

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

In the Matter of:
Broadcast Localism

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MB Docket No. 04-233

TO: Office of the Secretary
ATTN: The Commission

COMMENTS OF THE MISSISSIPPI ASSOCIATION OF BROADCASTERS

Introduction and Summary

The Mississippi Association of Broadcasters respectfully submits comments in response to the Notice of Inquiry of the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding, released July 1, 2004, concerning broadcast localism.¹

Localism is alive and well. This is true not only because licensees have a legal obligation to “air programming that is responsive to the interests and needs of their communities of license,”² but localism is alive and well because the market demands it.

What sets local broadcasters apart from other electronic media is that they serve distinct markets and places. Cable or satellite-delivered programming and webcasting can come from anywhere and have no inherent sense of place. But, local broadcasters are, by their very nature, somewhere in particular.

They are active players in the lives of their communities. This is true because a broadcast station’s audience is inherently local, even if all of a station’s programming is not locally-produced. Local audiences can change stations – or move to a different

¹ 19 FCC Rcd 12425 (2004).

² *Id.* at ¶1.

medium or delivery mechanism– if their interests are not served. If a local station is not providing the most relevant programming for its listeners, its programming is no longer distinctive – and its competitive position will be diminished.

In less populous states, such as Mississippi, many local stations have traditionally provided – and continue to provide – the communications centerpoints for their communities. Whether broadcasting local news, weather, emergency information, local sports, or school lunch menus, their business success depends on serving as the voices of their communities. Local broadcasters have always been committed to this role and are working to expand it.

As non-broadcast competitors aggressively vie for both radio and television audiences, this traditional mission has also become a significant competitive advantage for local broadcasters. Audiences in automobiles now have the ability to listen to nationally-distributed satellite radio instead of local radio, just like television viewers have been able to switch, for a generation now, from broadcast to non-broadcast channels on cable or DBS. Indeed, satellite radio subscriptions are increasing rapidly.³ The recent well-publicized migration of popular programming to such services from free over-the-air distribution underscores this growing competition. Local broadcaster's traditional position at the centerpoint of a community's communications needs now also provide them with an edge in an ever more competitive marketplace.

³ Although satellite radio is in its infancy, its subscriber base is growing rapidly. See Press Release, XM Satellite Radio, XM Satellite Radio Exceeds 2,500,000 Subscribers In Third Quarter, (Oct. 1, 2004), at 3. Available at <http://www.xmradio.com/newsroom/screen/pr_2004_10_01.html>; Press Release, Sirius Satellite Radio Surpasses 600,000 Subscribers (Sep. 6, 2004), at <<http://www.sirius.com/servlet/ContentServer?pagename=Sirius/CachedPage&c=PresReleaseAsset&cid=1094570181801>>.

Television stations have lived with this reality for a generation now in the face of growing competition from mainly national programming carried on channels distributed only via such multichannel video production distributors (MVPDs) as cable and DBS that now serve over 85 percent of U.S. households. During this period, many local television stations have increased local news blocks and other programming responsive to local needs – not because of any mandates, but because success in the market demands the distinctiveness that broadcast localism brings in the competition for audiences. Localism has always been and will continue to be important to broadcasters.

It is important for the Commission to remain cognizant of these facts and enforce rigorously the bar on satellite radio delivery of local programming. Localism was always a part of local broadcasters' agenda. Now, it is also a marketplace necessity. If the Commission intends to protect the public interest in free over-the-air local broadcasting, it must not allow cherry-picking of local programming audiences by distant satellite-delivered services.

Localism is a significant public interest. Local free over-the-air broadcasters provide it. The FCC must nourish, support and protect these efforts – not by imposing expensive one-size-fits-all mandates, but by providing a regulatory framework that allows broadcasters to respond to the strong community demand for localism. Broadcasters have been doing this for more than three-quarters of a century, and have every incentive to continue this time-honored tradition because local broadcast audiences respond to it.

Broadcasters Ascertain Community Interests and Needs

Local broadcasters are constantly assessing the interests and needs in their communities in order to give audiences what they cannot find elsewhere. This ascertainment comes in many forms – and is pursued by broadcasters, both large and small, commercial and noncommercial. Examples abound.

Many stations report regularly scheduled meetings with local elected and appointed officials to assist in taking the pulse of their communities. Some conduct formal or ad-hoc listener surveys. In a number of instances, station managers and other personnel sit on various boards, committees, councils and commissions. This is especially true in more sparsely-populated areas where community functions depend on community participation in often voluntary public efforts.

Many stations, especially public radio stations, have established community advisory boards. It is not only the right thing to do, but is, as discussed above, good business. The “local” in local broadcasting is what distinguishes free over-the-air broadcasters from their competitors. It is their duty. It also makes good business sense. Ascertaining what local communities want and need is part of that business imperative – and local broadcasters are doing what is necessary to compete with a multitude of media options that did not exist a generation or, in some instances, even a decade ago. Quite simply, if local broadcasters were not locally connected, they would lose audience, and their businesses would suffer.

