



## Summary

The named State Broadcasters Associations submit that the proposed rules – most of them resurrected from archaic policies drawn to address a very different world – reflect a disturbingly unrealistic view of the practical and economic realities of providing broadcast service in the United States. They would relegate the broadcasting industry to a technological obsolescence, restrain broadcasters' editorial freedom, mandate the dismantling of hundreds or thousands of broadcast studios and the construction of many more, force broadcasters to limit operating hours and cut back on local programming, impose a static and inflexible definition of "community," and force broadcasters across America to conform their speech to categories favored by the government. They would destroy investment, elevate form over substance and diminish service to the public. Some of the proposed rules would be unconstitutional.

The FCC should not revert to the pre-1987 main studio rule "to encourage broadcasters to produce locally-originated programming." There is no correlation between the location of a station's main studio with the amount of that station's locally originated programming. Distance and location are no longer obstacles to effective communication. The pre-1987 rule would have disastrous consequences for an industry that has invested billions based on the current rules. Requiring thousands of stations to move their main studios or build and staff duplicative studios would lead to reduced operating hours and diminished resources for programming. It would drive marginally profitable stations off the air altogether.

The NPRM also seeks comment on a proposal to require that broadcast stations be attended during all hours of operation on the bare theory that doing so "can only increase the ability of the station to provide information of a local nature to the community of license." Neither logic nor evidence supports this conjectural remedy for a misperceived ill. The FCC's

assumption that broadcast stations would respond to the proposed rule by *expanding payroll* rather than by *reducing operating hours* is simply wrong. Remote control capabilities are excellent and getting better every day. Broadcasters and the people they serve are increasingly mobile. Tying broadcasters full time to a 1950s concept of a “main studio” is sure path to reducing both the amount and quality of broadcast service available in every community.

The State Associations also oppose the NPRM’s proposed requirement that stations convene permanent “advisory boards”. Requiring all stations everywhere to do exactly the same thing to assess the needs and interests of their very different communities based on a definition of “community” contrived in Washington, D.C. would not promote localism, it would greatly undermine it.

The FCC should reject calls for a new layer of review for broadcast renewal applications based on whether a licensee has broadcast minimum amounts of government-favored content. The Commission abolished renewal processing guidelines specifically because an extensive and empirical record showed that the guidelines had no effect on the amount of local and non-entertainment programming.

The greatest threat to localism is not too much new technology (such as remote control and voice tracking) or too few government forms filled out. The greatest threat to localism is the FCC’s present attempt to nationalize, homogenize, and standardize it. The State Associations respectfully submit that the proposed regulations would inflict considerable harm on the broadcast industry as a whole, would result in a substantial diminution of public service, and would impose the greatest burdens on the broadcast outlets that are least able to afford the great new costs of compliance.

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of Broadcasters, Utah Broadcasters Association, Vermont Association of Broadcasters, Washington State Association of Broadcasters, West Virginia Broadcasters Association, Wisconsin Broadcasters Association, Wyoming Association of Broadcasters (each a “State Broadcasters Association” or “State Association” and collectively, the “State Broadcasters Associations” or “State Associations”), by their attorneys in this matter, hereby submit their joint comments in response to the Commission’s *Report on Broadcast Localism and Notice of Proposed Rulemaking* adopted on December 18, 2007 and released on January 24, 2008 (the “NPRM”). The NPRM raises basic questions about the respective roles of broadcasters and the FCC in the twenty-first century, and the State Associations appreciate this opportunity to provide the Commission with comments that are based directly on the experience of their member broadcast stations.

### **Introduction**

Each State Broadcasters Association is committed to advancing and protecting the free, local, over-the-air broadcast industry within their respective borders and at the Federal level by helping to create and maintain a regulatory and economic environment that is maximally conducive to the growth of the broadcast industry. Accordingly, the State Broadcasters Associations routinely participate in Commission rulemaking proceedings, as they have in this proceeding.

The NPRM proposes sweeping new requirements for the broadcast industry, simultaneously imposing enormous costs and operational burdens while restricting broadcasters’ flexibility to make and implement programming decisions and mandating quotas of government-favored speech. The proposed rules – most of them resurrected from archaic policies drawn to address a very different world – would relegate the broadcasting industry to a technological obsolescence, restrain broadcasters’ editorial freedom, mandate the dismantling of hundreds or

thousands of broadcast studios and the construction of many more, force broadcasters to limit operating hours and cut back on local programming, impose a static and inflexible definition of “community,” and force broadcasters to pander to what Washington considers to be a favored class of “community leaders.”

The NPRM recites the laudable goal of increased localism but the connection drawn between Point A (the proposed regulations) and Point B (increased localism) consists entirely of bare opinion and conjecture. After several public hearings and the collection of tens of thousands of e-mail comments,<sup>1</sup> the NPRM essentially concludes that not every citizen is happy with the content of local coverage provided by every broadcast station.<sup>2</sup> This stands in stark contrast to the record that led the FCC to eliminate prior rules that were similar or identical to those in question here. That record – reams of hard data built on years of experience with the sorts of rules the FCC now seeks to impose – showed that those rules either were unnecessary or simply did not work. The FCC is obliged to articulate some reasoned basis – something well beyond bare speculation -- to justify re-imposition of rules it repealed based on data and experience gleaned from years of real-world broadcast operations under those rules.<sup>3</sup> Even while asserting that broadcasters must provide more “localism,” the NPRM struggles to define what the term “localism” means. The State Associations believe that the greatest threat to localism is not technology (such as voice tracking and remote control)

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<sup>1</sup> The Notice of Inquiry issued in 2004 sought comment, *inter alia*, on rules that regulate broadcasters’ communications with their communities; the nature and amount of “community-responsive” programming broadcasters must provide; broadcasters’ emergency response efforts; the network affiliation rules; payola, sponsorship identification, “voice-tracking” and determination of music playlists; license renewal processes; and other matters. In 2004 the Commission released a Notice of Inquiry seeking comment on a variety of “behavioral rules that promote localism.” *Broadcast Localism*, Notice of Inquiry, 19 FCC Rcd. 12425, ¶ 5 (2004) (“NOI”).

<sup>2</sup> The NPRM acknowledges many specific examples of extensive local service and local responsiveness, identifying those examples by station and market. *See, e.g.*, NPRM, ¶ 13. In contrast, references to perceived deficiencies are simply gross generalizations. *See, e.g.*, NPRM, ¶ 14.

<sup>3</sup> *Cf., Greater Boston Television Corp. v. F.C.C.*, 444 F.2d 841, 852 (D.C. Cir., 1970)

or the present FCC reporting requirements and policies. Rather, the greatest threat to localism is the FCC's present attempt to nationalize, homogenize, and standardize it.

### **Discussion**

In one sweeping NPRM, the Commission now proposes to drive the broadcasting industry back to an era when multichannel video services did not exist, hardly anyone had ever seen a computer, and "email" was a typographical error that would have been made on a typewriter. The proposed rules are reincarnations of regulations that were discarded as hopelessly outdated years ago and, in some cases, decades ago. They are so misguided that dozens of members of Congress have already urged the Commission to reconsider the need for this proceeding. In a letter to Chairman Martin dated April 15, 2008, more than 100 members of Congress raise pointed concerns about the practicality, adverse economic impact, and constitutionality of the proposed rules. The April 15 letter states that the proposal to "force broadcasters to air programming that fits pre-ordained categories creates clear constitutional concerns" and refers to the proposals to adopt a more strict main studio rule and to require stations to be staffed during all hours of operation as "particularly archaic."<sup>4</sup>

Members of the Senate have raised similar concerns. By letter to Chairman Martin dated April 24, 2008, twenty-three Senators questioned the wisdom and constitutionality of several of the new rules, including the proposed requirement of permanent advisory boards and of new, burdensome license renewal procedures.<sup>5</sup> The same letter states that the Main Studio Rule and the proposed requirement that broadcasters maintain a physical presence are needless and will "strap revenue and tie up limited resources resulting in a reduced ability to provide quality, community oriented programming." Senator Landrieu has written separately to

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<sup>4</sup> See Exhibit A.

<sup>5</sup> See Exhibit B.

Chairman Martin, forwarding copies of letters of concern she has received from Louisiana broadcasters. Senator Landrieu warns that the Commission “should take care so as to not overburden local broadcasters with punitive regulation prompted by the failures of a few.”<sup>6</sup> The State Associations agree, and will separately address the most misguided and damaging proposals herein.<sup>7</sup>

## **A. Structural and Operational Regulations**

### **1. The Main Studio Rule**

The NPRM seeks comment on whether the Commission should revert to the pre-1987 main studio rule, which required that a station’s main studio be located within its community of license. The Commission questions whether implementing the rule once again would encourage broadcasters to produce locally-originated programming and asks whether accessibility of the main studio increases interaction between the broadcast station and the community of service.<sup>8</sup>

The State Associations oppose re-imposition of the pre-1987 version of the main studio rule for all of the reasons that led the FCC to modify the rule in 1987, and for the separate and additional reasons that led the FCC to modify the rule yet again in 1998. In 1987 the FCC relaxed the rule to permit a station to locate its main studio anywhere within its principal community contour.<sup>9</sup> At that time, the Commission noted that the role of the main studio in programming and production had diminished, that community residents often communicate

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<sup>6</sup> See Exhibit C.

<sup>7</sup> Although we will not directly address other proceedings here, the State Associations believe the Commission must also consider the cumulative impact of the rules proposed here along with rules proposed or recently adopted in other proceedings. Even if some regulation were needed (it is not) and the proposed rules were constitutionally sound (they are not), the Commission would be obliged to act with a reasonable scope. According to Joel Hanson of KLOG-AM and KUKN-FM in Kelso-Longview, Washington, “my first reaction to all of this is that . . . the FCC is trying to hammer a simple nail with a pile-driver.”

