in additional ways. For example, most stations already choose to post their telephone numbers on their websites.<sup>103</sup>

23. Furthermore, in the NPRM, the Commission sought comment on whether additional requirements are needed to ensure that broadcasters are responsive to time-sensitive and emergency information.<sup>104</sup> Because broadcasters already coordinate with federal, state, and local emergency management officials, as well as law enforcement officials, to address emergencies that occur at any time of day,<sup>105</sup> we conclude that there is no need to adopt additional requirements pertaining to broadcast station responsiveness to time-sensitive or emergency information. While some commenters reference such requirements,<sup>106</sup> other commenters persuasively explain that broadcasters already have processes in place to ensure that station personnel are available to receive and broadcast time-sensitive emergency information.<sup>107</sup> On balance, we conclude that the adoption of additional rules would not necessarily improve broadcasters' responsiveness to local emergencies, and we thus find that there is no evidence that the cost of such obligations would be justified by any purported benefits.

#### **E. Access to the Local Public Inspection File**

24. As discussed below, and as supported by NAB and other broadcasters, we require every broadcast station applicant, permittee, or licensee to maintain any portion of its public file that is not part of the online public file at an accessible place within its community of license. Pursuant to the Commission's online public file rules, in the very near future there will be only limited instances in which any portion of a station's public inspection file will be permitted to be maintained at the station's main studio rather than online.<sup>108</sup> In 2012, the Commission adopted rules requiring television broadcasters to utilize an online public file hosted by the Commission, rather than maintaining the public file locally, and television stations completed their transition to the online public file in 2014.<sup>109</sup> In 2016, the Commission

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Crawford Comments at 3; MRE Comments at 13; Osenkowsky Comments at 3; Prime Time Comments at 3-4; REC Comments at 2; Saga Comments at 5.

<sup>102</sup> See Hubbard Comments at 5-6.

<sup>103</sup> See Saga Comments at 5.

<sup>104</sup> NPRM, 32 FCC Rcd at 4419, para. 10 ("If community members must leave a voicemail message in order to reach a local broadcast station, will this impede the station's ability to relay time-sensitive emergency information to the public? . . . Should broadcasters establish processes to ensure their ability to receive time-sensitive or emergency information during non-business hours?").

<sup>105</sup> See Univision Comments at 9.

<sup>106</sup> See, e.g., AMG Comments at 4 (broadcast station voicemail messages should include the telephone number of an emergency contact that can interrupt regular programming if needed); Bell Comments at 2 (emergencies can be addressed if broadcasters post an emergency telephone number on station websites).

<sup>107</sup> See, e.g., MMTTC Comments at 4; MRE Comments at 13; Univision Comments at 9; Urban One Comments at 2. See also Cordillera/Cox Comments at 7 ("the FCC has found that licensees have broad discretion over their programming decisions").

<sup>108</sup> Sections 73.3526(e) and 73.3527(e) of the Commission's rules set forth the required contents of the station's public inspection file. These contents include the "political file," which consists of the records required to be maintained under Section 73.1943 of our rules concerning broadcasts by candidates for public office. See 47 CFR § 73.3526(e) (listing the materials that commercial stations must retain in their public inspection files); *id.* § 73.3527(e) (listing the materials that NCE stations must retain in their public inspection files).

<sup>109</sup> See *Television Online Public File Order*.

adopted rules expanding the online public file requirement to broadcast radio licensees.<sup>110</sup> As of June 24, 2016, commercial broadcast radio stations in the top 50 Nielsen Audio radio markets with five or more full-time employees were required to place *new* public and political file documents in the online public file on a going-forward basis.<sup>111</sup> By December 24, 2016, these entities were required to upload their *existing* public file documents to the online file, except for existing political file material which they may either upload or maintain locally until the expiration of the two-year retention period for such political file material.<sup>112</sup> Beginning March 1, 2018, all other broadcast radio stations<sup>113</sup> must place *new* public and political file documents in the online public file on a going-forward basis. They must also upload their *existing* public file documents to the online file by that date, except for existing political file material which they may either upload or maintain locally until the expiration of the two-year retention period for such political file material.<sup>114</sup> In other words, community members already have online access to television station public files, and by March 1, 2018 they will have online access to radio station public files, with the potential exception of preexisting portions of the political file that the station may retain locally until the expiration of the two-year retention period for such materials.

25. Nonetheless, we recognize the need to ensure that community members have local access to a station's public file for any timeframe during which all or a portion of that file is not available via the online public file.<sup>115</sup> Accordingly, we require every broadcast station applicant, permittee, or licensee to maintain any portion of its public file that is not part of the online public file at an accessible place within its community of license. NAB and other broadcasters support this approach.<sup>116</sup> The "accessible place" could be a station office or studio, if it is located within the community of license, or it could be a different location such as a local library or another station's office or studio.<sup>117</sup> The file must be available for public inspection at any time during regular business hours, as is currently the case with regard to access to a public file maintained at a station's main studio.<sup>118</sup> If a station has transitioned to the online

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<sup>110</sup> See *Expanded Online Public File Order* (expanding the online public file requirement to cable and satellite television operators and broadcast and satellite radio licensees).

<sup>111</sup> See *Effective Date Announced for Expanded Online Public Inspection File Database*, Public Notice, 31 FCC Rcd 4699 (rel. May 12, 2016) (*Expanded Online Public File Effective Date PN*).

<sup>112</sup> See *id.* See also 47 CFR § 73.3526(b)(3)(i)-(iii) (requiring commercial stations either to retain previously existing political file material at the station until the end of the two-year retention period, or to opt instead to place that existing political file material in the online public inspection file).

<sup>113</sup> This includes NCE broadcast radio stations, commercial broadcast radio stations in the top 50 Nielsen Audio radio markets with fewer than five full-time employees, and commercial broadcast radio stations in markets below the top 50 or outside all markets.

<sup>114</sup> See *Expanded Online Public File Effective Date PN*, 31 FCC Rcd at 4700; 47 CFR §§ 73.3526(b)(3)(i)-(iii) (requiring commercial stations either to retain previously existing political file material at the station until the end of the two-year retention period, or to opt instead to place that existing political file material in the online public inspection file), 73.3527(b)(2)(i)-(ii) (imposing the same requirement on NCE stations).

<sup>115</sup> See NPRM, 32 FCC Rcd at 4419, para. 11 ("To the extent that stations are no longer required to have a local main studio, we seek comment on how we should ensure that community members have access to a station's public file.").

<sup>116</sup> See NAB Comments at 8; Saga Comments at 5; Urban One Comments at 3; Wagner Comments at 8; Letter from Erin L. Dozier, Senior Vice President and Deputy General Counsel, Legal and Regulatory Affairs, NAB, to Marlene H. Dortch, Secretary, FCC, at 1 (filed Aug. 14, 2017) (NAB Aug. 14 *Ex Parte* Letter). See also Univision Comments at 6.

<sup>117</sup> See NPRM, 32 FCC Rcd at 4420, para. 11.

<sup>118</sup> The other requirements of existing sections 73.3526(c)(1) and 73.3527(c)(1) of our rules also will apply to the selected location of the public file within the community of license. See 47 CFR §§ 73.3526(c)(1), 73.3527(c)(1). Sections 73.3526(b) and 73.3527(b) of our rules currently contain multiple references to the hard copy public

(continued....)



public file with the exception of its existing political file materials, which certain stations may maintain locally until the two-year retention period expires as discussed above, then the station must maintain a copy of its existing political file materials at an accessible place within its community of license until it is no longer required to retain those materials.<sup>119</sup> We note that any station that wishes to avoid this requirement has the option to instead fully transition to the Commission's online public file system.

26. In addition, if a broadcast station currently maintains its local public file at a main studio that complies with the current main studio rule but is not within the station's community of license, and if the station retains that studio, we will grandfather that studio as a permissible location for the station's local public file for the period before completion of the station's transition to the online public file.<sup>120</sup> Similarly, some existing waivers of the main studio rule permit stations to maintain their public files at the station's main studio outside the community of license.<sup>121</sup> We also will grandfather any such studio as a permissible location for the station's local public file for the period before completion of the station's transition to the online public file. This approach will ensure that stations with current waivers do not face increased burdens as a result of the elimination of the main studio rule.

