

television took place, nor was it the case when the shift from network TV to cable TV took place. In those instances a consumer could always choose to utilize his or her older equipment. In the case of DTV, a consumer will have to purchase a rather expensive set of equipment in order to access DTV. It is entirely possible that some consumers might not like DTV or might not be able to afford DTV at first. Thus any public interest programming that takes place after the complete transition to DTV might not be accessible by the general public. In order to solve this problem, DTV should be made optional both to the consumer and to the broadcaster. The legislative history of the 1996 Telecommunications Act states as its purpose to “ promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid development of new telecommunications technologies.” Act of Feb. 1, 1996, Pub. L. No. 104-104, 1996 U.S.C.C.A.N. (110 Stat. 56) 11. I don’t understand how eliminating from the market those broadcasters who can’t afford to immediately switch over to DTV technology “promotes competition.” Nor do I understand how increasing the prices of television equipment constitutes “securing lower prices.” After every other media shift in this country, the consumer and/or broadcaster has always retained a choice in deciding whether or not to utilize the newest and most expensive technology. A consumer could still choose to use a radio from 1912 if he or she desires. In my opinion, the transition from analog TV to DTV should be no different.

ADMINISTRATIVE LAW COMMENTS **RECEIVED**

**MAR 23 2000**

**FCC MAIL ROOM**

Submitted by: Katrina Shepherd

Submitted to: Professor Reynolds

March 17, 2000

## Introduction/Background

On January 26, 2000, the Federal Communications Commission issued an advance notice of proposed rule making regarding the public interest obligations of television broadcast licensees. Advance Notice of Proposed Rule making, 65 Fed. Reg. 4211 (Jan. 26, 2000). This notice of proposed rule making solicited comments on how broadcasters can best serve the public interest as broadcasters make the transition from the traditional National Television Standard Committee's analog televisions to the technologically advanced High Definition Televisions (HDTV). By the year 2006, and probably later, the television that almost every American has in their home will be obsolete.<sup>1</sup> This is due to the fact that the analog television sets that most of us own will be off the air. The Federal Communications Commission initially decided to move from analog television to let over-the-air broadcasters offer high definition programs, but the FCC later realized that High Definition Television provided new opportunities for television programming.<sup>2</sup> The technological advancement of High Definition Television can provide broadcasters with better ways of fulfilling their public interest obligations.

One of the areas of public interest for which High Definition Television may have a profound effect involves disaster warnings. As a law student and interested citizen, I am writing

---

<sup>1</sup>HDTV: The Future of Television (visited March 13, 2000)  
<<http://coverage.cnet.com/Content/Gadgets/Special/HDTV/index.html>>.

<sup>2</sup>Current Briefing: Public TV Goes Digital and High Definition (visited March 13, 2000)  
<<http://www.current.org/dtv/>>.

this comment in response to the Advisory Committee's recommendation that broadcasters should work with the appropriate emergency communications specialists and manufacturers to determine the most effective means to transmit disaster warning information. The committee advises that the means chosen to transmit these warnings should be minimally intrusive on the bandwidth and not result in undue additional burdens or costs on broadcasters. Because of the potential applications of High Definition Television, it is my contention that this recommendation could and should be met.

### **Discussion**

Many towns and cities throughout this country do not benefit from local disaster warning systems. This is because many of these cities or towns cannot afford to purchase these systems. The people who live in these towns and cities rely on the warning information they receive from or during television broadcasts. If, as the Advisory Committee Report explains, digital technology will provide innovative and new ways to transmit warnings, such as pinpointing specific households or neighborhoods at risk; then broadcasters would be providing a tremendous public service by taking advantage of these technological advances. If we were to conduct a cost-benefit analysis, it would be clear that the benefit of saving lives would far outweigh any costs that may be incurred by broadcasters.

