

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
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BROADCAST LOCALISM ) MB Docket No. 04-233

To: The Commission

COMMENTS OF THE FINDLAY PUBLISHING COMPANY

The Findlay Publishing Company of Findlay, Ohio (FPC) is pleased to submit its comments in connection with the *Notice of Proposed Rule Making*, FCC 07-218, released January 24, 2008 in the captioned docket proceeding (the Notice). Because the Commission's proposals in the Notice indicate that the Commission is under some misconceptions about localism in broadcast radio, and because the proposals in the Notice are both unnecessary and substantially misdirected, it is important that the Commission have the input of FPC in this proceeding.

FPC is, through two wholly-owned subsidiaries, the owner of two daily newspapers, and the licensee of seven radio stations. FPC is the publisher of *The Courier* in Findlay, Ohio, and *The Fostoria Review Times*, in Fostoria, Ohio. It also controls, through its subsidiary, the **White River Broadcasting Company, Inc.**, the licensee of **WINN(FM), Columbus, Indiana;** **WCSI(AM)** and **WKKG(FM), Columbus, Indiana;** **WRBI(FM), Batesville, Indiana;** and **WWWY(FM), North Vernon, Indiana.** As well, through its subsidiary the **Blanchard River Broadcasting Company, Inc.**, FPC controls **WFIN(AM)** and **WKXA(FM), Findlay, Ohio.**

Before addressing the specific proposals of the Commission in this Notice, FPC would like to offer the Commission some perspective on small-market radio broadcasting. In this way, FPC hopes to offer the Commission some idea of the relationship of smaller broadcast entities

and their communities, which does not appear to be well-understood from our reading of the Notice. The Mission Statement of FPC for its broadcast operations is “To be the electronic media of choice for information, entertainment and meeting community needs.” FPC does not operate automated radio stations. It has a local, integrated community presence at all levels of each station’s operation. This is not only a positive relationship for the community served by each station; it is critical to the survival of these radio stations. The stations would otherwise be unable to survive in their markets. This lesson was apparently learned the hard way by at least one very large radio broadcast entity; their formula, premised largely on automation, apparently works for them in large markets, but they can’t survive in smaller radio markets. As the result, one major radio broadcast licensee has found it necessary to divest nearly 500 smaller market radio stations.

A good example of the results of FPC’s operating philosophy on localism is illustrated by its station in Batesville, Indiana, WRBI (FM). This is a class A FM station in a town with a population of less than 6,000 persons. Quoting Mr. Ronald E. Green, the General Manager of this station, recently:

We are like many small market stations, we know the mayor, he drops in weekly to do a show, we know the police departments, we talk to them daily, we know the hospital concerns, they do a show each week. WRBI is the only daily media for the area, so we broadcast obituaries, local sports, we are at events to help promote, and we talk about fund raising events. WRBI has helped the city set up an emergency broadcast system, where the chief of police or fire chief could notify listeners or emergencies from their offices. As I write this we are in a winter storm warning, we are on the air informing listeners of school closings, event closings, business closings, and industry closings. The Batesville area depends on WRBI as its local radio station.

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Public affairs and news is important to WRBI, and that’s what makes us different from all the other stations, satellite, webcasts, I-pods, and more that is available to listeners. We have to be local, we have to inform, and

WRBI is different from everyone else. WRBI has programs, community reminders, and local live news casts, to keep the community aware of the needs of the community.

So, given the size of the markets of FPC's stations, and the nature of audio competition in the markets, FPC has no choice but to maximize its relationship with the community.

FPC figured that out a long time ago, however. Its broadcast operating philosophy stemmed from its newspaper publishing operations, which began in Findlay in the early 1900s. FPC's broadcast operations began in Findlay in 1949 with the purchase of WFIN.<sup>1</sup> FPC purchased its first station in Indiana, WCSI, in 1957. So, FPC's relationships with its communities of license are of extraordinarily long tenure as an historical matter, and its localism commitment has been standard operating procedure for a very long time. The localism philosophy works in Findlay, Ohio: Clear Channel owns approximately 25 radio stations within a 30-mile radius of FPC's WFIN and WKXA. Yet, they cannot compete with FPC locally in Findlay, because FPC has a completely different relationship with the community than does Clear Channel. David can beat Goliath in the small markets because localism works for the community. In short, we "get it" and we deliver localism daily. We truly believe that if the Commissioners would spend a day with a small market radio broadcaster, they would understand that local broadcasters know what is at stake, and that localism is their best and only business option.

