

Broadcast Localism
MB Docket No. 04-233
Comment Summary

Meyer states that Meyer Communications' Ozarks News Network produces 26 newscasts daily, which are then fed to the four Meyer stations (KWTO-AM carries all 26, KTXR carries 12; KWTO-FM six and KBFL, four). Meyer notes that ONN newscasts are strictly local and regional, and are in addition to network affiliations. According to Meyer, its stations interrupt programming to provide emergency weather or Amber Alert messages and, by contract with The Weather Channel, provide coverage when the newsroom is unstaffed on nights or weekends. In addition, Meyer notes that there is always a board operator on duty, with authority to broadcast emergency material.

Meyer states that it makes public service time available to local non-profits, church groups, and community organizations and estimates that approximately \$1 million a year worth of airtime is dedicated to public service. Meyer contends that, while other stations may have abandoned local programming for national playlists, formats and out-of-town voice tracking and news, local ownership, management and staffing still has a place in broadcasting.

MICHIGAN MUSIC IS WORLD CLASS! CAMPAIGN (MMWC) (12/22/03)

MMWC states that it is an organization of musicians and other performance artists in the Detroit area. MMWC supports promoting low-power radio to foster better opportunities for local musicians. The comment stresses four key points: (1) it is not only musicians, but the general public of Metro Detroit that wants low power radio; (2) the FM spectrum in Metro Detroit is "so crowded that not even a single LPFM station is currently possible. ... The licensing of Low Power AM stations, protected from displacement by Primary Service Status, appears to be indispensable for opening frequencies to Low Power Radio stations in our area"; (3) "even a Low Power AM Radio Service will probably open room for only a handful of Low Power Radio stations in Metro Detroit" and finding more frequencies will likely require other steps such as conversion of Channel 6 and divestiture of full-power stations; and (4) spectrum scarcity is not a unique situation; other densely populated urban areas such as metro Boston are similarly situated.

MMWC urges the Commission to undertake reforms to strengthen opportunities for low-power radio. The comment includes a list of supporters and supporting legislative resolutions. The comment discusses a report filed by REC, which is publicly available at <http://www.recnet.com/fcc/LPFM-detroit.pdf>.

Midwest Christian Media, Inc. (MCM) (11/1/04)

MCM states that it supports the revocation of the ban on LPFM stations in urban areas. MCM states that several studies have shown that LPFM stations on 3rd and, in some cases, on 2nd adjacent channels will cause no significant interference to existing stations. According to MCM, LPFM stations will work best in the urban areas and LPFM stations are more needed in urban areas, particularly in non-English speaking communities.

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MCM states that the FCC has not acted in accordance with its obligation under the Religious Freedom Restoration Act, since it has enforced modified rules to ban religious LPFM stations on 3rd adjacent channels. MCM asks that the Commission lift the ban on religious applicants for LPFM stations on 3rd adjacent channels.

MCM advocates in favor of LPFM stations over FM translators. MCM states that translators keep local broadcasters off the air and are best suited for rural areas that do not have the resources to construct, maintain, and staff their own local radio.

MCM recommends that local programming be re-defined as programming that is produced within the 10-mile radius or that addresses news, sports, religion issues, and so forth specifically appropriate to the community within the 10 mile radius. MCM recommends that voice tracking be permitted in local programming.

Midwest Communications – Battle Creek (Midwest Battle Creek) (11/1/04)

Midwest Battle Creek states that its station, WNWN, is committed to keeping listeners informed on the events that most impact their lives. Midwest Battle Creek gives examples of broadcasts of breaking news and local emergency information. Midwest Battle Creek describes WNWN's programs devoted to local public affairs, local politics, and community activities. In addition, Midwest Battle Creek lists WNWN's coverage of local events and public service announcements. Midwest Battle Creek claims that WNWN frequently interrupts scheduled programming for traffic, local news, and weather issues. Midwest Battle Creek comments that WNWN participates in AMBER and EAS.

Midwest Battle Creek claims that WNWN regularly updates local and state news stories on its website. In addition, WNWN uses the website to inform parents of local school closures and delays. Midwest Battle Creek claims that WNWN does bi-weekly internet tests requesting programming input. E-mailed suggestions are solicited, reviewed, and considered.

Midwest Battle Creek states that WNWN discusses and covers local political campaigns. Midwest Battle Creek lists WNWN's programs targeted to raising funds for local charity organizations. Midwest Battle Creek lists its efforts to provide on-air opportunities for local artists, and research the market to determine the type of music they want to hear locally. Midwest Battle Creek also provides examples of how WNWN promotes causes not tied to a particular organization, such as health information and disaster relief information.

Midwest Communications – Coldwater, MI (Midwest Coldwater) (11/1/04)

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Midwest Coldwater states that its station, WTVB, is committed to keeping listeners informed on the events that most impact their lives. Midwest Coldwater gives examples of broadcasts of breaking news and local emergency information. Midwest Coldwater describes WTVB's programs devoted to local public affairs, local politics, and community activities. In addition, Midwest Coldwater lists WTVB's coverage of local events and public service announcements. Midwest Coldwater claims that WTVB frequently interrupts scheduled programming for traffic, local news, and weather issues. Midwest Coldwater states that WTVB participates in AMBER and EAS.

Midwest Coldwater states that a WTVB Community Event page provides information on local events and activities, and states that WTVB regularly airs promotional announcements soliciting feedback from listeners, with a special e-mail address set up for those responses. In addition, Midwest Coldwater states that surveys are distributed to local community service groups when presentations are given by the radio station staff. Midwest Coldwater also claims that WTVB regularly preempts network music programming to air local news and information.

Midwest Coldwater states that WTVB discusses and covers local political campaigns. Midwest Coldwater lists WTVB's programs targeted to raising funds for local charity organizations. Midwest Coldwater lists its efforts to provide on-air opportunities for local artists, and research the market to determine the type of music they want to hear locally. Midwest Coldwater also provides examples of how WTVB promotes causes not tied to a particular organization, such as health information and disaster relief information.

Midwest Communications – Duluth/Superior (Midwest Duluth) (11/1/04)

Midwest Duluth states that its station, KDAL is committed to keeping listeners informed on the events that most impact their lives. Midwest Duluth gives examples of broadcasts of breaking news and local emergency information. Midwest Duluth describes KDAL's programs devoted to local public affairs, local politics, and community activities. In addition, Midwest Duluth lists KDAL's coverage of local events and public service announcements. Midwest Duluth comments that KDAL participates in AMBER and EAS.

Midwest Duluth claims that KDAL's website provides local people with a place to see local news, and that stories on the website are more in-depth because there are no time constrictions.

Midwest Duluth states that KDAL discusses and covers local political campaigns. Midwest Duluth lists KDAL's programs targeted to raising funds for local charity organizations. Midwest Duluth lists its efforts to provide on-air opportunities for local artists, and research the market to determine the type of music they want to hear locally.

