

RM-10803

REMARKS OF JOHN B. FREEMAN, Jr.
Chief Operation Officer, Southern Development Foundation

January 28, 2004

FCC Hearing on Broadcast Localism
San Antonio, Texas

RECEIVED

SDF, 328 Congress Street, Opelousas, Louisiana 70570 JAN 30 2004

Federal Communications Commission
Office of the Secretary

Good evening Mr. Chairman and members of the Commission (French). My name is John B. Freeman Jr. I am the Chief Operations Officer for Southern Development Foundation. The organization's mission is to work with low and moderate income people to improve their social, economic, cultural and spiritual conditions. Southern Development Foundation was founded by Fr. A. J. McKnight, who was active in the civil rights and cooperative movements. He solicited me to design and build the first LPFM radio station in Opelousas, Louisiana. Opelousas is a community of approximately twenty thousand citizens of which 65% are African American.

I am a retired telecommunications Network Manager. From a pragmatic perspective, I have sufficient expertise to comment on Information Technology's influences.

Information Technology is so enormously powerful and profound that we are changed by every encounter with its influences. Such encounters with IT is staggering. The dialog I wish to discuss is not who or what entities will control that source of power, but rather how that powerful influence can be incorporated into our communities - allowing them to become a participator in this transforming evolution.

Broadcast localism is a family member of IT, and my reductionism concludes that it is not apart from the IT spectrum. I was disappointed to learn that limitations were placed on the execution and expansion of LPFM licensing in our country. The MITRE evaluations of LPFMs are a welcoming introduction for congress to lift imposed restrictions on LPFMs licensing. I employ the commission to petition congress to lift the restrictions on LPFM. The conclusive findings of the MITRE testing revealed that "LPFMs cause no *interference* to full power stations." An additional down side to the expansion of broadcast localisms are the

2

increasing amounts of translators that can be used for LPFMs utilization. Translators or repeaters run at two-and-a-half times the power of an LPFM, and are technically identical to stations like KOCZ, however, *they do not create original programming*. Additionally, the concentration of *translators* into the hands of a sophisticated few can harm any future attempts to provide purposeful broadcast localism.

Opelousas is the birthplace of Zydeco Music. Zydeco Music is a French, Cajun, Creole and African influenced composition sung in Creole and English. The Governor of Louisiana declared Opelousas as the Zydeco Capital of the World. Several musicians have won Grammy awards for their Zydeco recordings. Given all these recognitions and cultural significance, the full power stations would occasionally allow the music to be played for only a couple of hours on the weekend. I have personally experienced how difficult it was - and possibly still is - for the young unsophisticated recording artist to get their music or other programs played on full powered stations in their community.

At KOCZ we develop programs we believe are in line with the values of the community. One of KOCZ's recent highlights was to interview Mr. Herbert Richard, the first African American ever to register and vote in St. Landry Parish. Our office manager, Mona Kennerson, encourages our volunteers by stating her famous phrase, "KOCZ is an originator not a duplicator." This statement implies that the existence of our LPFM station has measurably influenced the full power station localism initiative.

That observation has caused me to believe that LPFMs are the balance for broadcast localism influences into the IT world.

Finally, I support free market, competitiveness and creativity. I believe it is the backbone of capitalism. Many in the free market believe that we all should be able to compete on "a level playing field." Some in the free market cry foul at any sight of competition imploring commissioners like the FCC to spend our tax money on research that actually stifles competitiveness and public access. I suggest that their complaints be accompanied by scientific evaluations at their own expense and reserve our tax dollars for validated investigations. I also believe that the Public has a right to be a participator and observer in the new wave of broadcast

localism. So, I appeal to you Mr. Chairman and members of the commission to evaluate our concerns and allow our communities to participate *fully and locally* in the creation of broadcast localism. Thank you for having this hearing and allowing us to address this concern.

STATEMENT OF ROBERT G. MCGANN, PRESIDENT AND GENERAL MANAGER,
KENS-TV, AT FCC LOCALISM HEARING, SAN ANTONIO, TEXAS - JANUARY 28, 2004

Good evening. Chairman Powell, Commissioners Abernathy, Copps and Adelstein, Mayor Garza and other local officials. My name is Bob McGann and I thank you for the opportunity to be a panelist this evening. I am President and General Manager of local station KENS-TV and am here representing the station and its owner Belo Corp. KENS-TV has been operating in San Antonio as a CBS-affiliated station since 1950. Belo purchased the station in 1997 and I became the general manager of the station in 1998.

Belo has been in the television business in Texas since 1950, and has operated as a media company in Texas since 1842, making it the oldest continuously operated business in the state. Today, Belo owns 19 local television stations (four in Texas), 10 local or regional cable news channels (three in Texas), four daily newspapers and other media assets.

This is a hearing on Localism and I want to share with you my views on Localism, bringing to bear my 30 years as a local television broadcaster.

Let us start with the basic concept of Localism: The day of television stations being both locally owned and operated has long since passed in most television markets. My station's owner, Belo, is headquartered in Dallas and the majority of the other stations in this market are also not locally owned. However, KENS, like the other stations in this market, is locally operated. I live here in the San Antonio area, as do all of my senior managers. All of the day-to-day decisions on programming and management of KENS are made by me and my staff. In the important area of

¹ "Due to time constraints, limited portions of this statement were omitted from the panel presentation by Mr. McGann."

news programming, for example, our parent company does not dictate the content. Those decisions are made by the News Director at KENS under my supervision. Belo's role from its Dallas headquarters is limited to assuring itself that KENS is being operated in accordance with Belo's values and operating principles. Those principles require that quality news and information, based on Belo's values of balance and fairness, are delivered to KENS' viewers, and that KENS and all of its employees are active corporate and individual citizens in San Antonio. That, to me, is the essence of Localism today: local operators managing their stations and serving their communities with responsive programming and active community participation.

