

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of	)	
	)	
Political Programming and Online Public File	)	MB Docket No. 24-147
Requirements for Low Power Television Stations	)	
	)	
Amendment of the Commission's Rules to	)	
Advance the Low Power Television, TV Translator	)	MB Docket No. 24-148
and Class A Television Service	)	
	)	
	)	

COMMENTS OF NATIONAL RELIGIOUS BROADCASTERS

The National Religious Broadcasters (NRB) association¹ comments on the FCC's proposed modifications and expansion of its rules governing Low Power Television (LPTV) stations. Our membership includes non-profit, for-profit, commercial, and non-commercial radio and television stations across the United States, reaching an estimated 200 million listeners and viewers each month. NRB works to maintain access for Christian communicators and promote a favorable business environment for small, local, independent, and religious broadcasters. Among our association members are numerous owners and operators of primarily religious, noncommercial Low Power Television stations. This constituent group would be directly affected by the changes proposed in the NPRM.

Light regulation was the catalyst for the success of the LPTV program and is essential to preserving its future. Commissioner Carr aptly described the relationship between LPTV broadcasters and regulators that began "more than 40 years ago to spur local programming in rural America." Carr writes, "In exchange for being limited to lower power levels in sparsely populated regions without legal protection from harmful interference, LPTV stations were subjected to fewer regulatory burdens."² It is crucial that the Commission honor this historic balance of risk and responsibility and embrace a future of light-touch regulation that permits LPTV to flourish in its mission of enhancing television service for underserved areas.

On the contrary, in its recent NPRM, the Commission proposed a wide-ranging slate of rule changes and enhancements that risk regulating independent LPTV operators into oblivion. Some of these proposals stretch and contort rules that once contributed to a competitive business environment into roadblocks for business as usual. This NPRM indicates an outlook of "managed decline" rather than optimism for the future. If the intended outcome is to do away with LPTV entirely, burying it in a cascade of paperwork, filing

¹ NRB is a non-profit membership association headquartered in Washington, D.C., that represents the interests of Christian broadcasters throughout the nation. Since 1944, the mission of NRB has been to help protect and defend the rights of Christian media and to maintain access for Christian communicators.

² See Dissenting Statement of Commissioner Brendan Carr, FCC 24-65.

obligations, restrictions, and scrutiny of non-germane details would be an effective approach (and indeed, it seems the Commission is intent on it). We respectfully decline to participate in managing the decline of the broadcasting industry. The concerns of our industry sector regarding specific proposals within the NPRM are detailed in the comments that follow.

I. Online Public File Requirements Generate Excessive and Unnecessary Burden on Broadcasters

The Commission asks whether it should require certain LPTV stations to comply with the OPIF requirements laid out in Section 73.3526 of the agency's rules.³ In response, we seek to address the principal question of applying OPIF requirements to LPTV stations, setting aside the question of selectively applying OPIF requirements to stations affiliated with top-four networks or other national television networks; on this matter we defer to operators who meet this description. In assessing the interests of our stakeholders, who are religious low-power television operators, we find that the introduction of online public file (OPIF) requirements for LPTV stations creates unnecessary and burdensome obligations that yield marginal benefit in the view of seasoned industry professionals. Stakeholders cited concerns that OPIF requirements will drain away staff time and other scarce resources, while creating significant new financial liability should inadvertent errors occur.

The underlying assumption that OPIF regulations would help to inform the public about the operation of the LPTV stations is not adequately justified to warrant the application of this proposed requirement. Members of the public rarely access the public file of any low-power television station, while maintaining the public file requires considerable effort from the station. The marginal benefit to the public interest does not justify the administrative burden on LPTV stations.

- One religious broadcaster characterized this proposal as having a “very negative impact. We do not have the manpower to take on the burdens of more OPIFs to maintain... We do not have the resources to pay fines caused by any errors in the OPIF filings that may happen.”
- Another religious broadcaster found the FCC's assertion that an OPIF would benefit the public to be inaccurate, noting that few members of the public are aware of the OPIF's existence, and therefore do not rely on it to be informed as to the public service value of the LPTV. This broadcaster noted, “If the viewer of [the] LPTV is not informed about how the LPTV is serving the community and has to go to OPIF, something is wrong.”
- This broadcaster also characterized the FCC's intent to limit OPIF requirements to stations that carry widely-viewed programming as “incredibly offensive to LPTV operators nationwide... Either you are a poorly viewed LPTV station or if you manage to get successful, [you will be punished] with OPIF obligations.”