27. A community member seeking access to a station's public inspection file in the community of license may contact the station to inquire as to the location of the file, for example via its required telephone number<sup>122</sup> or email. Stations must promptly provide information regarding the location of the file within one business day of a request. In addition, we encourage stations that make public file materials available at an accessible place in the community to provide that location on their

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inspection file maintained at a station or at the station's main studio, and we will revise this language instead to reference retention of the file at an accessible place in the community of license (with the exception of references that are limited to timeframes in the past).

<sup>119</sup> Urban One states, "a radio station that has voluntarily uploaded all political materials that are required to be maintained to its online file should have no obligation to make public file material available other than online." Urban One Comments at 3, n.9. As explained above, certain stations may locally retain political file materials that were existing as of a certain date, rather than uploading them to the online public file, until the expiration of the two-year retention period for those materials. To the extent Urban One is arguing that we should permit stations to include new political file materials in the online public file, but not to make existing political file materials available either locally or through the online public file, we disagree. To the contrary, we find that it is important to ensure that community members have local access to all portions of the public inspection file that are not part of the online public file. If it is too inconvenient or costly to maintain these materials locally, then a station may choose to post them to the online public file instead. In addition, we note that a change to the material that is required to be part of a station's public file is outside the scope of this proceeding.

<sup>120</sup> Sections 73.3526(c)(2) and 73.3527(c)(2) of our rules currently govern access to material in the public file by mail where the applicant, permittee, or licensee maintains its main studio and public file outside its community of license. See 47 CFR §§ 73.3526(c)(2), 73.3527(c)(2). These current rules will remain in place, but we will delete the phrase "main studio and," such that the provisions will be triggered if an applicant, permittee, or licensee maintains its public file outside its community of license because the station's studio is grandfathered as a permissible location for the file, as discussed herein. See NAB Aug. 14 *Ex Parte* Letter at 2 (explaining that the requirement in section 73.3526(c)(2) "was adopted against the backdrop of the existing main studio rule and should be updated to reflect the elimination of the rule").

<sup>121</sup> Some main studio waivers reference a licensee pledge to maintain the public file in the community of license, while others permit the licensee to maintain the public file at the main studio subject to the waiver. See, e.g., *Delmarva Order* (a main studio waiver that references such a pledge); Letter from Linda Blair, Chief, Audio Services Division, Mass Media Bureau, to Lawrence Bernstein, Bernstein and McVeigh, at 2 (Aug. 13, 1997) (a main studio waiver that does not reference such a pledge).

<sup>122</sup> See *supra* Section III.D; NPR Comments at 10; Urban One Comments at 3.

website, if they have a website, and by any other means that the station deems effective.<sup>123</sup>

28. In the NPRM, the Commission sought comment on whether alternatively it should only eliminate the main studio rule for stations that have fully transitioned all public file material to the online public file, including existing political file materials.<sup>124</sup> While some commenters support this alternate approach,<sup>125</sup> we agree with NAB that we should not limit in this manner the public interest benefits that will follow the elimination of the main studio rule.<sup>126</sup> The later March 1, 2018 online public file deadline generally applies to smaller stations.<sup>127</sup> Some of these entities may be most adversely impacted by the costs of complying with the current main studio rule, and we conclude that we should not disadvantage them by denying them the benefits of the repeal of the rule. As discussed above, the costs savings of eliminating the rule will be significant and will apply to all types of broadcast stations.<sup>128</sup> Given our decision to require maintenance of paper files at an accessible location in the community if they are not available via the online public file, the benefits of retaining the main studio rule for those stations that do not use the online public file would be minimal, if they exist at all. Indeed, in many cases the station may locate its file at its current main studio, and in other cases we expect that the selected local file location will be equally, if not more, convenient to residents as compared to the station's current main studio. For example, if a station previously maintained its main studio outside of its community of license, as permitted under the current rule, and the station chooses to cease operating that local studio as a result of this Order, then it may be more convenient for community members to access the local file at a location within the community of license, as we require here.

#### **F. Related Commission Rules**

29. As a result of our repeal of the main studio rule, we also will make the following conforming rule revisions as shown in Appendix A:<sup>129</sup>

- In section 1.80, delete the row of the chart detailing the base forfeiture amount for violations of the main studio rule.<sup>130</sup>
- In section 1.1104, delete the four rows detailing the schedule of charges for a "Main Studio

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<sup>123</sup> See, e.g., MMTC Comments at 3 (if a station makes its public file available at a different location in the community, it could publicize the location online or through on-air announcements); Urban One Comments at 3 (the station could provide the location of its public file on its website or on request by telephone).

<sup>124</sup> NPRM, 32 FCC Rcd at 4420, para. 11.

<sup>125</sup> See Crawford Comments at 2; Jackson Comments at 1; Prime Time Comments at 2; REC Comments at 4.

<sup>126</sup> NAB Comments at 9. In addition, we will not adopt the proposal of one commenter that we only permit stations to eliminate their current main studios if they make their public file available both online and at a business or library in the station's community of license. See Bittner Comments. Given that it is sufficient for a station currently to make its public file available online only, we see no reason to require an additional means of access if the station eliminates its current main studio and its entire public file is available through the Commission's online public file.

<sup>127</sup> The deadline applies to NCE broadcast radio stations, commercial broadcast radio stations in the top 50 Nielsen Audio radio markets with fewer than five full-time employees, and commercial broadcast radio stations in markets below the top 50 or outside all markets

<sup>128</sup> See *supra* Section III.A.

<sup>129</sup> See NPRM, 32 FCC Rcd at 4420, para. 12 (seeking comment on rule changes needed to conform to the proposed elimination of the main studio rule and associated requirements). Commenters support the deletion of rules that are premised on the existence of the main studio rule. See NAB Comments at 10; Nexstar Comments at 1-2.

<sup>130</sup> 47 CFR § 1.80. We will continue to rely on the base forfeiture amount of \$7000 as a starting point in assessing a forfeiture for any violations of the main studio rule that occurred before the effective date of the elimination of the rule. 47 U.S.C. § 503(b)(6).

Request,” and re-letter the remaining listings accordingly.<sup>131</sup>

- In the definition of “equipment performance measurements” in section 73.14 of our rules, delete “at main studio.”<sup>132</sup>
- Delete section 73.761(d) of our rules, which currently governs formal applications for a change in main studio location, and renumber the remainder of the rule.<sup>133</sup>
- In section 73.1400(a)(1)(ii) of our rules, change the reference to “the main studio or other location” to “a studio or other location.”<sup>134</sup>
- Delete section 73.1690(c)(8)(ii) of our rules, which currently states that both commercial and NCE FM stations must comply with the main studio rule, and renumber the remainder of the rule.<sup>135</sup>
- Delete section 73.1690(d)(1) of our rules, which currently governs permissive changes in studio location, and renumber the remainder of the rule.<sup>136</sup>
- Modify sections 73.3526(b)(2)(ii) and 73.3527(b)(2)(iii) of our rules, which currently require the public file to include the station’s main studio address and telephone number, instead to require the public file to include the station’s address and telephone number.<sup>137</sup>
- Delete the reference to “main studio” in sections 73.3526(e)(4) and 73.3527(e)(3) of our rules, which currently require inclusion of information showing service contours and/or main studio and transmitter location in the public file.<sup>138</sup>
- Delete section 73.3538(b)(2) of our rules, which currently governs informal applications to relocate a main studio, and renumber the remainder of the rule.<sup>139</sup>
- Delete section 73.3544(b)(3) of our rules, which currently governs informal applications for a change in location of the main studio, and renumber the remainder of the rule.<sup>140</sup>
- In the Alphabetical Index to Part 73, delete the four rows that reference section 73.1125.<sup>141</sup>

30. We also will delete section 73.6000(3) of our rules and will require Class A stations to meet the required quantity of “locally produced programming” through programming that complies with

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<sup>131</sup> 47 CFR § 1.1104.

<sup>132</sup> *Id.* § 73.14.

<sup>133</sup> *Id.* § 73.761(d).

<sup>134</sup> *Id.* § 73.1400(a)(1)(ii).

<sup>135</sup> *Id.* § 73.1690(c)(8)(ii).

<sup>136</sup> *Id.* § 73.1690(d)(1).

