

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	MB Docket No. 14-226
Amendment of Section 73.1216 of the	)	
Commission's Rules Related to Broadcast	)	RM-11684
Licensee-Conducted Contests	)	

To: The Secretary  
Attn: Chief, Media Bureau

**SUPPORTING COMMENTS OF SAGA COMMUNICATIONS, INC.  
ON NOTICE OF PROPOSED RULEMAKING**

Saga Communications, Inc. ("Saga"), by its counsel, hereby files these Supporting Comments on the "Notice of Proposed Rulemaking" ("NPRM"), *Amendment of Section 73.1216 of the Commission's Rules Related to Broadcast Licensee-Conducted Contests*, 79 FR 75780, published December 19, 2014.<sup>1</sup>

In the NPRM, the Commission proposes to amend its rules governing broadcast licensee-conducted contests by, among other things, allowing licensees to comply with their obligation to disclose material contest terms either through broadcast announcements or by making such terms available in writing on a publicly accessible Internet web site. The Commission also proposes to adopt rules that would define the disclosure obligation in cases where a station chooses to meet that obligation through an Internet Web site.

Saga fully supports the Commission's proposals in the NPRM.

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<sup>1</sup> Comments are due by February 17, 2015, but due to a snow emergency, the FCC was closed on that day. Despite the closing, we are filing these comments on February 17, 2015, so these comments are timely filed.

Saga previously participated in this rule making proceeding.<sup>2</sup> This proceeding was initiated by the filing, on January 20, 2012, by Entercom Communications Corp. of a “Petition for Rulemaking.” At that time, Title 47 CFR § 73.1216 (the “Contest Rule”) was 36 years old. It is now 39 years old. It is time for the Contest Rule to be updated consistent with the changes in technology seen over the past four decades. The Contest Rule had its genesis in a Report and Order, *Amendment of Part 73 of the Commission's Rules Relating to Licensee-Conducted Contests*, 60 FCC 2d 1072, 38 RR 2d 828 (1976) that was adopted to give the Commission the flexibility of monetary forfeitures where stations failed “to assure that their contests are conducted with due regard for the public interest.” The rule was adopted along with three explanatory Notes. It is Note 2 (guidelines with respect to the time and manner of disclosure of material contest terms) that is proposed to be changed to read as follows:

Note 2: In general, the time and manner of disclosure of the material terms of a contest are within the licensee’s discretion. However, the obligation to disclose the material terms arises at the time the audience is first told how to enter or participate and continues thereafter. The disclosure of material terms shall be made by the station conducting the contest by either: (a) periodic disclosures broadcast on the station; or (b) written disclosures on the station’s Internet website, the licensee’s website, or if neither the individual station nor the licensee has its own website, any Internet website that is publicly accessible. In the former case, a reasonable number of periodic broadcast disclosures is sufficient. In the latter case, the station shall announce over the air the availability of material terms on the website and identify the complete, direct website address where the terms are posted each time the station mentions or advertises the contest. Material contest terms that are disclosed on an Internet website must conform in all substantive respects to those mentioned over the air. Any changes to the material terms during the course of the contest must be fully disclosed on air or the fact that such changes have been made must be announced on air and participants must be directed to the written disclosures on the website.

Revising Note 2 as proposed would result in better communication with the public since contestants would be referred to the Internet website to review the rules at their leisure and with

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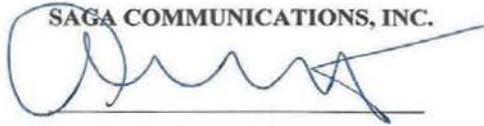
<sup>2</sup> On December 18, 2012, Saga filed “Supporting Comments of Saga Communications, Inc.” See NPRM, Appendix A.

whatever detail they desired. Currently, if a listener is listening in a daypart different from the one during which the rules are broadcast, or is not listening intently, he or she may not understand the material terms. Broadcast of announcements may comply with the rule, but publication on the Internet would better serve the purpose of the rule.

In its Notice of Proposed Rulemaking (“NPRM”), *Deregulation of Radio*, 73 FCC 2d 457 (1979), the Commission announced “The proceeding that we are instituting reflects the Commission's continuing concern that its rules and policies should be relevant to an industry and a technology characterized by dynamic and rapid change.” In 1979, the technological landscape was vastly different from today's. There was no Internet. Personal computers were in their infancy.<sup>3</sup> There was a fledgling cable television industry. People listened to AM radio more than FM radio. There was no HD radio. There was no digital media. Times have changed, and continue to change, and the prompt adoption of the revision to Note 2 proposed in the NPRM will result in a much-needed update of the rule to comport with the changing times.

Respectfully submitted,

**SAGA COMMUNICATIONS, INC.**

A handwritten signature in blue ink, appearing to read 'Gary S. Smithwick', written over a horizontal line.

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<sup>3</sup> For example, the pioneer in personal computers, Apple, Inc., was founded on April 1, 1976, and incorporated on January 3, 1977. Source: [http://en.wikipedia.org/wiki/Apple\\_Inc](http://en.wikipedia.org/wiki/Apple_Inc).