

Comments in Docket 04-233, the FCC Broadcasting Localism Proceeding.

## 1. Fairness Doctrine.

Many commenters are scared that the Fairness Doctrine will harm religious broadcasters because it would force them to take programming from those that contrast with their religious beliefs. That does not appear to be the case, as religious broadcasters existed even when the Fairness Doctrine was originally codified into law and regulation. Where it really applies is in news and public affairs programming both voluntarily provided by the station and otherwise may be required by the station to air, and as envisioned, will not affect any station's entertainment format of choice adversely. Christian and other religious broadcasters will still be able to predominantly air religious programming, the only requirement will be that the news programming and public affairs programming be fair to all in the reporting of local issues and airing of local and national news.

Many religious broadcasters air national and local news, a few big operators give only lip service to it, but some are very good about being sure their listeners are aware of what is going on. The same big operators do occasionally air 'public service' programming but in some cases none of this is local. It may be nationally produced and reflect major issues of the day, but does it cover what may be going on 'on the ground' under the local station's towers? Usually not.

Therefore, it must be required that any local licensee even if running a nationally-provided format must produce a local 30-minute public affairs show. Production equipment for such is relatively cheap, and a station employee could do the interview. The programming must reflect what is going on in the local community, and it must reflect also what at times appears in the Public Inspection File for the local station.

2. National playlists: This is indeed a major problem. One format I know of is built locally but relies entirely on a preset list of around 2,500 songs sent to the station using the format's trademarked name by the consultant who developed the format. There seems to be no room for 'local breakouts' like there used to be in the 1970s, or to air requested songs out of the playlist without risking the breaking of the contract made between the station and the consultant regarding the music being aired.

Another form of national playlist is where a national group owner mandates that the playlist being developed at corporate headquarters at one location be used strictly by the local station across the country. Again, no 'local breakouts' ever appear.

By 'local breakouts', I mean the records that sometimes come across a programmer's desk where the programmer may decide he/she needs to air the song because it's just simply great, or that listeners

may have requested and demand to hear. These types of matters did affect what one heard from one city to another, but these days, it is almost impossible to hear anything different from what is 'on the charts' nationally in any local market. Small operators in smaller locality situations are often more free to air what they feel the listener wants than the big owner stations in large markets.

Some kind of equilibrium needs to be re-established. Contracts requiring no deviation from consultant-provided playlists or corporate-headquarters-provided playlists must be banned outright, and without further argument.

### 3. TV Channel 5/6 reallocation to FM radio:

Reallocate TV channels 5/6 to FM radio, and add that to the noncommercial educational FM service as a reserved band. This band has proved a haven for niche formats like classical music, traditional jazz music, and community based groups to own and operate radio stations with an open mind as to what they want to air. But some large broadcasters have taken a lot of the remaining 88-92 MHz space leaving no room for these local broadcasters, and some colleges, universities, and school districts, along with local community groups, have been left with no voice, and listeners have been unable to find the programming they prefer.

If these are reallocated to FM, a table of allocations must be created, and the table should provide a preferential arrangement of allocations so that many communities who do not have a local station can have one. Current commercial band and NCE reserved band frequencies are many times not available due to the 'land grabs' of late, while some of those have given local stations to the communities they serve, they have not often programmed for those communities at all in regards to public affairs, local news, etc.

### 4. NCE networks and application preferences.

The NCE preferences need to be more closely followed. Many recent NCE-FM slots have gone to groups outside the local region, leaving the communities without localized programming. However, statewide networks of NPR/PRI/APM stations have often filled the void admirably, and often provide local news and public affairs, plus other vital information, to the stations in the region they cover.

An additional emphasis therefore, must be placed on allowing stations affiliated to NPR/PRI/APM stations to extend their reach in their state or region to expand. It may be necessary to open the next NCE-FM window ONLY to those entities that want to expand their network within a region to acquire a construction permit for stations in areas they feel they need to cover more adequately. Then once the holes are filled, open it up to other broadcasting groups that desire to provide NCE-FM service.

This is especially true in the rural West. Many areas still do not have a local NPR affiliate or one from

a statewide network or another entity that is affiliated with the NPR/PRI/APM organizations.

An additional tiebreaker question may be necessary on the FCC NCE-FM application form. 'Is the Applicant proposing to be an affiliate of a public radio network?', followed by lines to indicate which networks they plan to affiliate with. Those might include NPR, PRI, APM, or some other national or statewide public radio network that provides programming and programming support to public radio and community based station operating organizations.

#### 5. Local vs. national programming.

Many small stations find it necessary to provide a programming source other than local staff. Usually it is by one of several programming providers such as Jones Satellite Networks. These programmers actually enhance the localism by recording local sweepers and positioners to the station using their format. Local commercials are also inserted into the programming, and the same goes for local news and events. This often allows stations to be more local than they would otherwise be. This practice should not be disallowed for any reason, as it is a legitimate form of broadcasting that has made it possible for many more local broadcasters to be on the air than before. The Internet also makes it possible to distribute programming to these broadcasters as well fashioned in the same way.

The big problem is the owner that simulcasts the exact same programming 24/7 from one location to all the co-owned stations or other affiliates with no local announcements, positioners, or programming apparently allowed for by the owner. That type of programming practice does not follow 'best practices' in radio programming on a local level and should be disallowed.

Statewide NPR networks and other regional owners who may need to simulcast on stations regionally to provide adequate service would not be affected. The FCC should work through this to ensure that this issue is adequately discussed and various procedures are developed to allow for regional networks on a same-state or parts of 2 or 3 states where the market appears to straddle state lines is handled properly and prudently.

There are more issues, I will comment on those later.