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Midwest Duluth also provides examples of how KDAL promotes causes not tied to a particular organization, such as health information and disaster relief information.

Midwest Communications – Green Bay/Appleton (Midwest Green Bay/Appleton) (11/1/04)

Midwest Green Bay/Appleton states that its stations broadcasting to Green Bay and Appleton, Michigan, are committed to keeping listeners informed on the events that most impact their lives. Midwest Green Bay/Appleton gives examples of broadcasts of breaking news and local emergency information. Midwest Green Bay/Appleton describes programs devoted to local public affairs, local politics, and community activities. In addition, Midwest Green Bay/Appleton lists coverage of local events and public service announcements. Midwest Green Bay/Appleton claims that the stations frequently interrupt scheduled programming for traffic, local news, and weather issues. Midwest Green Bay/Appleton comments that the stations also participate in AMBER and EAS.

Midwest Green Bay/Appleton states that these stations provide longer-form versions of stories on websites, linking audio from news stories on the website and providing "raw audio" not available on the air, and that the stations also post documents used as sources for news stories, such as criminal complaints from high profile court cases. Midwest Green Bay/Appleton states that forums are provided on websites to allow listeners to weigh-in on issues of the day and provide website polls concerning local news stories. Midwest Green Bay/Appleton comments that state news is also provided on the websites, and that Business, Health and Science and Technology news that may have a bearing on local news is covered.

Midwest Green Bay/Appleton states that the stations discuss and cover local political campaigns. Midwest Green Bay/Appleton lists programs targeted to raising funds for local charity organizations. Midwest Green Bay/Appleton lists its efforts to provide on-air opportunities for local artists, and research the market to determine the type of music they want to hear locally. Midwest Green Bay/Appleton also provides examples of how the stations promote causes not tied to a particular organization, such as health information and disaster relief information. Midwest Green Bay/Appleton claims that listeners are also encouraged to email the stations with suggestions, and that emails, calls and letters are always responded to.

Midwest Communications – Holland, Michigan (Midwest Holland) (11/1/04)

Midwest Holland states that its station, WHTC-WYVN is committed to keeping listeners informed on the events that most impact their lives. Midwest Holland gives examples of broadcasts of breaking news and local emergency information. Midwest Holland describes WHTC-WYVN's programs devoted to local public affairs, local politics, and community activities. In addition, Midwest Holland lists WHTC-WYVN's

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coverage of local events and public service announcements. Midwest Holland claims that WHTC-WYVN frequently interrupts scheduled programming for traffic, local news, and weather issues. Midwest Holland comments that WHTC-WYVN participates in AMBER and EAS.

Midwest Holland states that WHTC-WYVN discusses and covers local political campaigns. Midwest Holland lists WHTC-WYVN's programs targeted to raising funds for local charity organizations, as well as its efforts to provide on-air opportunities for local artists. Midwest Holland also provides examples of how WHTC-WYVN promotes causes not tied to a particular organization, such as health information and disaster relief information.

Midwest Communications – Kalamazoo (Midwest Kalamazoo) (11/1/04)

Midwest Kalamazoo states that its station in Kalamazoo, Michigan, WFAT/WNWN is committed to keeping listeners informed on the events that most impact their lives. Midwest gives examples of broadcasts of breaking news and local emergency information. Midwest Kalamazoo describes WFAT/WNWN's programs devoted to local public affairs, local politics, and community activities. In addition, Midwest Kalamazoo lists WFAT/WNWN's coverage of local events and public service announcements. Midwest Kalamazoo claims that WFAT/WNWN frequently interrupts scheduled programming for traffic, local news, and weather issues. Midwest Kalamazoo states that WFAT/WNWN participates in AMBER and EAS.

Midwest Kalamazoo claims that WFAT/WNWN regularly preempts programming for breaking news coverage, and that local news stories are updated throughout the day, including exclusive content that is often more detailed information beyond what is included in regular newscasts. Midwest Kalamazoo further claims that all news stories are posted on their website.

Midwest Kalamazoo states that WFAT/WNWN discusses and covers local political campaigns. Midwest Kalamazoo lists WFAT/WNWN's programs targeted to raising funds for local charity organizations. Midwest Kalamazoo lists its efforts to provide on-air opportunities for local artists, and research the market to determine the type of music they want to hear locally. Midwest Kalamazoo also provides examples of how WFAT/WNWN promotes causes not tied to a particular organization, such as health information and disaster relief information.

Midwest Communications - Sheboygan, WI (Midwest Sheboygan) (11/1/04)

Midwest Sheboygan states that its stations are committed to keeping listeners informed on the events that most impact their lives. Midwest Sheboygan gives examples of broadcasts of breaking news and local emergency information. Midwest Sheboygan describes its programs devoted to local public affairs, local politics, and community

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activities. In addition, Midwest Sheboygan lists coverage of local events and public service announcements. Midwest Sheboygan claims that it stations frequently interrupt scheduled programming for traffic, local news, and weather issues. Midwest Sheboygan comments that WSAU participates in AMBER and EAS.

Midwest Sheboygan claims that its stations regularly preempts programming for breaking news coverage, and that local news stories are updated throughout the day, including exclusive content that is often more detailed information beyond what is included in regular newscasts. Midwest Sheboygan further claims that its stations accept and read every email positive and negative, and conduct several online, and on air polls of local audience every week.

Midwest Sheboygan states that its stations discuss and cover local political campaigns. Midwest Sheboygan lists programs targeted to raising funds for local charity organizations. Midwest Sheboygan lists its efforts to provide on-air opportunities for local artists, and research the market to determine the type of music they want to hear locally. Midwest Sheboygan also provides examples of how WSAU promotes causes not tied to a particular organization, such as health information and disaster relief information.

Midwest Communications – Wausau/Plover Stevens Point (Midwest Wausau/Plover Stevens Point) (11/1/04)

Midwest Wausau/Plover Stevens Point states that its station is committed to keeping listeners informed on the events that most impact their lives. Midwest Wausau/Plover Stevens Point gives examples of broadcasts of breaking news and local emergency information. Midwest Wausau/Plover Stevens Point describes its station's programs devoted to local public affairs, local politics, and community activities. In addition, Midwest Wausau/Plover Stevens Point lists coverage of local events and public service announcements. Midwest Wausau/Plover Stevens Point claims that the station frequently interrupts scheduled programming for traffic, local news, and weather issues. Midwest Wausau/Plover Stevens Point comments that the station participates in AMBER and EAS.

Midwest Wausau/Plover Stevens Point states that its station discusses and covers local political campaigns. Midwest Wausau/Plover Stevens Point lists programs targeted to raising funds for local charity organizations. Midwest Wausau/Plover Stevens Point lists its efforts to provide on-air opportunities for local artists, and research the market to determine the type of music they want to hear locally. Midwest Wausau/Plover Stevens Point also provides examples of how its station promotes causes not tied to a particular organization, such as health information and disaster relief information.

