Buckley Radio (11/2/04)

Buckley Radio in Connecticut includes five stations licensed to four cities or towns throughout the state: WDRC-FM, Hartford; WMMW-AM, Meriden; WWCO-AM, Waterbury; and WSNG-AM, Torrington. Buckley Radio reports on the amount of local news provided, the local public affairs programming, the process whereby programming is created and selected, the stations' emergency programming, how the political programming covers local politics, civil, cultural, and other community responsive programming, music from local bands, and station participation in community activities.

California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (CCASDHH) (9/1/04)

CCASDHH represents about 3 million deaf and hard of hearing in California. The main concern of the Coalition is the issue of televised broadcasting networks providing consistent closed captioning for both national and local broadcasts.

CCASDHH presents some examples of what deaf and hard of hearing individuals encounter when viewing televised broadcasts. Sometimes the formatting instructions come along with the closed captioning; other times the captioning goes by too fast to read. Emergency reports rarely have captioning. Weather reports are rarely captioned. In addition, CCASDHH would prefer that a ticker tape be run at the top of the screen rather than the bottom, for legibility.

CCASDHH feels that part of localism is whether the public is deserving of receiving information. Since the deaf and hard of hearing are part of the public, they should also be able to choose what to watch without concerns for whether the material has been captioned or not.

CCASDHH strongly opposes the possibility of the US government cutting captioning from national programs. If national programs are allowed to cut captions, the local broadcasters will be negatively affected also. Therefore captioning should be provided at both the national and local levels.

Campaign Legal Center and Alliance for Better Campaigns (CLC-ABC) (11/01/04)

CLC-ABC are nonpartisan, nonprofit organizations dedicated to "political broadcasting policy, promoting awareness and enforcement of political broadcasting laws, and revitalizing competition in our democratic process by ensuring that the public airwaves serve as a forum for open and vibrant political debate." They express their concern "regarding the continual decline in the amount of broadcast news coverage of campaign and election issues in recent years." They request the Commission to "adopt a policy requiring broadcast licensees to devote at least a reasonable minimum standard of time to local civic and electoral affairs discourse." They also call for the adoption of "measures that will strengthen disclosure requirements for broadcast stations, including a requirement to post political public file information on-line for greater public access."

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With regard to the alleged "decline in political programming," these commenters offer various statistics to demonstrate that local news broadcasts contain inadequate election coverage, that network news coverage of national elections continues to decline, and that of the stories stations have aired, the majority are about strategy and poll results rather than issues.

To begin to remedy this perceived problem, CLC-ABC ask the Commission to require disclosure of political public file information on broadcasters' websites and to require disclosure of more information "on the precise broadcast times and sponsors of political advertisements and public service announcements." These public interest groups argue that "[w]ebsite posting would enhance candidates' abilities to take advantage of equal time opportunities and likely promote discourse and public comment, potentially reducing the need for further regulation." Moreover, they argue that "facilitating access to true sponsorship identification via a website would assist in addressing recent concerns regarding secretive organizations running issue advertisements on television."

Further, CLC-ABC ask the Commission to adopt a standardized form for stations to use when reporting political advertising buys as well as a standardized form for stations to report their local civic and public affairs programming. The information resulting from these increased disclosure measures, CLC-ABC argues, "will help provide information to the public and ensure that the Commission has the appropriate and complete information to determine whether broadcast license holders are fulfilling their statutory public interest obligations."

CLC-ABC also urge the Commission to clarify the 1971 "lowest unit charge" ("LUC") regulation by eliminating the word "class" from the regulation requiring stations to charge "the lowest charge of the station for the same class and amount of time for the same period." They note that "as interpreted and enforced by the FCC, the law says that stations are in compliance if they offer candidates the best rate available for a given 'class' of ad time." They point out that "over the years, stations have created more and more classes of ad time – immediately preemptible, preemptible with 24 hours notice; preemptible with five days notice; non-preemptible; etc. As long as the candidate receives the lowest rate within a given class, stations are technically in compliance – even though this pricing structure inevitably steers candidates toward the most expensive time." Thus, CLC-ABC conclude that "the original intent of the LUC provision – to peg candidate ad rates to discount prices paid by volume product advertisers – is no longer served." Therefore, they urge the Commission to amend its LUC regulation.

Finally, the CLC-ABC groups make a number of recommendations in the broadcast license renewal process. These include "clearer guidelines/standards for making license renewal decisions," interim license reviews at the mid-point of the current eight year license term, quarterly reporting of station programming that serves the public interest, regularly scheduled audits of broadcasters' files to ensure compliance, and consideration of a requirement that broadcast licensees retain a "programming archive."

Campaign Legal Center and Alliance for Better Campaigns (CLC-ABC) (1/3/05-Reply Comments)

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CLC-ABC present three main points in their reply comments. First, they dispute broadcasters' assertions that they have satisfied their public interest requirements through a plethora of local news, public affairs, and public service announcements. They cite in rebuttal "scores of recent studies and overwhelming public opinion expressed in this docket and in the Commission's recent localism hearings" which they argue "demonstrate that broadcasters are failing to fulfill their public interest obligations because they do not provide adequate local civic and political discourse." They also cite to court precedent supporting the imposition of public interest obligations on broadcasters.

Second, CLC-ABC urges that the Commission promptly begin a rulemaking proceeding to develop localism rules because, they contend, market forces alone have not resulted in adequate public interest service. They submit that "the Commission has the duty and the authority to study the current market and reevaluate previous judgments that led to the repeal of localism regulations in the 1980s." They note that "at that time, the Commission, relying on a prediction that broadcasters would provide local programming without such guidelines, eliminated many of its public interest requirements. However, the Commission explicitly reserved the right to re-regulate in the public interest if "the market is perceived to work imperfectly." Since the elimination of programming guidelines, CLC-ABC argues that "locally oriented programming has suffered significantly in both quantity and quality. Broadcast practices in the last two decades show that market forces alone do not result in local broadcasting that adequately serves the public interest. Establishing clear guidelines that address public interest obligations will help ensure that our local communities have access to the programming they require." CLC-ABC offers proposed processing guidelines at Appendix A to their reply.

Third, CLC-ABC maintain that "the Commission has the authority and duty to modify license renewal procedures to further ensure adequate public interest broadcasting." Specifically, they urge the Commission to "1) adopt policies that would strengthen disclosure requirements for broadcast station programming, and 2) adopt processing guidelines that allow broadcasters who fulfill the guidelines to easily receive license renewals at the staff level." They argue that "strengthening disclosure requirements will help to ensure that broadcasters meet their licensing and public interest obligations and will make it easier for the Commission and the public to determine if a licensee has served the public interest." They also conclude that "processing guidelines to incentivize programming aimed at the particular needs of local communities would also serve the public interest by rewarding broadcasters who fulfill their public interest obligations." They further contend that their proposed heightened disclosure obligations raise no First Amendment problems. CLC-ABC offers a proposed public-interest disclosure report for television stations at Appendix B to their reply.

