

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

In the Matter of )  
 )  
Broadcast Localism ) MM Docket No. 04-233  
 )  
  
To: The Commission

**COMMENTS OF NATIONAL PUBLIC RADIO, INC.**

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November 1, 2004

## Summary

NPR welcomes the Commission's inquiry into broadcast localism because it allows us to address what is a hallmark of public radio -- its inherent localism. As envisioned by Congress and the Commission, public radio is fundamentally a system of locally licensed, locally governed, locally staffed, and locally programmed stations. This inherent localism is directly attributable to a combination of social and institutional forces, many statutorily mandated, such as community advisory boards and open public meetings. In addition, public radio stations are dependent for their existence on voluntary financial contributions from listeners. Indeed, public radio stations continue to thrive due to their deep roots in and ongoing engagement with their communities of service.

That public radio has thrived is also a testament to the extensive local services stations provide to communities across the country. Public radio stations serve their communities every day in myriad ways, including through local news and public affairs programming, political programming, support for local arts, culture and non-profit organizations, online and other non-broadcast initiatives, and services specifically targeted to underserved audiences, including the print-impaired and minority listeners. NPR itself reinforces stations' fundamental commitment to localism through training, program support, and programming.

Because of public radio's inherent localism and demonstrated service to communities, NPR respectfully submits that no new regulation is needed to assure localism in public radio. In particular, the Commission can continue to rely on public radio's accountability to communities, and it should not seek to dictate the specific composition of local broadcast services through program origination, format, or other content requirements. Such an initiative would be ill-advised because it would inevitably require arbitrary distinctions based on the content of

programming and necessarily entangle the Commission in sensitive editorial decision making. The Commission also should not impose additional political programming requirements on public radio stations, who already provide a wealth of political news and public affairs coverage and who are otherwise barred from engaging in most forms of political broadcasting. Because public radio stations are directly accountable to their communities, we also do not believe the Commission should alter its approach to the license renewal process. In short, absent a demonstrable and compelling need for a regulatory change, the Commission should maintain the status quo as it pertains to public radio stations.

Finally, the Commission should not alter the status of translator stations relative to low power FM ("LPFM") stations, given the important service translator stations provide. Public radio typically uses translator stations to extend service to a neighboring community in response to demonstrated local demand for the service. Such stations are often constructed with Federal and state funding, as well as voluntary financial contributions by the community desirous of new public radio service, and often provide the only public radio signal in the community. Public radio stations often localize their services by ascertaining and addressing issues of particular interest to communities served by their translator stations. NPR certainly appreciates the importance of origination services, whether offered by LPFM or full power stations, but the Commission only recently arrived at a reasonable balance between the translator and LPFM services, and there is no compelling reason to revisit the matter.

If the Commission is inclined to alter the balance between the translator and LPFM services, we urge it to proceed cautiously. Arbitrary limits on the use of satellite or other technologies or the permissible distance between a given translator station and the primary station it retransmits are likely to undermine public radio services that are highly valued in their

communities. Accordingly, the Commission should solicit public comment on any specific regulatory change it may be contemplating so that potentially affected parties can identify problematic aspects of the proposed change.

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**Comments of National Public Radio, Inc.**

Introduction

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, National Public Radio, Inc. ("NPR") hereby submits its Comments in response to the Commission's Notice of Inquiry in the above-captioned proceeding.<sup>1</sup>

NPR is a non-profit membership corporation which produces and distributes noncommercial educational programming through more than 750 public radio stations nationwide. In addition to broadcasting award-winning NPR programming including *All Things Considered*<sup>®</sup>, *Morning Edition*<sup>®</sup>, *Talk Of The Nation*<sup>®</sup>, and *Performance Today*<sup>®</sup>, NPR's Member stations originate significant amounts of news, information, and cultural programming. NPR also operates the Public Radio Satellite System ("PRSS") and provides representation and other services to its Member stations.

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<sup>1</sup> In the Matter of Broadcast Localism, MM Docket 04-233, rel. July 1, 2004 [hereinafter "NOI"].

## **I. Public Radio Is An Inherently Local Media**

The NOI generally asks how effectively "market forces" are operating to ensure that broadcasters air programming responsive to the needs and interests of their communities.<sup>2</sup> It further inquires about what new regulatory measures, if any, the Commission should adopt to enhance the process by which stations ascertain the problems, needs, and interests of their communities.<sup>3</sup> As we demonstrate below, public radio is fundamentally rooted in local communities, thereby assuring its ascertainment of community problems, needs, and interests, and its public service mission, rather than the operation of market forces, compels public radio stations to offer programming that is responsive to those problems, needs, and interests.

Public radio in the United States is fundamentally a system of locally licensed, locally governed, locally staffed, and locally programmed stations. In establishing a system of comprehensive Federal financial support for public broadcasting, Congress envisioned local stations as the bedrock of a system that is responsive to the needs and desires of the public.<sup>4</sup> In the more than thirty-five years since, this inherently local, station-based system has continued to serve as local outlets of community expression.<sup>5</sup>

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<sup>2</sup> NOI at ¶ 11.

<sup>3</sup> Id.

<sup>4</sup> S. Rep. No. 222, 90th Cong., 1st Sess. 7 (1967).

<sup>5</sup> See, e.g., S. Rep. No. 221, 102d Cong., 2d Sess. 2, 7, *reprinted in* 1992 U.S. Code Cong. & Admin News 834, 835, 840 (1992) ("Public . . . radio stations and public telecommunications services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community outreach programs and services. In addition, local public television and radio stations can bring together organizations, businesses, State and local agencies, parents and other individuals to examine problems and seek solutions through the use of

Indeed, while this proceeding specifically addresses localism, it is worth noting that NCE broadcasters provide a critical contribution to the diversity of voices. Public radio station licensees represent a broad range of public and private, community-based organizations: universities (188 licensees), non-profit community organizations (136 licensees), local governments (26 licensees), and state governments (8 licensees).<sup>6</sup> Significantly, while the Commission first sought to prevent undue concentration of ownership in commercial broadcasting more than 60 years ago,<sup>7</sup> it has never found a need to address multiple ownership in public broadcasting.<sup>8</sup>

Any examination of the local character of public broadcasting begins with the range of institutional forces that are responsible for that character. These forces include the status of NCEs as governmental or not-for-profit educational organizations, the presence of community advisory boards, open meeting and public board member requirements, and reliance on voluntary listener support. Collectively, these forces assure the ascertainment of local community problems, needs, and interests and the broadcasting of responsive programming. As we explained in the digital audio broadcasting

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electronic media.").

<sup>6</sup> See Corporation for Public Broadcasting, Frequently Asked Questions About Public Broadcasting, [http://www.cpb.org/pubcast/#who\\_runs](http://www.cpb.org/pubcast/#who_runs).

<sup>7</sup> See 6 Fed. Reg. 2282 (May 6, 1941).

