

that straight-jacket all stations into the same mold.” *Radio Deregulation Order* at 998. More than twenty years ago, therefore, the Commission correctly eliminated its non-entertainment programming guidelines for commercial broadcast radio, requiring only that stations offer programming responsive to the issues of concern to the station’s listeners, as discerned by the station licensee. *Radio Deregulation Order* at 1013-14.

The Commission recognized in 1981 that the radio industry had been “characterized from its beginning by rapid and dynamic change” and noted that the number of stations had grown from 583 stations in 1934 to nearly 9000 at the time of the Commission’s decision. *Radio Deregulation Order* at 969. This upsurge in the number of broadcast stations, the Commission concluded, required that “licensees specialize to attract an audience so that they may remain financially viable.” *Id.* The Commission judged that the marketplace would more effectively dictate the broadcast of content meeting the needs of a particular community than generic regulations prescribing such content. *Radio Deregulation Order* at 1013-14. These conclusions have been borne out over the past two decades and are at least as true today as they were then.

In eliminating its non-entertainment programming guidelines, the Commission remained “convinced that absent these guidelines significant amounts of non-entertainment programming of a variety of types will continue on radio.” *Radio Deregulation Order* at 977. The goal of deregulation was to provide radio broadcasters with “the maximum flexibility to be responsive to issues important to their listeners, with the minimum amount of governmental interference.” *Radio Deregulation Order* at 978. The Commission observed that “regulation of necessity would be standardized nationwide, would be relatively inflexible, and would be likely to impose costs without compensating benefits.” *Radio Deregulation Order* at 1024. The Commission further noted that “to require programming aimed at unrevealed needs, which are difficult to

determine, at the expense of programming that is clearly demanded by the public, is to replace the judgment of the government for that of the public.” *Radio Deregulation Order* at 1031.

In the *Radio Deregulation Order*, the Commission outlined its expectation that broadcasters would “continue[] [the] provision of news programs in amounts to be determined by the discretion of the individual broadcaster guided by the tastes, needs, and interests of its listenership” and “responsive[ness] to the issues facing their community.” *Radio Deregulation Order* at 978. The Commission affords broadcasters the opportunity to address these issues by “virtually any means.” *Radio Deregulation Order* at 982. In making its determination, the Commission recognized that “more issues can be addressed through [] specialized programming than through a generalized ‘something for everyone’ requirement.” *Radio Deregulation Order* at 988-89.

II. Deregulation of Programming Content Fosters Localism

The *Notice* considers again introducing the straight-jacket of program content regulation. The Commission should not alter its deregulatory approach in this regard, however. The “rapid and dynamic change” that has characterized radio throughout its history has only accelerated during the 23 years since adoption of the *Radio Deregulation Order*. In those two decades, more than 5000 radio stations have joined the nearly 9000 stations licensed in 1981. Audio Division, Federal Communications Commission, *Broadcast Station Totals* (as of June 30, 2004), available at www.fcc.gov/mb/audio/totlas/bt040630.html. Other traditional sources of news and information, such as broadcast television and weekly and alternative newspapers, have witnessed tremendous growth as well. Penetration rates for cable have increased significantly, and DBS has been introduced, offering hundreds of new channels, including both national and local news and discussion. Technological advances have also led to ever-increasing competition for the

public's attention and have provided the public with access to diverse and antagonistic viewpoints in numbers unimaginable at the release of the *Radio Deregulation Order*. In just the past decade, the Internet has become commonplace in American homes, schools, and workplaces and the introduction of satellite radio offers hundreds of additional audio channel selections to American consumers.

For all of these reasons, broadcast radio licensees find themselves in an ever-more competitive marketplace. As the Commission correctly recognized in 1981, these competitive pressures create economic incentives for broadcasters to air community-responsive programming. Consumers now more than ever have a plethora of sources for the news, information, and entertainment they seek. The competitive market pressures have and will continue to guide local broadcasters' appropriate community-responsive programming efforts much more effectively than any generic policies, practices, or rules imposed by the government far removed from local audiences.