Capitol Broadcasting Company, Inc. (CBC) (11/1/04)

CBC files this comment in its capacity as the licensee of four broadcast stations that operate in Raleigh, North Carolina, Belmont, North Carolina, Wilmington, North Carolina, and Rock Hill, South Carolina.

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First, CBC commends the FCC for initiating this localism proceeding and urges it to act on the 1999 *Notice of Inquiry* concerning the public interest obligations of digital broadcasters as well as the 2000 *Notice of Proposed Rulemaking* related to standardized disclosures of broadcasters' public interest activities. According to CBC, both proceedings "contain[] issues inherent to localism."

Second, CBC expresses concern that the debate over structural versus behavioral rules and market forces versus regulation may overshadow the proper focus of these proceedings, which it says is a broadcaster's obligation to serve the public interest. CBC asserts that, with or without structural or behavioral rules, or competitive market forces, a broadcaster, by statute, must serve the public interest. CBC agrees with the FCC's statement in the *Localism NOI* that, as temporary trustees of the public airwaves, broadcasters must use the medium to serve the public interest, and the FCC has interpreted this to mean that licensees must air programming that is responsive to the interests and needs of their communities of license. CBC notes that, even as the FCC deregulated behavioral rules for broadcasters in the 1980s, it did not deviate from the notion that they must serve their local communities. To that end, CBC supports a balance of structural and behavioral rules that do not impede First Amendment rights. Although structural rules are not directly at issue in this proceeding, CBC believes that ownership underlies all aspects of how a broadcaster serves its local community.

Third, CBC supports the adoption of specific "behavioral rules" that it believes would support localism, including community outreach and minimum public interest obligations. In particular, CBC supports rules requiring stations to develop methods for determining, on a regular basis, the primary issues, needs and interests of a community. To afford stations flexibility, CBC suggests that the FCC develop alternative methods for seeking this input, ranging from "old-fashioned face-to-face meetings to town hall webcasts."

CBC contends that any behavioral rules the FCC adopts also should include local programming obligations. CBC believes that localism – operating a local station to serve the needs and interests of an individual local community – is the foundation of free over-the-air broadcasting, and the heart of localism is local programming. To ensure that local communities benefit from digital multicasting, CBC urges the FCC to include local programming minimums on each nonsubscription based multicast channel. According to CBC, locally-produced programming should reflect the needs, problems and interests of the local community as learned through a station's community outreach process.

CBC asks the FCC to adopt rules requiring the following "public interest minimums:" (1) Two hours of public affairs programming per week (not including news programming), including at least one hour of public affairs programming that is locally produced and that runs between the hours of 6:00 p.m. and 11:00 p.m. (CBC suggests that this requirement be phased in); (2) 30 to 60 days before a general election, public affairs programming focusing on candidate-centered election issues; (3) 110 to 150 public service announcements (PSAs) per week for each station or multicast channel, with at least half of the PSAs locally produced and

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directed toward local issues, and with "a significant number" running in prime time for television and in "drive times" for radio.

Through standardized reporting on a quarterly basis, CBC contends that stations should be required to report to the public and to the FCC how community needs, interests and problems are being served through local programming.

Finally, CBC believes that broadcasters ignore their public interest obligation to their local communities when they do not preview network programming before it airs. CBC asserts that, if this problem is not addressed contractually between an affiliate and its network, then the FCC should adopt rules supporting an affiliate's right to preview network programming.

Capitol Broadcasting Company, Inc. (CBC) (12/3/04)

CBC submits this *ex parte* notice of a December 2, 2004, meeting of CBC representatives, Dianne Smith and Jim Goodman, with Jordan Goldstein of FCC Commissioner Michael Copps' office, FCC Commissioner Jonathan Adelstein and his special assistant, Dionne McNeff, Jon Cody of FCC Chairman Michael Powell's office, Erin Dozier of the FCC's Media Bureau, and FCC Commissioner Kevin Martin and his advisor, Elizabeth Andrion. CBC states that, at the December 2nd meeting, CBC discussed its view that defining broadcasters' public interest obligations is a necessary step in the FCC's work to complete the "digital transition." CBC further states that the discussion focused on comments filed by CBC in the FCC's "localism" docket. (Those comments are summarized separately).

Capitol Broadcasting Company, Inc. (CBC) (1/27/05)

CBC submits this *ex parte* notice of a January 25, 2005, meeting between CBC official Dianne Smith, and FCC Commissioner Adelstein and several members of Commissioner Adelstein's staff, and of a separate meeting on that date between Ms. Smith and FCC Commissioner Copps and legal adviser, Jordan Goldstein. CBC states that both meetings focused on the "wideranging, long-term impact" of an FCC decision to not require multichannel video providers to carry broadcasters' digital multicast signals, as well as the interrelationships of certain FCC dockets.

In summarizing the issues discussed, CBC states its view that the FCC should complete its inquiries on localism and the public interest obligations of digital broadcasters, as well as issue an order in the standardized reporting docket, before addressing the digital must carry issue. CBC believes multicasting represents an important opportunity to enhance localism. Regarding the "no multicasting" must carry decision, CBC states that, without multicasting must carry, broadcasters must seek cable and/or Direct Broadcast Satellite ("DBS") carriage before developing new channels. In effect, CBC argues, multichannel providers may become roadblocks to the development of new local programming. According to CBC, broadcasters may not be willing to risk the investment in new local channels without a guarantee that cable companies will carry their programming. CBC contends that the potential for "missed

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opportunities and mischief" is significant where a local broadcaster must ask permission of a monopoly cable company before deciding how to program its digital spectrum.

CBC asserts that, without multicasting, multichannel carriage opportunities shift based on a broadcaster's status, creating three classes of broadcasters: (1) "Non-Big Four Affiliates," including religious and minority broadcasters, for which multicasting carriage seems unlikely due to their lack of negotiating leverage; (2) "Network Owned & Operated Stations ("O&Os")," which are likely to obtain multicasting carriage due to their ability to negotiate multiple major market deals and negotiate using popular cable channels; and (3) "Non-O&O Big Four Affiliates," which fear "ceding more power" to the networks to control their programming, but may need to do so in order to rely on the networks' carriage leverage to create "joint venture" multicast channels that include both national and local content.

CBC further contends that, if broadcasters are not multicasting, the creation of additional children's programming and additional public affairs programming will be jeopardized, and the transition to digital will take place more slowly. And because a "no multicasting" must carry decision will significantly impact the future of terrestrial broadcasting, the "battle," according to CBC, will not end but, instead, will shift to the Congress. CBC asserts that, while two big industries battle, the real losers are consumers who are missing the "tremendous opportunity" presented by multicasting. Finally, CBC contends, another likely impact of a "no multicasting" decision is that "the rich get richer and the big get bigger."

Capitol Broadcasting Company, Inc. (CBC) (2/4/05)

CBC submits this *ex parte* notice of a February 2, 2005, meeting between CBC official, Dianne Smith, and Matt Brill of FCC Commissioner Kathleen Abernathy's office. CBC states that the February 2nd meeting focused on the "wideranging, long-term impact" of an FCC decision to not require multichannel video providers to carry broadcasters' digital multicast signals, as well as the interrelationships of certain FCC dockets.

