

## 2009 National Association of State Broadcasters Association (NASBA) Filings

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As you know, 2009 has been a challenging year for the broadcast industry because of the recession. It has also been a challenging year because of what the FCC and Congress have thrown at the radio and television broadcast industries in the form of multiple, concurrent proceedings proposing numerous, re-regulatory requirements.

There follows a further updated listing of the FCC proceedings in which the State Broadcasters Associations have jointly participated from January 1, 2009 to the present. This listing also identifies documents prepared for the State Associations in connection with the proposed Performance Tax issue pending before Congress.

### 2009

1. In the Matter of Implementation of Short-term Analog Flash and Emergency Readiness Act; Establishment of DTV Transition "Analog Nightlight" Program (MB Docket No. 08-255), Joint Comments filed January 5, 2009, reminding the FCC of the State Broadcasters Associations' work in helping to ready members of the public for the February 17, 2009 DTV transition deadline and urging the FCC to modify certain aspects of its "Analog Nightlight" program to remove disincentives to the voluntary participation in the program (program adopted by the FCC with some modifications sought by the State Associations). (DTV Transition complete)
2. "Resolution of the Fifty State Broadcasters Associations, Including the District of Columbia and the Commonwealth of Puerto Rico, In Opposition to a new "Performance Tax," dated February 4, 2009. (Legislation pending)
3. In re the Digital Television Transition, Commission Open Meeting, February 5, 2009, "Written Statement of Dennis Lyle" on behalf of the National Alliance of State Broadcasters Associations extolling the "partnership" relationship between the State Broadcasters Associations and the FCC which began with the ABIP Program and has continued in connection with the efforts of the State Associations in connection with the DTV transition. (DTV Transition complete)
4. "Proposed New Performance Fee, Levy, Tax on Local Radio Stations," dated March 9, 2009 (4 pages), identifying the key issue, the parties supporting and opposing a performance tax and the legislative posture of the issue; summarizing the arguments in favor or and in opposition to a performance tax; and setting forth the "ask." (Legislation pending)
5. "White Paper on Proposed First Ever, 'Performance Tax' on the Free, Over-the-air, Local Broadcast of Sound Recordings," dated March 18, 2009 (9 pages), setting forth in detail the arguments pro, con and rebuttals, on the "bet the farm performance tax issue. (Legislation pending)

6. In re the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 2009, et al., (MD Docket Nos. 09-45 and 08-65), Joint Comments filed on June 4, 2009, urging the Commission, for the reasons stated therein, to reduce its annual regulatory fees and/or application processing fees both retroactively and prospective, as well as grant fee payment waivers with a station having to show that it is "in" foreclosure or "in" bankruptcy where a station shows (i) that its revenues are down substantially and employee layoffs and furloughs have been implemented; (ii) the station's loan covenants have been broken or the station is otherwise in default under its financing; or (iii) the station is on the brink of foreclosure or bankruptcy. The FCC declined to adopt our effort to relax the waiver showing requirement.

7. In the Matter of Public Information Collection Requirement Submitted to OMB for Review and Approval, Comments Requests (OMB Control Number: 3060-0010, Comments filed on September 10, 2009, on behalf of 47 State Broadcasters Associations in opposition to OMB approval of revised FCC Form 323, the Ownership Report form for commercial radio and television stations. OMB approved the form for FCC use.

8. In the Matter of MusicFIRST Coalition Petition Regarding the Actions of Certain Radio Broadcasters in Opposition to the Performance Rights Act (MB Docket No. 09-143), Comments to be filed by September 23, 2009 on behalf of the vast majority of State Broadcasters Associations in opposition to MusicFIRST's Petition and in support of the NAB. (Petition pending)

9. In re Notice of Apparent Liability for Forfeiture Calvary Chapel of Costa Mesa, Inc., KWVE(FM), San Clemente, CA, Joint Letter filed October 14, 2009 on behalf of all State Broadcasters Associations in opposition to the forfeiture for inadvertent EAS-related violations by LP-1 station. The FCC adopted our position, rescinding the forfeiture and only admonished the station.

10. In the Matter of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act, et al. (GN Docket Nos. 09-47, 51 and 137), NBP Public Notice #6, Reply Comments filed on November 13, 2009 on behalf of 45 State Broadcasters Associations in opposition to the reallocation of television broadcast spectrum to the wireless broadband industry. (Rule Making pending)

11. In the Matter of International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act, et al. (GN Docket Nos. 09-47, 51 and 137), NBP Public Notice #26, Joint Comments filed on December 22, 2009 on behalf of 47 State Broadcasters Associations in opposition to the reallocation of television broadcast spectrum to the wireless broadband industry. (Rule Making pending).