Midwest Communications – Wausau-Stevens Point (Midwest Wausau Stevens Point) (11/1/04)

This summary reflects comments received through September 18, 2006. It does not constitute an actual comment filed in this docket. Always rely only on the full text of each comment.

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Midwest Wausau Stevens Point states that its station, WSAU, is committed to keeping listeners informed on the events that most impact their lives. Midwest Wausau Stevens Point gives examples of broadcasts of breaking news and local emergency information. Midwest Wausau Stevens Point describes WSAU's programs devoted to local public affairs, local politics, and community activities. In addition, Midwest Wausau Stevens Point lists WSAU's coverage of local events and public service announcements. Midwest Wausau Stevens Point claims that WSAU frequently interrupts scheduled programming for traffic, local news, and weather issues. Midwest Wausau Stevens Point comments that WSAU participates in AMBER and EAS.

Midwest Wausau Stevens Point claims that WSAU regularly preempts programming for breaking news coverage, and that local news stories are updated throughout the day, including exclusive content that is often more detailed information beyond what is included in regular newscasts. Midwest Wausau Stevens Point further claims that listener comments about programming and programming suggestions are personally reviewed by the Program Director and kept on file. It is the policy of the new Program Director, to personally take and return all listener calls concerning any broadcast material on WSAU.

Midwest Wausau Stevens Point states that WSAU discusses and covers local political campaigns. Midwest Wausau Stevens Point lists WSAU's programs targeted to raising funds for local charity organizations, as well as its efforts to provide on-air opportunities for local artists, and research the market to determine the type of music they want to hear locally. Midwest Wausau Stevens Point also provides examples of how WSAU promotes causes not tied to a particular organization, such as health information and disaster relief information.

Mills, Cecile, filed under Numerous (8/23/04)

Ms. Mills of Parajo Valley, California, describes KPIG as "truly original and wonderful," but states that it is not locally owned. Ms. Mills states that regional media does not reflect the diversity and composition (economic level, cultural background, language, and interests) of the community. She suggests setting up a fund to support community radio and TV. She states that, "[r]ather than maximizing profits for private broadcasting companies, I want you to maximize access, ownership and content for the public."

Mission Broadcasting, Inc. (1/1/04)

Mission Broadcasting, Inc. submits statements prepared by KSAN-TV, San Angelo, Texas and KRBC-TV, Abilene, Texas, regarding the fulfillment of their local communities' public needs and interests. KSAN-TV states that it airs messages during the day alerting viewers about upcoming events in the community, visits local schools to

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teach weather safety, telecasts and participates in the community's annual stock show and rodeo, hosts an annual food drive, and airs and participates in the "Relay for Life" benefit for cancer survivors. KSAN-TV also states that it hosted a community bike race in 2004, a number of political debates for local elections, and produced and broadcast stories for the Make-A-Wish week. KRBC-TV states it airs messages during the day alerting viewers about upcoming events in the community, hosts the Jerry Lewis Telethon, and hosts and participates in numerous charity events benefiting youth programs, abused women, and other individuals in need in the community.

Mission Broadcasting (12/29/04)

Mission states that it is the licensee of 12 television broadcast stations and submits statements regarding local programming and community activities from its stations: KODE-TV, Joplin, MO; KOLR-TV, Springfield, MO; WUTR(TV), Utica, NY; and WYOU(TV), Scranton, PA.

Mississippi Association of Broadcasters (MAB) (11/1/04)

MAB contends that localism is alive and well because the very nature of broadcast stations makes them subject to local market forces. Further, MAB states that local broadcasters have always been committed to serving the voices of their communities and are working to expand their role in their communities. MAB also states that localism is a significant public interest and local, free, over-the-air broadcasters provide it. According to MAB, providing local programming is a marketplace necessity to the survival of local broadcasters. MAB further states that providing emergency information is also a significant commitment for local broadcasters, and that this goes beyond EAS. For all of these reasons, MAB states the Commission need not reconsider its localism rules.

On an additional note, MAB believes that the Commission does need to rigorously enforce the ban on satellite radio delivery of local programming in order to protect the public interest in free over-the-air local broadcasting.

Montana Broadcasters Association (MBA) (1/3/05)

MBA states that broadcasters are demonstrating a high level of community involvement and responsiveness, attributable not only to competitive pressures and economic incentives, but to their own sense of public service as well. According to MBA, the absence of rigid national programming rules and standards is helping to ensure that communities throughout America enjoy the diverse and unique programs that best suit their interests and needs.

MBA states that the record in this proceeding demonstrates that broadcasters are striking the right balance in providing political coverage, arguing that while several advocacy organizations urge the Commission to impose new content regulations and overhaul

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existing regulatory requirements to help foster political discourse, neither the facts nor the law support their arguments. According to MBA, the current communications environment – which includes cable, satellite, and Internet offerings in addition to broadcast and print media – already provides the vigorous forum for democratic discourse that these parties seek. MBA states that requiring broadcast stations to air additional political coverage does not serve the interests and needs of a public that overwhelmingly considers broadcast political coverage to be either “about right” or “too much.”

According to MBA, in allocating airtime, broadcasters must be responsive to the community, not the specific interests of advocacy groups or individuals. MBA states that despite the apparent frustration of aspiring musicians or performers with what they perceive as limited access to broadcast facilities, it appears that most audience members are satisfied with the mix of formats and content being broadcast on commercial stations today. MBA states that it is both a business and legal imperative for broadcasters to be responsive to their communities, and that the record demonstrates that stations will support local musicians or performers when their communities do too.

MBA argues that under the *State Farm* line of cases, the Commission needs a “reasoned analysis” before it may re-regulate broadcast stations to achieve its localism policy goals. MBA states that those who urge the Commission to depart from its deregulatory policies appear unable or unwilling to offer even a cursory legal analysis to support their recommendations, and argues that their silence should be construed as implicit concessions that their proposals to re-regulate, establish new rules or standards, or overhaul existing procedures and processes are legally untenable.

MBA states that the Commission may act only pursuant to the authority that Congress has delegated to it, and that an agency may not promulgate even reasonable regulations that claim a force of law without delegated authority from Congress. According to MBA, because Congress has chosen to occupy the field of license renewals, the Commission impermissibly exceeds its delegated authority if it acts to “strengthen” the license renewal process beyond that which Congress provided.

MBA states the Commission should take no further action in response to it NOI, and concludes that the record in this proceeding demonstrates that the Commission’s current deregulatory approach, which is consistent with Congress’ vision and mandate, is the most efficient and expeditious approach to fostering localism and achieving public policy goals.

**Monterey Peninsula Chamber of Commerce, filed by Brenda Roncarati,
President/CEO (8/23/04)**

Ms. Roncarati applauds the FCC’s “desire to understand the role of broadcasters to local communities.” She writes that the health and welfare of local businesses in their

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community is the purpose of the Monterey Peninsula Chamber of Commerce. She contends that the Chamber must be able to communicate with the entire community in order to succeed, noting that “[o]ur local media plays a strong and consistent role in partnering with our organizations and our members.” She also notes that their radio stations and TV stations provide valuable airtime for free to allow them to get business messages out. According to Ms. Roncarati, the radio and TV stations volunteer hours and hours of their time and money to allow them to promote local businesses.

