

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 SACRAMENTO LICENSE, LLC

Entercom Sacramento License, LLC (“*Entercom Sacramento*”), by its attorneys, hereby submits comments in response to the *Notice of Inquiry* in the above-captioned proceeding (“*Notice*”). 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 Sacramento 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 Sacramento 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 Sacramento's stations to community-responsive programming and activities. In 2002, the estimated value of PSAs broadcast and funds raised through the efforts of the Entercom Sacramento stations exceeded \$3.7 million.

CONCLUSION

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

NEWS AND COMMUNITY SERVICE PROGRAMMING

Entercom Sacramento airs a variety of public affairs programs each week:

Radio Health Journal is a radio magazine that keeps tabs on the latest in the world of medicine, including medical breakthroughs and advances and other news. On-air since 1992, the program is an upbeat, in-depth public affairs program that satisfies local compliancy issues such as economics, education poverty, domestic & child abuse, urban/rural problems, food safety & labeling, government reform, substance abuse and consumerism. *Radio Health Journal* airs on station KSEG on Sundays at 6:00 a.m., on station KSSJ on Saturdays at 6:00 a.m., on station KWOD on Sundays at 6:00 a.m. and on station KRXQ on Saturdays at 6:00 a.m.

Viewpoints is an energetic, entertaining, highly-produced, contemporary radio magazine with two major stories weekly, giving the audience news they can use while satisfying local compliancy issues such as crime, environment, housing, schools, poverty taxes, economic development, urban sprawl, and consumerism. *Viewpoints* airs on station KRXQ on Saturdays at 6:30 a.m.

The Health Show is a nationally syndicated public radio program produced by the National Productions unit at Northeast Public Radio. The program covers all aspects of modern health, including prevention, treatment, research and administration. Each week *The Health Show* breaks the issues down so listeners can be better informed patients or care-providers. *The Health Show* airs on station KSSJ on Sundays at 6:00 a.m.

51% is a weekly half-hour of illuminating features and interviews focusing on issues of particular concern to women. The program is produced by WAMC/Northeast Public Radio's National Productions in Albany, New York in cooperation with Russell Sage College in Troy, New York. The President of The Sage Colleges and station WAMC's Mary Darcy host the program. Helen Desfosses, Associate Provost at the Rockefeller College of Public Affairs and Policy at the State University of New York at Albany, and President of the Albany Common Council, is a frequent political and social commentator on 51%. *51%* airs on station KDND on Sundays at 7:00 a.m.

The Public File 1 and 2: Two half hour weekly programs produced in house at Entercom Sacramento. Local interviews address a wide variety of topics, including education, the economy, government, health, the environment, energy and transportation, crime, minorities, women, aging, crime, drug abuse, housing, youth and family. Public File 1 airs on station KSEG on Sundays at 6:30 a.m., station KSSJ on Saturdays at 6:30 a.m., station KCTC on Sundays at 10:00 p.m., station KDND on Sundays at 6:00 a.m., station KWOD on Sundays at 6:30 a.m. Public File 2 airs on station KSEG on Saturdays at 6:30 a.m., station KSSJ on Sundays at 6:30 a.m., station KCTC on Sundays at 10:30 p.m., station KDND on

Sundays at 6:30 a.m., station KWOD on Sundays at 6:30 and on station KRXQ on Sundays at 6:30 a.m.

Contact airs on station KWOD on Saturdays at 6:00 a.m. and on station KRXQ on Sundays at 6:00 a.m. In each program, people share true, often life-changing stories of their everyday struggles. *Contact* delivers important information, inspiration and support through the stories of ordinary people who have dealt with important issues of family, relationships, health, mental and spiritual, etc.

Local Newscasts: Entercom Sacramento stations air newscasts twice an hour during the Morning Drive, beginning at 5:50 a.m. and running until 8:50 a.m., for a total of approximately 375 newscasts per quarter per station. The newscasts, which are approximately 2 minutes in length, include national and local news as well as local traffic information and a check on weather by the local ABC television affiliate's Meteorologist. The content of the news stories range from major national headline issues to those that directly and specifically affect the greater Sacramento area, including the following: education, economy, government, health, environmental/energy/transportation, crime, drug abuse, minorities/women/aging and youth/family. On average, each newscast is made up of six stories for a total of over 2,300 topics per quarter.

