

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
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Broadcast Localism) MB Docket No. 04-233
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To: Office of the Secretary
Attn: The Commission

COMMENTS

Robinson Corporation, the licensee of WQPC, WPRE, WVRQ-AM and WVRQ-FM, pursuant to *Report on Broadcast Localism and Notice of Proposed Rulemaking*, FCC 08-218, MB Docket No. 04-233, released January 24, 2008, hereby submits its comments in this proceeding regarding the FCC's several proposed rule changes designed to enhance broadcast localism and diversity, to increase and improve the amount and nature of broadcast programming that is targeted to the local needs and interests of a broadcast station's community of service, and to provide more accessible information to the public about broadcasters' efforts to air such programming.¹

A. COMMUNICATION BETWEEN LICENSEES AND THEIR COMMUNITIES

¹ By *Public Notice*, DA 08-515, released March 6, 2008, time for filing comments in this proceeding was extended to April 28, 2008. Accordingly, these comments are timely filed.

1. *Enhanced Disclosure.* The Commission states that the record in this proceeding, particularly that portion amassed during the series of public hearings conducted across the country, suggests that current disclosure is inadequate and many individuals may be unaware of the breadth of their community licensees' locally oriented programming. In response, the Commission adopted a new form for television licensees which is now filed on a quarterly basis, requiring the disclosure of information with regard to the programming aired by the television station during the previous three months. Such information must be provided and broken down for each of the following programming categories: national news, local news produced by the station, local news produced elsewhere, identifying the producing entity; local civic affairs, local electoral affairs, independently produced, other local, public service announcements, paid public service announcements, directed to underserved communities, religious, and closed captioning. For each such program noted, the licensee must provide the program title, dates and times of airing and length of the program. It must also indicate whether it has undertaken any efforts to determine the programming needs of its community and has designed any programming based upon those identified needs. The Commission also required that television licensees place most of the contents of their public inspection files, including any new enhanced disclosure forms, on the station's website, if one exists, or on the website of their state broadcasters association and requires that television stations notify viewers of the existence, location, and accessibility of their public

files twice daily, during station identification announcements. The Commission has inquired as to whether radio licensees should also be subject to enhanced disclosure requirements that are the same or similar to television licenses. The Commission concluded that many in the public do not understand the Commission's license renewal process or, more particularly, that the procedure affords listeners and viewers a meaningful opportunity to provide their input through the filing of a complaint, comment, informal objection, or petition to deny a renewal application.

Response:

The Robinson Corporation stations serve the needs of our communities every day, by providing relevant local news, emergency alerts, weather, local sports and interviews with local government officials. Beyond listening to this local content that is provided daily, a written report on our programming is available in our public files. **Requiring additional reports beyond the quarterly Issues and Programs list is excessively burdensome for broadcasters of our size. While it may not be the Commission's intent, requiring us to file an increasing number of reports, takes programming and management's time and resources away from our localism efforts.**

2. *Renewal Application Pre- and Post-Filing Announcements.* The Commission is proposing a change the existing rules governing the so-called "pre-filing and post-filing announcements" that licensees must air in connection with their renewal applications. In addition to the existing requirement for on-air announcements about soon-to-be-filed and pending license renewal applications, the Commission asks whether there should be a requirement that the same information be posted on a licensee's website during the relevant months (i.e., the posting begins on the sixth month before the license is due to expire and remains in place until

after the deadline for filing petitions to deny the renewal application), and broaden the required language for these announcements contained in 47 C.F.R. § 73.3580(d)(4)(i), which currently provides the Commission's mailing address as a source of information concerning the broadcast license renewal process, to include the agency's website address. Moreover, where technically feasible, the Commission seeks comment on whether a licensee's on-line provision of the Commission's web address could be linked directly to these places on the agency's website.

Response:

Small market broadcasters of our size do not always have the resources to adequately maintain a website. Our first obligation is to provide the best possible community oriented programming over the airwaves. Requiring additional disclosure on the internet is excessively burdensome. **The language could be changed to direct interested parties to the FCC website, but not to the licensee's.**

3. *Community Advisory Boards.* The Commission's former ascertainment requirement directed broadcasters to comply with detailed, formal procedures to determine the needs and interests of their communities, at the time that they initially sought their station authorizations, asked for approval to obtain a station, and sought license renewal. The Commission believes that new efforts are needed to ensure that licensees regularly gather information from community representatives to help inform the stations' programming decisions including regular, quarterly licensee meetings with a board of community advisors and

improved access by the public to station decision makers. The Commission proposes that each licensee should convene a permanent advisory board made up of officials and other leaders from the service area of its broadcast station.

