

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.

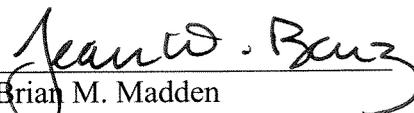
The market-driven sensitivities to issues of local concern envisioned by the Commission in 1981 are a reality, obviating any need for new government intervention. Because its continued existence is predicated on its meeting the needs and wants of its listeners effectively, the Entercom Rochester radio 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 Rochester 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 Rochester'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 Rochester stations exceeded \$8.3 million.

CONCLUSION

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

COMMUNITY SERVICE PROGRAMMING

Public Affairs Programming: Entercom Rochester broadcasts programming that addresses or responds to matters of concern to its listeners.

Station WBEE

Inside Rochester Country (Locally produced) airs on Sunday nights from 10:00 p.m. to 10:15 p.m.

Rochester Forum (Locally produced) airs on Sundays from 10:15 p.m. to 10:30 p.m.

Capitol Connections (New York State) airs on Sundays from 6:00 a.m. to 6:30 a.m.

The City (Locally produced) airs on Sundays from 10:30 p.m. to 11:00 p.m.

Station WROC

First Talk With Allan Harris (Locally produced) airs Monday through Friday from 8:00 a.m. to 9:00 a.m.

Inside Rochester Country (Locally produced) airs on Sunday nights from 7:30 a.m. to 7:45 a.m.

Rochester Forum (Locally produced) airs on Sundays from 7:45 a.m. to 8:00 a.m.

Capitol Connections (New York State) airs on Sundays from 6:00 a.m. to 6:30 a.m.

The City (Locally produced) airs on Sundays from 6:30 p.m. to 7:00 p.m.

Health Journal (Nationally Syndicated) airs on Sundays from 7:00 a.m. to 7:30 a.m.

Station WBZA

Inside Rochester Country (Locally produced) airs on Sunday from 7:30 a.m. to 7:45 a.m.

Rochester Forum (Locally produced) airs on Sundays from 7:45 a.m. to 8:00 a.m.

Capitol Connections (New York State) airs on Sundays from 6:00 a.m. to 6:30 a.m.

The City (Locally produced) airs on Sundays from 7:00 a.m. to 7:30 a.m.

Health Journal (Nationally Syndicated) airs from 6:30 a.m. to 7:00 a.m. on Sundays.

Station WBBF

Inside Rochester Country (Locally produced) airs on Sunday nights from 11:00 p.m. to 11:15 p.m.

Rochester Forum (Locally produced) airs on Sundays from 11:15 p.m. to 11:30 p.m.

Capitol Connections (New York State) airs on Sundays from 10:30 p.m. to 11:00 p.m.

The City (Locally produced) airs on Sundays from 11:30 p.m. to 12:00 a.m.

Health Journal (Nationally Syndicated) airs from 10:00 p.m. to 10:30 p.m. on Sundays.

Entercom Rochester also carried, in conjunction with WROC TV, the local debate by County Executive Candidates (WROC Radio Fall 2003). In addition, Entercom Rochester carried the Presidential Debates (WROC Radio). Entercom Rochester covers and discusses local elections daily on station WROC on First News (Monday-Friday, 6:00 a.m.-8:00 a.m.), and First Talk with Allan Harris (Monday-Friday, 8:00 a.m.-9:00 a.m.).

In order to determine the subjects of the public affairs programming, Entercom Rochester conducts regular community ascertainment through interviews with local, and regional community and political leaders. In addition, Entercom Rochester regularly receives e-mail and telephone input from the community on its programming.

Station WROC Program Director, Entercom Rochester News Director, WBEE Morning Show Host, Station WROC Morning Show Host and Entercom Rochester Executive Assistant dedicate roughly 1000 hours per year to the planning, guest booking and production of these pre-recorded public affairs programs.

Public Service Announcements: Entercom Rochester broadcasts public service announcements. Station WROC runs approximately 155 minutes of public service announcements per week, station WBBF typically runs 90 minutes per week, station WBZA runs approximately 141 minutes per week and station WBEE runs approximately 140 minutes per week. The average monthly value of airtime contributed is \$344,833.

COMMUNITY SERVICE ACTIVITIES

Entercom Rochester developed the following local campaigns:

Celebrate Rochester: All Entercom Rochester Stations. A program inviting community members to discuss what they feel are the positive attributes about living in the Rochester region. Entercom Rochester developed the program in conjunction with The City of Rochester. Participants include Rochester Mayor, Monroe County Executive, Directors of The George Eastman House Museum, The Strong Museum, and The Gay and Lesbian Alliance of Rochester, to name just a few of the hundreds of local leaders and citizens who have responded to Entercom Rochester's call. The campaign runs in all time periods, on all 4 stations.