<sup>137</sup> *Id.* §§ 73.3526(b)(2)(ii), 73.3527(b)(2)(iii). As stated above, the posted address should be a location at which the licensee may be contacted by mail and in person, for example, a studio, office, or headquarters. *See supra* Section III.D.

<sup>138</sup> 47 CFR §§ 73.3526(e)(4), 73.3527(e)(3).

<sup>139</sup> *Id.* § 73.3538(b)(2).

<sup>140</sup> *Id.* § 73.3544(b)(3). We also adopt the proposal to delete the outdated reference in section 73.1690(d)(2) to section 73.1410, which has been deleted. NPRM, 32 FCC Rcd at 4420, n.36.

<sup>141</sup> 47 CFR Part 73, Alphabetical Index.

section 73.6000(1) or (2).<sup>142</sup> Consistent with the Community Broadcasters Protection Act of 1999, Section 73.6001(b)(2) requires Class A stations to broadcast an average of at least three hours of locally produced programming per week each quarter.<sup>143</sup> Section 73.6000 defines locally produced programming for these purposes as programming that is:

- (1) Produced within the predicted Grade B contour of the station broadcasting the program or within the contiguous predicted Grade B contours of any of the stations in a commonly owned group; or
- (2) Produced within the predicted DTV noise-limited contour . . . of a digital Class A station broadcasting the program or within the contiguous predicted DTV noise-limited contours of any of the digital Class A stations in a commonly owned group; or
- (3) Programming produced at the station's main studio.<sup>144</sup>

Upon deletion of the main studio rule, we find that it is appropriate to delete option (3). Options (1) and (2) are sufficiently broad that it should not be difficult for Class A stations to meet the required quantity of locally produced programming.<sup>145</sup> Our approach will alleviate the concern of Free Press that eliminating the main studio rule would “effectively nullify” the Class A requirement pertaining to the quantity of locally produced programming.<sup>146</sup>

#### **IV. PROCEDURAL MATTERS**

##### **A. Final Regulatory Flexibility Analysis**

31. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),<sup>147</sup> the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this Order. The FRFA is set forth in Appendix B.

##### **B. Final Paperwork Reduction Act of 1995 Analysis**

32. This document contains new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13.<sup>148</sup> It will be submitted to OMB for review

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<sup>142</sup> *Id.* § 73.6000. See also NPRM, 32 FCC Rcd at 4420-21, para. 12. Commenters did not address this issue substantively.

<sup>143</sup> 47 CFR § 73.6001(b).

<sup>144</sup> *Id.* § 73.6000.

<sup>145</sup> The Commission grandfathered certain main studios that did not comply with the main studio rule when it implemented the Community Broadcasters Protection Act of 1999 creating the Class A service. See *Establishment of a Class A Television Service*, Report and Order, 15 FCC Rcd 6355, 6366, para. 25 (2000), *on reconsideration*, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 8244, 8256, para. 31 (2001) (grandfathering the location of a Class A station's main studio, if any, as of November 29, 1999). For those Class A stations currently operating at grandfathered main studios that are outside the locations described in section 73.6000(1)-(2) of our rules, we will continue to consider programming produced at that previously grandfathered main studio to be locally produced.

<sup>146</sup> Free Press Comments at 23.

<sup>147</sup> See 5 U.S.C. § 603. The RFA, see 5 U.S.C. § 601 *et seq.*, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

<sup>148</sup> See Appendix A, revising sections 73.3526(c)(1) and 73.3527(c)(1) of our rules to add, “The applicant, permittee, or licensee must provide information regarding the location of the file, or the applicable portion of the file, within one business day of a request for such information.” In addition to those new information collection requirements, following adoption of this Order the Commission also will submit to the Office of Management and Budget (OMB)

(continued....)

under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198,<sup>149</sup> we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. We describe impacts that might affect small businesses, which includes most businesses with fewer than 25 employees, in the FRFA in Appendix B, *infra*.

**C. Congressional Review Act**

33. The Commission will send a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

**D. Additional Information.**

34. For additional information on this proceeding, contact Diana Sokolow, Diana.Sokolow@fcc.gov, of the Media Bureau, Policy Division, (202) 418-2120.

**V. ORDERING CLAUSES**

35. Accordingly, **IT IS ORDERED** that, pursuant to the authority found in sections 4(i), 4(j), 303, 307(b), and 336(f) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 303, 307(b), and 336(f), this Report and Order **IS HEREBY ADOPTED**.

36. **IT IS FURTHER ORDERED** that Parts 1 and 73 of the Commission's rules, 47 CFR Parts 1 and 73, **ARE AMENDED** as set forth in Appendix A, and such rule amendments shall be effective thirty (30) days after the date of publication in the Federal Register, except for the portions of sections 73.3526(c)(1) and 73.3527(c)(1) that contain new or modified information collection requirements, which shall become effective after the Commission publishes a notice in the *Federal Register* announcing OMB approval and the relevant effective date.

37. **IT IS FURTHER ORDERED** that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, **SHALL SEND** a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

38. **IT IS FURTHER ORDERED** that the Commission **SHALL SEND** a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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a notice of discontinuance to reflect the deletion of the main studio rule and its associated information collection requirements.

<sup>149</sup> *See* 44 U.S.C. § 3506(c)(4).

**APPENDIX A**

**Final Rules**

For ease of review, the final rules set forth below show amendments in **bold/underline** (for additions) and ~~striketrough~~ (for deletions).

The Federal Communications Commission amends 47 CFR parts 1 and 73 to read as follows:

**PART 1 – PRACTICE AND PROCEDURE**

1. The authority citation for part 1 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 332, 1403, 1404, 1451, 1452, and 1455.

2. Revise § 1.80 by deleting the row of the chart detailing the base forfeiture for a violation of the main studio rule, as follows:

**§ 1.80 Forfeiture proceedings.**

\* \* \* \* \*

Violations Unique to the Service

\* \* \*

<del>Violation of main studio rule</del>	<del>Broadcast</del>	<del>7,000</del>
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\* \* \*

\* \* \* \* \*

3. Revise § 1.1104 (Schedule of charges for applications and other filings for media services) by deleting items 1.c. (Commercial TV Services, Main Studio Request), 2.c. (Commercial AM Radio Stations, Main Studio Request), 3.c. (Commercial FM Radio Stations, Main Studio Request), and 8.g. (Class A TV Services, Main Studio Request), and re-lettering the remaining items accordingly.

**PART 73 – RADIO BROADCAST SERVICES**

4. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 309, 310, 334, 336, and 339.

5. Revise § 73.14 by modifying the definition of “equipment performance measurements” as follows:

**§ 73.14 AM broadcast definitions.**

\* \* \* \* \*

*Equipment performance measurements.* The measurements performed to determine the overall performance characteristics of a broadcast transmission system from point of program origination ~~at main~~

~~studio~~ to sampling of signal as radiated. (See §73.1590)

\* \* \* \* \*

6. Revise § 73.761 by deleting paragraph (d) and renumbering the following paragraphs as follows:

**§ 73.761 Modification of transmission systems.**

\* \* \* \* \*

~~(d) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.~~

~~(ed)~~ Change in the power delivered to the antenna.

~~(fe)~~ Change in frequency control and/or modulation system.

~~(gf)~~ Change in direction or gain of antenna system.

Other changes, not specified above in this section, may be made at any time without the authority of the Commission: *Provided*, That the Commission shall be immediately notified thereof and such changes shall be shown in the next application for renewal of license.

7. Revise § 73.1125 to read as follows:

**§ 73.1125 ~~Station main studio location~~ Station telephone number.**

~~(a) Except for those stations described in paragraph (b) of this section, each AM, FM, and TV broadcast station shall maintain a main studio at one of the following locations:~~

~~(1) Within the station's community of license;~~

~~(2) At any location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or~~

~~(3) Within twenty five miles from the reference coordinates of the center of its community of license as described in §73.208(a)(1).~~

NOTE TO PARAGRAPH (a): The principal community contour of AM stations that simulcast on a frequency in the 535-1605 kHz band and on a frequency in the 1605-1705 kHz band shall be the 5 mV/m contour of the lower band operation during the term of the simultaneous operating authority. Upon termination of the 535-1605 kHz band portion of the dual frequency operation, the principal community contour shall become the 5 mV/m of the remaining operation in the 1605-1705 kHz band.

