DISSENTING STATEMENT OF COMMISSIONER MIGNON L. CLYBURN

Re: *Elimination of Main Studio Rule*, MB Docket No. 17-106.

Today is a solemn one, in the history of television and radio broadcasting. By eliminating the main studio rule in its entirety for all broadcast stations — regardless of size or location – the FCC signals that it no longer believes, those awarded a license to use the public airwaves, should have a local presence in their community. Yes, the very same majority, that talks about embracing policies to promote job creation, is paving the way for broadcast station groups, large and small, to terminate studio staff and abandon the communities they are obligated to serve.

Now I was willing to keep an open mind, when the Chairman teed up a proposed rulemaking earlier this year, just in case I was missing some obvious benefits to consumers, and struggling broadcasters. Well, the comment period has come and gone, and I am left scratching my head, because I cannot reconcile the report and order's rhetoric, with today's action. Why would an industry, that repeatedly extols the virtues of its local roots, want to eliminate their only real connection to that very same community?

This past July, an email I received from Don made me pause: "Please vote to keep the main studio rule," he wrote. "As an old radio man and former owner of a small market station, it is so disturbing to see what is happening to radio." Then just yesterday, Newsmax CEO Christopher Ruddy in a Washington Post op-ed, suggested that if this rule is eliminated, "local news production could be moved to places such as New York and Washington as the big networks buy up local stations." I agree with both statements, in part because most of the benefits cited for eliminating this rule, will flow to broadcast station groups, that are already experiencing record revenue returns.

Changes in the communications landscape over time are inevitable, and most of them we wholeheartedly embrace, but change should never come at the expense, of the public interest. Instead of taking a sledge hammer to the main studio rule, the FCC majority could have exacted a more measured approach, such as a revised waiver process, that considers market size and economic hardship. In fact, one commenter made this suggestion in the record, and my office proposed this as an alternative approach. Regrettably, the targeted proposal, which would have appropriately recognized that some stations in smaller markets face unique challenges to remaining on the air, was rejected by the Chairman's office, and here we are.

Similarly, the Commission could have conditioned elimination of the rule, on a station's commitment to directly use any cost savings to invest in services that are beneficial to consumers, including expanding local programming, and improving newsgathering in the station's community of license. The NPRM in fact suggests that the savings could be used for such purposes, so why not tie the two together? Once again, the proposal was rejected, and here we are.

While I do appreciate that stations must continue to maintain a toll-free or local number that is staffed during normal business hours, I fear this does not go far enough, to remedy the harms to communities that will no longer have a physical broadcast presence of their very own.

So, having proposed and repeatedly been vetoed on what I believed to be reasonable alternatives, I am left with no other choice than to dissent. While I strongly disagree with this Order, nonetheless I thank the Media Bureau staff, for their dedicated public service, and the passion they have for the public airwaves.