<sup>8</sup> See In the Matter of Amendment of the Commission's Multiple Ownership Rules to Include Educational FM and TV Stations, Notice of Proposed Rulemaking, 68 F.C.C.2d 831 (1978) (initiating an examination of NCE ownership limits, "[a]lthough the economic concentration concern is not directly applicable" to public broadcasting,); In the Matter of Amendment of the Commission's Multiple Ownership Rules to Include Educational FM and TV Stations, Order, 5 FCC Rcd 392 (1990) (terminating proceeding).

proceeding, these institutional forces will continue to govern how NCE radio stations operate as stations convert to DAB and utilize the expanded functionality of the iBiquity technology.<sup>9</sup>

Under the Communications Act and the Commission's rules, only two types of entities are qualified to operate an NCE station: governmental entities and nonprofit educational organizations.<sup>10</sup> Both are uniquely compelled to serve their local communities of service.<sup>11</sup> Localism is also the overriding factor in the selection of new NCE licensees.<sup>12</sup> In addition, an array of institutional forces, including community advisory boards,<sup>13</sup> open public meetings,<sup>14</sup> and the presence of public board members,

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<sup>9</sup> Comments of National Public Radio, In the Matter of Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Broadcast Service, Further Notice of Proposed Rulemaking and Notice of Inquiry, MM Docket 99-325, at 9-12, filed June 16, 2004 [hereinafter "NPR IBOC Further Notice/NOI Comments"].

<sup>10</sup> See 47 U.S.C. § 397(6); 47 C.F.R. § 73.503(a). See also In the Matter of Reexamination of the Comparative Standard for Noncommercial Educational Applicants: Association of America's Public Television Stations' Motion for Stay of Low Power Television Auction (No. 81), Second Report and Order, 18 FCC Rcd. 6691, 6695-96 (2003).

<sup>11</sup> Governmental entities are directly accountable to the residents whom they govern. Indeed, the Commission defines such entities as "local" throughout the area within which their authority extends. In the Matter of Reexamination of the Comparative Standards for Noncommercial Educational Applicants, Report and Order, 15 FCC Rcd 7386, at 7409 (2000) [hereinafter "NCE Comparative Standards Report & Order"]. Nonprofit educational organizations are required by Federal and state laws to serve a charitable educational purpose. See 26 U.S.C. § 501(c)(3).

<sup>12</sup> See NCE Comparative Standards Report & Order, 15 FCC Rcd at 7404-7410.

<sup>13</sup> See 47 U.S.C. § 396(k)(8) (requiring each public radio station not licensed to a governmental entity to establish and maintain a community advisory board as a condition of receiving CPB funds).

<sup>14</sup> See 47 U.S.C. § 396(k)(4) (requiring each public radio station to hold Board meetings that are open to the public and to give the public reasonable notice of these

serve as critical substitutes for the regulations that formerly specified the manner in which NCE stations were accountable to their communities of license. Following are a few examples:

- WXEL-FM, West Palm Beach, Florida, receives input at least three times a year from its 22-member Community Advisory Board, in addition to input to its programming and outreach from the general public and special interest groups via e-mail, letters, telephone calls, faxes, public meetings, outreach meetings, its Web site, and participation by station personnel in various organizations.
- Colorado Public Radio utilizes ongoing listener feedback (letters, e-mail, phone and personal contacts), in addition to quarterly ascertainment with local community leaders and input from community advisory groups in three geographic areas of Colorado.
- WFCR-FM, Amherst, Massachusetts, solicits input from its license holder through the Vice Provost for Outreach and Continuing Education, and the General Manager meets regularly with the WFCR Advisory Committee, which includes community representatives, and Friends of WFCR, Inc. an independent 501(c)(3) non-profit that is staffed with people from WFCR's listening area and that assists WFCR's fundraising activities and serves as a sounding board for WFCR management.
- In addition to its Community Advisory Group, KUSP-FM, Santa Cruz, California, tracks listener correspondence, including e-mail and calls to the station's toll-free listener comment line; hosts a quarterly call-in program with station programming management to provide listeners with an opportunity to ask about programming and offer suggestions; offers listeners who call in during on-air fundraising an opportunity to comment about programming, which KUSP records in its member database and tabulates.
- For WCPN, Cleveland, Ohio, an ongoing "Listening Project" ascertainment effort, partially funded by the Corporation for Public Broadcasting, is organized around soliciting feedback through a range of events, including town meetings throughout its service area, community leadership meetings, an on-air TV and radio town meeting, an on-line survey, and a mailed-out survey to all radio and TV members. The total number of direct participants, from whom essay-length responses were obtained, exceeded 9,000. These form the foundation of (1) the station's Board of Trustees Strategic Planning effort and (2) its Community

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meetings in order to receive Federal funding).

Advisory Board quarterly deliberations about the station's community programming agenda.

Indeed, in eliminating formal ascertainment and programming requirements for public broadcasters, the Commission recognized that social and institutional forces would assure locally responsive public broadcast services:

Many public broadcasters are required to have advisory boards and to hold public meetings when deciding important operating matters. Further, many other licensees . . . have public members on their governing boards. While it is true that stations licensed to state or local jurisdictions are not required to have advisory boards, these stations are often under even more direct public control since state and local officials are accountable for their action or inaction through the electoral process. Other stations licensed to organizations with a primary educational purpose are subject to the direction of these institutions and their governing boards. The station that ignores these representatives does so at its own peril.<sup>15</sup>

In the subsequent years, the direct and ongoing involvement of stations in their communities has validated the Commission's decision to eliminate formal ascertainment requirements.<sup>16</sup>

Moreover, the financial contributions that local listeners voluntarily pledge to stations form the largest source of revenue for a typical public radio station.<sup>17</sup> Public

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<sup>15</sup> See Revision of Programming Policies and Reporting Requirements Related to Public Broadcasting Licensees, Report and Order, 98 F.C.C.2d 746, 754 (1984) [hereinafter "Public Broadcasting Deregulation Report & Order"]. Congress has similarly recognized the important relationship that exists between public radio stations and their communities. See H.R. Conf. Rep. No. 1774, 95th Cong, 2d Sess. 30-31 (1978) (finding that public meetings permit and encourage community involvement in the programmatic and operational decisions of noncommercial educational licensees).

<sup>16</sup> Public Broadcasting Deregulation Report & Order, 98 F.C.C.2d at 752 (noting "the special direct contact that public stations have with the public by virtue of their noncommercial status").

<sup>17</sup> Station members are the single largest source of revenue, providing roughly one-quarter of public broadcasting's total revenue. See <http://www.cpb.org/about/funding/whopays.html>.

radio stations therefore have a direct and immediate stake in airing programming that their communities not only will listen to, but that they will support through voluntary financial contributions. To the extent "market forces" may impel commercial stations to serve their coverage area as a means of attracting advertisers, the direct financial relationship that exists between public radio stations and their communities is an especially significant determinant of how well a station is ascertaining and serving the needs and interests of its community of service.<sup>18</sup>

As we address in more detail in Section II below, these institutional, financial, and other forces contribute directly to the important local services public radio stations provide. In many markets, public radio stations provide the sole extensive local news coverage and are often the only outlet for classical music and related fine arts and cultural programming. public radio stations also provide listeners with access to talented new contemporary music performers, particularly regional and local performers. As grass roots local public services and arts organizations in their own right, public radio stations are dynamic contributors to the fabric of their community's local arts and cultural activities.