Now let me be more specific about Localism in actual practice. We believe at KENS that a local television station must allocate a significant portion of its broadcast week to non-entertainment programming, providing a host of informative, educational, responsive programming to San Antonio viewers. This is a critical aspect of Localism, which is functioning well in San Antonio. By way of illustration, KENS recently prepared a study, using one week as the benchmark, of the total news, public affairs, and all other non-entertainment programming, *excluding commercial time*, broadcast by the market's top four network-affiliated stations. During this week, KENS broadcast 39 hours of non-entertainment programming, amounting to 23.2% of its total weekly broadcast program hours. In total, the top four stations in the market, including KENS, broadcast non-entertainment programming amounting to an aggregate average of 20.6% of their combined broadcast week. This represents a substantial amount of non-entertainment programming from the top four stations in this market.

At KENS, we ensure that our local programming is responsive to our viewers by means of both formal and informal ascertainment in our community. Throughout the year, I and other KENS

management call on community leaders, such as Albert Ortiz, San Antonio Chief of Police, Dr Ricardo Romo, President UTSA and Susan Reed, Criminal District Attorney, in an effort to find out, from their vantage point as leaders in the community, what the problems and needs are that KENS should address in its programming. In addition, we conduct annual market surveys asking citizens for the local issues of importance to them. That information, in turn, is compiled and serves as the focal point in planning our non-entertainment programming. We also obtain input informally through personal involvement with a variety of community organizations such as the San Antonio Chamber of Commerce (of which I serve as a director).

In my view, some combination of formal and informal ascertainment, at the station's option, is the most effective way to perform this indispensable task.

Today's media marketplace demands not only responsive programming but also multiple outlets for citizens to access that programming. Like other broadcasters, KENS has creatively expanded the ways it serves local audiences. KENS has partnered with the area's major cable system, Time Warner Cable, to create NEWS 9, a 24-hour local cable news channel serving San Antonio. KENS has also partnered with the area's major daily newspaper—the *San Antonio Express News*—to create MySanAntonio.com, a local news and information website virtually combining television and newspaper resources to deliver up to the minute coverage to local citizens wherever they may access the Internet. These new offerings are driven by Localism and the marketplace—not by federal mandate.

Finally, I would like to address another key component of Localism: access to the station's airwaves. KENS supplies this vital access in a variety of ways. In the local programming area, KENS produces a weekday morning program, called Great Day San Antonio, which provides

access to local artists, musicians, community leaders and community organizations. In addition, KENS airs the City of San Antonio's New Year's Eve event and is the Official Station of Fiesta, airing three major local parades. KENS has also created the Excel Awards, which honors our area's best teachers during each school year. Through public service announcements and other activities, KENS supports numerous community organizations, such as the San Antonio Food Bank and the Salvation Army, helping raise over \$175,000 annually for these two groups alone.

To sum up, Mr. Chairman and Commissioners, Localism is driven in every American television market by two powerful and historically entrenched principles. First, is the principle of community service, which is a long-established hallmark of local television stations. Local stations and their employees serve their communities because it is both personally rewarding and the right thing to do. It is also reinforced by the FCC license renewal process, which focuses on a station's performance in its community and for its viewers. Second, is the principle of economics. There are strong economic incentives, in the form of advertising dollars, which reward the top-rated stations in a market, those which provide the most-watched local news. We do not need any additional incentives to continue to serve Localism. Localism is what we are about. It is the business of local television.

Thank you

RECEIVED

JAN 28 2004

Ray Benson Statement, FCC Hearing in San Antonio, January 28, 2004:

Mr. Chairman, Commissioners, thank you very much for the invitation to be here this evening. My name is Ray Benson, and I'm a musician. I hope I can shed some light on localism in radio, the role it has played for musicians, and the changes that have occurred over the years.

First, a little about myself. In 1970, some friends and I started a band called Asleep at the Wheel. Since that time, we've won nine GRAMMYS, sold millions of records, collaborated with artists such as Bob Dylan, George Strait and the Dixie Chicks, and logged several million miles in a succession of old, beat-up busses criss-crossing the nation to play clubs, dance halls, concerts and county fairs. When I'm not on the road, I run a recording studio and production company, where I produce new talent and provide services such as voice-overs. I currently serve on the Board of Directors for several organizations, including the Texas Chapter of the Recording Academy, which represents musicians, singers and songwriters from around the state, some of which are here tonight. Finally—although I hate to brag—this year the Texas House of Representatives named me the official "Texas State Musician" for 2004.

Mr. Chairman, the question of radio consolidation and its effects on the localism, regionalism and diversity of music on the airwaves is an ongoing and interesting study.

In the case of contemporary commercial music, my gut reaction and initial indications are that the effects are indeed felt. Just as strip malls with national brand name retailers have homogenized the look and regional flavors of large and small towns across America, so has radio done much the same thing to music in numerous formats, genres and regions. I recognize that the desires of the American consumer are partially to blame for this change, but ultimately it seems unfortunate that in an era when so much great music is being recorded by talented artists, none of it gets a shot on the airwaves, even in its own hometown.

When I started making records in the early seventies things were a lot different. Stations had larger playlists that were sprinkled with records from independent, small, national and regional labels. People got to hear a variety of music and regional stars were made all over the country. Some of these "regional" artists would break into the mainstream by having success one city at a time. I can cite numerous hit records that were started by one DJ having success with a record in his market thereby giving other markets the idea that this might work for them.

Today, because a single company owns so many stations, the access has been limited to the four major record labels and a small handful of consultants and independent promoters. The price of entry into this marketplace has become staggering. A ballpark figure for production and promotion of a single song today is 6 to 7 figures depending on the genre. This money buys the production costs of the CD and video of course as well as access to radio and video play in a number of ways, from "favors" unrelated to airplay.

2

such as free concerts for the stations paid for by the labels, to showcases and junkets again paid for by labels. In turn, the labels charge these "marketing" costs to the artist.

It is certain that with a few exceptions, music on the radio in San Antonio Texas and Cleveland Ohio is much the same today. One exception is Spanish Language stations. In fact in Texas *Tejano* music and *Norteno* music has built large regional followings as well as national success (such as Selena) with the aid of local radio's willingness to play their early recordings. This happened because the *Tejano* market was not party to radio consolidation (as they were Spanish language and not considered mainstream).

