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December 14, 2007

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: MB Docket No. 04-233

Dear Mr. Chairman:

On behalf of Schurz Communications, Inc. and Mt. Mansfield Television, Inc., we are writing to express concerns about some of the proposals that the Commission may consider next week in its broadcast localism proceeding. These companies operate stations that, across the country, provide (as do many others) extensive service to their communities, including high-quality local news and public affairs programming and involvement with charitable and civic affairs in their communities. These stations serve the local interests of their communities, not because the FCC requires them to do so, but because – as a bipartisan Commission recognized more than 20 years ago when it discarded many of its traditional broadcast rules – it is the right thing for broadcasters to do, both as members of their communities and for their own economic interests. And that is true for both single-station owners and group owners.

The Commission apparently may propose reinstating formal ascertainment rules, going back to processing guidelines for categories of desired programming, eliminating beneficial changes to the main studio rule, and other proposals that will signal a return to a regulatory era of the 1950's. The Commission concluded more than 20 years ago that these rules did not serve the public interest. Contemplating such a "brazen reversal of [so many years] of settled precedent" (*see* Commissioner Copps' dissenting statement in the recent *Tribune* decision), in a way that would reimpose such highly burdensome administrative and legal expenses on an entire industry, would make little sense.

Indeed, at a time when many stations are already facing enormous competitive pressures from other media, launching a reregulatory proposal of this kind would create precisely the kind

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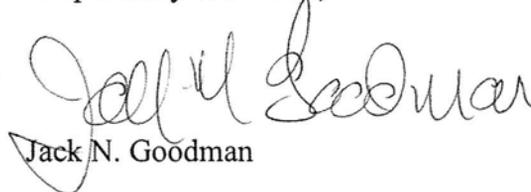
of regulatory uncertainty that harms stations' ability to finance new services. It should only be predicated on a compelling showing of pervasive industry failure. While the Commission's localism hearings included testimony from witnesses who were unhappy about one or another aspect of local broadcast service, the Commission cannot ignore the broadcasters who testified in those proceedings to their dedicated efforts to serve their communities and the hundreds of citizens and public officials who came forward to praise the work of their local broadcasters.

Nor did the command and control regulations of many decades ago result in better local service. The ascertainment rules required, as any veteran of those days can tell you, dry and formulaic exercises as much as meaningful efforts to interact with stations' communities. As evidence presented to the Gore Commission showed, years after the FCC abandoned its processing guidelines, most television stations were airing far more non-entertainment programming than was required by the processing guidelines. There is no reason to presume that stations are doing less now.

Last month, the Commission adopted new regulations that will require far more disclosure to the Commission and the public by television broadcasters of their programming and their efforts to determine the needs of their communities. We believe that those steps suffer from many of the same failings. But surely the Commission should wait to see what stations are actually doing, as they will report, than to presume in advance that they are not doing enough.

Finally, even if the Commission does believe it is appropriate to ask for comment on reinstating some of these regulations, we ask that the Commission avoid making any tentative conclusions about these rules in advance of public comment or of the results of the Commission's own new disclosure rules.

Respectfully submitted,



Jack N. Goodman

cc: The Honorable Michael J. Copps  
The Honorable Jonathan S. Adelstein  
The Honorable Deborah Taylor Tate  
The Honorable Robert M. McDowell  
Secretary