

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Broadcast Localism

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MB Docket No. 04-233

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**COMMENTS OF FOX TELEVISION STATIONS, INC.  
AND FOX TELEVISION HOLDINGS, INC.**

November 1, 2004

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## SUMMARY

Fox Television Stations, Inc. and Fox Television Holdings, Inc. (together, "Fox"), directly or indirectly the licensees of 35 television stations in 26 markets across the United States, are extremely proud of the stations' dedication to localism. Fox recognizes that its owned-and-operated television stations ("O&Os") are often the first place that people turn for vital local news and information. As a result, Fox has made great efforts to serve each of its communities with a unique mix of local news and informational programming suited to the community's viewers. In that regard, Fox has compiled and attached to these comments voluminous evidence about the myriad ways that each of its stations works to make serving the local community its paramount goal.

The *Notice of Inquiry* in this proceeding asks whether the Commission needs to institute any specific new rules or policies to ensure that broadcast stations adequately serve their local communities. The simple and clear answer is: NO. Fox's record of service to its communities, like the records of countless other broadcasters nationwide, amply demonstrates that the Commission's localism goals already are being well served. In the modern media environment, broadcasters face enormous competition from a variety of new media – all of which are seeking to lure away viewers. Given this competitive landscape, market forces are more than adequate to ensure that broadcasters pursue localism with zeal. Indeed, any broadcaster that fails to communicate with its viewers, or to provide them with programming responsive to their tastes and interests, faces the very real risk of alienating its most important asset – the local audience. Accordingly, the Commission should recognize the tremendous service that local broadcasters provide every day and refrain from imposing an unnecessary new regulatory regime.

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AND FOX TELEVISION HOLDINGS, INC.**

Fox Television Stations, Inc. and Fox Television Holdings, Inc. (together, "Fox") hereby submit these comments in response to the Commission's *Notice of Inquiry*, released July 1, 2004, seeking input on broadcast localism and information about how "broadcasters are serving the interests and needs of their communities."<sup>1</sup> Fox believes that broadcasters across the country perform a tremendous service for local viewers in markets large and small. Fox, in particular, takes great pride in providing its viewers with a diverse array of news, information and entertainment programming responsive to the tastes and interests of the communities that Fox serves. Ultimately, given broadcasters' record of outstanding service and contributions nationwide, Fox does not believe that the Commission needs to impose any particular regulatory stimulus to further its localism goals. On the contrary, Fox's record, like the records of numerous broadcasters nationwide, amply demonstrates that the Commission's localism goals already are being well-served.

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<sup>1</sup> *In Re Broadcast Localism*, Notice of Inquiry, FCC 04-129, released July 1, 2004 (the "Notice of Inquiry"), ¶ 7.

## BACKGROUND

Fox owns 35 full-power television stations in 26 markets across the United States. From New York (the No. 1 ranked Designated Market Area) to Gainesville (No. 164), and in many markets in between, Fox has developed an exemplary record of serving its local communities. Fox is extremely proud of its dedication to localism and Fox recognizes that its owned-and-operated television stations ("O&Os") are often the first place that people turn for vital local news and information. As discussed more fully below, and as demonstrated overwhelmingly in the voluminous evidence attached as exhibits hereto, each Fox station considers service to its local community as its paramount goal.

## THE NOTICE OF INQUIRY

The *Notice of Inquiry* asks specifically whether the Commission "need[s] to adopt new policies, practices, or rules designed directly to promote localism."<sup>2</sup> Fox submits that the simple answer is: NO. As the Commission has recognized, the modern media marketplace is incredibly diverse and fiercely competitive: "Today's media marketplace is characterized by abundance . . . . Today we can access news, information, and entertainment in many enhanced and non-traditional ways via: cable and satellite television, digital transmission, personal and portable recording and playback devices, handheld wireless devices, and perhaps the most extraordinary communications development, the Internet. In short, the number of outlets for national and local news, information, and entertainment is large and growing."<sup>3</sup> Given this highly competitive landscape, Fox believes that market

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<sup>2</sup> *Id.*

<sup>3</sup> *In Re 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 18 FCC Rcd 13620, 13647-48 (2003) (the "2002 Biennial Review Order").

forces provide more than enough incentive for a broadcast station to satisfy the Commission's localism policy goals.<sup>4</sup>

In particular, the *Notice of Inquiry* lists several key areas that encompass the Commission's localism focus: community-responsive programming (including programming responsive to historically underserved populations); political programming; disaster warnings and information; and communication with communities.<sup>5</sup> As described below and as detailed extensively in the attached exhibits, Fox's O&Os pay close attention to each of these issues. Indeed, for any local broadcaster to have a chance of competing successfully in today's ultra-competitive marketplace, it must air programming that responds to the tastes, needs and interests of all members of its community.