In summarizing the issues discussed, CBC states its view that the FCC should complete its inquiries on localism and the public interest obligations of digital broadcasters, as well as issue an order in the standardized reporting docket, before addressing the digital must carry issue. CBC believes multicasting represents an important opportunity to enhance localism. Regarding the "no multicasting" must carry decision, CBC states that, without multicasting must carry, broadcasters must seek cable and/or Direct Broadcast Satellite carriage before developing new channels. In effect, CBC argues, multichannel providers may become roadblocks to the development of new local programming. According to CBC, broadcasters may not be willing to risk the investment in new local channels without a guarantee that cable companies will carry their programming. CBC contends that the potential for "missed opportunities and mischief" is significant where a local broadcaster must ask permission of a monopoly cable company before deciding how to program its digital spectrum.

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CBC asserts that, without multicasting, multichannel carriage opportunities shift based on a broadcaster's status, creating three classes of broadcasters: (1) "Non-Big Four Affiliates," including religious and minority broadcasters, for which multicasting carriage seems unlikely due to their lack of negotiating leverage; (2) "Network Owned & Operated Stations ("O&Os")," which are likely to obtain multicasting carriage due to their ability to negotiate multiple major market deals and negotiate using popular cable channels; and (3) "Non-O&O Big Four Affiliates," which fear "ceding more power" to the networks to control their programming, but may need to do so in order to rely on the networks' carriage leverage to create "joint venture" multicast channels that include both national and local content.

CBC further contends that, if broadcasters are not multicasting, the creation of additional children's programming and additional public affairs programming will be jeopardized, and the transition to digital will take place more slowly. And because a "no multicasting" must carry decision will significantly impact the future of terrestrial broadcasting, the "battle," according to CBC, will not end but, instead, will shift to the Congress. CBC asserts that, while two big industries battle, the real losers are consumers who are missing the "tremendous opportunity" presented by multicasting. Finally, CBC contends, another likely impact of a "no multicasting" decision is that "the rich get richer and the big get bigger."

Capitol Broadcasting Company, Inc. (2/4/05)

CBC submits this *ex parte* notice of a February 3, 2005, meeting between CBC official, Dianne Smith, and Catherine Bohigian of FCC Commissioner Kevin Martin's office. CBC states that the February 3rd meeting focused on the "wideranging, long-term impact" of an FCC decision to not require multichannel video providers to carry broadcasters' digital multicast signals, as well as the interrelationships of certain FCC dockets.

In summarizing the issues discussed, CBC states its view that the FCC should complete its inquiries on localism and the public interest obligations of digital broadcasters, as well as issue an order in the standardized reporting docket, before addressing the digital must carry issue. CBC believes multicasting represents an important opportunity to enhance localism. Regarding the "no multicasting" must carry decision, CBC states that, without multicasting must carry, broadcasters must seek cable and/or Direct Broadcast Satellite carriage before developing new channels. In effect, CBC argues, multichannel providers may become roadblocks to the development of new local programming. According to CBC, broadcasters may not be willing to risk the investment in new local channels without a guarantee that cable companies will carry their programming. CBC contends that the potential for "missed opportunities and mischief" is significant where a local broadcaster must ask permission of a monopoly cable company before deciding how to program its digital spectrum.

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(1) "Non-Big Four Affiliates," including religious and minority broadcasters, for which multicasting carriage seems unlikely due to their lack of negotiating leverage; (2) "Network

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Owned & Operated Stations ("O&Os")," which are likely to obtain multicasting carriage due to their ability to negotiate multiple major market deals and negotiate using popular cable channels; and (3) "Non-O&O Big Four Affiliates," which fear "ceding more power" to the networks to control their programming, but may need to do so in order to rely on the networks' carriage leverage to create "joint venture" multicast channels that include both national and local content.

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Cascade Radio Group, Rick Staeb, GM (10/27/04)

Mr. Staeb disagrees with those who would say that radio stations are not involved with their local communities. Mr. Staeb states that the stations in the Cascade Radio Group in Bellingham, WA, are very involved locally, and attaches examples of their localism efforts in terms of both locally oriented programming and involvement in community events and causes.

Chicago Access Corporation (CAN TV) (10/27/04)

CAN TV states it is an independent nonprofit organization giving every Chicagoan a voice on cable TV by providing video training, facilities, equipment, and channel time for Chicago residents and nonprofit groups and by providing coverage of events relevant to the local community.

CAN TV claims the development of PEG access channels, programming, equipment and services provides a model for localism that could be used for broadcast, satellite, and IP-enabled media. It asserts local oversight of such public service media resources is an essential principle from the cable access model that could be used. It claims mandatory set asides of local media resources and spectrum should be standardized at ten percent to compensate for private use of public media assets. It asserts the FCC could help to fulfill its educational role by distributing information about local cable access programming activities that occur throughout the U.S. on broadcast and cable access stations.

CAN TV states, with very few exceptions, the commercial media marketplace does not currently support non-commercial speech. It claims that, except for a few examples of responsible and admirable efforts by broadcasters during the FCC's Localism hearings, continuation of the Commission's permissive attitude regarding ownership consolidation easily could lead to the demise of the few remaining points of light. It argues the top three cable MSOs (Comcast, Time Warner, and Cox), currently controlling well over half of the cable subscribers in the U.S., have

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lengthy track records of actively and ardently opposing efforts by communities to adequately develop and support PEG Access operations. It asserts local communities require their own voices, and Congress and the FCC must protect local media and uphold the public interest. CAN TV states that otherwise, the needs and interests of distinct local communities are ignored or misrepresented. It states the best way to promote locally-oriented programming is to set aside bandwidth and spectrum and secure adequate funds to support development of a variety of non-commercial, public service media in every community.

CAN TV claims the lack of local public affairs programming on traditional media outlets has been well documented. It provides the names of various published reports and web sites to support its assertions. It states that, in contrast, an example of the local and diverse interests served by PEG is CAN TV, the public access organization in Chicago. CAN TV contrasts its budget and number of weekly hours of original, local programs versus Chicago's local PBS station, and provides its website.

CAN TV strongly urges the Commission to rectify what it characterizes as the Notice of Inquiry's essential limited consideration related to structural and behavioral rules for licensed broadcasters with no consideration of the larger communications framework of including non-commercial media, like PEG access, by including PEG experts in hearings, evaluating successful models of PEG access in promoting localism, comparing and contrasting these practices and their outcomes with those of commercial broadcasters, and exploring the potential for expanding the PEG access model across other media platforms.

Chrysafis, The Reverend Robert P. (1/7/04)

Rev. Chrysafis states he is an aspiring Low Power AM (LPAM) broadcaster. He would like the Commission to docket for public comment a Petition for Rulemaking to establish a LPAM Radio Service and issue a Notice of Proposed Rulemaking regarding primary service status for LPAM stations. He specifically references documents filed with the Secretary's Office by a Mr. Fred Baumgartner and a Mr. Nickolaus E. Leggett. Further, he would like LPAM stations to have protection from IBOC interference. Rev. Chrysafis states that an expansion of low power radio service is vitally important for the restoration and expansion of localism in broadcasting.

