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Before the
Federal Communications Commission
MB Docket No. 04-233

Thank you for the opportunity to comment on the Federal Communications Commission's "Broadcast Localism," MB Docket No. 04-233.

For the past 21 years I have served my employer, our employees, our listeners and the greater community as a radio station general manager. I manage radio stations in both small and medium markets. I have managed single stations, AM & FM combos and currently I lead a nine station cluster that serves listeners and communities in southwest Michigan.

Our employees are proud of their efforts to serve community. We deliver excellent support to the people of southwest Michigan. This value is measured in the hundreds of thousands of dollars we raise for charitable organizations; in the food and clothing we gather for the poor; in the public awareness we create about public health and safety issues; and in the support we provide to local schools, churches and service clubs. In 2007 our nine stations aired over 13,700 recorded public service announcements for area non profit organizations.

Our longstanding partnerships help to multiply the good work of everyone involved. We are local. We serve, not because of government legislation, but because being local is the most appropriate way to help our listeners and thusly generate goodwill (and a larger number of listeners). We believe it is essential that over-the-air broadcasting be local to compete with all the myriad of media sources which now exist and compete for a consumer's time.

We believe that the only way our radio stations will compete with other media for a potential listener's attention is by being an active part of our community. We do not believe that a "one size fits all" approach to serving the public interest will provide an increased benefit to consumers or the community.

The FCC seeks comments on whether the main studios of stations should be located in the station's community of license.

Radio stations are currently required to have main studios within their city-grade contours or within 25 miles of their transmitter site. Essentially, these measures provide broadcasters with the flexibility to locate the main studio at a location

best suited for the operation of a broadcast station that will reach the entire service area of the station. Under prior rules to which the Commission proposes to revert, even locating a studio 100 feet outside the city of license city limits required a waiver – imposing processing burdens on the FCC staff, uncertainty and costs on the licensee, and did nothing to serve the public interest. Under the current system, waiver requests are rare as the rules provide flexibility. Complaints about the inaccessibility of a station’s main studio are rare.

Moreover, requiring the location of a station’s studio within its city of license creates an arbitrary requirement which has little to do with the real service provided by broadcast stations.

Changing the requirements to mandate a studio in the city of license overlooks the fact that most stations provide important service to multiple communities in addition to their community of license. Each of our radio stations provide service to dozens of communities. Our studio facilities are conveniently placed where the majority of listeners, advertisers and newsmakers may have easy access. Providing the community with a combined studio operation allows newsmakers and citizens access to multiple radio stations with one personal visit.

Five of our nine stations would need waivers from the FCC to continue operation in their current location. Each of these five station’s main studios are currently between two and eight miles away from the center of their city of license. Three of our station’s main studios would actually move further away from the largest concentration of their audience.

Changing the main studio rule would create an unnecessary financial burden and would disrupt the normal flow of business. The Commission should not lightly change such rules, unless there is a significant showing of need for such change, which we simply do not see. Mandating such change provides no apparent benefit to the community. Such a requirement would force us to move from locations that we currently own or lease. Our studio properties have been designed and built specifically for broadcasting. Even if our current properties were “grandfathered” with an exemption, their long-term or resale value would be diminished if the Commission required that the “grandfathering” end at some point in the future. And, if the Commission finds that the “grandfathering” can be indefinite, is there any real justification for restricting the ability of future stations to locate their studios in a flexible manner.

The FCC proposes to prohibit the unattended operation of broadcast stations.

The proposal to require round-the-clock staffing at broadcast stations will be both expensive and counter-productive to the goals of the recommendation – making stations available for the transmission of emergency communications.

Here is why. Many of our “smaller” stations will not be able to justify the personnel cost. Currently we use a combination of attended and unattended operation to keep the audiences of all our stations informed 24 – 7. If each station required an operator for all operating hours we would be forced to make decisions to turn off some of our stations in time periods where audience levels and advertising are low. If the transmitter is turned off, emergency messages will not be broadcast.

Prior to technology advancements many broadcasts did not operate their transmitters 24 – 7. These advancements and the current FCC rules actually provide more (and varied) programming to consumers than was previously available.

Instead of reverting to old rules, the commission should focus on new automation technology that can inform the public with greater speed and efficiency. With new systems in place and the proper technology made available to law enforcement and emergency management agencies, local, state or federal emergency information may be broadcast at any time with no requirement that a station (radio, television or cable) have staff on hand.

In Michigan, the Michigan Association of Broadcasters have demonstrated such technology, which would allow law enforcement and emergency management agencies to interrupt programming on local broadcast stations. Not only would this technology allow the proper authorities nearly instant access to the airwaves, it would allow authorities to exercise their professional judgment during an emergency. We find that the proposal to require staff presence during all hours of operation to be unsupported by the facts and possibly detrimental to its own intent.

The FCC seeks comments on the establishment of minimum programming requirements for processing license renewal applications.

