

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 NEW ORLEANS LICENSE, LLC

Entercom New Orleans License, LLC (“*Entercom New Orleans*”), by its attorneys, hereby submits comments in response to the *Notice of Inquiry* in the above-captioned proceeding (“*Notice*”). Entercom New Orleans is the licensee of Stations WEZB(FM), WLMG(FM), WSMB(AM), WWL(AM) and WTKL(FM), New Orleans, Louisiana and WKZN(FM), Kenner, Louisiana. 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 New Orleans 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 New Orleans 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 New Orleans's stations to community-responsive programming and activities. For example, WWL airs several news and public affairs programs focusing on local issues, such as First News and several programs hosted by

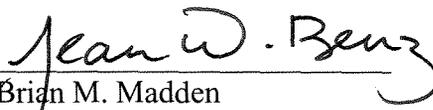
community leaders. Entercom New Orleans stations worked together to broadcast a four-day radiothon to benefit Children's Hospital in New Orleans – a total of \$900,000 in airtime value. In 2002, the estimated value of PSAs broadcast and funds raised through the efforts of the Entercom New Orleans stations exceeded \$2 million.

CONCLUSION

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

Respectfully submitted,

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ATTACHMENT A

ENTERCOM NEW ORLEANS'S COMMITMENT TO LOCALISM

NEWS AND COMMUNITY SERVICE PROGRAMMING

Public Affairs Programming:

Station WWL: “First News” airs from 5:00 a.m. to 9:00 a.m. on weekdays and includes local news, sports, weather and interviews with community leaders and newsmakers. “Midday Show” airs from 9:00 a.m. to 11:00 a.m. on weekdays, and “David Tyree” airs from 2:00 p.m. to 5:00 p.m. on weekdays. Talk programming featuring listener call-ins on topics of concern to the community and locally relevant news stories. “Saturday Morning News” airs from 7:00 a.m. to 9:00 a.m., which provides a recap of the hottest local news from the week and interviews with community leaders and newsmakers. In addition, New Orleans Mayor Ray Nagin, Police Superintendent Eddie Compass and District Attorney Eddie Jordan each host a one-hour show monthly on station WWL, taking listener calls on issues relating to local community and their area of governance. All of these public affairs programs are locally produced. The subjects for the programs aired on station WWL are determined through daily feedback from the public received via talk show programming, a listener opinion poll on the station’s web site and letters and e-mails. Station WWL talk programming typically involves up to four-six people including hosts, news anchors/reporters, engineers and call screeners.

Station WSMB: “Imus in the Morning” airs from 5:00 a.m. to 9:00 a.m. on weekdays and features news, sports and interviews with newsmakers and political leaders. “Crimewatch” airs from 6:00 a.m. to 8:00 a.m. on Saturdays and focuses on crime prevention efforts and other issues of importance to the New Orleans area. “Crimewatch” is locally produced. The subjects for the programs aired on station WSMB are determined through interviews with community leaders and monitoring of the most important local issues by the news department. Station WSMB programs involve a researcher who prepares show material along with the individual program host.

Stations WEZB/WTKL/WLMG/WKZN: A public affairs show (various titles) airs from 6:00 a.m. to 6:30 a.m. on Sundays and includes interviews with community leaders, civic organizations and charitable organizations regarding significant issues affecting the New Orleans area. “United Way and You” airs from 6:30 a.m. to 7:00 a.m. on Sundays and highlights the organization’s efforts to improve the community through a variety of charitable and outreach programs. Both the public affairs show and “United Way and You” are locally produced. The subjects for the programs aired on stations WEZB/WTKL/WLMG/WKZN are determined through interviews with community leaders and monitoring of the most important local issues by the news department. Stations WEZB/WTKL/WLMG/WKZN programs involve a researcher who prepares show material along with the individual program host.

Local community leaders are very supportive and appreciative of the opportunities that Entercom New Orleans provides to them for direct access to listeners via airwaves. In addition, listeners have expressed their appreciation for the opportunity to speak one-on-one with community leaders and elected officials through Entercom New Orleans' programming.

Local Newscasts:

Station WWL: Between 5:00 a.m. and 9:00 a.m. on weekdays, station WWL airs a formal newscast every half-hour. Each newscast covers a wide variety of local stories gathered by the station WWL news team pertaining to the top local issues of the day. Station WWL also localizes national stories of importance and gives listeners a summary of national and international news. Each newscast is 6 minutes of news content. In between these newscasts, station WWL also interviews local guests about the most important issues and gives listeners news briefs twice an hour.

From 9:00 a.m. to 4:00 p.m. and from 7:00 p.m. to 10:00 p.m. on weekdays, station WWL delivers one local newscast per hour. These newscasts are four minutes in length and include several local reporters covering top local stories of the day. Station WWL also re-caps the top national and international news at that time.