Cirivello, Laurie (11/1/04)

Ms. Cirivello states that media are society's primary means of accessing information, and that commercial providers must not be the sole decision makers of what is said and heard in the local community.

Ms. Cirivello argues that the PEG access model can be used for non-commercial communication, and that requiring corporate providers to serve up a particular amount of public interest programming can lead to easy off time programs that may not meet local needs.

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She states that local needs include programs on valuing diversity, profiles of immigrant neighborhoods and information to help seniors access the bus system.

Ms. Cirivello states that, as a capitalist, she believes in the importance of a free and robust marketplace, but that such a market place should be part of a robust community structure, not a replacement. She urges the Commission to establish a community marketplace for the dissemination of information designed for people, not profits.

Ms. Cirivello concludes by noting the need for non-commercial local use of telecommunications and funding structures that are based on the value of the rights of way access granted for free to the large corporations.

Citadel Broadcasting Company (Citadel) (11/1/04)

Citadel states that the Commission's 1981 *Radio Deregulation Order*, 84 FCC2d 968 (1981), correctly afforded radio station owners great flexibility to determine and meet the need for local programming in their service area. Citadel also states that for the FCC to require particular programming would unwisely replace the judgment of the government for that of the public.

Citadel states that it agrees with the Commission's reasoning in 1981 that for radio broadcasters to compete in an increasingly competitive marketplace, they must specialize their programming to attract an audience so that they may remain financially viable – that market forces, not content regulation, promote localism. Citadel also states that broadcasters should be given maximum flexibility to determine what those specialized community needs are and how to program for them.

Citadel states that its stations have responded to market forces in precisely the way that the Commission envisioned in the *Radio Deregulation Order*, by supplying programming that is responsive to the needs and interests of their communities, being active and responsible members of those communities through sponsorship, support of, and involvement in a wide variety of community events and causes.

Citadel attaches a summary of the efforts of its radio stations to meet local programming needs through, for example, news programming, community programming, community service, political programming, special emergency programming, and local music initiatives.

Citadel Communications Co. – KCAU-TV, Sioux City, Iowa (KCAU) (11/23/04)

KCAU states that it places a significant investment in local news programming and that its twenty-four half-hour newscasts per week represent 14% of its total weekly broadcast schedule.

KCAU states that it has a similar commitment to local public affairs programming. KCAU provides examples of such programs offered in 2004. KCAU states that, each quarter, it holds an ascertainment meeting in which it invites six local community leaders to provide input on issues

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that are important in the local area. KCAU also states that it conducts between 25-30 interviews each quarter to help guide the news and public service programming choices. KCAU also states that it has a system in place to provide emergency programming information that includes special news reports, severe weather announcements, school closings and cancellations, Amber Alert notifications, and EAS.

KCAU provides examples of political programming coverage during the 2004 election to inform viewers on local races and candidates. KCAU also provides examples of community service programming for local service agencies, fundraising efforts and community events.

Citizens Media Corps (CMC) and the Commonwealth Broadband Collaborative (CBC) (1/20/04)

CMC and CBC file comments in support of a Petition for Rulemaking filed by Fred Baumgartner that would establish Low Power Radio on the AM Band. CMC and CBC are comprised of public access television and radio stations and community technology centers.

CMC and CBC are strong supporters of Low Power FM and regret that LPFM is not usable in many urban or even suburban areas. CMC contends that a low power AM system may partially redress this problem and provide new options in parts of the country where LPFM frequencies are also available. CMC argues that utilizing expanded band AM solely for the purpose of allowing the growth of more full power stations would squander the chance to shift the balance toward localism. CMC asserts that there must be an initial recognition that such service is technically feasible. In addition, CMC believes that in the case of contested licenses, criteria of localism should be applied, but no extra points should be given to non-profit applicants over individual owners who wish to run commercial stations.

Clear Channel Communications, Inc. (Clear Channel) (11/1/04)

Clear Channel states that it takes seriously its role as a broadcaster and describes localism as "the beacon that guides the programming and operation of every Clear Channel radio and television station." It asserts that localism enables broadcasters to distinguish themselves in an ever-changing, ever-expanding media marketplace in which aspiring competitors compete to attract and maintain the interest of an increasingly fractionalized audience.

Clear Channel states that, particularly in light of the increased programming options available to the public, its commercial imperative is to engage listeners and that it does this by being "locally focused," *i.e.*, by identifying issues and tastes of importance in local communities and broadcasting programming and otherwise participating in communities to address those concerns. According to Clear Channel, this commitment to addressing local concerns includes selecting music, not from a national playlist, but through the decisions of 900 Clear Channel local program directors who are "connected with" the individual communities they serve. Clear Channel states that its commitment to localism is evident in the multi-million dollar investment it has made in the area of local audience research and its initiatives to introduce listeners to new

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local music and artists. Clear Channel also states that it has a "zero tolerance policy" for pay-for-play and has no ties with independent record promoters.

In Clear Channel's view, market forces provide a compelling incentive for it to remain responsive to local concerns. It contends that the marketplace itself ensures that it serves local communities in order to maintain audience share and attract advertising dollars. Clear Channel believes that the imposition of new federal requirements would harm local communities by hampering the ability of local broadcasters to make decisions and be responsive to the communities they serve.

Clear Channel maintains that its stations have a multi-pronged approach to understand the needs and problems of the communities that its stations serve and to provide programming that meets those needs and problems:

- Decentralized decision-making by local management
- Local news and public affairs programming
- Localized entertainment programming selected by local station management
- Public service announcements
- Political programming
- Programming for minority and underserved audiences
- Provision of emergency information

Clear Channel states that concerns about radio industry practices such as the use of national music playlists, payola and voice tracking are not warranted. It believes that, particularly because broadcast localism is thriving, additional regulation is not necessary. It believes that the introduction of such regulation would divert licensees' resources from localism efforts.

Appended to Clear Channel's comments are the following: (1) a Business Week article, dated November 1, 2004, discussing competition between cable and phone companies; (2) a listing of industry awards received by Clear Channel stations; (3) a Clear Channel press release, dated October 13, 2004, announcing a series of initiatives to give free air-time to candidates running for elected office in the 2004 elections and to encourage voters to participate in national and local elections; (4) a Station WOAI(TV), San Antonio press release, dated October 12, 2004, announcing the station's broadcast of a primetime election special program; (5) a *St. Petersburg Times* article, dated October 4, 2004, reporting Clear Channel's offering of radio programming for black residents of the Tampa Bay area; (6) a description of Clear Channel's efforts in Florida in 2004 to prepare and inform residents prior to severe weather and to assist communities to rebuild and recover afterward; (7) a Sun-herald.com article, dated August 21, 2004, entitled "Clear Channel Stations Kept Charlotte Informed Through the Storm;" (8) a *Palm Beach Post* article, dated September 21, 2004, describing Clear Channel's community response efforts following Hurricane Frances in Port St. Lucie, Florida; (9) a *Washington Post* article, dated August 18, 2004, describing Clear Channel's community response efforts following Hurricane Charley in Punta Gorda, Florida; (10) a *St. Petersburg Times* article, dated August 17, 2004, describing how one Clear Channel radio station became a "lifeline" for residents of Punta Gorda,

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Florida following Hurricane Charley; and (11) a Clear Channel press release, dated April 9, 2003, announcing the company's decision to cut ties with independent music promoters.