Morales, Hilbert, filed under Numerous (8/23/04)

Mr. Morales opposes allowing any single corporation to dominate the media in any one location, stating that allowing this would compromise freedoms guaranteed under the U.S. Constitution.

Mr. Morales states that he is president/publisher of El Observador, a weekly bilingual (English/Spanish) newspaper serving the ethnic community of San Francisco Bay Area. He states, “[w]e have experienced competition which is not only unfair, but also predatory.” He states that corporate media is not diverse and that “Anglo staff” dominates it. Mr. Morales states that the American public needs many perspectives and sources.

Morton, Roseanne (1/28/04)

Ms. Morton writes in support of airing Sunday church services from First Baptist Church in San Antonio, TX.

Mt. Hood Cable Regulatory Commission, filed by R.C. Goheen (11/1/04)

The Mt. Hood Cable Regulatory Commission supports diverse and local content over all communications media and opposes media concentration. It asserts that commercial media alone do not adequately serve local community needs and interests and that consolidated ownership exacerbates the problem. The Mt. Hood Regulatory Commission recommends that in order to promote media localism the FCC needs to empower local governments to develop local communications media infrastructure and services on behalf of their citizens. It further recommends that the FCC consider the public, educational and governmental (PEG) access model, which currently exists in the cable world.

Munari, Geno (1/3/05)

Mr. Munari states that there is not enough information available to parents and children regarding drug prevention. He requests a LPFM license in order to provide anti-drug information to families in the local area.

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Named State Broadcasters' Associations (consisting of 40 state broadcast associations) (NSBA) (11/01/04)

The NSBA contend that the efforts of State Broadcasters' Associations to help create and maintain a regulatory and economic environment conducive to the growth of free, over-the-air, locally based, full service radio and television broadcast industries in their respective states would be adversely impacted by the re-introduction of rigid localism regulations. It believes that broadcasters already have strong incentives to adequately serve the needs of their communities and have strong track records in this area. NSBA states that the industry takes its public service obligations very seriously, that market forces compel broadcasters to meet local needs, and that the current complaint and license renewal processes are sufficient to control for the rare "bad apple." NSBA believes that the re-imposition of rigid regulations would undermine broadcasters' efforts to serve the needs of local communities and that the First Amendment bars the Commission from adopting new or modified programming requirements.

NSBA supports the current payola and plugola prohibitions and argues that new regulations should not be imposed. NSBA also states that voice tracking and national playlists should not be labeled as unresponsive simply because it does not originate locally. NSBA also values the streamlined nature of the current license renewal process, and opposes any changes to the renewal regulations.

NSBA attached reports on the status of public affairs programming and community service efforts on a state-by-state basis.

The National Academy of Recording Arts & Sciences, Inc. (NARAS) (11/1/04)

The NARAS states it is an organization comprised of musicians, producers, engineers and other recording professionals who are dedicated to improving the cultural condition and quality of life for music and those who create music.

On the issue of licensee communication with members of its community of license, the NARAS states that non-monetary incentives to make program and music selections based on perceived community desires and preferences have largely been eroded with the growth of non-local station owners. A member of NARAS who is an entertainment attorney notes that the independent record labels he represents have experience restrictive access to radio airwaves for artists whose recorded music is not only of a high quality but has a consumer demand in a particular city.

The NARAS states that entertainment programming, including music, that is responsive to local interests seems to have diminished in importance to station owners, many of whom are non-local and have taken a back seat to such concerns as enhancement of station revenues and stimulation of allied concert promotion businesses. The NARAS believes that music programming should be an important focus of the localism inquiry.

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Regarding payola/sponsorship identification, the NARAS states that with fewer and fewer large entities controlling more and more licensed stations, local ownership and local accountability in the radio business has largely disappeared. It states that such consolidation has occurred in parallel with a significant increase in practices in which so-called “independent” promoters insert themselves – for a fee – between radio stations and large national label companies. The NARAS states that promoters provide monetary compensation to radio stations for the exclusive right to promote music to the stations and then charge the record companies fees to market music to the licensed stations. As a result, according to the NARAS, what music the stations play is determined not by the licensed broadcaster and not by public demand or request, but rather is often determined based on financial compensation received by the licensed broadcast stations. The NARAS also states that independent record labels are restricted from advertising because of the requirements of the stations to purchase multiple advertising packages at the same rates the major labels pay for to reach a similar target audience.

The NARAS contends that the consolidation of media ownership has resulted in a substantial reduction of local music talent heard on local radio stations and an increasing trend toward music selection decisions (often reflected in national “playlists”) being made by absentee owners with little or no interest in the communities of license and often with no input from residents of those communities. It states that the only radio stations willing to play music of local artists are non-commercial stations, since the commercial stations are increasingly subject to the programming dictates of national corporate organizations far removed from the stations’ community of license. It further states that commercial stations that do play local artists’ music do so on a very limited basis and during timeslots with lower listenership, and that similar problems exist for producers of children’s music. The NARAS notes that one NARAS member commented that “there are no longer any independent radio stations that cater to children’s programming... There is only one station syndicated across the country, Radio Disney.”

National Association of Broadcasters (NAB) (2/3/04)

NAB provides the written testimony of Jerry T. Hanszen, owner of KGAS and KMHT in Texas at the San Antonio localism hearing on January 28, 2004. Mr. Hanszen describes the stations’ participation in the local community including church activities, school events, and local government meetings. Mr. Hanszen notes the stations’ efforts to promote local artists, provide local news broadcasts, and air discussions with local citizens and politicians. Mr. Hanszen contends that in a competitive radio marketplace, the best way to distinguish his stations is to broadcast programming that focuses on topics and events that are of interest to the local community. In addition, NAB attaches a number of letters from local public safety, educational, and religious organizations commending the efforts of KGAS and KMHT in providing information relevant to the local community.

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**National Association of Broadcasters (NAB), Michael Silbergleid commentary
(12/22/04)**

NAB provides a commentary written by Michael Silbergleid relating his personal experience with local television and radio during the hurricanes that struck Florida in 2004. Mr. Silbergleid commends the local broadcast coverage during the storm. In particular, he notes that both cable and satellite services were interrupted by the storm leaving over-the-air broadcast as the main source of emergency information.

National Association of Broadcasters (NAB) (11/1/04)

NAB opposes the Notice of Inquiry (NOI) on localism. It believes that no evidence exists to justify a drastic change in the Commission's course in the 1980's deregulating radio and television broadcasting. In particular, NAB contends that the NOI fails to understand the economic realities of the broadcasting business today. NAB states that broadcasters face competition from cable systems, satellite, video providers, video sales, video recorders, satellite radio, video games and the Internet. NAB states that this competition creates inherent marketplace incentives that force radio and television stations to strive to satisfy the needs and interests of their local communities, and push broadcasters to explore new and innovative technologies and services in hopes of expanding their audiences.

