

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

In the Matter of)
)
Definition of Radio Markets for) MB Docket No. 03-130
Areas Not Located in an Arbitron)
Survey Area)
)

To: The Commission

**JOINT MOTION FOR EXTENSION OF
COMMENT AND REPLY COMMENT DEADLINES**

Pursuant to 47 C.F.R. § 1.46, the National Association of Broadcasters (“NAB”)¹ and Saga Communications, Inc. (collectively, “Movants”) request that the Commission in the above-captioned proceeding extend the comment filing deadline by forty-five days, and set the reply comment deadline thirty days after that date. The comment and reply comment filing deadline dates are currently set at September 4, 2003 and September 19, 2003, respectively. As discussed below, Movants believe there is good cause for the Commission to provide an extension of the deadlines in this proceeding. Movants respectfully request the adoption of a revised comment filing date of October 20, 2003, and a revised reply comment filing date of November 19, 2003.

In this proceeding, the Commission seeks comment on how to define radio markets for areas not located in any Arbitron Metro. The Commission inquires as to the factors that should be considered in grouping radio stations into markets, and also asks about relying on several pre-existing market definitions (such as Metropolitan/Micropolitan Statistical Areas and Cellular

¹ NAB is a nonprofit, incorporated association of television and radio stations that serves and represents the American broadcast industry.

Market Areas). The Commission additionally “encourage[s] parties . . . to submit specific information that would assist us in properly delineating the boundaries of the local radio markets in which they are interested.”²

If commenters are to provide comments relevant to the Commission’s “goal” of “generat[ing] a map or list of markets for radio stations across the entire country,” *Biennial Review Order and Notice* at ¶ 662, an extension of the comment and reply comment filing periods is necessary. In particular, Movants (and likely other commenters as well) intend to examine carefully the Metropolitan/Micropolitan Statistical Areas and the Cellular Market Areas, and to assess the “real world” impact that adoption of these market definitions would have on the radio industry generally and on existing local radio clusters specifically (especially in comparison to the current contour overlap approach). Movants believe that all commenters would benefit from an extension of time permitting a careful evaluation of the Commission’s proposed options for defining radio markets, enabling them to provide the “specific information” about “local radio markets” that would materially assist the Commission in deciding how to “properly delineat[e] the boundaries” of these markets. *Id.*

NAB is also studying the possibility of creating a market definition specifically for radio, which may be more appropriate than utilizing pre-existing market definitions that were created for other industries, such as cellular telephone. NAB has already contracted with an outside consultant to study both the Commission’s suggested options for defining radio markets and other possible options for creating a geographic market definition for radio. An extension of the comment filing deadline is needed for all the relevant data to be collected and for this extensive

² *Report and Order and Notice of Proposed Rulemaking*, FCC 03-127 at ¶ 662 (rel. July 2, 2003) (“*Biennial Review Order and Notice*”).

research to be completed and analyzed. NAB, moreover, has formed a task force of its radio members, which, along with NAB staff, will evaluate the research and the various options and will make recommendations as to NAB's course of action in this proceeding. A meeting of the NAB Radio Board will then need to be held to consider the recommendations of the task force and staff. Additional time is needed for NAB's radio task force and Radio Board to act and for NAB staff to prepare comments reflecting the Board's decisions.

An extension of the reply comment filing deadline is also warranted. A fifteen-day period will be insufficient for the analysis of the studies and market-specific data likely to be submitted by commenters in this proceeding. A very modest extension of the reply comment filing period will enable Movants and other commenters to analyze adequately the submissions of all other parties and to prepare their replies.

The Commission has repeatedly stressed the importance of "developing a solid factual and analytical foundation for media ownership regulation."³ An extension of the comment and reply comment filing deadlines in this proceeding to enable commenters to evaluate various proposals for defining radio markets across the entire country, and to complete relevant studies, will clearly serve the Commission's goal of "developing a solid factual and analytical foundation" for its local radio ownership rules. The Commission has previously granted extensions of comment filing periods in ownership proceedings where such extensions would assist commenters in "preparing comprehensive responses," and would help the Commission in "resolving the complex and significant public policy issues raised." *Order* in MM Docket Nos. 01-235, 96-197, DA 01-2918 (rel. Dec. 14, 2001) (granting request for extension of time for

³ FCC News Release, *FCC Chairman Michael Powell Announces Creation of Media Ownership Working Group* (Oct. 29, 2001) (announcing establishment of a Working Group specifically tasked with providing a "factual foundation" for the FCC's media ownership regulations).

filing reply comments in newspaper/broadcast cross-ownership proceeding). Certainly the issues raised by proposals to redefine radio markets throughout the United States are “complex” and “significant,” so an extension of the comment and reply comment filing periods is similarly warranted in this proceeding.

Moreover, the public interest will not be compromised by an extension of the current filing periods in this proceeding. In the *Biennial Review Order and Notice*, the Commission determined to continue using its contour overlap methodology for defining radio markets in areas not surveyed by Arbitron during the pendency of this proceeding. As the Commission stated, the contour overlap methodology is “well understood,” and continuing its use for a limited time “would allow for the orderly proceeding of radio station applications.” *Biennial Review Order and Notice* at ¶ 284. The Commission also made two adjustments to its contour overlap methodology to correct what it regarded as “problematic aspects” of that methodology. *Id.* at ¶ 285. Given the Commission’s and the radio industry’s familiarity with the contour overlap method of market definition, and the Commission’s adjustments to that methodology, the public interest should not be compromised by continuing to use contours to define radio markets during a modestly extended comment period.

For the foregoing reasons, Movants respectfully request that the Commission extend the comment and reply comment filing deadlines in this proceeding.

Respectfully submitted,

**NATIONAL ASSOCIATION OF
BROADCASTERS**

1771 N Street, NW
Washington, DC 20036
(202) 429-5430



Henry L. Baumann
Jack N. Goodman
Jerianne Timmerman

SAGA COMMUNICATIONS, INC.

s/ Gary S. Smithwick
Gary S. Smithwick
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, NW
Washington, DC 20016
(202) 363-4560

Counsel for Saga Communications, Inc.

August 8, 2003