Another aspect that is troubling is the ownership of radio stations, concert venues, concert promotion companies and billboards by the same company. If I am playing a competing venue with a competing promoter in the town that has a radio station and concert venue owned by a conglomerate, chances are I won't be invited up to the station to promote my music or my show. This limits the access that a local musician has to promote the show and his or her music.

If this were any other commodity we might shrug it off as business as usual but this is radio- the PUBLIC airwaves- they belong to "We the people" and are licensed in the public interest.

The practice of DJ's and newsmen broadcasting from one city and pretending to be in another, and music directors and program directors living in cities other than the home cities of their broadcast shows, are other factors in the diminishing of access for local music. When an on-air personality is not in the town he or she broadcasts from, when the decisions on what is played take place centrally instead of locally these decision makers have no knowledge of the local available music.

SOLUTIONS

So is this a problem that can be fixed? I think so. For instance, in Austin a conglomerate-owned station plays local and regional music and is rated #1 or 2 in the market every year. It is in part reflective of the especially rich music scene in Texas but it does prove that local flavor in programming can result in competitive advantage and a healthy bottom line for broadcasters.

To encourage this in other markets we must create an environment that is beneficial to radio station owners as well as music providers, whether the providers are billion dollar entities or independent companies. The playing field is hardly level today.

The model in Canada is interesting. They have a Canadian content law on radio that gives preference to music works that are made or written or sung by Canadians. A certain percentage of their radio playlists must have Canadian content. This has spurred the careers of MANY Canadian artists both by the cross border transmission of music by Canadian stations close to our border, to the creation of a breeding ground for artists who later have success in American markets. Their experience and success in Canada give them an advantage over American artists.

Although I do not advocate similar legislation as a solution in America, I would like to see some sort of hybrid solution, so that musicians making recordings have a chance to get a start. Perhaps the FCC can develop incentives for local music broadcasting so that stations can "make their numbers" (whether owned by a corporate conglomerate or not) during the time it takes to re-build local interest in local programming. Ultimately, such access would enrich the marketplace, with a logical path for talent to develop locally, build regional interest and then perhaps break into the mainstream. Just as baseball benefits from a system of farm teams to develop talent for the big leagues, so will the music industry in its partnership with radio benefit from a development cycle for its talent.

Finally, Mr. Chairman and Commissioners, I believe these hearings are a great idea. I commend the Commission for holding these discussions year round and I predict you will hear similar comments from musicians all over the country. All parties need to be involved. It is not an adversarial relationship that I envision. Radio can be our best friend. Music and radio have enjoyed a great marriage for years and years. Radio is and was responsible for the great spread of popular music in the 20th century. Let's work together to make it just as powerful and enlightening in the 21st century.

RECEIVED

**Localism Task Force Public Hearing
San Antonio, Texas – January 28, 2004**

JAN 30 2004

Federal Communications Commission
Office of the Secretary

Comments of Steve Giust, General Manager, KWEX-TV, San Antonio

Good evening. I'm pleased to participate in tonight's discussion. My name is Steve Giust, and I've been the General Manager of KWEX-TV, Channel 41 here in San Antonio for nearly 12 years. I began my 32-year career in television broadcasting in 1971 at the ABC affiliate in my hometown of El Paso.

KWEX holds the distinction of being the first Spanish-formatted UHF television station in the U.S., having begun operations with a Spanish format in 1961. Today, KWEX continues to serve San Antonio, and especially the significant Hispanic population in our community. KWEX provides local programming and has always been an active participant in the community. As most of you know, KWEX is also the local affiliate of the Univision Television Network in San Antonio and is in fact a Univision-owned station. KWEX has gone to great lengths over the years to serve the needs of the local Hispanic community, and in that time, we're proud to have become a part of San Antonio.

One of the reasons KWEX has achieved this position is because it provides local programming that is responsive to the residents of San Antonio. In particular, KWEX airs seven hours of local news programming each week, including two daily live newscasts. KWEX's news programs focus on politics, business, weather, traffic, and other events affecting San Antonio. Last year, one of our news anchors, Monica Navarro, who has been with Univision in San Antonio for 21 years, was selected Journalist of the Year by the 2003 Hispanic Media Awards.

KWEX broadcasts weekly community affairs shows such as "Desde San Antonio," which contains in-depth segments on topics such as home ownership, education, arts, nutrition,

SEARCHED INDEXED SERIALIZED FILED
FEB 1 2004 2

and finances, and *"Es Tu Capitolio,"* a show composed of interviews with state and local political leaders addressing topics and laws that concern the community. Beyond its regular newscasts and public affairs programming, KWEX airs literally thousands of public service announcements each year, as well as community calendars to keep the San Antonio community informed about programs, services, and events hosted by local municipal and non-profit organizations. In these ways, KWEX keeps San Antonio residents informed and engaged in politics, public affairs, and local events.

But one of the most important ways that KWEX is able to serve its community and connect with San Antonio residents is through its community outreach efforts. For example, in 2003, the station sponsored the San Antonio Public Library Summer Reading Program, the Annual Conference on Latina Health Issues, and the Day of Scholarships. In addition, KWEX was involved in numerous local events, including clothing drives, voter registration efforts, academic scholarships, health fairs, and a spelling bee with students from over 80 public and private middle and high schools. These events really are among the best opportunities to get involved with the community.

On the programming side, to ensure that the station stays current and understands the community's concerns, we continuously talk to community leaders and members of the public throughout the year. Even though the FCC eliminated its formal ascertainment requirements in 1984, KWEX continues to conduct formal interviews with both leaders and members of the community to get their input on the needs and interests of San Antonio. On average, KWEX conducts over 80 of these face-to-face interviews each year in an effort to determine the issues and topics most important to the people of San Antonio. We take the feedback from these

interviews, as well as input from other sources, into consideration when making programming decisions for the station

KWEX values the relationship it has with its community, which is made possible only by providing the local information and assistance that viewers expect from their local broadcast station. In this regard, our continued ability to serve the public as we enter the digital age depends significantly on the FCC adopting cable must-carry requirements for both analog and digital signals during the DTV transition. Without such dual carriage, that important public interest connection between local broadcast stations and their viewers will be severed by cable operators.

