

GN Docket No. 13-86
“Adopting Egregious Cases Policy”

The following comments are the University Station Alliance’s (USA’s) reactions to ***FCC Proposed Adopting Egregious Cases Policy (GN Docket No. 13-86)***.

The USA headquartered at 1017 W Brooke Hollow Ct, Stillwater, OK, Executive Director Craig Beeby, is a grassroots non-profit 501 (c)(3) representing noncommercial public radio stations licensed to universities, colleges, school systems, and state agencies. Over two hundred (200) of these across the country are served by or actively involved with the USA.

The USA writes in support of the Commission’s proposal to adopt an “egregious cases” approach to indecency enforcement and endorses the comments filed by National Public Radio (NPR) on June 19, 2013. A revised approach to indecency enforcement would reduce the uncertainty under which stations like our affiliates must operate. This will improve programming and benefit local audiences.

The majority of USA affiliate stations broadcast significant amounts of news and public affairs programming, as well as live music performances, within their local public service offerings. Our stations are careful to present content in a manner that is designed to contribute to the depth and richness of our unique programming and they are also careful to avoid outrageous, gross, or shocking language. But under the Commission’s current enforcement approach, university-licensed station programmers are sometimes faced with the prospect of massive fines for producing programming that meets the information and cultural needs of their communities. This uncertainty deeply impacts programming decisions.

Many of our stations pride themselves on their commitment to live news and public affairs programming. As NPR notes in its comments, this type of programming carries with it great risk, because it is impossible to prevent everyone within range of a microphone from saying something potentially indecent. An “egregious cases” policy would allow us to do more live

programming and improve coverage of events that are of great importance to our audiences.

We also agree with NPR that the Commission should provide clarity to broadcasters regarding the potential forfeiture amounts that may be imposed in the event of an indecency violation. The typical university-licensed station receives a significant portion of its budget from listener contributions. Due to limited resources smaller market stations in particular are vulnerable to extraordinary automatic fines. The fact that our stations operate under financial constraints serves to amplify the chilling effect created by the wide range of forfeiture amounts possible under the FCC's current approach. But knowing that the largest fines authorized by law would be levied only in the most egregious cases would reduce uncertainty and ultimately improve the listener experience.

To conclude, we urge the Commission to adopt an "egregious cases" indecency enforcement policy.

Recommended by the USA Board of Directors

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