The market-driven sensitivities to issues of local concern envisioned by the Commission in 1981 are a reality, obviating any need for new government intervention. Because its continued existence is predicated on its meeting the needs and wants of its listeners effectively, the Entercom Boston radio stations make concerted efforts to program to the "tastes, needs, and interests of its listenership" as envisioned by the *Radio Deregulation Order*. In addition, the Entercom Boston stations strive to be good neighbors and responsible corporate citizens by sponsoring, supporting and participating in local and community events and causes. Attachment A documents the substantial commitment of Entercom Boston's stations to community-responsive programming and activities. For example, the annual WEEI Jimmy Fund radiothon to benefit the Dana-Farber Cancer Institute raised more than \$1.5 million in 2004. WRKO airs

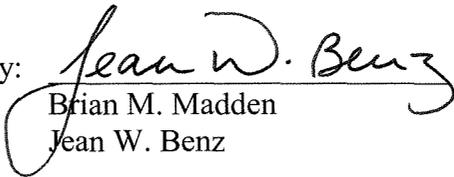
several talk shows that have served as catalysts for change within the Boston community, even impacting legislation on public safety and criminal penalties. WAAF airs local and independent musicians as part of its regular programming as well as in its "Bay State Rock" feature, a two-hour program focused on unsigned, local musicians. In 2002, the estimated value of PSAs broadcast and funds raised through the efforts of the Entercom Boston stations exceeded \$1,685,000.

CONCLUSION

As demonstrated by the foregoing material, the stations owned by Entercom Boston are highly responsive to the needs and interests of their local communities. New regulatory intervention into program content is unnecessary and would only serve to stymie the efforts of broadcasters like Entercom Boston to effectively serve their communities. For the foregoing reasons, Entercom Boston urges the Commission to refrain from adopting policies, practices, or rules governing broadcast stations' program content.

Respectfully submitted,

ENTERCOM BOSTON LICENSE, LLC

By: 
Brian M. Madden
Jean W. Benz

Leventhal Senter & Lerman PLLC
2000 K Street, N.W. Suite 600
Washington, DC 20006-1809
(202) 429-8970

November 1, 2004

Its Attorneys

ATTACHMENT A

ENTERCOM BOSTON'S
COMMITMENT TO LOCALISM

NEWS AND COMMUNITY SERVICE PROGRAMMING

WAAF airs local newscasts in morning drive weekdays at 6 am, 7 am, 8 am, and 9am. These newscasts vary in length, from five to fifteen minutes, including panel discussion of topics. The newscaster is locally based in a separate studio, run by Metro. Metro's resources include wire services, local newspaper, and Internet.

WAAF airs the program "Q & A" for an hour weekly on Sundays. This includes a community calendar updated weekly, the program "Commonwealth Journal". Also, on each weekday, the Hillman Morning Show from 530a-10a addresses daily topics of local import including local news, politics, and controversy. The Hillman Morning Show has featured as past guests Boston Mayor Tom Menino, Massachusetts State Governor William Weld, State Representative Barry Feingold, Congressman John Kerry and Presidential Candidate Howard Dean.

WAAF conducts blood drives multiple times per year, as well as an annual food drive, and a Motorcycle Ride for an annual charity. The station also takes part in Taste of Boston to benefit a food bank. These are supported by locally produced PSAs that are aired around the clock. During a campaign, these can run as many as 40 times per week.

WEEI's morning program broadcasts a fifteen-minute news headline segment each weekday.

WEEI runs a minimum of two to four PSAs each day, ranging in length from 15 to 60 seconds, although most are 60 seconds in length.

WQSX runs news three times a day in the 6, 7, and 8 am hours. The station's traffic reporter also reads the news.

WQSX airs a program on Sunday mornings from 6-6:30 am called "Sunday Morning Star," which is a locally produced public affairs program focusing on issues of importance to WQSX's audience. Topics are determined by the host and the Program Director based on current events.

On September 21, 2004 WQSX began a 28 hour Radio-thon for the Vinnie Peruzzi Foundation to benefit cancer research. The show ran from 6 am Tuesday to 10 am Wednesday and raised over \$65,000 for the Foundation.

