

103.3 FM 1330 AM

WESR

The Shore

"SERVING THE EASTERN SHORE SINCE 1958"

February 19, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: MB Docket No. 04-233
"Broadcast Localism"

Dear Ms. Dortch:

On behalf of Eastern Shore, Radio, Inc., licensee of Radio Stations WESR-AM & WESR-FM at Onley-Onancock, Virginia ("WESR"), we submit these comments in response to the FCC's Report & Notice of Proposed Rulemaking in MB Docket No. 04-233.

1. The Proposed New Main Studio Rule

This proposal would have a devastating effect on small market stations and clusters. WESR AM/FM have served our counties, Accomack and Northampton for 50 years from our main studio which is located in unincorporated Accomack County 3 miles from our dual cities of license, Onley and Onancock. Over 95% of the land in Accomack County is unincorporated. There are 12 incorporated towns and with the exception of one, Chincoteague, all have fewer than 1,500 residents.

The overall county population is 38,000. Approximately 25,000 of them live in the unincorporated areas of the county. For the entire 50 years of our existence we have provided our counties with many daily services. We have a full time local news department. We broadcast services on a live and delayed basis from 23 local churches each Sunday. Our local Swap Shop program generates over \$1,000,000 annually in local trade. This program allows our listeners to call the station, and go on the air live to buy, sell or trade unwanted items. Many of our listeners supplement their incomes buying and selling items on Swap Shop.

We run daily weather reports and marine forecasts. We do a daily public affairs program on each station where local people come in and talk about everything from

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governmental issues to civic club fund raisers. On Saturday, February 3, 2008, WESR raised \$14,300 for the new cancer center at the local hospital. We broadcast many high school football, basketball and now baseball games each season.

Eastern Shore Radio Incorporated's 2007 corporate income tax filing showed an ordinary business income of \$89,479. From that was deducted \$60,000 in debt service and we expect to pay an additional \$15,000 in Federal taxes. The net income after debt service and taxes will be \$14,479 – hardly a fortune.

Our current main studio location is at our tower site. If we are forced by the FCC to build new main studios inside our actual community of license we will have no choice but to either pare down or eliminate some of the services we provide to our community and some jobs at the radio station. In no way will having to move our main studio of 50 years increase our ability to serve our cities of license. In fact it will result in fewer, not more services. WESR's marketing area includes several small towns. Having radio stations in each of those towns is not economically possible.

If the FCC sees a need to revise the Main Studio Rule, such changes should not be applied retroactively. Most broadcasters such as WESR have a substantial investment in their current studio locations, either as a result of owning or leasing their buildings, and any sudden requirement to relocate would result in a big economic "hit." As an alternative proposal for the future licensing of broadcast stations, perhaps the FCC should take a look at the current method of allocation it uses in Puerto Rico where radio stations are licensed to municipalities which are the Puerto Rican version of counties.

2. 24/7 staffing requirement

The ordinary business income/loss of WESR AM/FM as submitted on our 2007 Corporate Income Tax return was \$89,479. From that has to come \$60,000 in debt service, and \$15,000 in additional Federal Taxes. That will leave a net income of \$14,479. If we have to employ an over night person/persons at \$8.00 an hour the estimated annual cost would be \$34,944 which would result in a net annual income based on 2007 figures of (20,465). **We would have to cut some of the local services we provide in order to comply with this regulation if it were implemented.**

Because of today's technologies, being staffed 24/7 is no longer necessary. The main problem is not that humans aren't involved overnight. **The main problem is that radio stations do not have a local emergency plan that will give local emergency operations people quick access to their airways. We already have implemented EAS. EAS does work in most instances.**

For example, at 11:59 PM on Friday, September 14, 2007, the National Weather Service issued a Tornado Watch for Southern Accomack and Northern Northampton Counties on Virginia's Eastern Shore. WESR AM/FM were both unmanned at the time. The EAS was activated and the Tornado Watch was issued on the air by our EAS

system. At 12:50 on September 15, 2007, a Tornado Warning was issued for the same area. The warning was issued by the National Weather Service via EAS and the message was broadcast on the air at 12:50 AM. The tornado struck Silver Beach Virginia at 1:10.