Public Service Announcements: Stations KDND, KRXQ, KSEG, KSSJ and KWOD rotate public service announcements at a rate of at least one per air shift. Each public service announcement is in rotation for approximately two weeks. The announcements are received from community organizations by fax and mail. Among the groups whose announcements aired last quarter are: National Ovarian Cancer Coalition, Healing Hands, Healing Hearts, Roseville Active 20/30 Club, Sacramento County Therapeutic Rec Services, Elk Grove Chamber of Commerce, Placer County SPCA, Women's Civic Improvement Club, BloodSource, City of Sacramento Summer Food Services, Discovery Museum, Sacramento Works, Cure Breast Cancer, Sacramento Horsemen's Association, Molina Health Care, Pink Ribbon Classic, Riata Ranch Cowboy Girls, Glen Edwards Middle School, Sacramento Zoological Ed. Program, Breast Cancer Research Foundation, Brad Shuder Scholarship Fund, Women's Peace Event, Sacramento Valley AIDS Walk, Another Choice, Another Chance, Camp Ross Relles, National Night Out, Sacramento Food Bank, Arthritis Foundation, Roseville Chamber of Commerce, Muscular Dystrophy Association, Alzheimer's Aid Society, Northern California, Placer Child Abuse Prevention Council, Greater St. Stephen's Baptist Church, Sacramento Career Quest, Make-A-Wish Foundation, Summer Job Fair 2004, Celebration Arts, Recovery Happens, 3rd Annual Call for Unity, Ronald McDonald House, Court Appointed Advocate Program, California Coastal Clean-up Day, Placer County Animal Shelter, St. Anthony's Parish, U.C. Davis Cancer Center, El Dorado Women's Center and Mother Lode Rehabilitation Enterprises.

Through public service announcements and other community contributions, including the money raised for charities, needy individuals, disaster relief funds, etc., the production costs of fundraising programs and appeals, the dollar value of in-kind contributions, production services, public affairs programming, and off-air community service,

including the dollar value of on the job employee community contributions, the Entercom Sacramento stations have made annual community service contributions in the amount of \$5,208,000.

Entercom Sacramento stations attend Sacramento Valley Broadcasters Association, which conducts ascertainment interviews in order to stay in touch with community leaders and to stay informed about issues that should be reported in news and public affairs programs. During an ascertainment interview, station representatives take notes on speakers' comments, which are then used to generate ideas for news and public affairs programs. Guests this quarter included speakers from the Sacramento County Animal Shelter, Sacramento Voters Registration and Elections, BloodSource, Sacramento Association of Realtors and the Sacramento/Yolo Mosquito & Vector Control District.

COMMUNITY SERVICE ACTIVITIES

Entercom Sacramento participates in and supports numerous service events in the local community by donating the time of on-air talent, on-air promos and mentions, as well as various compact discs, t-shirts, DVDs, movie passes, hats and other promotional merchandise. Ongoing community service activities include on-air personalities emceeding numerous fundraisers, tours of the radio stations, internships and job shadowing. Examples of events in which Entercom Sacramento participates include:

- Radiothon benefiting the U.C. Davis Children's Hospital (helped raise more than \$90,000 through donations from listeners)
- Entercom's Make a Difference Day
- Clothing drive for the WIND Youth Center for Homeless Teens (over \$11,000 in cash and \$3,000 in gift cards was donated by listeners and over three 50 foot trucks were filled with donations)
- 60-mile walk benefiting the Susan G. Komen Breast Cancer Foundation
- Golf tournament benefiting homeless veterans
- Frequent concerts benefiting the St. Patrick Home for Children
- Firefighters Fill the Boot for Burns drive
- Blood drives
- Fundraiser for Zack's Place SIDS Organization (raised a total of \$11,500)
- Sac Rock's Compact Disc benefiting the Mustard Seed School for homeless children (helped raise \$4,000)
- News 10 Coats for Kids Drive (helped reach goal of 25,000 coats)
- Golf tournament benefiting Families First
- Ride for the Kids benefiting the Pediatric Brain Tumor Foundation
- 10-mile Emigrant Bike Trek benefiting the American Lung Association
- Golf tournament benefiting the Hemophilia Foundation of Nevada
- Singles Event benefiting the U.C. Davis Children's Hospital
- Doggy Dash benefiting the Sacramento SPCA
- Get Wet Event, which is a free family-oriented event that educates people as to the importance of the American River and encourages responsible water safety
- Creek Week

- Club Live benefiting the after school program
- Special Olympics 3 on 3 Basketball Tournament
- John Barrett Middle School Jog-O-Thon
- DMV/March of Dimes charity event
- Maidu Park Walk-a-thon
- Bell Coolidge Library summer reading program event
- Safenight at Waterworld USA, which is an anti-smoking, anti-drinking alternative entertainment night for teens
- Various events at local schools
- Third Thursday at the Crocker, where the station hosts an art and music event for community outreach
- Various events to benefit St. Patrick's Home for Children

EMERGENCY PROGRAMMING

Entercom Sacramento interrupts regular programming to carry extended news and/or special emergency coverage pertinent to its local area occurs when necessary. Most recently, a sudden storm debilitated Blood Source, which supplies blood to 40 hospitals in 18 counties. All Entercom Sacramento stations aired special requests for desperately needed blood donations and for assistance in repairing the facility.

LOCAL MUSIC INITIATIVES

Station KWOD plays the music of small label/no label local artists in regular rotation. The station airs two separate shows – the *Sounds of Sacramento* for local artists and *The Buzz Bin* for small label artists.

Station KRXQ airs *Local Licks*, a weekly half-hour program dedicated to local artists, and *Ear Whacks*, which spotlights small label/no label artists. In addition, the station puts out an annual CD entitled “Sac Rocks,” which is a compilation album featuring local artists.