

Broadcast Localism
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states that while several regional networks deliver syndicated agriculture news to a number of Nebraska radio stations, this does not meet farmers' and ranchers' need for farm news from their local area.

NFBF states that while it has been suggested that the gap in radio farm news can be filled by such other services as Internet websites and subscription-based market advisory services, these services lack the ability to be with the farmer as he moves throughout the work day. NFBF states that only radio has the ability to move with the farmer as he moves through his day. NFBF also states that because farmers do not set the prices for their commodities, they need to be constantly informed of market price movement in order to take advantage of selling opportunities when they occur.

According to NFBF, Nebraska has been affected by the trend since the late 1990s of large ownership groups acquiring hundreds of radio licenses following changes in media ownership rules. NFBF states that to a greater degree than before the changes in ownership rules, programming on local stations is now being driven by a corporate headquarters that is much more concerned about the bottom line than serving the needs of the local community. NFBF states that in Nebraska, agriculture is the backbone of the economy of both the large cities and rural communities, and that farm news is vital because of the importance of agriculture.

NFBF states that national farm advertising has dropped 45 percent in the last five years, and local farm advertising declined even more. NFBF states that the declines can be attributed to a weaker farm economy, a consolidation of farm industry companies and fewer new product offerings, especially in the crop protection area.

NFBF states that it recognizes that market forces affect the broadcast industry, just as they do all industries, but that this should not detract from the fact that many stations in Nebraska have a rural audience that is no longer being adequately served. NFBF encourages the Commission to include farm programming in any initiative to encourage more community-responsive programming.

New Mexico Broadcasters Association (the Association) (11/1/04)

The Association states that "localism is alive and well because the market demands it." The Association suggests that in the face of growing competition from satellite and cable providers, local broadcasters "have traditionally provided – and continue to provide – the communications centerpoints for their communities. Whether broadcasting local news, weather, emergency information, local sports, or school lunch menus, their business success depends on serving as the voices of their communities. Local broadcasters play that role and are expanding it."

The Association specifically identifies a number of factors which demonstrate its members' commitment and contribution to localism and identifies them within various

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categories. First, the Association states that broadcasters ascertain community interests and needs, noting that many stations report scheduled meetings with local elected and appointed officials to assist in taking the pulse of their communities. The Association further states that in a number of instances, station managers and other personnel sit on various boards, committees, councils and commissions, and that this is especially true in more sparsely-populated areas where community functions depend on community participation in often voluntary public efforts.

The Association also contends that local news and public affairs programming represents a core value, and that providing emergency information is significant to this commitment. The Association notes that a good example of such local news and public affairs is heard on KTNM and KQAY, the stations of Quay Broadcasters of Tucumcari. The Association states that these stations present a half-hour morning drive time news program, followed by a public affairs interview program on which municipal, county, school board, and other local government and educational representatives update the community, and that afterwards, members of the community are invited to appear on another program to discuss local arts, entertainment and civic events. The Association notes that once a week, the stations put their public affairs focus on local schools, providing parents and children with information on school projects, events and issues for that week, and that the stations also broadcast obituaries.

The Association states local broadcasters also provide emergency information to protect life and property from wildfires, blizzards, floods, and tornadoes, and that people rely on and regularly tune into their local broadcasters to help them steer clear of trouble. The Association states that many stations hold regular meetings with first response officials to ensure that when trouble strikes, the public will be informed quickly and accurately – with greater speed or depth than is provided through EAS alone.

The Association states that community service is an important element of the broadcast industry's business, and that New Mexico's broadcasters contributed about 117 million dollars worth of services to their communities in 2003, through the broadcast of public service announcements, direct fundraising efforts for charitable projects, and other direct or in-kind donations.

The Association states that even in smaller, more rural markets – where few stations operate – broadcasters reach out to minorities. For instance, the Association states that KTNM and KQAY, while programming in English, will run Spanish spots and PSAs as requested, and have also broadcast Spanish language programs, despite the predominance of English on their airwaves.

With respect to any Commission action on localism, the Association states, "New Mexico's local broadcasters respond to the need for localism in their broadcasting activities both because it is the right thing to do and because it makes good business sense. [...] The Commission need not intercede because broadcasters have long been a

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communications centerpoint for their communities, and marketplace realities keep localism as an imperative for broadcast stations.”

Newell, Michael R. (3/29/04)

Mr. Newell supports RM10803 and states many radio stations in the country have been taken over by three or four major corporations. He claims these station owners must be concerned about the cost of doing business but they cannot program their stations to the local community's needs and show a profit. Mr. Newell asserts that the proposed Low Power AM Radio Stations can bring back local radio as an outlet which could provide information and entertainment to the local community.

Mr. Newell also asserts local stations can become the focal point for small communities, and even small communities within larger cities. He states that this may also be a good way to teach and educate younger people about broadcasting and get them involved in the daily workings of a local station.

Mr. Newell believes such facility should be a daytime-only outlet (sunrise to sunset) to avoid interfering with existing stations at night. He suggests RF output could be at 10-20 watts maximum with coverage no more than three to four miles in order to retain the station signal within the local community, which, in turn, would give more communities a local AM outlet and not interfere with TIS outlets. Mr. Newell suggests that station antenna should be no more than 30 feet high, and that the new LPAM stations could be assigned in the expanded AM Radio band.

NewRadio Group (NewRadio) (11/1/04)

NewRadio represents three FM and one AM station operating in Wisconsin. NRG indicates that it airs 26 newscasts per day between the four stations. All newscasts focus first on local and state news.

NewRadio indicates that it airs three hours of local talk programming per day Monday through Friday on one of its stations, and that these programs may include interviews with local politicians, community leaders, and organizations. In addition, NRG provides further examples of local public affairs programming including weekend sports programming that carries all area high schools.

NewRadio provides local emergency information including school cancellations, Amber Alerts, and severe weather information.

NewRadio has sponsored local musical and entertainment events in the local area.

NewRadio provides examples of participation in community activities including sponsorship and promotion of charitable fundraising events.

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NewRadio Group Northwoods (New Radio Northwoods) (11/8/04)

NewRadio Northwoods states that it delivers local news throughout its communities 160 times a week. It states that one of its stations, WHDG 97.5 FM, is the designated LP1 Radio Station for the area and has “regularly broken programming to broadcast alerts (i.e. thunderstorm, tornado, as well as Amber alerts).”

