

FCC Seeks Comment on Public Interest Obligations of TV Broadcast Licensees

February 2000

The FCC has released a *Notice of Inquiry* seeking comment on the public interest obligations of television broadcast licensees (the "*NOI*"). The *NOI* is guided primarily by the recommendations of the President's Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters (the "Advisory Committee") commonly referred to as the "Gore Commission"—and by ideas advanced in a petition for rulemaking filed by People for Better TV. The FCC, however, stated that it was not proposing new rules or policies; rather, it wishes to create a forum for public debate on how broadcasters can best serve the public interest during and after the transition to digital television ("DTV").

The *NOI* requests information in four general areas: (i) challenges unique to the digital era; (ii) responding to the community; (iii) enhancing access to the media; and (iv) enhancing political discourse. It notes that the Commission welcomes other suggestions and ideas on broadcasters' public interest obligations not contained in the *NOI*.

Challenges Unique to the Digital Era

In previous orders establishing the framework for the transition to DTV, the Commission stated that DTV broadcasters must comply with all existing public interest obligations. Accordingly, the *NOI* seeks comment on how existing public interest requirements apply to a DTV broadcaster that opts to multicast—*i.e.*, whether a licensee's public interest obligations attach to the DTV channel as a whole or to each program stream offered by the licensee. The *NOI* also asks whether a licensee's public interest obligations should extend to any ancillary and supplementary services, such as datacasting and paging.

Responding to the Community

The *NOI* also seeks comment on ways to help broadcasters better serve their communities. It asks whether broadcasters should provide enhanced disclosures of their public interest programming and activities on a quarterly basis. The *NOI* also requests comment on whether the Commission should require broadcasters to make their public files available on the Internet, whether broadcasters should use their station websites to interact directly with their respective communities, and how these websites could be made accessible to disabled persons. Additionally, the *NOI* asks whether digital technology gives broadcasters unique capabilities to provide disaster information, and what role the FCC should take in encouraging broadcasters to use them to deliver improved disaster information.

Furthermore, the *NOI* seeks comment on whether the Commission should establish more specific minimum public interest requirements for broadcasters, how such minimum requirements should be defined, what additional costs (if any) the requirements might impose, and whether adopting such requirements would make the license renewal process more certain and meaningful. Alternatively, the *NOI* asks whether sufficient marketplace incentives already exist to ensure the provision of community-responsive programming such that there is no need for additional public interest requirements.

Enhancing Access to the Media

The *NOI* requests comment on the ways broadcasters can use digital technology to increase the public's access to the media. With respect to access to the media by persons with disabilities, it asks whether the Commission should impose different closed captioning standards, how the FCC could encourage DTV broadcasters to utilize digital technology to provide more video description, and what types of ancillary and supplementary services broadcasters might provide to persons with disabilities. In addition, the *NOI* asks commenters to offer specific proposals on innovative ways unique to DTV that the Commission could use to encourage broadcasting diversity in the digital age.

Enhancing Political Discourse

The *NOI* seeks comment on ways to improve candidate access to television, thereby raising the quality of political discourse. To that end, it asks what the FCC can do to encourage voluntary political coverage by more television broadcasters and to promote increased coverage of local public affairs. The *NOI* also seeks comment on the Advisory Committee's proposal that television broadcasters voluntarily provide five minutes each night for candidate-centered discourse during the 30-day period prior to an election. Finally, it requests comment on recommendations by individual members of the Advisory Committee and others to require broadcasters to provide designated amount of airtime to national and local candidates, and to prohibit television broadcasters from adopting blanket bans on the sale of airtime to state and local candidates. Comments are due on March 27, 2000. Reply comments are due on September 1, 1999.