### **Capabilities that Digital Television Can Give to Broadcasters to Deliver Disaster-Related Information**

How can digital television help broadcasters effectively transmit disaster warning information? To answer this question, it may be best to examine some of the technological

benefits that digital television can provide in order to determine how these advancements can be used to transmit disaster warning information. Some of the technological advancements of digital television that I believe may have an important impact on the transmission of disaster warning information includes: the width-to-height ratio of the digital television screen, the capability of digital television to receive the new Emergency Alert System, the capability of digital television to conduct multicasting, and the capability of digital television to interact with the Internet.

### Width-to Height Ratio

First, digital television is a new way to transmit programming material, such as the transmission of disaster warning information. A digital television has the potential to provide much more information on your television set. "By transmitting the information used to make a television picture and sound as 'data-bits' ( as does a computer), a digital broadcaster can carry more information than is currently possible with analog broadcast technology."<sup>3</sup> Digital television boasts a 16:9 wide screen picture as opposed to the 4:3 wide screen picture of current television models.<sup>4</sup> Because of the larger screens, emergency information can be displayed at the same time that a program is being shown without substantially obscuring the regular program. Information can be displayed on more than one line at a time. The viewer can receive all of the information at once. If the information is taking up less space on the screen, then the information can remain on the screen for a longer period of time. Therefore, the viewer can be sure to see the

---

<sup>3</sup>Digital Television Tower Siting Fact Sheet and Frequently Asked Questions (visited March 14, 2000) <<http://www.fcc.gov/mmb/prd/dtv/>>.

<sup>4</sup>HDTV, The Future of Television, supra note 1, at 1.

warning at any time rather than risk the possibility of missing the warning by leaving the room during the same interval when the warning is flashed on the screen.

#### Capability to Receive the Emergency Alert System

Second, the all digital television-broadcast signal of High Definition Television will be receptive to the new Emergency Alert System because the Emergency Alert System uses digital technology to distribute messages.<sup>5</sup> As I understand it, the Emergency Alert System replaced the Emergency Broadcast System, which was created in 1963 to provide the President with a means to address the American people in the event of a national emergency.<sup>6</sup> “This new system replaced the weekly ‘only a test’ message with less obtrusive weekly tests and shorter, monthly on-air tests for television and radio stations.”<sup>7</sup> Television stations are also required to transmit a visual message once a month.<sup>8</sup> These messages are supposed to last for a duration of about eight seconds.<sup>9</sup>

Because of the digital nature of the new Emergency Alert System and High Definition Television, the potential for automated operation can be viewed as a cost efficient benefit for broadcasters. The Emergency Alert System uses digital system architecture that will allow broadcast stations, cable systems participating satellite companies, and other services to send and

---

<sup>5</sup>Emergency Alert System Fact Sheet (visited March 14, 2000)  
<<http://www.fcc.gov/easfact.html>>.

<sup>6</sup>Id. at 1.

<sup>7</sup>Id. at 1.

<sup>8</sup>Id. at 1.

<sup>9</sup>Id. at 1.

receive emergency information quickly and automatically.<sup>10</sup> Therefore, by utilizing these new technologies, broadcasters could continue providing this national service without at least one additional cost because they would not have to employ individuals just to operate the alert system in the event a national emergency should arise.

### Multicasting Capabilities

Third, digital television provides technology that can facilitate multicasting capabilities that could assist broadcasters in their transmission of disaster warning information. Multicasting capabilities allow stations to air four, six or more standard definition program streams at a time. This technology also allows stations to broadcast various data and audio channels.<sup>11</sup> Broadcasters have been granted free bandwidth for use with the transition to High Definition Television.<sup>12</sup> High Definition Television requires a bandwidth of 6MHz, which is four times that of a normal analog signal.<sup>13</sup> This means that a traditional television network could broadcast its regular network programming as well as have two other stations broadcasting different programs, and network broadcasters would still have free signal space that could be used for any purpose the broadcaster chooses. The broadcaster could use this extra signal space for the transmission of emergency information. Since the government has already developed a plan that would involve broadcasters returning the free parts of the broadcast spectrum to the government to be used for

---

<sup>10</sup>Id. at 2.