Clear Channel Communications (Clear Channel) (1/3/05)

Clear Channel contends that its comments and those of other broadcasters filed in the localism proceeding have shown that competitive forces and the demands of local audiences have driven stations to serve the needs of their local communities in more varied and innovative ways than ever before. As such, it argues that regulatory intervention by the Commission is not needed.

In response to the criticisms of certain commenters, Clear Channel states that it wishes to "set the record straight." It maintains that such comments attacking Clear Channel are motivated by the self-interest of the commenting parties and should be viewed accordingly. It states that Clear Channel has no "national playlist." Instead, it states that its programming decisions, including the formulation of playlists at its music-intensive stations, are made locally by individual station managers, "air talent," and program directors in individual markets across the country, using sophisticated research techniques. It maintains that its stations provide their communities with relevant and popular local programming, providing examples of such fare. Clear Channel asserts that its lack of ties to independent music promoters and its extensive record of finding and nurturing new artists belie any claim that local communities have lost access to emerging musicians and local genres. Finally, Clear Channel contends that its use of voice-tracking technology on a limited basis to facilitate high-quality, ubiquitous radio service supports the overarching mandate of its stations to satisfy the distinct tastes and demands of the local markets they serve.

Clear Channel urges the Commission to reject the assertions of commenters who claim that localism is in need of repair with new regulations. According to Clear Channel, the Commission did "the right thing for the right reasons" 20 years ago when it abandoned burdensome regulations in favor of a flexible approach that empowered consumers of the radio and television industries.

Appended to Clear Channel's submission is a letter from the American Red Cross to Clear Channel Worldwide, dated October 24, 2004, expressing appreciation for the licensee's support of the American Red Cross' public service advertising.

Collegiate Broadcasters Inc. (CBI) (11/1/04)

CBI recommends the Commission should recognize that "community" is most effectively defined by both the interests and needs of its members as well as by geography.

CBI recommends that if the Commission develops any sort of localism review of stations at license renewal time, the unique characteristics of college and other-non commercial stations' programming choices must be considered and weighed heavily as a contribution to the local culture and needs of the community.

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CBI opposes any additional regulations that would require broadcasters to incur additional burdens concerning public inspection files and proposes greater flexibility regarding requirements for staff and management presence during business hours.

CBI considers that in order to further the goal of localism, the Commission needs to issue simple rules that encourage and reward stations for involving the community in issues of local interest, and that such rules should be based on principle rather than a detailed list of actions or quantified requirements for specific genres of programming. CBI states that these rules must also recognized that NCE stations often do not have many paid staff and rely on volunteers for the bulk of their work.

CBI opposes any return to formal ascertainment and recommends that if the Commission were to pursue a more formal ascertainment procedure, there should be exemptions allowed for non-commercial educational stations with fewer than 5 full-time employees.

CBI considers that the multitude of regulatory, technological and economic changes since deregulation has resulted in tremendous centralization of programming throughout much of the industry. It suggests that playlists, like all broadcast programming decisions, ought to be made in the interest of the local community. In regard to voice-tracking, it recommends that the Commission defer to the judgment of individual licensees as to the appropriate use of this technology.

CBI recommends that the Commission freeze the translator application process, and continue to encourage Congress to act on the Mitre report recommendations. Furthermore, CBI states the FCC should continue to expedite processing of the existing LPFM applications, and should consider opening the second-round LPFM application windows. According to CBI, opportunities for locally-originated service should take precedence over applications for out-of-market translator service.

CBI asserts that any new localism requirements should include sufficient flexibility for licensees to implement the rules within the context of their particular situations, and affirms that the best judge of local needs remains a locally based licensee.

Collegiate Broadcaster, Inc. (CBI) (1/4/05)

CBI contends that the Commission would need an extraordinary record to adopt new regulations that would implement programming quotas. In addition, CBI states that the Commission lacks the authority to reinstitute ascertainment-like practices and that dictating content, even broadly, is unwise and contrary to the first amendment.

CBI agrees with the recommendation of REC Networks that a temporary freeze should be implemented on all new construction permits and licenses for translators until new rules concerning allocation priorities between translators and LPFM stations are implemented. CBI

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suggests that the Commission issue an NPRM to address this issue. CBI argues this request is warranted by the continued and immediate threat that some translators pose to new, locally operated, LPFM stations that are precluded from filing for frequencies due to distant/non-local translators.

CBI opposes any additional regulations that would require broadcasters to incur additional burdens concerning public inspection files. The lack of comments from the public and watch dog organizations would seem to indicate that the location, availability and contents of the public file are not an issue worthy of further consideration. CBI requests that stations with 5 or fewer full time employees be allowed to place the PIF file in a location other than the main studio in order to increase its availability to the public. In addition, CBI requests greater flexibility regarding requirements for staff and management presence during business hours.

CBI opposes any new regulations that would place additional burdens on stations to carry specific programming or perform ascertainment of local needs. CBI states that if, however, the Commission were to adopt some sort of criteria to measure a station's compliance to meet its obligation to operate in the public interest, convenience, and necessity, the criteria must by very broad and include many areas which might not historically have been considered to be of significance.

Collins, Russell (9/20/04)

Mr. Collins states that "[w]ith the ever-increasing spread of the ownership of the local stations by large corporations, I feel we get very little coverage of local issues and worse yet, the slant of the talk shows is decidedly not providing a balanced and fair coverage of national issues either."

He further states, "[b]efore allowing broadcasters to profit even more from public airwaves, the FCC must define minimum standards for broadcasters to fulfill their public interest obligation through coverage of elections and civic affairs." Before the FCC rewrites the ownership rules, Mr. Collins also states that before the FCC rewrites the ownership rules, there should be "an official public FCC hearing in [Pennsylvania], impartial and verifiable research and transparent debates."

Community Broadcasters Association (CBA) (11/1/04)

CBA, a trade association of Class A and LPTV stations ("community broadcasters"), contends that there is no need for the Commission to impose new regulatory requirements on its industry that is already providing significant local programming. It urges that regulatory incentives would be more effective than such requirements and that there are regulatory barriers to increased local service by its members that need to be removed.

CBA notes that local ownership and local programming are the heart of the Class A/LPTV industry. It cites the service that such facilities provide in serving minority populations, providing information in local emergencies and airing PSAs for local community organizations.

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According to CBA, providing positive regulatory incentives to these stations will increase the number of facilities providing local service and the amount of local service that each station will provide. For example, CBA urges that the Commission liberalize its definition of local programming applicable to Class A licensee program requirements. It also seeks protection under the network and syndicated exclusivity rules for Class A and LPTV stations

CBA provides with its filing "screen shots" of examples of local programming and letters of appreciation from community members to Class A and LPTV stations.