NewRadio Northwoods states that its program directors invite people from the community to “do interviews during live times for arts and craft shows, annual fireman’s picnics, youth county rodeos, high school dedications, little league tryouts, parades, benefits for the YMCA, MHTL bike path, and more too [sic] numerous to mention.”

NewRadio Northwoods also notes that throughout the year its staff are involved in many area fundraisers, events, and community promotions, and that they donate air time for such events.

NewsChannel 5, filed under Numerous (11/2/04)

NewsChannel 5 submits a letter “intended to inform the FCC about WTVF-TV/NewsChannel 5’s commitment to serving [the] local community.” NewsChannel 5 states that it produces 43.5 hours of local programming each week, including a daily, one-hour local talk and entertainment show, and a weekly half-hour sports re-cap program focusing on local teams and relevant national highlights. It states that 69 percent of the station’s personnel resources are directly involved with gathering, reporting, and producing local news and information.

NewsChannel 5 explains that it has invested significant resources in weather forecasting and storm tracking technology. It states that in 2004, the station expanded its live news coverage capability in the outlying rural areas. NewsChannel 5 states that it participates in EAS, provides AMBER Alerts, and announces emergency school closings. According to NewsChannel 5, it has worked with the local Crime Stoppers organization since 1995 to provide public service segments during news programs, informing viewers about crimes and requesting their help in solving them. It also provided \$400,000 in rewards to viewers for information provided in response to these news segments.

NewsChannel 5 explains that it airs political programming of local interest, and its digital channel NewsChannel 5+ produces 16 hours of “local niche programming” focusing on issues important to the community. NewsChannel 5 states that it is also involved in many community outreach programs.

Newton Communications Access Center (Newton), filed by Paul D. Berg (10/18/04)

Newton states that PEG access channels provide a model for localism.

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According to Newton, with very few exceptions, the commercial media does not currently support non-commercial speech. Newton contends that the top three cable MSOs that currently control well over half (almost 40 million) of the cable subscribers in the U. S. -- Comcast, Time Warner and Cox -- have lengthy track records of opposing PEG access operations.

Newton states that a Media Access Project and the Benton Foundation report, *What's Local about Local Broadcasting?* (April 1998) reflects that, in the five markets examined, (Chicago, IL; Phoenix, AZ; Nashville, TN; Spokane, WA; and Bangor, ME), 40 commercial broadcasters provided 13,250 total hours of programming – but just 0.35% (46.5 hours) for local public affairs, and 35% of the stations provided no local news, while 25% offered neither local public affairs nor local news.

Newton further states that an expanded 2000 Benton Foundation study found that 0.3 % of the total commercial broadcast time within these markets was devoted to local public affairs programming.

Newton also states that in November of 2003, the Alliance for Better Campaigns study on local television found in six cities where the FCC held hearings on localism, local public affairs accounted for 0.4% of the programming on the 45 local television stations.

According to Newton, the “Local TV Coverage of the 2002 Elections” report by the Lear Center Local News Archive illustrates how local broadcast TV stations have largely abandoned any real efforts at serving local community needs and interests.

Newton states that, in contrast, NewTV, the public access channel operated by Newton with an annual budget of just over \$750,000, produced 200 hours of voter information programming during local state and federal campaign periods in Fiscal Year 2004 (July 2003-June 2004); 1,000 hours of programming by local nonprofit groups around issues related to immigration, housing, health, AIDS, domestic violence, gay/lesbian matters and a wide range of other issues; and 1,110 hours during that year were dedicated to coverage of Newton Board of Aldermen, Newton School Committee and other civic events.

Newton states it operates three noncommercial channels that are 80% local, generating nearly 78 hours weekly of original programming devoted to the local community, and that it supports television use by Newton’s nonprofit organizations, 75% of which have budgets of under \$250,000, that create civic, educational, arts, jobs, health, immigration, and other community-based programming. Newton also states that citizens have a voice on cable television by supporting training, equipment and channel time for Newton’s diverse citizens and groups.

Newton urges the Commission to commission studies that can evaluate the methods used by PEG access to promote localism, compare and contrast these practices and their

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outcomes with those of commercial broadcasters, and explore the potential for expanding the PEG access model across other media platforms.

Nexstar Broadcasting, Inc. (Nexstar) (11/1/04)

Nexstar, a licensee of 26 television broadcast stations, submits statements of local community service, programming and related activities for four of its stations and for one station which Nexstar is programming under a time brokerage agreement (“TBA”) pending that station’s acquisition. The five stations are: WFFT-TV, Fort Wayne, IN; KTAL-TV, Texarkana, TX; KTAB-TV, Abilene, TX; WJET-TV, Erie, PA; and KLST-TV, San Angelo, TX (TBA station).

Nexstar Broadcasting, Inc. (Nexstar) (12/28/04)

Nexstar a licensee of 27 television broadcast stations, submits statements of local community service, programming and related activities for the following nine full and low power stations: KMID-TV, Midland, TX; KQTV-TV, St. Joseph, MO; KSVI-TV, Billings, MT; KSNF-TV, Joplin, MO; WFXV-TV and WPNY-LP, Utica, NY; WBRE-TV, Wilkes-Barre, PA; WHAG-TV, Hagerstown, MD; and KDEB-TV, Springfield, MO.

Norman Broadcasting Co. Inc., filed by Charles E. Geer (10/29/04)

Charles E. Geer comments on behalf of Norman Broadcasting Company that its station, WGNU, has never abandoned its commitment to serving as a public trustee and in the public interest of the St. Louis metropolitan area and the community of Granite City, Illinois.

Mr. Geer lists examples of commitments to localism, including commentaries, talk programming, content of programming and referring to experts on local issues. Mr. Geer claims that WGNU participates in the Amber Alert Program and is an EAS Monitoring Station. Mr. Geer also claims that WGNU reports on local traffic.

Mr. Geer claims that WGNU provides local political programming, and information on local events. Mr. Geer also states that WGNU participates in community outreach and volunteerism.

Mr. Geer comments that, “[w]hen I joined the WGNU staff in 1974, broadcast licenses were renewed every three years, and stations were required to ascertain not only community issues, but also to project how much time would be given for such programming - and to provide proof in the form of a ‘composite week’ of actual program logs.”

