

Therefore, due to the LMA, Memphis has a source of popular syndicated programming, news programming specially tailored to suit the needs of the African-American community, and a venue for local sports programming, all of which the city would not otherwise receive.

Argument

The foregoing demonstrates that in each and every market an LMA produced substantial public interest benefits, many of which are of particular significance to this Commission (e.g., greatly expanded educational children's programming; the initiation of local news and public affairs programs; the creation of locally-produced programming directed at minority groups; first local service from new national networks such as UPN; increased involvement in community affairs and charitable causes; and a reduction in the number of infomercials and paid programming). These public interest benefits were the direct result of the economies of scale which arise out of LMAs, and would not have been realized in their absence.

For the foregoing reasons, Clear Channel urges the permanent grandfathering of all existing LMAs. It would be inequitable to the parties who entered into LMAs in good faith, invested substantially in them, and generated public interest benefits of the sort described above to establish any sunset date for these LMAs. Changing the rules in this manner would unfairly harm these parties by denying them a proper return on their investment. Even more significantly,

however, it would jeopardize the substantial public interest benefits which flow from such relationships. Clear Channel strongly opposes the Commission's proposal to limit LMAs inconsistent with its forthcoming multiple ownership rules to their original term. This proposal is wrongheaded in that it would reward those parties who ignored the Commission's entreaties and, nevertheless, negotiated agreements with extremely long terms, and penalize those who adhered to the Commission's advice and agreed to short-term arrangements.

Finally, it should be noted that among the principal beneficiaries of LMAs are UHF stations struggling to remain viable in a highly competitive marketplace. It is well-established that UHF television stations are disadvantaged versus their VHF counterparts due to reduced coverage, inferior transmission characteristics, and higher costs of operation. These factors have made it difficult for UHF stations to produce revenue comparable to, and compete effectively with, VHF stations. The public interest is best served by the establishment of rules which will place all stations, UHF and VHF, on a level playing field on which they have equivalent opportunities to broadcast quality programming. It would contribute toward the realization of this objective for the Commission to generally permit a UHF licensee to have an attributable interest in another in-market station, UHF or VHF. This relaxation of FCC rules

would improve the quality and diversity of programming as, the record shows, LMA's have done in the past.

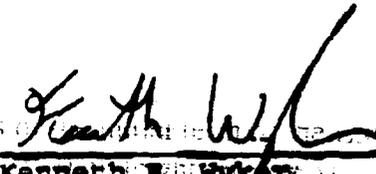
Conclusion

Therefore, Clear Channel urges the FCC to:

- (a) permit common ownership of UHF/UHF or UHF/VHF combinations in the same market as an unconditional exception to the current duopoly rule
- (b) grandfather and allow the permanent continuation of current LMA's; and
- (c) permit licensees to enter into LMA's in the future.

Respectfully submitted,

Clear Channel Communications, Inc.

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SECTION 303(b) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

Programming for a substantial amount of the broadcast station's programming time is provided by the licensee. However, the licensee of the broadcast station may, in its discretion, pre-empt the programming of other stations in the community of license area if it is clear to preempt the programming of such stations is necessary to broadcast its own programming.

Notwithstanding to issues of concern to the communities of the licensee and to the public interest, the licensee of the broadcast station may preempt the programming of other stations which it believes is suitable or contrary to the public interest.

Exhibit B

CCT Audience Market Shares

		Nov-96 HH Shr	Feb-97 HH Shr	May-97 HH Shr			Nov-95 HH Shr	Feb-97 HH Shr	May-97 HH Shr
Memphis-42:					Harrisburg-45				
CCT Station	WPTY - ABC	9	7	8	CCT Station	WHP - CBS	11	13	11
CCT - LMA	WLMT - UPN	7	6	8	CCT - LMA	WLYH - UPN	2	2	2
		<u>16</u>	<u>13</u>	<u>16</u>			<u>13</u>	<u>15</u>	<u>13</u>
	WHBQ - FOX	10	8	10		WGAL - NBC	23	23	22
	WKNO - PBS	2	2	2		WHTM - ABC	15	13	14
	WMC - NBC	21	19	18		WITF - PBS	3	3	3
	WREG - CBS	20	21	15		WPMT - FOX	9	8	8
		<u>53</u>	<u>50</u>	<u>45</u>			<u>50</u>	<u>47</u>	<u>47</u>
		Nov-95 HH Shr	Feb-97 HH Shr	May-97 HH Shr			Nov-96 HH Shr	Feb-97 HH Shr	May-97 HH Shr
Providence-47					Jacksonville-54				
CCT Station	WPRI - CBS	14	15	15	CCT Station	WAWS - FOX	9	9	7
CCT - LMA	WNAC - FOX	4	4	4	CCT - LMA	WTEV - UPN	4	4	3
		<u>18</u>	<u>19</u>	<u>19</u>			<u>13</u>	<u>13</u>	<u>10</u>
	WJAR - NBC	28	22	24		WBSG - ABC	0*	0*	4
	WLNE - ABC	11	11	11		WICT - PBS	2	2	0
	WSBE - PBS	0	0	0		WJEB - IND	0	0	0
						WJKS - WB	9**	6	4
						WJXT - CBS	25	24	26
						WTLV - NBC	18	16	17
		<u>39</u>	<u>35</u>	<u>35</u>			<u>54</u>	<u>48</u>	<u>51</u>
		Nov-96 HH Shr	Feb-97 HH Shr	May-97 HH Shr			Nov-96 HH Shr	Feb-97 HH Shr	May-97 HH Shr
Little Rock-57					Tulsa - 58				
CCT Station	KLRT - FOX	8	7	6	CCT Station	KOKI - FOX	11	8	7
CCT - LMA	KASN - UPN	3	3	3	CCT - LMA	KTFO - UPN	2	2	3
		<u>11</u>	<u>10</u>	<u>9</u>			<u>13</u>	<u>10</u>	<u>10</u>
	KARK - NBC	16	16	16		KJRH - NBC	14	14	13
	KATV - ABC	24	23	20		KOED - PBS	3	2	3
	KETS - PBS	2	2	2		KOTV - CBS	21	21	22
	KTHV - CBS	15	16	17		KTUL - ABC	19	19	18
		<u>57</u>	<u>57</u>	<u>55</u>			<u>57</u>	<u>56</u>	<u>56</u>
		Nov-96 HH Shr	Feb-97 HH Shr	May-97 HH Shr			Nov-96 HH Shr	Feb-97 HH Shr	May-97 HH Shr

* Not reported in November or February book. ABC affiliate for May book.

** ABC affiliate for November book only.