## **II. Public Radio Continues to Demonstrate a Fundamental Commitment to Localism**

Public radio stations share a longstanding and fundamental commitment to the principle of localism. Every day, they offer local news programming, local public affairs

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<sup>18</sup> See Public Broadcasting Deregulation Report & Order, 98 F.C.C. 2d at 753-754 (finding that "the relationship between the audience and the local public broadcaster is even more direct that [sic] in the case of commercial broadcasting because public broadcasting's subscribers pay directly for programming that meets their needs and interests").

programming, local political coverage, programming highlighting the work of local musicians, performers and artists, and non-broadcast services to address the needs and interests of their local communities, including underserved audiences within their communities. Augmenting this commitment to localism, NPR offers training, program support, and programming to enhance the ability of stations to produce local news programming and to reach underserved audiences. Together, NPR and stations are engaged in a partnership to fashion public radio services that meet the needs and interests of communities across the Nation.

**A. Public Radio Stations Provide Extensive Local Service To Their Communities**

Public radio's deep local roots result in broadcast services that are responsive to the unique needs and interests of the stations' local communities. This community-responsive programming includes significant amounts of locally produced programming. On average, 40% of the long-form programming (longer than 15 minutes) broadcast by public radio stations is produced locally. In the top 25 markets in the country, an average of 57% of the long-form programming aired by public radio stations is locally produced.<sup>19</sup> NPR member stations also broadcast significant amounts of short-form local programming, including local news and arts updates and feature pieces, throughout the day, including within nationally distributed NPR programming. This short-form local programming totals many hours of programming during the broadcast week.

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<sup>19</sup> NPR Carriage Reporting Center, Spring 2004.

## 1. Local News and Public Affairs Programming

Local news and public affairs programming constitutes an essential component of the local programming aired by many public radio stations. Many stations produce stand-alone local news and public affairs programs. Following are just a few examples:

- Maine Public Radio, licensee of six stations in Maine, broadcasts *Maine Things Considered*, a half-hour news program aired Monday through Friday, offering the latest news from Maine as well as in-depth reports on the state's most pressing issues. A recent program featured stories on a proposed bear-baiting ban, training given to Maine police to prevent misuse of Oxycontin, and the commemoration of an 1844 trek by local Millerites.
- WQUB-FM, Quincy, Illinois, broadcasts *Presstime*, a weekly half-hour evening news magazine featuring state and local news, interviews and commentaries; *Conversations*, a weekly half hour evening look at local issues; and a weekly five-minute spot detailing sports news at nearby Quincy University.
- South Dakota Public Radio, licensee of KUSD-FM, Vermillion, South Dakota, produces the hour-long *South Dakota Forum*, Monday through Friday. The program addresses important issues of interest to residents of South Dakota, including the following theme programs: "Garden Hotline" each Monday during the growing season, and "The Prairie Gourmet," a monthly feature focusing on seasonal menus and Midwest cuisine.
- WAMU-FM, Washington, DC, broadcasts *The Kojo Nnamdi Show*, a two-hour local public affairs call-in program Monday through Friday, featuring the "DC Politics Hour" every Friday. During the week of October 29, 2004, for instance, the program included hour-long programs examining the at-large D.C. Council race, the D.C. Ward 2 race, the Maryland Congressional District 8 race, and the Virginia Congressional District 8 race. WAMU also produces *Metro Connection*, a weekly local news magazine, *The Diane Rehm Show*, a two-hour public affairs call-in program that is distributed to many other public radio stations around the country, and extensive award-winning news coverage aired throughout the day.
- KPCC-FM, Pasadena, California, provides extensive coverage of issues and events in Southern California and the state capitol, Sacramento. Its coverage beats include politics/government, health care, environmental issues, regional economic development, education, transportation, arts and cultural developments, demographic change and immigration. It also airs three hour-long local public affairs programs each weekday.

- WEAA-FM, Baltimore, Maryland, broadcasts 14 hours of public affairs programming every week and 3-5 minute news vignettes throughout the day, in addition to the jazz programming that dominates its schedule. Its public affairs programs include a two-hour locally produced news magazine every weekday from 7-9 a.m. that is designed to provide local and state news and information from an urban perspective.
- WILL-AM/FM, Urbana, Illinois, employs a full-time agriculture director and part-time assistant to produce four hours of long-form agriculture programming each week, as well as to present expert panels throughout the broadcast coverage area. The station also employs a weather staff of two full-time and several part-time employees to provide in-depth weather reports daily and comprehensive severe weather coverage. This is in addition to three hours of locally produced public affairs call-in programming each weekday, and two hours on Sundays.

Local coverage also occurs within NPR's national news magazines *Morning Edition*, *All Things Considered* and *Day to Day*. These programs are structured to enable stations to insert local news and announcements. Stations are also free to substitute local program segments for any of the news magazine segments, and most stations elect to "localize" their broadcasts of these programs.

## **2. Political Programming**

Political programming is a significant and integral part of the news programming carried by public radio stations. The NPR national news magazines and talk shows feature in-depth reporting on political issues and elections throughout the country and the world. Many stations also carried live three-hour nightly coverage of the Democratic and Republican National Conventions. Many will also carry live election night special coverage on November 2, 2004.

In addition to this extensive national political programming, public radio stations cover local politics and elections in their local news reports, feature local politicians and

candidates as guests on local public affairs and call-in shows, and broadcast local debates and government meetings. Examples of this local political programming include:

- WNIN-FM, Evansville, Indiana, this year has broadcast the Indiana gubernatorial debate, and interviews with candidates for the 8<sup>th</sup> and 9<sup>th</sup> Indiana congressional districts, candidates for Indiana Governor, Senator Evan Bayh, approximately 10 state legislators, the Mayor of Evansville, city and county councilors and commissioners, and the county sheriff.
- WFCR-FM, Amherst, Massachusetts, produced with a Best Practices in Journalism grant a three-part feature series on the Massachusetts Supreme Judicial Court's decision allowing same-sex marriage and its impact on state legislative races.
- KUAR-FM, Little Rock, Arkansas, has a reporter assigned to the Arkansas state legislature during legislative sessions to provide daily reports. It produces debates between candidates for U.S. Congress and local offices. It also produces profiles of local candidates and in-depth coverage on primary and general election nights.
- WMPN-FM, Jackson, Mississippi, produces quarterly town-hall style programs focusing on statewide policy issues, in addition to coverage of all statewide primary and general elections.
- Wyoming Public Radio, licensee of KUWR-FM, Laramie, Wyoming, maintains a bureau in the capitol of Cheyenne for coverage of the Wyoming legislature. It covers the state's primary and general elections using stringers throughout the state. It produces news spots and 11-minute feature length pieces, frequently on political issues and elections, for insertion in *Morning Edition* each weekday. It also broadcasts a weekly Wyoming Media Roundtable, featuring media reporters and editors from around the state discussing major issues and events in Wyoming.
- WHRV-FM, Norfolk, Virginia, offers 30 minutes to each candidate for statewide office (Governor, Lieutenant Governor, Attorney General) to talk about ideas, stands and qualifications. In concert with its sister television station, local newspapers and the League of Women Voters, WHRV-FM produces an election special for national office seekers. It produces with its sister television station *Virginia Conversations*, a simulcast radio, television, web chat "town meeting" on major voter issues. It also covers local election topics in its daily talk show *Hearsay*.
- WCBU-FM, Peoria, Illinois, produces a weekly 15-minute public affairs roundtable program focusing on city government and politics; a weekly half-hour roundtable program focusing on state politics and government;