Mr. Geer comments further that “[i]n the 1980s, broadcast deregulation was a vote of confidence in the ability of professional broadcasters to do their job and to be accountable

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for their performance without micro-management. Today's most successful broadcasters learn the problems and needs of the communities they wish to serve even before they fill out their first application - and they never stop learning."

North Carolina Association of Broadcasters (11/4/03)

The North Carolina Association of Broadcasters filed materials to support the testimony of Joan Seifert-Rose, General Manager of WUNC radio, at the hearing held in Charlotte, North Carolina on October 22, 2003.

Documents attached include:

- Letter from the Government of North Carolina, Michael Easley, who applauds the efforts of North Carolina broadcasters to serve the public through local programming on news, public affairs, public service announcements, and emergency information that pertain to the local community and charities. The letter asks the FCC to keep in mind the longstanding tradition of public service of the North Carolina Broadcasters.
- Letter from the Attorney General of North Carolina, Roy Cooper, asking the FCC to consider the benefit provided to the local public by the diverse, locally operated media outlets in North Carolina that air different perspectives and points of view. As broadcast television and radio remain the public's predominant choice for news and entertainment, the airwaves provide a unique forum for democracy. Notes that public service announcements also help law enforcement.
- Letter from Warren Lee with the New Hanover County Department of Emergency Management discussing how the Department has forged ties with local media that help ensure the dissemination of information during an emergency. Considers the media an integral part of the emergency management team.
- Over 400 letters received by broadcasters in North Carolina recognizing their service and community contributions.

North Carolina Association of Broadcasters (1/9/04)

The North Carolina Association of Broadcasters thanks the Chairman and Commissioners for holding a localism hearing in North Carolina and transmits approximately 100 testimonials received by members regarding service to the local community through either programming or community involvement. Several testimonials are addressed directly to the FCC.

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North Carolina Association of Broadcasters (Association) (11/1/04)

The Association states that it is a non-profit trade association comprised of 222 radio and 30 television members representing stations throughout North Carolina, serving as the voice of North Carolina broadcasters with respect to proposals by government agencies such as the FCC.

The Association states that North Carolina's broadcasters do an excellent job of serving the public interest, and that it is not true that broadcasters are unaware of the problems, needs, and interests of the communities they serve or that they fail to meet such concerns in their programming. The Association states that its members are engaged and respond to problems using the power of radio and television on behalf of the communities they serve.

The record of the FCC localism hearing in Charlotte, North Carolina, on October 22, 2003, shows that, while some complaints were aired, no new regulations are needed to induce broadcasters to serve their communities. The Association states that the FCC should stick to the deregulatory policy adopted in 1981 and terminate the localism proceeding.

Several hundred documents are attached attesting to the service that North Carolina broadcasters give to their communities.

North Dakota Farm Bureau (NDFB) (9/1/04)

The NDFB states that it supports the effort to initiate a dialogue with the public on how the Commission can best ensure that broadcasters fulfill their obligations to serve their local communities.

The NDFB states that in order to make vital decisions, farmers and ranchers need detailed and timely weather information, local news, up-to-the-minute market reports and news affecting production agriculture.

NDFB states that trends in radio today are in the direction of less farm programming, and that many stations are eliminating or curtailing farm news. NDFB believes that part of this can be attributed to the changes in media ownership rules which allowed large ownership groups to acquire multiple radio licenses.

NDFB asserts that farm programming has been eliminated in an effort to appeal to wider audiences. It states that it has been suggested that the gap in radio farm news can be filled by such other services as Internet websites and subscription-based market advisory services. According to NDFB, these services lack the ability to be with the farmer as he moves throughout the work day, and that only radio can offer that.

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NDFB encourages the Commission to include farm programming in any initiative to encourage more community-responsive programming.

Northwestern College & Radio (12/27/04)

Northwestern College & Radio states that it holds 15 licenses and has a religious format. Northwestern describes the ways it promotes localism, including participation in local charitable causes, as well as programming to minority communities.

NY/PA Media Action/Binghamton Independent Media Center (Media Action), filed by William Huston (12/30/04)

Media Action addresses the state of localism in the Binghamton, NY, market for broadcast and cable. The comment reports that broadcast localism in the Binghamton market is in a very poor state.

The comment submits the following type of factual analysis. "Of twenty-five primary local analog broadcast licenses and one broadband cable provider, eighteen are owned by just five distant forprofit corporations." Media Action states there is little original local news: "only about 5-15% of broadcast time claimed to be devoted to news is original local news content." The comment also highlights the importance of detailed understanding of news statistics: "In comments made to the FCC on local television licensee (WBNG) claims that it produces 'more than 24 1/2 hours of local newscasts each week,' which averages to be 3.5 hours per day. However, after subtracting time spent on commercials, weather, sports, entertainment, video news releases, and redundancy, the actual total amount of original local news produced per day is usually 25 min. or less per day."

The comment also includes data on public affairs programming. "Non-news locally produced public affairs broadcasting is almost entirely absent. Commercial radio broadcasters average just under seven-tenths of one percent (0.64%), WSKG, Inc. our local "Public Broadcasting" affiliate is just over seven-tenths of one percent (0.74%) for their two radio streams. Only WHRW, the radio station owned by the State University of New York does significantly better (by an order of magnitude) at 7.4%."

The comment states that Binghamton's commercial radio market is nearly a duopoly between Clear Channel and Citadel. It also notes that all Binghamton radio stations (except WHRW) are 100% automated at night, and it states that automation poses public safety risks. The comment states that public broadcasting outlets do not serve localism well.

Ohio Farm Bureau Federation (Federation) (8/27/04, 11/10/04)

The Federation states that few audiences are as dependent on local radio programming as

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the farm community. It states that farmers require geographically specific information regarding commodity prices, weather forecasts, production practices, and public affairs, and that until recently, farmers could rely on farm broadcasters in or near their community to provide this highly localized information. However, according to the Federation, market forces are now reducing farm broadcasting as a valuable local resource for farmers.

The Federation states that the primary market force that has hurt farm broadcast service is consolidation in station ownership. It contends that owners who control programming on many stations save costs by having fewer employees dedicated to farm programs.

