

*Before the*  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, DC 20554**

In the Matter of )  
 )  
Future of Media and Information Needs of ) GN Docket No. 10-25  
Communities in a Digital Age )  
 )

**COMMENTS OF**  
**NATIONAL FEDERATION OF COMMUNITY BROADCASTERS**

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## Summary

The National Federation of Community Broadcasters represents stations that prize diversity, and encourages the Commission to undertake policies that will promote diverse broadcast licensees, programming that serves diverse constituencies, and will develop a more robust and stable public media service.

NFCB is able to collect some information about its members, but we believe the FCC should collect data about the local news production and unique cultural programming production by noncommercial radio stations and other outlets in order to better track and assess the connection between these important outputs and the types of activities required to produce them.

NFCB believes that the future of media lies in transitioning from “public broadcasting” to “public service media.” Public service media emphasizes both independence and impact. In particular, as we transition from broadcast technology to a wide range of new digital technologies, the definition of public service media must evolve away from a particular set of technologies. Specifically, public service media should include the following three components as outlined in detail in the comments: 1) ruthlessly strategic community engagement; 2) low-resolution production combined with high-immersion experience; and 3) repositioning the value-proposition to the local community to ensure relevance.

The Commission can play a constructive role by including support for public media funding in its report on the future of media. NFCB recommends the Commission endorse preserving and strengthening the funding mechanisms we have today and look for institutionalized sources of revenue that will support journalism and public service media. Of more immediate need, the Commission should recommend the Administration fund NTIA’s Public Telecommunications Facilities Program. This program is the only program in a position

to fund new radio stations, particularly those stations serving underserved communities. As the Commission knows, there is a particularly urgent need for these funds to construct stations now because the Commission opened its first filing window for new noncommercial radio stations in 2007, and many of those stations have received construction permits which must be fulfilled within three years. Without funding, some of the most meritorious stations—particularly stations serving Native Americans--will not be built.

NFCB expresses serious concern about the Commission's National Broadband Plan proposal to fund a digital media trust fund with auctions of noncommercial television spectrum. This proposal is not only unlikely to be successful since television stations are unlikely to simply donate this valuable asset, it is also just another proposal to privatize public space akin to selling park land to fund schools. NFCB believes the Commission should allocate some of the funds from the *commercial* spectrum auction to fund the digital public media trust.

Several proposals currently pending before the Commission should be elevated in the context of this inquiry. First, the Commission must stop allocating television channels two through six in an ad hoc manner, and instead should impose a freeze to allow time for strategic planning for spectrum use. The Commission professes to have a serious spectrum deficit at the same time it is accepting applications for the recently vacated television channels two through six, and in fact last week allocated a new digital television station on channel 5 in Delaware. The Commission should think carefully before it re-encumbers this spectrum with new incumbents.

NFCB also believes the Commission's future of media report should recommend the Commission initiate a broad proceeding to reconsider the Commission's allocation priorities for noncommercial licenses under Section 307(b) of the Communications Act. Noncommercial

licenses should be allocated because they meet the information needs of communities, not based on sheer audience size.

Finally, NFCB strongly supports the Commission proposal to collect data about the race and gender diversity in the governing board of public broadcasting. Without solid data about current ownership interests, the Commission cannot create policy to promote diversity in broadcasting. At the same time, however, we strongly urge the Commission to make appropriate accommodations to its processes and information collections so that noncommercial radio broadcasters--particularly small noncommercial broadcasters—are able to easily submit their data to the Commission.

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**COMMENTS OF**  
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The National Federation of Community Broadcasters (“NFCB”) respectfully submits these comments in the above-captioned proceeding. In this proceeding, the Commission has sought comment on a wide range of issues relating to the future of broadcasting. NFCB files these comments, not to duplicate the efforts of others who will no doubt help the Commission to develop a comprehensive record about the state of media in the United States today, but to articulate the unique perspective of our members.