<sup>8</sup> NPRM at ¶ 41.

<sup>9</sup> *Main Studio and Program Origination Report and Order*, 2 FCC Rcd 3215 (1987) (“1987 Main Studio Order”).

with broadcasters by telephone or mail rather than by making personal visits, and that modern transportation systems had lessened travel times. The Commission also noted that additional flexibility would introduce efficiencies such as co-location of studios and transmitter sites or the move of studios to lower cost areas.<sup>10</sup> This reasoning proved to be correct. Eleven years after relaxing the main studio rule, and with eleven years of experience under the relaxed rule, the FCC modified the main studio rule again, giving broadcasters additional flexibility.<sup>11</sup> At that time more than sixty commenters specifically supported relaxing the main studio rule, eleven commenters proposed deleting the rule entirely, and only four commenters opposed further relaxation.<sup>12</sup>

The *1998 Main Studio Order* was precipitated by the Telecommunications Act of 1996 (“1996 Act”), which relaxed the radio multiple ownership rules and adopted other reforms.<sup>13</sup> In adopting the current version of the main studio rule the Commission specifically noted that the 1987 version may have been “disproportionately restrictive and burdensome for owners of smaller stations.”<sup>14</sup> The Commission again acknowledged that a more restrictive rule would not properly reflect current means of communications and transportation.<sup>15</sup> Gary Cummings of Inland Northwest Broadcasting, operating in Pullman, Washington and Moscow, Idaho agrees: “The vast majority of people do not want to take the time to actually come to the radio station when they can call or email.” There is nothing unique to this phenomenon. Experience

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<sup>10</sup> *1987 Main Studio Order* at 3217-3218.

<sup>11</sup> *Review of the Commission’s Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd. 15691 (1998) (“*1998 Main Studio Order*”).

<sup>12</sup> *Id.* at ¶ 6.

<sup>13</sup> *Id.* at ¶¶ 4, 9.

<sup>14</sup> *Id.* at ¶¶ 4, 10.

<sup>15</sup> *Id.* at ¶ 17.

suggests that people are far more inclined to write a letter or send an email to the newspaper editor than to drop in for a visit.

The NPRM seeks comment on whether the pre-1987 rule should be re-imposed “to encourage broadcasters to produce locally-originated programming.”<sup>16</sup> As observed by more than 100 members of Congress, the idea that forcing broadcasters to relocate their studios will encourage them to produce locally originated programming “requires a logical leap that has no place in government regulation, and is a thinly guised method of controlling broadcast content.”<sup>17</sup> There is no evidence that correlates the location of a station’s main studio with the amount of locally originated programming. There is substantial evidence that distance and location are no longer obstacles to effective communication. When the main studio rule was first relaxed in 1987 hardly anyone had a mobile phone or email and the Internet was a science project. In recognition of the increasingly important role of the Internet (and other new forms of communication) in our daily lives, a decade ago the Commission required stations to maintain copies of email communications received from the public,<sup>18</sup> and the Commission has recently required television broadcasters to post their public files on their websites based on its finding that “the Internet is an effective and cost-efficient method of maintaining contact with” viewers.<sup>19</sup> (The State Associations have challenged this requirement on First Amendment grounds, suggesting that the FCC’s own website serve as the online public inspection file for all stations. Under this approach, television stations would have the option of electronically providing the FCC with any additional documents necessary to replicate their public files or to create and maintain their own online public inspection file.) The Commission cannot suddenly

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<sup>16</sup> *NPRM* at 41.

<sup>17</sup> Exhibit A at 1-2.

<sup>18</sup> *1998 Main Studio Order* at ¶ 41.

<sup>19</sup> *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Report and Order (adopted Nov. 27, 2007) at ¶ 7 (“*Enhanced Disclosure Order*”).

reverse course and impose unsustainable costs on broadcasters because of bare speculation that the location of a station's main studio is preventing the public from communicating effectively with that station.

The record, voluminous as it is, contains *no* evidence that reverting to the pre-1987 main studio rule would have any effect on local origination of programming. It would, however, have disastrous consequences for an industry that has invested billions of dollars on infrastructure over the past twenty-one years based on the current rules. When the Commission modified the main studio rule in 1987 and again in 1998, no station was *required* to move its studio. Reverting to a rule that was abandoned as too restrictive more than twenty years ago would require an untold number of stations to move their main studios at an enormous total cost to the broadcast industry.<sup>20</sup> Many stations that consolidated main studios in the past 20 years would be required to build new, and in many cases duplicative, studios for stations licensed to different communities and would be forced to hire duplicative staffs. This would at best lead to diminished resources for programming and at worst drive marginal stations off the air altogether. For example, Horizon Broadcasting Group, which serves five communities in central Oregon and which provides copious amounts of local programming for those communities, estimates that the capital expense to unwind its consolidated studios would exceed \$375,000, the equivalent of more than six full-time employees, and increased staffing costs would exceed \$280,000 annually.<sup>21</sup> These and other costs resulting from the proposed new regulations would force Horizon to sacrifice present levels of locally produced

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<sup>20</sup> See, e.g. Exhibit A (Letter to Chairman Martin) at 1 (“Reverting back to out-of-date main studio rules would impose significant costs on broadcasters that have made good faith investments based on the rule changes, costs that will harm broadcasters’ ability to serve the public interest.”).

<sup>21</sup> Comments of Horizon Broadcasting Group LLC, MM Docket 04-233 (filed March 17, 2008) (“*Horizon Comments*”).

programming and revert to less expensive satellite programming in order to offset the increased costs.<sup>22</sup>

Similarly, WKNR, Williamstown, Kentucky, built out a new facility in 2004 and has a long term lease. Less than a mile outside of the city limits, WKNR's studio is on the main US route that runs through the service area and the community of license.<sup>23</sup> Relocating the main studio of this single small FM station that one mile would cost at least \$200,000. WKNR notes that in its entire history it has never received any complaints in any form from members of the public stating they are inconvenienced or ill-served by the location of the station's main studio.<sup>24</sup> La Crosse Radio Group operates five radio stations in Wisconsin from a facility that is not within the city limits of any community of license, but which is in the fastest growing portion of the combined service area. The location of the consolidated studio gives everyone easier access, especially the elderly, which is an important demographic for the group. Having all five studios in one location allows La Crosse Radio Group to provide *more* local programming by best utilizing team members on several different stations. In fact, the efficiency enabled a recent service upgrade: the group changed the programming on one station from mostly satellite feeds to mostly local programming.

Reversion to the pre-1987 main studio rule would impose profound costs in pursuit of a speculative benefit at a time when broadcasters are already facing the impact of growing competition for advertisers and audience and a slowing economy. As Eric Van Winkle of GAPWEST Broadcasting points out, moving the main studio of a station would not benefit any

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<sup>22</sup> *Id.*

<sup>23</sup> Comments of Robert Wallace and Jeffrey Ziesmann of Grant County Broadcasters Incorporated, MM Docket 04-233 (filed April 11, 2008). WKNR's comments illustrate the faulty logic of the NPRM's assumption that a studio within the community's city limits is necessarily more accessible than one, for example, just outside the city limits on a major road serving the community and other parts of the service area.

<sup>24</sup> *Id.*

citizen because broadcasting is “not a walk-up business.” Re-regulation is particularly ill-advised given that the experience with the 1987 rule relaxation led the Commission to relax the rule further in 1998, in part because doing so was needed for the practical implementation of the Communications Act of 1996 and because the rule imposed disproportionate hardships on smaller stations.

In sum, this proposal, like so many of the other proposals raised by the Commission in this proceeding, will have the foreseeable effect of placing so much more cost pressure on stations that they will have no option but to consider reducing hours of operation, contracting their staffs and looking for cheaper and cheaper sources of programming. Stations are not public utilities that can send out monthly bills expecting listeners and viewers to send in their payments. This entire proceeding is based on the fallacious assumption that stations have as much ability to increase their revenues as they do to lower their costs.

## **2. Remote Station Operation**

The Commission is currently considering imposing a new rule requiring that all radio licensees maintain a staffing presence at each radio broadcasting facility during all hours of operation.<sup>25</sup> This NPRM seeks comment on whether television stations should also be required to be “attended” during all hours of operation. The NPRM observes that “requiring that all radio stations be attended can only increase the ability of the station to provide information of a local nature to the community of license.”<sup>26</sup> The State Associations respectfully submit that this blanket observation does not reflect the true impact of the proposed regulation. The FCC’s implicit assumption that broadcast stations will respond to the proposed regulation by *expanding their*

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<sup>25</sup> *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Broadcast Service*, Second Report and Order First Order on Reconsideration and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 10344 ¶ 119 (2007) (“*Digital Audio FNPRM*”).

<sup>26</sup> NPRM at ¶ 29.

*payroll* rather than by *reducing operating hours* is simply wrong, and there is no record evidence to support it. An agency may not rely on unsupported conjecture to make its decisions.<sup>27</sup>

It is impossible to predict the extent to which a new “full-time/on-site” regulation would reduce the aggregate operating hours of all broadcast stations in a given market (and thus the total amount of local service available to the market’s citizens), but the Commission cannot simply assume that there will be no material reduction in service. Not all stations will react to the mandate in the way the FCC predicts. Some stations will see a rule that requires them to add personnel in order to maintain their operating schedules, forcing them to cut back other services. Other stations – particularly those with the most limited resources – will see a rule that requires them to sign off when the last person leaves the studio. Others will find a middle ground – reducing other services to add more staff *and* reducing operating schedules. Some stations that now rely on unattended operations may not find an economic balance even with a reduced schedule, and may be forced to cease broadcasting altogether. As Donald Crawford and Chris Alexander of Crawford Broadcasting Company observed:

The unattended operation rule more than any other has allowed stations that would not otherwise be financially viable to continue to operate and serve the public. Many stations, particularly those in small markets, operate on the razor’s edge of profitability. Their economies are such that the addition of paid staff members to man the station during all hours of operation would push such operations into unprofitability. Commercial broadcasting is not charity work. A station must show a profit, however marginal, to remain viable for the long term. Stations going dark or being sold to large entities not part of the local community is not in the public interest.<sup>28</sup>

John Morris, CEO of Morris Broadcasting, makes a similar point:

WIMG-AM is staffed from about 5:00 am through 10:00 pm every day. If we were required to staff our station 24/7 then we would definitely have to

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<sup>27</sup> *Pillai v. Civil Aeronautics Bd.*, 485 F.2d 1018, 1023 (D.C.Cir.1973).

