



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

RECEIVED

FEB 22 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of ) MM Docket No. 00-10  
Establishment of a Class A ) MM Docket No. 99-292  
Television Service ) RM -9260

**REPLY COMMENTS OF THE VACATION CHANNEL, INC.**

The Vacation Channel, Inc. ("TVC") licensee of Low Power Television Station KBNS-LP, Branson, Missouri, hereby files these Reply Comments in response to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding, released January 13, 2000 ("*Notice*"). In these Reply Comments, TVC supports comments filed by the Community Broadcasters Association ("CBA") which urge the Commission to be mindful that locally produced long-format programming should not lose its "local programming" status merely because such programming may have a commercial sponsor.<sup>1</sup> Such locally produced programming often meets the unique needs of a local audience, and creating disincentives for such programming would be inconsistent with the goals of the Community Broadcasters Protection Act. In addition, TVC suggests that the Commission take a more flexible approach to the issue of whether repeated programming should count towards the requirement of three hours of locally produced programming.

---

<sup>1</sup> CBA Comments at page 13.

On December 27, 1999, TVC filed its Certification of Eligibility for Station KBNS-LP, and certified that it met all of the criteria specified in Section 336(f)(2)(A) of the Communications Act. The certification to the question regarding three hours of locally-produced programming was based on the fact that TVC regularly produces and broadcasts programming that includes local news, weather reports, and broadcasts of local high-school sports. The Station broadcasts its "Newslines" news program two to four times per day, six days per week. In addition, revised weather reports (including live color radar) are broadcast four times per hour, seven days per week. Such programming ran for more than three hours per week during the 90 day period prior to November 29, 1999.<sup>2</sup>

However, in addition to the news, weather and sports programming described above, TVC produces and broadcasts a substantial amount of other locally-oriented programming. The Station's community of license, Branson, Missouri, is the center of a major area of tourism, the Branson/Lakes area of western Taney County and southern Stone County. Over five million people per year visit this area. Thus, much of the Station's locally produced programming is targeted to this huge audience, and performs the important function of informing visitors regarding local sites of interest, safety and travel information, and related matters.

Some of this programming regarding local sites of interest may be in long-format

---

<sup>2</sup> The Commission has previously found that the Station's provision of local news and informational programming makes it a "qualified low power station" entitled to mandatory carriage. In Re The Vacation Channel, Inc., Memorandum Opinion and Order, DA 96-1476, released September 6, 1996.

segments that have identifiable sponsors. TVC thus shares the position expressed in page 13 of the CBA's Comments, that while commercial spot announcements may not qualify as local programming as suggested in para. 19 of the *Notice*, the Commission should not exclude long-format sponsored local programming or programming originating at local business locations. One distinction between long-format and spot segments is based on length of the segment, and long-format segments should include segments that are at least 15 minutes in length.

TVC's long-format programming also raises another issue on which comments were sought in the *Notice*. In paragraph 19, the Commission states that it is "not inclined to include repeated programming ... as contributing to the mandatory 3 hours of locally produced programming.... (emphasis added)." While understanding some of the concerns underlying such an approach, TVC urges the Commission to take a more flexible approach. In the case of Station KBNS-LP, as noted above, the Station targets the huge number of people that visit the Branson area. While far outnumbering the residents of Branson,<sup>3</sup> these visitors only stay in the viewing area for an average of three to four days. Accordingly, TVC may program the Station's long-format programming on local attractions to reflect this three to four-day cycle. In such a case, while certain programming may be repeated within the space of a week, the average viewer will not see the programming repeated. Yet, the repeated programming provides each cycle of new visitors the information that they need and want. Surely this approach serves the public interest in this case, and the Commission's policies

---

<sup>3</sup> Branson's residential population was 4,484 as of 1996.

should not discourage such an approach. Thus, in the absence of direct statutory language on the status of repeated programming, the Commission should take a flexible approach. Repeated programming should be allowed to count towards the three hour minimum, unless a specific showing is made that the use of repeated programming by a particular Class A station is contrary to the public interest.

In sum, in establishing policies for evaluating compliance with the requirement that Class A stations broadcast three hours per week of locally produced programming, the Commission should not exclude long-format programming that has an identifiable sponsor, and should recognize that in certain circumstances repeated programming serves the public interest and thus should not be excluded from counting towards that three hour requirement.

Respectfully submitted,

THE VACATION CHANNEL, INC.



Charles Scott Earls,  
President

282 Wintergreen Road  
Branson, Missouri  
65616  
(417) 334-1200

February 22, 2000