**I. NFCB Represents Diverse Stations that Prize Diversity.**

The National Federation of Community Broadcasters is a unique institution. Almost thirty-five years old, it represents over two hundred public radio stations around the country. These radio stations have a rich common history and clarity of mission – independence, diversity and public service. This common mission is shared by a dynamic range of stations, from National Public Radio’s largest affiliates to the newest entrants on the radio dial, low power radio stations and many stations in the Pacifica network.

NFCB members represent a wide range of stations, and demonstrate that the size or budget of a station does not dictate the quality of its community service. According to NFCB’s best accounting, for example, forty percent of our members have a budget of less than \$200,000 per year, sixty percent have three or fewer staff. Even more amazing, twenty percent have *no*

paid staff. At the same time, many of NFCB's members represent the largest audiences in public radio – WGBH (Boston, MA), WBEZ (Chicago), KQED (San Francisco) – providing substantial public service. In addition, some of our stations are on the forefront of developing new journalism models using modern technology combined with traditional broadcasting.<sup>1</sup>

Although NFCB has been able to track some level of detail about its member stations, it hasn't had the capacity to collect more detailed data about the programming and staffing of these stations. It is ironic that the FCC is in the position of asking questions about the state of affairs in commercial and noncommercial media, when in fact one would expect the expert agency in this arena to already be collecting this data. NFCB suggests that the Commission take further steps to collect data from the smallest radio stations that might not have the capacity to track broader trends themselves, but likely contain some of the most innovative ideas for offering high-quality journalism under tight budgets. Community radio stations could possibly help collect this information and assess the condition of their communities and their information needs, although we don't have a systematic way to collect the information.

NFCB places the highest priority on diversifying the audience and impact of public radio. As part of this effort, NFCB is taking a leadership role to incubate the creation of several new minority consortia. FCC staff and media policy experts may already be familiar with the accomplishments of Native Public Media, which in a few short years has transformed the capacity of not only native radio stations, but of native America in achieving its goals with

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<sup>1</sup> For example, NFCB member KAXE, serves rural Northern Minnesota with a very diverse audience—which includes the mining communities of Minnesota's Iron Range, several major resort areas, a large forest products industry and four American Indian reservations. KAXE leveraged its long history of relying heavily on local volunteers to test how it might support financially professional-quality local citizen journalism. KAXE solicited contributions from the public, existing KAXE broadcast listeners, underwriters, and online users to support production of a series of four radio and internet special reports on local news topics. News coverage of each topic included an eight-week series of local stories produced by a combination of paid news "stringers" and volunteer citizen journalists. Northern Community Radio leveraged its developing network of local community internet sites ([www.northerncommunityinternet.org](http://www.northerncommunityinternet.org)) and radio programming to attract financial support for unique, in-depth local news coverage.

respect to equity in access to telecommunications.<sup>2</sup> In addition to NPM, NFCB is currently helping to foster the new Latino Public Radio Consortium,<sup>3</sup> and hopes to add other minority consortia in the near future.

NFCB continues to celebrate the recent efforts by public broadcasting to serve a more diverse audience, at the same time we note that recent research shows public radio has a long way to go before we fully serve people of color and other underserved audiences. The Station Resource Group's Grow the Audience initiative has demonstrated that people of color are not adequately served by much of public radio, and it has little to do with the educational background or income of the listener—it is because the programming is not relevant to people of color.<sup>4</sup> For example, SRG showed that, for public radio to acquire a representative share of the college-educated market for Latinos, it would need to triple its Latino audience.<sup>5</sup> This research emphasizes one area where the public broadcasting community must engage not only in soul-searching, but also immediate and decisive action. If the FCC, by looking at the overall use by and service to various constituencies in America can develop tools to better ensure people of

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<sup>2</sup> Native Public Media celebrated its fifth anniversary last year and in that time has made a tremendous difference in assisting Native Americans to have access to noncommercial broadcasting and new technologies alike. NPM has worked in the last few years to facilitate applications for noncommercial radio stations by almost 40 applicants from tribal and native entities, bringing many of these service areas within the reach of a public radio signal for the first time. NPM has undertaken research to identify the spectrum allocations currently serving Indian Country in order to target better service in the future, releasing a report called *The New Media, Technology and Internet Use in Indian Country: Quantitative and Qualitative Analyses*, which included a usage survey and case study that contains the first valid and credible data on Internet use among Native Americans. In addition, NPM was able to play a critical role in ensuring that tribal entities have the ability to obtain new radio stations in the future by successfully demonstrating to the FCC the need and legal justification for a tribal priority in radio.

