

**CONCURRING STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations*, Report and Order, MB Docket No. 12-106

Most of us can vividly remember the disastrous earthquake that hit Haiti in 2010. In its immediate aftermath, many charities were formed to help the injured and displaced. One of those, founded by former Presidents Bill Clinton and George W. Bush, raised attention for the cause in part, by delivering a riveting message that aired on stations all across this nation. It was a touching moment few of us will ever forget.

Under the FCC's long-standing rules, if a noncommercial educational (NCE) station wishes to interrupt regular programming to air such a fundraiser, it must do so by seeking a waiver. From my vantage point, the Commission's waiver process has worked well, balancing the need for a non-profit to raise funds following a natural disaster or other major emergency, while preserving the core responsibilities of an NCE, to serve the educational needs of the local community.

On the surface, an NCE dedicating up to one percent of total airtime for third-party fundraising, as this Order proposes, is not inherently objectionable to me. It represents just 88 hours per year, for a station broadcasting 24 hours a day. What I fear in upending the longstanding practice of granting waivers on a case-by-case basis, is that we are opening the floodgates to a future, where the unique nature of noncommercial educational stations could be degraded. With this concern in mind, I asked that language be included to make abundantly clear, that the waiver process only applies to those seeking on-air fundraising for disasters and other singular catastrophic events. While the included language is not as explicit as I would have liked, I thank the Chairman for working with my office, to clarify the scope of the waiver process.

What remains concerning, however, is that today's Order determines a "limited basis" to mean no more than one percent of total airtime for third-party fundraising. Will we be asked one year from now to allow ten percent of total airtime for third-party fundraising? 25 percent? Where do we draw the line? It is for these reasons and these reasons only, that I concur but make absolutely clear, that my support does not expand beyond the limitations outlined in this Order.

My thanks once again to the Media Bureau staff for your longstanding commitment to NCE broadcast stations and the important role they play in communities across this nation.