Response:

Robinson Corporation is very concerned with the imposition of permanent advisory boards as a redundant and burdensome requirement for license renewal. **Maintaining these boards would be a bureaucratic nightmare again robbing station resources from true local broadcast efforts.** The FCC noted in 1981 when radio was deregulated that formal ascertainment requirements were a regulatory “straight-jacked.” This proposed requirement is a solution that is in search of a problem. There is no discernable benefit while it burdens small market operators facing increasing competition from media that does not share the same requirements. The public is actually in control of broadcast programming through public audience measurements. Programming only survives with audience acceptance. With the addition of email, listeners have an increasingly easy way of contacting the licensee regarding programming. That is in addition to traditional mail, telephone and walk-ins.

If the FCC were to implement massive documentation requirements, such as TV Form 355 Quantitative Disclosure, our localism efforts would likely be reduced because there is only a finite amount of time and personnel resources. Licensees would be faced with shifting some of our localism content gathering time to document localism instead.

4. *Remote Station Operation.* The Commission believes that the prevalence of automated broadcast operations which allow the operation of stations without a local presence has a negative impact upon the licensees’ ability to determine and serve local needs. The Commission is proposing that licensees maintain a physical presence at each radio broadcasting facility during all hours of operation.

The 24/7 staffing restriction has previously been determined to unnecessary given new technologies that allow stations to be operated remotely. If the true goal of the FCC is

timely delivery of emergency information to the public, then there are better solutions than an “across the board” mandate to staff stations 24 hours a day.

Emergencies are best handled by managers and news professionals rather than a low wage, inexperienced person working overnights. Managers can be reached at home or via cell phone and can access programming via technology. The internet, remote studio, and cell phones allow for reliable access to our station’s programming.

The EAS system works very well. The EAS system automatically takes over our stations immediately when an alert is received. This happens “manned or unmanned.” The EAS and Amber alert system in Wisconsin works very well and should be a model for the industry.

Prior to being unmanned overnights, our stations only broadcast 17, 18 and 19 hours per day respectively. There is not enough revenue in very small markets to justify being on the air overnights if a staffer is required. Listeners will be unable to receive those emergency messages automatically if we are off the air after midnight.

Our stations also participate with our county’s emergency government coordinator. We assist with and are a part of emergency planning. The written plan has the home and cell phone numbers of key station personnel. **Perhaps, having stations certify they have an emergency action plan in place with their county be an option. Each licensee should have flexibility in developing plans to address the Commission’s goals. There is an incorrect assumption that there is a cause and effect relationship between live announcers at a studio and the ability to serve.**

B. NATURE AND AMOUNT OF COMMUNITY-RESPONSIVE PROGRAMMING

5. *Local Programming Renewal Application Processing Guidelines.* The Commission concludes that it should reintroduce renewal application processing guidelines that will ensure that all broadcasters provide some locally-oriented programming. The Commission proposes that renewal applications filed by licensees that have met or exceeded the prescribed minimum percentages will be processed by the Media Bureau on delegated authority while those that do not will

require consideration by the full Commission for a consideration of whether license renewal is in the public interest.

Response:

The Commission noted in 1981 when radio was deregulated that the breadth of radio service generally means that the goal of well-balanced programming should not be forced on stations individually. Implicit in this proposal are clear Constitutional concerns regarding government regulated content. Unlike other media outlets we compete with, notably our local newspapers, licensees have a number of public interest requirements that we are already required to meet.

In our two markets, localism is what we do everyday. Localism is the lifeblood of radio and our recipe for success. One should not assume that what works in one market is the right fit for another. As an example, here is a brief summary of our localism efforts at our Viroqua, Wi combo:

WVRQ-AM / WVRQ-FM

Celebrating 50 years of serving Southwest Wisconsin and Northeast Iowa and 50 years of continuous local family management

News:

- >WVRQ-AM 8 daily local newscasts Monday-Friday
- >WVRQ-AM ABC news hourly 24 hours per day Monday-Sunday
- >WVRQ-AM national and state headlines on the half-hour during weekday drive times
- >WVRQ-AM one full hour of locally produced news and information at noon Monday-Saturday
- >WVRQ-AM 5 daily local newscasts Saturday
- >WVRQ-AM 2 daily local newscasts Sunday
- >WVRQ-FM 9 daily local newscasts Monday-Friday
- >WVRQ-FM ABC news hourly 24 hours per day Monday-Sunday
- >WVRQ-FM 4 daily local newscasts Saturday
- >WVRQ-FM 6 daily local newscasts Sunday

Our news department covers the city council and county board, school boards, live broadcasting of local election results, business and economic news. If it matters to our citizens it is our goal to make the issue a part of our news coverage.