Thus, in FPC's view, the Notice proposals address, essentially without exception, non-issues and non-problems for smaller radio markets. The proposals constitute

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<sup>1</sup> FPC is grandfathered in Findlay with respect to the newspaper/radio cross-ownership rule. FPC has proven that this concept works well in small markets. The Commission had a good opportunity to make a real difference in the lives of listeners in small markets with respect to newspaper/radio cross-ownership, but it was an opportunity lost. Small markets are the prime real estate for newspapers and radio stations to combine their resources to address local problems, needs and interests. And it is the small market newspapers that need the synergies of radio to most effectively inform the entirety of the local community.

regulation, and re-regulation, without a purpose. And they are substantially overly burdensome. Small market radio is struggling at the present time, and will be increasingly so looking forward. Competition for advertising dollars is keener than in the past due to competing media; local businesses are closing their doors as a result of larger, national retail businesses, even in relatively small communities; and competition for listeners versus other media is keen. People, even in small towns, have far less free time than they used to, and their ability to spend time listening to radio is less than it was even ten years ago. Unnecessary, burdensome reregulation is, for smaller radio broadcasters, counterproductive. If the costs of compliance with new, burdensome rules increase, as would inevitably be the case if the Notice proposals are adopted, FPC would have precisely two choices: increase its advertising rates (which is impossible because the advertisers cannot afford it and will not pay it) or slash the staff and turn its radio stations into automated jukeboxes, which is precisely the opposite of what the Commission wants to encourage and which will ultimately result in the demise of the small-market radio station, because the community will not accept it.

Turning to the specifics of the Commission's proposals, perhaps the most difficult is the proposal to return to staffing of stations on a 24-hour per day, 7-day per week basis. The Commission states that this can "only increase the ability of a station to provide information of a local nature to the community of license." But that is a terribly vague justification for an extraordinarily expensive requirement. The only specific example of the need for reinstating this long-ago deregulated requirement is the ability for real-time emergency warning. The Commission is now engaged in revisiting the Emergency Alert System, and there is no evidence whatsoever that radio broadcasters, especially small

market radio broadcasters, do an inadequate job of emergency warning. FPC would submit that there is no enhancement of broadcast of local information by virtue of having a main studio staffed on a 24-hour per day, every day, basis. If emergency alerting needs some enhancement, then that should be dealt with in a separate specific docket proceeding, not by adding extensive cost to the licensee without value to the community. FPC suggests that the communities served by the FPC stations are exceptionally well-served in the way of emergency alerting information and real-time reporting on ongoing emergencies. FPC's stations are the "go-to" media for local weather or other emergency news and information now. Adding staffing requirements adds literally nothing to localism.

FPC's Findlay stations have a perfectly workable plan for immediate airing of emergency information, which is not dependent on main studio staffing on a "24/7" basis. Because of our focus on local relationships, the Mayor, Police Chief, EMA Director, Sheriff and others have the cell phone number of the news director, program directors, the Vice President of the broadcast division and even the owner of the company. EAS is primarily used, but we also are in the process of launching an initiative with Hancock County Sheriff Michael Heldman whereby he can, through a WFIN-WKXA provided web-based program, notify [via our web site or anyone that links us] when a Level #1, Level #2 or Level #3 Weather Alert is necessary. As soon as that is posted, we have several staff members, including local law enforcement individuals, who will be immediately notified via our email and text alert system. This process will engage our radio personnel immediately. There is no delay in airing emergency information, and it is done without inefficient staffing costs.

The Notice also proposes to require stations to assemble and regularly consult with “community advisory boards” for the purpose of determining the community’s local programming needs and interests. FPC cannot understand why the Commission feels that it is necessary to add additional, burdensome obligations that actually detract from the licensee’s ability to pursue localism in the way it must in order to survive. FPC’s stations ascertain what the communities of license want by being involved at the station staff level. The FPC radio staff serves on local school boards, local United Way boards, Rotary, Kiwanis, Zonta, chambers of commerce, library and many other boards. The staff takes leadership roles in community issues, such as the recent floods that devastated the region. FPC’s associates attend local churches and are involved in their activities and charitable events and children’s activities. We “get it”: reflecting the needs of a community requires involvement, participation and engagement. Forcing the creation of “community advisory boards” provides opportunities for advocacy of private agendas and is an artificial, and entirely superficial means of relating the station to its community of license. FPC would submit that if a radio broadcaster, or at least a small market radio broadcaster, is not *far more integrated* into the community than would result from participating in a forced “community advisory board”, it is simply, and inevitably, going to fail anyway. This proposal is a slippery slope; the Commission refers to participants on such an advisory board of “underserved groups.” What constitutes an “underserved group” in the context of radio broadcast programming is undefined, and the entire concept clearly will result in conflicts over control of the station’s programming by those with political agendas and individual concerns. The Commission should, as it has for many years now, trust the broadcast licensee, at least in the small markets where by

definition there must be a close relationship between the station and its community, to develop its own mechanism for community leader input to the station's management. In FPC's case, it has a far better method of gathering community input than would be possible with a forced community "advisory board."