NAB contends generally that the NOI raises serious constitutional problems because the Commission lacks legal authority to reinstitute "ascertainment-like rules." The association argues that certain proposals in the NOI violate a Supreme Court decision holding that "FCC's oversight responsibilities do not grant it the power to ordain any particular type of programming that must be offered by broadcast stations." It contends that certain proposals violate the First Amendment rights of broadcasters to exercise "the widest journalistic freedom consistent with the public duties." NAB states that the Commission lacks an evidentiary record to justify proposals such as mandates requiring broadcasters to air certain amounts of political coverage and non-entertainment local programming, and programming targeted at specific segments of the population. NAB urges the Commission to reconsider any such approach and instead give full weight to the economic incentives that already encourage broadcasters to fulfill, if not exceed, the Commission's goals in the NOI, thereby obviating the need for more regulation. It argues that any approach to the contrary would be inconsistent with Congress' express purpose in the Telecommunications Act of 1996 to provide for a "pro-competitive, de-regulatory" telecommunications policy framework.

NAB also argues generally that new ascertainment-like rules are unwarranted as a policy matter. The association states that the NOI does not identify any evidence of a need to reverse the Commission's prior course in deregulating radio and television in the 1980s. NAB opines that marketplace incentives that encourage stations to identify and serve the needs and interests of their local communities have increased over the past two decades.

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It highlights the Commission's reliance on increased competition in deregulating television and radio. NAB provides testimonials from the Commission's localism hearings that highlight the competitive pressures on broadcasters to deliver local programming products. The association claims that regardless of size, market, or resources, all television and radio stations must study and react to the needs and interests of their local communities as a matter of survival, and will continue to do so regardless of whether or not the Commission adopts new obligations in this area. In addition, the association asserts that the Commission must keep in mind its earlier finding that the old ascertainment rules had no discernible effect on the amount of local news, public affairs, and non-entertainment programming that broadcasters provided.

Turning to specifics, NAB believes the Commission's inquiry into the level of broadcaster's local service is unwarranted based on the current record. NAB asserts that verifiable evidence of broadcasters' performance demonstrates that, even in the absence of specific obligations, all radio and television stations already air a sufficient amount of news, public affairs, and non-entertainment programming. It states that the most comprehensive evidence of broadcast service is contained in NAB's most recent nationwide survey of broadcasters' community service (appended as Exhibit A). Among other things, NAB states that the survey revealed that (1) local radio and television stations contributed \$9.6 billion in community service in 2003; (2) the average radio station ran 195 public service announcements per week and the average television station ran 143 PSAs each week; (3) 97% of all radio and television stations reported aiding charitable causes or needy individuals; (4) 56% of radio stations and 45% of television stations reported involvement in on-air or off-air disaster relief campaigns; (5) local issues were the focus of 65% of the PSAs aired by the average radio station and 56% by television stations during 2003; and (6) local public affairs programs of at least 30 minutes in length ran on 60% of all radio stations and 43% of television stations each week in 2003. NAB provides a chart that it states indicates the breadth of locally relevant issues addressed by broadcasters in 2003. In addition, NAB states that broadcasters often partner with local community organizations to provide a voice and funds for those organizations. It provides various examples from the localism hearings.

NAB asserts that broadcasters are uniquely situated to help local communities during times of emergency. NAB highlights efforts that broadcasters have made to implement the AMBER plan to assist in child-abduction cases (details appended at Exhibit B) and provide weather-emergency and other related news and information to Floridians during the series of hurricanes that struck the state in 2004.

NAB contends that the Commission should consider broadcasters' participation in local activities. The association believes that such activities are part and parcel of a broadcaster's effort to remain relevant and involved in their community, and therefore should be considered a vital aspect of a broadcaster's efforts to meet the needs and interests of its community.

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NAB believes that multicasting will enhance broadcasters' capability to provide more locally oriented programming, but only if the Commission takes steps to ensure the viability of future multicast services. The association notes that the Commission has not yet assured broadcasters of cable carriage of their DTV multicast streams. It provides specific examples of new digital services that are already available from broadcasters.

NAB maintains that the Commission should refrain from adopting rules that will raise additional obstacles to providing local news. NAB indicates that the costs and profitability of producing local news should be a factor in any decision to mandate that television broadcasters produce certain types of programming. It suggests that substantial evidence exists that demonstrates the declining financial well-being of medium and small market television broadcasters, including the TV Financial Report submitted in the ownership proceeding that shows that stations in Designated Market Areas ("DMAs") 51-175 suffered declining profitability from 1993 to 2001. In addition, NAB cites the same report to contend that the costs of producing local news have increased. As a result, NAB states that many stations in the medium and small markets will have to reduce or eliminate their local news operations. NAB also cites a Smith Greiger study to support the conclusion that the continuing profitability of local television news operation is now uncertain. Thus, the association concludes that the relative cost of producing local news is substantial, and certainly should be a primary consideration as the Commission decides whether to create new rules relating to news programming.

In addition, NAB argues that programming need not be produced locally to be relevant to a local community, nor in measuring a broadcaster's service to that community. News and public affairs programming of importance to the entire nation also can be important to citizens of a particular community, such as campaigns against drunk driving, children's smoking, and drug abuse. The association asserts that the Commission offers no particular reason for why it now seeks comment on this well-settled question, and provides no evidence that there is some sort of problem.

NAB contends that any political programming quota would be unauthorized and unwarranted. The association argues that the Commission's inquiries in this regard are unauthorized as a legal matter because mandating any minimum amount of political coverage would raise serious statutory and constitutional problems, and unwarranted as a policy matter because broadcasters already voluntarily devote substantial amounts of airtime to coverage of national and local political campaigns and issues, including numerous offers of free airtime that candidates decline. In particular, NAB argues that the NOI does not cite any particular provisions of the Act that would authorize the Commission to mandate some minimum amount of political coverage. Without such specific authority, the association believes it is far from clear that the Commission can make the changes it suggests. Moreover, NAB asserts that the Commission's discretion in the area of political programming is severely limited by recent Congress "has fully occupied the field" through specific statutory provisions, thereby barring any Commission efforts to insert incompatible policies.

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NAB avers that new obligations in the area of political broadcasting are wholly unnecessary as a matter of policy. Rather, contrary to the assertions of the study of broadcasters' political coverage on which the Commission largely relies, the association contends that broadcasters already deliver sufficient amounts of political coverage. NAB takes issue with specific findings in the Lear study. In particular, it states that the study's findings are based only on the two highest rated half-hours of evening and late night programming aired by a particular broadcast while ignoring other news coverage. NAB contends that this ignores the possibility that the half-hour block selected for study represents the second half-hour of a one-hour newscast, which typically is not the portion when political coverage would appear. The association states that the study also ignores all of the other types of political and civic discourse that broadcasters routinely deliver during other parts of the day. NAB provides examples of broadcasters who are launching or continuing projects that devote five minute or longer segments to discussions of relevant election issues. It offers similar examples to demonstrate that broadcasters provide programs to improve public awareness with candidates.