<sup>3</sup> The Latino Public Radio Consortium was created in the last year and is an organization that represents and supports thirty-three public radio stations. It recognizes that Latinos are underrepresented in the nation's public broadcasting institutions, decision-making structures, that there is little programming in English or in Spanish produced by Latinos or with a Latino focus and, as a consequence, Hispanics are vastly underrepresented among public radio's news and public affairs audiences. Latino Public Radio Consortium, Brown Paper, p.1 available at <http://www.latinopublicradioconsortium.org/index.php?s=41>.

<sup>4</sup> Station Resource Group, *Public Radio in the New Network Age* (2010) at 11. The report's data demonstrated significantly lower levels of listening in audiences of color who are college graduates. *See, e.g.*, p. 16.

<sup>5</sup> Station Resource Group, *Grow the Audience, Listening by Black and Hispanic College Graduates* (2008) at p. 17, available at <http://www.srg.org/GTA/GTA%20Black%20Hispanic%20Report.pdf>.

color are receiving the news, information and cultural programming they need and deserve, this proceeding will have achieved much.

## **II. Aspiration of Public Broadcasting as it Transitions to Public Service Media.**

NFCB believes that the future of media lies in transitioning from “public broadcasting” to “public service media.” Public service media emphasizes both independence and impact. In particular, as we transition from broadcast technology to a wide range of new digital technologies, the definition of public service media must evolve away from a particular set of technologies. Specifically, public service media includes the following three components, which are developed more below: 1) ruthlessly strategic community engagement; 2) low-resolution production combined with high-immersion experience; and 3) repositioning the value-proposition to the local community to ensure relevance.

*Community engagement.* As articulated by the National Center for Community Engagement and the Harwood Institute, community engagement refers to outward or community-facing institutions.<sup>6</sup> Such engagement requires media practitioners to listen to the needs, wants, and aspirations of an engaged citizenry. It also involves mapping a community so as to be relevant not just to the audience, but also to the community at-large. In this definition, a media practitioner follows a distinct process to aid in its engagement with the community. First, the media institution must identify the most influential and engaged citizens from the unique and diverse communities within a given market, and engage in an authentic dialogue with those leaders. This dialogue, if done correctly, can lead to the media outlet to be trusted to speak with authority as a representative of the community. The appropriate conduct of this dialogue must

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<sup>6</sup> See resources on community engagement by the National Center for Media Engagement at <http://mediaengage.org/>. The Harwood Institute houses the Stations Turning Outward initiative focused on public broadcasting. See <http://theharwoodinstitute.org/index.php?ht=d/sp/i/22730/pid/22730>.

include holding oneself accountable to the community and also to expose our audience to evolving community and communities present locally, regionally, nationally, and globally.

*Low-Resolution Production, High-immersion Experience.* This component of the new public service media implies that the tools to produce media content are more accessible, often inexpensive, and allow for ease of use in a multi-media environment. Thus, while individuals with perhaps less technical training than in the past are able to successfully create audio, video, and widely distributed content, at the same time this media is able to reach more people where they live and in more relevant ways. The challenge is for our institutions to take data-driven risks and distribute content on multiple media platforms. Successfully producing a “high immersion” experience also requires media producers to sharpen their knowledge of what really matters in our communities by undertaking a process of community engagement analysis that takes advantage of social media tools and instruments advancing the ability to capture greater diversity of voice and perspective.