Certainly, this effort must include local news and information, political coverage, public affairs programming, and coverage of issues of importance to minorities and other historically underserved communities. Moreover, only by participating in the everyday life of its community, and engaging in an on-going dialog with its viewers, can a broadcast station ascertain the types of programming that its local viewers want to watch. In short, a local broadcaster that fails to interact with its community and shirks its obligation to air responsive programming will lose its most important asset – the local audience. Fox's record of achievement, like that of countless other broadcasters, amply demonstrates that in the competitive modern media world, market forces are more than adequate to ensure that broadcasters satisfy the Commission's localism goals.

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<sup>4</sup> See, e.g., *Notice of Inquiry*, at ¶ 7 (asking whether market forces are sufficient to advance the Commission's localism goals).

<sup>5</sup> See *id.* at ¶¶ 9-29.

THE RECORD OF THE FOX O&OS

Fox has collected and submits with these comments a wealth of data demonstrating the exemplary service that its O&Os provide to their local communities. In each of the areas identified by the *Notice of Inquiry*, the Fox O&Os collectively and individually demonstrate a steadfast commitment to their communities and, in the process, to advancing the Commission's localism goals. The exhibits consist of localism reports for each Fox station, and each report provides detailed examples of the ways that the station has served its community during just the past year (September 1, 2003 – August 31, 2004) (the "Localism Exhibits").<sup>6</sup> The information contained in the exhibits totals hundreds of pages – all for a single year of service.

Community Responsive Programming. The Fox O&Os air a wide variety of community responsive programming – most notably, local news and public affairs programming, local sports programming and public service announcements. Examples abound in the localism exhibits attached hereto of Fox stations that offer their viewers truly unique local content.

Perhaps the most obvious way that Fox offers its viewers local programming is through its company-wide dedication to high-quality local newscasts. As the Commission has acknowledged, local news is one of the key ways to "measure . . . a station's effectiveness in serving the needs of its community."<sup>7</sup> By that measure, among others, Fox's localism credentials are unparalleled. Specifically, Fox's O&Os collectively broadcast more than **875 hours** of regularly-scheduled local news per week (an average of more than 25 hours per

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<sup>6</sup> The Localism Exhibits are attached as Exhibit No. 2 hereto.

<sup>7</sup> *2002 Biennial Review Order*, 18 FCC Rcd at 13644.

station). That figure does not even include the hours of local news specials, breaking news alerts and public affairs programming that the Fox O&Os provide to viewers each week. Perhaps most striking is the way that Fox has literally transformed the local news landscape in many of its markets. In fact, many of the stations that Fox now owns provided little or no local news programming prior to Fox's acquisition. Across its entire group of O&Os, Fox has **increased local news** programming on average by **69.5 percent** per week compared to the time period before Fox's ownership.<sup>8</sup>

In Salt Lake City, for instance, Fox now provides nearly **10 times** the number of hours of local news on KSTU as the station's previous owner. Similarly, WHBQ-TV in Memphis now airs **350 percent more** local news than the prior owner. And the increase has been no less stunning in larger markets. In each of New York, Los Angeles, Philadelphia, Boston and Washington, D.C., Fox has **more than doubled** the amount of local news provided by its stations prior to their acquisition by Fox.<sup>9</sup> The Localism Exhibits contain brief summaries of just some of the myriad local interest news stories that the Fox O&Os have covered over the past year alone.