~~(b) The following stations are not required to maintain their main studio at the locations described in paragraph (a) of this section.~~

~~(1) AM stations licensed as synchronous amplifier transmitters ("AM boosters") or,~~

~~(2) AM, FM, or TV stations, when good cause exists for locating the main studio at a location other than that described in paragraph (a) of this section, and when so doing would be consistent with the operation of the station in the public interest.~~

(c) Each Class A television station shall maintain a main studio at a location within the station's predicted Grade B contour, as defined in §73.683 and calculated using the method specified in §73.684. With respect to a group of commonly controlled stations, Class A stations whose predicted Grade B contours are physically contiguous to each other may locate their main studio within any of these contours. If a Class A station is one of a group of commonly controlled Class A stations, but its predicted Grade B contour is not physically contiguous to that of another Class A station in the commonly owned group, its main studio shall be located within its own predicted Grade B contour. Alternatively, a Class A television station shall maintain a main studio at the site used by the station as of November 29, 1999.

(d) Relocation of the main studio may be made:

(1) From one point to another within the locations described in paragraph (a) or (c) of this section, or from a point outside the locations specified in paragraph (a) or (c) to one within those locations, without specific FCC authority, but notification to the FCC in Washington shall be made promptly.

(2) Written authority to locate a main studio outside the locations specified in paragraph (a) or (c) of this section for the first time must be obtained from the Audio Division, Media Bureau for AM and FM stations, or the Video Division for TV and Class A television stations before the studio may be moved to that location. Where the main studio is already authorized at a location outside those specified in paragraph (a) or (c) of this section, and the licensee or permittee desires to specify a new location also located outside those locations, written authority must also be received from the Commission prior to the relocation of the main studio. Authority for these changes may be requested by filing a letter with an explanation of the proposed changes with the appropriate division. Licensees or permittees should also be aware that the filing of such a letter request does not imply approval of the relocation request, because each request is addressed on a case by case basis. A filing fee is required for commercial AM, FM, TV or Class A TV licensees or permittees filing a letter request under the section (see §1.1104 of this chapter).

(e) Each AM, FM, TV, and Class A TV broadcast station shall maintain a local telephone number in its community of license or a toll-free number.

8. Revise § 73.1400 paragraph (a)(1)(ii) to read as follows:

**§ 73.1400 Transmission system monitoring and control.**

\* \* \* \* \*

(a) *Attended operation.* (1) \* \* \*

(ii) Remote control of the transmission system by a person at ~~the main a~~ studio or other location. The remote control system must provide sufficient transmission system monitoring and control capability so as to ensure compliance with §73.1350.

\* \* \* \* \*

9. Revise § 73.1690 paragraphs (c)(8) and (d) to read as follows:

**§ 73.1690 Modification of transmission systems.**

\* \* \* \* \*

(c) \* \* \*



(8) FM commercial stations and FM noncommercial educational stations may decrease ERP on a modification of license application provided that exhibits are included to demonstrate that all ~~six~~ **five** of the following requirements are met:

(i) Commercial FM stations must continue to provide a 70 dBu principal community contour over the community of license, as required by §73.315(a). Noncommercial educational FM stations must continue to provide a 60 dBu contour over at least a portion of the community of license. The 60 and 70 dBu contours must be predicted by use of the standard contour prediction method in §73.313(b), (c), and (d).

~~(ii) For both commercial FM and noncommercial educational FM stations, the location of the main studio remains within the 70 dBu principal community contour, as required by § 73.1125, or otherwise complies with that rule. The 70 dBu contour must be predicted by use of the standard contour prediction method in § 73.313(b), (c), and (d).~~

~~(iii) For commercial FM stations only, there is no change in the authorized station class as defined in §73.211.~~

~~(iviii) For commercial FM stations only, the power decrease is not necessary to achieve compliance with the multiple ownership rule, §73.3555.~~

(iv) Commercial FM stations, noncommercial educational FM stations on Channels 221 through 300, and noncommercial educational FM stations on Channels 200 through 220 which are located in excess of the distances in Table A of §73.525 with respect to a Channel 6 TV station, may not use this rule to decrease the horizontally polarized ERP below the value of the vertically polarized ERP.

(vi) Noncommercial educational FM stations on Channels 201 through 220 which are within the Table A distance separations of §73.525, or Class D stations on Channel 200, may not use the license modification process to eliminate an authorized horizontally polarized component in favor of vertically polarized-only operation. In addition, noncommercial educational stations operating on Channels 201 through 220, or Class D stations on Channel 200, which employ separate horizontally and vertically polarized antennas mounted at different heights, may not use the license modification process to increase or decrease either the horizontal ERP or vertical ERP without a construction permit.

\* \* \* \* \*

(d) The following changes may be made without authorization from the FCC, however informal notification of the changes must be made according to the rule sections specified:

~~(1) Change in studio location within the principal community contour. See § 73.1125.~~

~~(12) Commencement of remote control operation pursuant to §73.1400 and 73.1410.~~

~~(23) Modification of an AM directional antenna sampling system. See §73.68.~~

\* \* \* \* \*

10. Revise paragraphs (b), (c), and (e)(4) of § 73.3526 to read as follows:

**§ 73.3526 Local public inspection file of commercial stations.**

\* \* \* \* \*

(b) *Location of the file.* The public inspection file shall be located as follows:

(1) For radio licensees temporarily exempt from the online public file hosted by the Commission, as discussed in paragraph (b)(2) of this section, a hard copy of the public inspection file shall be maintained at ~~the main studio of the station~~ **an accessible place in the community of license**, unless the licensee elects voluntarily to place the file online as discussed in paragraph (b)(2) of this section. An applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license ~~or at its proposed main studio~~.

**NOTE TO PARAGRAPH (b)(1): If as of [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN FEDERAL REGISTER] a broadcast station maintains a hard copy of all or a portion of its public inspection file at a main studio that either complied with the Commission's previous main studio rule but is not within the station's community of license, or was deemed a permissible location for the station's public inspection file pursuant to a waiver of the previous main studio rule, and if the station retains that studio, then that studio is a permissible location for the station's hard copy public inspection file. Any reference in this section to "an accessible place in the community of license" shall be deemed to include such a studio.**

(2)(i) A television station licensee or applicant, and any radio station licensee or applicant not temporarily exempt as described in this paragraph, shall place the contents required by paragraph (e) of this section of its public inspection file in the online public file hosted by the Commission, with the exception of the political file as required by paragraph (e)(6) of this section, as discussed in paragraph (b)(3) of this section. Any radio station not in the top 50 Nielsen Audio markets, and any radio station with fewer than five full-time employees, shall continue to retain the public inspection file at ~~the station~~ **an accessible place in the community of license** in the manner discussed in paragraph (b)(1) of this section until March 1, 2018. However, any radio station that is not required to place its public inspection file in the online public file hosted by the Commission before March 1, 2018 may choose to do so, instead of retaining the public inspection file at ~~the station~~ **an accessible place in the community of license** in the manner discussed in paragraph (b)(1) of this section.

(ii) A station must provide a link to the public inspection file hosted on the Commission's Web site from the home page of its own Web site, if the station has a Web site, and provide contact information on its Web site for a station representative that can assist any person with disabilities with issues related to the content of the public files. A station also is required to include in the online public file the station's ~~main studio~~ address and telephone number, and the email address of the station's designated contact for questions about the public file. To the extent this section refers to the local public inspection file, it refers to the public file of an individual station, which is either maintained at ~~the station~~ **an accessible place in the community of license** or on the Commission's Web site, depending upon where the documents are required to be maintained under the Commission's rules.

(3)(i) A licensee or applicant shall place the contents required by paragraph (e)(6) of this section of its political inspection file in the online public file hosted by the Commission. Political inspection file material already in existence 30 days after the effective date of this provision, if not placed in the online public file hosted by the Commission, shall continue to be retained at ~~the station~~ **an accessible place in the community of license** in the manner discussed in paragraph (b)(1) of this section until the end of its retention period.

(ii) Any television station not in the top 50 DMAs, and any station not affiliated with one of the top four broadcast networks, regardless of the size of the market it serves, shall continue to retain the political file at the station in the manner discussed in paragraph (b)(1) of this section until July 1, 2014. For these stations, effective July 1, 2014, any new political file material shall be placed in the online file hosted by the Commission, while the material in the political file as of July 1, 2014, if not placed in the

Commission's Web site, shall continue to be retained at the station in the manner discussed in paragraph (b)(1) of this section until the end of its retention period. However, any station that is not required to place its political file in the online file hosted by the Commission before July 1, 2014 may choose to do so, instead of retaining the political file at the station in the manner discussed in paragraph (b)(1) of this section.