According to the Federation, since 1998, Ohio has lost one-half of its full-time professional farm broadcasters and approximately 10 percent of the stations which carried farm programs just five years ago no longer do so. The Federation says that the state's most widely heard farm station has cut its programming by one-third and that these trends have resulted in Ohio farmers losing relevant and accurate sources of vital information which no other medium provides.

The Federation states that consumers are also losing a valuable resource, noting that Ohio has many farms, but that it is also highly populated (more than 11 million people live virtually next door to Ohio's 78,000 farms). The Federation states that the loss of farm radio programming eliminates their access to a unique perspective on issues such as food safety, environmental protection, and public policy.

The Federation also states that market forces in and of themselves have not encouraged broadcasters to air community-responsive programming. It encourages the Commission to recognize and respond to the needs of the agricultural community if steps are taken to encourage improved local broadcast service.

Orchard, Ronda (9/20/04)

Ms. Orchard states that by eliminating the ability of a broadcaster to determine the needs and interests of a community, the Commission gave carte blanche to broadcasters to do as they wish regarding the treatment of community issues. She believes that broadcasters are getting free access to the airwaves and realizing major profits along the way. Ms. Orchard contends that the public has not received sufficient opportunity to define the public interest, and that the public has a right to participate in setting standards for use and to influence the protection of the frequency.

Ms. Orchard states that local needs are dictated by the locals living in the area. She contends that an independent, local producer with a passion for communicating with his/her community will cover an issue of importance. She also contends that a simple public service announcement on a commercial station is not nearly as informative as a documentary on the same topic aired on a noncommercial public access station. Ms.

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Orchard states that a formula for having commercial broadcasters mentor interested community access producers in journalistic style and techniques would go much further than a simple PSA.

Ms. Orchard also comments that providing broadcast access to one candidate of monetary means is not fair to the candidate of little means. She states that one initiative would require "local public, educational, and governmental access channels and New Jersey Public Broadcasting Authority to provide free airtime for legislative candidates."

Ms. Orchard states that when cable comes to town and a franchise deal is struck, and no provision for a P.E.G. system is made, it is the entire community that is underserved. She states that when cable subscribers are charged franchise fees and city administrators take either part or the whole amount and stick it in the general fund, the entire community is underserved. She also states that when it comes to minority communities, it is the P.E.G. centers that provide training and equipment to give them a voice in their community, not commercial broadcasters in general. Ms. Orchard says that with the help of the Commission and a real plan of collaboration between commercial broadcasters, cable and satellite operators, there's no reason 100% of the community watching television cannot have their needs and interests addressed.

According to Ms. Orchard, instead of a community relying on local ABC, CBS, NBC affiliates to get a short sound bite out to their citizens about local disasters, it would be preferable to employ the P.E.G. center to reach the very constituents served by the cable coming into their community. She states that requiring broadcasters to make their facilities available to a local emergency manager would be a good idea if that emergency manager knew anything about running a broadcast station. She further states that perhaps a genuine plan of cooperation between all broadcast entities (which includes the P.E.G. centers) and the local emergency manager would "fit the bill."

Ms. Orchard states that "[p]ayola-type practices are inconsistent with localism" when they make it impossible for nonprofit and other small groups to get vital information out to their communities. In many cases, she says the public must pay or trade to get an announcement out on commercial media. She states that it is deregulation that paves the way for this activity to continue.

Ms. Orchard states that low-power FM service is a wonderful noncommercial way to reach a small radius of the community. She states that the Commission should follow the state of Vermont in acting to preserve a minimum of 10% of the broadband spectrum for public and noncommercial use to provide communications and information services for current and future related public interest.

On broadcast license renewal applications, Ms. Orchard states that one of the ways to make the license renewal process more effective is to establish a legislative mandate

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requiring that public hearings on service and community needs assessments be conducted and published for comment, criticism and resolution.

According to Ms. Orchard, when cable providers use the public right of ways, many communities charge the cable provider with the obligation to provide at least one noncommercial Public, Education and Government channel. She states that such a provision has enormous potential for providing relevant, local information of public interest through the noncommercial P.E.G. model. She states that P.E.G. centers take on the task of working with individuals, non-profits, churches, governments, and educators to broadcast issues of importance and disseminate emergency information to all walks of life. Ms. Orchard also states that better federal support of these life-saving centers could go a long way in addressing many of the issues the Commission is seeking answers to at this time.

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Localism Field Hearings

Hearing on Broadcast Localism - Charlotte, North Carolina
McCrorry, Patrick, Mayor of Charlotte, North Carolina (10/22/03)

Mayor McCrorry states that the work of the Commission, particularly with regards to the media and its interaction with the public, is very important. In Mayor McCrorry's capacity as a member of the Board of Directors of the U.S. Conference of Mayors, he raises two issues: (1) the need to solve the problems with interference to channels used by emergency responders so they are not intermingled with adjacent commercial channels; and (2) the inability of local governments to collect franchise fees based on the FCC ruling classifying cable modem services as information services rather than telecommunications or cable services, which negatively affects their revenue streams. Mayor McCrorry thanks the local media in Charlotte for their service in times of public emergencies, such as on 9/11, and during hurricanes and ice storms. Mayor McCrorry states that Charlotte has a very strong community norm of responsibility and that its citizens will use their pocketbooks to speak out against media who do not accept this responsibility. Mayor McCrorry indicated that the Howard Stern show did not succeed in Charlotte, confirming that Charlotte's community values and norms are very important to its citizens, and that they expect the media to respond to those norms.

Hearing on Broadcast Localism - Charlotte, North Carolina
Watt, Mel, Congressman of North Carolina (10/22/03)

Representative Watt states that it is great to live in a country that places a value on having a discussion such as this, which assumes a commitment to the importance of the First Amendment. He adds that the best citizen is an informed citizen and that localism in broadcasting is extremely important. He opposes relaxation of the media ownership rules, noting his view that, if the ownership decision stands, the public can expect lower standards, less attention to local interests and talent, and a dramatic decline in the diversity of public voices heard, seen, and read, as fewer corporations will control more of our media. Representative Watt states that minority ownership is negatively impacted by the Telecommunications Act of 1996, and the new ownership rules would likely make the "situation for minorities and new entrants go from bad to worse." Representative Watt wants the FCC to make a commitment to supporting minority ownership.