<sup>28</sup> Comments of Crawford Broadcasting Company, MM Docket 04-233, 1 (filed April 18, 2008).

reduce our daytime staff since we cannot afford to take on more overall salary. Thus, we would be making sacrifices during the time of the day that we are listened to most for the sake of maintaining “live” staffing during hours when the station is hardly listened to at all.<sup>29</sup>

If the FCC requires staffing during all hours of operation the result may set a new standard for results that are just the opposite of the nominal policy goal. Mick Fiocchi, General Manager of WXPB in Rhinelander, Wisconsin, writes:

We are concerned, however, by some unintended consequences of the current proposal on localism. With all of our efforts, the aim is to improve local service. One of those efforts was to purchase electronic automation equipment, which allows us to operate 24 hours per day. We were never able to do that before we bought this equipment. If we cannot use the equipment, we will have to go back to 18 hours per day service. One example of this change on community service is that we would no longer be on the air to communicate EAS messages for severe weather, etc.

It is certain that prohibiting unattended operations would result in a substantial net reduction of broadcast operations in every market in which one or more stations currently employ remote control. The size of the reduction would vary from market to market, but the impact would be felt most deeply by the audiences of stations with the fewest financial resources – often stations serving sparsely populated rural areas or small stations serving special communities within larger markets.

Because a net reduction in broadcast service would necessarily result from a rule prohibiting unattended operations, the blanket statement that imposition of such a rule “can only increase the ability of stations to provide information of a local nature to the community of license” is simply wrong. A station that has limited time operations is not providing service and is not able to issue emergency alerts when the station is silent (and doing so would be pointless, as no one is watching or listening to a station that is off the air). This was the case with KLQP-FM, Madison, Minnesota, before the FCC adopted the unattended operation rule.

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<sup>29</sup> Comments of Morris Broadcasting Company of New Jersey, Inc., MM Docket 04-233, 3 (filed April 18, 2008).

The station signed off in the early evening and resumed service at 6 a.m. the following day.

President and General Manager Maynard Meyer states:

It would cost KLQP-FM \$30,000 or more yearly to hire a staff person at minimum wage to fill the period our automation system now handles. We generate perhaps \$2,000 in advertising revenue ANNUALLY through our night time operation, not even enough to pay the additional electric bill. Twenty-four-hour operation is a gift to the community, a true public service offering.<sup>30</sup>

Mr. Meyer notes that the station is physically staffed during emergencies and that the weather is updated even when operating in unattended mode. Senator Landrieu, from the hurricane-prone state of Louisiana and serving as Chairman of the Senate Homeland Security and Governmental Affairs Committee Disaster Recovery Subcommittee, observes that remote control “provides the capability for broadcasters to remain on the air when station facilities are destroyed or station personnel are forced to evacuate ahead of a disaster.”<sup>31</sup>

Remote control systems are far more sophisticated and capable than they were even five years ago, and the differences in capabilities between a main studio or control point and a remote operation are diminishing every day. High definition video can be captured by sub-\$500 cameras and transmitted over home broadband connections. Cell phones, VoIP services, and emerging unified messaging platforms allow one or many people to be alerted simultaneously anywhere and at any time by a single phone call or electronic message. Once alerted, they can respond from wherever they are; remote control commands are tested and reliable, and capabilities improve every day. CD-quality audio and even standard definition video can be transmitted and received over a broadband wireless connection to and from an inexpensive, battery powered laptop computer – often a computer that has the most vital

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<sup>30</sup> Comments of Lac Qui Parle Broadcasting Co., Inc., MM Docket 04-233 (filed March 3, 2008).

<sup>31</sup> Exhibit C, page 2.

capabilities of a broadcast station control room.<sup>32</sup> With remote control and even remote production capabilities improving month-by-month, the incremental localism to be gained from prohibiting unattended operation is speculative and diminishing. The detrimental effects – especially a net reduction in the total number of local broadcast hours available to the public – vastly outweigh those speculative and diminishing supposed benefits.

It is appropriate for the Commission to insist that stations be under licensee control and that they be capable of responding appropriately to emergency situations when operating. However, there is no credible record evidence that police, fire and other emergency authorities have found it impossible or difficult to use existing EAS systems to air emergency messages over stations or to get in touch with station personnel. The vast majority of stations and such authorities maintain close working relationships and contact lists. The proposed requirement is based on a broadcast myth that continues to circulate without any basis in fact. In any event, such a requirement would be a monumental step backwards and immensely counterproductive to the Commission's goal of increasing local service. The unattended operation rules have resulted many more stations remaining on the air longer to serve the public interest. How is the public interest served by creating a regulatory disincentive to maintaining those operating hours and public service?

## **B. Permanent Advisory Boards**

The NOI asked how effectively market forces have fulfilled the goal of ensuring that broadcasters air programming responsive to the needs and interests of their communities.<sup>33</sup> While acknowledging the extensive and ongoing efforts of broadcast stations to effectively

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<sup>32</sup> Notably, as people are reached on mobile phones and PDAs and as video of breaking news is captured more and more frequently by mobile devices the burden of persuasion should fall on anyone who would argue that it is a good thing to tie broadcasters to one specific place.

<sup>33</sup> *NOI*, 19 FCC Rcd at 12429 ¶ 11.

communicate with their local communities, the Commission nonetheless seeks comments on a range of new, highly burdensome regulations that would generate immense volumes of paperwork and impose needless and counterproductive costs to solve a supposed problem that has no empirical foundation. Notably, the Commission has already imposed substantial new regulations on television broadcasters in pursuit of the very same goals stated in the NPRM and is considering imposing similar regulations on radio broadcasters.<sup>34</sup> Imposition of additional and far more burdensome regulations on radio broadcasters before the impact of these new regulations is known (assuming that they even become effective) would be reckless.

The NPRM properly rejects calls to reinstate formal “ascertainment,” a long-abandoned make-work process that elevated mechanistic paperwork and filing over actual community involvement. However, the Commission proposes a different rule requiring each broadcaster to “convene a permanent advisory board made up of officials and other leaders from the service area of its broadcast station.”<sup>35</sup> The State Associations oppose such a requirement as vague, unnecessary, unduly burdensome, and an impermissible infringement on broadcasters’ First Amendment rights.

The requirement as proposed is replete with problems for broadcasters, for community leaders who would be expected to perform those roles and for the Commission. From the standpoint of the stations, these issues are raised: Should the boards be chartered as separate

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<sup>34</sup> *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Report and Order, MM Docket Nos. 00-168, 00-44 (adopted November 27, 2007) (“*Enhanced Disclosure Order*”); *Digital Audio FNPRM* at 10390 ¶¶ 116-17. The State Associations have recently petitioned for reconsideration of the *Enhanced Disclosure Order* arguing, *inter alia*, that the online public file rule violates the First Amendment rights of website publishers who also operate broadcast stations. *Joint Petition for Reconsideration of the Named State Broadcast Associations*, filed April 14, 2008 in MB Docket No. 00-168. Although the instant NPRM does not seek comment on the separate proposal (currently pending in the *Digital Audio FNPRM*) that radio broadcasters also be required to post their public files on their websites, the State Associations note that the proposal suffers the same constitutional infirmities whether applied to television or radio broadcasters.

<sup>35</sup> NPRM at ¶ 26.

legal entities? If so, who should bear the cost of such organization? Should the boards be controlled by the station or by the members of the boards? How long will their terms be? What power of appointment and removal will each station have? If the boards want the protection of liability insurance must stations pay for that insurance? How much information must stations provide to their boards? May stations require board members to enter into confidentiality agreements? How often must stations meet with their boards? Must a certain number of board members be present before a meeting will be deemed to have occurred? May the stations dictate where and when meetings will be held? Must stations pay for meeting rooms, for meals and/or for transportation?

Drilling down even further, what discretion will a station have to select particular community leaders? In spite of the Commission's request for comment on the permissible composition of such boards, the determination of which individuals are representative of a community (or sub-community) would appear extremely subjective. Should the government really be permitted to regulate the sources of input on which broadcasters rely? Under what circumstances will the stations be subject to second-guessing about their selections? For stations providing service to large geographic areas the proposal also raises difficult questions of geographic scope. What "communities" are eligible for inclusion? Such vague questions can only lead to a vague regulation that the FCC simply could not enforce. The constitutional proscription against vague laws is "a basic principle of due process."<sup>36</sup> Government standards must be understandable to a person of ordinary intelligence and clear enough to curb the danger of arbitrary or discriminatory enforcement. The requirement of clarity is enhanced when criminal sanctions are at issue or when the statute "abuts upon sensitive areas of basic

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<sup>36</sup> *Grayned v. City of Rockford*, 408 U.S. 104, 108, 92 S.Ct. 2294, 2299, 33 L.Ed.2d 222 (1972).

First Amendment freedoms.’ ”<sup>37</sup> It is one thing for stations to be required to determine the needs and interests of the communities. It is an entirely different thing for stations to be told who they must meet with to achieve that goal.

