

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Digital Audio Broadcasting Systems	)	MM Docket No. 99-325
And Their Impact on the Terrestrial	)	
Radio Broadcast Service	)	

**REPLY COMMENTS OF  
CAPITOL BROADCASTING COMPANY, INC.**

Capitol Broadcasting Company, Inc. (“CBC”), licensee of WRAL-FM, Raleigh, North Carolina, respectfully submits these reply comments in response to the Federal Communications Commission’s *Further Notice of Proposed Rulemaking on Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service*, MM Docket No 99-325 (rel. Apr. 20, 2004) (*FNPRM*). WRAL-FM, a Class C FM operating at 101.5 MHz, commenced digital broadcasts in December 2002 using iBiquity Digital Corporation’s HD Radio™ System (“iBiquity”). Our reply comments focus on only two aspects of the *FNPRM* – final authorization of FM<sup>1</sup> digital operations and public interest rules applicable to radio licensees.

**I. Adoption of Final FM Rules Will Provide Certainty to the Marketplace**

As an early adopter of the iBiquity technology, WRAL-FM strongly supports the Federal Communications Commission’s (“the Commission”) efforts to promote the adoption of digital radio and to develop final rules for digital service. WRAL-FM joins

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<sup>1</sup> CBC has no AM digital experience, but fully supports the rollout of digital radio for all radio licensees.

the National Association of Broadcasters, other early adopters, and iBiquity in urging the Commission to permanently authorize the IBOC service to ensure the rollout of digital radio continues.

WRAL-FM encountered no significant problems with its conversion and has been satisfied with the ease of implementation of the iBiquity system. The quality and reliability of our digital signal is superb. To date, WRAL-FM has not experienced any interference problems and has not received any listener complaints. Unfortunately, there are only a handful of digital receivers in the Raleigh market. WRAL-FM believes that the adoption of final technical and operational rules will change this by providing broadcasters, equipment manufacturers, and the auto industry with the certainty required for the growth of digital radio.

When at its best, radio is truly the most local of all mediums. Therefore, WRAL-FM encourages the Commission to adopt final IBOC rules that permanently provide broadcasters flexibility in implementing IBOC and in programming their signals to meet the needs of their individual communities. First, on implementing IBOC, the Commission should use its existing equipment certification procedures to regulate the broadcast equipment used for digital broadcasts, but should not require that every innovation in digital radio implementation receive prior Commission authorization. Second, the Commission should develop rules to provide broadcasters with great latitude in introducing new local audio and data services. Broadcasters should be authorized to use scaling of the audio codec and the iBiquity system's extended hybrid mode to introduce new audio and data services that can co-exist with a station's main program

audio service. WRAL-FM looks forward to determining how our digital signal can best meet the local needs of the Raleigh-Durham market.

## **II. Increased Public Interest Obligations Will Benefit Local Listeners**

Regarding the Commission's authority to strengthen public interest obligations of radio licensees, WRAL-FM concurs with the comments of the Alliance for Better Campaigns, American Federation of Television and Radio Artists, Benton Foundation, Campaign Legal Center, Center for Creative Voices in Media, Center for Digital Democracy, Center for Governmental Studies, Common Cause, National Federation of Community Broadcasters, New America Foundation, Office of Communication of the United Church of Christ, Inc. and Prometheus Radio Project.

Using that authority, WRAL-FM encourages the Commission to use this opportunity and the information gathered in the Commission's *Notice of Inquiry on Broadcast Localism*, MB Docket No. 04-233 (rel. July, 1, 2004) (*Localism NOI*) to ensure that broadcasters are serving the needs of their local communities. As temporary trustees of the public's airwaves,<sup>2</sup> radio licensees must serve the public interest. The Commission has consistently interpreted this to mean that licensees must air programming that is responsive to the interests and needs of their communities of license. However, over the past twenty-five years, the Commission has deregulated many behavioral rules for broadcasters,<sup>3</sup> while the United States Congress has simultaneously loosened laws related to media ownership, including eliminating the national radio

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<sup>2</sup> See 47 U.S.C. § 309(a) (requiring the Commission to determine in the case of applications for licenses, "whether the public interest, convenience, and necessity will be served by granting such application").

<sup>3</sup> See *Localism NOI*.

ownership cap. This combination of deregulated structural and behavioral laws and rules has resulted in an outcry from the public.

To ensure that radio broadcasters are responsive to the needs of their local communities and to reaffirm the principles of localism and public service as radio broadcasters enter the digital era, WRAL-FM supports minimum public interest standards and a voluntary code of conduct for digital radio broadcasters. Specifically, WRAL-FM, along with CBC's digital television stations, support the following principles:

1. All radio and television stations should be required to meet certain *minimum* standards of public interest performance. These minimum standards should be broad and flexible.
2. A voluntary code of conduct should be put in place to encourage higher than minimum standards for the broadcast industry.
3. All stations should be required to report quarterly on their public interest activities.

WRAL-FM and CBC advocate the following specifics, which are adapted for radio from recommendations submitted by the Working Group on Minimum Public Interest Standards of the Advisory Committee on Public Interest Obligations of Digital Television. However, where television public interest obligations focus on the broad local community, it is logical that radio stations will focus on the needs and interests of those community members in an individual station's target audience.

1. Community Outreach. Stations should be required to develop a method to determine or "ascertain" a community's needs and interests. This should serve as the station's roadmap for addressing those needs through news, public affairs

programming, and public service announcements (“PSAs”). Ascertainment can also help a station determine how best to use the digital signal, whether for one high-definition signal, multicast signals or datacasting. On a quarterly basis, the station should report to the Commission and the public on how ascertained needs determined management decisions on public interest programming.

2. **Accountability.** Whether or not there are required minimums, stations should report quarterly to the Commission and to the public on their public interest efforts. This report should include quantitative and qualitative information about PSAs, public affairs programming, news programs, ascertainment, etc. These quarterly filings should be available to listeners online.
3. **Public Service Announcements.** A minimum number of PSAs should be required on each audio channel with an emphasis placed on locally produced PSAs addressing the community’s local needs. A certain percentage of those PSAs should be mandated to run in prime time and other day parts.
4. **Public Affairs Programming.** Each audio channel should be required to devote a minimum amount of time to public affairs programming, again with an emphasis on local issues and needs. Local news should be an important part of a station’s public affairs programming. Public affairs programming should be aired throughout day parts and should not be relegated to the middle of the night. If focused on the needs and interests of the station’s target audience, this programming will be consistent with the station’s format.

5. Political Issue Programming (not free airtime). For the thirty days prior to a primary or general election, broadcasters should use their public affairs programming to focus on candidates and issues.
6. Broadcaster Code of Conduct. The Commission should strongly encourage the broadcast industry to unite to develop a code to expand the radio industry's commitment beyond the minimum rules adopted by the Commission. If the Commission determines that a code focused on public interest obligations violates antitrust laws, the Commission should support any required legislation to allow the development of the code.

WRAL-FM and CBC encourage the Commission to act on this rulemaking immediately, so that all broadcasters can better serve their local communities with digital radio.

Respectfully submitted,

**CAPITOL BROADCASTING**

**COMPANY, INC.**

/s/ Dianne Smith

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