Broadcast stations in general, and KWEX in particular, work hard to cultivate a local presence and to serve the needs of their communities. Airing local programming that is unique and tailored to the community helps attract viewers and keeps the local broadcast station from blending into the mosaic of competing channels and media available to the public. KWEX is particularly fortunate to have the support of our owner, Univision, which places great importance on local programming and community outreach, to produce local news and public affairs programming, sponsor community outreach efforts, and maintain our connection to the community. We look forward to continuing to do so in the future.

Thank you.

RM-10803

RECEIVED

JAN 28 2004

Federal Communications Commission
Office of the Secretary

**Statement of Jerry T. Hanszen
Before the Federal Communications Commission
Broadcast Localism Task Force
San Antonio, Texas
January 28, 2004**

Good evening, Mr. Chairman and Commissioners, and welcome to Texas. I am the Owner and General Manager of KGAS in Carthage, Texas, and KMHT located in Marshall, Texas. For those of you not familiar with East Texas, Carthage is about 30 miles south of Marshall, and 25 miles away from the Louisiana border. Carthage has a population of about 6,700 people, and Marshall has a population of about 24,000.

I'd like to start off by recalling a telephone call I had with some members of your Localism Task Force a few weeks ago. In that conversation, one of the folks from the FCC said that I would probably be the smallest radio broadcaster to ever appear at one of these hearings. And I just want you to know that, assuming that person was referring to the size of my community, and not my stature or my bank account, I took it as one of the biggest compliments anyone could ever pay me.

That's because my wife, Wanda, and I, and our eight employees are so proud of our acceptance in our local community. The slogan for KGAS and KMHT is "The Heartbeat of East Texas," and we try very hard to live up to that billing. Our stations participate in just about every event going on in our communities, from church activities to school events to local government meetings. And I am certain that I am as closely involved in my stations as any station owner in the country. In fact, the KGAS studio is located about only fifty yards from my house, so it's safe to say that I am always available to our listeners.

2

I have worked in radio for many years, both on the air and in management, and the most important thing I have learned along the way is that, regardless of your resources, or your market size, or any other factor, the success of a radio station depends most of all on one thing, and that is how well a station serves its local community.

Even though our stations are small, we manage to make ourselves relevant to our communities. First, with respect to our programming, we broadcast our community's favorite country music on our FM channels, and the gospel music they like on our AM channels. And every morning, we feature an up-and-coming local country or gospel artist, and bring them in for live interviews whenever possible. We will put just about anyone on the air, and do what we can to help get a new artist noticed.

As for local news and public affairs, on a typical day, all of our channels will broadcast five local newscasts, with the Carthage station focusing on Panola County and the Marshall station focusing on Harrison County. And those broadcasts will cover everything from funeral notices to school lunch menus, which is probably as local as you can get.

Every day at 8:30 am we have a live talk show, hosted by yours truly, where we bring in guests from the community and discuss local issues. I try to make sure that every local politician comes on the air at some point, and I also invite other local folks like ministers or school officials who might have an event coming up. Then at 9:00 am, we run a very popular show called Swap Shop, where listeners can call in and describe personal items they would like to buy, sell or trade. We average about 100 calls an hour on this show, which is pretty amazing when you consider the size of our listening area.

We also run a weekly live program with our local sheriff that is so informative and so entertaining that I wouldn't be surprised if our ratings share during that hour is close to 100%. And on Sundays, we air devotionals from area churches. Of course, this is on top of our in-depth coverage of the other "religion" around here, high school football. We not only cover ten teams each week on our two stations, we make sure to broadcast the half-time marching bands so those parents can enjoy their kids' performance too. Our coverage of sports is second to none in the area, as we also cover area high school and college basketball, baseball, softball, and volleyball.

As far as our stations' involvement in the local community, I think this is demonstrated best by the fact that KGAS functions as the primary emergency warning system for Carthage. So for example, when our fire department, which is made up entirely of volunteers, including myself, is summoned to a fire or other emergency, KGAS will interrupt its programming to let people know where the emergency is and that drivers and pedestrians should clear the way for emergency vehicles. In Carthage, it is common knowledge that when you hear the town's siren go off, you need to tune your radio to KGAS to find out exactly what is happening.

Both of our stations also work closely with many different private and public organizations in the area, but, like most broadcasters, we do much more than just cut checks to worthwhile causes. In fact, the most important contributions that broadcasters make to their community has very little to do with money. We raise the level of awareness, discussion, and education in our communities. And we give a voice to local organizations, groups and individual citizens. That's why stations like KGAS and KMHT devote so much airtime to local news and public affairs, and that's why we do

everything we can on a personal level to enhance our community, such as promoting charity events, Shriners and Lions Club fund raisers, blood drives, youth related activities, and others too numerous to mention here.

So, we do all of these things because we think it's part of our responsibility as good corporate citizens. But to be perfectly honest, that's not the only reason. We also focus our programming and corporate resources on our community because we know that these efforts are the key to the success of our stations. Radio is a very competitive business, even in Carthage, Texas, and we have found that the best way to distinguish ourselves is to broadcast programming that focuses on topics and events of interest to our neighbors

In my view, localism, as you call it, is really nothing more than common-sense good business, and I can assure you that KGAS and KMHT will continue to do what it takes to be the "Heartbeat of East Texas" whether you see fit to create new localism rules or not

Thank you for the opportunity to speak with you today, and I'd be happy to answer any questions

RM-10803

DOCKET FILE COPY ORIGINAL

RECEIVED



JAN 30 2004

SAN ANTONIO, TEXAS

Federal Communications Commission
Office of the Secretary



Testimony of Tom Glade
San Antonio Market Manager
Clear Channel Radio
Before the Localism Task Force
of the
U.S. Federal Communications Commission

Good evening. I'd like to welcome the Members of the Commission and its staff to our fine city. My name is Tom Glade, and I am the Market Manager for Clear Channel's radio stations in San Antonio.