**NOTE TO PARAGRAPH (b)(3)(ii): For purposes of paragraph (b)(3)(ii), the "manner discussed in paragraph (b)(1) of this section" refers to maintaining a hard copy of the public inspection file at the main studio of the station as described in paragraph (b)(1) prior to [INSERT EFFECTIVE DATE OF AMENDMENT TO 47 CFR § 73.3526(b)(1)]. See 47 CFR § 73.3526(b)(1) (2016).**

(iii) Any radio station not in the top 50 Nielsen Audio markets, and any radio station with fewer than five full-time employees, shall continue to retain the political file at ~~the station~~ **an accessible place in the community of license** in the manner discussed in paragraph (b)(1) of this section until March 1, 2018. For these stations, effective March 1, 2018, any new political file material shall be placed in the online public file hosted by the Commission, while the material already existing in the political file as of March 1, 2018, if not placed in the online public file hosted by the Commission, shall continue to be retained at ~~the station~~ **an accessible place in the community of license** in the manner discussed in paragraph (b)(1) of this section until the end of its retention period. However, any station that is not required to place its political file on the Commission's Web site before March 1, 2018, may choose to do so, instead of retaining the political file at ~~the station~~ **an accessible place in the community of license** in the manner discussed in paragraph (b)(1) of this section.

(4) \* \* \*

(c) *Access to material in the file.* (1) **For any applicant, permittee, or licensee that does not include all material described in paragraph (e) of this section in the online public file hosted by the Commission, the portion of the file that is not included in the online public file** ~~The file~~ shall be available for public inspection at any time during regular business hours **at an accessible place in the community of license. The applicant, permittee, or licensee must provide information regarding the location of the file, or the applicable portion of the file, within one business day of a request for such information.** All or part of the file may be maintained in a computer database, as long as a computer terminal is made available, at the location of the file, to members of the public who wish to review the file. Material in the public inspection file shall be made available for printing or machine reproduction upon request made in person. The applicant, permittee, or licensee may specify the location for printing or reproduction, require the requesting party to pay the reasonable cost thereof, and may require guarantee of payment in advance (e.g., by requiring a deposit, obtaining credit card information, or any other reasonable method). Requests for copies shall be fulfilled within a reasonable period of time, which generally should not exceed 7 days.

(2) The applicant, permittee, or licensee who maintains its ~~main studio and~~ public file outside its community of license (**see NOTE TO PARAGRAPH (b)(1)**) shall:

(i) Make available to persons within its geographic service area, by mail upon telephone request, photocopies of documents in the file (*see* §73.3526(c)(1)), excluding the political file (*see* §73.3526(e)(6)), and the station shall pay postage;

(ii) Mail the most recent version of "The Public and Broadcasting" to any member of the public that requests a copy; and

(iii) Be prepared to assist members of the public in identifying the documents they may ask to be sent to them by mail, for example, by describing to the caller, if asked, the period covered by a particular report and the number of pages included in the report.

NOTE TO PARAGRAPH (c)(2): For purposes of this section, geographic service area includes the area within the Grade B contour for TV, 1 mV/m contour for all FM station classes except .7 mV/m for Class B1 stations and .5 mV/m for Class B stations, and .5 mV/m contour for AM stations.

(d) \* \* \*

(e) \* \* \*

(4) *Contour maps.* A copy of any service contour maps, submitted with any application tendered for filing with the FCC, together with any other information in the application showing service contours and/or ~~main studio and~~ transmitter location (State, county, city, street address, or other identifying information). These documents shall be retained for as long as they reflect current, accurate information regarding the station.

\* \* \* \* \*

11. Revise paragraphs (b), (c), and (e)(3) of § 73.3527 to read as follows:

**§ 73.3527 Local public inspection file of noncommercial educational stations.**

\* \* \* \* \*

(b) *Location of the file.* The public inspection file shall be located as follows:

(1) For radio licensees, a hard copy of the public inspection file shall be maintained at ~~the main studio of the station~~ **an accessible place in the community of license** until March 1, 2018, except that, as discussed in paragraph (b)(2)(ii) of this section, any radio station may voluntarily place its public inspection file in the online public file hosted by the Commission before March 1, 2018, if it chooses to do so, instead of retaining the file at ~~the station~~ **an accessible place in the community of license**. An applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license ~~or at its proposed main studio~~.

**NOTE TO PARAGRAPH (b)(1): If as of [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN FEDERAL REGISTER] a broadcast station maintains a hard copy of all or a portion of its public inspection file at a main studio that either complied with the Commission's previous main studio rule but is not within the station's community of license, or was deemed a permissible location for the station's public inspection file pursuant to a waiver of the previous main studio rule, and if the station retains that studio, then that studio is a permissible location for the station's hard copy public inspection file. Any reference in this section to "an accessible place in the community of license" shall be deemed to include such a studio.**

(2)(i) A noncommercial educational television station licensee or applicant shall place the contents required by paragraph (e) of this section of its public inspection file in the online public file hosted by the Commission, with the exception of the political file as required by paragraph (e)(5) of this section, which may be retained at the station in the manner discussed in paragraph (b)(1) of this section until July 1, 2014. Effective July 1, 2014, any new political file material shall be placed in the online public file hosted by the Commission, while the material in the political file as of July 1, 2014, if not placed in the Commission's online public file, shall continue to be retained at the station in the manner discussed in

paragraph (b)(1) of this section until the end of its retention period. However, any noncommercial educational station that is not required to place its political file in the online public file hosted by the Commission before July 1, 2014 may choose to do so instead of retaining the political file at the station in the manner discussed in paragraph (b)(1) of this section.

**NOTE TO PARAGRAPH (b)(2)(i): For purposes of paragraph (b)(2)(i), the “manner discussed in paragraph (b)(1) of this section” refers to maintaining a hard copy of the public inspection file at the main studio of the station as described in paragraph (b)(1) prior to [INSERT EFFECTIVE DATE OF AMENDMENT TO 47 CFR § 73.3527(b)(1)]. See 47 CFR § 73.3527(b)(1) (2016).**

(ii) Beginning March 1, 2018, noncommercial educational radio station licensees and applicants shall place the contents required by paragraph (e) in the online public inspection file hosted by the Commission. For these stations, effective March 1, 2018, any new political file material shall be placed in the Commission’s online public file, while the material in the political file as of March 1, 2018, if not placed in the Commission’s online public file, shall continue to be retained at ~~the station~~ **an accessible place in the community of license** in the manner discussed in paragraph (b)(1) of this section until the end of its retention period. However, any radio station that is not required to place its public inspection file in the online public file hosted by the Commission before March 1, 2018, may choose to do so, instead of retaining the public inspection at ~~the station~~ **an accessible place in the community of license** in the manner discussed in paragraph (b)(1).

(iii) A station must provide a link to the online public inspection file hosted by the Commission from the home page of its own Web site, if the station has a Web site, and provide contact information for a station representative on its Web site that can assist any person with disabilities with issues related to the content of the public files. A station also is required to include in the online public file hosted by the Commission the station’s ~~main studio~~ address and telephone number, and the email address of the station’s designated contact for questions about the public file. To the extent this section refers to the local public inspection file, it refers to the public file of an individual station, which is either maintained at ~~the station~~ **an accessible place in the community of license** or on the Commission’s Web site, depending upon where the documents are required to be maintained under the Commission’s rules.

(3) \* \* \*

(c) *Access to material in the file.* (1) **For any applicant, permittee, or licensee that does not include all material described in paragraph (e) of this section in the online public file hosted by the Commission, the portion of the file that is not included in the online public file** ~~The file~~ shall be available for public inspection at any time during regular business hours **at an accessible place in the community of license. The applicant, permittee, or licensee must provide information regarding the location of the file, or the applicable portion of the file, upon request and within one business day.** All or part of the file may be maintained in a computer database, as long as a computer terminal is made available, at the location of the file, to members of the public who wish to review the file. Material in the public inspection file shall be made available for printing or machine reproduction upon request made in person. The applicant, permittee, or licensee may specify the location for printing or reproduction, require the requesting party to pay the reasonable cost thereof, and may require guarantee of payment in advance (e.g., by requiring a deposit, obtaining credit card information, or any other reasonable method). Requests for copies shall be fulfilled within a reasonable period of time, which generally should not exceed 7 days.