*Institutional Relevance.* A media institution must establish its relevance to its community. It can style itself as a cultural institution or it can become a producer of utility media or some combination of both. A media institution that defines itself as a cultural institution aspires towards credibility as: a presenter, convener, curator, and educator. Its credibility relates to contributing to the preservation and forward progression of fine arts (for example such as jazz or classical music) and/or local culture. Utility media, on the other hand, are defined by its usefulness to an engaged individual, community, and/or audience. Moreover, utility media converges public affairs formats, a journalistic ethic, community engagement and public insight. In short, utility media can be a creative way to present journalism at institutions without the financial makeup to house news rooms and investigative journalists. Utility media

represents an ECO-system (wherein institutions develop nuanced content relationships with diverse traditional and non-traditional media outlets) instead of developing an EGOsystem – manifest in commercial radio’s liberal and conservative talk show formats and some public media that rely on homogenous editorial teams.

### **III. Funding for Public Media is Essential.**

No picture of the future of media, or public broadcasting in particular, would be complete without a discussion of funding. The funding picture consists of two components. First, we must preserve and strengthen the funding mechanisms we have today. Second, the holy grail of reliable, institutionalized sources of revenue that will support journalism and public service media must be addressed. The Commission can play a constructive role by including support for public media funding in its report on the future of media.

#### **A. The Commission Should Support Funding for the Public Telecommunications and Facilities Program and the Corporation for Public Broadcasting.**

While much of the financial support for public broadcasting goes through the Corporation for Public Broadcasting (CPB), another critical program is fighting for its life this year. NFCB was dismayed to see that this Administration proposed eliminating NTIA’s Public Telecommunications Facilities Program. This program is the only program in a position to fund new radio stations, particularly those stations serving underserved communities. Although the Administration justified elimination of PTFP with its funding of CPB, CPB does not fund equipment for new stations and it cannot meet the current need.

The need for funding for new stations right now is urgent. In 2007, the FCC opened the first filing window in almost 10 years permitting organizations to seek new noncommercial radio licenses. In response to this opportunity, Native Public Media undertook a massive education and support effort, in cooperation with the Radio for People initiative, to expand native radio

stations. This effort was very successful, thirty-eight organizations filed sixty-one applications. It will be possible, after stations are built, to triple the number of native radio stations in the country today. However, without federal funding to build radio stations, it will be very difficult to fulfill this potential.

While we are pleased that the Obama Administration has proposed increases for the Corporation for Public Broadcasting in this time of fiscal austerity, we cannot escape the fact that CPB also needs more funding. CPB has been a leader in funding stations that serve American Indians, Latinos, rural communities, and in the near future, African Americans. CPB has also put significant institutional support behind the center for media engagement which is helping stations to be involved in their communities. If CPB is successful in these endeavors by adding new stations focused on underserved communities, we need more funding—we can't divide the same pie into many more pieces.

**B. Auctions of Commercial--not Reserved--Spectrum Should Be Used to Fund the Digital Media Trust Fund.**

In the National Broadband Plan, the FCC made two recommendations about the allocation of funds from the reallocation and subsequent auction of broadcast spectrum. The Commission proposed that commercial television broadcasters be permitted to voluntarily give up their spectrum in exchange for a portion of the proceeds.<sup>7</sup> The Commission also proposed a digital public media trust fund endowed by revenues from public television stations that give up their spectrum.<sup>8</sup> In contrast to the commercial proposal, the Commission did not propose that public television stations that voluntarily give up their spectrum get any portion of the proceeds from a spectrum auction.

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<sup>7</sup> National Broadband Plan, Recommendation 5.8.5 at 88.

<sup>8</sup> National Broadband Plan, Section 15.2 at 303.

These twin proposals seem shortsighted and do not give any consideration to the need of expanding the number of audiences served by public broadcasting. First, it is difficult to understand why the federal government should ask any non-profit organization to give up a valuable asset—a television license—without compensation. A board of directors acting as a fiduciary for an organization holding a noncommercial FCC license would be derelict in their duties if they recommended an uncompensated return of a license.

