

2014 CBA FCC Filings

1. *In re the Petition of The Independent Spanish Broadcasters Association, the Office of the United Church of Christ, Inc., and the Minority Media Telecommunications Council*, Public Notice (Docket No. 04-296), Joint Comments filed on May 28, 2014. The participating State Broadcasters Associations joined commented on MMTC's "designated hitter" proposal. Under that proposal, MMTC is asking the FCC, in essence, to require English language radio and television stations to provide foreign language emergency information when, for example, a foreign language station in the market becomes inoperable during an emergency. The State Associations told the Commission that we supported the concept of "designated hitter" compacts in which station licensees choose *voluntarily* to enter into formal or informal arrangements with each other, under which one station would agree to provide additional emergency information coverage in the language of the foreign language station, in the event that the foreign language station's on-air operations were interrupted during an emergency. We also stated that MMTC's proposal warrants careful consideration by the various state and local emergency management authorities, working with their local broadcasters and other communications providers, to determine the feasibility of such compacts on a voluntary, case by case basis. However, the State Associations emphasized that with respect to EAS alerts, broadcast stations are not the content originators, only the conduits for distribution of the alerts to the general public, and therefore the Commission should consider using its resources and prestige to convince Federal, state and local emergency management authorities, including the National Weather Service, to provide multilingual EAS alerts. The State Associations also raised First Amendment concerns, and identified the potential financial costs and legal risks that an English language station would face if it were required to provide foreign language emergency information. The State Associations also pointed out that a second National EAS Test should be the federal government's top priority for fear that multilingual EAS alerting may complicate matters at a time when "getting it right" in English should be the first priority of our nation.

2. *In re the Petition of The Independent Spanish Broadcasters Association, the Office of the United Church of Christ, Inc., and the Minority Media Telecommunications Council*, Public Notice (Docket No. 04-296), Supplement filed on May 30, 2014, adding the names of additional participating State Associations.

3. *In re the Commission's Public Notice released August 7, 2014, on the subject of online public inspection and political files (Docket No. 14-127)*, Joint Letter Comments filed on August 28, 2014. The participating State Broadcasters Associations urged the Commission to proceed cautiously, guided by its

cumulative experiences with current and expected television station filings as well as with an actual track record of pay-TV provider filings. Only after the Commission has reached a high comfort level that its online filing system will indeed be capable of handling the filing of millions of pages of new documents, should the Commission even consider whether to extend the online public/political file requirements to the more than 15,000 radio stations nationwide.

4. *In re Review of the Emergency Alert System*, Public Notice (EB Docket No. 04-296), Written Ex Parte Communication filed on September 8, 2014. The participating State Broadcasters Associations supported the opening comments of the NAB relating to the National EAS Locator Code, the National Periodic Test Code, IPAWS, the EAS Test Reporting System, ETRS Forms and EAS test crawls. Also, in urging the Commission to grant all television stations the right of “selective override,” thereby allowing such stations to opt out of a cable system’s EAS override, the State Associations submit that “it makes little sense to require television stations to maintain certain speed, completeness, and placement of EAS crawls when such crawls can be overridden by cable systems.”

5. *In re the US Forest Service’s Proposed Directive for Commercial Filming in Wilderness; Special Uses Administration* (RIN 0596-AD20), Joint Letter Comments filed on December 3, 2014. The participating State Broadcasters Associations expressed concern that certain aspects of the US Forest Service’s current and proposed permitting process violate the First Amendment by imposing a “prior restraint” on the freedom of speech and freedom of the press that are guaranteed by the United States Constitution. At the current time, broadcasters are exempt from the Forest Service’s permitting process if they are on Forest Service land covering “breaking news.” “Breaking News” is defined as “*An event or incident that arises suddenly, evolves quickly, and rapidly ceases to be newsworthy .*” We argued that the only way for the Forest Service to avoid the prohibition against “prior restraints,” would be for the Forest Service to reject its unreasonably narrow definition of news. In support, we cited to a letter filed by the Idaho State Broadcasters Association that makes two salient points with respect to the Forest Service’s definition of “breaking news,” “[c]overage of a forest fire in Idaho would be exempt from filming restrictions while it is burning, but a story about the aftermath of that fire might not be.” Furthermore, the Forest Service’s “limited definition [of news] does not take into account the varied nature of news coverage including feature stories, sports, documentaries, on-line material and other programming that is produced over a longer period of time.” Accordingly, the State Associations urged the Forest Service to broaden the broadcaster exemption from the permitting process to include all newsgathering and dissemination activities of broadcasters.