(2) The applicant, permittee, or licensee who maintains its ~~main studio~~ and public file outside its community of license **(see NOTE TO PARAGRAPH (b)(1))** shall:

- (i) Make available to persons within its geographic service area, by mail upon telephone request, photocopies of documents in the file (*see* §73.3527(c)(1)), excluding the political file (*see* §73.3527(e)(5)), and the station shall pay postage;
- (ii) Mail the most recent version of “The Public and Broadcasting” to any member of the public that requests a copy; and
- (iii) Be prepared to assist members of the public in identifying the documents they may ask to be sent to them by mail, for example, by describing to the caller, if asked, the period covered by a particular report and the number of pages included in the report.

NOTE TO PARAGRAPH (c)(2): For purposes of this section, geographic service area includes the area within the protected service contour in a particular service: Grade B contour for TV, 1 mV/m contour for all FM station classes except .7 mV/m for Class B1 stations and .5 mV/m for Class B stations, and .5 mV/m contour for AM stations.

(d) \* \* \*

(e) \* \* \*

(3) *Contour maps.* A copy of any service contour maps, submitted with any application tendered for filing with the FCC, together with any other information in the application showing service contours and/or ~~main studio and~~ transmitter location (State, county, city, street address, or other identifying information). These documents shall be retained for as long as they reflect current, accurate information regarding the station.

\* \* \* \* \*

12. Revise § 73.3538 paragraph (b) to read as follows:

**§ 73.3538 Application to make changes in an existing station.**

\* \* \* \* \*

(b) An informal application filed in accordance with § 73.3511 is to be used to obtain authority to ~~make the following changes in the station authorization:~~ (1) To modify or discontinue the obstruction marking or lighting of the antenna supporting structure where that specified on the station authorization either differs from that specified in 47 CFR 17, or is not appropriate for other reasons.

~~(2) Relocation of a main studio outside the principal community contour may require the filing and approval of a letter request for authority to make this change prior to implementation. See §73.1125.~~

13. Revise § 73.3544 by revising paragraph (b) to read as follows:

**§73.3544 Application to obtain a modified station license.**

\* \* \* \* \*

(b) An informal application, *see* §73.3511(b), may be filed with the FCC in Washington, DC, Attention: Audio Division (radio) or Video Services Division (television), Media Bureau, to cover the following changes:

(1) A correction of the routing instructions and description of an AM station directional antenna system field monitoring point, when the point itself is not changed.

(2) A change in the type of AM station directional antenna monitor. See §73.69.

~~(3) A change in the location of the station main studio when prior authority to move the main studio location is not required.~~

~~(3)~~ (4) The location of a remote control point of an AM or FM station when prior authority to operate by remote control is not required.

\* \* \* \* \*

14. Revise § 73.6000 by deleting paragraph (3) as follows:

**§73.6000 Definitions.**

*Locally produced programming.* For the purpose of this subpart, locally produced programming is programming:

(1) Produced within the predicted Grade B contour of the station broadcasting the program or within the contiguous predicted Grade B contours of any of the stations in a commonly owned group; or

(2) Produced within the predicted DTV noise-limited contour (*see* §73.622(e) of this part) of a digital Class A station broadcasting the program or within the contiguous predicted DTV noise-limited contours of any of the digital Class A stations in a commonly owned group; ~~or~~

~~(3) Programming produced at the station's main studio.~~

NOTE TO §73.6000: *See Report and Order*, In the Matter of Establishment of a Class A Television Service, MM Docket No. 00-10, released April 4, 2000; *Memorandum Opinion and Order on Reconsideration*, In the Matter of Establishment of a Class A Television Service, MM Docket No. 00-10, released April 13, 2001; **Report and Order, In the Matter of Elimination of Main Studio Rule, MB Docket No. 17-106, released [INSERT DATE OF RELEASE].**

15. Revise the alphabetical index following Part 73 by deleting the following entries for section 73.1125:

**Alphabetical Index – Part 73**

\* \* \* \* \*

L

\* \* \* \* \*

Location, Main studio .....73.1125

\* \* \* \* \*

M

Main studio location.....73.1125

\* \* \* \* \*

S

\* \* \* \* \*

Station, main studio location.....73.1125

\* \* \* \* \*

Studio location, Main.....73.1125

\* \* \* \* \*



## APPENDIX B

### Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),<sup>1</sup> an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking (NPRM).<sup>2</sup> The Commission sought written public comments on proposals in the NPRM, including comment on the IRFA. The Commission received no comments on the IRFA, although some commenters discussed the effect of the proposals on smaller entities, as discussed below. The present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

#### A. Need for, and Objectives of, the Report and Order

2. In the Report and Order (Order), we adopt our proposal to eliminate the Federal Communications Commission (Commission) rule that requires each AM, FM, and television broadcast station to maintain a main studio located in or near its community of license.<sup>3</sup> We also adopt our proposal to eliminate existing requirements associated with our main studio rule, including the requirement that the main studio have full-time management and staff present during normal business hours, and that it have program origination capability.

3. The Commission first adopted main studio requirements in 1939 to ensure that community members could provide their local broadcast stations with input and that stations could participate in community activities.<sup>4</sup> The record also shows that eliminating the main studio rule will produce substantial benefits. Broadcasters will be able to redirect the significant costs associated with complying with the main studio rule to programming, equipment upgrades, newsgathering, and other services to the benefit of consumers. Moreover, repealing the rule will encourage the launch of new broadcast stations in small towns and rural areas and help prevent existing stations in those areas from going dark.

4. Since 2014, broadcasters have been transitioning from local public inspection files, maintained at the station's main studio, to an online file hosted by the Commission.<sup>5</sup> This transition will be almost entirely complete by March 2018, when the last group of remaining radio stations to transition must begin using the online file.<sup>6</sup> Although our rules will permit some stations to maintain a small portion of their public file documents locally for a limited period of time, the need for community members to visit a station's local main studio to access its public inspection file is quickly becoming a relic of the past. While we take steps to ensure that community members will continue to have local access to public files when necessary, we find that the few circumstances in which broadcast stations may continue to maintain portions of their public files locally do not justify the existence of our main studio rule. Moreover, the record shows that community members are highly unlikely to visit a station's main studio for other purposes, with people instead choosing to contact their local stations through more

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<sup>1</sup> See 5 U.S.C. § 603. The RFA, see 5 U.S.C. §§ 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract With America Advancement Act of 1996 (CWAAA).

<sup>2</sup> *Elimination of Main Studio Rule*, Notice of Proposed Rulemaking, 32 FCC Rcd 4415, 4426-30 (2017) (NPRM).

<sup>3</sup> 47 CFR § 73.1125(a)-(d).

<sup>4</sup> See, e.g., *Applications of the Tribune Company, Tampa, Florida, et al.*, 19 FCC 100, 148 (1954) ("The accessibility of the broadcast station's main studio may well determine in large part the extent to which the station (a) can participate and be an integral part of community activities, and (b) can enable members of the public to participate in live programs and present complaints or suggestions to the stations.").

<sup>5</sup> See Order Section III.E.