The MB NO. 04-233 contemplates the types and amounts of programming, including news, public affairs and local political coverage that might be required and incorporated into a license renewal process. Such requirements would displace local interests, standards and controls that we have developed to ensure service to our communities. Each individual broadcaster is capable of determining program offerings that are responsive to their local communities and audience, and do not need prescriptive, arbitrary requirements established by FCC personnel who do not work or live in their communities. What works for one station in one format may not be appropriate for another station in a different format. A music-formatted station could not program as much informational programming as a talk station and still retain its audience (especially in light of the competition from new forms of media not subject to these regulations).

Moreover, the type of information that would be provided, and the way it would be presented, would be different for a music formatted radio station than for a news-talk station. The Commission can not rationally justify a uniform mandate.

We already adhere to myriad requirements and restrictions on political advertising and indecency defined by the FCC. Even the Federal Trade Commission and the Food and Drug Administration have engaged in restrictions on what may be broadcast by our employees or advertising clients.

These types of specifically targeted programming restrictions, prohibiting programming that may be injurious to the public, may make sense in some circumstances, but imposing broad requirements of specific types of programming that must be broadcast by stations does not. Government imposed cookie-cutter standards applicable to all stations are unenforceable, potentially unconstitutional, and simply will not serve the interests of the public.

The FCC seeks comments on mandated, permanent Community Advisory Boards.

Community leaders, listeners and advertisers provide a steady stream of comment and suggestions to our station personnel. We interact daily with consumers and we listen to their suggestions.

Our employees are actively involved with non profit and community organizations. We encourage our employees to participate as volunteers and as non profit board members.

To ensure our programming is appropriately targeted we hire outside experts and use modern research methods. No elite group of individuals can speak as loudly as seeking input from the entire listening population.

These mandated boards are also likely to be the source of new controversy. If the Commission mandates a large Community Advisory Board for each station, there are bound to be members of the Board who have their own favorite programming that they want to put on a station – regardless of its commercial viability. With a large board, the opportunities for “station vision” conflicts are great – and essentially unproductive.

We find the proposal for mandated Community Advisory Boards to be unnecessary, unwieldy, and a potential source of legal problems.

The FCC seeks comments on network affiliation contracts.

We are concerned about the proposed rule that would allow, or perhaps require, local stations to listen to all network programming in advance and decline to air any programming is deemed inappropriate. We find that such a rule would raise many questions about timing, logistics, staffing and liability. We do not believe that local stations, in a realistic fashion, can review all network programming in advance and make quick decisions about what would reach the local airwaves.

We contract with program providers who understand their goal is to provide our stations with quality programming, designed to increase our listening audience. It is not in the station's interest to contract for syndicated programming of poor quality or to work with programmers of questionable ethics.

All stations, whether they are running network or syndicated programming, rely at least to some degree on the reputation of the programmer to produce quality programming that the station cannot itself produce. To have stations listen to each and every program before it airs imposes significant costs on stations for little benefit, as incidents where such programming is improper are rare.

We urge the Commission to instead focus its attention on its inconsistent enforcement of vague indecency standards and offer those of us in the field clear standards for program content and a fair approach to enforcement.

The FCC proposes disclosure of “national play lists” for radio stations.

Many of our stations offer some programming that features local talents. All popular artists are “local” somewhere, so *de facto* requirements to play music from “local” artists would be difficult to implement.

We do not agree with any proposal that would require our programmers to disclose information about how they compile their play lists, especially within the context of a station's license renewal. The play list (and how we decide what goes into it) is the brand of a station. To place this information on the internet gives away a station's “secret recipe” (so to speak), leaving the station at a competitive disadvantage.

Play list disclosure moves the Commission precariously close to mandating content on local stations. The potential for personal, subjective judgments by the Commission would be great.

We believe that such a requirement would permit the Commission to displace the public's role in providing feedback to local broadcasters, as well as the public's right to comment on programming issues during a station's license renewal process.

Conclusions

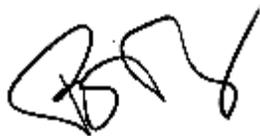
Technology and consumer options have moved forward at a fast pace. While broadcasters are working hard to stay at the forefront of modern information delivery options, this Notice of Proposed Rulemaking is an unwarranted attempt to turn back the clock and impose the types of regulatory requirements that were abandoned by Congress and the FCC more than a quarter century ago.

It was determined then that competition from other media made the requirements unnecessary. Clearly, in today's exploding media and technology environments... when consumers in large and small towns are offered new choices regularly, when citizens have more access to news and opinion than ever before, and when technology consistently "outruns" attempts to regulate it... there is even less need for the types of requirements outlined in MB No. 04-233.

Ultimately, MB No. 04-233 is an example of overwrought, unnecessary and prescriptive regulation of the broadcast industry. There is no need for such regulation when technology savvy, competitive markets are perfectly capable of judging, rewarding and punishing broadcasters. It is just good business for broadcasters to serve their communities. Broadcasters who do not serve their listeners and communities do not succeed.

I urge the FCC to determine that the proposals in MB No. 04-233 need no further consideration and that this proceeding be concluded with a Report and Order that imposes no further requirements on local broadcasters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Tanz', written in a cursive style.

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WHTC, WKZO, WNWN, WNWN-FM, WQLR, WTVB, WVFM, WYVN, WYZO