Weekdays at 5:00 p.m., 5:30 p.m. and 6:00 p.m., station WWL delivers a two minute newscast with briefs on the top local news along with national and international headlines or briefs.

From 11:00 p.m. until the 4:00 a.m. hour, station WWL carries CBS news at the top of each hour. Each newscast is four minutes in length.

On the weekends, the news is presented on station WWL as follows:

From 7:00 a.m. to 9:00 a.m. station WWL carries a formal newscast every half hour. Each newscast covers a wide variety of local stories gathered by the WWL news team pertaining to the top local issues of the day. Station WWL also localizes national stories of importance and gives listeners a summary of national and international news. Each newscast at the top of the hour is 3 minutes of news content following four minutes of CBS News content. The bottom of the hour newscasts are all 6 minutes of news content. In between these newscasts, station WWL also interview local guests about important issues.

From 9:00 a.m. to 1:00 p.m., station WWL delivers one local newscast per hour. These are four minutes in length.

From 2:00 p.m. to 5:00 p.m., station WWL carries one minute of local news after three minutes of CBS news.

Station WWL's news coverage has received a variety of awards including the regional Edward R. Murrow and Louisiana Associated Press awards for outstanding news coverage, as well as recognition from local groups such as Victims and Citizens Against Crime.

Station WTKL: Station WTKL airs 35 90-second local newscasts weekdays between 5:30 a.m. and 8:30 a.m.

Station WLMG: Station WLMG airs 20 90-second local newscasts weekdays between 6:00 a.m. and 8:00 a.m.

Station WEZB: Station WEZB airs 15 60-second local newscasts weekdays between 5:00 a.m. and 9:00 a.m. and 40 60-second locally-produced entertainment updates during all dayparts.

Station WKZN: Station WKZN airs 15 60-second local newscasts weekdays between 6:00 a.m. and 10:00 a.m. and 40 60-second locally-produced entertainment updates during all dayparts.

Station WWL has carried presidential, vice-presidential and runoff election candidate debates along with school board, sheriff, and mayoral. "Town Hall Meeting" talk programming typically follows this debate coverage, which includes commentary and listener calls.

Entercom New Orleans provides free time to candidates via debate forums. For example, each registered candidate in the recent New Orleans mayoral election hosted a three-hour program on station WWL.

Public Service Announcements: Entercom New Orleans has initiated and participated in a number of campaigns, including "New Orleans: Imagine It Clean" (a mayoral initiative to clean up the city) and "Louisiana Cares" (a joint effort with WWL-TV that has raised money for 9-11 victims, hurricane and flood relief thru several individual campaigns over the past several years). In addition, Entercom New Orleans has provided \$580,000 in PSA support to the United Way over the past two years.

Each Entercom New Orleans station also features ongoing public service programming providing local civic and charitable organizations the opportunity to publicize events and activities benefiting the community. These are typically 15-30 second live or recorded announcements that air throughout the day. Announcements are solicited on-air from local civic and charitable organizations and selected/aired based on importance of issue, relevance to individual station audiences and airtime availability. In a typical week, individual stations carry an average of 40-50 public service announcements.

COMMUNITY SERVICE ACTIVITIES

Entercom New Orleans performs special community service activities within the local listening area on both a cluster-wide and individual station basis. Entercom New Orleans' goal is to use the collective power of the station cluster to make a difference in the local community, and over the past several years Entercom New Orleans has conducted major multi-station events and campaigns along with individual station initiatives and events. The following is a listing of these major campaigns and events:

“Catches for CADA” – August-October 2004: The Entercom New Orleans stations are partnering with the New Orleans Saints to benefit the Council for Alcohol and Drug Abuse. CADA raises tens of thousands of dollars annually to fund drug prevention programs in Entercom New Orleans' area. Listeners are encouraged to pick up pledge cards and donate for every catch made by Saints receivers this fall. Entercom New Orleans stations are airing a total of \$59,000 in public service announcements for this initiative.

“Hunger Awareness Day” – June 3, 2004: The Entercom New Orleans stations joined with Second Harvesters Food Bank to promote awareness of the hunger problem in South Louisiana. Each station broadcast live from the event held at a local mall, with station WWL dedicating a portion of its talk show programming to the topic and the other stations with personalities live on-site. Over \$50,000 in promotional airtime was provided across the cluster.

“Cans for Kids Drive” – May 1-31, 2004: The Entercom New Orleans stations broadcast a public service campaign to promote the local mail carriers food drive, also as a lead-in to the annual “Hunger Awareness Day.” \$32,500 in public service announcement value provided.