Community Broadcasters Association (CBA), filed by President Warren Trumbly (4/1/04)

According to CBA, Class A and LPTV stations provide the best example of localism (citing examples of such) and local programming. CBA believes localism can best be increased by the Commission by giving positive recognition to LPTV and Class A stations for their local programming and efforts, and by creating a regulatory environment where Class A and LPTV stations can flourish. For instance, CBA contends that the Commission should give LPTV and Class A stations a second channel for the DTV transition and the time and support needed to make the transition; change the definition of local programming to encompass a broader community; and provide an opportunity for LPTV stations to become Class A stations. In sum, CBA believes that the Commission should promote LPTV and Class A stations and give incentives to do more local programming as their small size and broadcast parameters make these stations natural choices for local and community programming.

Consumer Federation of America (CFA) and Consumers Union (CU) (11/1/04)

CFA and CU assert that the gap between what society needs from the media to ensure a vibrant democratic discourse and what society gets from the commercial mass media is "severe." They contend that television plays an immensely important role both as a source of news and information for the public and as the dominant medium for influencing public opinion in the political process.

CFA and CU argue that citizens' need for democratic discourse should take precedence over the commercial marketplace of the mass media and that the goal of public policy should be to promote the widest possible empowerment of speakers. The commenters submit two CFA/CU studies in support of their comments, "Television and Political Discourse: Usage Patterns, Social Processes and Public Support for Broadcaster Responsibilities to Promote Localism and Diversity" ("Political Discourse Study") and "Market Failures of Commercial Mass Media to Meet Society's Need for Localism and Diversity" ("Market Failures Study").

In their Political Discourse Study, CFA and CU maintain that deregulation has failed to produce adequate localism and diversity in the media. They contend that when information and advertising are considered together, television is the most important medium of communications for purpose of elections. They state that television is a close second to newspapers as a source of information and in influence of public opinion, but that it is "far and away" the dominant

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medium for political advertising. The Political Discourse Study concludes that the pressures of commercialism in the media damage both journalism and democratic discourse.

In their Market Failures Study, CFA and CU take issue with the validity of the Commission's conclusion 20 years ago in deregulating broadcasting that market forces in an increasingly competitive market would encourage broadcasters to satisfy policymakers' localism goals. They assert that a handful of entities still operate as the dominant providers of news and information and that the number of local TV stations has declined by one-third since deregulation began. The Market Failures Study states that empirical evidence shows that "media markets undervalue diversity and localism," and that minorities are systematically underserved. They allege that owners of media outlets have used their media outlets to influence the political process and have engaged in censorial behavior to influence public opinion. They also argue that there are "positive social externalities that flow from a diverse and responsive media" – such as the media's "watchdog function" – which "cannot be captured by the commercial media, even if media markets were vigorously competitive." The Market Failures Study states that because society has changed over the decades since the media ownership rules were developed, a more diverse set of media institutions and outlets is needed to disseminate information.

CFA and CU contend that the commercial mass media has failed to fulfill society's needs for "the widest possible dissemination of information from diverse and antagonistic sources," particularly as it applies to local issues – and that, accordingly, the FCC must develop policy that prevents further consolidation of the commercial broadcast media. The commenters assert that, to prevent the abuse of market power, the rules that ensure fairness during election campaigns should be strengthened. In addition, they maintain that institutional independence and diversity should be promoted, including different points of view and different structures of media presentation – different business models, journalistic culture and tradition. They argue that one of the key aspects of instituting diversity is to promote noncommercial media. They contend that the citizens' right to broadcast through unlicensed use of the airwaves is technologically possible and should be promoted. CFA and CU conclude that First Amendment court precedent developed over decades would support "among other things, the dispersion of ownership, public interest obligations on commercial media companies, and expansion of noncommercial alternatives."

Conzemius, Mark (5/27/04)

Mr. Conzemius, Director of the Catholic Foundation for Eastern South Dakota, writes to relay his experiences with TV station KELO. Mr. Conzemius relays that KELO assisted with his efforts to preserve St. Joseph Cathedral by sponsoring and airing a Christmas concert from the Cathedral.

Additionally, Mr. Conzemius is satisfied with KELO's broadcast of his weekly mass services (for the last 20 years). He additionally recalls how KELO helped with broadcast news stories in support of a 7-year-old Mexican boy with Lukemia.

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Mr. Conzemius is appreciative of local broadcasters' providing critical information during severe weather episodes.

With respect to the media ownership issue, Mr. Conzemius writes that, "we recognize the changes taking place in broadcast media." He states that ownership has changed, but it is still about relationships. He further states that perhaps the key question isn't "Are the broadcast stations owned out of state?" but rather, "Are the General Managers and management involved in, know and care about their community?"

Corporation for Public Broadcasting (CPB) (10/29/04)

CPB states it is a private, nonprofit corporation created and authorized by a federal statute to facilitate and promote a national system of public telecommunications. CPB says it has provided millions of dollars in grant monies to support and develop public broadcasting stations and programming.

CPB states it supports over 350 public television stations and nearly 800 public radio stations across the United States and in its territories, and is committed to localism. It notes that the main grant from CPB to stations, community service grant ("CSG"), is largely unrestricted and is for use at the station's discretion to mainly produce and acquire programming and provide services that best serve their respective local communities. CPB states public broadcasters focus on offering programming and services meeting local needs while providing a national platform for diverse voices and genres not represented in commercial media. CPB notes that every public broadcasting station is locally owned either by a university, a school district, a state governmental entity, or a local non-profit organization; local stations derive most of their revenue from local sources; and each station's governing body is comprised almost entirely of community members providing input as to the best way their stations can serve the needs and interests of local audiences.

CPB states it supports localism on a national public broadcasting system level and believes local service lies at the heart of public broadcasting. It states that it launched its Local Services Strategy project in 2004 to enable a station to fulfill its mission to provide public service, to positively impact the lives of people within a station's community, and provide a compelling reason for the public to support public broadcasting's mission.

CPB states it also makes grants specifically for local outreach efforts tied to public broadcasting programs. It recognizes that in the multi-channel, multi-platform media landscape in which public television operations, it is increasingly important to use non-broadcast efforts to connect high-quality, national programming.

It states it most recently partnered with the Institute of Museum and Library Services to create a broad $3 million dollar initiative to spark collaboration among local public broadcasters, museums and libraries, harnessing community educational resources in new and more meaningful ways. CPB states this initiative will offer competitive grants to support existing

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collaborations and create new ones, encourage professional development, and conduct project evaluations to measure effectiveness.

CPB claims all of its efforts are linked to public broadcasting's mission to provide innovative, public service media serving as a conduit for life-long learning, citizen engagement, and social acculturation.

Cox Broadcasting (Cox) (01/03/05)

Cox recommends that the Commission refrain from imposing unnecessary regulations that threaten to impede broadcasters' individualized service to their communities, as well as infringing on those broadcasters' first amendment rights, in an attempt to fix a problem that, according to Cox, does not exist.