<sup>11</sup>The Future of Television, *supra* note 1, at 3.

<sup>12</sup>HDTV: Join the Resolution (visited March 13, 2000)  
<<http://www.sinfonia.net/mike/hdtv/faq.html>>.

<sup>13</sup>Id. at 3.

public safety, police and fire usage, the only thing left to say is that I hope that this plan will be implemented.

### Internet Capabilities

Finally, broadcasters could also consider utilizing the emerging Internet opportunities that have been opened up with the growth of the digital television market to assist them in the transmission of disaster warning information. The computer industry is moving in the direction of data broadcasting, and it is planning to make over-the-air data reception a key feature in future products.<sup>14</sup> As we have witnessed with the introduction of WebTv boxes, the television can be used in conjunction with the Internet. The digital signals of High Definition Television will contain a data channel which could carry related information such as scrolling text or computer software downloads.<sup>15</sup> Television broadcasters could expand their viewing services by acting in conjunction with Internet Service Providers to provide viewers with quick and easy access to the information superhighway as a way to more effectively transmit warning information.

People who live in rural areas can have easier access to the World Wide Web by just turning on their televisions. Those people who live in these rural areas could obtain up to the minute warning reports by pushing a button on their remote control. For instance, the broadcaster and the Internet Service Provider could develop an arrangement where they set up a link to a warning center Internet site that could be designed to provide specific warning information to a particular area. If a viewer/user were watching a television news broadcast and

---

<sup>14</sup>Digital Television '99: Navigating the Transition in the U.S. (visited March 12, 2000) <<http://www.nab.org/Research/Reports/DIGITALTV.htm>>.

<sup>15</sup>The Future of Television, supra note 1, at 1.

there was a report of a storm warning for the entire state, the viewer/user could access the link to her area warning center to find out a possible estimation of the impact of the storm on her particular area. In light of the fact that this technology has not been developed yet, it can only be suggested that broadcasters consider this technological possibility as a way to fulfill its public interest obligation to transmit disaster warning information.

**What Role should the Federal Communications Commission Play in the Realization of Advisory Committee Goals?**

It is my opinion that the Federal Communications Commission should assume the role that it has already assumed on this issue. I assume that the Federal Communications Commission's role on this issue will be that of a rule maker. I suggest that the Federal Communications Commission establish rules that will ensure that digital television services provided by broadcasters will incorporate viewer friendly technology that all citizens can receive. Ultimately, it is my belief and hope that the Federal Communications Commission will maintain an active involvement in this transition from analog to digital television and that this Commission will remind broadcasters that public safety, through disaster warnings, is a worthy incentive to develop new technology that will provide this service.

**Conclusion**

In closing, I would like to say that if consumers are going to have to pay thousands of dollars to purchase a digital television, the government and broadcasters should be willing to provide consumers with a quality product and service that can benefit the public. Digital television has the potential to broaden the impact of television and digital communication on the

public. Therefore, by taking advantage of the technological advantages of digital television, as they may impact public safety concerns, broadcasters can ensure viewers that they will be receiving services that would be worth every penny of their investment in these new televisions.

  
KATRINA SHEPHERD

RECEIVED

March 17, ~~MAR 23~~ 2000

FCC MAIL ROOM

William E. Kennard  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Room 8B-201H  
Washington, DC 20554

**RE: CS Docket No. 98-120  
MM Docket No. 99-360  
Public Interest Obligation of Digital Television Broadcasters**

Dear Chairman Kennard,

I am a student at the University of Tennessee School of Law. I am responding to the request for public comments, 65 Fed. Reg. 4211-01, (January 26, 2000), Public Interest Obligations of Digital Television Broadcasters. I am concerned about the impact digital television regulations will have on the flexibility broadcasters will have in carrying out their public service obligations.