I want to thank you for the opportunity to address the issue of localism, and explain how I make sure the stations I manage are meeting the needs of the San Antonio community.

There is no question that from 20,000 feet, the concept of localism is something we all agree is essential for radio and television broadcasters. But, here on the ground, in my world, localism takes on an even more practical significance. It couldn't be any more simple - it's called the radio scan button

That one button has more power than most people know. It makes absolutely certain that we meet the needs of our local listeners every day in every way or they will simply turn us off.

Let me be clear, that job is easier said than done. Because here on the ground, the concept of localism isn't anywhere near as clear as it may appear from 20,000 feet. It

NO OTHER COPY 2
LISTENERS

changes throughout the day, as the makeup of our audience changes. It changes geographically, from one part of the city to another. And it has changed over time, as demographics continue to shift in markets everywhere

In my view, the government's increased reliance on market forces to drive content now requires us to better identify what people want, meet those desires, and adapt to local changes more quickly than ever before. And if we don't meet those needs, rest assured, we know it just as quick. A company called Arbitron is extremely adept at bringing that to my attention.

In fact, the new ratings book just released is testament to how dynamic and competitive the market is in San Antonio. Some of our stations moved up in the ratings, some moved down – and it is my job to figure out what we're doing right and what we're not. But there's one thing you can count on: I will get my hands on as much audience feedback as I can, and then move heaven and earth to make those listeners happy

To that end, our stations do an abundance of market research – over \$200,000 last year alone – to identify local audience needs and try to meet them. My five minutes here tonight won't allow me to describe everything we do to stay connected to our community, but I hope the following sampling will give you new insight into how deeply committed and responsive we are to the needs of San Antonions.

- *All* of our stations provide local newscasts, traffic, and weather;
- Just last year we donated over \$3 million in commercial time to important causes in San Antonio;
- Our stations in San Antonio sponsor community service projects too numerous to mention, in fact, we raised nearly \$6 million last year alone for charitable and civic causes;

- We maintain telephone hotlines, conduct polls, do call-out research, and perform auditorium testing to give our listeners a voice in what we do.
- We produce public affairs shows, such as *Community Focus*, *Talk San Antonio*, and *San Antonio Living* to bring fresh perspectives on issues to the public:
- And we provide a tremendous array of public services like the *Stranger Danger* program, where elementary school students are taught how to stay safe; *Learn a Living*, where local workers are trained to perform new jobs; and *Trouble Shooters*, where rip-off artists are investigated and disclosed to the public

As FCC Commissioners, you know first hand that it's not every day when someone takes the time to tell you when you're doing something right. That's why we're so proud of the letters I brought with me tonight. There are 898 letters before me that were sent to our stations right here in Texas from local folks just saying thank you for the efforts we've made to help their charity or publicize their cause. As far as I'm concerned it doesn't get more rewarding than this. These letters are from our stations' public files, but with your approval, I'd like to submit them for the record of this proceeding.

We've also prepared a short video containing brief interviews with local citizens who talk about the job they think we do serving our community. This video answers the question better than I ever could of just how "local" local broadcasting is here in San Antonio. We have submitted the video as an exhibit for the record, and the Commission's staff has graciously agreed to provide a link to it on the FCC website.

Our commitment to identifying what our local audiences want – and then, giving it to them – is absolutely unwavering. We own six radio stations out of 55 in the San Antonio market, and each station's play list is hand picked by a program director based not only on the local research I mentioned earlier, but on that PD's personal knowledge

of the station's audience. And while we conduct year-round audience research, it still comes down to what I call the "golden gut" of the PD to determine what we play and when we play it.

Clear Channel may be a big company that is licensed to operate a lot of radio stations, but I can tell you that it is **my** job – as a *local* market manager – to run my stations as I best see fit to meet the needs of our local audience. And I know too well that listeners can change stations at the push of a button. They can do it while they're chatting on the phone, they can do it while they're driving 65 miles per hour. And if they're anything like me, they do it while chatting on the phone *and* driving 65 miles per hour. Our listeners have many, many choices for news, information and entertainment. The bottom line is if we fail to serve them well, they will simply desert us for one of our competitors.

While I admire and respect the leadership of my company, I know that they can't program our stations from corporate headquarters – and they know it too. Clear Channel recognizes the importance of local autonomy and has a structure that relies upon local control to make sure market managers like me are always in touch with our local listeners.

And just as Clear Channel can't be successful programming all of its stations out of its headquarters, I think that it's just as unlikely that the same can be done from Washington, D.C. I say that with enormous respect for the work of the Commission and the Localism Task Force. But each community across the country is different, and has local needs that reflect those differences. In my view, a "cookie cutter" approach to localism from Washington will be *less* effective than one developed right here at home.

Mr. Chairman and Commissioners, we trust the American people to elect our President. We trust them to elect Members of Congress, and state and local officials. I believe we should likewise trust them to determine *for themselves* which stations do the best job of meeting the needs of their local communities.

Thank you for inviting me tonight, and I'll be happy to answer any questions you may have.

RECEIVED

R/M - 10803

REMARKS OF JOE LINSON
SAN ANTONIO LOCALISM HEARING

JAN 28 2004

Federal Communications Commission
Office of the Secretary

The late Rev. Dr. Martin Luther King Jr. in a sermon said, "Take our attitude toward advertisement. We are so easily led to purchase a product because a television or radio advertisement pronounces it better than any other. Advertisers have long since learned that most people are soft-minded, and they capitalize on this susceptibility with skillful and effective slogans. This undue gullibility is also seen in the tendency of many readers to accept the printed word of the press as final truth. Few people realize that even our authentic channels of information—the press, the platform, and in many instances the pulpit—do not give us objective and unbiased truth."

