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July 17, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: GN Docket No. 13-86

Dear Ms. Dortch:

WBUR endorses the comments filed by National Public Radio (NPR) on June 19, 2013 in support of the Commission's proposal to adopt an "egregious cases" approach to indecency enforcement. A more reasonable and flexible approach would address the chilling effect imposed on public radio stations like WBUR by the Commission's current policy.

WBUR is Boston's NPR News Station, licensed to the Trustees of Boston University for the past 63 years. The station is one of the most prolific producers of public radio programming for national distribution, including On Point, Here & Now, Only A Game and Car Talk. In addition, WBUR has the largest radio newsroom in New England and produces a weekday hour-long local news program, Radio Boston. We also provide Greater Boston with live breaking news like our continuous coverage of the recent Boston Marathon bombings.

Like other public radio stations, we are committed to providing our audience with high quality news, public affairs and cultural programming. Part of what sets us apart from other media outlets is our unique approach to storytelling. We provide listeners with valuable context through the use of actual voices and ambient sounds recorded during coverage of local, national and international events. In doing so, we are always sensitive to the needs our listeners. WBUR never uses potentially profane or indecent language intentionally or gratuitously.

However, sometimes WBUR's service to the community produces potential indecency violations under the Commission's current "zero tolerance" approach. Our coverage of the

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traumatic attack of the Boston Marathon and its aftermath over an entire week included scores of hours of live continuous coverage of this important story. In the chaos that ensued after the attacks and the subsequent manhunt which resulted in an unprecedented lockdown of most of the cities of Boston and Watertown and surrounding areas, the potential for inadvertent indecent language was always present. It was virtually impossible to report on this unfolding story without the real danger of profanity ending up on our air.

But massive forfeiture amounts and inconsistent application of the current indecency policy by the Commission have created an atmosphere of uncertainty that requires WBUR to pursue our brand of public service journalism at great risk. This interferes with the editorial judgment of WBUR's programming staff, and affects the programs we put on the air. Whether it is live breaking coverage or live regularly scheduled programs, we must constantly weigh the value of creatively covering our communities cultural and civic events against the dangers inherent and the costs involved in fines or forfeitures. Recently, we decided no longer to carry a live public event with some of the most distinguished thinkers in Boston because of the dangers of fines if profanity crept into any of the presentations.

For the foregoing reasons, WBUR also supports the creation of a news and public affairs programming "safe harbor" as recommended by NPR. This would provide greater deference to the First Amendment rights of responsible broadcasters like public radio stations, who strive to educate our listeners about important events occurring locally and around the world.

Accordingly, we urge the Commission to adopt an "egregious cases" indecency enforcement policy.

Sincerely,



Charles J. Kravetz
General Manager

CJK/cjb