#### Introduction

The Federal Communications Commission is charged with regulating the television broadcast industry to ensure that the broadcast licensees “serve the public interest, convenience, and necessity”<sup>1</sup> as they are required to do in return for their free use of the public airwaves. In carrying out this duty, the FCC must be careful not to infringe the First Amendment rights of the broadcasters.<sup>2</sup> Therefore, the FCC currently allows a great deal of discretion to the broadcasters in how they perform their public interest services. The FCC should formulate a set of guidelines that will be minimally

intrusive upon the broadcasters' discretion to air programs that will appeal to the tastes of the communities that they serve. In order to maximize broadcaster discretion any new requirements should be phased in over time and should focus on enhancing access to television media by those who are disabled.

### **Ensuring Broadcaster Discretion**

At the present time, broadcasters serve the public interest in a variety of ways. In the process, they have discovered that serving the public interest also serves their own financial interest. I have always found the advertisements for local news stations to be amusing. They rarely talk about their news-gathering abilities. Instead they tout "how much they care about the community" and brag about all the good things that they do. While I laugh at their lack of modesty, the fact remains that these stations do a lot of good things for the communities they serve. They host telethons and other fundraisers for charities, inform the public of community events, let their viewers know of public health risks and dangerous weather conditions, and the list continues. According to the National Association of Broadcasters, \$6.85 billion was spent by broadcasters in fulfilling the obligation to serve the "public interest, convenience and necessity."<sup>3</sup>

However, the broadcasters' motive in all of this public service is not purely altruism. Nor is it merely compliance with FCC regulations. Public interest programming attracts viewers to watch local television. In fact such services are important functions for all media. For example, newspapers are not subject to FCC regulations but perform many of the same services. Keeping the public informed and participation in the

---

<sup>1</sup> Communications Act of 1934, chap. 652, sec. 303.

<sup>2</sup> See, Turner Broadcasting System, Inc. v. FCC, 512 U.S. 622, 650 (1994).

<sup>3</sup> National Association of Broadcasters, Broadcasters, Bringing Community Service Home, April 1998, p. 2.

community sells newspapers. Similarly, broadcasters make money by spending money for public service.

Digital television will offer new ways for the broadcast licensees to fulfill their public service obligations. Broadcasters also have financial incentives to offer these new services to the public. If they provide more services and better quality programming, then more people will choose to watch their stations. Advertisers will pay more to have their advertisements shown on popular stations. That is simple economics.

Unfortunately, an economic analysis is not well-suited to the broadcast industry because it is not an true free market. Only those broadcasters who agree to serve the “public interest, convenience, and necessity” may become licensed to use the airwaves.

A problem exists when it comes to deciding what exactly is in the public interest. Apparently, it means much more than just what interests the public, otherwise “Howard Stern” and “Jerry Springer” would qualify as public interest programming because of the large number of viewers. In defining the public interest, the FCC must be careful to not “impose upon [the broadcasters] its private notions of what the public ought to hear.”<sup>4</sup>

There are some things that are unquestionably in the public interest. For example, no reasonable person would dare suggest that broadcasters do not have a responsibility to report that a dangerous storm is approaching a community in its service area. Other items such as public service announcements are somewhat trickier, however. Public service announcements can be very informative. They often can be little reminders not to use drugs or can teach a lesson in respecting others. Such announcements have public value and so clearly serve the public interest. However, there are also other public service

---

<sup>4</sup> Network Programming Inquiry, Report and Statement of Policy, 25 Fed. Reg. 7293 (1960).

announcements that are somewhat controversial. Such announcements could discuss sex or the use of condoms or refer to homosexuality. While I personally feel that such announcements also serve the public interest, I can understand the position some broadcasters find themselves in when they have to decide whether or not to air such announcements. They have to serve the community they are in and attempt to maintain their audience. Other broadcasters may have to decide whether to include religious organization events in their schedules. The broadcaster is in the best position to determine what the community it serves wants to watch and should continue to be allowed the discretion to choose how best to fulfill its public duties in the least burdensome way.

