

The FCC's Main Studio Requirement May Soon Be History

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On May 18, 2017, the Federal Communications Commission announced its plan to eliminate the “main studio” rule. The proposed repeal would end a 78-year old rule requiring radio and television stations to (1) maintain a main studio within or near their communities of license and (2) have at least two full-time employees – one management and one staff – present at the studio during normal business hours.

In laying out its rationale for repeal, the Commission pointed to prior regulatory changes that have weakened or eliminated policy justifications for the rule. In 1987, the FCC eliminated the “program origination” rule which required every full power broadcast station to originate a certain amount of programming from its main studio or its community of license. Recently, the FCC modernized the “public file” rule by allowing stations to keep their FCC-mandated station records online. Finally, in January of this year, the Commission repealed the “local correspondence file” rule which had required commercial broadcast stations to maintain copies of letters from listeners in the station’s public file.

The Commission pointed to technological advancements and shifts in consumer preference as support for the repeal. The FCC noted that the widespread availability of phone and email communication means that a local studio may be unnecessary as a way for viewers and listeners to communicate with their local station. When the FCC moved public inspection files online, the Commission noted, “[i]t is no longer reasonable to require the public to travel to a station or headquarters’ office to review the public file and make paper copies when a centralized online file will permit review with a quick, easy, and almost costless internet search.”

The increased flexibility and reduced administrative and staffing requirements would remove a significant financial burden currently imposed on stations. The rule change would also allow non-commercial stations to realize efficiencies by collocating operations and offices of stations without obtaining a waiver from the FCC. Commissioner Michael O’Rielly commented that eliminating or significantly modifying the rule could not only “allow for cost savings that could make a real difference for some stations,” but also could provide stations “a security dividend through more efficient channeling of public access.”

The FCC is seeking comments on their proposal by July 3, 2017 and reply comments are due on July 17, 2017.

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