While Fox is extremely proud of its commitment to local news, its localism efforts extend far beyond the boundaries of a traditional newscast. The Fox O&Os also air a variety of locally-produced original public affairs programs. These programs provide the Fox stations with an opportunity to offer viewers more in-depth coverage of issues important to their communities. KMSP-TV in Minneapolis, for example, has partnered with the

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<sup>8</sup> The chart attached hereto as Exhibit No. 1 details the number of hours of weekly local news provided by each Fox O&O, both currently and during the time prior to Fox's acquisition of the station.

<sup>9</sup> *See id.*

University of Minnesota journalism department to air specials and expanded news coverage of health care issues that affect Minnesota residents. Meanwhile, "Newsmakers," which airs weekly on KSAZ-TV in Phoenix, provides coverage of a variety of locally important issues, including Black History Month events and discussions with local and state politicians. And KDFW and KDFI in Dallas/Ft. Worth both air the weekly program "Insights," which addresses a number of issues of concern to the station's viewers, particularly communities of color within the Dallas/Ft. Worth area. Other examples can be found throughout the Localism Exhibits.

Every Fox station also demonstrates its commitment to its local community by making its airtime available to a wide array of public interest groups and causes that seek to broadcast public service announcements ("PSAs").<sup>10</sup> During two sample weekly periods in 2004, for instance, KRIV in Houston aired nearly 320 minutes of free PSAs. Similarly, KTBC in Austin aired more than 100 minutes of PSAs during the sample weeks. As shown in the attached exhibits, other Fox stations have made comparable PSA commitments. The organizations that have benefited from this free access to the audience are as diverse as the communities and viewers that Fox serves across the country. From information about the V-chip and parental ratings (multiple markets) to the New Jersey Buckle-Up Campaign (WNYW/New York) to a Martin Luther King Parade (WUTB/Baltimore) to the Marshall Faulk Foundation (KTVI/St. Louis), the Fox stations' PSAs provide viewers with information about topics, causes and community events unique to their communities.

*Political Programming.* The Fox O&Os maintain a strong commitment to providing viewers with news and information about politics and elections. Fox recognizes the vital role

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<sup>10</sup> See *Notice of Inquiry*, at ¶ 18 (seeking comment on the PSAs that broadcast stations air for their communities).

that broadcasters play in keeping viewers informed in a democratic society. Accordingly, Fox's newscasts often contain extensive coverage of local, state and national political developments. The O&Os, however, do not limit their political coverage to traditional newscasts. Rather, they often run special programming to cover, for example, a debate between candidates for local office, or to offer viewers insight into issues of profound importance to their community. KDVR in Denver, for instance, has aired several half-hour "You Decide" election specials in the past year providing in-depth coverage of issues and candidates in Colorado elections. Similarly, WGHP in High Point has aired special coverage of a local county school bond referendum and local zoning debates. And WAGA in Atlanta has devoted time to covering the debate about the Ten Commandments in public buildings. Moreover, the Fox stations frequently interrupt regularly-scheduled programming to share with viewers breaking political news as it happens. A number of O&Os, for example, preempted regular programming to air extended live coverage of President Reagan's state funeral. Additional details about the Fox stations' political coverage can be found in the Localism Exhibits.

The *Notice of Inquiry* asks whether the Commission should "require broadcasters to air a minimum amount of local or national political and civic discourse."<sup>11</sup> Fox does not believe that such a requirement is necessary. First of all, the government should not assume that a one size fits all approach to political coverage serves the needs of local audiences. Viewers in different markets are likely to have widely disparate needs when it comes to political programming, depending in part on how much political activity is going on in any given year or election cycle. More importantly, though, consistent with the First Amendment,

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<sup>11</sup> *Id.* at ¶ 22.

the Commission should leave to local broadcasters the sensitive decisions about how best to cover political news and information. Local licensees, especially as they respond to competition from other media, are most likely to have the best information about how to provide their viewers with effective coverage of politics and civic information.

*Disaster Warnings and Information.* The Fox O&Os recognize how important local service can be in times of emergency or disaster. As noted in the *Notice of Inquiry*, one of the "fundamental ways" that broadcasters serve the goal of localism is to provide their communities with emergency information, and Fox takes seriously this important responsibility.<sup>12</sup>

In addition to covering disaster information in local newscasts, Fox's stations never hesitate to preempt or interrupt other regularly-scheduled programming when warranted by circumstances in a given community. The Localism Exhibits show that in the past year alone, the Fox stations have broken into regular programming literally thousands of times to ensure that their viewers have up-to-minute information about developing stories, such as imminent severe weather, plane crashes, urgent political activities or criminal activity. In addition, many of the Fox O&Os participate in their state's amber alert system to aid local authorities in disseminating information quickly in an effort to find kidnapped or missing children.