There is simply no record to support a new rule that would require all stations everywhere to do exactly the same thing to assess the needs and interests of their very different communities based on a definition of “community” contrived in Washington, D.C. Consider the impact on community leaders. Among the hundreds of unintended consequences of the ill-advised rules the FCC is proposing, the federal government is about to force community leaders to choose which of the many demands for service on a broadcaster’s advisory board they will honor. If the most important community leaders are forced to submit to rigid procedures for their communications with one or two broadcast stations, will they limit access to *other* broadcast stations (or newspapers) or the time they devote to addressing community issues (as opposed to discussing them)?

Lastly, does the Commission really intend not just to resolve, but also to arbitrate disputes over, a mandatory permanent advisory board rule, with its infinite number of issues and sub-issues? On what basis could the Commission conclude that regular meetings of a “permanent advisory board” would provide a better means of community outreach than ongoing communications with a broader range of residents? On what basis could the FCC conclude that any supposed benefits outweigh the adverse effects on communications between community leaders and broadcasters? It is impossible for the FCC to draft rules that are

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<sup>37</sup> *Id.* at 109, 92 S.Ct. at 2299 (quoting *Baggett v. Bullitt*, 377 U.S. 360, 372, 84 S.Ct. 1316, 1323, 12 L.Ed.2d 377 (1964)); *see also*, *Information Providers' Coalition for Defense of the First Amendment v. F.C.C.*, 928 F.2d 866, 874 (9th Cir. 1991) (quoting *Grayned*).

constitutionally sound, clear enough to be confidently observed and reliably enforced, and likely to do more good than harm.<sup>38</sup>

Any citizen that feels a station is not maintaining an adequate dialogue with the community or that is not otherwise meeting the needs of the community in its overall programming has the right to contact the station, to review written communications to the station from other citizens, to complain to the FCC at any time, and to challenge the station's license at renewal time. On the other hand, if a station *does* address the community's needs in a responsive way, it should not be forced to alter its successful efforts to conform to inflexible and counterproductive rules just so the government can check a box at license renewal time. Since any "advisory board" rule must necessarily give broadcasters wide latitude to determine the points of community contact that are most meaningful, the State Associations submit that the Commission should resist the urge to impose regulations that will result in even more paperwork, even as they are too vague and arbitrary to serve as measures of actual community outreach and dialogue.

### **C. Nature and Amount of Community Responsive Programming**

#### **1. Local Programming Renewal Application Processing Guidelines**

The record contains overwhelming evidence that broadcasters provide copious amounts of locally responsive programming. The NPRM notes that broadcast commenters "provided detailed data concerning the amount, nature, and variety of the programming that each airs to meet those needs and interests."<sup>39</sup> Yet even while acknowledging and specifically identifying

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<sup>38</sup> Establishing formal community advisory boards would also be very costly. Eric Van Winkle General Manager GAPWEST Broadcasting in Pasco, Washington estimates that doing so would cost the stations he manages more than \$12,000 each year.

<sup>39</sup> NPRM at ¶ 9.

the substantial local programming aired by many broadcasters,<sup>40</sup> the NPRM appears to diminish the value of that empirical record evidence by citing comments reflecting the very unempirical and subjective views of those who would impose new regulations. Almost without exception the “evidence” that the NPRM cites in support of new regulations is no more than subjective opinions or statements of generalized propositions that are incapable of proof or disproof. For example, the NPRM recites that some commenters “feel that broadcasters are not complying with their obligations as public trustees”<sup>41</sup> and that other commenters “conclude that deregulated markets will not provide society with the responsive diverse local broadcast matter that our democracy needs to thrive.”<sup>42</sup> This sort of “evidence” should not and cannot serve as a basis for massive re-regulation.

The NPRM also gives far too much weight to the fact that the Commission received more than 83,000 comments.<sup>43</sup> As the D.C. Circuit has observed, “the substantial evidence standard has never been taken to mean that an agency rulemaking is a democratic process by which the majority of commenters prevail by sheer weight of numbers. Regardless of majority sentiment within the community of commenters, the issue is whether the rules are supported by substantial evidence in the record. The number and length of comments, without more, is not germane to a court's substantial-evidence inquiry.”<sup>44</sup>

Nonetheless, holding up these and other vague assertions of opinion against a substantial and specific record of service by broadcasters to their local communities, the

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<sup>40</sup> *Id.* at ¶ 31-33.

<sup>41</sup> *Id.* at ¶ 34.

<sup>42</sup> *Id.* at ¶ 35.

<sup>43</sup> *Id.* at ¶¶ 9, 142. The great majority of these comments were submitted electronically via the Internet. The FCC apparently believes electronic communications are adequate for meaningful communications between citizens and the government about regulations that would constrain First Amendment rights, but are insufficient to permit routine communications between citizens and broadcasters.

<sup>44</sup> *Natural Resources Defense Council, Inc. v. U.S. E.P.A.*, 822 F.2d 104, 122 (D.C.Cir. 1987) (citing *Association of Data Processing Service Organization v. Board of Governors*, 745 F.2d 677 (D.C.Cir.1984)).

NPRM tentatively concludes that the FCC should “reintroduce renewal application processing guidelines that will ensure that all broadcasters, not just the ones we heard from in this proceeding, provide some locally-oriented programming.”<sup>45</sup> The implication that broadcasters that did not file NOI comments are not serving the public is both unwarranted and wrong. If the Commission is to make assumptions about comments *not* filed it should do so symmetrically. For that reason, the State Associations submit that more than 300 million Americans who did *not* file comments expressing dissatisfaction with broadcasters’ local service or complain at public hearings about broadcaster’s outreach efforts are very satisfied with their broadcast service.

Based on nothing more than opinion and generalized assertions, the NPRM would impose specific procedural guidelines for the processing of renewal applications based on their localism programming performance.<sup>46</sup> Yet in proposing to “reintroduce” processing guidelines the FCC rejected as outdated two decades ago, the NPRM conspicuously fails to recall *why* it abolished those guidelines in the first place. It did so for two reasons. First, based on an extensive and empirical record (including two independent research studies and a third study by the FCC staff), the Commission concluded that the processing guidelines were not necessary to ensure that broadcasters supply sufficient local and non-entertainment programming.<sup>47</sup> The Commission wrote:

Thus, even in a worst case situation elimination of the guidelines would result in an overall level of station performance above the existing standard for local programming. Moreover, the guidelines appear to have no impact on the levels of informational (news and public affairs) programming. Accordingly, it would appear that, absent the current guidelines, overall station performance for informational programming

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<sup>45</sup> NPRM at ¶40.

<sup>46</sup> *Id.* at ¶¶ 40, 124.

<sup>47</sup> *Revision of Programming and Commercialization Policies, Ascertainment Requirements, and Program Log Requirements for Commercial Television Stations*, Report and Order, 98 F.C.C.2d 1075 at ¶¶ 8-19 (1984)

would remain at approximately 15 percent, fully three times the level required by current processing standards.<sup>48</sup>

In reaching this conclusion the Commission noted that UHF stations that were exempt from the processing rule “actually outperformed some of the television stations that remained subject to the guidelines.”<sup>49</sup>

The NPRM also fails to acknowledge the many disadvantages of the processing rule seen by a former Commission that had direct experience with that rule. These disadvantages included “potential conflicts with Congressional policies expressed in the Regulatory Flexibility Act and the Paperwork Reduction Act, imposition of burdensome compliance costs, possibly unnecessary infringement on the editorial discretion of broadcasters, and distortion of the Commission's traditional policy goals in promulgating and monitoring programming responsibilities.”<sup>50</sup> Almost a quarter century ago, on the strength of reams of hard data, the Commission eliminated a rule that was costly, burdensome, possibly unconstitutional and which did nothing to increase the amount of locally responsive programming. Today Americans enjoy thousands more broadcast outlets than they did in 1984, not to mention hundreds of cable and satellite television and radio channels, on-demand programming, and the infinite content of the Internet (much of which is hyper-local).

The record does not support imposition of a new layer of review for broadcast renewal applications, especially when such review is based on whether or not a licensee has broadcast minimum amounts of government-favored content. The NPRM stresses that the Commission has always required broadcasters to serve their local communities and argues that it derives authority to do so from Section 307(b) of the Communications Act, which requires the

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<sup>48</sup> *Id.* at ¶ 18.

<sup>49</sup> *Id.* at ¶ 17.

<sup>50</sup> *Id.* at ¶ 8.

Commission to “make such distribution of licensees, frequencies, hours of operation, and of power among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.”<sup>51</sup> While the FCC has consistently held that broadcasters are obligated to serve the needs and interests of the people in the communities they serve, a proposition with which the State Associations fully agree, that obligation does not require or permit government management of the media content available to all Americans simply because some NOI commenters “feel that broadcasters are not complying with their obligation . . . to air sufficient programming” of a certain type.<sup>52</sup> Those citizens will enjoy the same rights to communicate with the station, review its public inspection file, and challenge its renewal application whether or not the FCC adopts a processing guideline that is coercive, threatening and costly to all broadcasters. If a commenter “feels” that a broadcast station is not meeting its legal obligations he or she has a clear and effective remedy: a challenge to the station’s license renewal application. In mounting a challenge that person may rely on the broadcaster’s published program schedule, what he or she has observed on the air, the broadcaster’s issues/programs lists (and those of competing stations, for comparative purposes), FCC records, the station’s public file, letters from citizens, and many other resources, all of which are readily available.

The Commission states that, in its *Digital Audio FNPRM* proceeding, it is considering whether to extend its TV disclosure reporting requirement using FCC Form 355 to radio licensees. However, given the breadth of this proceeding, the State Associations would be remiss if they did not emphasize here their opposition to such requirement, whether applied to television stations or to radio stations. The State Associations submit that the Commission’s

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<sup>51</sup> NPRM at ¶ 5, quoting 47 U.S.C. § 307(b).