<sup>6</sup> See *id.* A more detailed discussion of the deadlines applicable to use of the online public file can be found in paragraph 24 of the Order.

efficient means such as the telephone, email, or social media.<sup>7</sup> Similarly, broadcast stations now interact with their communities of license via online means, and technology enables them to produce local news even without a nearby studio.<sup>8</sup> For all of these reasons, we adopt the tentative conclusion in the Notice of Proposed Rulemaking that the main studio rule and its associated requirements are now outdated and unnecessarily burdensome for broadcast stations, and should therefore be eliminated.<sup>9</sup>

**B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA**

5. No comments specifically address the proposed rules and policies presented in the IRFA. Some comments do, however, discuss the effect of the NPRM's proposals on smaller entities. For example, some commenters support the proposal to eliminate the main studio rule by explaining that in some small towns and rural areas the cost of complying with the current main studio rule dissuades broadcasters from launching a station, even if the broadcaster has already obtained a construction permit for the station.<sup>10</sup> Many stations based in such small towns and rural areas are smaller entities. Similarly, comments support the Commission's position that the main studio rule imposes significant and burdensome costs on broadcasters, particularly smaller broadcasters and noncommercial educational (NCE) stations.<sup>11</sup> Some commenters claim, without evidence, that small and independent broadcasters will not benefit from the elimination of the main studio rule because they likely will not relocate their existing studios and will become unable to compete against consolidated multi-station broadcasters.<sup>12</sup> The fact-based statements of small broadcasters in this proceeding, detailing the costs of compliance with the main studio rule and the potential benefits to them of the elimination of the rule, belie these claims.<sup>13</sup> Broadcasters detail the significant costs that they face under the main studio rule, including such expenses as: (a) rent, utilities, insurance, and maintenance costs for the studio itself; (b) equipment and transmission facilities; and (c) salaries, taxes, insurance, and benefits for the main studio's two full-time employees.<sup>14</sup> Broadcasters claim that main studio-related costs range from \$20,000 per year to several hundred thousand dollars per year.<sup>15</sup> One broadcaster states that it could consolidate main studios and

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<sup>7</sup> See Order Section III.A.

<sup>8</sup> See *id.* Section III.A, C.

<sup>9</sup> NPRM.

<sup>10</sup> See, e.g., Bryan Broadcasting *et al.* Comments at 3; CCR Comments at 3; DeLaHunt Comments; Jackman/Sebago Comments at 2-3; KCR Comments at 1-2.

<sup>11</sup> See, e.g., AMG Comments at 1; Anderson Comments; Bittner Comments; Blackbelt Broadcasting Comments; Broadcast Licensees Comments at 4; Crawford Comments at 2; Fiorini Comments; John Fox Comments; Great Plains Comments; GSB's Media Group Comments at 2; HCBI Comments at 2; Joint Commenters Comments at 4; L.M.N.O.C. Comments at 2; Miller Media Group Comments; Moody Comments at 2; NAB Comments at 8; NPR Comments at 7; Peninsula Communications Comments; Saga Comments at 3; Trinity Comments at 4; Venture Comments at 1.

<sup>12</sup> See Free Press Comments at 5, 14; Common Frequency Reply at 17. See also Aurora Comments at 2 (arguing that, since the value of small market stations will artificially inflate as they become less expensive to operate, it will become more difficult for minority and small owners to purchase stations).

<sup>13</sup> See NAB Reply at 6-7.

<sup>14</sup> See, e.g., Blount Comments at 2; Broadcast Licensees Comments at 5; Hubbard Comments at 3; MMTTC Comments at 2; MRE Comments at 3; NFIB Comments at 2; Prime Time Comments at 2-3; Starboard Comments at 2-3.

<sup>15</sup> See, e.g., Blount Comments at 2; Broadcast Licensees Comments at 5; Bryan Broadcasting *et al.* Comments at 6; Cordillera/Cox Comments at 5-6; Crawford Comments at 2; Hubbard Comments at 3; MRE Comments at 3; Prime Time Comments at 2-3; Starboard Comments at 3.

save more than \$10 million *annually*.<sup>16</sup>

6. Regarding the NPRM's proposal to eliminate the staffing requirement currently associated with the main studio rule, commenters persuasively state that it can be difficult for small or rural stations and for financially-challenged AM stations to support the requisite two full-time employees.<sup>17</sup>

**C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration**

7. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.<sup>18</sup> The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

**D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply**

8. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein.<sup>19</sup> The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>20</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>21</sup> A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).<sup>22</sup> Below, we provide a description of such small entities, as well as an estimate of the number of such small entities, where feasible.

9. *Television Broadcasting.* This economic Census category "comprises establishments primarily engaged in broadcasting images together with sound."<sup>23</sup> These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public.<sup>24</sup> These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule.

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<sup>16</sup> Trinity Comments at 4 (elimination of the main studio rule would enable Trinity to combine and consolidate several studios, leading to "a significant *annual* savings – \$10.5-\$13.5 million – which would be available for redeployment in additional and upgraded programming") (emphasis in original).

<sup>17</sup> See, e.g., Bryan Broadcasting *et al.* Comments at 7; Classic Broadcasting Comments at 2; FPR Comments at 1; Jackson Comments at 2.

<sup>18</sup> 5 U.S.C. § 604(a)(3).

<sup>19</sup> *Id.* § 603(b)(3).

<sup>20</sup> *Id.* § 601(6).

<sup>21</sup> *Id.* § 601(3) (incorporating by reference the definition of "small-business concern" in 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register." 5 U.S.C. § 601(3).

<sup>22</sup> 15 U.S.C. § 632.

<sup>23</sup> U.S. Census Bureau, 2012 North American Industry Classification System (NAICS) Definitions, "515120 Television Broadcasting," at <http://www.census.gov/cgi-bin/sssd/naics/naicsrch>.

<sup>24</sup> *Id.*

Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: those having \$38.5 million or less in annual receipts.<sup>25</sup> The 2012 U.S. Census indicates that 751 firms in this category operated in that year. Of that number, 656 had annual receipts of \$25,000,000 or less, 25 had annual receipts between \$25,000,000 and \$49,999,999, and 70 had annual receipts of \$50,000,000 or more.<sup>26</sup> Based on this data, we estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

10. In addition, the Commission has estimated the number of licensed commercial television stations to be 1,382.<sup>27</sup> Of this total, 1,264 stations had revenues of \$38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on February 24, 2017. Such entities, therefore, qualify as small entities under the SBA definition. The Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 393.<sup>28</sup> The Commission, however, does not compile and does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities. Based on the data, we estimate that the majority of television broadcast stations are small entities.

11. We note, however, that in assessing whether a business concern qualifies as “small” under the above definition, business (control) affiliations<sup>29</sup> must be included. Our estimate, therefore likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of “small business” requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which the rules would apply does not exclude any television station from the definition of a small business on this basis and therefore could be over-inclusive.

12. There are also 417 Class A stations.<sup>30</sup> Given the nature of these services, we will presume that all of these entities qualify as small entities under the above SBA small business size standard.

13. *Radio Stations.* This economic Census category “comprises establishments primarily engaged in broadcasting aural programs by radio to the public.”<sup>31</sup> The SBA has created the following small business size standard for this category: those having \$38.5 million or less in annual receipts.<sup>32</sup>

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<sup>25</sup> 13 CFR § 121.201; 2012 NAICS code 515120.

<sup>26</sup> U.S. Census Bureau, Table No. EC1251SSSZ4, *Information: Subject Series - Establishment and Firm Size: Receipts Size of Firms for the United States: 2012* (515120), [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2012\\_US\\_51SSSZ4&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table).

<sup>27</sup> See FCC News Release, *Broadcast Station Totals as of June 30, 2017* (rel. Jul. 11, 2017) (“*Broadcast Station Totals*”), available at <https://www.fcc.gov/media/broadcast-station-totals>.

<sup>28</sup> *Id.*

<sup>29</sup> “[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both.” 13 CFR § 121.103(a)(1).

<sup>30</sup> See *Broadcast Station Totals*, *supra*.

<sup>31</sup> U.S. Census Bureau, 2012 NAICS Definitions, “515112 Radio Stations,” at <http://www.census.gov/cgi-bin/sssd/naics/naicsrch>. This category description continues, “Programming may originate in their own studio, from an affiliated network, or from external sources.”

<sup>32</sup> 13 CFR § 121.201, 2012 NAICS code 515112.

Census data for 2012 show that 2,849 firms in this category operated in that year.<sup>33</sup> Of this number, 2,806 firms had annual receipts of less than \$25,000,000, and 43 firms had annual receipts of \$25,000,000 or more.<sup>34</sup> Because the Census has no additional classifications that could serve as a basis for determining the number of stations whose receipts exceeded \$38.5 million in that year, we conclude that the majority of television broadcast stations were small under the applicable SBA size standard.