Go Red For Women. A program created in conjunction with The Local Chapter of The American Heart Association, Go Red For Women seeks to educate women about the specific dangers to women of heart disease and stroke. The program includes interviews with local women who are heart attack and stroke survivors and how to get more information on the number one killer of women – heart attack and stroke. The campaign runs in all time periods, on all 4 stations.

The Coalition to Save Lives: All Entercom Rochester Stations. A program created in conjunction with the United Way and The American Red Cross, The Coalition to Save Lives is a year-long program talking about the importance of buying and installing AED's into local businesses and community areas. The :60 announcements include interviews with local leaders who installed the devices and people who have been saved in Rochester by the placement of an AED. Campaign runs for 12 months in all time periods, on all 4 stations.

Entercom Rochester participated in the following events:

Make A Difference Day. On March 16, 2004, Entercom Rochester employees volunteered to paint a local community group home for CDS, The Center for Disability Services.

Local Studio Tours. Weekly Tours of Entercom Rochester's facilities are provided to schools, boy scouts and girl scouts. The purpose of the program is to encourage children to look at the First Amendment, understand "Freedom of The Press" and examine possible careers in broadcasting.

The Radiothon to Benefit The Ronald McDonald House. In May 2004, station WBEE aided an all day fundraiser to benefit the house that love built, including live and silent auctions, live entertainment and on-air radiothon. The event raises between \$30,000 and \$40,000 annually.

The Red Cross Annual Night Out. September 2003/2004. Public Service campaign and fundraiser to benefit the local disaster relief fund of The American Red Cross.

Gilda's Gala To Benefit Gilda's Club. September 2003/2004. Fundraiser to benefit Gilda's Club, which is a part of the Rochester Cancer Action Network.

American Heart Association Heart Walk. March 2003/2004. Created teams of walkers from Entercom Rochester's stations to participate and encourage participation of the community to raise monies for The Heart Association Local Chapter. Raised almost \$400,000 in 2004.

Kidney Walk 2004. June 2004. Local walk to benefit the Kidney Foundation of Upstate New York.

Project Bundle Up. September 2004. Project Bundle Up is a program created in conjunction with the Local Salvation Army to provide coats to kids so that they can keep warm. Promoting self-esteem and warmth for the winter are the goals of this program. It is a combined radio/television (partnered with WROC TV8) fundraiser to raise money for children to get coats for the winter. Over \$30,000 was raised in 2004, allowing The Salvation Army the chance to buy new coats for the kids.

EMERGENCY PROGRAMMING

Entercom Rochester has interrupted regular programming to carry extended news and/or special emergency coverage of the following events:

April 2003: Local Ice Storm. Due to a heavy ice storm in western New York, power was interrupted for most of Entercom Rochester's listening area. Starting at 11:00 p.m. on the day of the storm, Entercom Rochester aired coverage of the storm on all four of its stations. Programming during the overnight hours included regular news and information updates at least twice per hour on all stations. In addition, listener calls were put on all stations overnight. Starting at 6:00 a.m. on the day following the storm, station WROC went to "wall to wall" coverage for 12 hours with interviews and stories on food storage, power management and shelters and updates on power restoration efforts from Rochester Gas and Electric. Each of the three Entercom Rochester FM stations aired local updates and interviews four times per hour. The following evening and night, Entercom Rochester reverted to somewhat regular programming with 2 updates per hour. The coverage outlined above continued through the following day.

August 2003: Northeast Blackout. Entercom Rochester's emergency coverage began immediately upon the loss of power, reverting to live, local non-music programming within minutes of the outage. Entercom Rochester took listener calls, reported information as it came in, cancellations and dispatched reporters to Rochester Gas and Electric and around town. Entercom Rochester teamed with WROC TV, whose, over-the-air signal was off, and utilized their reporters as resources to cover the story as it unfolded. Entercom Rochester returned to regular programming when power was restored to most of the Greater Rochester area.

LOCAL MUSIC INITIATIVES

Station WBEE produces 2 outdoor concerts per year that feature local opening country music acts. This event allows local artists to perform on the same stage as National Artists. Station WBEE also co-sponsors the "Colgate Country Showdown," a national contest looking for new Country Talent. Some of today's hottest country acts have come out of this contest. Entercom Rochester's sponsorship includes on-air play of new artist music and live venue contests for new local acts.

Station WBZA broadcasts an "Unsigned Talent" program on Thursdays. Local acts send in their recordings for a chance to be played on the air, or "live" in studio. Acts are interviewed on the air to showcase the high quality of local music in Rochester. "Unsigned Talent" runs in Morning Drive, the highest rated day part.