

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

Docket No. 02-277

Comments of R. Morgan Burrow, Jr.)  
Media Ownership Issues)

**1. No foreign ownership or control of broadcast or other mass media electronic facilities in the United States.**

Discussion: The current ban on foreign ownership and/or control of American electronic media should be continued. American citizens don't need foreign countries attempting to influence further evisceration of our Constitution (especially the Second Amendment) and U.S. methods of criminal justice administration, especially from EU countries. American political leaders have refused to arrest the hemorrhage of industrial jobs to foreign locations at the expense of American workers whose job loss benefits all American taxpayers pay for. Americans do NOT need foreign interests buying up American media outlets to tell the American public this is good for the American economy.

**2. Impose national and market caps on consolidated broadcast station ownership that are NOT tied to Arbitron and/or other audience surveys.**

Discussion: Freeze ownership limits. Divestiture should be encouraged through tax credits on sale of consolidated media properties to bona fide LOCAL licensees residing in the community or communities served by the facility. The ban on ownership of more than one television broadcast facility per market should be continued. The American public doesn't need to see the mess that consolidation of ownership has wrought on radio broadcast extended to television and the video services.

Consolidation has NOT served the public interest. Unfortunately, members of the Federal Communications Commission and also members of Congress who realize this have not spoken to the public about this issue loud and often enough. (Senator Byrd, are you reading this?)

Since I moved to West Virginia, the "menu" of over the air programming is extremely limited. Many of the facilities serving the West Virginia "panhandle" appear to run programming using computer automation or syndicated satellite programming. Station choices are further limited since there are often wide disparities between predicted and measured coverage, especially with FM and television. Although my residence is on the side of a hill with a high gain outdoor antenna on a mast, the actual selection of FM and television stations providing reliable coverage disagrees with predicted coverage methods.

It doesn't take an expert to listen for evidence of this by hearing phrases such as "20 minutes before the hour", identical "tags" identifying musical selections, etc. With musical formats, automated formats can be found by recording a few days' programming on tape or computer and editing to save only "tags" or other announcements. Identical "tags", especially the content and time duration, with respect to the time duration, introducing a musical selection in particular, imply automation. Even high power stations serving wide areas use automation systems to deliver programming and the probability is high the station is operating unattended.

The point of this discussion is rapid dissemination of emergency information to the public. The new emergency alert system (EAS) may help, but the EAS is often activated by government official(s) far from the station's community of license.

The EAS situation is no good for more localized matters. For instance, highway emergencies or disruptions in the Berkeley Springs, WV area, are not broadcast over stations serving the area, although US 522 (a main north-south route), and Interstates 70 and 68 are within the coverage contour of a Class A (FM) station in Berkeley Springs, or certainly within the listening range of higher power class B (FM) stations located in Winchester, VA, Frederick, MD, Hagerstown, MD, and Cumberland, MD. A highway icing incident in 2001 blocking use of the US 522 crossing between Maryland and West Virginia was not carried by any station. Coverage of icing conditions on US 522 during the heavy snowstorms earlier in 2003 wasn't any better.

Unattended or automated operation of broadcast stations saves station owners money but sets a poor service record to listeners in the communities of license when important emergency information cannot be put on the air in a timely fashion, REGARDLESS of the time of day.

Last but not least, the quality of programming run on stations using automated or unattended operation is substandard. Often, better quality programming (at least out here in West Virginia) is found above 87 MHz and below 92.1 MHz on the FM dial. One can easily tell syndication (and probably consolidation) when the identical programming is heard simultaneously on several AM or FM stations. This doesn't sound like efficient use of broadcast spectrum.

Adequate service to local communities is often at odds with the objectives of large group owners that acquire as many stations as possible. Automating a broadcast or TV station and/or running syndicated programming saves the cost of salaries but what about the people in the communities whose jobs are lost when a large group owner takes over? Certain members of the Commission don't give a damn about this and they know it. Certain Commission members (all political appointees) probably don't give a damn about timely dissemination of emergency information (outside of Washington, DC) about dangerous highway or other conditions to mobile travelers (through radio stations in particular), ultimately resulting in travel delays, accidents, or worse (i.e. medical emergencies). The Commission's vote on the earlier unattended operation docket spoke volumes. This Commission has been a "sellout" to the large group owners who care more about the quantity of stations owned and less about communities the stations are supposed to serve, especially in the smaller markets. By the way, the Internet is not the answer for mobile users. How can a reliable Internet connection be maintained when one cannot carry cellular service from Winchester, VA, to the Pennsylvania Turnpike via US 522 and Interstate 70, without dropped calls and/or no service.