<sup>52</sup> *Id.* at ¶ 34.

action in adopting FCC Form 355 for television station licensees violates, and any future action adopting FCC Form 355 for radio station licensees will violate, Section 326 of the Communications Act and the First Amendment of the United States Constitution.<sup>53</sup> The Commission must “walk a ‘tightrope’ to preserve the First Amendment values written into the Radio Act and its successor, the Communications Act.”<sup>54</sup> The Supreme Court has determined that Congress designed the Communications Act “to maintain – no matter how difficult the task – essentially private broadcast journalism.”<sup>55</sup>

The State Associations believe that the specificity and granularity of the data relating to program content specified under FCC Form 355 reflect “the Commission’s selection among tastes, opinions and value judgments, rather than a recognizable public interest,” and thus, “carry the Commission too far in the direction of the forbidden censorship.”<sup>56</sup> FCC Form 355 has the reasonably foreseeable effect of requiring broadcast stations to air certain content that the government prefers over other content that the government views as having less or no value. The form is highly specific in terms of the specific types of content that it prefers. For example, a television station licensee must report on the number of minutes of locally-produced religious programming aired at no charge. There is no reporting requirement for information about religious programming aired by stations where consideration is exchanged. Thus, it is clear that the Commission sees no value or less value in so-called paid religious

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<sup>53</sup> “Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communications.” 47 U.S.C. Section 326

<sup>54</sup> *Democratic National Committee*, 412 U.S. 94, 117 (1973)

<sup>55</sup> *Id.* at 120.

<sup>56</sup> *Banzhaf v. FCC*, 405 F.2d 1082, 1096 (D.C. Cir. 1968), *cert. denied sub. nom. Tobacco Institute, Inc. v. FCC*, 396 U.S. 342 (1969).

programming and thus encourages the airing of one form of religious content over a different form of religious content.

While the Commission has not (yet) established quantitative minimums for its preferred programming content, the requirement to provide the Commission with minute by minute content data, like the former taping requirement for noncommercial broadcasters which was overturned in *Community-Service Broadcasting* on equal protection grounds, “in its purpose and operation serves to burden and chill the exercise of First Amendment rights by...broadcasters.”<sup>57</sup>

For these reasons, the State Associations submit that the Commission has violated the Communications Act and the First Amendment by adopting its FCC Form 355 requirement for television broadcasters and would be doing so again if it were to extend such requirement to radio broadcasters.

## **2. Voice-Tracking and Basis For Music Playlists**

The Commission seeks comment on whether it should take steps to limit voice tracking, require disclosure, or “otherwise address it.” Voice tracking is simply a technology that provides stations with a measure of flexibility and cost-efficiency in programming and operations. Like any other tool, voice tracking is not inherently “anti-local.” Many stations use voice tracking to promote localism. For example, Horizon Broadcasting notes that small market stations use digital automation systems, including “voice tracking,” to efficiently operate within their small communities by allocating local talent:

Our programming personnel produce one live four-hour program per day, and voice track one additional shift on an alternate station in our service area. This provides us the opportunity to generate quality,

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<sup>57</sup> *Community-Service Broadcasting*, 593 F.2d 1102, 1110 (D.C. Cir. 1978) because the operation of the reporting requirement “serves to facilitate the exercise of ‘raised eyebrow’ regulation” by functioning as “a mechanism, for those who would wish to do so, to review systematically the content of ... programming.”

locally-produced programming for Central Oregon by employees who are paid living wages. Limiting the use of digital automation would force us to adjust our business model, and the net effect would be the sacrifice of high quality, locally-produced programming (i.e., hiring less qualified, lower paid employees).<sup>58</sup>

Radio and television broadcasting is the product of technological innovation, and technical improvements over the last eight decades have steadily enhanced both the amount and the quality of the services broadcasters have been able to provide. There is little doubt that inexpensive recording technology introduced in the middle of the twentieth century resulted in less live programming being broadcast. However, it is also true that the ability to reuse recorded programming led to much greater investment in higher quality programming, made that programming available to more Americans, and enabled the construction and operation of thousands of broadcast outlets that otherwise would not exist. The First Amendment prohibits the Commission from making qualitative determinations about programming based on the technology used to produce it. Moreover, rules that prohibit broadcasters from realizing the flexibility and efficiencies technology provides to other industries, including industries with which commercial broadcasters must compete, would harm broadcasters and local communities. They would also set a regrettable precedent, relegating broadcasting to a technological backwater while the sophistication and flexibility of media outlets steadily improve.

The NPRM concludes that the NOI record does not support prohibiting the use of national playlists or imposition of a rule requiring stations to give airplay to local artists. Nonetheless, the NPRM seeks comment in whether licensees should be required to give the FCC data “regarding their airing of the music and other performances of local artists and how

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<sup>58</sup> *Horizon Comments, supra.*

they compile their stations' playlists, which we would use in our consideration stations' renewal applications in evaluating overall station performance under localism."<sup>59</sup> There is no need for the Commission to collect information about a broadcaster's speech since it cannot revoke a license based on that speech or condition a renewal on a broadcasters' commitment to change its speech.

### **Conclusion**

Almost everyone agrees that "locally-responsive" broadcast programming is a good thing. Similarly, few people would disagree that make-work, excessive paperwork, and government control of the media are bad things. In this proceeding the FCC has set these ideas in opposition, reflecting an opinion that we do not have enough of the former and that the remedy is more of the latter. Over 100 members of Congress and two dozen Senators have plainly expressed their view that mandates from Washington are *not* the right way to foster more and better local programming.<sup>60</sup>

The NOI record shows two things. First, broadcast localism is alive and well in every corner of the United States. Second, you cannot please all of the people all of the time. Allowing a vocal minority of citizens – all of whom have personal rights to challenge the compliance of their local broadcasters with FCC regulations – to justify sweeping, costly and enormously counterproductive regulations on every station across the country in the name of some inchoate beltway concept of "localism" would be a profound disservice to the hundreds of millions of Americans who enjoy the most vibrant, diverse, competitive and accessible free-over-the-air broadcast service on earth. Mike Dudding, Owner/General Manager of the KDSN stations in Denison, Iowa, suggests the FCC actually take the time to listen to small market

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<sup>59</sup> NPRM at ¶ 112.

<sup>60</sup> See Exhibit A at 1 ("While we agree that fostering more and better local programming is a laudable goal, we do not agree that mandates from Washington are the best means of achieving that goal."); Exhibits B and C.

broadcasters before making assumptions about the quality of service they provide: “Small market radio stations understand the importance of a ‘birthday and anniversary show’, a ‘lost and found’ department, ‘play by play of the local high school athletic team’, and ‘a polka party’.”

The proposed rules, individually and collectively, reflect a disturbingly unrealistic view of the practical and economic realities of providing broadcast service in the United States. Since 1990 the number of full power television stations has increased almost 20 percent, and the number of full power local radio stations has increased by more than 30 percent.<sup>61</sup> In a great many cases these new facilities were built and are now operated by truly local broadcasters – operators trying to continue serving their communities and “stay afloat” by adding an FM station to a long time AM operation or expanding into nearby markets. Competition from national media, portable music devices, and Internet services affects small communities too. Even at the hyper-local level, scale and operational efficiency are essential. KGY-AM/FM is a shining example of the kind of localism the FCC wants to encourage, and illustrates the counterproductive outcome of the proposed localism rules. KGY(AM) signed on in 1922 as one of the first broadcast stations in the Northwest, and KGY-FM began operations in 1992. The company has been owned and operated by the same family for decades and is now in its third generation of ownership. The general manager, Dick Pust, has been the KGY morning host for more than 40 years and both he and the station are icons in the community. Every morning he broadcasts a live interview with someone in the community. Later this spring KGY will host a Saturday afternoon remote broadcast from a grade school that will be celebrating its 75th anniversary.

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<sup>61</sup> The number of television stations increased from 1,470 to 1,759, while the number of radio stations increased from 10,819 to 13,977. <http://www.fcc.gov/mb/audio/totals/index.html>.

Yet by the myopic lens of the NPRM, this local Washington state broadcaster just does not live up to Washington D.C.'s standard for local service. Mr. Pust explains why Washington D.C. has this one wrong:

KGY AM and FM operate as a single unit. One cannot exist without the other as neither, at the present time, can generate enough revenue to support itself. KGY AM, licensed to Olympia, devotes the majority of its programming to local news, interviews with local residents, high school sports, local public service announcements, and other locally oriented programming. KGY FM, licensed to nearby McCleary, at town of 1,575 people, is automated. Both studios are at the same Olympia address where they have 24/7 "live body" supervision. Both stations share the same staff, which includes a full time News Director who covers stories that are used on both stations. But the combined KGY AM & FM doesn't generate enough revenue to pay for separate studios and the additional staff that would be required. In short, both stations would be forced off the air and Olympia would be left without its traditional primary source of local news and information.

There are many, many broadcasters just like KGY. The tragedy of this proceeding is the profound harm it will cause to the very stations already super-serving their communities. If the FCC insists on broadcast regulation from the era of the fifties, sixties and seventies, when there were far fewer broadcast stations, it must consider that the number of broadcast outlets may well contract to the levels of forty years ago or even further.