live, weekly broadcasts of the Peoria, Illinois City Council meetings; and numerous one-minute spot reports on state politics and government.

### **3. Support for Local Arts, Culture and Non-Profit Organizations**

Public radio stations also support the work of local artists, musicians and non-profit organizations. Many stations provide extensive information and discussion of local artistic and cultural events, feature the work of local musicians, and broadcast live concerts performed by local orchestras and other musical groups. Examples of local arts and culture programming include the following:

- WMPN-FM, Jackson, Mississippi, produces *Sounds from Around the Corner*, a music program focusing on local artists, produced in partnership with the Mississippi Humanities Council; *Magnolia Arts Hour*, featuring local composers and writers; and *Thacker Mountain Radio*, a country and bluegrass variety show produced in partnership with the University of Mississippi's Center for Southern Culture.
- KIOS-FM, Omaha, Nebraska, records and broadcasts performances of the Omaha Symphony Orchestra and Opera Omaha, and luncheon presentations of the Omaha Press Club and other speaking venues. It carries a daily five-minute community calendar. In addition, it broadcasts a one-hour weekly jazz program produced by students enrolled in the Omaha Public Schools Career Center broadcasting class in cooperation with the station.
- Augustana College, licensee of WVIK, Rock Island, Illinois, serving the "Quad City" area, produces a weekly arts program featuring live conversation among regional artists; a weekly literature program in which regional authors are interviewed; and a daily five-minute feature in which a local humanities scholar comments on people who have affected or are affecting the culture of the region. It also broadcasts performances of the Quad City Symphony Orchestra.
- WHYY, Philadelphia, Pennsylvania, employs an Arts Reporter who highlights local musicians and performers in his features. It broadcasts a daily talk program that regularly features local artists. It broadcasts a weekly program, *Sunday Showcase*, featuring performances of the Philadelphia Orchestra and graduation performances by students from The Curtis Institute of Music, as well as interviews with musicians and conductors. It also carries a weekly Arts Calendar on-air and on its Web site to announce local performances.

- KPBX-FM, Spokane, Washington, broadcasts live performances from its studios throughout the year. It devotes two hours per day for a full week to broadcasting in-studio performances of student winners from the Northwest Musicfest. The station also broadcasts all major performances of the Spokane Symphony Orchestra.

Public radio stations also offers free airtime to local non-profit organizations for public service announcements ("PSAs"). Many provide studio and technical assistance to help local organizations produce these spots. Public radio stations also broadcast community calendars highlighting upcoming events of local non-profit organizations and promote special community events by local non-profit organizations. Some stations also provide an extra focus on local non-profits. For example, KWBU-FM, Waco, Texas, produces a weekly 2.5-minute profile of a local non-profit agency, which airs five times throughout the week. KNPR, Las Vegas, Nevada, highlights 12 non-profits each year with 2-minute segments featuring interviews with board members, clients and staff.

#### **4. Online Efforts**

Public radio stations use the Web to complement their on-air service. Just among NPR Member stations, approximately three quarters stream their live programming, including local programming, on their Web sites, and more than half offer archived audio clips. Many also offer "build-out" material of local programming, including expanded interviews, transcripts, pictures, and links.

Some stations provide extra Web-only programming. For example, WYSU-FM, Youngstown, Ohio, offers a Web-only program called *Life on Life's Terms* to address issues of chemical dependency, bring messages of hope from special guests, and provide expert information and educational opportunities to recovering listeners, parents and others affected by the social ills of alcohol and drugs. WAMU-FM, Washington, DC,

offers a separate 24-hour, 7 day a week stream of bluegrass music at [www.bluegrasscountry.org](http://www.bluegrasscountry.org).

Stations also use their web sites extensively for community calendars and billboards, to supplement their on-air announcements of community events. For example:

- WNPR, Norwich, Connecticut, offers *WNPR Culture Connect*, at <http://events.publicbroadcasting.net/wnpr/events.eventsmain>, a one-stop resource for finding out about arts and cultural happenings in Connecticut.
- WBFO, Buffalo, New York, offers a calendar for WBFO and University of Buffalo arts and cultural events, at <http://events.publicbroadcasting.net/wbfo/events.eventsmain>, and a community billboard for small non-profit organizations to promote their events, at <http://www.wbfo.org/funstuff/billboard.php3>.
- KRCC, Colorado Springs, Colorado, offers an online community calendar, at [http://krcc.org/community/index\\_psa.html](http://krcc.org/community/index_psa.html), an online submission form for PSAs, an online newsletter, including listener letters and responses, and extensive links to local cultural organizations and entertainment venues.

## **5. Non-Broadcast Efforts**

In addition to their broadcast and online services, public radio stations actively participate in their communities in a wide variety of ways. They regularly sponsor community and cultural events together with other organizations in their communities. They open their studios to the community, through tours and open houses. Their employees serve as speakers at community panels and seminars. Many stations engage in significant educational outreach, including:

- WHRV-FM, Norfolk, Virginia, and KUAR-FM, Little Rock, Arkansas, each help local schools develop curriculum and educational materials for music and the arts.
- WGBH-FM, Boston, Massachusetts, launched a “Music and Words” program four years ago to offer teachers a way to incorporate music,

songs, poetry and narration into curriculum-based activities, culminating in a 25-minute, student-produced “radio program” recorded at WGBH’s facilities.

- WUWF, Pensacola, Florida, has provided three cultural events per year (recently, a master puppeteer and two musical groups) for two partner schools with high poverty populations.
- KUAF-FM, Fayetteville, Arkansas, celebrates Classical Music Month each year by producing an in-school program for 3<sup>rd</sup> graders at 30 grade schools in its community.
- WRKF-FM, Baton Rouge, Louisiana, offers annual \$1,000 scholarships to selected local college students.

Stations also routinely provide hands-on training for local college and high school students – particularly stations that are licensed to universities and school systems.

#### **B. NPR Supports Station Localism Efforts**

NPR’s mission is to work in partnership with stations to create a more informed public. A more informed public, in turn, is one that is challenged and invigorated by a deeper understanding and appreciation of events, ideas, and cultures, including in local communities. NPR pursues its mission and supports station localism efforts through training, program support, and programming.

