

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

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In the Matter of )  
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Promoting the Availability of Diverse and ) MB Docket No. 16-41  
Independent Sources of Video Programming )  

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To: The Commission

**Reply Comments of  
National Religious Broadcasters to Notice of Inquiry**

The National Religious Broadcasters (NRB) is a non-partisan, international association of Christian communicators and broadcasters, including television stations and video content producers, whose member organizations represent millions of listeners, viewers, and readers. Our mission is to advance biblical truth, to promote media excellence, and to defend free speech. In addition to promoting standards of excellence, integrity, and accountability, NRB provides networking, educational, ministry, and fellowship opportunities for its members.

A significant number of NRB members produce and/or telecast religious video programming. Their public service is important for communities, particularly as they often showcase programming with local churches or nonprofits. Moreover, a number serve ethnically diverse audiences with international or foreign language programs.

As this Notice of Inquiry (NOI) suggests, independent programmers, including religious and family-friendly channels, have faced hurdles in attempting to obtain carriage on the platforms of multichannel video programming distributors (MVPDs). While some media giants have claimed

that there is no problem in this area, the experiences documented by NRBTv, INSP, and others in this proceeding strongly indicate otherwise. Without extensive resources or leverage, some such programmers have felt marginalized – effectively shut out from opportunities to gain access to MVPDs and, therefore, the ability to serve viewers who rely on those MVPDs.

As evidenced by polls, it is no secret to most Americans that programming created by the major media conglomerates often does not sync with values they, the customers, believe are important.<sup>1</sup> Indeed, one need look no further than a recently released Parents Television Council study to read in disturbing detail about the increasing quantity and intensity of violent, sexual, and profane programming being pushed by these empires in prime time.<sup>2</sup> There is need in the video marketplace for more family-friendly and spiritually uplifting programming. INSP makes this point well:

Television content has continued to grow increasingly violent and coarse, with programming today routinely laced with nudity, profanity, gore and/or crassness that could not have been imagined 25 years ago. Research consistently has demonstrated that such programming does not represent the values or preferences of tens of millions of American viewers, who are entitled to have a source of family-friendly, wholesome viewing that better reflects their moral compass. This research has been confirmed by INSP's experience, with substantial ratings growth and one of the highest viewer loyalty and repeat viewership rankings of any network today.<sup>3</sup>

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<sup>1</sup> See, for example, Jones, Jeffrey M: "Most Americans Offended by Sex and Violence on Television," *Gallup News Service* (February 12, 2004), available online at <http://www.gallup.com/poll/10588/most-americans-offended-sex-violence-television.aspx>; and finding of IBOPE Zogby International poll revealing that "75 percent of Americans agree there is too much sex, violence and coarse language on television" in Parents Television Council press release, "New Poll Shows Americans Support the Broadcast Decency Law," (April 7, 2011), available online at <http://www.parentstv.org/PTC/news/release/2011/0407.asp>.

<sup>2</sup> See Gildermeister, Christopher: *Protecting Children or Protecting Hollywood?*, Parents Television Council (April 4, 2016), available online at <http://w2.parentstv.org/MediaFiles/PDF/Studies/2016RRStudy.pdf>.

<sup>3</sup> See Comments of INSP, LLC in MB Docket No. 16-41, at p. 9 (March 30, 2016).

Unfortunately, many media giants are either not aware of or not sufficiently attentive to this need. NRB would be pleased if a conversation generated by this NOI would result in MVPDs being more interested in and amenable to arranging carriage for the valuable faith and family programming of religious channels.

Like the National Association of Broadcasters (NAB), NRB would call the Commission's attention to a 2013 study commissioned by NRB, NAB, and the National Black Religious Broadcasters concluding that suggestions of an MVPD channel capacity problem "lack credibility."<sup>4</sup> Yet, while capacity continues to grow, access opportunities shrink with the continuing consolidation in the video marketplace. For this reason, NRB believes to be worthy of careful consideration the recommendation by NRBTv that in any future merger proceeding there be a public interest obligation set-aside of 4-7 percent of capacity for non-commercial educational (NCE) channels with a provision that MVPDs only be permitted to charge those NCE programmers for the reasonable cost of signal delivery.<sup>5</sup>

However, NRB is wary of broad new agency action in this area. Specifically, NRB is concerned that a heavy-handed effort in the name of diversity has the potential to slide towards regulation aimed at compelling the airing of government-favored types of programs or the silencing of unfavored content and viewpoints. We believe extreme care and vigilance are needed to ensure that the spirit of the renounced "Fairness Doctrine" does not creep into any new regulations.

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<sup>4</sup> See Crowley, Steven J: *Capacity Trends in Direct Broadcast Satellite and Cable Television Services* (Oct. 8, 2013), available at [http://www.nab.org/documents/newsRoom/pdfs/100813\\_Capacity\\_Trends\\_in\\_DBS\\_and\\_Cable\\_TV\\_Services.pdf](http://www.nab.org/documents/newsRoom/pdfs/100813_Capacity_Trends_in_DBS_and_Cable_TV_Services.pdf).

<sup>5</sup> See Comments of NRBTv in MB Docket No. 16-41 at p. 5-6 (March 24, 2016).

Again, NRB is grateful that the Commission has raised this important issue and provided a forum for public discussion about challenges faced by independent video programmers in the face of uninterested or uncooperative MVPDs. Nevertheless, this NOI must not be permitted to sanction a move in the name of diversity towards a subjective government-favored content regime or so-called “fairness” censorship on video programmers or any other form of electronic media.

Dated this 18<sup>th</sup> day of April, 2016

Respectfully submitted:

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