The Commission also tentatively concludes that it would serve the public interest to require all LPTV operators, even those not subject to any new OPIF requirements, to maintain records for public inspection.⁴ Our members attest that new public inspection requirements are an unsustainable requirement for LPTV operators, citing the workload, required investment of staff time, and budget scarcity:

³ See NPRM at para. 8

⁴ See NPRM at para. 30

- One religious broadcaster commented that these rules are “Additional work, additional staff hours, affecting a low-budget operation with no benefits to the public or the station.”
- Another religious broadcaster warned that the added administrative burden from these requirements could very well “be the last straw” for the LPTV business model.
- The same broadcaster also commented that “We provide these stations as a public service to the communities we serve. TV facilities airing niche programming do not generally have significant income opportunities and if more regulatory, and potentially financial, burdens are placed on us we may sell or turn off the stations.”

The NPRM also proposes to specify that LPTV stations are subject to the Commission’s political programming rules.⁵ LPTV stations within NRB’s membership do not sell political advertising, and we submit that LPTV operators who do not engage in political advertising should be shielded from any additional administrative workflow that is relevant only to those who do.

It is no secret that most LPTV stations operate on a limited budget and spare staffing, especially noncommercial or nonprofit LPTV stations that rely on viewer support. The proposed assortment of new paperwork will in no way empower LPTV stations to better serve the public interest.

II. The Commission Should Increase Maximum Relocation Limits and Remove Excessive Regulatory Obstacles.

The NPRM proposes to amend its rules to specify that Class A and LPTV/TV translator stations “may not be relocated greater than 48.3 kilometers” via a single minor modification or displacement application, and further proposes that the Commission no longer allow “rounding down” of slight excess distances. We respectfully submit that the Commission should revisit whether these limits are appropriate in the first place before seeking to clarify how they are calculated and moving to enforce these limits more strictly. Our members indicate that the current 30-mile limit is too restrictive and often blocks LPTV stations from moving when they have good cause to do so. In many cases, there are simply no appropriate sites available within the 30-mile limit, and stations that need to move and are unable to do so have no option but to cease operations.

- One religious broadcaster shared, “While we aim to serve the community where our stations are currently built or permitted, we feel strongly that [the Commission] should expand the maximum distance... If an FDTV station can displace at will, and knock off the LPTV station as happened to NRB member The Dove TV in Oregon, then the LPTV station is stuck with available alternative frequencies. As various stakeholders in the frequency space modify their signals, it raises possible motivation to move to a better location.
- This broadcaster also proposed an alternative method of calculating the relocation limit: “If an LPTV station is requesting a permit to build in a different location within their signal, it should simply be limited by that location being within the 51 dBu contour with no specification on mileage. That 51 dBu contour should be sufficient so long as the new signal covers the old.”

LPTV station operators should maintain the flexibility to move signals as communities grow or the frequency space becomes more congested. When stations have sound reason to move, the 30-mile maximum

⁵ See NPRM at para. 32

distance rule should not be what stops them. For instance, one religious broadcaster acquired a Low Power Television station in Toledo, Ohio. Due to multiple issues that caused multi-year delays—such as the uncertainty of analog to digital conversion and obstacles in identifying a suitable tower site—the broadcaster realized they could not effectively serve Toledo as an LPTV station. This broadcaster commented,

There is an opportunity to move to another populated area, but because we want to operate in good faith and actually build legitimate sites, we will not create “temporary towers” but are looking for legitimate ASRN-numbered towers. Because they do not always exist at 29.9-mile distances, and “tower farms” that provide optimal coverage are located in relatively small areas (often within a few acres, compared to counties that compose an MSA), it may require two intermediate moves. Thus to construct a cost-effective LPTV effectively with the delays built in may require until the end of the decade to complete.

LPTV operators making a good-faith effort to play by the rules should not be pushed out of business by the 30-mile maximum relocation distance. The Commission should reassess its rationale for the 30-mile geographical limit, raise this limit, and should not restrict the “rounding down” of slight overages to allow maximum flexibility in identifying suitable sites.

III. Stringent COL Requirements Would Harm, Not Help, Accessibility for Viewers

The Commission proposes to “require that Class A and LPTV/TV translator stations specify a COL that is associated with their station’s actual service area.”⁶ We find that this requirement offers marginal benefit, if any, and respectfully recommend that the Commission eliminate the COL requirement for low power stations altogether. One stakeholder observed that the common practice of identifying stations based on the major city of the DMA provides clarity for the audience by signaling the breadth of its coverage more accurately. This stakeholder observes, “LPTV stations oftentimes can cover a 70-mile span. If Nielsen can identify by DMA, why would an LPTV station identify by a single city within that 70-mile span?” It is common sense to allow LPTV stations to identify their service area by the most well-known geographical marker within its coverage for the sake of clarity and accessibility for viewers.