Hearing on Broadcast Localism - Charlotte, North Carolina
Price, David, Congressman of North Carolina (10/22/03)

Representative Price states that politicians did not anticipate how loudly the importance of local media to communities would resonate across the political spectrum. He further states that the license renewal process is important, but it cannot ensure that local media meet the needs of their communities. Neither can network executives do that from their corporate offices in New York, he adds. Representative Price states that local

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*broadcasters have a day-to-day responsibility to provide programming that covers and engages their local communities, and they are at their best when they compete with each other in providing such coverage. Localism is partly about who owns television and radio stations, but it is also about how broadcasters determine their programming – programming that adheres to their community standards. Representative Price states that deregulation after the Telecommunications Act of 1996 has not been kind to localism with respect to radio, and Representative Price urges that television not go down the same path. He further believes that diversity is not about 200 channels on cable or satellite TV or radio – it’s about the diversity and the independence of our media. Representative Price requests that an article from the *Charlotte Observer*, authored by Senator Jesse Helms and Representative Richard Burr and entitled “Keep Control of TV Local,” be included in the record.*

Hearing on Broadcast Localism - Charlotte, North Carolina
Keelor, Jim, President and COO of Liberty Corporation (10/22/03)

Mr. Keelor indicates that Liberty Corporation, which owns 15 television stations, has shown its commitment to localism in myriad ways, including its coverage of severe weather conditions and its purchase of state-of-the-art equipment to broadcast localized emergency warnings. Liberty provides a substantial amount of free air time to covering local politics and has a 25-year history of producing debates among statewide political candidates. Programming on Liberty stations includes coverage of local cultural and arts institutions, and one of its North Carolina stations has initiated a program to assist teachers in equipping their classrooms with needed supplies.

Mr. Keelor states that Liberty tries very hard not to be a corporate entity in its local television markets. Liberty wants to operate with a local emphasis, getting involved with Red Cross blood drives and other things that identify it with the community. Mr. Keelor states that the FCC has had a right-to-reject rule for 50 years, which the Commission recognizes as a core of localism. Mr. Keelor would like to see that support continued, and argues that the dynamics of the network/affiliate relationship have changed so much that it is difficult to preempt network programming. Mr. Keelor states that to drive localism and ensure it for the future, the FCC should clarify and reaffirm its support of the right-to-reject rule.

Mr. Keelor also states that Liberty stations offered mayoral candidates in the most recent elections free time in various formats other than newscasts. Liberty offered candidates the opportunity to tape a five-minute, three-minute, or two-minute segment, which its stations would carry on the air in various day parts. Liberty also offered to place on its stations’ websites the bios and campaign positions of the candidates. Disappointingly to Mr. Keelor, only one or two candidates took advantage of that offer.

Mr. Keelor believes that current public interest standards are acceptable, but they can be a terrible administrative burden. He also urges that they be applied uniformly – not based

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on station size. If allowed to own two television stations in the same market, Mr. Keelor would accept additional defined public interest standards. He states that broadcast stations have a finite amount of air time and commercial time, and they must prioritize which elections get covered. Mr. Keelor does not think that companies that have leading stations in a market should be penalized by the ownership rules by not being allowed to purchase other media assets, while other companies in the market are not likewise restricted.

**Hearing on Broadcast Localism - Charlotte, North Carolina
Kwei, Debbie, General Manager of WCHH-FM (Radio One) (10/22/03)**

Ms. Kwei states that Radio One was attracted to the Charlotte market because of its growing African American population. She further states that WCHH invites listeners to the station's offices to share feedback on its programming, and listener feedback is combined with other research to create a format that reflects the particular musical tastes of the urban Charlotte market. WCHH makes a special effort to air local artists, including a weekly program devoted to local music talent. WCHH also addresses the needs of the minority community in Charlotte with its public affairs programming, including campaigns to increase minority bone marrow donors and breast cancer awareness.

Ms. Kwei also states that Radio One tries to do a better job at addressing local issues, and while revenue is a big part of what Radio One does as a commercial station, it recognizes its responsibility to the community at large, and to the African American community in particular. Radio One headquarters has instructed its managers to allow access for local artists and independent labels to pitch their product. As an example, WCHH has a weekly Sunday program that is hosted by local people, and the station listens for what the public wants. If there is interest in a particular local musician, WCHH will play that musician's songs. Ms. Kwei also states that as part of its marketing and promotions activities, WCHH reaches out to local organizations to find opportunities to help these groups get the word out about their particular events, and sometimes to partner with them to make their events even larger than they might have been, but for Radio One's involvement.

**Hearing on Broadcast Localism - Charlotte, North Carolina
Merritt, Tift, Recording Artist (10/22/03)**

Ms. Merritt states that any examination of localism must include a discussion of media ownership policy. Ms. Merritt states that many of her fans have called several local radio disc jockeys ("DJs"), requesting that her music be played, but have been told by the DJs that even though they wanted to play her music, station management, not the DJs, makes programming decisions. Ms. Merritt disagrees with broadcasting conglomerates who claim that broadcast programming is localized, stating that programming cannot reflect local tastes when listeners' requests are disregarded. She also disagrees that healthy

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competition exists on the public airwaves, and believes that concentrated media stifles *local voices*. Ms. Merritt warns that if station owners concern themselves only with advertising revenue and disregard content and localism, they will prevent the next generation of local musical talent from being heard.

Ms. Merritt believes that it is naïve to think that pay for play does not occur in the music industry. Radio is the main medium that people turn to when they want to hear a song. To only be able to access that medium through two or three large companies means that musicians' chances of getting airplay are very slim, she states.

**Hearing on Broadcast Localism - Charlotte, North Carolina
Rose, Joan Seiffert, General Manager of WUNC-FM (10/22/03)**

Ms. Rose states that recording artist Tift Merritt can be heard on WUNC, as well as many other public radio stations across the state. Ms. Rose indicates that WUNC does not receive any direct funds from either the University of North Carolina or the state, and receives less than 10% of its operating dollars from the Corporation for Public Broadcasting. WUNC relies primarily on the financial support of the local community to keep it on the air, and therefore must be responsive to the needs and interests of its listeners. While commercial stations no longer face specific local programming requirements, local news and public affairs programming remain the very foundation of public broadcasting, she states. Ms. Rose adds that the FCC can help support local programming on non-commercial stations by protecting the technical integrity of those stations and enforcing non-interference standards in a fair, reasonable and timely manner.

