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OFFICE OF THE SECRETARY

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BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket No. 91-221
MM Docket No. 87-8
MM Docket No. 94-150
MM Docket No. 92-51
MM Docket No. 87-154

Dear Mr. Caton:

Transmitted herewith, on behalf of RDS Broadcasting, Inc., are an original and four copies of its "Report on Existing Television Local Marketing Agreements," submitted pursuant to the Commission's Public Notice, "Commission Seeks Further Information Regarding Television LMA's", 62 Fed. Reg. 33792 (June 23, 1997).

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.

Anne Goodwin Crump
Anne Goodwin Crump
Counsel for RDS Broadcasting, Inc.

Enclosures

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BEFORE THE

Federal Communications Commission

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Review of the Commission's Regulations Governing Television Broadcasting)	MM Docket No. 91-221
)	
Television Satellite Stations Review of Policy and Rules)	MM Docket No. 87-8
)	
Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests)	MM Docket No. 94-150
)	
Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry)	MM Docket No. 92-51
)	
Re-examination of the Commission's Cross-Interest Policy)	MM Docket No. 87-154
)	

Directed to: The Commission

REPORT ON EXISTING TELEVISION LOCAL MARKETING AGREEMENTS

RDS Broadcasting, Inc. ("RDS"), by its attorneys and pursuant to the Commission's Public Notice, "Commission Seeks Further Information Regarding Television LMA's", 62 Fed. Reg. 33792 (June 23, 1997), hereby respectfully submits its report with regard to existing television local marketing agreements ("LMA's") to which it is a party.

RDS is a party to two LMA's, which involve its stations in Jacksonville, Florida, and Tulsa, Oklahoma. In both of these markets, RDS entered into Time Brokerage Agreements with Clear Channel Television, Inc. ("Clear Channel"). The particulars of the agreements and the

further information requested by the Commission are set forth below.

I. Jacksonville, Florida

(1) **Stations, Licensee, Call Letters, Channel Number, and Community of License**

a. **Brokered Station: WTEV-TV (formerly WNFT-TV)**

1. Licensee: RDS Broadcasting, Inc.
2. Call letters: WTEV-TV
3. Channel Number: Channel 47
4. Community of License: Jacksonville, Florida

b. **Brokering Station: WAWS-TV**

1. Licensee: Clear Channel Television Licenses, Inc.
2. Call Letters: WAWS-TV
3. Channel Number: Channel 30
4. Community of License: Jacksonville, Florida

(2) **Name and Rank of Nielsen DMA**

Jacksonville, Florida-Brunswick, Georgia - Rank 54

(3) **Signal Contour Overlap**

WTEV-TV and WAWS-TV have a substantial degree of overlap of city grade signal contours.

(4) **Date of LMA**

June 22, 1995

(5) **Term of LMA**

- a. The start and end dates of the initial term of the LMA are as follows: September 25, 1995, until 12:00 midnight on February 1, 1997.
- b. The LMA may be renewed twice, for two additional five year periods, should either party provide written notice of its intent to renew to the other party no later than the close of ninety days prior to the then-current term. The LMA was renewed.

(6) Percentage of Time Brokered

Clear Channel provides programming for a substantial amount of the brokered station's broadcast day on a daily basis throughout the year. RDS, however, continues to have the obligation to ascertain that programming responds to the needs and concerns of the community of license, and it retains the right to pre-empt the brokering station's programming as necessary to broadcast its own programming which is responsive to issues of concern to the community of license and to the needs of children. Furthermore, RDS may pre-empt or delete any programming of Clear Channel which RDS believes is unsuitable or contrary to the public interest and may substitute programming which, in its independent opinion, is of greater local or national importance.

(7) Network Affiliation

WTEV-TV, the brokered station, is affiliated with UPN.
WAWS-TV, the brokering station, is affiliated with Fox.

(8) Nielsen Share

The reported Nielsen all-day audience shares (measuring 9:00 a.m. through midnight) for the three most recent rating periods were as follows:

	<u>Nov.-96</u>	<u>Feb.-97</u>	<u>May-97</u>
WTEV-TV (brokered)	4	4	3
WAWS-TV (brokering)	9	9	7

(9) Other Information

Prior to the time that WTEV-TV entered into the LMA, it had filed for Chapter 11 bankruptcy protection. Before the LMA began, WTEV-TV's programming consisted primarily of infomercials and barter programming. At that time, WTEV-TV did not produce or broadcast any local news or community service programming. Further, the station's signal was technically deficient, and the station had a negative image in the community.

