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 NORFOLK LICENSE, LLC

Entercom Norfolk License, LLC ("*Entercom Norfolk*"), by its attorneys, hereby submits comments in response to the *Notice of Inquiry* in the above-captioned proceeding ("*Notice*"). Entercom Norfolk is the licensee of Stations WNVZ(FM), WVKL(FM), Norfolk, Virginia; WPTE(FM), Virginia Beach, Virginia; WWDE-FM, Hampton, Virginia. 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 Norfolk 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 Norfolk 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 Norfolk's stations to community-responsive programming and activities. For example, the Entercom Norfolk stations air a locally oriented program called Hampton Roads Perspectives. WNVZ collected over a ton of food

during its Kroger for the Ogre event. In 2002, the estimated value of PSAs broadcast and funds raised through the efforts of the Entercom Norfolk stations equaled $11.9 million.

CONCLUSION

As demonstrated by the foregoing material, the stations owned by Entercom Norfolk 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 Norfolk to effectively serve their communities. For the foregoing reasons, Entercom Norfolk 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 NORFOLK'S COMMITMENT TO LOCALISM

NEWS AND COMMUNITY SERVICE PROGRAMMING

Entercom Norfolk broadcasts programming that addresses or responds to matters of concern to its listeners on all four of its stations, including the following programs:

"Hampton Roads Perspectives" (Show #1) airs on Sundays at 6:00 a.m. on station WNVZ, at 6:30 a.m. on station WPTE, at 7:00 a.m. on station WVKL, and at 7:30 a.m. on station WWDE. This program is approximately 25 minutes in length. It is locally produced and hosted by Entercom Norfolk's News Directors/Morning Show Co-Hosts.

"Hampton Roads Perspectives" (Show #2) airs on Sundays at 6:30 a.m. on station WNVZ, at 7:00 a.m. on station WPTE, at 7:30 a.m. on station WVKL, and at 6:00 a.m. on station WWDE. This program is approximately 25 minutes in length. It is locally produced and hosted by Entercom Norfolk's News Directors/Morning Show Co-Hosts.

Sample Hampton Roads Perspectives shows included the following topics:

Share A Haircut - The Share A Haircut program is a back to school campaign for children all across the nation including Hampton Roads. For the last five years, Hair Cuttery has donated more than $1.5 million worth of free hair cuts for low income families and children.

Mud Run - The Armed Services YMCA of Hampton Roads is a charitable, non-profit organization that receives funding from the United Way. The 8k Mud Run is a race through mud and muck. It encourages family and friends to have fun while raising money for the YMCA.

Kingdom Wardrobe - Kingdom Wardrobe is a "welfare to work" organization that helps women properly prepare for job interviews. This program provides training for members as well as donated suits.

VBSPCA - The director of the VBSPCA facility likes to update Entercom Norfolk listeners on the progress made with donations. The VBSPCA is the home of hundreds of abandoned animals and rescued wildlife. During major storms, the director encourages all residents of Hampton Roads to let the VBSPCA "baby sit" their pets instead of leaving the animal home alone.

"Master Control" is a syndicated program that airs every Sunday morning on station WVKL at 6:00 a.m. This show is an issue based show and is approximately 25 to 30 minutes in length.

"Viewpoints" in an issue based, syndicated program that airs on Sundays at 7:30 a.m. on station WNVZ, at 6:00 a.m. on station WPTE, at 7:00 a.m. on station WWDE, and at 6:30 a.m. on station WVKL.

"Powerline" is also an issue based, syndicated program with a religious theme that airs on Sundays at 6:30 a.m. on station WWDE, at 7:00 a.m. on station WNVZ, and at 7:30 am on station WPTE.

Subjects for the public affairs programming are determined based on the timeliness of the content and the needs of the community. In addition, Entercom Norfolk attempts to accommodate as many requests from community groups as possible. The final decision is based on the following criteria: (a) whether the request from a non-profit group, (b) whether the group is local, and (c) how relevant the group is to Entercom Norfolk's target audience.