NAB contends that an important factor overlooked by media critics is the substantial amount of free political airtime that goes unused because candidates frequently reject it. The association notes the offer by NBC to host debates in 13 Senate races in which at least one candidate declined in 11 of the races. NAB provides further specific examples of offers of free airtime which were refused.

NAB argues that Commission actions to ensure programming aimed at specific, or all, segments of a community are unwarranted and unauthorized. It contends that marketplace incentives "already govern broadcasters' service to supposedly underserved segments of the population, such as the explosion in Spanish-language television and radio stations in recent years."

NAB suggests that the use of voice tracking and alleged national playlists have no discernible negative impact on localism. The association notes that the Commission itself recognizes that voice tracking is an efficient use of technology that enables radio stations to decrease costs and increase ratings by centralizing operations and enhancing the name recognition of on-air talent. NAB states that the Commission fails to note that voice tracking enables radio stations to produce higher quality programming at lower cost, and that the on-air pattern of voice-tracked, out-of-town DJs is often indistinguishable from that of locally based personalities. NAB also notes that stations using voice tracking for parts of the programming day can and often do devote other parts of their programming to local news and public affairs programming. It contends that the economic efficiencies of voice-tracking serve to preserve or promote localism by providing struggling stations with the financial ability to produce local newscasts and public affairs programming. In addition, NAB asserts that the use of playlists is not inconsistent with listener enjoyment. The association argues that, as a general matter, listeners are quite pleased with the content and quality of radio service. NAB cites

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several studies to support this contention. It also asserts that the available evidence demonstrates that playlists have had little impact on the diversity of programming delivered to listeners, including music performed by local artists, as the number and variety of radio formats offered by stations has substantially increased in recent years. In addition, the association argues that the Commission lacks authority under the Act to restrict voice tracking and playlists, and that such content-based restrictions may violate the First Amendment.

NAB opposes alteration of the license renewal procedures. In particular, the association argues that the Commission's authority to change the license renewal process is severely restricted because Congress already addressed the matter in the 1996 Act. Viewed in this light, NAB believes that adopting new renewal procedures, including launching audits of licensee's quarterly "issues/programs" lists of community-responsive programming and inserting some kind of mid-term review, would contradict Congress' express will in the 1996 Act. In addition, the association raises other concerns regarding the Commission's inquiries into audits, mid-term license review, and other steps it proposes regarding the public's involvement in the renewal process. NAB argues that any of these obligations would impose de facto programming and service quotas on broadcasters, who would feel compelled to air particular programming that would pass Commission approval. Finally, NAB believes that changing the license renewal process is unnecessary because marketplace forces compel broadcasters to ascertain the needs and interests of their local communities, and to provide sufficient programming to meet those needs. Moreover, NAB states that local viewers and listeners enjoy a considerable measure of direct access to information regarding broadcasters' operation. NAB notes that the Commission's rules require that a broadcaster maintain an array of specified documents in its public inspection files concerning its on-air operations, and that the files be available to the public at an accessible location (either the main studio or another place within the community of license) during business hours.

NAB attaches exhibits describing (a) member stations' public affairs programming and off-air community service, (b) broadcasters' implementation of AMBER alert (anti-child abduction) announcements, (c) Florida broadcasters' emergency responses to the 2004 hurricanes, and (d) an emergency guidebook for local stations jointly sponsored by NAB and the U.S. Department of Homeland Security.

National Association of Broadcasters (NAB) (1/3/05)

NAB contends that the record developed in this proceeding demonstrates that the Commission's predictions in deregulating television and radio in the 1980s were correct. The association states that the evidence reveals that radio and television stations make an ongoing, strenuous effort to determine the needs and interests of local communities, and that broadcasters meet those needs with locally oriented, community-responsive programming. NAB states that parties representing at least 2,254 radio licensees and 637 television licensees submitted information concerning their locally oriented

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programming. The association submits that quantifiable research, along with the hundreds of specific examples provided in the record, illustrate the broadcasting industry's commitment to determining the needs and interests of their local communities. NAB therefore again urges the Commission to refrain from imposing additional and potentially unconstitutional obligations concerning broadcasters' provision of community-responsive programming, free political airtime, or their commitment to localism.

NAB asserts that the record demonstrates that broadcasters provide community-responsive programming in response to marketplace forces. The association claims that the contentions of media critics such as CFA, CLC and the PTC to the contrary are "incorrect because they: (1) do not necessarily reflect the opinion of the majority of Americans; (2) largely ignore the pressures that today's highly competitive media marketplace imposes on broadcasters to air valuable, attractive programming; (3) disregard the impact of their proposals on smaller, and small market, broadcasters; and (4) encourage the Commission unlawfully to regulate the quality of program content."

NAB notes that at least 241 television and 1,383 radio stations filed comments specifically mentioning their efforts to ascertain which local issues are important to the community. The association argues that the pressures of competition essentially force broadcasters, even in the absence of regulation, to differentiate themselves, and the best way for broadcasters to do so is to provide uniquely local content. Thus, NAB contends, any Commission effort to create new rules that force radio and television stations into a "one size fits all" approach to ascertain the interests of their local communities would simply impose an unnecessary intrusion into broadcasters' discretion and most likely do more harm than good.

NAB indicates that the record in this proceeding shows that, despite the relatively high production costs, most broadcasters provide many hours of local news as part of their programming schedule. Specifically, parties representing no less than 1,773 radio licensees and 454 television licensees indicated in their comments that they deliver local news. Of the 139 television stations that discuss how many hours they devote to news, 120 indicate that they air at least 20 hours per week, with the majority airing between 25-40 hours per week. The association highlights numerous examples that individual broadcasters provided in the record.

NAB emphasizes that broadcasters do much more than just report on current events within their newscasts. It states that licensee efforts encompass a variety of matters that are important to the community's well-being, including investigative reports, health advice, crime reports, weather, local sporting events, consumer advocacy, family issues, local cultural events and other community events. The association notes numerous examples of locally relevant news segments provided in the record by broadcasters.

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NAB believes that the record provides ample evidence that broadcasters air vast amounts of programming concerning local public affairs. It notes that commenters representing at least 1,904 radio and 287 television stations state that they broadcast such programming. The association highlights specific examples of such programming compiled from other submissions in this proceeding.

NAB states that parties representing at least 1,472 radio and 255 television stations specifically discussed their coverage of political issues in comments in the record. The association reviews specific examples from the record concerning broadcaster coverage of political debates, candidate interviews, and other relevant political issues. NAB contends that the Commission should reject the premise that political candidates have too few opportunities to access the nation's airwaves. First, the association points to evidence that candidates refuse free opportunities to appear on radio and television. Second, it cites evidence that viewers and listeners are more than satisfied with the political coverage they now receive.