Upon entering into the LMA, capital improvements were made, and much-needed maintenance was performed, including an upgrade of WTEV-TV's audio signal to stereo. Clear Channel also was instrumental in helping the station obtain an affiliation agreement with UPN and the rights to broadcast Orlando Magic basketball and SEC football. Furthermore, because of the LMA, WTEV-TV now broadcasts public service announcements, local programming, and three hours per week of educational children's programming. It is anticipated that, in the fall of

1997, an early evening half-hour newscast will be produced and broadcast on WTEV-TV.

II. Tulsa, Oklahoma

(1) **Stations, Licensee, Call Letters, Channel Number, and Community of License**

- a. **Brokered Station: KTFO(TV)**
 - 1. Licensee: RDS Broadcasting, Inc.
 - 2. Call letters: KTFO(TV)
 - 3. Channel Number: Channel 41
 - 4. Community of License: Tulsa, Oklahoma

- b. **Brokering Station: KOKI-TV**
 - 1. Licensee: Clear Channel Television Licenses, Inc.
 - 2. Call Letters: KOKI-TV
 - 3. Channel Number: Channel 23
 - 4. Community of License: Tulsa, Oklahoma

(2) **Name and Rank of Nielsen DMA**

Tulsa, Oklahoma - Rank 58

(3) **Signal Contour Overlap**

KTFO(TV) and KOKI-TV have a substantial degree of overlap of city grade signal contours.

(4) **Date of LMA**

November 1, 1993

(5) **Term of LMA**

- a. The start and end dates of the initial term of the LMA are as follows:
November 3, 1993, until 12:00 midnight on December 31, 2003.
- b. The LMA shall automatically renew for an additional period of five years unless either party provides written notice of non-renewal no later than the close of business December 31, 2002.

(6) **Percentage of Time Brokered**

Clear Channel provides programming for a substantial amount of the brokered

station's broadcast day on a daily basis throughout the year. RDS, however, continues to have the obligation to ascertain that programming responds to the needs and concerns of the community of license, and it retains the right to preempt the brokering station's programming as necessary to broadcast its own programming which is responsive to issues of concern to the community of license and to the needs of children. Furthermore, RDS may pre-empt or delete any programming of Clear Channel which RDS believes is unsuitable or contrary to the public interest and may substitute programming which, in its independent opinion, is of greater local or national importance.

(7) Network Affiliation

KTFO(TV), the brokered station, is affiliated with UPN.
KOKI-TV, the brokering station, is affiliated with Fox.

(8) Nielsen Share

The reported Nielsen all-day audience shares (measuring 9:00 a.m. through midnight) for the three most recent rating periods were as follows:

	<u>Nov.-96</u>	<u>Feb.-97</u>	<u>May-97</u>
KTFO(TV) (brokered)	2	2	3
KOKI-TV (brokering)	11	8	7

(9) Other Information

Prior to entering into the LMA, KTFO(TV) was a failing station. KTFO(TV) had been off the air for two years, and although it had resumed operations, it was losing nearly a million dollars per year. Without the LMA, it is highly likely that the station would have gone dark again. In its financial plight, KTFO(TV) could air little or no locally produced programming or public service programming, and there was no children's educational programming. The program schedule consisted primarily of barter programming and infomercials.

As a result of the LMA, KTFO(TV) now has 4.5 hours of children's educational programming per week, with an increase to 5.5 hours scheduled for the fall of 1997. Through the LMA, KTFO(TV) is a local sponsor of groups such as Oklahoma Kids, an organization that fights drugs through the performances of children singing and dancing across the state. Likewise, KTFO(TV) also supports many local charities and community groups and events with on-air sponsorships. The station is a sponsor of approximately 20 family/community events and shows each year in Tulsa.

As a result of the LMA, KTFO(TV) now broadcasts a more complete line-

up of family programs and has greatly reduced the number of hours of infomercials. Through the LMA, KTFO(TV) will soon increase its news, information, and weather programming for the market.

Respectfully submitted,

RDS BROADCASTING, INC.

By:



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Its Attorneys

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July 8, 1997

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