The NOI does not support the crushing regulatory burden that the NPRM proposes to place on broadcasters. The supposed benefits to be gained from a meaningless and constitutionally suspect set of one-size-fits-all quotas are imprecise, unsubstantiated and speculative. The proposed rules would force stations to spend huge amounts of money – in many cases more than their annual revenue – to relocate their studios. It would force stations to reduce hours of operation and reduce staff and to allocate remaining staff to filling out forms detailing compliance with government quotas on speech. It will vastly increase the legal and regulatory compliance costs of all broadcasters, consuming funds that could better be used to

improve and expand the service they provide. The most economically tenuous broadcast operations, including many of those with small coverage areas, those serving rural areas, and those serving the most niche markets, will simply find that continuing to broadcast is no longer an economically sensible proposition.

The State Broadcasters Associations respectfully urge the Commission to avert these calamitous effects by terminating this proceeding with a firm rejection of all of the proposed rules.

Respectfully submitted,

**NAMED STATE BROADCASTERS  
ASSOCIATIONS**

By:           /s/ Richard R. Zaragoza            
Richard R. Zaragoza  
John K. Hane  
Emily H. Daniels

*Counsel in this matter for the following State  
Broadcasters Associations:*

Alabama Broadcasters Association, Alaska Broadcasters Association, Arizona Broadcasters Association, California Broadcasters Association, Colorado Broadcasters Association, Connecticut Broadcasters Association, Georgia Association of Broadcasters, Hawaii Association of Broadcasters, Idaho State Broadcasters Association, Illinois Broadcasters Association, Indiana Broadcasters Association, Iowa Broadcasters Association, Kansas Association of Broadcasters, Kentucky Broadcasters Association, Louisiana Association of Broadcasters, Maine Association of Broadcasters, MD/DC/DE Broadcasters Association, Massachusetts Broadcasters Association, Michigan Association of Broadcasters, Minnesota Broadcasters Association, Mississippi Association of Broadcasters, Missouri Broadcasters Association, Nebraska Broadcasters Association, Nevada Broadcasters Association, New Hampshire Association

of Broadcasters, New Jersey Broadcasters Association, The New York State Broadcasters Association, Inc., North Dakota Broadcasters Association, Oklahoma Association of Broadcasters, Oregon Association of Broadcasters, Pennsylvania Association of Broadcasters, Rhode Island Broadcasters Association, South Dakota Broadcasters Association, Tennessee Association of Broadcasters, Texas Association of Broadcasters, Utah Broadcasters Association, Vermont Association of Broadcasters, Washington State Association of Broadcasters, West Virginia Broadcasters Association, Wisconsin Broadcasters Association, Wyoming Association of Broadcasters

Dated: April 28, 2008

**EXHIBIT A**

**Congress of the United States**  
**Washington, DC 20515**

April 15, 2008

The Honorable Kevin J. Martin, Chairman  
The Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Suite 844  
Washington, D.C. 20554

Re: *Report on Broadcast Localism and Notice of Proposed Rulemaking*,  
MB Docket No. 04-233

Dear Chairman Martin,

We are writing you today regarding the recent news that the Federal Communications Commission is considering a radical re-regulation of our nation's broadcast system in the pending "localism" proceeding. It is our understanding that the Commission is set to turn back the clock on decades of deregulatory progress by imposing a series of new and burdensome regulations on broadcasters. We urge you to reconsider these actions.

While we agree with the Commission that fostering more and better local programming is a laudable goal, we do not agree that mandates from Washington are the best means of achieving that goal. Indeed, the tentative conclusion in the localism proceeding to effectively force broadcasters to air programming that fits pre-ordained categories creates clear constitutional concerns. In addition, mandating how broadcasters interact with their communities, such as by forcing licensees to form permanent advisory boards, would require layers of bureaucracy that weigh down the marketplace, and unfairly burden broadcasters while leaving other media, including cable, satellite and Internet, free to compete without comparable government interference.

We also must focus on a pair of proposed re-regulations that could cost the broadcast industry millions of dollars in unnecessary costs. According to the recently released *Report on Broadcast Localism*, the Commission is considering the reinstatement of two particularly archaic policies that had long been abandoned – the rule that required broadcasters to maintain their main studio only within the community of license and the rules regarding unattended technical operation of broadcast facilities.

The first rule, also known as the Main Studio Rule, was relaxed in 1987 when the Commission decided that forcing broadcasters to maintain their main transmitting studio within, and only within, the community of license was overly restrictive and unnecessary. The rule was further relaxed in 1998 to level the playing field between large and small broadcasters, and to allow broadcasters with multiple licenses in an area to co-locate main studios and combine resources, significantly reducing administrative costs. This rule change, which allows stations to now place their main studio within their primary listening area, was consistent with the Telecommunications Act of 1996 and gave licensees much needed flexibility.

Reverting back to out-of-date rules would impose significant costs on broadcast licensees that have made good faith investments based on the rule changes, costs that will harm broadcasters' ability to serve the public interest. Further, the stated goal of the reregulation, namely to "encourage

broadcasters to produce locally originated programming,” requires a logical leap that has no place in government regulation, and is a thinly guised method of controlling broadcast content.

The second rule change under consideration would require broadcasters to maintain a physical presence at every broadcasting facility during all hours of operation. The old rule requiring broadcasters to keep a licensed radio operator at the transmitter site at all hours was abandoned in 1995 after the Commission deemed it “superfluous” and archaic in light of modern technology. Technology hasn’t reverted – so why go back? If there is a concern about emergencies, then it seems that focusing on reforming emergency training and education would be a more rational approach than penalizing every local broadcaster in the country with unnecessary labor costs.

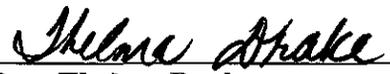
We appreciate your attempts to improve local media, but we disagree with your proposed methods. Any approach to regulate media that violates constitutional principles, or unnecessarily burdens the industry when other, less burdensome methods are available, should be discarded.

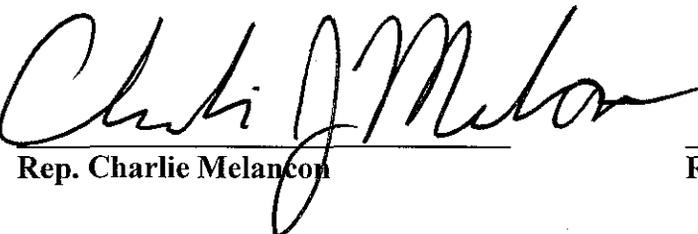
Sincerely,

  
Rep. Mike Ross

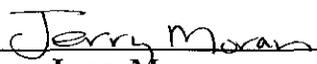
  
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Rep. John Barrow

  
Rep. Thelma Drake

  
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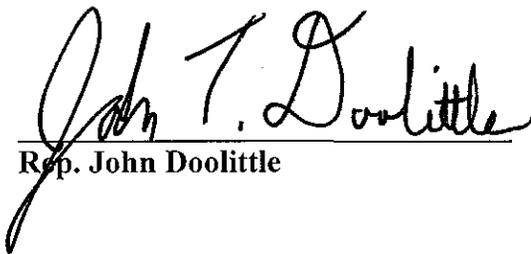
  
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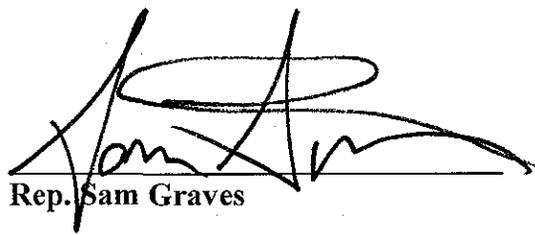
  
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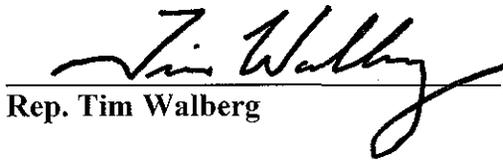
  
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Rep. John Boozman

  
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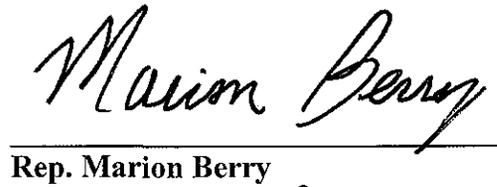
  
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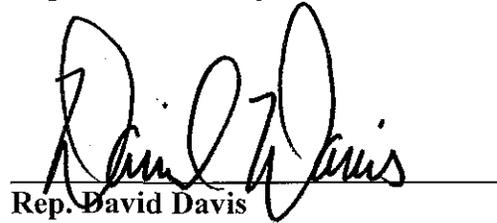
  
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Rep. Joe Wilson

  
Rep. Steve King

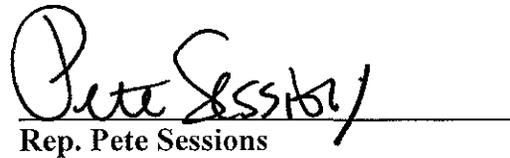
  
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Rep. Ron Paul

  
Rep. David Davis

  
Rep. Joe Porter

  
Rep. Collin Peterson

  
Rep. Pete Sessions

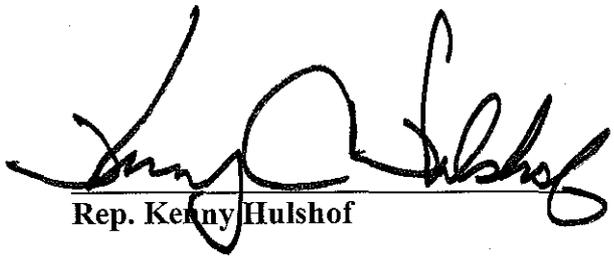
  
Rep. Mary Fallin

  
Rep. Shelley Moore Capito

  
Rep. Steve Chabot



Rep. Joseph Pitts



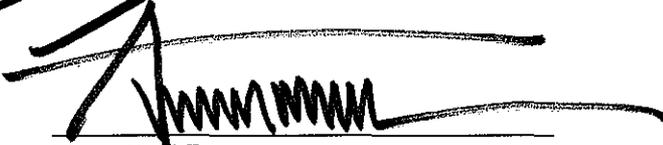
Rep. Kenny Hulshof



Rep. Lincoln Davis



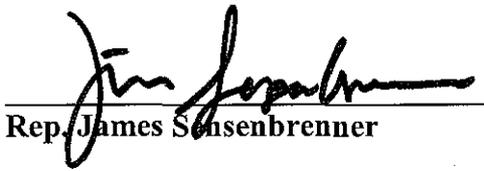
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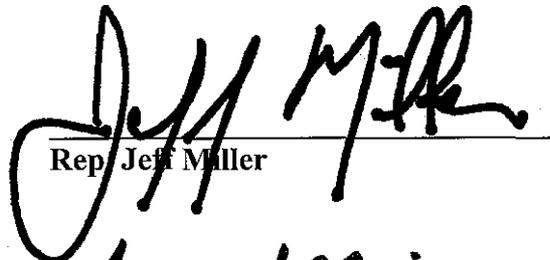
Rep. Ted Poe