Another potential problem with requiring greater public interest obligations for broadcast licensees is that compliance could be so costly that many smaller broadcasters will not be able to afford it. These broadcasters would lose their license and the First Amendment right to free speech would be thereby be limited.

Currently, the broadcaster has plenty of flexibility in determining the content of its programming. More specific guidelines could reduce that flexibility. In effect, the FCC would be dictating the content of what the broadcast licensee airs on its station, which it clearly cannot do without infringing the First Amendment. Steps need to be taken to ensure the greatest amount of discretion to broadcasters as to the content of their programming.

### **New Requirements Should Be Phased in Over Time**

Any new requirements for the broadcast licensees should be phased in over time. Digital television is a new concept. Although success is likely, no one is sure exactly

how successful it will be or even if it will ultimately be successful. Any guidelines should be phased in to reflect the acceptance of digital television in the marketplace.

A more important question is when the transition from analog to digital television will actually be completed. Right now, people are not going out and buying digital televisions. They are purchasing much less expensive analog televisions. They will continue to do so until digital television sets become affordable which does not seem to be likely to happen any time soon. The new requirements for digital television should be phased in gradually as the television sets become more popular.

Broadcasters should not necessarily be required to do more just because they will be able to do more. Compliance with the guidelines will be costly to the broadcasters. If broadcasters are required to follow guidelines too early they may have less money to spend on services in the future while they attempt to recoup their early investments. They may also have less money to spend to perform the services they are currently performing.

The FCC could work with the broadcast industry to develop a set of guidelines for digital television when it is fully active. During the transition period, compliance with the guidelines would be voluntary. The transition period would serve as a testing period to gauge the capabilities of digital television. The FCC would then be in a better position to analyze what digital television will realistically be able to do. It will then be able to determine the public service obligations of the broadcasters in the digital television era based upon more than an assumption that digital television will be a huge success that will revolutionize television viewing.

The Gore Commission<sup>5</sup> has suggested voluntary self-regulation as an alternative to mandatory government regulation. The broadcasters could formulate their own set of guidelines. Compliance would be voluntary but the “peer pressure effect,” also called competition, would create an incentive for the broadcasters to follow the guidelines. I agree with this approach while digital television is still in its infancy. However, as digital television becomes more common, the guidelines would become mandatory for license renewal.

As digital television evolves, the FCC, broadcasters, and other concerned citizens may see that changes need to be made. Phasing new requirements for digital television in over time creates a mechanism for adapting to the changes and any unforeseen consequences of the digital television era.

### **Enhancing Access to Television Media**

An important part of the public service of television broadcasters is their obligation to make the television media accessible to persons with disabilities. Such persons would often not be considered in the absence of regulation. Television is a major source of information for Americans. Disabled Americans deserve access to that information. Any steps that can improve that access should be required.

Much of television depends upon the advertisers. After all, television broadcasters make their money by selling advertisements. Popular shows generate more advertising dollars than non-popular shows. Persons with disabilities are not a big focus group for marketers. Services to provide television access to persons with disabilities cost money without generating any return on the investment. Profit-motivated

---

<sup>5</sup> The Advisory Committee on Public Interest Obligations of Digital Television Broadcasters created

broadcasters may want to keep this expense to a minimum. It is therefore important for the FCC to prevent the disabled from being left out of the advantages of digital television.

Clearly, providing access to the disabled is in the public interest. It is a service that only the television broadcasters can provide. Broadcasters are currently required by the Telecommunications Act of 1996 to provide closed captioning for the hearing-impaired on specific programs.<sup>6</sup> With digital television, the broadcasters will be able to provide even more services.