IV. LPTV Minimum Operating Hours, Written Program Logs Fail to Serve the Public Interest

The Commission proposes to adopt minimum operating hours for LPTV stations and seeks comment on whether LPTV and translator stations should be required to certify with regard to their minimum operating hours on certain applications.⁷ The NRB opposes this requirement overall, and objects in particular to the reasoning behind the proposed standard of 14 hours per week, or one-half the required operating hours for full-power commercial television stations. Within its television constituent group, NRB’s members are primarily noncommercial, low-power television stations that rely on viewer support. The difference between the average revenue of a noncommercial, low-power television station and their full-power, commercial counterparts is vast, and merely dividing the full-power commercial standard in half is a far cry from estimating a proportional minimum.

⁶ See NPRM at para. 41

⁷ See NPRM at para. 45

As part of this proposal, the Commission states that it would permit LPTV stations to operate at any time throughout the course of the week “in order to provide flexibility and tailor their broadcast schedule to their local community,”⁸ but this proposal fundamentally *robs* LPTV stations of flexibility. One broadcaster commented that “The Internet and all the streaming experiences have no minimum requirements. The videos and their quality are dictated by the business metrics and network availability. Broadcast on a secondary service like LPTV should not be regulated as if it was a primary service FDTV.”

The Commission also asks whether licensees should be required to retain documents including written program logs to be made available at the request of the Commission or members of the public. LPTV stations, including our members, are broadcasting the content of third-party networks much of the time, which may include Christian networks and others. Low-power television broadcasters will be required to pursue this information from each network on the station, whereas full-power stations are originating content themselves or are provided written logs by the top four networks. The benefit to the public of this requirement is virtually nonexistent and does not justify the administrative burden on LPTV operators.

V. LPTV Operators Should Retain the Ability to Move Freely Between LPTV and Translator Status

The Commission proposes to require that LPTV stations submit a license modification application to change their designation from LPTV to TV translator and vice versa.⁹ Under the new rule, the Commission would limit stations in the LPTV Service to changing their station designation once every 12 months.¹⁰ We oppose this proposal.

The FCC assumes in its NPRM that broadcasters mainly exercise the flexibility of switching between translator and LPTV status to dodge regulatory obligations.¹¹ On the contrary, this flexibility serves the public interest in a variety of ways. LPTV stations can better serve their audience by retaining the ability to shift between LPTV and translator status freely based on opportunities in the television marketplace and programming availability. The current situation also allows troubleshooting flexibility. An NRB member recently lost a low-power station in Salt Lake City because an encoder failed at a site only accessible for a few months per year, resulting in the station going silent. With a backup internet connection for the content feeding the station, it would have been possible for the operator to switch from LPTV to translator and begin translating another local channel, then return to LPTV once the encoder could be replaced. The Commission should refrain from regulating away the flexibility that has allowed LPTV to survive.

VI. The FCC Should Prioritize Viewpoint Diversity Over DEI Principles

The NPRM seeks comment on how its proposal lives up to the principles of diversity, equity, and inclusion.¹² NRB respectfully submits that the Commission should more closely inspect how its proposal preserves or hinders a rich environment of viewpoint diversity and whether its proposal risks harming audience access to free, local, independent, and religious programming.

⁸ See NPRM at para. 48

⁹ See NPRM at para. 52

¹⁰ See NPRM at para. 52, 54

¹¹ See NPRM at para. 54

¹² See NPRM at para. 85

VII. Conclusion

For the foregoing reasons, the NRB affirms that the Commission should decline to adopt the rule modifications proposed in the Notice and should exclude from subjecting LPTVs to OPIF requirements, should upwardly revise the maximum distance LPTVs can move under the FCC's minor modification rule, and should refrain from other technical and operational amendments that place undue burden on broadcasters. Time and again, there is no clear public interest justifying the heavy-handed proposals in the NPRM. In the FCC's words, LPTV "was primarily intended to provide opportunities for locally-oriented television service in small communities, both rural and individual, within larger urban areas." The Commission should remain focused on empowering LPTV to do exactly that, rather than forcing LPTV operators to spend more time placating Washington than serving the local community.

Respectfully submitted,
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