Every bit of information comes to us with a point of view. Therefore, I feel that it is imperative for media outlets to engage the total community as much as humanly possible. In San Antonio, for the most part, the print and electronic media have been quite responsible. That is not to say that improvements can't be made. None of us have reached perfection yet. Continuous improvement in reporting the news is the challenge of the times.

I am delighted that the FCC has chosen San Antonio as one of the cities for these broadcast localism hearings. I am in support of deregulation in as many instances as possible. After all, this is the essence of the free enterprise system, which has served this great country well. I do not necessarily believe that big is bad. I am of the opinion that the less government involvement in the private sector, the better off the overall economy. I feel that the market will dictate, if left alone.

I am encouraged that the FCC is moving in this direction. However, I do understand the concerns that some have folks are expressing about consolidation. One way to assuage those concerns is to require media companies to set up community advisory boards in the local markets. This would allow individuals from all sectors of the community to provide input to the message.

I have personally been involved at a community representative of the now defunct, San Antonio Light newspaper and provided valuable insight into the local African American community. The San Antonio Express News has a community advisory board and relies heavily on the input of the community leaders. I would be in favor of a more robust approach driven by the FCC to continue to encourage this process.

Also, I would point out to you that the local cable company—Time Warner has a program of community access. This program allows individuals and groups to produce their own programs and thus, shape their own message. This is really a good thing in this community. I think the concept of low frequency FM stations can be a huge asset in this regard, as well.

There are groups in town, such as, the NAACP, Neighborhood First Alliance, The 100 Black Men, The Alamo City Chamber of Commerce and others who would benefit by having access to their own "community FM station." For the most part, community groups have access to religious programming in the African American community, but not much more. Low frequency FM can be a tremendous resource to the community.

I am confident that our local media will accept a good faith outreach program designed to provide wider access to the power of the printed and electronic message. Along those lines, I would strongly encourage internships and national searches to find staff people who reflect the demographics of a particular community.

I would be remiss to accuse the local media of bias in hiring when I don't have the facts on who is actually applying for the jobs. I do know that talk radio is very popular here and around the country, and I rarely hear an African American perspective. There is a real opportunity for input here.

I could go on and on with this message, however, I would much rather spend the rest of my time dealing with any questions related to the local market. I would close by thanking Chairman Michael Powell and his distinguished team of professionals for their leadership in this area. Joe Earl Linson can be contacted at: 210-643-2202 or email Linson at je17179@aol.com

10:00 AM
JAN 28 2004

2

RECEIVED

JAN 30 2004

Federal Communications Commission
Office of the Secretary

**Federal Communications Commission
Broadcast Localism Hearing**

**City Council Chamber
Municipal Plaza Building
103 Main Plaza
San Antonio, Texas**

**Wednesday
January 28, 2004**

**Testimony Prepared
By**

**Lydia Camarillo
Vice President
Southwest Voter Registration Education Project**

**SVREP
206 Lombard Street, 2nd Floor
San Antonio, Texas 78226
210-922-0225
www.svrep.org**

TO: [unclear] 2
FROM: [unclear]

**Federal Communications Commission
Broadcast Localism Hearing**

**City Council Chamber
Municipal Plaza Building
103 Main Plaza
San Antonio, Texas**

Wednesday, January 28, 2004

Testimony Prepared By

**Lydia Camarillo
Vice President
Southwest Voter Registration Education Project**

Mr. Chairman, Commissioners, distinguished guests, members of audience, and members of the press, thank you for inviting me to be part of the Federal Communications Commission (FCC) Hearing on Broadcast Localism.

My name is Lydia Camarillo; I am Vice President of the Southwest Voter Registration Education Project (SVREP). SVREP is a national civil rights organization founded here in San Antonio, in 1974, by our founder the late Willie C. Velasquez to increase the participation of Latinos and other ethnic communities in the democratic process. Since its inception, SVREP has registered over 2.2 million Latino voters throughout the Southwest and recently the Southeast, or, as we like to refer to our service area: America's Sun-Belt states. This election cycle SVREP will ensure that 2 million Latinos register to vote and are mobilized for the November elections.

Let me begin by stating that I am pleased to be part of this important hearing to discuss issues of localism that have an impact on the voice of democracy, the representation of ethnic and minority voices, the allocation of the airwaves time, and more specifically, the impact of consolidation of ownership on democracy and the representation of communities of color.

Hopefully, my testimony will also provide recommendations on how the FCC can respond to the lack of Latino (and other ethnic communities) representation on the broadcast airwaves of America.

The Latino population is the fast growing electorate in the country. Only a generation ago, Latinos were a politically powerless people; our interest were disregard; our views dismissed; our cultures disrespected; our participation discounted. Today, the Latino community is participating in the American democratic process like never before. Allow me to emphasize that our numbers continue to grow, and as a matter of fact, we are the youngest electorate in the nation. Interestingly, Latinos voter registration has grown from 2.7 million Latino voters to 8.3 million nationwide - a phenomenal growth of 163%. Moreover, the 38 million Latinos living in the United States, which represent more than 12% of

the United States population and 6% of the nation's total electorate, have become an undeniable and unavoidable presence in American politics.

In states like Arizona, California, Colorado, New Mexico, Florida, New York, Illinois, New Jersey, Nevada, Ohio, Idaho, Washington, Texas and Oregon, the Latino electorate represents a significant share of the total vote. In Texas alone, 2.5 million Latinos are registered to vote, representing 14% of total share of the vote.

For the Democratic primary presidential elections, Latinos will represent 25 to 30% of the total share of the vote in Texas this March 9, 2004. Likewise, Latinos in California will represent 20-25% of the total share of the vote in the March primary elections. In New Mexico, the Latino vote will represent 40-45% of the share of the vote in the primary elections. (Projections prepared by the SVREP with data from the William C. Velasquez Institute (WCVI) and the United States Census).

In fact, contrary to conventional wisdom, primary elections in New Hampshire, Iowa and South Carolina will not determine a front-runner in the democratic field. Latinos in Arizona, New Mexico, Nevada, California, Illinois, Florida and Texas will likely determine the democratic presidential nominee through their primaries in February and March.