Ms. Rose states that WUNC's policy is to give exposure to local artists as part of its mandate as a non-commercial station. It is logical for WUNC to play Tift Merritt's songs, as she is very popular with the station's listeners, she states. Regarding political programming, WUNC has some long form interview programs where candidates have a chance to talk at length about their platforms. The station tends to focus those programs on larger statewide races, she notes.

**Hearing on Broadcast Localism - Charlotte, North Carolina
Avery, Terry, Operations Manager and Program Director of WPEG, WBAV and
WGIV (owned by Infinity Broadcasting) (10/22/03)**

Ms. Avery states that she has final say over programming, music, on-air talent, station imaging, and commercial production, but takes input from the music director, marketing director, production director, news and public affairs directors, and on-air personalities. Recent ratings placed WPEG at number one and WBAV at number four in the Charlotte area. WBAV is an urban music station that airs daily hour-long live local, state and national news programming, provides updates during the day, interrupts regular programming for breaking news, and provides weekly hour-long public affairs programming with call-in opportunities and interviews. Ms. Avery states that WPEG is a

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mainstream urban station that airs weekly hour-long programming dealing with racial issues, health, and elections, interrupts regular programming for breaking news, and airs an hour-long program showcasing local and new talent. Additionally, on-air personalities interact with members of the community including hosting block parties in low-income neighborhoods and by being active in nonprofit groups.

Hearing on Broadcast Localism - Charlotte, North Carolina

Goodman, Jim, President and CEO of Capitol Broadcasting (operates CBS & Fox affiliates) (10/22/03)

Mr. Goodman states that the goal of the Communications Act is not to promote capitalism, but instead to promote localism, competition, and diversity. He urges the FCC to complete rulemakings regarding quarterly reporting and minimum public interest standards. He states that broadcasters need minimum public interest standards to understand what their responsibilities are. He also urges that there be a system of quarterly station reporting to give the public information on how each station is serving the public interest.

Mr. Goodman notes that Capitol has preempted programming that it feels does not reflect its community standards, including a program that demeaned marriage. He states that if the network does not give stations a "pre-feed" to review programming ahead of airing, it is more difficult to make a decision on preemption. DTV will help broadcasters air both local programming and network programming through its multicast capabilities. Mr. Goodman states that a blend of both behavioral and structural rules is necessary to promote localism. He adds that the FCC does not necessarily need to reverse the changes it made to its ownership rules, but it should not relax them more. He states that the single most important determinant of how a station operates is who runs it, and that the larger an owner becomes, the more corporate welfare drives the bottom line, at the expense of localism.

Hearing on Broadcast Localism - Charlotte, North Carolina

Klenz, Mary, Co-President of the North Carolina League of Women Voters (10/22/03)

Ms. Klenz urges that election campaigns are too expensive, and they are directly related to the cost of TV advertising. She further urges that public affairs programming and meaningful political coverage have declined. Citizens get most news from broadcast media, and their primary source of political information comes through advertising, which creates a downward spiral of less information to voters and less voting, she contends. Broadcasters should not charge more for airtime as elections approach, she notes. Broadcasters are given licenses to serve the public, but are not living up to their end of bargain, she contends. She states that business concerns appear to have overtaken the public interest. Broadcasters have an abundance of creativity and talent and should use it to create programming that informs the public about voting and elections. She

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notes that broadcasters used to provide airtime to the League during elections to answer calls from the public, but she notes that they have discontinued this practice. The League currently partners with a local PBS station for candidate debates for a variety of elections, with positive feedback from both voters and candidates.

Hearing on Broadcast Localism - Charlotte, North Carolina
Rustin, John, Director of Government Relations for the North Carolina Family Policy Council (10/22/03)

Mr. Rustin states that while the public has access to an ever-increasing number of media outlets, this does not translate into higher local consumer satisfaction. The concerns about offensive and indecent programming on television and radio are increasing. Competition for market share appears to push the standards of decency, as evidenced by the current trend of reality shows, he states. North Carolina is lucky to have broadcasters like Capitol Broadcasting preempt some of these shows because they demean marriage and family and are inconsistent with local community standards. Local station owners are more likely to understand and respond to local standards. For that reason, the North Carolina Family Policy Council opposes increasing the national television ownership cap. He states that, because the complaining public has the burden of proof in indecency cases, requiring local broadcasters to maintain several months' worth of programming would help the public ensure that community standards are upheld. In addition, swift enforcement of indecency and obscenity laws, including higher fines and license revocations, is critical, he believes.

Hearing on Broadcast Localism - Charlotte, North Carolina
Ward, Michael, General Manager of WNCN-TV (owned and operated by NBC) (10/22/03)

Mr. Ward states that television stations, regardless of ownership and funding, are successful for three reasons: local involvement, local relevance, and local acceptance. When NBC acquired WNCN seven years ago, it changed the station from one that aired paid programming, religious programming and home shopping to one committed to localism. NBC has added 60% more local news, a half-hour public relations/public affairs show, and public affairs announcements and PSAs. WNCN has produced programs for charitable and service organizations, and produces a half-hour show weekly on local artists. It airs specials and provides realtime closed captioning of every special news event, and it recently preempted prime time programming for mayoral debates. It sponsors blood drives and breast cancer research drives. It requires every employee to participate in a community organization. Mr. Ward states that because local service is good business, the Commission's rules do not need to be changed to make broadcasters more locally responsive. Mr. Ward states that he has not preempted programming based on his sensibilities of the community and its values, but he has preempted programming for news specials and to air local events that are more important than network programming.