Under current regulations, broadcasters are only required to provide closed captioning for certain programs. Under digital television, there should be no limit to the programs that should be closed captioned. Description services for the blind could also be enhanced for all programs.

It is especially important that closed captioning and description services be enhanced for political programming and other public affairs programming. For instance, news shows are closed-captioned but the features are not closed-captioned. The viewer who is hearing-impaired gets to learn everything the reporter says but nothing the characters in the features say. Since digital television is supposed to be such a vast improvement over analog television, surely it could solve this simple problem.

Another problem with closed captioning is that the fonts used are often hard to read. Sometimes the location of the fonts on the screen interferes with the informational captioning on the screen. The broadcaster should be required to format the fonts in such a way that the viewer will be able to read them more clearly. The viewer should be able

---

pursuant to Exec. Order No. 13,038, 62 Fed. Reg. 12,065 (1997).

<sup>6</sup> The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified at 47 U.S.C. § 151, et. seq.) (Feb. 8, 1996).

to change the size and text of the captioning to make it more readable. The viewer should also be able to change the location of the fonts on the screen.

Improving services to the disabled should be a primary focus of digital television regulation by the FCC. The disabled could all too easily be left out of the digital revolution without the aid of the FCC.

### **Conclusion**

Digital television promises to be an exciting and valuable resource in the future. That future is very near. In the meantime, the FCC should proceed cautiously in regulating the new industry. Broadcast licensees should be required to continue performing all of their current obligations but should also continue to be allowed great discretion in how to fulfill those obligations. Any new obligations should be imposed gradually in response to industry changes and the FCC should continue to ensure that persons with disabilities have the greatest possible access to the media that is available. Such caution could help to determine the success of digital television so that it can provide the maximum the public services.

Respectfully,

Angela R. Bolton

RECEIVED

MAR 23 2000

FCC MAIL ROOM

To: Magalie Roman Salas, Secretary-FCC  
From: Stephen E. Verotsky  
CC: Professor Glenn H. Reynolds  
Date: March 15, 2000  
Re: Docket No. 99-360. Comment on the public interest obligations of digital television broadcast licensees.

---

Dear Secretary Salas,

In response to the FCC's request for public comment, 47 C.F.R. pt. 73 (99-360), I want to express my views as a law student at the University of Tennessee. I believe that the FCC should not only ensure that broadcasters intensify their commitment to serve the public interest but also ensure that broadcasters will be able to compete with cable and other multiple channel programming.

#### Introduction

When Congress passed the Telecommunications Act of 1996, it endowed broadcasters with a valuable commodity: the use of the digital spectrum. In exchange for this valuable asset, broadcasters were put on notice that they should expect an increased obligation to serve the public interest. The rationale for increasing broadcaster's public interest obligations is that if broadcasters benefit from the transition to digital television, then the American people, who have entrusted the broadcast media

with integrating vital public goals into a commercial setting, should also benefit.

Broadcasting companies are expecting to profit by switching to the digital spectrum. They are currently making large capital expenditures by purchasing equipment, erecting towers, and converting programming to digital formats. However, broadcasters and many economists are not certain what effect digital broadcasting will have on revenues because it is hard to predict how digital broadcasting will develop. For example, when will receiver costs come down to appeal to a large audience; when will digital supplant analog broadcasting; and to what extent will broadcasters rely on a high definition signal or multiple channel multiplexing.

Given these economic and technological uncertainties, increasing the public interest obligations of digital broadcasters may delay the long anticipated competition to cable and other multiple channel programming that digital broadcasting may bring. However, with careful attention given to the harm that any regulation may cause consumers, this is a risk that must be taken. Competitive forces in the television market have had an array of harmful effects, ranging from inadequate programming for children, to substance-free and scandal-pervaded treatment of political



issues, to news as "infotainment." The FCC needs to counteract these prevailing market forces by (1) providing adequate funding for public broadcasting, (2) providing economic incentives to broadcasters to address local issues, and (3) increasing the disclosure obligations of broadcasters.

