

**STATEMENT OF
COMMISSIONER AJIT PAI
APPROVING IN PART AND DISSENTING IN PART**

Re: *Promoting Diversification of Ownership in the Broadcasting Services*, MB Docket No. 07-294; *Review of Media Bureau Data Practices*, MB Docket No. 10-103; *Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System*, MD Docket No. 10-234

Today, we bring to a close a proceeding that has taken far too long and consumed far too many staff resources. For the better part of a decade, the Commission has been pirouetting on a pinhead—or, in agency-speak, trying to figure out what type of unique identifier those with attributable interests in broadcast stations should be required to obtain from the FCC for use in licensees' biennial ownership report filings. Indeed, we have pondered which snowflake(s) to pluck from a blizzard of acronyms (CORES FRN, SUFRN, RUFRN, and more) for almost twice as long as it took the United States to defeat the Axis powers during World War II.

The ostensible purpose of this years-long exercise has been to provide the Commission with better data regarding minority and female ownership. And better data may well help us promote such ownership. But too much effort has been spent diving down rabbit holes that ultimately won't help us accomplish much of anything. Meanwhile, we've ignored or even rejected measures that would boost minority and female broadcast ownership, such as an incubator program (which I've championed since joining the Commission over three-and-a-half years ago). We would have done well to spend more time taking concrete action and less time thinking about whether an attributable interest holder should be required to provide the FCC with a full Social Security number (SSN) or just its last four digits.

Turning to the specific decisions made by the Commission here, I believe that most of them are reasonable. In particular, I agree that attributable interest holders should not be required to submit full SSNs to the Commission. To anyone who believes that data stored in federal government IT systems is completely secure, I would respond with three letters: OPM. Consequently, such a mandate would have imposed greater risks of identity theft in the event of a security breach without any real countervailing benefits.

However, I cannot support the Commission's imposition of a requirement that the officers and directors of noncommercial educational (NCE) broadcasters provide us with personal information, including the last four digits of an SSN, to obtain unique identifiers. *For one*, I fail to see how this will lead to any tangible benefit. After all, our multiple ownership rules do not apply to NCE stations. And "in contrast with the commercial broadcast industry, where individuals often have multiple commercial broadcast interests, the existence of such interests is in fact quite rare in the case of NCE board members and officers."¹ Therefore, unless we have reason to believe that many Americans are suddenly going to start volunteering to serve on the boards of multiple public broadcasting stations at once (and the record doesn't suggest that), the case for requiring NCE board members and officers to obtain a reliable unique identifier from the Commission is incredibly thin.²

For another, requiring attributable interest holders to submit their name, address, date of birth, and the last four digits of their SSN may reduce privacy concerns, but it doesn't eliminate them. That's

¹ Joint Comments of Public Broadcast Licensees at 7, n.6.

² In contrast, commercial broadcasters have indicated they do not object to this reporting requirement, and ensuring that each attributable interest holder in a commercial broadcast station uses a unique identifier in biennial ownership report filings will make it easier for us to count accurately an individual's multiple broadcast interests and thus assess industry trends that could have relevance in our examination of our multiple ownership rules.

because, as the record indicates, all of that information, taken together, can often allow someone to accurately predict an individual's full SSN.³

And so this aspect of the Commission's decision brings to mind the old saying that no good deed goes unpunished. For those who are attributable interest holders in NCE stations are often volunteers. They don't toil on station boards for the money; they do it to serve their community. And the record indicates that public broadcasters often have difficulty "find[ing] qualified, committed individuals to donate their time and attention to station governance."⁴ This may explain why public broadcasters believe the regulation adopted by the Commission will "have a significant negative impact on their ability to recruit volunteers to serve on their licensee boards."⁵ This isn't idle speculation; it's based on the reaction of volunteers to Commission's actions in this proceeding to date.

To be sure, the Commission disagrees and "do[es] not believe the FRN requirement would serve as a serious disincentive to participation in NCE stations." But it does not cite any evidence in support of this claim.

On this question, I would give more credence to those public broadcasters across the country who run the day-to-day operations of their stations than those of us here in Washington, DC. And I would have the FCC bestow upon those volunteering their time to NCE stations across our country not the burden of unnecessary regulations, but our gratitude.

For these reasons, I am voting to approve in part and dissent in part.

³ See *Order* at para. 39 & note 144.

⁴ Joint Comments of Public Broadcast Licensees at 3.

⁵ *Id.* at 4. It is also worth mentioning that some individuals who hold attributable interests in NCE stations do so because of the government office in which they serve. Such public officials can be targeted by individuals dissatisfied with their decisions and thus face greater security threats.