

ALERT

FCC Votes to Eliminate Main Studio Rule

October 26, 2017

At its October 24, 2017 Open Meeting, the Federal Communications Commission (FCC or Commission) voted to eliminate its 78-year-old main studio rule, requiring each radio and television station to maintain a main studio located in or near its community of license. Commissioners voted along party lines, with Chairman Pai and Commissioners O’Rielly and Carr voting in favor of eliminating the rule and Commissioners Clyburn and Rosenworcel voting against. The rule change will go into effect 30 days after its publication in the Federal Register.

The Report & Order (R&O) issued by the Commission did not deviate substantively from the draft Report & Order released on October 3, 2017. As expected, therefore, the R&O eliminates the main studio rule, under which a broadcast station is required to maintain a main studio either in its community of license, within its principal community contour, or within 25 miles from the reference coordinates of the center of the station’s community of license. As justification for eliminating the rule, the R&O notes that “it is exceedingly rare for a member of the public to visit a station’s main studio, with community members overwhelmingly choosing instead to communicate with stations through more efficient means such as email, station websites, social media, mail, or telephone.” The R&O also concludes that elimination of the main studio rule will not result in a decline in broadcasters’ local news coverage or community involvement because other rules, such as the requirement that broadcasters air programming responsive to local community issues, will “ensure that a station continues to serve its local community.” The R&O also emphasizes the cost savings afforded by elimination of the main studio rule, which “will enable [broadcasters] to allocate greater resources to local programming and other matters such as community outreach, newsgathering, equipment upgrades, and attracting new

Authors

John M. Burgett
Partner
202.719.4239
jburgett@wiley.law

Practice Areas

Media
Telecom, Media & Technology

talent and personnel.”

The R&O also eliminates requirements associated with the main studio rule, such as the requirement to have at least two employees (one manager and one staff) present on a full-time basis at the main studio during normal business hours and the requirement that the main studio have program origination capability. The Commission does caution, however, 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.”

In addition, the R&O amends other Commission rules to eliminate references to “the main studio,” and retains the existing requirement for broadcasters to maintain a local or toll-free phone number that will allow local residents to contact the station. Stations currently are required to post their telephone numbers in their online public files, and the R&O does not require stations to publicize their phone numbers in any additional ways. Stations that have not yet fully converted to the online public file are required to maintain portions of the public file that are not part of the online public file at a publicly accessible location within the station’s community of license. Stations with existing main studio rule waivers that permit them to maintain their public files at a location outside their community of license will be “grandfathered” and allowed to retain their public files at that location until completion of the station’s transition to the online public file. If a member of the public inquires, stations must promptly provide information regarding the location of the file within one business day of such request.

In a statement accompanying the release of the R&O, Chairman Pai noted that “[t]he record shows that main studios are no longer needed to enable broadcasters to be responsive to their communities of license. That’s because the public these days is much more likely to interact with stations (including accessing stations’ public files) online.” Commissioner O’Rielly similarly noted that “When it was implemented—nearly 80 years ago—this rule may have made sense. ... Today, as the item recognizes, it is more efficient and effective to call or email a broadcast station, especially in times of an emergency, rather than visit the actual studio.” In his statement, Commissioner Carr called the main studio rule “unnecessary” and harmful to “the ability of smaller stations, including those serving rural areas, [to compete] in today’s media marketplace.” Commissioner Clyburn, however, denounced the elimination of the rule, calling it a signal that the FCC “no longer believes, those awarded a license to use the public airwaves, should have a local presence in their community.” Commissioner Rosenworcel stated that, rather than eliminate the main studio rule in its entirety, her preference would be for “simple waivers” that would allow “small- and mid-sized stations to keep the lights on and continue to offer service to their communities of license.”