Entercom Norfolk receives input and positive feedback from listeners, hospitals, city managers, mayors, police and fire departments, etc. regarding its public affairs programming.

In addition, about six full time people are responsible for writing, voicing and producing Entercom Norfolk's local public service shows and all work occurs at Entercom Norfolk's studio site.

Local Newscasts:

Station WNVZ: Station WNVZ airs newscasts twice per hour, Monday through Friday, from 6:00 a.m. to 8:35 a.m. for a daily total of six newscasts. Each newscast is five minutes in length and is locally written and produced. The newscasts air at :05 and :35 after the hour weekday mornings.

Station WPTE: Station WPTE airs newscasts twice per hour, Monday through Friday, from 6:00 a.m. to 8:50 a.m. for a daily total of six newscasts. Each newscast is five minutes in length and is locally written and produced. The newscasts air at :20 and :50 after the hour weekday mornings.

Station WVKL: Station WVKL airs newscasts twice per hour, Monday through Friday, from 5:00 a.m. to 8:30 a.m. for a daily total of eight newscasts. Each newscast is five minutes in length and is locally written and produced. The newscasts air at :00 and :30 after the hour weekday mornings.

Station WWDE: Station WWDE airs newscasts twice per hour, Monday through Friday, from 5:30 a.m. to 8:30 a.m. for a daily total of seven newscasts. Each newscast is five minutes in length and is locally written and produced. The newscasts air at :00 and :30 after the hour weekday mornings.

Entercom Norfolk utilizes prep services including The Complete Sheet, The Ross Britain Report, The Launch Radio Network and the Associated Press wire service. Entercom Norfolk also utilizes The Virginian Pilot newspaper. The total barter value for Entercom Norfolk news and information coverage is estimated to be $973,700.00 annually.

Entercom Norfolk's morning show co-hosts are also its news directors who prepare and deliver the news each weekday morning and during special news situations. The news directors total salaries for 2004 will be $183,100.00.

Public Service Announcements: Entercom Norfolk broadcasts public service announcements. Entercom Norfolk writes the announcements or transcribes them from compact disc or mp3 files.

COMMUNITY SERVICE ACTIVITIES

See attached "Public/Community Service Commitment" for a description of the community service activities within the local community performed by Entercom Norfolk in 2004. Entercom Norfolk has received countless plaques recognizing the events and drives it has supported and sponsored.

EMERGENCY PROGRAMMING

Entercom Norfolk interrupted regular programming to broadcast emergency information regarding Hurricane Isabel. Entercom Norfolk also developed campaigns on all four of its stations for hurricane victims during the 2003 and 2004 hurricane season.

LOCAL MUSIC INITIATIVES

Entercom Norfolk airs the music of small label/no label or local artists in regular rotation if its audience research warrants it. Entercom Norfolk has also executed special promotions to highlight local artists that have received air play on its stations through events such as station luncheons, dinners, bowling parties or on boats such as the Spirit of Norfolk.