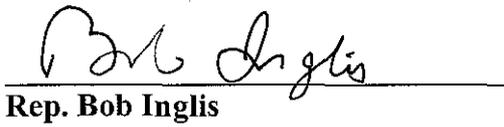
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Rep. James Sensenbrenner



Rep. Jeff Miller



Rep. Bob Inglis



Rep. Gary Miller



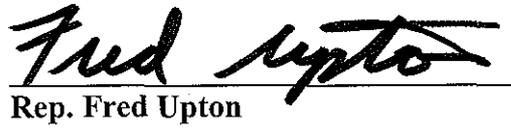
Rep. Cathy McMorris Rodgers



Rep. Greg Walden



Rep. Gresham Barrett



Rep. Fred Upton



Rep. Dan Burton



Rep. Bill Sali



Rep. Lamar Smith



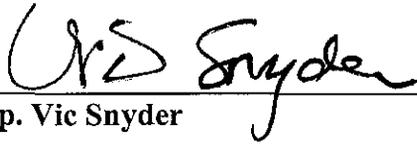
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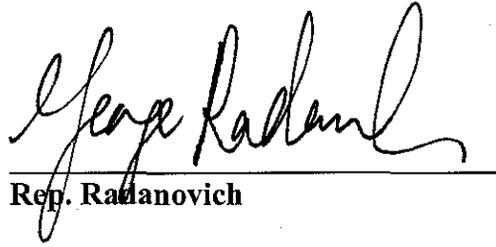


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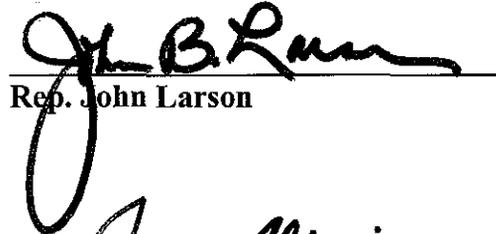


Rep. Tom Feeney

  
Rep. Vic Snyder

  
Rep. Radanovich

  
Rep. Michael McCaul

  
Rep. John Larson

  
Rep. Rodney Alexander

  
Rep. Jason Altmire

  
Rep. Robert Aderholt

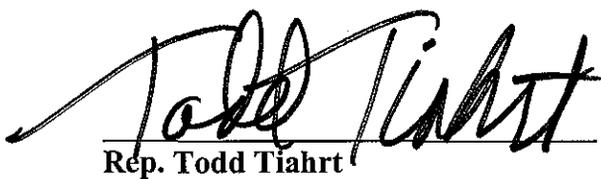
  
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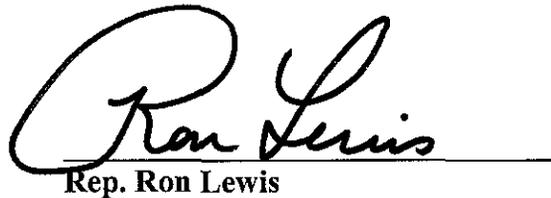
  
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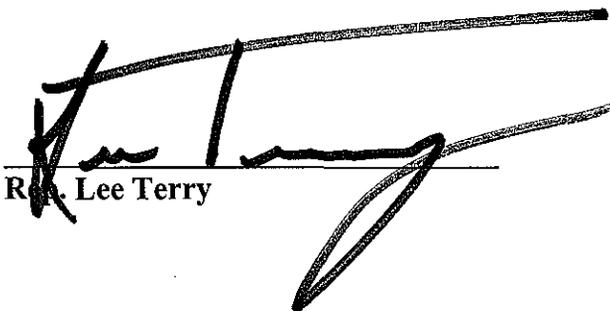
  
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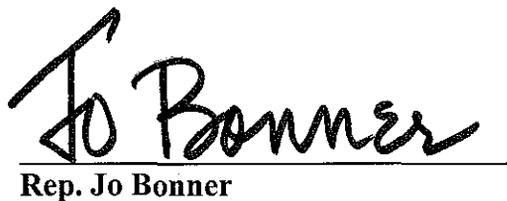
  
Rep. Virgil Goode

  
Rep. Steve Pearce

  
Rep. Todd Tiahrt

  
Rep. Ron Lewis

  
Rep. Lee Terry

  
Rep. Jo Bonner

*Mike Rogers (AL)*

Rep. Mike Rogers (AL)

*James Walsh*

Rep. James Walsh

*John Spratt*

Rep. John Spratt

*Chris Cannon*

Rep. Chris Cannon

*Mary Bono Mack*

Rep. Mary Bono

*Heath Shuler*

Rep. Heath Shuler

*Candice Miller*

Rep. Candice Miller

*Darrell Issa*

Rep. Darrell Issa

*Chef Edwards*

Rep. Chef Edwards

*Connie Mack*

Rep. Connie Mack

*Tom Price*

Rep. Tom Price

*John Shimkus*

Rep. John Shimkus

*Jim Jordan*

Rep. Jim Jordan

*Wally Herge*

Rep. Wally Herge

*Dennis Rehberg*

Rep. Dennis Rehberg

*Ed Whitfield*

Rep. Ed Whitfield

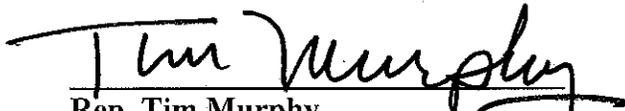
*Sue Myrick*

Rep. Sue Myrick

*John Carter*

Rep. John Carter

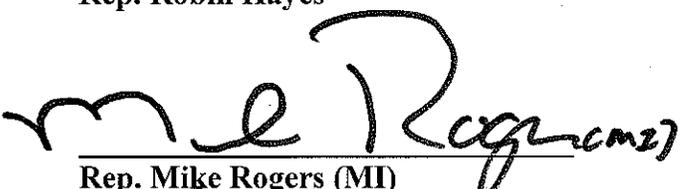
  
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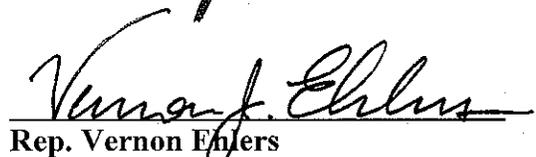
  
Rep. Tim Murphy

  
Rep. Rick Boucher

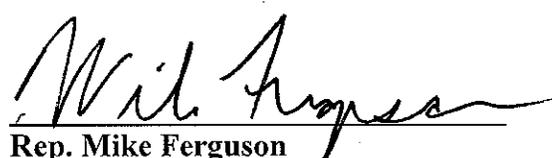
  
Rep. Robin Hayes

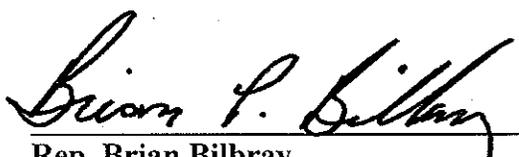
  
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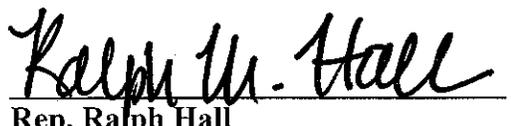
  
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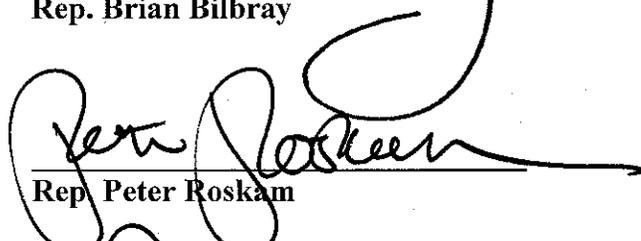
  
Rep. Vernon Ehlers

  
Rep. Adrian Smith

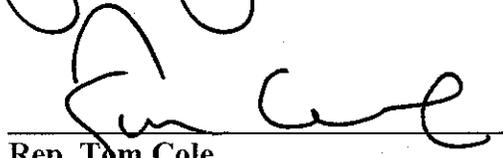
  
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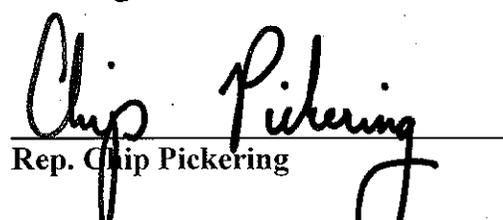
  
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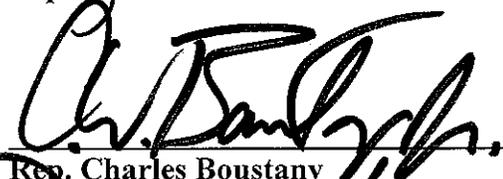
  