It will cause great financial hardship if we are required to hire an overnight person. In fact, if we are required to do so we will have no choice than having to sign off the air from 10:00 PM until 6:00 AM. That would mean not only would the station be off the air and not able to retransmit EAS warnings, that it would take under the best of circumstances, 30 minutes or more to get someone to the station and several minutes beyond that to get it on the air.

However, there is affordable technology, which many of us already have in place that would allow emergency services to contact one of several key persons who then would be able by phone or computer from home be able to record and insert emergency information within approximately 5 minutes.

As an alternative proposal, the FCC should require each station to put together an emergency plan that would allow local officials to contact them when the station is unmanned and get an emergency message on the air within 10 minutes.

Summary:

The allocation of radio station licenses by the government has been a very successful public/private partnership since the first stations went on the air over 70 years ago. This partnership allows individuals to receive and allocate, invest in equipment and studios, produce a product and earn a living from that service. Now, in many small towns and counties all over America, small market broadcasters are facing very difficult financial times. In many small market towns, the main source of income, the local factory has closed and moved south of the border leaving a big gap in the ability of local residents to earn a decent living.

At the same time the Big Box stores are now moving down market into some of these smaller rural areas. Wal Mart has closed on property and will begin construction of a new store 3 miles from our main studio location. The Big Box stores do not use local advertising thus local radio stations are left trying to scramble to find enough revenue to operate. Many of them will not be able to absorb the additional expense of adding overnight help and moving their studio into an incorporated town and still remain viable.

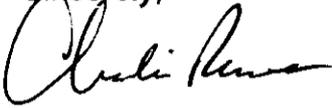
Many small rural communities will end up losing their radio stations if these rules are implemented. These stations provide daily services and emergency information to their communities. If the cost of operating radio stations in small communities exceeds the available revenue, no one will step in and take over these services.

The success of this government/ private partnership over the years has hinged on the private partner being to operate at a profit. If the government makes that impossible, it is

likely that many areas served will lose their coverage. **The unintended consequences of these proposals will destroy the public/private partnership that has for so many years, provided critical information to the citizens of this country in a timely manner.**

All in all we respectfully remind the FCC that not all radio stations are big money makers, and that many broadcasters such as WESR are proud of their community involvement and what they have achieved on the smaller budgets they must work with.

Sincerely,



Charlie Russell
President & 100% Owner
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**** EAS MESSAGE ****
FROM: CHANNEL 3
NATIONAL WEATHER SERVICE
EVENT:
FOR: 073631
073632
ACTIVE TIME: 1.5 HOUR
RECEIVED: 23:59 LOCAL
EXPIRES: 1:29 LOCAL
JULIAN DATE: (257) 9/14/07

Print out
From our Automatic logger
Shows Activity of 9/14-15-07

**** EAS MESSAGE ****
FROM: CHANNEL 3
NATIONAL WEATHER SERVICE
EVENT: TORNADO WARNING
FOR: ACCOMACK
NORTHAMPTON
ACTIVE TIME: 45 MINUTES
RECEIVED: 0:50 LOCAL
EXPIRES: 1:35 LOCAL
JULIAN DATE: (258) 9/15/07

**** EAS MESSAGE ****
FROM: CHANNEL 3
NATIONAL WEATHER SERVICE
EVENT:
FOR: 073652
073654
ACTIVE TIME: 1.0 HOUR
RECEIVED: 1:40 LOCAL
EXPIRES: 2:40 LOCAL
JULIAN DATE: (258) 9/15/07

**** EAS MESSAGE ****
FROM: CHANNEL 0
BROADCAST SYSTEM
EVENT: REQUIRED WEEKLY TEST
FOR: ACCOMACK
ACTIVE TIME: 15 MINUTES
RECEIVED: 10:33 LOCAL
EXPIRES: 10:48 LOCAL
JULIAN DATE: 260

*Officer
B.M.
Chief of post
9/17*

**** EAS MESSAGE ****
FROM: CHANNEL 0
BROADCAST SYSTEM
EVENT: REQUIRED WEEKLY TEST
FOR: ACCOMACK
ACTIVE TIME: 15 MINUTES
RECEIVED: 10:34 LOCAL
EXPIRES: 10:49 LOCAL
JULIAN DATE: 267

**** EAS MESSAGE ****
FROM: CHANNEL 3
NATIONAL WEATHER SERVICE