Weather:

- >48 weathercasts per day on each station, more as conditions require
- >2 expanded weathercasts per day on each station from the Weathereye Forecast center
- >Emergency storm coverage from Weathereye
- >Instant E-A-S alerts retransmitted from National Weather Service for storm warnings
- >Weathereye local and regional forecast, Color Radar and National Weather Service bulletins on our website

Agriculture:

- >6-minute locally produced farm markets and ag news program in morning drive on both stations
- >8-minute locally produced farm markets and ag news program in the noon news block on both stations
- >UW-Extension ag agent program Monday-Friday on WVRQ-AM
- >National Farm Report with Orion Samuelson weekdays on WVRQ-FM
- >Station farm director covering local agriculture since the 1970s
- >Dairy update weekdays on WVRQ-FM

Community Affairs:

- >Hello Neighbor, local 5-minute interview program airs 6 days per week on WVRQ-FM. The primary focus is on local issues.
- >WVRQ-AM Monday-Saturday the morning show interviews local guests and others of interest. Non-profits and elected officials are frequently featured.
- >WVRQ-FM/AM community announcements featured on each announcer's show all day.
- >WVRQ-AM Community Calendar featuring a complete review of all community reminders at 12:50 P.M. Monday-Saturday

6. *Main Studio Rule.* The Commission concludes that licensees be required to locate their main studios within the local communities so that they are “part of the neighborhood” thus reverting to the Commission’s pre-1987 main

studio rule in order to encourage broadcasters to produce locally originated programming.

Response:

Localism is a performance decision, not a geographical situation. Parks Robinson was the founder of our radio company. When asked many years ago why he was making an effort to serve communities outside the city of license, his response was, "We are not only the Viroqua station, we are the Area's radio station." **The city of license may be outdated and a region of license should be considered. In other words, we do not have to be in the city of license in order to serve our area communities well.**

Many stations are licensed to towns of 1000, 500, or less. There are practical constraints associated with this. The stations do service the city of license, but the service wouldn't necessarily be better just because of the main studio's location. In many cases, stations operate as a regional group. **Having to maintain a separate main studio for each license would be cost prohibitive and will not improve localism, especially for small market broadcasters.**

7. *AM Use of FM Translators.* The Commission is proposing to expand the purpose and permissible service of FM translator stations to allow their use to provide fill-in service for AM radio stations, concluding (1) daytime-only AM licensees should be permitted to originate programming over fill-in FM translators during the nighttime hours when their stations are not authorized to operate; and (2) any AM station should be permitted to operate an available FM translator to retransmit its AM programming as a fill-in service, as long as no portion of the 60 dBu contour of the FM translator exceeds the lesser of: (a) the 2 mV/m daytime contour of the AM station or; (b) the 25-mile radius of the AM transmitter site.

Response:

One of the biggest complaints we receive from listeners is being unable to receive our local sports broadcasts at night on our AM stations. WVRQ –AM and WPRE operate after sunset at 23.5 and 30 watts respectively. This extremely low power level has very limited coverage area. In Crawford County where WPRE is located there are many factories and power lines that greatly limit reception. **The ability to operate an FM translator retransmitting AM programming would greatly enhance our service to the local community.** Therefore, we support this proposal. **We would also recommend that daytime only and low nighttime power AM licensees be given priority in obtaining these translators.** Local broadcasters already have the infrastructure in place to serve our local communities at night, if listeners could better receive the programming this will enhance localism.

C. POLITICAL PROGRAMMING

8. *Enhanced Disclosure.* In the political programming area, as noted above for television licensees the Commission has replaced the issues/programs lists that television broadcasters now maintain in their public files with a standardized form. Included in the new television form's categories of programming is local electoral affairs programming, defined as candidate-centered discourse focusing on the local, state and United States Congressional races for offices to be elected by a constituency within the licensee's broadcast area. Television licensees must disclose the total average number of hours per week aired of such programming on each primary and non-primary channel. In addition, they must provide detailed information for each such program, including its title, dates and times of broadcast, length and whether it was locally produced. The Commission has inquired as to whether radio station licensees should also be subject to such enhanced disclosure requirements.

Response:

All of our local, state and Congressional elected representatives have a standing invitation to be guests on our morning shows and community affairs programs. We feel that our stations are doing a good job of informing our communities of political issues. Most take advantage of this opportunity for communication with their constituents. **These visits are reflected in our quarterly Issues/Programs list. Having us fill out additional forms won't change that policy but will create an extra paperwork burden on small market stations.**

Please refer to responses to questions one and three for additional input.