Cox indicates that the vast majority of broadcasters currently provide excellent service to their local communities and that good business sense drives the vast majority of broadcasters to respond to the needs and interests of their local communities. It states that to impose any additional burdens on broadcasters would unnecessarily limit their flexibility to respond to local needs and interests, as well as draw resources away from their responses to their communities. Cox states that for the few broadcasters that may not satisfy the needs and interests of their local communities, the Commission already has the authority and information necessary to enforce these obligations in the license renewal process.

Cox maintains that its stations' news programming provides extensive, regularly-scheduled local news coverage to their communities of license. Cox states these locally-produced news programs address news events that occur on the local level, as well as the local effects of national and international events and trends.

Cox states that in addition to regularly scheduled local news programming, local television stations often provide the first source of news and information community members turn to in the face of potential natural disasters and other emergencies. Cox believes that its stations provide exemplary local public service during exceedingly difficult circumstances.

Cox contends that any attempt by the Commission to regulate the amount or nature of political coverage provided by broadcasters would create serious First Amendment concerns. It considers that television broadcasters already provide extensive political coverage, which focuses on both national and local races, and addresses the important issues at stake in these elections.

Cox recommends that to accurately determine a broadcaster's service to its local audience, the Commission must examine its coverage of public affairs issues in all of that broadcaster's programming, not just that programming which is specifically denominated as "public affairs." Cox states that its stations do in fact broadcast numerous regularly scheduled public affairs programs providing in depth coverage of issues of great importance to their local communities.

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Cox believes that the Commission should continue to recognize that programming need not be locally produced or originated to respond to local needs and interests, and that there is accordingly no need to require broadcasters to carry any specific amounts of locally-produced or originated programming. Further, it considers that broadcasters ascertain and respond to their communities in many ways in addition to programming and that increasing competition will in fact drive broadcasters to focus even more on their local audience's needs and interests to survive.

Cox Radio Orlando (Cox Radio) (9/15/04)

Cox Radio states that radio stations do more for their communities than they get credit for doing. Cox Radio states that whether it is helping out a local based charity, supporting a community event, covering local news stories, or broadcasting debates and offering candidates free time to air their views, Cox Radio does it 52 weeks a year. Cox Radio further states that while consolidation may have given control of many stations to fewer companies, those stations are still run by people who win by being local.

Crandall, Richard (3/16/04)

Mr. Crandall states, as a career broadcaster with on-air, operational and administrative experience in radio and television, he has dealt both personally and professionally with presenting programming relevant to local community issues for about 40 years.

He says localism is interpreted as news and public affairs, often presented in brief segments between entertainment programs that usually reflect national programming interests. He states that on television, such local programming normally is surrounded by network or syndicated shows repeated across the country; on radio, local issues largely have migrated to AM news and talk stations, also augmented by nationally distributed programs; and on FM, program fare is mostly music, almost universally controlled by major recording studios and licensing authorities and often programmed by national corporations owning and operating local stations.

He claims local stations seem locked into nationally-produced and promoted music, excluding local artists from any on-air exposure unless and until they are signed by major labels and achieve some level of national recognition for their recordings. He proposes that local radio stations should be given a mandate to not only offer news and public affairs of local interest, but also to offer local entertainment programming by local artists who, he says, have been virtually prohibited form having their product heard on local radio.

He also recommends that the FCC Localism Task Force ("LTF") proceed with an investigation and analysis of factors tending to create the current prohibition against local music programming. Mr. Crandall states consideration should be given to providing waivers of certain licensing requirements where local musicians are performing material protected by national copyright on local broadcast stations, and in particular, on local radio.

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He asserts the localism issue should include the entire array of entertainment programming offered by broadcast stations in local communities across the country. FCC LTF recommendations also should relieve conditions presently discouraging local artists, notably musicians, from gaining access to the public broadcast spectrum.

The Cromwell Group (Cromwell) (11/1/04)

Cromwell states that it has operated 31 different radio stations, primarily in smaller communities, and that one station was the first FM station in Tennessee to broadcast in HD digital.

Cromwell states that because local communities can be divided on issues, Cromwell states it can be difficult to please everyone, and that it is therefore essential that there are outlets for various points of view in the community.

Cromwell states that, unlike newspapers, which have been bought by larger newspaper groups, there are still multiple owners of radio stations in radio markets. Cromwell states that if a radio station is not community responsive, it will lose local advertising to competitors, and that this is especially true in smaller markets that are less likely to receive national or regional advertising revenue. Thus, according to Cromwell, radio stations in smaller markets may be less in need of overt policies and rules designed to promote localism than radio stations in larger markets.

Cromwell states that anything informational that is broadcast should be relevant to the locality that the station serves, including PSAs. According to Cromwell, its stations have aired political debates and community forums, and additional government regulations would not have changed this.

Cromwell further states that the EAS does not work on the local or state level, but Cromwell states it has on-duty personnel 24 hours per day and stays alert to all emergency situations and in addition, has generators such that no area it serves will be without service in an emergency situation.

In terms of music, Cromwell states that it believes that the FCC payola rules are sufficiently clear. With respect to national music play lists, Cromwell states that while some of its stations have programs that play local music, a station ultimately needs to play music that the listeners want to hear. Cromwell states that any mandates regarding the use of national play lists might best be aimed at non-commercial public stations as they are sounding more like commercial stations.

Cromwell states that current FCC rules on LPFM will further crowd the dial over time and will weaken the coverage of existing FM stations.

Cromwell states that it is already difficult for FCC staff to keep up with its current workload, and this could be made even worse if rules regarding localism are put into place. Cromwell asserts that much of the controversy surrounding localism is driven by dissatisfaction with larger

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companies that have other business holdings besides radio. Cromwell states it is part of an unaffiliated group of 100 small and medium broadcasters (the International Broadcasters Idea Group) that are exemplary in their service to their local communities, as are the bulk of broadcasters overall.

Cullin, William H. (8/23/04)

Mr. Cullin states that he and his wife have been Carmel residents for 21 years. Mr. Cullin comments on the nature and amount of community-responsive programming, stating that there are no opposing views on the editorials of several television stations, most prominently, KSBW. Mr. Cullin suggests that for a less biased assessment, each station present opposing points of view on local, as well as national, matters. Further, Mr. Cullin recommends that, in order to give equal opportunity, each of the participants "draw straws" for talking positions, avoiding having the same party expressing his/her views in the first position each time.

Daniels, Drew (11/1/04)

Mr. Daniels, an instructor of music and production, states that the present state of homogenization of radio broadcasting and print media provides no opportunity for writers and performing artists because the industry is dominated by a few large media conglomerates that dictate American style and celebrity based on risk-averse manufactured pap, rather than merit.

Mr. Daniels states that the lack of access to the public airwaves will cause artistic people to move elsewhere, and that the payola scams of the 1960s persist today in the guise of promotion and marketing.

Delmarva Broadcasting Company (Delmarva) (11/1/04)

Delmarva states that its two radio stations, WDEL and WSTW, are committed to local programming and are involved in the community. Delmarva states that WDEL provides 108 hours of programming that is produced in-house covering a wide range of local issues. Delmarva states that WSTW airs local programming from 5:30 a.m. until midnight, Monday through Saturday, and 9 a.m. to midnight on Sunday. Delmarva asserts that localism is one of the most important factors in the company's programming, and that the FCC does not need to impose new regulations on radio stations to promote localism. Delmarva states that WDEL and WSTW are the proof of that assertion.