It is why we are convinced that Latinos stand at a crossroads in American politics - a crossroads that holds many historical implications. The overall decline of participation levels amongst the American electorate, combined with the record growth of Latino participation, promises to change the values of America democracy. Also, and most importantly, the rising number of Latinos and Latinas being elected to political office promises to change the face of our government.

But in spite of the record growth of the Latino electorate, mainstream America and Latino communities have not yet understood the impressive gains made by Latinos politically for many reasons - one being that the newsrooms of America are not telling the complete story. Or, if our stories are being told, they are not being told by Latinos, and even more rarely are they reported by Latinos. Rarely is the complete and accurate Latino story reported.

Fortunately, the Latino story is being told by Latino-owned newspapers across the United States. In San Antonio, for example, Latinos can count on La Prensa to provide news that covers their issues. It is a rare example where complete story is guided by Latino interests, since the media outlets is owned by Latinos. Similarly, La Opinion out of Los Angeles is owned and governed by Latinos, thus its coverage is extensive and its depth of understanding of the Latino story comes from the Latino perspective and history. Unfortunately, the number of Latino-owned newspapers are small, and even fewer Latinos own radio stations and televisions.

Historically, we can argue that newspapers were never controlled by the government; this was a result of the protection of first Amendment. In other words, anybody could start a newspaper. This is not the case for radio and

television because broadcasters had to broadcast over the public airwaves, and to prevent people from interfering with each other's signals a control and monitoring process was developed with the passage of the Radio Act of 1927 and the Federal Communications Act of 1934. These government regulations, governed by the FCC, provide for individuals to free license to broadcast over the public airwaves, but in return these broadcasters have an obligation and duty to give the public access, representation and coverage. Public airwaves belong to the people and as such broadcasters have a moral obligation and duty to represent the public interest, needs and convenience in its boardest sense.

The use of public airwaves should also mean that the widest possible dissemination of news and information from diverse voices, perspectives and communities must be part of the American culture, and the FCC, therefore, has a responsibility to protect the public interest. It is why we feel it is necessary that these interest must be extended to Latinos and communities of color.

The number of television stations owned by minorities has declined in the past three years from 33 to 20. In San Antonio the top ten radio stations are owned by three conglomerate companies Clear Channel, Cox and Univision. Furthermore, Clear Channel owns a stake and influence of Univision.

The issue is not whether broadcasters are being local to a greater or lesser degree, but rather whether the lax ownership rules hinder the democratic process and excludes community interest and representation.

Television and Radio owned and controlled by Latinos and communities of color ensure that the Latino story is told complete with accuracy; further more, it ensures that Latinos report the Latino perspective in America.

Diversity of ownership breeds competition and competition breeds better journalism and diverse perspectives in the news. It is why ownership guarantees diversity of news reporting; reporting by reporters that reflect the growing ethnic communities of color. In other words, news reported by local communities ensures the public interest of those communities.

Since 1996 America has witnessed the decline in quality broadcasting as major radio conglomerates buy up most of country's stations. During this time, the largest companies went from owning 40 stations to 1200, and United States citizens listened as their quality of news-reporting and programming declined. Programming decisions are made at the national level not the local level. Local news teams and international news bureaus were scrapped or downsized, guaranteeing less coverage on local and important issues. In communities like San Antonio, where the population of Latinos is significant, little coverage on important issues that matter to this community are covered in a way that truly reflect their interest.

For example, I doubt that the majority of the Latino community in San Antonio is fully aware that 2.5 million Latinos are registered to vote in Texas, and that Latino electorate make up an estimated 15% of total share of vote make up the Latino electorate in any given election. In our opinion, facts such as these are important information that can help stimulate an even greater participation from

within our ranks, thereby fortifying the democratic process. Or, we have wondered, could it be that such titillation from a more localized and responsible media would not be welcomed by some of the powers that be?

There is little doubt that journalism and news reporting shapes the political landscape of American democracy. Without our fair share of minority ownership and control, America's communities of color and Latinos will continue to be absent in the airwaves of America.

It is one of the reasons that am here to testify on behalf of the millions of Latinos who make-up a significant and growing part of this country; but I am realistic enough to know that I can only represent those who believe as I do, or as SVREP and the WCVI believe, that "deregulation of the public airwaves, hurts America's democracy, voices and public interest. And, it will undoubtedly promote the continued exclusion of the voice of Latinos who work hard, pay their taxes, and live in America." Without local owners and local newsrooms who better reflect America's changing population, the media industry will continue to be disconnected from its communities. The bigger companies become, the less likely they will feature local talent, cover local news reported by reporters who look like their communities.

Obviously, ownership matters. It ensures corporate responsibility; diversity of creativity, art, culture and vision; promotes diverse reporting, ensures that local news takes front stage governed by local issues and its communities which then resonates at the national levels.

I therefore, respectfully ask and suggest that the FCC can support the local communities by ensuring that:

1. Prevents broadcast Television companies from buying newspapers in the same communities in which they have television stations.
2. Limits the number of local radio stations that anyone broadcaster can own in a signal market, depending on how many stations exist in the single market.
3. Limits the number of local broadcast stations that any one broadcaster can own to systems serving 35% of the televisions households in the United States.
4. Prevents one entity from owning both a radio station and a television station in the same market.
5. Prevents one broadcast network from owning another broadcaster network.

Finally, I would like to thank you for giving us this opportunity to share with you our views and to request that you honor a tradition of excellent journalism; better put, it is a tradition of complete, accurate and reflective of its communities by insuring that consolidation does not injure the quality and value of good news reporting.

What I have emphasized, in other words, is that the public airwaves should continue to be part of our values and tradition supporting America's people; all people, including communities of color and the Latino community.