### Increase Funding for Public Broadcasting

Digital broadcasting will be available to most people in America free of charge. Unfortunately, these same people would rather watch professional wrestling and Jerry Springer. Broadcasters have responded to these preferences with even more sensationalistic, violent, or prurient programming. Although the FCC's role is not to change the preferences of consumers, the FCC can ensure that viewers who want educational programs for their children and public affairs programming will have options available to them.

Rather than forcing commercial broadcasters to provide this type of programming, public broadcasting, which has accommodated the public interest programming needs of America in the analog era with some degree of success, could carry most of this "burden." With the new capabilities of the digital spectrum the value of public broadcasting could be enhanced dramatically. However, the

intrinsic value of the digital signal will be of no benefit if public broadcasters do not have adequate financial backing. The startup costs of converting to digital signals and providing digital programming are ten to twenty percent higher than the costs of producing analog programming. Although public broadcasting already receives funding from the federal government and other private sponsors, more funding will be needed if public broadcasters increase the number of programs that they offer.

Congress could have conducted a lucrative funding drive for public television when it was deciding how to distribute the digital spectrum, but it chose instead to succumb to special interest groups and give away a valuable source of potential revenue. Although I do not propose that we "take back" the digital spectrum from broadcasters, there are several mechanisms that could be used to increase funding for public broadcasting. For example, public broadcasting could be funded by (1) revenues generated from the auction of other spectrum, including the analog spectrum and (2) the fees generated from ancillary and supplementary services offered by digital broadcasters.

**Provide Economic Incentives for Broadcasters to Address Local Issues in the Communities they Serve.**

Local programming should be one of the main requirements under which every broadcaster operates. Although the notion that a broadcaster receives a license to act as a trustee of the public interest is expressed in court rulings and FCC policy, broadcasters are providing very little programming that addresses local issues in the communities they serve.

In a recent study conducted by the Benton Foundation, in consultation with the Media Access Project, researchers found that in the five television markets studied, broadcasters provided 13,250 hours of programming but only 46.5 hours of local public affairs.<sup>1</sup> Moreover, genuine discussion of local issues appears to comprise an even smaller proportion programming. A recently published survey conducted by eight universities found that, once weather, sports and advertising were accounted for, "government and politics" comprised only 15.3% of local news content.<sup>2</sup>

In light of these two studies, two questions surface. Do people really want to know what is going on in their

---

<sup>1</sup> BENTON FOUNDATION & THE MEDIA ACCESS PROJECT, COMMUNICATIONS IN THE PUBLIC INTEREST: WHAT'S LOCAL ABOUT LOCAL BROADCASTING? (April 1998) (visited March 10, 2000) <http://www.benton.org/Policy/TV/whatslocal.html>. (the study included every full power television station in five US markets: Chicago, Illinois; Phoenix, Arizona; Nashville, Tennessee; Spokane, Washington; and Bangor, Maine).

community? If so, would they rather read a newspaper or go online or watch the local news. Both these questions are difficult to answer and this is the reason why broadcasters should not be forced to air local affairs programming. If broadcasters are forced to air programming that consumers do not want, broadcasters will not be able to compete with cable companies that are not required to satisfy public interest obligations. However, this should not stop the FCC and other government agencies from encouraging broadcasters to cover local issues by providing them with economic incentives. For example, if broadcasters provide at least 25 hours of local programming per week on one of their stations, then the revenues generated from advertising during these hours could be taxed at a more favorable rate. In addition, the amount of local programming could also have a corresponding positive or negative affect on the FCC's licensing procedures.

**The FCC Should Increase the Disclosure Obligations of Broadcasters**

How do most people find out what is on TV? If they are anything like myself, they turn on the television and partake in what is commonly referred to as "channel

---

<sup>2</sup> *Id.* at 6.