Local News and Public Affairs Programming Represents a Core Value; Providing Emergency Information is Significant to this Commitment

As the centerpoint of a community’s communications, a local broadcaster provides local news, information and public affairs. Such efforts serve as an important

competitive counterpoint to the distant nationally-distributed services that dominate MVPD programming and represent the only permissible programming on satellite radio.

Local news, weather and sports is a regular feature of most broadcast station's days. Depending on format or community served, the state's broadcasters provide different levels of news and public affairs programming, but when the public needs to know, the state's broadcasters stand ready to provide that knowledge.

In areas with multiple services, not every station attempts to market itself as all things to all people, but local broadcasters still remain at the centerpoint of a community, not because of mandates, but because it is good business. Localism is what sets them apart – and leads audiences to seek them out.

Beyond EAS: Emergency Information to Protect Life and Property

Emergency Alerts are important, but Mississippi's broadcasters go beyond mere compliance with the EAS rules. In times of local need and/or crisis, listeners turn to local broadcasters to keep them updated on protecting life and property – and broadcasters all over the state break away from normal programming to provide what only a local broadcast service can: localized information. As noted, local stations serving as a community's communications centerpoint provide such information as a matter of course. People rely and regularly tune into their local broadcasters to help them steer clear of trouble, expecting to be informed of what is most immediately relevant and important. Many stations hold regular meetings with local first response officials to ensure that when trouble strikes, the public will be informed quickly and accurately –with greater speed or depth than is provided through mere EAS compliance.

The extensive efforts of Mississippi's broadcasters are particularly important given the state's location on the hurricane-prone Gulf of Mexico.

Community Service Is an Important Element of the Broadcast Industry's Business

A survey, conducted as part of a national project,⁴ found that Mississippi broadcasters contributed about 113 million dollars worth of service to their communities in 2003. This included the broadcast of public service announcements ("PSAs"), direct fundraising efforts for charitable projects, and other direct or in-kind donations. Broadcast stations have often played a major role, from their perches at the centerpoint of community life, to garner assistance for victims of local disasters.

Broadcast stations have also been a lynchpin in public awareness campaigns concerning a host of issues from AIDS to poverty. A copy of the Mississippi Public Affairs Summary describing these efforts is attached hereto as Exhibit A. It provides an example of broadcasters doing good and, in the process, doing well by cementing relationships in their communities.

Broadcasters Serve Minorities Together with their Communities' Majorities

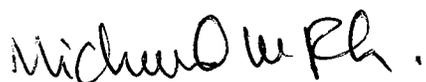
In metropolitan areas, broadcasters serve both niche markets and the broader community. Some do it through programming, others through news and public affairs, and others still through public service. 54 stations in Mississippi have formats specifically targeted to African-Americans. 6 stations have Spanish language formats.

⁴ The survey was conducted by Public Opinion Strategies of Alexandria, Virginia, for the National Association of Broadcasters, in cooperation with the Mississippi Broadcasters Association.

Conclusion

Mississippi's local broadcasters respond to the need for localism in their broadcasting activities first, because it is the right thing to do, and also because it makes good business sense in the multichannel, multimedia universe. It is their sense of place and their connections to their communities that give them a distinctive edge in their competition with electronic mass media delivered by other means. The Commission need not intercede because broadcasters have long been a communications centerpoint in their communities, and marketplace realities keep localism as an imperative for broadcast stations.

Respectfully submitted,
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EXHIBIT A

Mississippi Public Affairs Summary

Introduction

Broadcasters have a mandate to serve the public interest of the communities in which they operate. Given the diversity of communities in the United States, there is a multitude of needs which could be and are addressed over the public airwaves by broadcasters. Indeed, broadcasters are recognizably in a very unique position – every station in the country is a local station and very much a part of the community it is licensed to serve.

Public affairs activities are an integral part of broadcast stations' community involvement. Through public affairs activities, stations help increase awareness of issues that affect their audiences. Radio and television broadcasters invest both programming and non-programming time and efforts to educate and involve their communities. Programming activities include, but are not limited to, public service announcements wherein stations donate valuable commercial time for messages alerting the public about health threats and other issues. Stations also produce public affairs programs featuring in-depth discussions of problems and remedies. In addition to these programming efforts, broadcasters initiate or are involved in many activities and community groups aimed at educating and involving their communities.

While the ways in which broadcasters are involved in their communities may seem similar, every local broadcaster's efforts are different. Public service campaigns undertaken by stations nationwide integrate on-air and off-air efforts. Additionally, since each station cannot address every need of its given community as its top priority, stations each focus on different needs, thus addressing overall the diversity of issues within a community. In any given community, the local broadcasters' unique responses and approaches to the diversity of issues is also supplemented by major national efforts.

