

ALERT

FCC Proposes Elimination of Broadcast Main Studio Rule

May 23, 2017

On May 18, 2017, the Federal Communications Commission adopted a Notice of Proposed Rulemaking (NPRM) in which it proposed to eliminate the main studio rule for all services (including the associated minimum staffing requirements). Comments will be due 30 days after publication in the Federal Register, with reply comments due 15 days later.

Under the main studio rule, AM, FM, and television broadcast stations must maintain a main studio in their community of license, within the station's principal community contour, or within 25 miles from the reference coordinates of the center of its community of license. Traditionally, the main studio served as the hub for the station's records and its contact with the community.

The NPRM concludes 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." Accordingly, the NPRM proposes to eliminate the requirement to maintain a main studio with production and transmission facilities and the associated staffing requirements.

To establish a record regarding the usefulness of the main studio, the NPRM asks about the costs broadcasters incur to comply with the rule, how broadcasters would reallocate resources currently allocated to compliance with the rule, and whether eliminating the rule would benefit commonly owned or operated stations. The NPRM also asks about how viewers utilize the main studio and whether eliminating the rule would have any impact on the service stations provide to their communities. In addition, the NPRM seeks comment on the effect that

Authors

Eve Klindera Reed
Partner
202.719.7404
ereed@wiley.law
Ari Meltzer
Partner
202.719.7467
ameltzer@wiley.law

Practice Areas

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elimination of the main studio rule would have on other Commission proceedings and precedents. As an example, the NPRM notes that the Commission has considered compliance with the main studio minimum staffing requirements in evaluating whether one station has exercised *de facto* control over another.

The NPRM proposes requiring broadcasters to maintain a local telephone number and asks how else stations should provide access to their local public inspection files—particularly for AM and FM stations that have not yet transitioned to online public files.

In a statement, FCC Chairman Ajit Pai called the main studio rule “outdated, unnecessary, and unduly burdensome,” saying it is “a continuous cost that keeps [stations] from serving their local communities in meaningful ways, like broadcasting additional local programming.” While Commissioner Mingon Clyburn voted in support of the NPRM to create an evidentiary record, she expressed concern about the effect eliminating the rule would have on localism.

If you are interested in submitting comments, please contact the Wiley Rein attorney who regularly handles your FCC matters or one of the attorneys listed on this client alert.