“Children’s Miracle Network Radiothon” – February 5-8, 2004: A major four-day radiothon was conducted across all Entercom New Orleans stations to benefit Children’s Hospital in New Orleans. Station personalities broadcast live daily from the hospital, interviewing physicians, child patients and their families. Listeners were encouraged to call in and make donation pledges. Approximately one million dollars in individual pledges was collected. Collectively, the Entercom New Orleans stations provided a total of over \$900,000 in airtime value including promotional announcements, interviews, news segments and recorded vignettes.

“Shoe Fund” Drive – December 2003: Station WTKL conducted a “Shoe Fund” drive, raising funds for the local Salvation Army and increasing awareness of the needs of underprivileged children and families in Entercom New Orleans' area. In this first year of this campaign, a total of \$3400 was collected to provide underprivileged children with footwear. The station aired over \$20,000 in airtime support.

“Christmas Wish” Campaign – December 2003: Station WEZB conducted a “Christmas Wish” campaign collecting toys for less fortunate children in Entercom New Orleans’ area. This effort was supported by over \$10,000 in airtime support. \$1000 worth of toys was collected.

“Toys for Tots” – November-December 2003: Station WWL partnered with the U.S. Marine Corp. for their annual “Toys for Tots” drive. A total of 13 live on-location show broadcasts were conducted between Thanksgiving and Christmas encouraging listeners to bring by new, unwrapped toys and cash donations. A total of \$15,000 in cash and \$10,000 in toys were collected.

“Memory Bells” – September 11, 2003: Entercom New Orleans supported an effort through the “Louisiana Cares” program to raise funds for families of local firefighters injured in the line of duty. A total of \$55,000 in airtime support was provided.

“Hunger Awareness Day” – June 5, 2003: Entercom New Orleans cluster-wide broadcast from the event to increase awareness of hunger problem in South Louisiana. Over \$50,000 in airtime support was provided.

“Salute the Troops, Support their Families” – May 15, 2003: Station WTKL conducted an all day broadcast from a local mall, selling patriotic t-shirts to raise funds for military families. A total of \$8500 was collected. The station supplied \$35,000 in airtime support.

“Taste of the Town” – March 21, 2003: Entercom New Orleans participated in a benefit for the Louisiana Restaurant Education Association, providing \$50,000 in airtime support.

“Christmas Wish” – December 2002: Station WEZB provided funds to help make holiday dreams come true for less fortunate families in the area. Over \$25,000 in cash gifts were distributed.

“Memory Bells” – September 11, 2002: Entercom New Orleans supported an effort through the “Louisiana Cares” program to raise funds for families of local firefighters injured in the line of duty. A total of \$55,000 in airtime support was provided.

“Fore Kids Radiothon” – June 19, 2002: Entercom New Orleans conducted an all day radiothon to raise funds for the Fore Kids Foundation, which introduces underprivileged children to the sport of golf. Each station broadcast live in a different location, donations were also collected through a phone bank and auction. A total of \$100,000 was raised in donations. Collectively, Entercom New Orleans stations provided over \$120,000 in airtime to support the event.

EMERGENCY PROGRAMMING

When hurricanes or tropical storms become an imminent threat to the greater New Orleans area, all six of the Entercom New Orleans stations suspend normal programming to carry continuous hurricane coverage. For example, during Hurricane Ivan, station WWL alone aired 60 hours of wall-to-wall coverage, including news, weather and talk programming keeping listeners updated on storm track and intensity, emergency measures, traffic information during evacuation and segments with state and local leaders including Governor Kathleen Blanco, New Orleans Mayor Ray Nagin, Jefferson Parish President Aaron Broussard and other local emergency management officials. As storm landfall approached, Entercom New Orleans' other five stations suspended normal programming to simulcast station WWL's broadcast. Also, before continuous coverage becomes warranted, Entercom New Orleans stations keep listeners informed through frequent updates and special storm-related talk programming. In addition, as part of Entercom New Orleans' coverage during and after the storms, local efforts to aid storm victims were publicized on all Entercom New Orleans stations. A similar level of coverage was provided on Entercom New Orleans stations during Tropical Storm Isidore in September 2002 and Hurricane Lily in October 2002.

LOCAL MUSIC INITIATIVES

As part of its Contemporary Hit Radio format, station WEZB has given local artists such as "B.G." exposure in current rotation. Station WKZN has also featured local artists during the "Adam's Attic" program. Station WTKL as part of its Oldies format spotlights many classic New Orleans performers such as Fats Domino, Irma Thomas, Art and Aaron Neville, Frankie Ford and others.

Entercom New Orleans is also the official radio sponsor for "MoFest," a two-day concert sponsored by the Mayor's Office showcasing New Orleans' most promising up-and-coming musical artists. This concert takes place each year in early May.