

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)
)
Broadcast Localism) MB Docket No. 04-233
)

To: The Commission

COMMENTS OF ENTERCOM DENVER LICENSE, LLC

Entercom Denver License, LLC (“*Entercom Denver*”), by its attorneys, hereby submits comments in response to the *Notice of Inquiry* in the above-captioned proceeding (“*Notice*”). Entercom is the licensee of Stations KALC(FM), KOSI(FM), and KQMT(FM), Denver, Colorado and KEZW(AM), Aurora, Colorado. As discussed below, the Commission’s current policies with regard to broadcast localism properly allow licensees the flexibility to address the concerns of their communities in inventive and inspiring ways, as demonstrated by the attached summary of community-oriented programming and activities. There is no reason to impose new regulations on the industry in this regard that potentially would diminish, and not enhance, local community service activities by broadcasters.

I. Localism and Deregulation of Radio Content

“The concept of localism was part and parcel of broadcast regulation virtually from its inception.” *Deregulation of Radio*, 84 FCC 2d 968, 994 (1981) (“*Radio Deregulation Order*”). The Commission has long recognized that, in serving the needs of its community, a broadcaster should be afforded some latitude in tailoring its programming to the needs of its listeners. *Radio Deregulation Order* at 994-98. The Commission acknowledges that it should avoid “regulations 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 Denver 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, Entercom Denver 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 Denver's stations to community-responsive programming and activities. For example, KEZW honored Colorado's World War II veterans with a 4-hour program "KEZW Broadcast from Normandy" on June 6, 2004, the 60th

anniversary of D-Day. KALC broadcast a 3-day radiothon that raised over \$1 million for the Children's Miracle Network. KQMT airs two hours of local music every Monday night along with an average of 5 local songs per day; KQMT's local music efforts have been recognized by the *Denver Post* and *National Public Radio*. In 2002, the estimated value of PSAs broadcast and funds raised through the efforts of the Entercom Denver stations exceeded \$1,240,000.

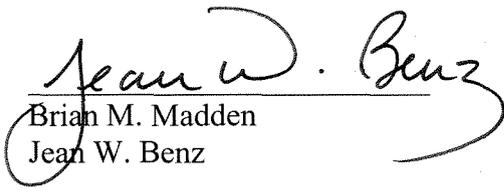
CONCLUSION

As demonstrated by the foregoing material, the stations owned by Entercom Denver 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 Denver to effectively serve their communities. For the foregoing reasons, Entercom Denver urges the Commission to refrain from adopting policies, practices, or rules governing broadcast stations' program content.

Respectfully submitted,

ENTERCOM DENVER 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

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Its Attorneys

ATTACHMENT A

ENTERCOM DENVER'S
COMMITMENT TO LOCALISM

NEWS AND COMMUNITY SERVICE PROGRAMMING

KALC, KOSI, and KQMT broadcast the locally produced and oriented program “Colorado Insight” in two 30-minute segments weekly, each dealing with a community issue. Community leaders are interviewed as part of the program.

KALC and KOSI broadcast the program “Radio Health Journal”, a 30-minute weekly discussion of pertinent health topics.

KALC and KOSI broadcast the program “Viewpoints”, a 30-minute ‘point/counter-point’ discussion of pertinent news items.

KEZW broadcasts the locally produced and oriented one-hour program “Colorado Today.” The program focuses on health and lifestyle issues for people over the age of 50. The show often discusses on non-profit organizations, free medical services, and community entertainment.

The KEZW Morning Show features weekly guests that cover a variety of neighborhood issues. Politicians, Executive Directors of non-profits, military service organizations and 50+ service providers are highlighted.

Weekdays on the half hour KEZW airs a locally produced 60-second feature called “Neighborhood News” that highlights events being provided by churches, service organizations, clubs and other groups for the benefit of their neighborhoods.

KEZW aired a special listener-oriented program called “KEZW Broadcast from Normandy” on June 6, 2004. This special 4-hour broadcast commemorated the 60th anniversary of D-Day and honored Colorado’s WWII veterans with interviews, broadcast actualities and live coverage of the ceremony at Normandy.

KEZW airs approximately 13 PSAs each day. The PSAs are read live to benefit civic organizations.

KEZW airs 326 minutes of national news and 130 minutes of local news each week.

KOSI airs public service announcements every morning from 5-9 AM. The on-air talent using information provided by local organizations and civic groups reads these live. In a typical week, the station airs a minimum of 35 PSAs.

KOSI airs 70 minutes per week of local news during weekday mornings.

KQMT broadcasts “Second Hand News,” a one-hour locally produced feature that runs Sunday mornings. It is a news magazine show that recaps the past week’s news stories, both locally and nationally.

KQMT broadcasts "The Mountain Green Report," a 60 second environment-oriented report that runs weekdays at 9:50AM. Local, national and international environment and health concerns are addressed. The KQMT News Director writes it.

KQMT has a full-time in-house news department and it airs a two-minute news report twice an hour each weekday morning.

COMMUNITY SERVICE ACTIVITIES

KALC participates in the following community activities:

Car Toys for Tots Drive

KALC worked with local retailer Car Toys to help collect toys for Toys for Tots and provided 1 week of promotional announcements and Web exposure.