NAB notes that of the 2,254 radio stations represented in the comments, at least 1,542 specifically discussed their broadcasting of local music artists. The association asserts that these figures demonstrate that radio stations generally devote at least a portion of their weekly programming to promoting local artists. It recounts specific examples from the record.

NAB argues that the record demonstrates that the explosion in the number of alternative media outlets has prompted broadcasters to compete by offering improved community-responsive programming. For example, in the local news arena, many radio and television stations have greatly expanded their coverage of the local weather and provision of weather-related emergency information.

NAB states that only competitively viable broadcast stations can serve the public interest in localism. It argues that the Commission's decision in this proceeding therefore must take account of the continued economic viability of free, over-the-air broadcasting in the an environment radically changed by greater competition and advances in technology. The association emphasizes that new rules that impose "one-size fits-all" standards in this area most likely would hit hardest those small stations and less profitable stations in medium and small markets and could well force them out of business altogether.

NAB contends that CFA and CLC's arguments actually reflect a desire to control the specific content or perceived quality of broadcasters' fare. NAB argues, however, that these parties largely gloss over the fact that the Commission may not regulate program content without specific statutory authority – and that it would appear that the Commission cannot do so without venturing into actions to impose very specific and unconstitutional content mandates. In addition, NAB opines that the record clearly does not provide sufficient evidence for an agency to overcome the high hurdle it would face

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to reverse the course adopted two decades ago when it determined that broadcast stations would in fact provide an appropriate mix of programming in response to market forces.

NAB states that the overwhelming majority of comments in this proceeding concern two particular situations relating to political broadcast: (1) Sinclair's decision to air a documentary critical of John Kerry; and (2) Pappas Telecasting's donation of \$325,000 in airtime to Republican county committees in California. The association asserts that a fair evaluation of the ultimate resolution of these two circumstances shows that rule changes are not necessary. For example, with respect to Sinclair, it is apparent that the decision to broadcast only portions of the anti-Kerry documentary was shaped by market incentives and not federal regulation.

NAB contends that Echostar's proposal to strip certain broadcasters of their statutory rights under the "carry one, carry all" requirement if the broadcaster does not satisfy some numerical standard concerning "local content" would violate the Satellite Home Viewer Improvement Act. NAB asserts this proposal violates the letter, intent, and purpose of the statutory mandate, which is to preserve free, over-the-air television for those who cannot afford to – or choose not to – subscribe to a costly cable or satellite service. NAB notes that Congress was fully aware when it adopted the satellite carriage requirements in 1999 that over-the-air television stations vary in the amount of local programming they broadcast. Accordingly, NAB believes that the Commission would violate the Act if it were to refuse to enforce this mandate.

National Association of Broadcasters (NAB) (1/21/05)

NAB submits "Radio to the Rescue," an article published in Radio & Records on January 14, 2005. The article documents the efforts and ability of broadcasters to assist in various charitable causes. For example, the article notes a day-long tsunami relief drive in which 38 Chicago-area radio stations and seven television stations joined to raise \$1.7 million for the American Red Cross.

National Federation of Community Broadcasters (NFCB) (1/3/05)

The NFCB argues that the Commission should address the needs of underserved audiences by adopting standards which will encourage stations to program to a variety of listeners. It contends that stations owned and operated by minorities are also more likely to know the needs of minority audiences, and therefore the Commission should take steps to further encourage and allow minority ownership of radio stations.

NFCB also urges the Commission to regulate and to consider at license renewal the amount of political programming and community responsive programming a broadcaster airs. NFCB asks the Commission to require interaction between the radio station staff and members of the community, particularly with regards to programming choices.

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When renewing licenses, NFCB asks the Commission to take into account the amount of locally-originated and community responsive programming a station broadcasts. NFCB asks the Commission to consider adopting a point system, similar to that it uses when allocating non-commercial licenses, to determine whether broadcasters are meeting the community's local needs.

NFCB asks the Commission to enforce stricter penalties against stations which engage in payola and to prevent stations from circumventing the payola rules by using independent record promoters as middlemen.

NFCB believes that radio should be a local and live medium, and that through voice-tracking, stations deceive listeners into believing they are hearing locally produced live programming. It argues that national playlists inhibit localism because if commercial stations across the country all use the same playlist, stations have no avenue to respond to local music preferences.

NFCB supports the allocation of additional spectrum to community radio stations. NFCB asks the Commission to have additional spectrum allocated to stations providing community programming and to give LPFM stations greater flexibility and preferences in licensing.

National Public Radio (NPR) (11/1/04)

NPR states that localism is inherent to public radio and that public radio has a demonstrated service to local communities. Therefore, NPR contends, no new regulation is needed to assure localism in public radio. NPR believes that further regulations would, in fact, entangle the Commission in arbitrary decision making based on the content of programming. Additionally, NPR asserts that the Commission should not impose additional political programming requirements on public radio stations that already provide a wealth of political news and public affairs programming. NPR also states that the Commission alter its approach to the license renewal process because public radio stations are directly accountable to their communities. In summary, NPR states that the Commission should maintain the status quo as it pertains to public radio.

NPR also addresses the status of translator stations relative to LPFM stations. Given the importance of translator stations to public radio for extending service to a neighboring community in response to local demand, the Commission should not alter the current regulations. NPR recognizes the importance of origination services, whether LPFM or full power stations, and states that the Commission only recently arrived at a reasonable balance between translator and LPFM services. However, if the Commission decides to reexamine this issue, it should solicit public comment so that affected parties can identify the problematic aspects of the proposed change.

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National Public Radio (NPR) (01/3/05)

NPR comments that no new regulation is necessary to assure localism in public radio, because public radio is inherently local, and continues to demonstrate a deep commitment to local service. NPR argues that public radio stations are subject to a combination of institutional and social forces, including community advisory boards public governing board members, open public meetings, and depend on financial support from local listeners. The combination of these forces and public radio's local roots continues to yield extensive local news, public affairs, political programming, support for local arts, culture and non-profit organizations, online and other non-broadcast initiatives, and services specifically targeted to underserved audiences, including the print-impaired and minority listeners.

NPR notes that some commenters urge the Commission to develop new public interest obligations for commercial broadcast stations and other commenters dispute the need for or wisdom of imposing new regulatory obligations to address the perceived deficiencies of commercial broadcasting. NPR concludes that there is no justification for imposing new regulatory requirements on public radio stations in the interest of broadcast localism, and states that, "the deregulatory course the Commission charted 20 years ago was and remains the correct one particularly for public radio given its inherently local character." NPR further contends that the Commission should not alter the careful balance between translators and LPFM stations. NPR states that, while they oppose sacrificing the translator service in the interest of promoting the LPFM service, they agree that abusive speculation in translator applications disserves the public interest and should be the sole focus of any Commission reexamination of the translator rules. NPR comments that the Commission should solicit comment on any proposed changes to the translator rules to allow affected parties to identify any potential problems.