14. According to review of the BIA Publications, Inc. Master Access Radio Analyzer Database as of November 26, 2013, about 11,331 (or about 99.9 percent) of the then number of commercial radio stations (11,341) have revenues of \$35.5 million or less and thus qualify as small entities under the SBA definition. The Commission has estimated the number of licensed commercial FM radio stations to be 6,755, and the Commission has estimated the number of licensed AM radio stations to be 4,646.<sup>35</sup> In addition, the Commission has estimated the number of NCE FM radio stations to be 4,111.<sup>36</sup> NCE stations are non-profit, and therefore considered to be small entities.<sup>37</sup> Based on the data, we estimate that the majority of radio broadcast stations are small entities. We note that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included.<sup>38</sup> This estimate, therefore, likely overstates the number of small entities that might be affected, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies.

15. As noted above, an element of the definition of “small business” is that the entity not be dominant in its field of operation. The Commission is unable at this time to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any radio station from the definition of a small business on this basis and therefore may be over-inclusive to that extent. Also, as noted, an additional element of the definition of “small business” is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and the estimates of small businesses to which they apply may be over-inclusive to this extent.

#### **E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements**

16. The Order eliminates the rule requiring each AM, FM, and television broadcast station to maintain a local main studio. It also eliminates the associated staffing and program origination capability requirements that apply to main studios. The Order adopts the NPRM’s tentative conclusion that technological innovations have rendered a local studio unnecessary as a means for viewers and listeners to communicate with or access their local stations and to carry out the other traditional functions that they have served. To ensure that community members retain the ability to communicate with and obtain information regarding their local stations, the Order retains the existing requirement that broadcasters maintain a local or toll-free telephone number. The Order also requires stations to maintain any portion of their public file that is not part of the online public file at a publicly accessible location within the

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<sup>33</sup> U.S. Census Bureau, Table No. EC0751SSSZ4, *Information: Subject Series – Establishment and Firm Size: Receipts Size of Firms for the United States: 2012* (515112), [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2007\\_US\\_51SSSZ4&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2007_US_51SSSZ4&prodType=table).

<sup>34</sup> *Id.*

<sup>35</sup> See *Broadcast Station Totals*, supra.

<sup>36</sup> See *id.*

<sup>37</sup> 5 U.S.C. §§ 601(4), (6).

<sup>38</sup> “[Business concerns] are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has power to control both.”

station's community of license. If a broadcast station currently maintains its local public file at a main studio that complies with the current main studio rule but is not within the station's community of license, and if the station retains that studio, then the Order grandfathers that studio as a permissible location for the station's local public file for the period before completion of the station's transition to the online public file. Similarly, if a broadcast station has an existing waiver of the main studio rule that permits the station to maintain its public files at the station's main studio outside the community of license, then the Order grandfathers that studio as a permissible location for the station's local public file for the period before completion of the station's transition to the online public file. Finally, the Order makes conforming edits to other Commission rules that are necessitated by the elimination of the main studio rule. Overall, we expect that all entities, including in particular small entities, will benefit from the elimination of the main studio rule and associated rule revisions because these changes may lead to cost savings.

**F. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered**

17. The RFA requires an agency to describe any significant alternatives that it has considered in developing its approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”<sup>39</sup>

18. As an initial matter, we note that the elimination of the existing requirements pertaining to the location of the main studio of each AM, FM, and television broadcast station, as well as the elimination of associated staffing and program origination requirements, will eliminate requirements that may be outdated and unnecessarily burdensome on broadcast stations, including small stations. The Order thus will lessen the cost of complying with the Commission's rules on broadcast stations, including small stations. The Order specifically discusses the cost savings that will result from the elimination of the main studio rule, including for small broadcasters.<sup>40</sup> The Order also discusses the cost savings that will result from the elimination of the associated staffing requirement, pursuant to which broadcast stations currently must have two employees (one management and one staff) present on a full-time basis at a main studio during normal business hours.<sup>41</sup> The Order explains the particular relevance of these cost savings to small stations.<sup>42</sup>

19. The Order retains the language currently found in section 73.1125(e) of the Commission's rules, which requires “[e]ach AM, FM, TV and Class A TV broadcast station [to] maintain a local telephone number in its community of license or a toll-free number.”<sup>43</sup> Retaining this requirement will help promote continued access to local broadcast stations by community members upon elimination of the main studio rule. The Commission considered whether it should adopt additional requirements pertaining to publicizing or staffing these telephone numbers or responding to time-sensitive or emergency information.<sup>44</sup> While some commenters advocated such alternative approaches, the Commission concluded that the burdens of any such additional requirements are unjustified. Declining to

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<sup>39</sup> 5 U.S.C. § 603(c)(1)-(c)(4).

<sup>40</sup> See Order Section III.A.

<sup>41</sup> See *id.* Section III.B.

<sup>42</sup> See *id.*

<sup>43</sup> 47 CFR § 73.1125(e); Order Section III.D.

<sup>44</sup> See Order Section III.D.

adopt these alternative approaches will lessen any burdens on all broadcast stations, including small stations.

20. Pursuant to the Commission's online public file rules, in the very near future there will be only limited instances in which any portion of a station's public inspection file will be permitted to be maintained at the station's main studio rather than online.<sup>45</sup> Nonetheless, the Commission recognizes the need to ensure that community members have local access to a station's public file for any timeframe during which all or a portion of that file is not available via the online public file. Accordingly, the Order requires every broadcast station applicant, permittee, or licensee to maintain any portion of its public file that is not part of the online public file at an accessible place within its community of license.<sup>46</sup> While the Commission could adopt that requirement alone, instead it has taken the alternate approach of also providing that if a broadcast station currently maintains its local public file at a main studio that complies with the current main studio rule but is not within the station's community of license, and if the station retains that studio, then that studio is grandfathered as a permissible location for the station's local public file for the period before completion of the station's transition to the online public file. Similarly, if a broadcast station has an existing waiver of the main studio rule that permits the station to maintain its public files at the station's main studio outside the community of license, then the Order grandfathers that studio as a permissible location for the station's local public file for the period before completion of the station's transition to the online public file. This approach will ease compliance burdens on all stations, including small stations, because a station that maintains the studio previously designated as its main studio will not need to make any changes regarding the location of its local public inspection file. In the Order, the Commission explains its rejection of an alternate approach pursuant to which it could only eliminate the main studio rule for stations that have fully transitioned all public file material to the online public file material, stating that such an approach would disadvantage the smaller entities that may be most impacted by the costs of complying with the current main studio rule.<sup>47</sup>

### G. Report to Congress

21. The Commission will send a copy of the Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.<sup>48</sup> In addition, the Commission will send a

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<sup>45</sup> As of June 24, 2016, commercial broadcast radio stations in the top 50 Nielsen Audio radio markets with five or more full-time employees were required to place *new* public and political file documents in the online public file on a going-forward basis. See *Effective Date Announced for Expanded Online Public Inspection File Database*, Public Notice, 31 FCC Rcd 4699 (rel. May 12, 2016) (*Expanded Online Public File Effective Date PN*). By December 24, 2016, these entities were required to upload their *existing* public file documents to the online file, except for existing political file material which they may either upload or maintain locally until the expiration of the two-year retention period for such political file material. See *id.* See also 47 CFR § 73.3526(b)(3)(i)-(iii) (requiring commercial stations either to retain previously existing political file material at the station until the end of the two-year retention period, or to opt instead to place that existing political file material in the online public inspection file). Beginning March 1, 2018, all other broadcast radio stations (including NCE broadcast radio stations, commercial broadcast radio stations in the top 50 Nielsen Audio radio markets with fewer than five full-time employees, and commercial broadcast radio stations in markets below the top 50 or outside all markets) must place *new* public and political file documents in the online public file on a going-forward basis. They must also upload their *existing* public file documents to the online file by that date, except for existing political file material which they may either upload or maintain locally until the expiration of the two-year retention period for such political file material. See *Expanded Online Public File Effective Date PN*, 31 FCC Rcd at 4700; 47 CFR §§ 73.3526(b)(3)(i)-(iii) (requiring commercial stations either to retain previously existing political file material at the station until the end of the two-year retention period, or to opt instead to place that existing political file material in the online public inspection file), 73.3527(b)(2)(i)-(ii) (imposing the same requirement on NCE stations).

<sup>46</sup> See Order Section III.E.

<sup>47</sup> See *id.* para. 28.

<sup>48</sup> See 5 U.S.C. § 801(a)(1)(A).

copy of the Order, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the Order and FRFA (or summaries thereof) will also be published in the Federal Register.<sup>49</sup>

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<sup>49</sup> See *id.* § 604(b).