D. PAYOLA / SPONSORSHIP IDENTIFICATION

9. *Sponsorship Identification/Payola.* The Commission believes that many reported practices throughout the broadcast industry appear to violate its sponsorship identification rules. The Commission believes that its sponsorship identification rules are sufficient for its regulatory purposes and there is no need to revise them.

10. *Voice-Tracking.* The Commission is seeking comment on the prevalence of voice-tracking and whether it can and should take steps to limit the practice, require disclosure, or otherwise address it, believing that such practices may diminish the presence of licensees in the communities and thus hinder their ability to assess the needs and interests of their local communities.

Response:

Any voice tracking that is done on our stations is timely and locally recorded. Being local does not require us to be live. Voice tracking certain shifts allows human resources to focus on important local issues and programming rather than being in a

studio waiting for a song to end. **Voice tracking allows local broadcasters to allocate human resources to cover news, sports and community affairs issues.**

In addition, voice tracking allows for a greater number of programming choices for listeners. Had our small market stations not be able to voice track certain shifts, simulcasting would have been the only financially viable programming option. Because we've been able to voice track, our Viroqua stations have always offered our listeners two choices rather than one.

11. *National Playlists.* The Commission seeks comment on whether it should require licensees to file data with it regarding their airing of the music and other performances of local artists and how they compile their stations' playlists, which the Commission would use in its consideration of the renewal applications of the stations to which they relate, in evaluating the overall station performance under localism. The Commission seeks comment on the appropriate form for these disclosures and ask what information should be supplied.

Response:

We do not need Canadian style music regulation on U.S. airwaves. In a recent editorial article published in March 2008, former FCC Commissioner/Chairman, James H. Quello stated the case quite well on this issue, "If broadcasting had existed in 1776, it certainly would have been a prime beneficiary of constitutional guarantees of free speech and freedom of the press. Print existed at that time, so newspapers have operated with First Amendment rights and deservedly so. It is past time to extend those constitutional freedoms to TV and radio, the most vital and pervasive news and information mediums." **Our stations compile our own playlists and play local artists as the formats and quality of music permits.** In addition, we have several local specialty music programs that are unique to the listening area. These programs do feature local and regional artists.

E. LICENSE RENEWAL PROCEDURES

12. *Shortened License Terms.* The Commission states that it is not persuaded by some commenters' suggestions that it shorten broadcast license terms to some period less than the eight years that Congress authorized in the Telecommunications Act of 1996.

13. *Renewal Application Processing Guidelines.* The Commission concludes that it should reintroduce specific procedural guidelines for the processing of renewal applications for stations based on their localism programming performance. The Commission asks whether these guidelines be expressed as hours of programming per week or, as in the past, percentages of overall programming; should the guidelines cover particular types of programming, such as local news, political, public affairs and entertainment, or simply generally reflect locally-oriented programming; what should the categories and amounts or percentages be; should the Commission adopt processing guidelines regarding specific types of locally-oriented programming to be aired at particular times of the day; should the Commission create other renewal processing guidelines that give processing priority to stations that meet certain measurable standards; and how should the Commission define local programming and must it be locally produced?

Response:

The FCC's seeming intention with this proposal is for the government to decide what is "news, what is "local," and what is "enough" coverage of particular issues. These are exactly the types of determinations the First Amendment entrusts to private editors, and from which the First Amendment bars the government. We understand the

Commission's wish to strengthen localism. However, there are a whole set of practical and economic issues that should be considered.

Nowhere in the NRPM on license renewals is there any suggestion that the FCC solicit compliments to stations for their localism efforts. The FCC shows a greater concern for the public's ability to file complaints and objections to a stations renewal. According to Arbitron's Radar 92 report from March 2007, **232 million people listen to radio every week. How many of those millions quietly enjoy the service local broadcasters provide? Those that complain are vocal, those that are happy almost always remain silent.**

A study released September 2007 by American Media Services say that 74% of Americans are listening to the radio as much or more than five years ago. That shows the overwhelming majority is happy with their radio service as is. The FCC should consider the number of *bona fide* complaints received by different individuals and compare that to how many Americans are listening each week.

I encourage reconsideration of these proposed actions and explore alternatives that support local programming and emergency response systems.

In conclusion, _Robinson Corporation submits that the above comments should be taken into consideration by the Commission in issuing its decision in the above-referenced proceeding.

Respectfully submitted,

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