NPR believes that no new regulatory initiatives are warranted to promote localism in public radio broadcasting and that the Commission should refrain from revisiting its carefully struck balance between translator and LPFM stations.

National Writers Union, filed under Numerous (8/23/04)

This comment is a resolution by the Santa Cruz/Monterey Chapter of the National Writers Union. The resolution supports local and diverse media ownership. The resolution urges the FCC to encourage local ownership of the media, hold more Localism Task Force meetings, reduce concentration of media power, and require more stringent standards for local programming.

National Religious Broadcasters (NRB) (7/26/05)

NRB states that it supports LPFM and localism.

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NRB states that 83% of the population watches TV either via cable or satellite and that, unless the local station is on cable or satellite, its programming will only be seen by about 15% of the population. NRB states that cable operators are large companies with carriage decisions often being made far way from the actual town/city they serve. NRB also states that all legitimate local stations should be given cable space together and that the Commission should consider increasing the threshold population number that a Low Power station can use for Must Carry in a local community. They state that the current number (35,000) was set when almost everyone watched TV over the air.

NRB states that allowing LPFM stations in urban areas, through the repeal of the so-called Radio Preservation Act of 2000 and/or through the exercise of the FCC's current authority to allow religious applicants to place LPFM stations on 3rd adjacent channels, will increase localism. They also state that the ban on LPFM stations in urban areas inhibits localism, noting that the population density in urban areas is great enough to provide the necessary resources for LPFM stations to do a good job and that communities in urban areas are generally the communities most lacking localism. NRB states that giving LPFM stations primary service status will increase localism.

NRB also states that translators eat up spectrum and are a barrier to LPFM localism. According to NRB, there is a lot of FM spectrum tied up by 3,842 translators and boosters and that REC Networks has estimated that 42% of its top-100 communities in which LPFM had been available were potentially eliminated from having future LPFM stations by the translator applications. They also state that the hardship of replacing translators with LPFM stations can be offset.

NRB also states that full power regional stations can force a local station off the air.

NBC Telemundo License Co. (NBC Telemundo) (1/4/05)

NBC Telemundo states that there is no need to change the Commission's rules regarding localism. NBC Telemundo attaches the results of a survey of all of its owned stations that provides information about each station's local programming and community outreach efforts, including: news, community service, public affairs programming, children's programming, religious programming, weather, public service announcements, political programming for underserved audiences, disaster warnings and EAS monitoring, and coverage of local artists and local cultural events. It also submits attachments with examples of one of its station's public service announcements and station-supported community events.

NBC Telemundo argues that television stations advance the public interest by delivering quality video programming free to the consumer, but that is "not enough to succeed in today's highly and increasingly competitive video marketplace where local stations must compete against hundreds of pay television networks." NBC Telemundo contends that

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how a station may best embrace localism must be defined by every individual station, as every station's community has its own interests and issues.

NBC Telemundo owns or controls 29 full power television stations, including 14 NBC Network affiliates, 14 Telemundo Network affiliates and one independent Spanish-language outlet. NBC claims that its own experience demonstrates "four fundamental truths" regarding localism: (1) a commitment to localism is a necessary attribute of a successful station; (2) television stations regularly and routinely serve localism in many ways without mandates; (3) cookie-cutter national mandates will diminish local television services; and (4) a station owner's location is irrelevant to that station's commitment to localism.

NBC Telemundo argues that these four principles underscore why individual stations, not national mandates, must determine how they will serve their communities, including the processes each station uses to determine how to deploy its limited resources to serve its local audience.

NBC Telemundo asserts that "[l]ocalism is not an aspiration of successful stations; it is a business necessity." NBC Telemundo further argues that television stations' local presence is a readily available and effective way to distinguish these stations from the hundreds of national cable networks that now are available to those U.S. households ready to pay for television.

NBC Telemundo claims that its owned and operated stations take advantage of their current freedom to look for innovative local programming or events to air. NBC Telemundo argues further that "today's [regulatory] flexibility allows local stations to use their knowledge of their audiences to determine what programming best serves their public, and stations across the nation have responded by developing and broadcasting that programming."

NBC Telemundo explains that Telemundo stations narrow their focus to a particular demographic that may not be well served by other stations. NBC Telemundo comments that its own experience demonstrates that different markets cannot be served by any single set of one-size-fits-all requirements. For example, NBC Telemundo states that the needs of Miami's Spanish-language community, which is largely of Caribbean descent, are far different from those of Los Angeles's Spanish-language community, which is largely of Mexican descent.

NBC Telemundo argues that it is impossible to justify "cookie cutter" government mandates that invariably diminish real programming diversity. NBC Telemundo further argues that government mandates favor stronger stations, because they are better able to spend the money needed to satisfy the requirements and still have sufficient funds to do what best serves their audiences. NBC Telemundo also claims that government mandates cannot keep up with the realities of today's ever-changing video marketplace, arguing that

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“consumers' interests change month to month, not decade to decade, and that the market demands that stations adapt to serve those interests.”

NBC Telemundo states that in April 2002, General Electric Company (GE), NBC's parent company, acquired Telemundo Network. According to NBC Telemundo, GE then invested substantial human and financial resources to enhance Telemundo's news and informational programming efforts, including the addition of weekend local newscasts in multiple markets. Telemundo stations that share markets with NBC stations also gained access to critical news equipment, including helicopters, news trucks and footage. NBC claims that the result has been a better Telemundo local news product because of the benefits of group ownership.

NBC Telemundo provides detailed information about three of its stations to illustrate how they serve their local communities. For example, that one of its stations offers a comprehensive web site that has become a publicly accessible repository for much of this coverage, as well as a clearinghouse for further news and information. NBC states that the station produces its own children's programming, and delivers comprehensive local political coverage. NBC Telemundo claims that it also airs countless public service announcements, and participates in the local Amber Alert program. NBC Telemundo also claims that the station often seeks input from the community as to the issues most important to the residents, and in addition, the station management meets quarterly with the station's "Community Advisory Board." NBC Telemundo states that the Board includes a diverse group of community leaders who meet with the station to share their perspectives on issues and concerns that impact the station's community.

NBC Telemundo argues that when it invests the "tens or hundreds of millions of dollars necessary to acquire and operate a television station," it will not jeopardize that investment by airing programming that does not appeal to the local community. Indeed, because it wants to expand its local audience, NBC Telemundo states it is able and willing to spend even more in order to produce the truly locally-oriented programming and to fund the community activities that are the hallmark of a successful television station.

For the reasons stated above, NBC Telemundo requests that the Commission not change its rules regarding broadcast localism.

Nebraska Farm Bureau Federation (NFBF) (8/31/04)

The NFBF states 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.

According to NFBF, Nebraska has seen a significant decline in the number of radio stations that employ professional farm broadcasters and provide local farm news. NFBF