

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 Madison 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 Madison 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 Madison's stations to community-responsive programming and activities. For example, WMMM airs an hourly program about the environment as well as an hourly multi-cultural music program, both shows targeted to the

interests of Madisonians. The Entercom Madison stations sponsored a concert that raised \$73,000 for Habitat for Humanity. In 2002, the estimated value of PSAs broadcast and funds raised through the efforts of the Entercom Madison stations exceeded \$1.7 million.

CONCLUSION

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

Respectfully submitted,

ENTERCOM MADISON 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 MADISON'S
COMMITMENT TO LOCALISM

NEWS AND COMMUNITY SERVICE PROGRAMMING

WBZU airs the program “The Weekend Perspective, ” a locally produced news program, for an hour weekly on Sundays.

WBZU airs the program “Radio Health Journal” on Sunday mornings from 5:00-5:30 am that addresses health, medicine, and society.

WBZU airs the program “Viewpoints” on Sunday mornings from 5:30-6:00 am that focuses on local issues of crime, environment, housing, schools, poverty, taxes, economic development, urban sprawl, and consumerism.

WBZU only airs PSAs that are locally produced.

WMMM airs the program “The Weekend Perspective, ” a locally produced news program, for an hour weekly on Sundays.

WMMM airs, twice weekly, the hourly program “Eco-Minute,” which is a program about the environment and its impact on the community.

WMMM airs the program “E-Town,” a multi-cultural musical program, for an hour weekly on Sundays.

WMMM airs, during its morning show, a “Health Update” that shares health tips from experts.

WMMM only airs PSAs that are locally produced.

WOLX airs the program “The Weekend Perspective,” a locally produced news program, for an hour weekly on Sundays.

WOLX airs the program “Radio Health Journal” on Sunday mornings from 6-6:30 am that addresses health, medicine, and society.

WOLX airs the program “Viewpoints” on Sunday mornings from 6:30-7:00 am that focuses on local issues of crime, environment, housing, schools, poverty, taxes, economic development, urban sprawl, and consumerism.

WOLX airs, during its morning show, a weekly “Weekend What’s Up” feature that covers local weekend events.

WOLX only airs PSAs that are locally produced.

COMMUNITY SERVICE ACTIVITIES

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

- **April 2004 YMCA of Dane County**

WBZU sponsored and promoted the YMCA of Dane County Healthy Kids Day.

- **May 2004 Memorial Day Festival**

WBZU sponsored a community event that raised \$53,000 for fifty-six local charities.

- **May 2004 Habitat for Humanity**

WBZU sponsored a concert that raised \$73,000 for Habit for Humanity.

- **May 2004 Alliant Energy Safety Tour**

WBZU sponsored and promoted the Alliant Energy Safety Tour, promoting family electrical, natural gas, and fire safety.

- **July 2004 Local Children's Charities**

WBZU sponsored a fireworks display with proceeds benefiting local children's charities.

- **September 2004 Local Charities**

WBZU sponsored a Labor Day community event that raised money for local charities.

- **Make A Wish Foundation**

Twice a year, WBZU hosts an on-air program to benefit the Make A Wish Foundation of Wisconsin.

- In addition, WBZU promoted a number of charitable events including: the Conservancy Fun Run/Walk, benefiting the Deforest Fire Department; the Light the Night Walk, benefiting the Leukemia & Lymphoma Society; and the Cystic Fibrosis Wine Opener, benefiting various charities.

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

- **December 2003 Red Cross**

WMMM sponsored and promoted the Keith Richards Blood Drive for the Red Cross.

- **Nature Conservancy**

WMMM produced a music CD, with sales benefiting the Nature Conservancy.

- **May 2004 Memorial Day Festival Benefiting Local Charities**

WMMM sponsored a community event that raised \$53,000 for local charities.

- **May 2004 Habitat for Humanity**

WMMM sponsored a concert that raised \$73,000 for Habit for Humanity.

- **Summer 2004 AIDS Ride and Food Pantry**

WMMM promoted a local event that raises money for AIDS research, and raised over \$270,000. Additionally, WMMM sponsored events that supported the local food pantry, raising over \$31,000.

- **July 2004 YMCA and Local Children's Charities**

WMMM sponsored the YMCA Run For Kids Sake, and a fireworks display with proceeds benefiting local children's charities.

- **September 2004 Local Charities**

WMMM sponsored a community event that raised money for local charities

- **Dane County Humane Society**

WMMM sponsored and promoted the "Dog Jog," an event that benefited the Dane County Humane Society. In addition, WMMM hosted a program called "Humane Holidays" where listeners are encouraged to donate items to the local humane society pet shelters.

- WMMM provided on air exposure to a number of summer festivals, including the Willy Street Fair, Atwood Community Festival, Orton Park Festival and more, and proceeds from the events are returned to the community.

- WMMM launched a campaign for donations to the Red Cross to help raise awareness and aid to the hurricane victims on Florida.

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

- **November and December 2003 Salvation Army**

In the months of November and December, WOLX staff participated in ringing bells for the Salvation Army.

- **January 2004 Ronald McDonald House**

WOLX sponsored a live concert at the Park Ponderosa, with proceeds benefiting the Ronald McDonald House.

- **February 2004 Arthritis Foundation**

WOLX sponsored a charity auction, with items auctioned on-air. The station raised \$14,000 for the Arthritis Foundation.

- **March 2004 UW Comprehensive Cancer Research Center**

WOLX sponsored a charity bowling event that raised over \$25,000 for the UW Comprehensive Cancer Research Center.

- **May 2004 Memorial Day Festival Benefiting Fifty-Six Local Charities**

WOLX sponsored a community event that raised \$53,000 for local charities.

- **May 2004 Habitat for Humanity**

WOLX sponsored a concert that raised \$73,000 for Habit for Humanity.

- **July 2004 YMCA and Local Children's Charities**

WOLX sponsored the YMCA Run For Kids Sake, and a fireworks display with proceeds benefiting local children's charities.

- **August 2004 School Supplies for Homeless Children**

WOLX sponsored Project Bookbag, a fundraiser with a local grocery store to buy school supplies for homeless children.

- **September 2004 Local Charities**

WOLX sponsored a Labor Day community event that raised money for local charities.

- WOLX launched a campaign for donations to the Red Cross to help raise awareness and aid to the hurricane victims on Florida.

EMERGENCY PROGRAMMING

WBZU, WMMM, WOLX has interrupted regular programming to convey news that is pertinent to the local area. For example, in Spring 2004, regular programming was interrupted for a news report that a local woman was found after being missing for five days.

LOCAL MUSIC INITIATIVES

WBZU recruits local, unsigned and small label acts to play the Entercom Madison stages at two annual charity concert events.

WMMM includes local artists in its “Live From Studio M” in-house produced CDs and during its ‘Live From Studio M’ sessions where an artist performs in house, the show is promoted and replayed on the weekend.

WMMM invites local musicians to perform during the Friday morning show for a feature called “Talent Roundup Day.”

WMMM recruits local, unsigned and small label acts to play the Entercom Madison stages at two annual charity concert events.

WOLX recruits local, unsigned and small label acts to play the Entercom Madison stages at two annual charity concert events.