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**“OPEN MIKE” SPEAKERS AT
LOCALISM TASK FORCE FIELD HEARING**

Location of Hearing: Charlotte, North Carolina

Date of Hearing: October 22, 2003

- Dennis Rash (bicycle safety organization): Speaker expresses concern about irresponsible radio programming advocating violence to bicyclists.
- Mary Lee O’ Daniel: Speaker believes that more programming for the blind is needed.
- Harry Johnson (bicyclist): Speaker expresses concern about irresponsible radio programming advocating violence to bicyclists and the potential harm from ownership consolidation.
- Gray Newman (local government): Speaker articulates the need for improved dialogue between stations and members of the communities that they serve.
- William E. Smith (Shrine Bowl): Speaker praises broadcaster support of his organization.
- David McConnell (media developer): Speaker expresses concern about the decrease in localism efforts, which he believes is attributable to ownership consolidation. He also sees a need for more LPFM stations.
- Marja Cole (American Red Cross): Speaker praises broadcaster support of her organization.
- Sam Brown (Common Cause): Speaker expresses concern about the decrease in localism efforts, which he believes is attributable to ownership consolidation.
- Kathy Walker (advertising agency): Speaker believes that more political programming is necessary and that stations should offer more free airtime to candidates.
- Blanche Dean (bicyclist organization): Speaker expresses concern about irresponsible radio programming advocating violence to bicyclists.
- (Unidentified): Speaker commends localism efforts by areas stations.

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- Bill Price (satellite TV retailer): Speaker believes that satellite subscribers need to be able to receive stations with poor over-the-air signals.
- Doug Echols (Mayor, Rock Hill, S.C.): Speaker commends broadcaster localism efforts, but believes that there is a need for greater diversity in programming.
- Russ Jones (manager of Spanish language radio stations): Speaker relates the efforts of his daytime-only stations to serve minority populations.
- Rev. Ronald A. King (Feed the Hungry program): Speaker praises broadcasters' localism efforts and their support of his organization.
- (Unidentified): Speaker criticizes the use of national music play lists and the recent firing of local station staffs, which he attributes to ownership consolidation.
- Gloria Scienski (Make A Wish Foundation): Speaker praises broadcasters' localism efforts and their support of her organization.
- Karen Perfeda (Children's Miracle Network): Speaker praises broadcasters' localism efforts and their support of her organization.
- Bucky Walker (Shrine Bowl): Speaker praises broadcasters' localism efforts and their support of his organization.
- Paige Throop (Children's Miracle Network): Speaker praises broadcasters' localism efforts and their support of her organization.
- Frank Bell (YMCA): Speaker praises broadcasters' localism efforts and their support of his organization.
- Lois Cowan (bicyclists): Speaker expresses concern about irresponsible radio programming advocating violence to bicyclists.
- Steven Walters (bicyclists): Speaker expresses concern about irresponsible radio programming advocating violence to bicyclists.
- David Hand: Speaker expresses concern about irresponsible radio programming advocating violence to bicyclists.
- Wes Hayes (State Senate): Speaker praises broadcasters' localism efforts.
- "T.J." (radio personality): Speaker praises broadcasters' localism efforts.

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- Elsie Garner (local public TV broadcaster): Speaker expresses need for policies that will foster noncommercial educational stations and improve cable and satellite carriage of their programming. She also praises such stations' localism efforts.
- (Unidentified): Speaker states belief that ownership consolidation harms the diversity of political programming.
- Rita Harman (American Cancer Society): Speaker praises broadcasters' localism efforts and support of her organizations.
- Steve Day (radio personality): Speaker expresses his belief that ownership consolidation decreases station localism efforts and results in cutbacks in station local staffing.
- Darrell Cunningham (anti-violence organization): Speaker praises broadcasters' localism efforts and their support of his organization.
- Bob Forcello (Amber Alert project): Speaker praises broadcasters' localism efforts and their support of the Amber Alert program.
- Wanda Pevia: Speaker praises broadcasters' localism efforts in helping locate her abducted daughter.
- "Gus" (musician): Speaker articulates the need for more station airplay of local artists.
- Wally Bow (journalist): Speaker believes that cutbacks of local news staffing, and the decrease in viewpoint diversity are attributable to ownership consolidation. He praises LPFM as a potential source of localism service.
- Beverly Elwell (hearing impaired): Speaker notes the importance of the availability of closed captioning to the hearing impaired during emergencies.
- Hermoine Castro (Hispanic Political Coalition): Speaker expresses her concern about the negative impact of ownership consolidation on localism efforts and the diversity of viewpoints available.
- Bill Brawley: Speaker expresses his concern about the negative impact of ownership consolidation on station localism efforts.

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- *Rick Hunnicutt (satellite TV retailer): Speaker seeks greater availability of DTV signals to rural areas through liberalized cable and satellite carriage of distant TV signals.*
- Susan Fox: Speaker expresses her concern about the negative impact of ownership consolidation on station localism efforts.
- Jake Delily (independent music outlet): Speaker complains of the lack of airplay of local artists and stations' payola practices.
- Anthony Quintee (musician): Speaker complains of the lack of airplay of local artists and stations' payola practices.
- Krista Blagan (Arts and Science Council): Speaker praises broadcasters' localism efforts and stations' support of her organization.
- Olma Echerverri (Hispanic Board Coalition): Speaker praises broadcasters' localism efforts, but expresses the need for more politically sensitive programming.
- Joe Huss: Speaker expresses concern about availability of appropriate children's programming and complains of indecent broadcasts.
- Howard Clement (City Council): Speaker praises broadcasters' localism efforts.

**Hearing on Broadcast Localism – Monterey, California
Albert, Daniel, Mayor of City of Monterey (7/21/04)**

Mayor Albert states that the commercial broadcast media have a history of serving the Monterey community well. He indicates that Clear Channel Communications and its predecessor, the Ackley Group, have a good working relationship with Monterey. He states that the size of the Monterey market makes for a unique relationship with local broadcasters which may not be duplicated in larger communities.

Mayor Albert states that although the hearings are focusing on commercial broadcast media, he encourages the Commission to examine community media and PEG access to the cable system as vehicles to meet community needs and interests. He asserts that these types of solutions can mitigate many of the concerns of the media consolidation debate. Mayor Albert indicates that PEG access and institutional networks are at risk. He adds that because of the "growing erosion" of local governments, cable financing authorization by legislatures and regulators is an important subject in the Monterey area.

Hearing on Broadcast Localism - Monterey, California

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Farr, Sam, Congressman of California (remarks delivered by Alex Zerago) (7/21/04)

Alex Zerago indicates that he is present at the hearing on the behalf of Representative Sam Farr. Mr. Zerago reads the text of a letter from Representative Farr, which indicates that the congressman's testimony and the delegation's letter seek to highlight the widespread concern over media consolidation and its effect on the public discourse. Representative Farr urges the Federal Communications Commission to work with the public to enact stricter licensing and ownership standards. He states his hope that this series of Localism Task Force hearings will begin a reinvigorated dialogue that will truly achieve media diversity.