JAN 30 2006

Federal Communications Commission
Office of the Secretary

Clear Channel San Antonio Localism Video Transcript

Narrator:

October 17, 1998 - a day that changed our community forever - a devastating five hundred year flood WOAI-TV and radio took to the air providing days of coverage to protect the lives and property of tens-of- thousands of local families. As the deluge began, Channel 4 was the only television station to go on the air uninterrupted and commercial-free The station's unprecedented continuous coverage, that was watched by a Super Bowl sized audience, was honored with the city's Corporate Citizenship Award, an honor that had not been given out for almost a decade

Then four years later the 500-year flood happened again.

Flood Victim:

"I just pray that - please don't take our house."

Narrator:

The rain poured for five straight days. Once again WOAI radio, the designated Emergency alert station, and WOAI-TV carried hours of uninterrupted coverage. Together, the stations launched "Flood Relief for San Antonio" that raised over \$200,000 in just twelve hours to help local victims The project received the Alamo Area Council of Governments Community Project of the Year award.

July 23, 2003

A horrific shooting took place at a local business Three people were murdered. And within minutes of this tragedy, WOAI radio went commercial-free and launched an all-out on-air manhunt for the gunman.

WOAI Local Talk-Show Host:

"Where are you calling from? Where are you on the highway?"

Talk-Show listener on cellular telephone:

"I am almost in Temple."

WOAI Local Talk-Show Host:

"Okay."

Talk-Show listener on cellular telephone:

"I was listening to WOAI and I heard you guys mention the license plate and the description of the vehicle, and sure enough the guy drove right by me!"

Narrator:

WOAI and Clear Channel's commitment to serving our community's needs runs deep, addressing many important issues.

Just last year, radio and TV assisted dozens of local charities with public service announcements totaling more than \$3.2 million dollars. But our public service commitment goes far beyond traditional announcements.

We've helped raise \$27 million dollars for the Children's Miracle Network, money that stays right here in our community.

Charlie Amato, National Chairman for the Children's Miracle Network:

"Without Clear Channel's commitment to Christus Santa Rosa Children's Hospital, we would not be able to fulfill the hospital's mission of providing health care to the ill and injured children of our community and South Texas."

Narrator:

With the Komen Breast Cancer Foundation, Clear Channel radio and television have helped raise over \$17 million dollars through the annual Race for the Cure.

Michele Brown, Co-Chair of the San Antonio Race for the Cure:

"We were really, really lucky in the fact that Clear Channel from the very get-go said this is an event that we think could just be huge for this city, it's important and we want to be involved."

"What Clear Channel is able to do for us is something that no other station can provide, and that is creating the advertising vehicles for us completely for free, getting people to the race, and not only that, giving us the editorial content in every single newscast two weeks leading up to the race. I mean, that alone just to me shows such a huge commitment and goes above and beyond what anyone else can provide for us."

Narrator:

Food for San Antonio, sponsored by Clear Channel radio and television, raised over 1 million pounds of food for our community last Thanksgiving.

Eric Cooper, Executive Director, San Antonio Food Bank:

"The Food for San Antonio promotion was the most successful food drive that we've seen at the San Antonio Food Bank. It helped feed people in our community. We really see that as a partnership that wouldn't have happened if it wasn't for Clear Channel and WOAI."

Narrator:

Channel 4 created the *Stranger Danger* program to teach children how to deal with strangers. More than 100,000 elementary school children have attended this life-saving in-school program that won an Emmy and a national Gracie award.

Gilbert De La Portilla. Crime Prevention Specialist with the San Antonio Police Department:

"We knew the Stranger Danger worked effectively. An incident that happened... a young lady was approached by an individual inside the school. She did the right thing, and alerted the authorities and the individual was caught."

Narrator:

Protecting our children is paramount, that's why Clear Channel San Antonio took the lead in implementing the Amber Alert program in our city.

Kay Bailey Hutchison. United States Senator (Texas):

"Particularly Clear Channel stepped up to the plate and started volunteering to broadcast information when children are abducted."

"The idea came from the broadcasters, and they agreed to work with police departments to broadcast information when children were taken, and that has now turned into the Amber Alert legislation that I passed with Senator Dianne Feinstein. We could not have done it without the efforts of the broadcasters, in the beginning as volunteers, and now working with "

Narrator:

And Clear Channel San Antonio and its employees, helped the Multiple Sclerosis Society take home over \$1 million dollars in just one day with the *Bike to the Beach*

Roy Rangel. Executive Director, Lone Star Chapter of the Multiple Sclerosis Society:

"All we can say is how grateful we are to all the employees and the management at Clear Channel for emphasizing that social responsibility for integrating their business practices with our non-profit values "

"And also just as important is to underscore the focus on personal involvement. Because as you know, that M.S. 150 had very important team, which was the Clear Channel team, and it was made up of twenty some odd riders who rode one hundred and fifty miles. And all the aches and pains they have felt pale in comparison to what a person with M.S. goes through day in and day out."

"But there's no way that can thank Clear Channel enough for what they do. We feel we're part of Clear Channel's team and Clear Channel's family."

Narrator:

And that family spirit extends into the local arts. San Antonio's Clear Channel radio stations have featured over seventy local and regional music acts in the past year - through airplay, live concerts, and on-air promotions. Many of these acts have landed recording deals, and have appeared live on Channel 4's local lifestyle program - *San Antonio Living*.

Jerry Fuentes. Jerry Fuentes Band:

"Letting the record get in the hands of the people at Mix 96.1, we got on the air and that just catapulted a whole new beginning which kind of jump-started everything. And so the record started doing really well and that's how I got on the Living show, and I did that twice, and that helped sales with the CD and everything."

"Because as a local artist you know it's so hard to break that barrier, but it's not that the uh, like that's why I'm here right now because it's the people that work for Clear Channel. I mean Clear Channel is what it is, but it's the people that are employed by Clear Channel that work at Mix 96.1 that actually believed in me to begin with. So that's what made all the difference and that's why when I was asked to come down here I was just like, 'yeah, totally', because it's the people that made the difference."

Narrator:

Clear Channel San Antonio Spirit. Through news, the arts, public affairs, and community outreach.

We are there for our community. Then. Now. Always.