The Commission proposes a "processing guideline" system for license renewal, pursuant to which stations would be required to air a certain amount of programming from certain categories in order to be entitled to an expedited grant of license renewal. FPC submits that any effort to quantify programming in certain categories unnecessarily restricts the means by which a small-market broadcast licensee responds to the community's ascertained needs. A good example of this is FPC's programming in Findlay. Instead of scheduling a 30-minute public affairs program on the weekend, we produce several vignette-type features that focus on a specific issue. The thought is that, instead of only airing them once, within a 30-minute program, we make the programs short and air them several times throughout the week. Thus, the information reaches a much larger audience. In a program entitled "Health Trends" we talk with local healthcare providers about the latest in technology, healthcare choices and options available to local citizens. We talk about everything from diet to exercise to child obesity. The "Closer Look" program can cover education, retirement, money-issues or leisure activities, but it is totally focused on the local region. In "Flood Light", the local Northwest Ohio Flood Mitigation Partnership is our primary source for this program. We also use experts from the Blanchard River Watershed, USACE, FEMA, the Findlay-Hancock County Chapter of the American Red Cross, the Salvation Army, the Findlay-Hancock County United Way and many other organizations that have come together to

work through this very difficult issue. The times of these programs are as follows: Health Trends WFIN – AM 1330 Monday – Friday 10:55 am 5:40 pm Closer Look WFIN-AM Monday – Friday 11:55 am 5:20 pm Flood Light WFIN-AM Monday - Friday 7:45 am 11:34 am 5:35 pm Health Trends WKXA – FM 100.5 Content included in regular newscasts Closer Look WKXA – FM 100.5 Content included in regular newscasts WKXA Newscasts Monday – Friday newscast times 5:30 am 6:00 am 6:30 am 7:00 am 7:30 am 8:00 am 8:30 am 11:50 pm 3:50 pm 4:50 pm 5:50 pm. Please note the following times: 9:50 am and 6:50 pm were added because of the recent floods. Flood Light WKXA – FM 100.5 Monday - Friday 9:50 am 6:50 pm.

The conditioning of a license renewal on the airing of certain *quantities* of programming artificially restricts, and can actually reduce, the effectiveness of a local broadcast licensee in providing programming that meets ascertained needs of the community. At the end of the day, the local broadcaster is in a much better position to understand (again, because he or she has to understand in order to survive) how best to address local issues of concern than is the Commission. The agency cannot possibly, through re-regulation, cause small market radio broadcasters to improve that which they must do well in their markets in order to survive for any length of time.

The Commission is considering re-regulating the location of the main studio, to require location within the community of license. This proposal is a red herring. The simple fact is that broadcast listeners do not visit broadcast studios on an ongoing basis. While such a re-regulation proposal would not affect FPC's Findlay, Ohio operations, it would have a distinctly adverse effect on its Indiana broadcast operations. When FPC's subsidiary purchased WWY(FM) (which was then WINN), in 1997, the studio was

located in Scipio, Indiana, about 5 miles outside of North Vernon, Indiana. We moved the station's studio to nearby Columbus, Indiana and as the result enjoy the few economies that we've been able to create. As far as creating programming efficiencies, that has not happened and frankly, has never been a consideration. FPC employs a news operation that focuses on all areas of the station's identified listening area, which covers well beyond the borders of any particular community of license. If we had to move the studios of WWVY (FM) back to North Vernon, we could not even move it back to Scipio, where is was when we purchased the station. Therefore, we would need to buy or lease a building, build out studios, equipment, STL tower, link or other means of program transmission, obtain all local land use authorizations, and absorb all of the costs associated with this. What would be added by way of benefit to the community is literally nothing. Anyone who wishes to contact the stations does so by telephone or e-mail, or they encounter FPC staff in person at virtually all community events. As is the case with Findlay, Ohio, FPC has been an integral part of the Columbus, Indiana community and its surrounding area for well over 50 years. Radio is what we do. Moving a broadcast studio is not a means to increased accessibility by the community. They have all the access they need, and they know it.

FPC is concerned about other aspects of the Commission's Notice in this docket proceeding. However, the above issues are the concerns that we take most seriously. The Notice is, in general, a solution to which there is no corresponding problem in smaller broadcast markets. We believe that FPC is not unique in its responsiveness to the communities of license in small markets. FPC cannot speak to the concept of localism in the largest markets, but we profess a good deal of experience in our own markets, and

from our observations, the Commission need not and should not re-regulate small market broadcasting. Please do not impose Draconian new regulations on radio broadcast stations, because to do so will actually reduce the amount of localism that is now perfectly adequate in small markets. The Commissioners are very respectfully invited to spend a day or two with FPC's managers and see for themselves what the circumstances are in our markets. We are confident that you will come away from the experience with confidence that the deregulation over the past 20 years, which has been carried out on a completely bipartisan basis, was on the right track and need not be derailed now.

Respectfully submitted,

**THE FINDLAY PUBLISHING COMPANY**

*David P. Glass*

By: \_\_\_\_\_

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