Hopefully, members of Congress who are honest representatives of the American public will read this and arrest the tide of media consolidation if the Commission fails this responsibility. Foreign ownership and media consolidation are not in the best interests of the American public.

**3. The Commission should require the use of measurements to determine the location of signal contours in markets affected by consolidated or multiple ownership.**

Discussion: The objective of this comment is to avoid creation of a "market monopoly" based on real world (measured) coverage. This result can occur in areas where stations whose coverage contours are predicted to cover a market fail in the real world. This happens with AM stations where the actual (measured) soil conductivity for a area is substantially less than the value predicted in the FCC's M-3 conductivity map which is dated 1954. Terrain features (liberally found in West Virginia) substantially affect real world coverage of FM and television broadcast stations.

Most market studies I have examined show AM, FM, and television service contours plotted without the benefit of measurements. AM broadcast coverage contours are often determined using the outdated M-3 conductivity map instead of measurements. FM and television broadcast coverage contours shown in market studies are often determined using the older F(50,50) curve method. The Commission should require measured conductivity data for market consolidation AM coverage. The Commission should also require at a minimum the use of 3-arc-second terrain data and the Longley-Rice method to predict FM and television coverage for market consolidation studies, with measurements being the final arbiter.

#### **4. Break down the clear AM channels completely.**

Discussion: A few years ago, the licensee of WLIB-AM in New York City undertook a laborious and controversial route to gain authority to operate WLIB at night. This licensee purchased a Class A station (WOWO, Ft. Wayne, Indiana), and downgraded its facilities to allow WLIB to build facilities to provide night service.

According to FCC records, most of the licensees of Class A AM stations are large consolidated interests. Some of these consolidated group station owners are licensees of 50 or more stations within the 0.5 mV/m 50% protected nighttime skywave contour of just one Class A AM station.

The Commission should consider (on a domestic basis) removing the wide area nighttime skywave protection these class A stations presently have, and allow daytime-only stations presently precluded from night operation to build and operate facilities which protect ( 20:1 desired/undesired) only the affected Class A station's RSS *groundwave* contour (determined by using a clipping study). This would allow stations such as WNAP (1110 kHz, Norristown, PA), WUHN (1110 kHz, Pittsfield, MA), to provide nighttime service to their communities of license which is currently precluded by a Class A station (such as WBT in Charlotte, N. Carolina.) The Charlotte, NC class A station provides no programming of substantial interest during nighttime hours to residents of Norristown, PA, or Pittsfield, Mass., who would benefit from local programming.

The issue of "white" or "grey" areas which do not receive a aural broadcast service has probably been eliminated for the most part by the Docket 84-231 proceedings of almost 20 years ago, and more recently, the low power FM proceedings.

#### **5. Reinststitute the "Fairness Doctrine".**

Discussion: The "Fairness Doctrine" may help restore balance to the heavily biased news reporting heard on some media facilities, especially those whose licensees oppose administration of criminal justice as practiced most often in Virginia and Texas. The Fairness Doctrine may help bring balance to biased media reporting concerning the Second Amendment, medical malpractice issues, criminal justice and the rights of victims, and other public issues.

**6. According to a article in the May 11, 2003 issue of the Philadelphia Inquirer (see Page 1 of Section E, bottom left), the writer implies the majority of the Commission members (all political appointees) will vote on political party lines rather than honor their responsibility to make decisions that best serve the public.**

Discussion: One of the Commission members in particular should know something about leadership, having been raised by a true leader. Leadership and political affiliation should be mutually exclusive.

Leadership of a government agency implies the responsibility of agency leadership to SERVE THE PUBLIC who votes to elect the President and members of Congress. This does NOT imply voting to enact media ownership deregulation that benefits foreign interests, large corporations, and rich media holdings at the expense of the American people who indirectly pay Commissioners' salaries through our Federal taxes.

**Summary:** I urge all five Commissioners to approve strict limits on media holdings and continue the prohibition of foreign ownership or control of American media facilities that is in effect now. The Commission needs to reinstitute the "Fairness Doctrine" to bring responsibility and balance to media reporting. With a strong "Fairness Doctrine" in place, it should make no difference whether the licensee of a mass media broadcast (AM, FM, TV, etc.) facility is a American-owned newspaper or other American-owned company with no control or constraints from foreign investors or interests.

Respectfully submitted:

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