NPR devotes considerable resources to providing training and support to stations so that they can better cover news in their communities. NPR news trainers periodically travel to different regions of the country to hold intensive, two-day hands-on workshops for reporters on such topics as writing for radio, story structure and delivery. Last year, NPR’s National Desk also held four one-day fly-in sessions at sites around the country, attended by many station reporters. These sessions covered such topics as writing, producing, and news ethics. NPR also holds training workshops for station reporters on

specific substantive areas, including legislative "statehouse" reporting, science reporting and, in an upcoming session, educational reporting.

In 2005, NPR is planning to offer a broadcast residency program. As part of the program, station employees with at least three years of production experience would have an opportunity to improve and stretch their skills by spending three months at NPR in Washington, DC. NPR also offers its expertise to stations on programming, webcasting, and other matters at regular conferences of the public radio system and through online, audio and video training and technical resources.

NR also pursues its mission and supports localism through its programming. As noted above, NPR also produces its signature national news magazines *Morning Edition*, *All Things Considered*, and *Day to Day* in segments so that stations can "localize" their broadcast of the programs by integrating their own local news, events, weather, traffic, and other material with the content produced by NPR.

The NPR-station programming relationship is also reciprocal. Stations contribute local news pieces to NPR when a local event or report has national implications or interest. For example, WMFE-FM, Orlando, Florida, with News Director Pat Duggins, is public radio's premier voice for space launch and exploration news, bringing the station's locally honed expertise on NASA and Cape Canaveral to a national audience. When the Space Shuttle Columbia was destroyed in 2003, Mr. Duggins reported live for three hours on both WMFE-FM and NPR's "Weekend Edition" program.<sup>20</sup> Mark Moran, from

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<sup>20</sup> Earlier this year, WMFE-FM produced and broadcast a one-hour documentary on the anniversary of the Space Shuttle Columbia accident titled "*Columbia Remembered – Atlantis, Go For Launch*" looking back at the shuttle tragedy and ahead to the planned flight of Space Shuttle Atlantis. This documentary also was aired by close to 100 other public radio stations.

KJZZ-FM, Tempe, Arizona, is a regular voice from Arizona on NPR's national news magazines, reporting on border wars, boulder mining along historic Route 66, and political races that have captured national attention. Eric Niiler, from KPBS-FM, San Diego, California, aired reports from Iraq for KPBS and NPR as an embedded reporter with the First Battalion, Fifth Regiment of the First Marine Division based in Camp Pendleton, near San Diego.

### **C. Serving the Needs of Underserved Audiences in the Community**

In adopting the Public Broadcasting Act of 1967, Congress declared that “it is in the public interest to encourage the development of programming that . . . addresses the needs of unserved and underserved audiences.” 47 U.S.C. § 396(a)(6). Thus, service to unserved and underserved audiences has long been central to the mission of public radio. Stations strive to give voice to a wide variety of perspectives and viewpoints and to provide access to a broad range of cultural and artistic experiences in their regular programming. They also broadcast programming that addresses specific communities within the listening audience.

Radio Reading Services are one of public radio's significant efforts to serve the needs of an underserved audience – specifically, vision-impaired and print-impaired audiences. More than 100 NPR Member stations operate a Radio Reading Service on an FM subcarrier channel for the reading of everything from local and national news to grocery store advertisements.

Other public radio efforts to address the needs of specific underserved audiences include the following:

- KUAZ-FM, Tucson, Arizona, has for nearly thirty years produced *Desert Voices*, a weekly half-hour program serving the residents of the Tohono

O'odham nation with community information and news in the O'odham language. The station also produces *Radio Universidad*, a weekly 2.5-hour block of news, community information and arts and cultural programming in the Spanish language.

- WCPN, Cleveland, Ohio, broadcasts nine hours per week of programming in Slovak, Slovenian, German, Hungarian, Lithuanian, Serbian, Polish and Ukrainian.
- WDIY, Bethlehem, Pennsylvania, broadcasts these locally-produced, one-hour programs: *Music of India*, featuring Indian Andali music and a summary of the week's news pertaining to the Indian Sub-continent and its people; *Kol Haemek*, featuring Jewish music, news and views; and *The Arabic Program*, featuring Arabic music, news and interviews pertaining to the Arabic community.
- KLCC-FM, Eugene, Oregon, broadcasts a 4.5-hour bilingual (Spanish-English, though delivered primarily in Spanish) program, *Ahora Si*, featuring news, events and information for the Latino community.
- As part of its yearly educational initiative, *Eye on Education*, WGBH, Boston, Massachusetts, partnered with a Spanish-language radio station to air a documentary on education alongside the English-language version aired on WGBH.
- WEAA-FM, Baltimore, Maryland, which serves primarily an African-American audience, offers 11 weekly hours of Caribbean programming and several hours of programming directed at a Latino audience.

Stations also broadcast nationally distributed programming that addresses the needs and interests of minority communities, including the following:

- *The Tavis Smiley Show*, distributed by NPR and broadcast by 83 stations, is a daily magazine program hosted by Tavis Smiley. The show, launched in 2002, is the result of a collaboration between NPR and a consortium of African-American public radio stations.
- *Latino USA*, a production of KUT-FM, Austin, Texas and the Center for Mexican American Studies at the University of Texas at Austin, and distributed by NPR to over 125 stations, is a national, English-language radio journal of news and culture produced from a Latino perspective.
- *RadioBilingüe* is a non-profit radio network with Latino control and leadership that distributes Spanish-language programming to public radio stations via the Public Radio Satellite System.

- *American Indian Radio on Satellite (AIROS)* is a non-profit distributor of Native American programming, including Native American music, news, entertainment, interviews and discussions of the current issues in Indian Country and the world. AIROS programming is distributed via the Public Radio Satellite System. KGOU, Norman, Oklahoma, for example, broadcasts AIROS' *National Native News* at 8:00 p.m., Monday through Friday, editions of *Native American Calling*, at 6:00 p.m. on Saturday and Sunday, and *Native Sounds, Native Voices*, at 7:00 p.m. on Sunday.

Furthermore, many public radio stations intend to use multicasting capabilities of IBOC, once approved by the Commission, to provide additional programming that serves the needs and interests of underserved audiences within their communities.<sup>21</sup>

NPR, in partnership with its stations, conducts extensive outreach efforts to recruit employees, discover new sources of content, and maintain contact with the audiences it serves or hopes to serve. These efforts help to ensure that the public radio programming serves underserved audiences and includes the voices and perspectives of a broad cross-section of the country.