When a series of hurricanes threatened the East Coast in 2004, for example, WGHP in Greensboro and WOFL and WRBW in Orlando responded with extended newscasts, weather specials and weather alerts. The special coverage provided viewers with important information about how to stay safe during severe weather. Fox's stations in colder climates have been equally dedicated to helping their viewers get through blizzards and other severe

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<sup>12</sup> *Id.* at ¶ 27.

winter weather. Even when circumstances do not warrant a full-fledged special report, Fox stations often insert weather information, news updates or school closings in text crawls at the bottom of the television screen. And severe weather is not the only cause for stations to interrupt regular programming. WNYW in New York, for instance, has aired special coverage of breaking news related to the Staten Island ferry disaster and New Jersey Gov. James McGreevey's resignation. And a number of Fox O&Os have preempted regular programming to air extended memorials and tributes on the anniversaries of the 9-11 attacks.

*Communication with the Community.* Fox strongly believes that one of the keys to its success in serving local communities has been its stations' dedication to communicate and interact with their viewers. Although Fox is headquartered in Washington, D.C. and Los Angeles, California, it places broad discretion in its local managers and employees, all of whom live in and around the communities that they serve. Just having a local presence helps these employees gather information about important topics of interest in their communities, but that does not stop them from taking additional, more formal steps to ascertain the issues and subjects that are most important to their viewers.

Thus, several Fox O&Os continue to participate in formal ascertainment meetings sponsored by their local broadcast associations – some multiple times per year – at which community leaders, local politicians, non-profit executives, representatives of minority groups, and public interest advocates are given the opportunity to address broadcasters and to share the issues important to them. KMSP-TV and WFTC in Minneapolis, for example, have been regular participants in quarterly ascertainment meetings hosted by the Twin Cities Broadcasters Association. Similarly, personnel from WUTB in Baltimore have attended two formal ascertainment meetings during the past year, including one on Capitol Hill in

Washington, D.C. that gave Maryland's Congressional delegation the opportunity to meet with station executives. Fox employees who attend these ascertainment meetings report back to their stations on ways to integrate the topics discussed into Fox's newscasts, public affairs and other programming.

Even when stations do not have the chance to attend a formal ascertainment meeting, they nevertheless engage in a wide array of less formal efforts to gather information from the community. Several Fox stations host their own periodic discussion groups with community leaders and politicians in order to ensure that they are providing their viewers with responsive programming. KDVR in Denver, for example, hosted a meeting of community leaders at its studio in 2004, inviting representatives from minority organizations, religious organizations, non-profit organizations, and the law enforcement community. Still other stations employ community affairs directors whose primary job is to serve as a liaison with viewers. The Fox stations also have telephone and email news tip lines available to enable viewers to contact the station directly about issues that they find important.

Beyond the process of gathering information, all of the Fox O&Os maintain a visible presence in their communities. As detailed in the Localism Exhibits, each station has employees – both on-air and behind-the-scenes – that participate in a variety of community activities. The stations also sponsor local events and provide valuable in-kind contributions, including free promotional air-time, to community events and non-profit organizations. Like the stations' efforts with regard to PSAs, the ways that they participate in their communities are as diverse as the communities themselves. In the past year, for instance, WHBQ-TV in Memphis has sponsored the Memphis Food Bank Holiday Food Drive and the Junior Achievement Bowling on the River event. Meanwhile, employees at KSTU in Salt Lake

City spoke at educational seminars and career nights, and the station sponsored the "Days of '47 Culture Fest multicultural celebration.

