

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 Kansas City 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 Kansas City 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 Kansas City's stations to community-responsive programming and activities. For example, KMBZ airs the Kansas City Morning

News each weekday covering news of interest to Kansas City listeners, including frequent interviews with community leaders. Over the past five years, KUDL has garnered numerous awards for public service, including four nominations for and two National Association of Broadcasters Crystal Awards for excellence in community service. KQRC's Bikers for Babes event recently raised more than \$450,000 for the March of Dimes. In 2002, the estimated value of PSAs broadcast and funds raised through the efforts of the Entercom Kansas City stations exceeded \$3.6 million.

CONCLUSION

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

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ATTACHMENT A

ENTERCOM KANSAS CITY'S
COMMITMENT TO LOCALISM

NEWS AND COMMUNITY SERVICE PROGRAMMING

Every weekday, KMBZ airs a live, local news program called *Kansas City's Morning News*. Topics consist of news headlines, local, national and international stories, weather, traffic, sports, & business. *Kansas City's Morning News* also airs regular special features with newsmakers and series as events warrant in the news or the community. These special reports consistently win awards from the Kansas & Missouri Broadcast Associations. The nice thing about this program is that because of its heritage and reputation, community leaders (including senators, representatives, governors, mayors, councilmen and other religious and other community leaders) consistently come on the air and speak to the market. KMBZ has a large news staff that "fill the information bucket" throughout the day and morning to prepare for show content.

Every weekday, Jerry Agar, a live, local host airs *The Jerry Agar Show* on KMBZ that speaks to the community based on the interesting and important topics of the day. Topics are decided by the top news stories, research, and collaboration between the host and his producer.

Every weekday, Russ Johnson, a live, local host airs *The Russ Johnson Show* on KMBZ that speaks to the community and calls for listener interaction on the day's top stories. Topics are decided by the top news stories, research, and collaboration between the host and his producer. Russ' views are mostly non-partisan.

Each Sunday, KMBZ airs a long-form issues-oriented news format in which many community topics are discussed.

KMBZ airs 22 hours per week of news, with 6 minutes of headlines and updates on the top of every hour and when time is available, at least one minute at the bottom of every hour. KMBZ has a full service news staff, which includes anchors, reporters and field reporters. Information gathering includes the use of wires, the station's network affiliation, newspapers, the Internet, scanners, and local contacts with political and law enforcement organizations in the market.

KQRC carries a weekly hour-long Sunday morning show that deals with community issues and problems. The show is produced in house.

KUDL airs Sunday Magazine, a locally produced, weekly, one-hour interview talk show focusing on public affairs issues taken from local ascertainment meetings.

KUDL normally airs a minimum of 64 Public Service Announcements per week that are locally produced and often reinforced with in depth information on-line.

KUDL is a two-time winner and four-time nominee of the National Association of Broadcasters Crystal Award for excellence in community service over the past five years. KUDL is also the recipient of the Rose Brooks Center for Abused Women and Children anti violence award, recipient of the Jackson County Parks & Recreation excellence for

community commitment, and recipient of the Media Wise Award from the Kansas City Coalition for NON-Violent programming.

KYYS carries a program called "Kansas City Concerns", a weekly one-hour feature program. This program is produced in house and is written, produced and recorded by Entercom-Kansas City. Since it is local, the station has been able to have many local business and civil leaders as guests on the show and the feedback from listeners has been favorable.

WDAF airs weekly, hour-long programming dealing with community issues.

COMMUNITY SERVICE ACTIVITIES

KUDL listeners made an estimated 20,000 valentines for sick children at Children's Mercy Hospital. The KUDL Morning Show delivered the cards and set them up on display tables at the hospital. Additional valentines were delivered to area nursing homes and children's wards at other area hospitals.

A KUDL personality broadcast live from the Missouri Repertory Theatre to collect needed items for the Salvation Army in conjunction with the opening of GUYS & DOLLS at the Rep.

KUDL promoted area businesses that signed on to donate a portion of business sales to provide food and shelter for Kansas City's homeless.

KUDL encouraged listeners to TELL-A-FRIEND to get a mammogram during the month of October. Listeners faxed in the name of their "bosom buddy" to win one of three trips to Cancun from Funjet Vacations. More than two thousand women scheduled mammograms through the promotion.

An estimated 50,000 KUDL listeners came out to open the holiday season with a spectacular fireworks display choreographed to Christmas music to open *Christmas in the Park* which benefits a dozen Kansas City area children's charities through donations at the park exit.

Afternoon host Russ Johnson is the catalyst for KMBZ's "Coats for Kids," which started last year and is continuing this year, in which KMBZ has a holiday drive for listeners to contribute coats that they no longer use or their kids have grown out of. These coats are cleaned, fixed, and delivered to the Kansas City, Missouri school district for distribution to the kids who can really use them.

Most notably in the past year, KMBZ had an event called *Operation: American Pastime* in which it partnered with the Veterans of Foreign Wars Foundation. The station collected calling cards through the VFW for troops at military bases abroad and distributed them to the troops. And this year, the station is working with the Sertoma Club so some monetary contributions for KMBZ's Coats for Kids can go to Goodwill in exchange for more coats.

Some of KQRC's largest and most valuable community events are Bikers for Babes, raising more than \$450,000 for March of Dimes and the Marine Corp Toy drive collecting more than \$200,000 in toys for kids, in addition to the station's annual blood drives.

KYYYS is involved in many annual events for charity. Rock and Read Book Drive, Trailers for the Troops and Cars for Christmas to name just a few. Each event, sponsored by KYYYS receives a minimum of 200 promotional announcements.

EMERGENCY PROGRAMMING

For weather emergencies, KMBZ has a system called *Operation: Storm Watch*, in which the station will break into regular programming should severe weather create the possibility of damage, injury, or death.

KUDL airs emergency programming and extended news coverage for various reasons as needed: tornado season twice per year, ice storms, Amber Alerts and major news stories.

Entercom Kansas City stations are designed so that each has a full time employee on site at all times. The stations have systems in place to cover emergencies of local and national concerns including but not limited to terrorism, spree killings, hostage events or even extreme weather conditions. If necessary, the stations' emergency plan can instantly take all eight stations to a full time news report delivered from KMBZ or a national feed if appropriate.

LOCAL MUSIC INITIATIVES

Local bands are a KQRC station feature on Sunday nights and small label artists are played in other day parts.