This past summer, NPR sent 55 employees to represent public radio at the 2004 UNITY Convention and Career Exposition held in Washington, DC.<sup>22</sup> NPR also sponsors the "Next Generation Radio" project, an initiative designed to bring young people, new voices, and ideas to public radio through hands-on training. Directed by a full-time staff member with extensive news experience, the project consists of training

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<sup>21</sup> See Comments and Reply Comments of NPR, Digital Audio Broadcasting Systems And Their Impact On The Terrestrial Radio Broadcast Service, Further Notice of Proposed Rulemaking, MM Docket No. 99-325 (filed June 16, 2004, and Aug. 2, 2004). More than 115 public radio stations also filed comments in the same proceeding describing some of their plans for offering supplemental audio program services.

<sup>22</sup> Unity: Journalists of Color, Inc. is a strategic alliance of journalists of color, including the Asian American Journalists Association, the National Association of Black Journalists, the National Association of Hispanic Journalists, and the Native American Journalists Association. <http://www.unityjournalists.org/program/mission/mission.html>.

seminars and one-week, student radio training projects conducted around the country that give students who are interested in radio and journalism an opportunity to report and produce their own radio stories. Additional information about the Next Generation Radio Project can be found at NPR's Web site: <http://www.npr.org/about/nextgen/>.

NPR also maintains partnerships with two Washington, DC high schools and the Urban Indian Tribal High School to provide training to minority and female students interested in public radio. Many public radio stations maintain similar partnerships with local high schools and colleges. NPR and stations also offer extensive internship opportunities, hold regular internship fairs, attend numerous college job fairs, and post job openings widely so as to attract the broadest possible applicant pool.

### **III. No New Regulation Is Needed To Assure Localism In Public Radio**

In commenting on its current approach to broadcast localism, the NOI observes that the Commission has generally relied on "market forces" to motivate broadcasters to ascertain and serve the needs and interests of broadcasters.<sup>23</sup> The NOI then inquires whether the Commission should continue to rely on market forces, as well as the issue responsive programming obligation,<sup>24</sup> to assure broadcast localism.<sup>25</sup> Alternatively, the Commission asks whether it should impose new regulatory obligations, such as specific program service and origination requirements, to enhance local service.<sup>26</sup>

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<sup>23</sup> NOI at ¶ 1.

<sup>24</sup> Stations are obligated to identify their most significant treatment of community issues each quarter. See id. at ¶ 3.

<sup>25</sup> Id. at ¶ 15.

<sup>26</sup> Id. at ¶ 14.

In the case of public radio, however, it is a combination of social and institutional forces, rather than the dictates of the commercial marketplace, that animates a public service mission to ascertain and serve local needs and interests. As we explained in Section I above, public radio stations are locally licensed, locally governed, locally staffed, and locally programmed. They are governmental or non-profit entities operating under legal obligations that ensure their public accessibility and accountability, and they are, in fact, engaged in an ongoing "conversation" with community advisory boards, other community leaders, and the public to ascertain and determine the best means of serving local needs and desires.

As we documented in Section II, moreover, public radio stations exemplify a deep commitment to localism through extensive local programming efforts, including news, public affairs, and political coverage, support for local arts, cultural, and non-profit organizations, online and non-broadcast initiatives, and service to historically underserved audiences. Indeed, at least in the case of public radio, the past 20 years have validated the Commission's predictive judgment that regulation was unnecessary and counterproductive to assuring local public service.<sup>27</sup> Accordingly, whatever problems may have arisen elsewhere due to undue concentration of ownership or otherwise, we submit no new regulatory requirements are warranted to assure a locally oriented and responsive public radio system.

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<sup>27</sup> Public Broadcasting Deregulation Report & Order, 98 F.C.C. 2d at 754 (concluding that "in light of their not insubstantial costs, misplaced emphasis, doubtful necessity, and our judgment that the various social and market forces referred to above will combine to provide the necessary assurance that public stations will operate in the public interest, ascertainment obligations will no longer be applied to public stations").

In particular, the Commission should continue to rely on social and institutional forces to promote localism rather than attempting to dictate the specific composition of local broadcast services through program origination, format, or other content requirements.<sup>28</sup> Even if the Commission were inclined to assume the role of the Nation's program director, at least with respect to the broadcasting medium, the distinctions it would be compelled to draw would be irreconcilable with the First Amendment. The Commission cannot simply assume that a program is responsive to local needs just because it was produced within a certain radius of that community.<sup>29</sup> Indeed, a program distributed regionally or nationally may be especially responsive because it addresses a social, cultural, or health topic of interest to many communities.<sup>30</sup>

Imposing a local origination requirement based on more than simply the locus of production, moreover, would inevitably require editorial judgments about the content of programming and enmesh the Commission in content decisions on a station-by-station and issue-by-issue basis.<sup>31</sup> The Commission properly disclaimed such a role long ago.<sup>32</sup> The Commission should continue to pursue localism through local accountability and

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<sup>28</sup> See NOI at ¶ 14.

<sup>29</sup> See id. at ¶ 14 (asking "what would qualify as 'local' programming? Locally originated or locally produced programming?").

<sup>30</sup> See id. at ¶ 14 (noting that "[a] program, for example, that discusses teenage drinking generally may be highly relevant to a particular community even though it is not produced specifically for that community or tailored to its particular problems in this area.")

<sup>31</sup> See id. at ¶ 14 (asking whether "programming [should] qualify only if it treats local issues in the traditional sense of news and public affairs").

<sup>32</sup> See WNCN Listeners Guild v. FCC, 450 U.S. 582 (1981).

avoid the inherently subjective considerations that would inevitably come into play by attempting to mandate specified amounts of "local" programming.

Nor should the Commission impose additional political programming requirements on public radio stations. As we recounted in Section II above, public radio stations devote a substantial amount of resources and airtime to political coverage. Other forms of political broadcasting are largely off-limits to public broadcasters.<sup>33</sup> Thus, public broadcast stations are statutorily prohibited from supporting or opposing candidates for political office<sup>34</sup> and from allowing candidates to use station broadcast facilities in exchange for remuneration.<sup>35</sup> Congress recently exempted public broadcast stations from the obligation to provide "reasonable access" to station facilities.<sup>36</sup> Given the record of public radio stations in providing extensive local, regional, and national political coverage, and the statutory restrictions on political broadcasting otherwise, there is no demonstrable need or basis for new political programming requirements.

With respect to the other specific matters the NOI raises, we believe the Commission should maintain the regulatory status quo, at least with respect to public radio.<sup>37</sup> In the case of emergency warnings, NPR and public radio support improving the

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<sup>33</sup> See NOI at ¶ 22 (asking whether it is "appropriate or permissible for the Commission to take additional steps to enhance broadcasters' coverage of local political candidates and issues" given Congress's specific requirements governing political programming).

<sup>34</sup> 47 U.S.C. § 399.

<sup>35</sup> 47 U.S.C. § 399b(b).