2004 PUBLIC/COMMUNITY SERVICE COMMITMENT ENTERCOM NORFOLK

Station WNVZ

Event	Month	Charity	On-Air Support	Station Website	Station Manhours	Other
Chesapeake Beach Fire Scream	January	Fire Victims via Red Cross	1 week – 50 promos 4 hours "live" Broadcast Value = $10,500	1 week Value = $1000	6	Food & $ Raised
Don't Drink & Drive-Response To listener death By intoxicated Driver	January	Public Service To Community - MADD participated	2 days – 25 promos 3 ½ hour broadcast Value = $7,000	1 week after w/ pics Value = $1000	8	
Red Wagon Reader	January	Success by 6 Getting books To needy children	1 month – 100 promos Value - $17,500	1 month Value = $4000		Books
Benefit Skate For Joshua Sechrist (listener and his grandmother killed by intoxicated driver)	February	Monies Raised went to the family	1 week – 50 promos 5 hour broadcast Value = $13,500	1 week Value = $1,000	8	$5000
Dress Down Day For Leukemia	March	Leukemia/ Lymphoma Society	3 weeks – 120 promos Value = $18,000	3 weeks Value = $3000		$64,000 raised
Latitudes Fire Victims Drive	April	Fire Victims Via Red Cross	1 day – 15 promos 6 hr "live" broadcast Value = $9,250	1 week after w/ pics Value = $1000	8	Food, $ raised
Clean Commute Day	May	Environment	4 weeks – 200 promos Value = $35,000	4 weeks Value = $4,000		Pledges to take Public Transp.
Kroger for the Ogre	May	Foodbank	6 days – 45 promos 2 days "live" broadcast Value = $20,750	1 week Value = $1000	20	Over a ton of food & $ raised
Cardboard Boat Regatta	May	Seatack Community Center	2 weeks – 40 promos Value = $6,000	2 weeks Value = $2000	60 plus	$ raised
Hurricane Isabel Relief Broadcast	August	Hurricane Victims in Florida via Red Cross	2 days – 40 promos 2 days "live" Broadcast	1 month after w/pics Value = $4000	48 plus hours	$20,000 plus a tractor
Hurricane Isabel Broadcast from Florida	August	Educational with Red Cross - encouraged more Monetary donations	2 days – "live" Broadcasting Value = $21,000	3 months after w/pictures Value = $9,000	48 plus	
Rock the Vote	Sept/Oct	Signing people Up to vote - Democratic process	2 months 200 promos Value = $30,000	2 months Value = $8,000	8	

Upcoming for WNVZ

Breast Cancer Awareness Month	October	Cancer Care Foundation	4 weeks – 400 promos Value = $70,000	4 weeks Value = $4000	40 hours	$ & aware-ness
Race for the Cure	October	Susan G. Komen Foundation	2 weeks – 80 promos Value = $12,000	2 weeks Value = $2000	7	$
Blood Drive	October	Red Cross	1 week – 50 promos "live" broadcast Value = 12,500	1 week Value = $1000	12	
Battle of the Bays	November	Food Banks	2 weeks – 100 promos "live" broadcast Value = $15,000	2 weeks Value = $2000	12	
Red Wagon Reader	December	Success by 6 Getting books To needy children	1 month – 100 promos Value - $17,500	1 month Value = $4000		Books