WQSX also recently aired a series on woman's health on its Sunday morning show. The series covered topics ranging from iron deficiency to nutritional supplements. All public affairs programming in WQSX is locally produced. WQSX accepts comment from local government and civic leaders on its public affairs programming and the station often invites such leaders to participate on the shows.

WQSX airs four or five PSAs per week on average. In addition, the station includes announcements for charity events in its "What's Happening Report" run three times per day.

WRKO airs a total of 18.95 hours a week of regularly scheduled newscasts. This breaks down to 860 minutes Monday-Friday, 124 minutes on Saturday and 157 minutes on Sunday, each and every week. WRKO has a total of six full time news anchor/reporters, and three part-time anchor/reporters.

WRKO has many topic-driven talk shows that deal with issues that are at the forefront of the news, and that impact the lives of its audience. All of these shows are locally produced programs.

WRKO has been at the forefront of helping to change or impact issues in Boston and Massachusetts. WRKO talent have been leading advocates for such issues as seat belt legislation and stricter sexual abuse legislation in Massachusetts. Government officials have recognized the station's involvement in these issues.

WRKO produces local PSAs on a regular basis. The station invites spokespersons from Boston area non-profits who appeal to the widest possible public support. The station also uses national PSAs when they are important, like National Guard, Red Cross, Salvation Army, Family Communication etc. WRKO has developed numerous PSA campaigns, for Mass Bicycle Coalition, Metco, and Ford Hall Forum, to name a few. The station airs PSAs seven days a week at a minimum of 4 times a day all dayparts.

COMMUNITY SERVICE ACTIVITIES

WAAF conducts blood drives multiple times per year, as well as an annual food drive, and a Motorcycle Ride for an annual charity. The station also takes part in Taste of Boston to benefit a food bank. The food drive is each November, the blood drives are usually in August and February. The motorcycle ride is annually in August or September, and Taste of Boston is each September.

WEEI does a tremendous amount for local charitable organizations. It produces an 18-hour radiothon to benefit the Jimmy Fund, a local charity supporting children with cancer. The event takes place at Fenway Park and includes interviews with various sports stars and Hollywood celebrities, a live and a silent auction and numerous online activities as well. In 2004, the radiothon raised more than \$1.5 million for the Dana-Farber Cancer Institute. The station also produces a charity bowling tournament, a charity golf tournament, and a charity 3-on-3 basketball tournament, all to benefit different local charities that support children and research for cures to children's diseases.

WQSX is involved in many charity events that it promotes throughout the year. Its biggest annual event, Star Kids, takes place during the holiday season. At that time the station works with the Department of Social Services to provide holiday gifts for close to 2000 area children. The station's listeners adopt specific individuals and purchase items those individuals have requested. This campaign begins on Thanksgiving weekend and runs through Christmas.

In addition to Star Kids mentioned above, WQSX is continuously working with non-profits on community events. These events are promoted in the feature programming as well as in live jock liners. Often WQSX personalities will host the events. Listed below are some of the organizations WQSX has been involved with over the past 24 months:

- Self Esteem Boston (funding women's homeless shelters) (Sept-Oct)
- Avon Walk for Breast Cancer (May-June)
- Sadie Hawkins (casino event to fund Cystic Fibrosis research) (Feb)
- Dog Day Afternoon for MSPCA animal shelter (August)
- Anthony Pic Foundation for American Liver Foundation and Peace Of Mind Fund (April)
- North End Community Health Center (September)
- Evening of Giving for various charities (Dec)
- Boston Cares Volunteer Network (August)
- Dad's Make A Difference Day (celebrating fatherhood in the inner city) (June)

WRKO has been very involved in the following community activities in the past year:

- **December 2003 DSS Kids Charity Toy Drive**

In December 2003 WRKO collected toys for children in social services. During the one-month campaign, WRKO promoted the toy drive with :30 promotional announcements, live promotional announcements during the month, website and newsletter promotion. WRKO delivered the gifts to DSS prior the holidays.