<sup>36</sup> See 47 U.S.C. § 312(a)(7)

<sup>37</sup> Although the NOI inquires about "voice tracking," national playlists, and allegations of payola, NOI at ¶¶ 33-39, those issues are largely limited to commercial

dissemination of emergency information,<sup>38</sup> and, in fact, we believe the multicasting capabilities of the iBiquity IBOC system offers additional opportunities to disseminate warnings and other essential information.<sup>39</sup> We believe the Commission should continue to rely on voluntary efforts already under way and led by the Media Security and Reliability Council, however, and should carefully consider any proposal to empower people unaffiliated with the station from seizing control of station facilities.<sup>40</sup>

Likewise, we do not believe the Commission should fundamentally alter its current approach to license renewals. The existing public file requirements and license renewal process combine to enable interested residents of a station's community to thoroughly examine and challenge a station's fitness to continue broadcasting. In the particular case of public radio, moreover, a station's financial dependence on voluntary listener membership contributions, and the influence of community advisory groups and other forms of public accountability, are far more effective in assuring responsive local broadcast service than any additional regulatory requirements the Commission might

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broadcasting. Voice tracking is used in public radio to a limited degree in certain genre-specific music services, but stations typically use such services for limited periods during a broadcast week, such as during the overnight hours. In that case, use of an automated service allows a station to employ personnel for other tasks, such as news gathering and reporting.

<sup>38</sup> For example, NPR supported the AMBER legislation, see PROTECT Act. Pub. L. No. 108-21, § 301, 117 Stat. 660 (2003), and has been an advocate for AMBER messaging to car radio displays. NPR assists local stations in carrying emergency programming by automatic transmission of national level Emergency Action Notifications ("EANs") and provides a national program override system when local stations are unattended during off-hours.

<sup>39</sup> See NPR IBOC Further Notice/NOI Comments at 13.

<sup>40</sup> See NOI at ¶ 28.

impose. Accordingly, without a compelling reason to impose new regulatory requirements, the Commission should continue to rely on the forces that have produced a remarkably responsive and locally-oriented public radio service.

**VI. The Commission Should Not Alter the Status of Translators and LPFM Stations, Given the Important Service Translators Provide and the Longstanding Federal Interest in Translator Service**

**A. Translator Service Is An Important Adjunct To Local Origination Service**

FM translator service was instituted in 1970 as a means to supplement the primary service provided by full facility FM stations. The Commission recognized the benefits of the translator service as providing FM radio service to underserved areas, extending additional FM service to underserved areas, and improving service to areas within the predicted 1 mV/m contours of primary FM stations.<sup>41</sup> Although the Commission restricted commercial FM stations from owning translators beyond their 1mV/m contour and within the 1mV/m contour of another commercial station assigned to a different principle community due to competitive concerns, it did not impose ownership restrictions on noncommercial translators.<sup>42</sup>

Given their public service mission, public radio stations recognized efficiency of using low power, and relatively low cost, translator stations to extend service to neighboring areas. Indeed, public radio licensees in many rural areas of the country have established extensive "daisy chain" networks to extend service to as wide a population and in as economical a fashion as possible. These facilities are usually established only

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<sup>41</sup> See Report and Order in Docket No. 17159, 20 RR 2d 1538 (1970).

<sup>42</sup> Id. at ¶ 6.

as a result of the community's desire to receive first or additional public radio service, and are often funded through Federal and/or state grants or as a result of capital campaigns funded by the future listeners.

Indeed, NPR submits there is a substantial Federal interest in extending public telecommunications services to as much of the public as possible, including by translator service.<sup>43</sup> Attached to these Comments is a list of grants made by the National Telecommunications Information Administration ("NTIA") of the Department of Commerce through its Public Telecommunications Facilities Program ("PTFP") for the construction of translator stations and related facilities during the period 1992-2004.<sup>44</sup> Following are but a few examples of the significant Federal investment in these facilities:

- In the recently announced grants for Fiscal Year 2004, North Country Public Radio received a PTFP grant of \$142,992 (towards a total project cost of \$193,232) to activate 10 translators and an STL to connect them to extend its service in the Adirondack area of upstate New York. The new translators will provide first service to approximately 47,000 people and additional service to more than 58,000 people.
- Also in the FY 2004 grant round, NTIA provided Washington State University, licensee of KRFA-FM, Pulliam, WA with a grant of \$32,212 (towards a total project cost of \$42,950) to activate a translator in Forks, Washington, which will provide first public radio service to approximately 11,127 people.
- In FY 2002, the University of Utah, licensee of KUER, Salt Lake City, UT, received a grant of \$23,676 (toward a total project cost of \$47,535) to improve a microwave and fiber distribution system to serve translators and

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<sup>43</sup> See, e.g., 47 U.S.C. § 396(a)(7) ("[I]t is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make public telecommunications services available to all citizens of the United States.")

<sup>44</sup> Information regarding these and other NTIA PTFP grant awards is available at [www.ntia.doc.gov/ptfp/awards/award.htm](http://www.ntia.doc.gov/ptfp/awards/award.htm).

to replace 6 translators. KUER serves Utah through its main transmitter and a statewide network of 35 translators.

- In FY 2000, NTIA awarded Florida State University, licensee of WFSU-FM, Tallahassee, FL a grant of \$12,999 (towards a total project cost of \$17,332) to construct a translator in Port St. Joe to provide first public radio service to approximately 5,000 people in Gulf County, Florida.

As indicated in these examples, NTIA only provides a portion of the total project cost, and the station must be able to justify its matching cost based on demand for its public radio service. For that reason, support for the construction of translator stations almost always derives from the community itself. For instance, a community group raised \$13,000 of the station's match of the NTIA grant to fund the translator being constructed by Washington State University in Forks, Washington cited above. In Olean, New York, professors at St. Bonaventure University catalyzed support for the construction of a translator, funded by NTIA, to extend the signal of WBFO, Buffalo, NY to Olean, NY.

In some cases, local and state support has helped stations to establish translator service to un-served and under-served areas. For instance, in the case of Wyoming Public Radio, licensee of KUWR, Laramie, Wyoming, the state legislature was instrumental in funding the construction of 11 translators in the WPR statewide network. In Jamestown, New York, the municipal leadership sought an expansion of the classical music service of WBFO, Buffalo, NY.

Extending a service via a translator station often means more than simply "importing" a distant signal. Indeed, given public radio's commitment to localism, licensees often provide feature material, traffic and weather reports, community calendar items, and PSAs of specific relevance to the communities in which translators are

located. For instance, KUSP-FM, Santa Cruz, California, serves the Monterey County coastal communities via a translator station with the only local radio service, providing an essential service during fires, winter storms and other emergency conditions. WFIU-FM, Bloomington, Indiana, a news and classical music station serving the Columbus, Kokomo, and Terre Haute, Indiana areas via translators often features local cultural events and artists from those communities.

The common thread in all of these cases is a compelling desire by unserved or underserved local communities for additional local public radio service. Federal funding not only underscores a substantial Federal interest in the extension of public radio service, it is often only possible because of a local community's commitment to receiving first or additional public radio service. Because of public radio's commitment to localism, moreover, the services these communities receive are usually localized to address the translator community's needs. In short, because of their relative economy and efficiency, and as originally envisioned by the Commission more than 30 years ago, translator stations are often an essential means of satisfying the public's need for local public radio service.