Our state association, in partnership with the National Association of Broadcasters, conducted a survey of television and radio stations in Mississippi to determine the extent of station participation in public affairs activities. A variety of methodologies were employed to reach stations – with mail, fax, and Internet surveys sent out between January and April 2004. The response rate of Mississippi broadcasters was 47%, as 14 of the 16 commercial television stations licensed to the state (88%) are represented in the data, as are 100 of the 226 radio stations (44%).

The census revealed that Mississippi radio and television stations contributed approximately 113 million dollars worth of service to their communities during 2003. The data were collected,

tabulated and analyzed by Public Opinion Strategies, an Alexandria, Virginia-based opinion research firm.

Donating Time, Raising Money, and Responding to Community Needs

- U Using mean figures to derive a per-station total, responding Mississippi TV stations report running approximately 258 PSAs per week, with radio stations running 178. These figures combine all PSA spot times – from ten seconds or less up to 60 second PSAs. Using the reported rate charged for each of these spot lengths, these PSAs translate into a mean cumulative amount of \$1,236,716 a year per TV station responding, and \$332,436 per radio station responding.

The cumulative statewide totals based on these data show the total PSA value for Mississippi TV stations as \$19,787,456 and \$75,130,536 for radio stations.

- U All responding TV stations (100%) and almost all radio stations (97%) say they help charities, charitable causes or needy individuals by fund-raising or offering some other support. The mean amount raised by these TV stations was \$622,500, with responding radio stations reporting a mean of \$36,913. The projected cumulative amount for this charitable giving is \$9,960,000 for TV stations and \$8,092,067 for radio stations who conducted some fundraising during the time period examined.

The charitable amount raised by responding TV stations ranged from \$365,000 up to \$975,000, with a range among radio stations of \$100 to \$250,000.

- U More than six-in-ten responding Mississippi TV stations (66%) and radio stations (68%) were involved in either on-air campaigns – either through local news broadcasts, PSAs, or public affairs programming – or off-air activities to aid the victims of disasters.

As one of the results of these efforts, TV stations in the state reported raising \$337,920 and radio stations raised \$406,637 in direct contributions or pledges related to disaster relief during 2003.

- U PSAs also focus largely on local issues. Among responding TV stations, respondents say that an average of 48% of PSA time is devoted to local issues; the percentage of PSAs devoted to local issues among responding radio stations was 58%.

Broadcasters Addressing Important Topics

U The following table examines some specific issues and the response by responding stations. As in previous years, broadcasters continue to devote time and resources to addressing important and relevant topics.

Each respondent was asked to respond whether their station aired PSAs, locally produced public affairs programs/segments (not including news broadcasts), or news segments on each of the following topic areas. The numbers here are the percentages of all state TV and radio stations who say they have addressed a particular topic through one of those methods:

Issue	TV			Radio		
	PSA	PA Program	News Segment	PSA	PA Program	News Segment
AIDS	57%	36%	64%	67%	32%	56%
Alcohol abuse	86%	50%	57%	84%	48%	53%
Adult educ./literacy	79%	43%	79%	82%	64%	58%
Anti-crime	100%	79%	71%	86%	65%	74%
Anti-smoking	93%	36%	64%	85%	30%	62%
Anti-violence	93%	64%	64%	88%	57%	70%
Breast cancer/other women's health	86%	64%	71%	88%	66%	62%
Children's issues	86%	86%	64%	90%	73%	59%
Drinking during pregnancy	36%	14%	57%	47%	38%	36%
Drunk driving	100%	43%	64%	92%	73%	65%
Drug use/abuse	93%	50%	50%	94%	58%	62%
Homeland security issues	57%	43%	50%	73%	42%	56%
Hunger/poverty/homelessness	86%	57%	64%	75%	65%	56%
Fund raising drives	79%	79%	29%	91%	79%	60%

Promoting Participation

- U Fully 54% of responding radio stations and 50% of responding TV stations report airing public affairs programs of at least 30 minutes in length.

- U The leading topics of public service campaigns by Mississippi broadcasters in 2003 included children's charities, health and disease issues (such as cancer), national charities (such as Easter Seals, Goodwill, etc.), drug and alcohol abuse. Some primary recipients included the American Cancer Society, Batson Children's Hospital, Hope Village for Children, March of Dimes, and The United Way.

Methodology Notes

Continuing our participation on this project with the National Association of Broadcasters, a number of continued refinements were made from 2001, including the addition of issues such as anti-smoking and homeland security matters as possible topics for news segments, public affairs programming, and PSAs. Market size and revenue data for stations was linked to survey data, allowing for more precise weighting and sample procedures.