He also adds that the hearings thus far must have given the Commission a sense of the intense interest that this issue of media consolidation has generated across the spectrum of the American public.

Additionally, Mr. Zerago reads the text of a letter signed by 22 members of Congress from California. In their letter, the members of Congress express their concern regarding media consolidation, and their expectation that the Monterey localism hearing would add to the dialogue and debate on media diversity.

Mr. Zerago indicates that the letter is signed by the following members of Congress: Sam Farr, Nancy Pelosi, Diane Watson, Barbara Lee, Lois Capps, Robert Matsui, Henry Waxman, Bob Filner, Maxine Waters, Tom Lantos, Lynn Woolsey, Mike Honda, Ellen Tauscher, Hilda Solis, Pete Stark, Mike Thompson, Javier Becerra, Linda Sanchez, Anna Eshoo, Dennis Cardoza, Loretta Sanchez, Howard Berman, and Grace Napolitano.

Hearing on Broadcast Localism - Monterey, California
Zarazua, Blanca, Chair of the Hispanic Chamber of Commerce of Monterey County
(7/21/04)

Ms. Zarazua states that the Commission's efforts to ensure that broadcasters serve the needs and interests of all segments of their communities should include the Spanish speaking communities. She adds that many Spanish speakers find the U.S. legal system difficult to understand, and there are many issues facing immigrants from Mexico who live and work in the Central Coast of California, and challenges faced by small Hispanic-owned businesses.

Ms. Zarazua states that, among Spanish speaking populations, there is a diversity of language preference, immigration status, and economic and education levels. Because of this multi-faceted context, the Commission's localism implementation should include extensive research and careful evaluation.

She states that persons unable to read English or Spanish will rely heavily on audio and visual sources of information. Because of this, Ms. Zarazua states, broadcasters must use

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the airwaves to serve the public interest, including adopting a broad definition of the public to include Spanish speakers, immigrants from abroad, and individuals who are illiterate. She adds that denying the benefits of this public resource to these individuals is a disservice to everyone in the community, not just those directly affected. She states that programming should highlight heroes and success stories from within the community so that community pride may be fostered.

Ms. Zarazua states that the Commission should: include local station decision makers in defining and implementing localism; provide access of station decision makers to the local residents to promote trust within the local communities; urge broadcasters to locate their main studios within the local communities so that they are part of the neighborhood; promote participation in local community activities; encourage contacts with the leadership in local community groups to help broadcasters become familiar with community priorities; define locally oriented programming as programming of interest to the local community; incorporate individuals with sensitivity to underserved communities in the decision-making process; track usage of PSAs; reward licensees who seek opportunities to educate underserved communities; and introduce qualitative factors, such as community commitment, into the licensing process.

Hearing on Broadcast Localism - Monterey, California
Dominguez, Eduardo, Vice President and General Manager of KSTS-TV
(Telemundo) in San Jose, California (7/21/04)

Mr. Dominguez states that Telemundo and its owned and operated stations consider community service essential to their business and their role as local broadcasters. He adds that three principles are essential to a TV station: local attention, local action and local accountability.

Mr. Dominguez states that local attention means focusing on events that matter to all of a TV station's audience. For Spanish language programming, that sometimes includes covering news stories about Mexico or El Salvador that are important local stories. Local attention may also include information about opening checking accounts and immunizations for school children.

He adds that local action means that the station must involve itself with the community in ways that advance the community, such as fundraisers to benefit emergency community housing and shelter and Head Start, or hosting immigration forums. Mr. Dominguez explains that KSTS also maintains a strong relationship with the business community via the 15 Hispanic Chambers of Commerce throughout Northern California, by sponsoring and participating in local programs.

Mr. Dominguez states that local accountability means that the viewing audience must be able to rely on KSTS to cover the information that the community needs to know in a timely and appropriate fashion. He states that KSTS serves as a bridge for the Spanish

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speaking community on issues such as immigration, health, and education. He adds that the station's audience has responded by telling KSTS that it needs that type of information to live a better life in the United States.

Mr. Dominguez states that locally, Telemundo has strengthened its daily evening newscasts. He states that KSTS has more resources since Telemundo was acquired by General Electric, the parent company for NBC stations. He indicates that KSTS serves the San Francisco and Monterey markets, and has been able to cover more live news events due to its partnership with NBC stations. Mr. Dominguez adds that KSTS has aided other NBC stations by providing access to Spanish speakers and additional resources that help to broaden the coverage of issues by other NBC stations.

Mr. Dominguez notes that his stations have been a "bridge" for underserved communities by working with voter groups and other groups that help address issues of importance to the Latino community.

Hearing on Broadcast Localism - Monterey, California
Miller, Patti, Director of Children & the Media Program, Children NOW in
Oakland, California (remarks delivered by Seeta Pena Gangadharan) (7/21/04)

Noting that FCC guidelines require that stations air a minimum of three hours per week of children's educational and informational (E/I) programming at times when children are likely to be watching, Ms. Miller states that Children NOW and the Institute for Public Representation at Georgetown analyzed the Children's Television Reports for the last quarter of 2003 prepared by the four full power television stations in the Monterey-Salinas designated market area.

According to Ms. Miller, the analysis found that many E/I shows do not have educating or informing children as a significant purpose of the program as the rules require. In addition, according to her report, two stations fell short of the three hour minimum guideline (Fox affiliate KCBA and Univision affiliate KSMS), one station aired the minimum three hours (CBS affiliate KION), and one station (NBC affiliate KSBW) aired slightly more than three hours of E/I programming per week. Ms. Miller states that Children NOW is troubled by broadcasters' difficulty in meeting what her organization deems to be a "very minimal requirement." Children NOW asserts that local broadcasters are not meeting the distinct needs of the children in the community they serve. According to Ms. Miller's statement, sixty-five percent of the child population in the Monterey-Salinas designated market area consists of children of color, and forty-four percent of school age children speak Spanish at home. She states that despite the diversity of the Monterey-Salinas area, there is just one full power Spanish language TV station in the area, and it offers only two E/I programs.

Ms. Miller indicates that due to the frequent pre-emption of E/I programming for sports, parents and children may find it difficult to locate and watch the small amount of