- **May 8th 2004 Ellis Run for the Trooper Engelhardt Foundation and the Massachusetts Brain Injury Association**

WRKO promoted Ellies Run. The run raised money for Ellie Engelhart who was struck by a drunk driver and sustained horrific injuries. WRKO promoted the run for one month, running approximately 30 recorded announcements, website and newsletter promotion. In addition, WRKO supported the event by attending the event and providing handouts and T-shirts to runners.

- **June 20th 2004 Dad's Make a Difference Day**

WRKO promoted the Dad's Make a Difference Day for the For Fathering Project for approximately one month. The For Fathering Project promotes positive fathering. WRKO ran 50 promotional announcements, live promotional announcements, website and newsletter promotion. In addition, WRKO supported the event via handing out prizes on-site and having the morning show host emcees the event.

- **August 28th 2004 Mass Bike Annual Festival**

WRKO promoted the 2004 Mass Bike Annual Festival, which promotes safe bike riding. WRKO ran approximately 26 promotional announcements, along with

website and newsletter promotion. In addition, WRKO provided on-site support by handing out prizes and gifts to event attendees.

- **September Salvation Army Disaster Relief for Hurricane Frances**

In the month of September, WRKO ran PSA announcements to help raise awareness and aid to the hurricane victims in Florida.

- **September 9th to 19th 2004 Boston Film Festival Boston, MA**

The Boston Film Festival is a non-profit organization, which promotes film in the Boston area. WRKO served as a media sponsor for the 2004 series of films. WRKO ran 25 recorded promotional announcements, along with website and newsletter mentions.

- **September 17th and 18th 2004 Taste of Boston for the Greater Boston Food Bank, Boston MA**

WRKO and Entercom put on the Taste of Boston event, which raises money for the Greater Boston Food Bank. WRKO runs the Celebrity Chef tent and promotes this event via 40 recorded promotional announcements, live mentions and website promotion.

- **October 5th 2004 Annual Celebrity Hat Trick Boston, MA**

WRKO promotes the Annual Celebrity Hat Trick via the website. The event is listed on the website for a two-month duration.

- **December 2004 Holiday Fundraiser**

WRKO is working on partnering with local children's hospital to help during the holidays and through the rest of the year. This event is in the research phase.

- **February 16, 2005 Special Olympics Passion Plunge**

WRKO is the media sponsor for the Special Olympics Passion Plunge, which raises money for Special Olympics. This event is to be held in February, and WRKO will provide promotion via air, website and newsletter. Additionally, WRKO will provide on-site support.

EMERGENCY PROGRAMMING

WEEI broke into regular local programming to carry long form coverage of the war in Iraq. The station produced local inserts into its network coverage provided by CNN.

WQSY worked with local authorities to develop the Amber alert system. Over the past year the station has interrupted regular programming on at least three occasions to alert the public about a missing child.

WRKO has interrupted its regular programming for coverage of the war in Iraq. The station covers local weather emergencies and carries Amber Alerts when they are initiated. WRKO covers breaking news of any major story or event that may impact the lives of our listeners.

WAAF gives special attention with extra airtime to broadcast pertinent information regarding all weather related emergencies—hurricanes, tornadoes, storm warnings, blizzards, floods, etc. There have been none so disastrous in the last two years as to warrant relief food drives, but the station would certainly undertake these in extreme local situations.

LOCAL MUSIC INITIATIVES

WAAF airs local and independent musicians both in special programming and selectively in regular rotation in all dayparts. For example, the station has spun “Another Day”, a track from the unsigned local band “Dogfight” over 600 times in regular rotation, and has just added another of the band’s songs from its new CD, called “Standing Still”. The station is known nationally for having played Godsmack and Ra before they were signed to major labels. The station airs a program called “Bay State Rock” weekly, Sundays at 10pm for two hours, which is made up of 100% unsigned, local music, and features live performances and interviews with these musicians.

WQSX often plays music from independent dance labels and from artists that are no longer signed to label deals. In addition, its specialty programs (Mix Shows) play an abundance of indie releases. These shows run on Friday & Saturday nights from midnight to 3 am.

Recently WQSX ran the “North End Idol” competition where close to 50 local individuals vied for a chance to perform at Taste of Boston. In addition the station often has local acts open at its live events.