Total Promotional Value for Community/Public Service WNVZ 2004

$336, 500 – on air

$52,000 – web

312 – Station manhours

2004 PUBLIC/COMMUNITY SERVICE COMMITMENT ENTERCOM NORFOLK

Station WWDE

Event	Month	Charity	On-Air Support	Station Website	Station Manhours	Other
Red Wagon Reader	January	Success by 6 Getting books To needy children	1 month – 100 promos Value - $17,500	1 month Value = $4000		Books
Parrot Head Party	February	Alzheimer's Assoc.	4 weeks – 100 promos Value = $17,500	1 month Value = $4000	5	$
Ches. Bay Wine Classic	February	Foodbanks & others	4 weeks – 100 promos Value = $17,500	1 month Value = $4000	8	$
Bowl for Kids Sake	March	Big Brothers/Big Sisters	3 weeks – 75 promos Value = $13,125	3 weeks Value = $3000	8	$
Cars for Cancer	April	Susan G Komen Foundation	2 weeks – 50 promos Value = $8,750	2 weeks Value = $2000	4	$
Clean Commute Day	May	Environment	4 weeks – 200 promos Value = $35,000	4 weeks Value = $4,000		Pledges to take Public Transp.
Relay for Life	May	Am. Cancer Society	5 months – 1000 promos 2 days "live" broadcast Value = $200,000	5 months Value = $20,000	40	$4.6 million raised
Hero Games	June	Red Cross	6 weeks – 350 promos Value = $61,250	6 weeks Value = $6,000	18	$
IceCream Social	July	Make A Wish	2 weeks – 75 promos Value = $13,125	2 weeks Value = $2,000	8	$
Hurricane Isabel Relief Broadcast	August	Hurricane Victims in Florida via Red Cross	2 days – 40 promos 2 days "live" Broadcast Value = $21,000	1 month after w/pics Value = $4000	48 plus hours	$20,000 plus a tractor truck of Food
Hurricane Isabel Broadcast from Florida	August	Educational with Red Cross - encouraged more Monetary donations	2 days – "live" Broadcasting Value = $21,000	3 months after w/pictures Value = $9,000	48 plus	
Breast Cancer Kick Off	October	Cancer Care Foundation	1 week – 50 promos "Live" broadcast Value = $15,750	1 week Value = $1000	12	$ & Aware-Ness
Upcoming for WWDE						
Breast Cancer Awareness Month	October	Cancer Care Foundation	4 weeks – 400 promos Value = $70,000	4 weeks Value = $4000	40	$ & aware-ness
Race for the Cure	October	Susan G. Komen Foundation	2 weeks – 80 promos Value = $12,000	2 weeks Value = $2000	7	$
Zoo to Do	October	Va. Zoological Society	6 weeks – 400 promos Value = 70,000	6 weeks Value = $6000	12	Money Raised

Stories of Light	November/ December	Make a Wish	2 months – 400 promos Value = $70,000	2 months Value = $8,000	12	$
Trans Siberian Orchestra Concert	November	Make A Wish	2 months – 300 promos Value = $52,500	2 months Value = $8,000	8	$
Thanks for Giving	November	Foodbanks/Am Red Cross	4 weeks – 200 promos Value = $35,000	4 weeks Value $4000	8	Food &Blood
Red Wagon Reader	December	Success by 6 Getting books To needy children	1 month – 100 promos Value - $17,500	1 month Value = $4000		Books

Total Promotional Value for Community/Public Service WWDE 2004

$768,000 – on air

$99,000 – web

286 – Station manhours

2004 PUBLIC/COMMUNITY SERVICE COMMITMENT ENTERCOM NORFOLK

Station WVKL

Event	Month	Charity	On-Air Support	Station Website	Station Manhours	Other
All Men Are Dogs	January	SPCA	1 week – 50 promos Value = $8,750	1 week Value = $1000	4	Dog & Cat Food Raised
Red Wagon Reader	January	Success by 6 Getting books To needy children	1 month – 100 promos Value - $17,500	1 month Value = $4000		Books
Health Expo	February	Educational	2 weeks – 60 promos On-site broadcast Value = $15,500	2 weeks Value = $2000	8	
Something for Something	April	Red Cross	1 week – 50 promos On-site Broadcast Value = $13,750	1 week Value = $1000	6	$ raised
Clean Commute Day	May	Environment	1 month – 60 promos Value = $10,500	4 weeks Value - $4000		Pledges to take Public Transp. Or Carpool
Hurricane Isabel Relief Broadcast	August	Hurricane Victims in Florida via Red Cross	2 days – 40 promos 2 days "live" Broadcast Value = $21,000	1 month after w/pics Value = $4000	48 plus hours	$20,000 plus a tractor truck of Food
Hurricane Isabel Broadcast from Florida	August	Educational with Red Cross - encouraged more Monetary donations	2 days – "live" Broadcasting Value = $21,000	3 months after w/pictures Value = $9,000	48 plus	
Ford Tough Golf Tournament	September	Diabetes Foundation Am Heart Assoc.	2 weeks – 70 promos 1 day on-site broadcast Value = $17,250	2 weeks Value = $2000	8 hours	$ Raised
JDRF Walk	October	Diabetes Foundation	2 weeks – 60 promos Value = $10,500	2 weeks Value = $2000	6 hours	$ Raised
Breast Cancer Awareness Month	October	Cancer Care Foundation	4 weeks – 400 promos Value = $70,000	4 weeks Value = $4000	40 hours	$ & aware-ness
Lutherobics	October	Cancer Care Foundation	3 weeks – 80 promos Value = $14,000	3 weeks Value = $3000	15	$ & aware-ness
Upcoming for WVKL						
BK for Breast Cancer	October	Cancer Care Foundation	1 week – 30 promos 4 hr "live" broadcast Value = $12,250	1 week Value = $1000	8	$
Comedy for the Cure	October	Cancer Care Foundation	2 weeks – 80 promos Value = $12,000	2 weeks Value = $2000	4	$
Race for the Cure	October	Susan G Komen Foundation	2 weeks – 80 promos Value = $12,000	2 weeks Value = $2000	7	$

