

THE ASSOCIATION OF
RTNDA
 ELECTRONIC JOURNALISM

Radio-Television News Directors Association

1600 K Street, NW, Suite 700

Washington, DC 20006

(202) 659-0510

Fax: (202) 223-1007

rtnda@rtnda.org

www.rtnda.org

October 27, 2003

The Honorable Michael K. Powell
 Chairman
 Federal Communications Commission
 445 12th Street, SW
 Washington, DC 20554

Re: MB Docket No. 02-230

Dear Chairman Powell:

On behalf of the Radio-Television News Directors Association ("RTNDA"), the world's largest association devoted exclusively to electronic journalism, I am writing to express the concerns of RTNDA's 3,000 members with reports that the Commission may exclude news and public affairs programming from the protections of the broadcast flag solution under consideration. As both a practical and a policy matter, news and public affairs programming should be afforded the same protection from piracy in the digital transition as other broadcast programming.

First, any attempt by the FCC to define and segregate news and public affairs programming would prove unwieldy and, more importantly, constitutionally dubious. It is well settled that the government should not engage in line-drawing based on content.

Second, to strip news and public affairs programming of protection against rampant unauthorized distribution on the Internet would result in its devaluation and serve as a disincentive to its creation. News and public affairs programming is central to broadcasters' financial viability and critical to the role of broadcasters in the community. As a result, local stations and broadcast networks invest significantly in the production of high caliber news programming. The value of that investment, however, is automatically diminished by any regulatory scheme that fails to properly recognize intellectual property rights.

Without appropriate protection for copyrighted news content, companies will have limited opportunity for a return on investment, and will be forced to question whether to continue to incur the significant expenses associated with producing high quality news programming. The answer in many instances will, necessarily, be no, thus depriving the public of sources of news and information—particularly local news and information—a result that contravenes numerous of the Commission's stated objectives.

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In an age where free, over-the-air broadcasters are fighting for their very survival with a host of content providers, the Commission should not adopt rules that would deal a blow to local stations and broadcast networks by forcing high value, high quality program content, including news and information programming, to migrate to the more secure environment afforded by satellite and cable. The public's interest in the continued availability of the valuable service provided by local stations and the broadcast networks in the form of news and public affairs programming is too keen to forgo extending to such programming the protections afforded by the broadcast flag.

Sincerely,



Barbara S. Cochran
President

cc: Commissioner Kathleen Q. Abernathy
Commissioner Kevin Martin
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Paul Gallant, Esq.
Stacy Robinson, Esq.
Catherine Bohigian, Esq.
Anthony Dale, Esq.
Jordan Goldstein, Esq.
Johanna Mikes, Esq.
Kenneth Ferree, Esq.
Rick Chessen, Esq.
Ms. Marlene Dortch
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