Desert Television (11/1/04)

Desert Television is a licensee of a Class A low power television station, KPSP-LP, in Palm Springs, California. Desert Television documents the service of low-power stations to the community in Palm Springs. Desert Television urges the Commission to expand must carry rights for certain low power stations, and notes that fees that Class A low-power stations have to pay for cable carriage deprive stations of funds that they could use to advance localism. In

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addition, it argues that the FCC's "significantly viewed station" classifications have become outdated and are hurting television stations. Desert Television also argues that the Commission should prevent satellite carriers from importing distant signals that hurt local stations' ability to provide localism.

Diablo Video Arts, Inc. (DVA) (11/2/04)

DVA, a nonprofit California Public Service Corporation organization, serves citizens, communities, and institutions across Contra Costa County, California, and its affiliated producers work to develop community-based programming.

DVA claims the development of Public Educational, and Government ("PEG") access channels, programming, equipment and services provides a model for localism that could be used for broadcast, satellite, and IP-enabled media. It asserts local oversight of such public service media resources is an essential principle from the cable access model that could be used. It claims mandatory set asides of local media resources and spectrum should be standardized at ten percent to compensate for private use of public media assets. It asserts the FCC could help to fulfill its educational role by distributing information about local cable access programming activities that occur throughout the U.S. on broadcast and cable access stations.

DVA says with very few exceptions, the commercial media marketplace does not currently support non-commercial speech. It claims that, except for a few examples of responsible and admirable efforts by broadcasters during the FCC's Localism hearings, continuation of the Commission's permissive attitude regarding ownership consolidation easily could lead to the demise of the few remaining points of light. It argues the top three cable MSOs (Comcast, Time Warner, and Cox) currently controlling well over half of the cable subscribers in the U.S. have lengthy track records of actively and ardently opposing efforts by communities to adequately develop and support PEG Access operations. It asserts local communities require their own voices, and Congress and the FCC must protect local media and uphold the public interest. Otherwise, the needs and interests of distinct local communities are ignored or misrepresented. It states the best way to promote locally-oriented programming is to set aside bandwidth and spectrum and secure adequate funds to support development of a variety of non-commercial, public service media in every community.

DVA claims the lack of local public affairs programming on traditional media outlets has been well documented. It provides the names of various published reports and web sites to support its assertions. It states that, in contrast to these dismal findings, DVA has been advocating for a model for community media, as exemplified by the Santa Rosa Community Center, a multi-purpose facility handling the production and distribution of community media through three access channels, and that such activity is centered around fulfilling community needs and interests, as researched by the City of Santa Rosa.

DVA joins lawmakers, media policy groups, and citizens in calling for more public forums and hearings, as well as a comprehensive study of how media resources shall be allocated and shall

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serve local communities, before changes are introduced by the Localism Task Force and the Commission, or recommendations for legislation are introduced to Congress.

Dillon, Cathy M. (11/1/04)

Ms. Dillon comments that she would like to see local radio stations stay "local." As a music teacher and a performing musician, Ms. Dillon feels that the local radio station is an important community venue. Ms. Dillon argues that local stations help local artists gain exposure, stating that many musicians make a living where they actually live.

Donald McGannon Communications Research Center (DMCRC) (11/1/04)

DMCRC submits two studies regarding media ownership. The first study is "*Television Station Ownership Characteristics and Local News and Public Affairs Programming: An Expanded Analysis of FCC Data*," by Dr. Philip M. Napoli, Director of McGannon Center. The study examines the relationship between television station ownership and the amount of local news and public affairs programming offered. The study concludes that when news and public affairs programming are considered separately, network owned and operated stations do not provide more public affairs programming than traditional affiliates or stations without newspaper holdings (although the relationship between station ownership characteristics and news programming still holds).

The second study is "*Market Structure, Station Ownership, and Local Public Affairs Programming in Local Broadcast Television*" by Michael Yan, University of Michigan and Dr. Napoli. The study analyzed a sample of television stations for two weeks to determine the amount of local public affairs programming being offered. The study concludes that ownership by one of the four big broadcast networks significantly decreases the amount of local public affairs programming on television. In addition, the study finds that commercial broadcast stations provide less than half an hour of local public affairs programs per week, with roughly half of the stations sampled providing no public affairs programming during the two week constructed sample period. The study also concludes that stations in larger television markets were less likely to air local affairs programming. The study also found that there is no meaningful correlation between market conditions and the provision of public affairs programming, but that there is a significant relationship between network ownership and the provision of local public affairs programming.

The authors conclude that the findings regarding local ownership, network ownership and duopoly ownership call into question the underlying rationale of the Commission's current policies toward more relaxed national and multiple ownership rules (particularly in terms of economies of scale contributing to greater production of such programming). As far the provision of public affairs programming is concerned, the authors state that the studies find that the relaxation of these ownership rules would not appear to encourage the production of such programming. At the very least, the authors state that the results presented in these studies

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suggest that it would be premature for the Commission to ignore the question of ownership in its ongoing localism inquiry.

Dourian, Terri (11/2/04)

Ms. Dourian states that, when a local news story breaks, KPWR's "Knowledge Is Power" ("KIP") public affairs radio show brings attention to the specific issue, examines it, and provides a live forum where local communities can come together as one voice. Ms. Dourian also states that editorials are regularly included when speaking of local news breaking headlines.

Ms. Dourian states that the KIP show covers local public affairs, community activities, local/national politics, and issues plaguing the communities of Southern California. She also states that the KIP show is an all talk-based show, airing once a week for one hour in the morning, and includes live calls from listeners, political leaders, medical experts, organization representatives, and local community activists.

Ms. Dourian also states that KPWR receives and reviews feedback forms from promotional events it hosts.

Ms. Dourian states that the station's "Power 106 Morning Show" host solicited donations towards the relief of recent fires in Southern California.

Ms. Dourian also states that the KIP show, during this political season, provided shows devoted to issues concerning the election; that the station conducted a two-part series on the importance of registering for the 2004 presidential election; and that the KIP show also has covered local campaigning for various propositions. Ms. Dourian states that a political candidate could come on the KIP show by contacting the show's producer and scheduling a show; that the show teamed with the Art Institute to develop registration areas for college students to register to vote; and that it urged, via Public Service Announcements (PSAs), for Southern California to vote in the 2004 election. She also states that the Power 106 website continues to encourage listeners to vote.

Ms. Dourian states that the KIP show targets minority groups in Southern California with issues concerning their communities throughout the year. She states that the show voices local PSAs consistently at the end of each show and, occasionally, entire hours will be devoted to certain public service issues and that the show addresses practically every social issue plaguing Southern California.

Ms. Dourian states that KIP's Power 106 FM is very supportive of its own nonprofit organization, the Knowledge Is Power Foundation, and that the station consistently airs PSAs about various events being held in the Los Angeles community. She states that this 501(c)(3) foundation was established to help provide financial support to local youth organizations offering job training and education programs.

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