Second, it seems that this is just another proposal to privatize public space, which is not consistent with the goal of a digital public media trust fund. Would the FCC recommend a city sell its park land in order to fund telecommunications for its schools? In economic terms, it does not make sense to cannibalize one public good in order to produce another public good. NFCB strongly questions why the FCC would not choose to allocate some of the funds from the *commercial* spectrum auction to fund the digital public media trust. Whether there could be better, and more efficient, use made of some public television spectrum could certainly be debated, but the current proposal is not sound: it will not produce the desired result and it will undermine the very medium it is trying to support.

#### **IV. Several Existing Policy Proposals Would Facilitate the FCC's Goals.**

NFCB is very pleased that the Commission has undertaken this broad strategic planning initiative in the form of the Future of Media proceeding. Unfortunately, the Commission has rarely taken the time to think through the needs of the whole media sector at once. Many of the problems in media policy are related to the FCC's incremental and siloed approach to policy-making.

**A. The Commission Must Stop Allocating Television Channels Two through Six in an *Ad Hoc* Manner, and Instead Should Impose a Freeze to Allow Time for Strategic Planning for Spectrum Use.**

In the National Broadband Plan, the Commission concluded it has a significant spectrum shortage. Recently, via the digital television transition, the Commission has freed up significant spectrum, but it does not believe that spectrum is sufficient. Despite this fact, the Commission seems to be moving ahead in an *ad hoc* fashion with the recently-vacated television spectrum on television channels 2 through 6. NFCB and several other organizations have asked the Commission to place a freeze on new applications to television channels 2 through 6 so that the Commission can fully consider a wide range of potential uses for that spectrum.<sup>9</sup> The Commission has thus far refused to do so. Instead, the Commission merely delayed one portion of this filing window until July 2010 despite the fact that no party representing translator license holders opposed the petition.<sup>10</sup> Even more amazing, the Commission recently allocated television channel 5 for a new station in Delaware over objections that it should hold off while the Commission undertakes a more comprehensive review of those bands.<sup>11</sup> It makes no sense to attempt to lure in commercial television broadcasters to give up their spectrum because the Commission does not have enough, while at the same time the Commission allocates channels 2 through 5 in an *ad hoc* manner.

Channels 2 through 6, as NFCB outlined in its petition, can be used for a wide range of services, and as Commission engineers have identified, this spectrum is not well-suited technically for digital television.<sup>12</sup> LPTV applicants have more than adequate spectrum

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<sup>9</sup> NFCB, Prometheus Radio Project, Brown Broadcasting, Request for Stay (filed August 10, 2009).

<sup>10</sup> Digital Licensing of Low Power Television and TV Translators Postponed, Public Notice DA 09-2611 (rel. Dec. 22, 2009).

<sup>11</sup> Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations. (Seaford, Delaware) MB Docket No. 09-230, RM-11586, DA 10-698 (rel. April 28, 2010).

<sup>12</sup> *Id.* at 3.

available for their needs above Channel 6. On the other hand, Channels 5 and 6 have long been identified as appropriate for use by FM stations because the top portion of those frequencies are received by most radios in use today and manufacturers make radios that receive channels 5 and 6 in the international market. These channels could also be allocated for unlicensed uses or a wide range of other wireless service. The Commission should think carefully before it re-encumbers this spectrum with new incumbents. Allowing these applicants to acquire new licenses will make it more difficult to repurpose this spectrum in the future and is particularly illogical in light of the current plans to entice television broadcasters off this spectrum.

**B. The Commission Should Reevaluate Its Allocation Priorities for Noncommercial Licenses.**

As part of the FCC's recent rural radio proceeding, NFCB has asked the FCC to initiate a broad proceeding to reconsider the Commission's allocation priorities for noncommercial licenses under Section 307(b) of the Communications Act.<sup>13</sup> NFCB believes that noncommercial licenses should be allocated because they meet the information needs of communities, not based on sheer audience size. Under current policies, the Commission simply prefers license applications that technically will serve more listeners, without any attention to the role that the license applicant intends to play or its connection to the community's needs. Particularly in a mature environment, new radio stations today would be better allocated by determining which parts of the community have the greatest information and journalism deficits and grant stations to those communities who can demonstrate a business plan to serve them.