**B. The Commission Thoroughly Explored The Issue Recently In Establishing The LPFM Service And There Is No Compelling Reason To Revisit The Matter**

In its Memorandum Opinion and Order resolving the Low Power FM ("LPFM") proceeding just a few years ago,<sup>45</sup> the Commission struck a balance between the translator and LPFM services. In so doing, the Commission recognized the value of

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<sup>45</sup> In the Matter of Creation of Low Power Radio Service, Memorandum Opinion and Order, 15 FCC Rcd 19,208 (2000) [hereinafter "LPFM Memorandum Opinion and Order"].

LPFM service as a new program origination service, while acknowledging the important role of translator-based delivery of broadcast programming to unserved and underserved areas.<sup>46</sup> The Commission described the final LPFM rules as placing LPFM and translator stations on "essentially equal footing in providing reciprocal interference protection,"<sup>47</sup> although, as the Commission also acknowledged, translator stations are more susceptible to displacement by full power FM stations.<sup>48</sup>

This resolution followed a thorough examination of how best to harmonize the Commission's licensing process for FM translators and LPFM stations.<sup>49</sup> Notwithstanding strongly-held views about the best approach to implementing a new, LPFM service, moreover, the Commission's accommodation of LPFM and translator service was generally viewed as a reasonable balance of the competing considerations.<sup>50</sup> Indeed, the principal coalition of LPFM service proponents asserted at the time that the Commission adopted "a reasonable balance" between the statutory directive favoring origination service and protecting translator service.<sup>51</sup>

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<sup>46</sup> Id. at 19,221 & 19,224.

<sup>47</sup> Id. at 19,223.

<sup>48</sup> Id. at 19,220-21.

<sup>49</sup> See In the Matter of Creation of Low Power Radio Service, Report and Order, 15 FCC Rcd 2205, 2229-34 (2000) (addressing the LPFM spectrum rights and responsibilities and minimum distance separation requirements, including *vis-a-vis* FM translator stations). See also LPFM Memorandum Opinion and Order, 15 FCC Rcd at 19,223-24.

<sup>50</sup> See LPFM Memorandum Opinion and Order, 15 FCC Rcd. at 19,208 (Separate Statement of Commissioner Susan Ness)

<sup>51</sup> United Church of Christ, Office of Communication, Inc.; National Council of the Churches of Christ in the USA, Communication Commission; General Board of Global

Since the resolution of this matter, little involving the LPFM or translator services has changed to warrant revisiting this carefully struck balance. The Commission has opened numerous filing windows for LPFM applications, taken a variety of steps to facilitate settlements among mutually exclusive applications, and granted a large number of LPFM construction permits and licenses.<sup>52</sup> During the same time period, the Commission has opened a single filing window for translator applications in 2003.<sup>53</sup> While that translator filing window elicited a significant number of applications, the Commission had barred the filing of new translator and full power station applications since 1997, which explains the response.<sup>54</sup>

In any event, we urge the Commission not to modify its rules to favor LPFM service at the expense of the essential service translators continue to provide.

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Ministries of The United Methodist Church; Department for Communication of the Evangelical Lutheran Church in America; Civil Rights Forum; Libraries for the Future; and Consumers Union, Opposition and Response to Petitions for Reconsideration, MM Docket No. 99-25, at 4-5, filed Apr. 24, 2000.

<sup>52</sup> NOI at ¶ 45.

<sup>53</sup> Id. See Public Notice, DA 03-359, Feb. 6, 2003.

<sup>54</sup> See Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Fixed Service Licenses, Notice of Proposed Rulemaking, 12 FCC Rcd. 22363, 22409 (1997) (establishing a freeze on the filing of applications for construction permits for new stations and for major changes to existing facilities in all commercial broadcast services).

**C. The Commission Should Not Impose Categorical Limits On Translators, Such As Restricting The Distance From The Primary Station Or The Use Of Satellite Technology, At Least Without Providing An Additional Opportunity For Public Notice and Comment On the Specific Measures The Commission May Be Contemplating**

NPR and its member stations operate with limited resources and, therefore, have a strong interest in using the most efficient and cost effective technical means to broadcast noncommercial news, informational, and cultural programming to the public. NPR stations typically utilize an off-air or microwave "feed" to deliver a quality signal to a translator for purposes of filling-in or extending the station's primary service. For a number of stations, however, satellite technology may be necessary, or just cost effective, to "feed" a translator; for instance, when the translator is inaccessible by traditional off-air or other means.

While some parties have protested the rise of national translator, or "satellator," networks, we urge the Commission not to categorically differentiate between fill-in and other translators and between satellite and terrestrially-fed translators for purposes of deciding which translators and booster facilities should be sacrificed in the interest of promoting the LPFM service. There is no questioning the importance of using translator or repeater stations to overcome terrain or other physical obstacles within a station's signal coverage area. Nonetheless, the value of a translator or repeater station to extend a signal cannot simply be measured in terms of mileage. Indeed, many translator facilities have been established, in some cases even many miles from the full service station it retransmits, because of the distant community's need and desire for public radio service.

Similarly, a satellite-fed translator or booster can, but need not, be equated with a "non-local" service. Because it serves a relatively sparse population, for instance,

Montana Public Radio uses satellite transmission to serve several of its networked stations and a translator. In the case of Colorado Public Radio, the Silverton Arts Council contributed the cost of a satellite dish so that the community (population: 500) could receive a clear signal in place of the weak signal received via a terrestrially fed translator. The Gunnison County Metropolitan Recreation District paid the full \$15,000 cost to add a second, satellite-fed translator to supplement an existing terrestrially fed translator to relay KPRN-FM from Grand Junction to Gunnison (population: 12,000).

The services these facilities provide are no less valuable because they are provided with the aid of satellite technology. Nor are they necessarily less "local" because they do not originate from a studio within the community or because they extend a full service station's coverage area. Absent some practical and meaningful way of measuring and assuring the continuation of public radio services on which significant portions of the public have come to rely, the Commission should not impose an arbitrary distance or other limitation on translator or repeater stations.

If the Commission is inclined to distinguish between "local" and "distant" translator service, the Commission should first seek public comment on the specific regulatory distinction(s) it may be contemplating so that potentially affected parties can identify problematic aspects of the proposed approach(es). For many public radio stations serving significant populations, extensive networks of translator stations are the only cost-effective means of providing service. As noted above, even these statewide or regional services are localized to serve the needs and interests of the communities served by the individual translator stations. Accordingly, we urge the Commission to approach

with utmost caution any proposal to limit the use of translator stations in the interest of promoting localism.

**Conclusion**

NPR supports the Commission's reexamination of broadcast localism and encourages the Commission to take cognizance of public radio's inherent localism and demonstrated commitment to serving the needs and interests of their communities of service. Accordingly, NPR believes that no new regulatory initiatives are warranted to promote localism in public radio broadcasting.

Respectfully submitted,

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November 1, 2004