Holiday Food Drive	November	Foodbanks	2 weeks – 30 promos "live" broadcast Value = $5,250	2 weeks Value = $2000	8	Food
Red Wagon Reader	December	Success by 6 Getting books To needy children	1 month – 100 promos Value - $17,500	1 month Value = $4000		Books

Total Promotional Value for Community/Public Service WVKL 2004

$266,750 – on air

$47,000 – web

204 – Station manhours

2004 PUBLIC/COMMUNITY SERVICE COMMITMENT ENTERCOM NORFOLK

Station WPTE

Event	Month	Charity	On-Air Support	Station Website	Station Manhours	Other
Pint to the Point Blood Drive	January	Am. Red Cross	2 weeks – 60 promos Value = $10,500	2 weeks Value = $2000	8	
Red Wagon Reader	January	Success by 6 Getting books To needy children	1 month – 100 promos Value - $17,500	1 month Value = $4000		Books
Firefighters Auction	March	Local Firefighters	1 week – 25 promos Value = $4,375	1 week Value = $1000	4	$
Clifford the Big Red Dog Night	April	CHKD	2 weeks – 100 promos Value = $17,500	2 weeks Value = $2000	4	$
MS Walk	April	MS Society	6 weeks – 250 promos Value = $43,750	6 weeks Value = $6,000	8	$
Clean Commute Day	May	Environment	4 weeks – 200 promos Value = $35,000	4 weeks Value = $4,000		Pledges to take Public Transp.
Hurricane Isabel Relief Broadcast	August	Hurricane Victims in Florida via Red Cross	2 days – 40 promos 2 days "live" Broadcast Value = $21,000	1 month after w/pics Value = $4000	48 plus hours	$20,000 plus a tractor truck of Food
Hurricane Isabel Broadcast from Florida	August	Educational with Red Cross - encouraged more Monetary donations	2 days – "live" Broadcasting Value = $21,000	3 months after w/pictures Value = $9,000	48 plus	
Pint to the Point Blood Drive	August	Am. Red Cross	2 weeks – 60 promos Value = $10,500	2 weeks Value = $2000	8	
YMCA Mud Run	August	Armed Forces Services	3 weeks – 80 promos Value = $14,000	4 weeks Value = $4000	8	$
Coats for Everyone	August	Salvation Army	3 weeks – 250 promos Value = $43,750	3 weeks Value = $3000	40	Coats

Upcoming for WPTE

Breast Cancer Awareness Month	October	Cancer Care Foundation	4 weeks – 400 promos Value = $70,000	4 weeks Value = $4000	40 hours	$ & aware-ness
Race for the Cure	October	Susan G. Komen Foundation	2 weeks – 80 promos Value = $12,000	2 weeks	7	$
Red Wagon Reader	December	Success by 6 Getting books To needy children	1 month – 100 promos Value - $17,500	1 month Value = $4000		Books

Total Promotional Value for Community/Public Service WPTE 2004

$538, 375 – on air

$44,000 – web

304 – Station manhours