As we outlined in our comments, the current rules exalt form over substance. NCE applicants are able to craft ingenious proposals to maximize the listeners served, even when it

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<sup>13</sup> Comments of Prometheus Radio Project and National Federation of Community Broadcasters, *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, MB Docket No. 09-52 (filed July 13, 2009).

makes little sense as a matter of designing an audio service. For example, a potential applicant that identifies a clear, but small, geographic community and proposes a service contour well-suited to that community, will lose out to a proposal that is simply large, but has no thoughtful connection between the service proposed, the character of the licensee and the community in question.<sup>14</sup> This is particularly unfortunate since prior to 2000, the primary factor which the Commission used to choose among NCE licensees was “the extent to which each of the proposed operations will be integrated into the overall educational operation and objectives of the respective applicants.”<sup>15</sup> An emphasis on numbers alone is problematic in the NCE service, whose goals are to extend beyond maximizing revenue toward provision of niche content, unserved communities, linguistic minorities and rural areas. In fact, Congress required the Commission to reserve some channels in the FM service for educational, instructional, and cultural purposes. By focusing on the educational nature, noncommercial radio allows time for thoughtful attention to voices and discourse that may not render significant economic gain. Simply focusing on the population served dilutes the notion of placing value in educational programming. Not only does the current policy fail on its own merits, but as outlined in detail in our comments, the current policies also allow for significant gaming of the system.<sup>16</sup>

Section 307(b) of the Act directs the Commission to “distribut[e] ... licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.” 47 USC § 307(b). However, when radio service is a fully mature medium, it is no longer appropriate for the “efficiency” portion of §307(b) to trump all other policy priorities of the Commission.

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<sup>14</sup> *Id.* at 18-19.

<sup>15</sup> See *New York University* 10 Rad. Reg. 2d 215 (1967) cited in *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, 13 FCCRcd 21167, 21168 (1998).

<sup>16</sup> See PRP and NFCB Comments, Rural Radio, at 15-18

### **C. The Commission Should Collect Race and Gender Data About Public Broadcasting Governing Boards in An Administratively Simple Manner.**

NFCB strongly supports the Commission proposal to collect data about the race and gender diversity in the governing board of public broadcasting.<sup>17</sup> As outlined above, one of NFCB's core goals is to improve the diversity of broadcasters and providing practical help to aid those broadcasters. Without solid data about current ownership interests, the Commission cannot create policy to promote diversity in broadcasting. At a minimum, to track progress and the success (or failure) of its policies, the Commission requires data that is thorough and reliable. NFCB believes that noncommercial radio plays an important role in enhancing the diversity of media.

At the same time that NFCB is supportive of the Commission's collection of this data, we strongly urge the Commission to make appropriate accommodations to its processes and information collections so that noncommercial radio broadcasters--particularly small noncommercial broadcasters—are able to easily submit their data to the Commission. With a simple and routine process that includes a minimal regulatory burden, licensees will be able to meet their obligations without a significant drain on resources, and the Commission will similarly be able to devote its resources toward analyzing the data and developing solutions, rather than on administrative matters. In particular, we wish to emphasize NFCB's desire to participate in developing the electronic interfaces to collect this data.

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<sup>17</sup> See *Promoting Diversification of Ownership In The Broadcast Services*, Report and Order and Fourth Further Notice of Proposed Rulemaking, FCC 09-33 (rel. May 5, 2009).

## Conclusion

NFCB is pleased the Commission is undertaking this important strategic planning initiative. We hope the Commission will look carefully into the current state of noncommercial media and recommend the Commission take action as outlined above.

Respectfully Submitted,

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