These are but a few examples; many more can be found in the Localism Exhibits. All of these efforts are part of the O&Os' commitment to their local communities, and maintaining a visible local presence helps to ensure that people will know that station personnel are accessible and receptive to viewer feedback. Although the *Notice of Inquiry* asks whether there are "other steps" that the Commission should take "to further broadcasters' communication with their communities," any review of the record in this proceeding should make clear that no regulatory intervention is necessary.<sup>13</sup>

#### CONCLUSION

Fox is proud of its accomplishments in bringing local viewers in communities across America programming that responds to their tastes, needs and interests. Much like the efforts of broadcasters nationwide, the overwhelming evidence that Fox is submitting with these comments demonstrates conclusively that local broadcast stations are providing admirable service to their communities, thereby advancing the Commission's localism goals in the process.

Even as they adapt to new and more intense competition from a bevy of media competitors unimaginable a generation ago, local broadcasters are continuing to serve their viewers in the only way that will ensure that broadcasting remains a relevant medium – by offering their viewers the highest quality local news and information available. Any broadcaster that fails to communicate with its community or that shirks its obligation to air programming responsive to its community ensures its own competitive demise. In light of

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<sup>13</sup> *Id.* at ¶ 11.

the intense competition that characterizes the modern media world, there is simply no need for the Commission to impose a regulatory "fix" for a nonexistent "problem." Instead, the Commission should continue to allow licensees to respond to the market forces that invariably compel broadcasters to provide superb local service.

Respectfully submitted,

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**EXHIBIT NO. 1**

**WEEKLY LOCAL NEWS HOURS**  
**CURRENT vs. PRE-FOX OWNERSHIP**

<u>Station</u>	<u>Market</u>	Total Number of Weekly Hours of News <sup>1</sup>	
		<u>Pre-Fox Ownership</u>	<u>10/2004</u>
WNYW	New York	9.5	37.5
WWOR-TV	New York	7.0	7.0
KTTV	Los Angeles	7.0	27.0
KCOP-TV	Los Angeles	6.5	3.5
WFLD	Chicago	0.0	33.0
WPWR-TV	Chicago	0.0	0.0
WTFX-TV	Philadelphia	7.0	24.5
WFXT	Boston	3.5	24.5
KDFW	Dallas	41.56	43.5
KDFI	Dallas	0.0	0.5 <sup>2</sup>
WTTG	Washington, DC	7.0	36.0
WDCA	Washington, DC	0.0	0.0
WAGA	Atlanta	35.5	41.0
WJBK	Detroit	33.5	42.5
KRIV	Houston	2.0	29.5
KTXH	Houston	0.0	0.0
WTVT	Tampa	41.0	48.0
KMSP-TV	Minneapolis	7.0	27.0
WFTC	Minneapolis	25.5	3.5
WJW	Cleveland	35.5	41.5
KSAZ-TV	Phoenix	35.5	40.0
KUTP	Phoenix	0.0	0.0
KDVR	Denver	0.0	20.5
WOFL	Orlando	16.58	22.0
WRBW	Orlando	2.5	0.0
KTVI	St. Louis	25.5	42.0
WUTB	Baltimore	0.0	0.0
WITI	Milwaukee	41.5	43.5

<sup>1</sup> The figures included in this exhibit do not include the hours of local news repeats that many stations air each week to offer their audiences a flexible schedule for viewing the news.

<sup>2</sup> KDFI airs a 15-minute newscast following every Texas Rangers and Dallas Stars telecast on the station. There were a total of 97 newscasts in 2003. The figures used in this exhibit reflect an average of 0.5 hours of local news per week for KDFI.

WDAF-TV	Kansas City	46.5	49.0
KSTU	Salt Lake City	3.0	31.0
WBRC	Birmingham	26.5	42.5
WHBQ-TV	Memphis	7.0	27.0
WGHP	Greensboro	17.0	38.5
KTBC	Austin	21.0	30.5
WOGX	Gainesville	6.58	22.0 <sup>3</sup>
<b>TOTAL</b>		<b>518.22</b>	<b>878.5</b>
<b>DIFFERENCE</b>		<b>360.28</b>	
<b>% INCREASE</b>		<b>+69.5%</b>	
<i>Average Per Market</i>		<i>14.80</i>	<i>25.1</i>
<i>Average Difference</i>		<i>10.3</i>	
<i>Average % Increase</i>		<i>+69.5%</i>	

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<sup>3</sup> WOGX simulcasts the local newscast that also airs on WOFL.