Miracle on 19th Street Baby Shower

KALC participated in a daylong drive at Target to get supplies for babies and children for the Christmas dinner for the homeless hosted by a local restaurant and provided 1 week of promotional announcements and Web exposure.

Children's Miracle Network

KALC broadcast a 3-day radiothon raising money for the Children's Miracle Network and raised \$1,004,745 for CMN

9 News Health Fair

KALC helped get general health care to the underinsured or under privileged. It provided 2 weeks of promotional announcements and web site exposure.

Tapas Tequila and Twister

KALC helped raise money for the Generations Cancer Foundation with three weeks of promotional announcements.

Big Wheel Brews and Chili

KALC promoted the event benefiting the Vail Fire Department with two weeks of promotional announcements

Bonfils Blood Buddies

KALC helped create awareness for the need for blood donors in the summer months - each of three events were given 10 promotional announcements

Tri For the Cure

KALC provided 3 Weeks of promotional announcements benefiting the Denver chapter of the Susan G. Komen Foundation

Cocktails and Karaoke

KALC provided 2 Weeks of promotional announcements benefiting the National Jewish Research Center.

The Ultimate Drive for the Susan G. Komen Breast Cancer Foundation

KALC provided 2 Weeks of promotional announcements benefiting the Komen Breast Cancer Foundation.

Fired Up For Kids Launch Party

KALC provided 2 Weeks of promotional announcements benefiting the debut party for the Firefighters Calendar 2005 – benefiting the Children’s Hospital Burn Unit.

KEZW is the only radio sponsor of the Colorado Freedom Memorial, a local effort to build a memorial dedicated to all Coloradoans killed in military service. The campaign is working to raise \$1.8 million dollars for the memorial’s construction. Additionally, a KEZW on air personality MCs military events every month, donates his time to the VA hospital and also hosts a series of talks about music of the 40s to today for schools, churches and civic groups.

KOSI works with the U.S. Marine Corps to gather toys for local children as part of Toys for Tots.

KOSI and the Arthritis Foundation present the Pfizer "Jingle Bell Run" - a 5K run/walk to benefit the Arthritis Foundation.

KQMT participates in the following community activities:

- The Denver Public Library – Denver has the #1 rated library in the country and when they faced severe budget cutbacks, KQMT launched a month-long campaign to raise awareness, raise money and collect used books that could be resold at the Library’s used book sale. The effort culminated in a day-long radiothon raising enough money to keep the Bookmobile on the streets for another year. The station continues to be involved by supporting the annual Used Book Sale and spending “Make A Difference Day” volunteering at the Library.
- The Colorado Coalition for the Homeless – KQMT received the Media award from this organization for its work in coordinating food drop offs to local shelters

and stories covered in the station's news and public affairs shows spotlighting ways to provide more shelters in times of need.

- Taste of Thanksgiving – working in tandem with Whole Foods, KQMT promoted and hosted two Taste of Thanksgiving events at a local Whole Foods store raising money for Food Bank of the Rockies and Boulder Community Food Share. Over \$10,000 was raised at these events.
- Share our Strength – The Aurora school district fundraiser promoted and hosted by KQMT to raise money for Aurora teacher programs.
- Taste of the Nation – These events in Denver and Boulder raised money for Food Banks and were promoted and hosted by the station.
- Local Music Initiative – KQMT solicits donations of instruments that it refurbishes and provides to local schools. The station also takes local musicians to the local schools to perform and to mentor children interested in a career in music.

EMERGENCY PROGRAMMING

KOSI provided extended coverage of the recent snowstorms that impacted the Denver area. In addition, the station covered President Bush's speech live at the beginning of the Iraq war.

KQMT interrupted regular programming to provide its listeners with extended blizzard coverage during a recent blizzard.

LOCAL MUSIC INITIATIVES

KEZW provides a forum for local artists in the following ways. The station:

- Plays music from local artists on a regular basis as "special features."
- Has local musical groups to perform on special Friday broadcasts of the morning show (once per month).
- Include local musicians at the KEZW Swing Stage at the Capitol Hill Peoples Fair and Banks In Harmony Summer Concert series.
- Air the songs of local artists about three times per week.

KQMT has done extensive local music initiatives. The station's "Mountain Homegrown Initiative" is part of the fabric of the radio station. KQMT plays local music throughout the day every day, usually 5 local artist's songs in an average day. On Monday nights the "Mountain Homegrown Show" is 2 hours of local music, hosted by a local musician and includes bands recorded live in the station's studio. The *Denver Post* did a story about this KQMT program and NPR did a segment on radio stations that have conscientiously turned their focus back to music, spending a large portion of the program on KQMT.

KQMT supports these local musicians online as well, providing information about local artists and where they will perform.

KQMT has also arranged programs for local musicians to go into Front Range schools to perform for students and then to mentor music students on intricacies and careers in music. The proceeds from “Mountain Homegrown Volume One,” a CD of local bands recorded in KQMT’s studio went to benefit music programs in local schools. KQMT’s web site details its commitment to local radio at www.995themountain.com/music/homegrown/index.php.