Rep. Ralph Hall

  
Rep. Peter Roskam

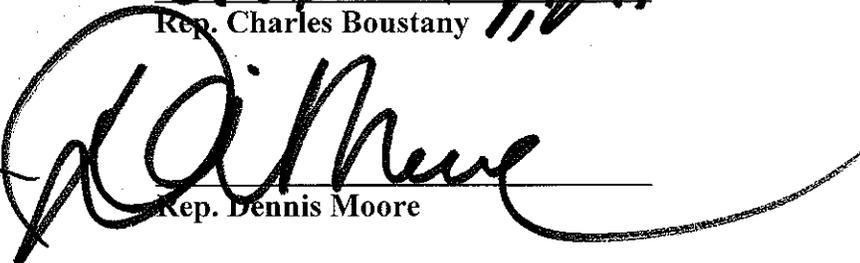
  
Rep. Doug Lamborn

  
Rep. Tom Cole

  
Rep. Chip Pickering

  
Rep. Charles Boustany

  
Rep. C.A. Dutch Ruppersberger

  
Rep. Dennis Moore

  
Rep. Ben Chandler

  
Rep. Bart Gordon

*Vito Fossella*

Rep. Vito Fossella

*Artur Davis*

Rep. Artur Davis

*John Shadegg*

Rep. John Shadegg

*Nancy Boyda*

Rep. Nancy Boyda

*Heather Wilson*

Rep. Heather Wilson

*John Culberson*

Rep. John Culberson

*Steve Buyer*

Rep. Steve Buyer

*Michele Bachmann*

Rep. Michele Bachmann

*John Kline*

Rep. John Kline

*Ken Calvert*

Rep. Ken Calvert

*Trent Franks*

Rep. Trent Franks

*Allen Boyd*

Rep. Allen Boyd

*Peter Hoekstra*

Rep. Peter Hoekstra

*Ron Kind*

Rep. Ron Kind

*Spencer Bachus*

Rep. Spencer Bachus

*Lincoln Diaz-Balart*

Rep. Lincoln Diaz-Balart

*Don Young*

Rep. Don Young

*Harold Rogers*

Rep. Harold Rogers

*Terry Everett*

Rep. Terry Everett

*Tom Petri*

Rep. Tom Petri

*Joe Donnelly*

Rep. Joe Donnelly

*Henry Cuellar*

Rep. Henry Cuellar

*John Lewis*

Rep. John Lewis

**EXHIBIT B**

# United States Senate

WASHINGTON, DC 20510

April 24, 2008

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Mr. Chairman:

We write regarding the Commission's Report on Broadcast Localism and Notice of Proposed Rulemaking. While we appreciate some of the Commission's conclusions, we have substantial concerns regarding certain proposals in the Report that look to bygone regulations for instruction on today's evolving and highly competitive media industry.

We are most concerned with the imposition of permanent advisory boards and the creation of redundant and burdensome requirements for license renewal. Nationwide, many broadcasters actively engage their audiences to ensure that they meet their public interest requirements. It is wholly unwarranted to force all licensees to adhere to a blanket regulatory regime that does not account for the diverse needs and challenges of communities across the nation, and the measures that many broadcasters are already taking in this regard. Such an approach is at direct odds with the policy goal of ensuring our country's broadcasters serve the communities within which they operate.

Implicit in some of the Report's proposals are clear Constitutional concerns regarding the specter of government regulated content. Local licensees are compelled by financial and fiduciary imperatives to provide responsive, community oriented programming. If a particular licensee is not meeting the local interests of a given community, listeners and viewers may turn to another source. Additionally, unlike other media outlets that broadcasters compete with, licensees have a number of public interest requirements that they are already required to meet. Moreover, communities have a means of recourse through existing regulations to address complaints if their local broadcasters fail to meet statutory public interest obligations.

Additionally, the Main Studio Rule and the requirement that broadcasters maintain a physical presence at every facility during hours of operation belie the fact that advances in technology make these burdensome regulations needless in today's marketplace. These proposals will strap revenue and tie up limited resources, resulting in a reduced ability to provide quality, community oriented programming. Indeed, reinstating the Main Studio Rule would require broadcasters to make significant and redundant investments in facilities and personnel simply to continue serving the same listening audience. This would undercut the very efficiencies that allow many broadcasters to operate in today's market.

In regards to emergency information, broadcasters throughout the nation have consistently played a leading role in issuing timely warnings and disseminating public assistance information. To be sure, it is due to advances in technology that it is not always necessary to have a physical presence in the studio during all hours of operation. All broadcasters should be able to take advantage of advances in technology that improve their ability to better serve their audiences.

We recognize the Commission's unique obligation to the public, and its commitment to ensure appropriate use of the nation's airwaves. However, we urge the Commission to heed the concerns of responsible licensees that would be unjustifiably penalized by regulations intended to address the alleged shortcomings of other, unaffiliated stations.

Sincerely,



Pat Roberts  
United States Senator



Sam Brownback  
United States Senator



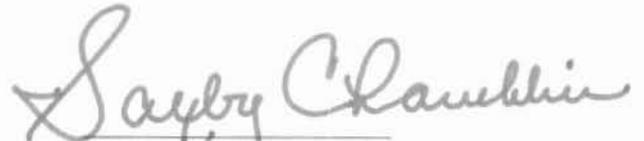
Pete Domenici  
United States Senator



David Vitter  
United States Senator



Robert Bennett  
United States Senator



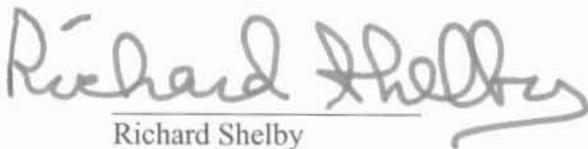
Saxby Chambliss  
United States Senator



Christopher Bond  
United States Senator



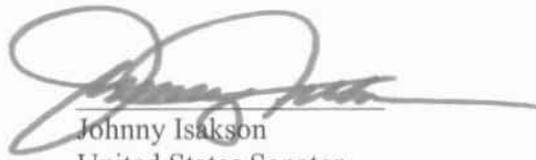
John Barrasso  
United States Senator



Richard Shelby  
United States Senator



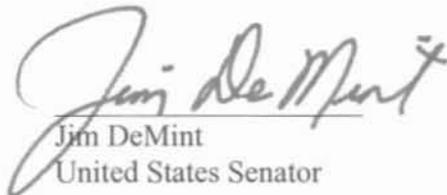
Michael Enzi  
United States Senator



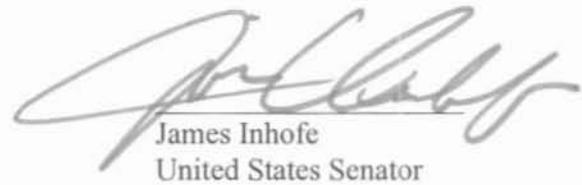
Johnny Isakson  
United States Senator



Jeff Sessions  
United States Senator



Jim DeMint  
United States Senator



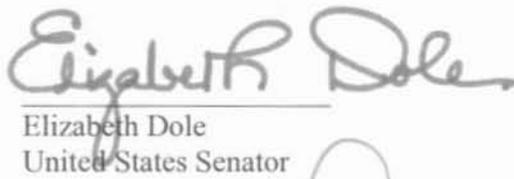
James Inhofe  
United States Senator



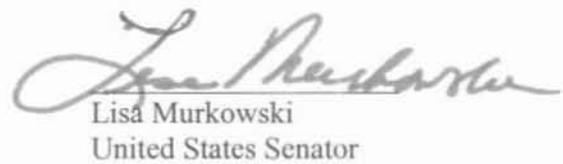
Larry Craig  
United States Senator



Wayne Allard  
United States Senator



Elizabeth Dole  
United States Senator



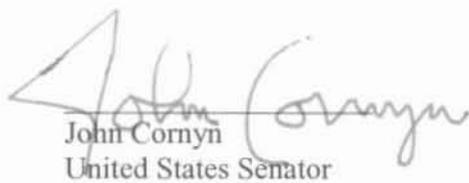
Lisa Murkowski  
United States Senator



John Thune  
United States Senator



Chuck Hagel  
United States Senator



John Cornyn  
United States Senator



Lindsey Graham  
United States Senator



Norm Coleman  
United States Senator

**EXHIBIT C**

# United States Senate

WASHINGTON, DC 20510-1804

April 24, 2008

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

RE: Media Bureau Docket Number 04-233

Dear Chairman Martin:

Because of my desire to be responsive to all inquiries and communications from my constituents, I respectfully request your attention to the enclosed correspondence regarding the Federal Communications Commission's (FCC) proposed rulemaking on broadcast localism.

Local broadcasters serve a vital role in communities across Louisiana, and their contributions have been even more apparent in the years following hurricanes Katrina and Rita and the failure of the federal levee system. Our broadcasters are integral members of the communities they serve, providing critical disaster information to the people of our state and often casting competitive business interests aside to better serve their viewers and listeners.

The Commission should take care so as to not overburden local broadcasters with punitive regulation prompted by the failures of a few. Indeed, broadcasters must be active in their communities and solicitous of their input. Voluntary advisory boards are a commendable approach to doing so when practical, and should most certainly be encouraged. However, a new federal mandate may be unnecessarily excessive. Web sites and other technologies also make it possible for the FCC to better advise citizens of pending license renewals, and broadcasters are today afforded new avenues by which to solicit and appreciate community feedback. I commend the Commission for the steps it has already taken in this regard.

Small, independently-owned stations, so common in Louisiana, would feel the brunt of new, localized federal regulation. With staffs of just a few people, the additional paperwork and other proposed burdens could be devastating to small stations already struggling to compete against larger companies in a crowded marketplace. These stations are often locally or family-owned and routinely provide the best examples of community involvement – without any federal mandate compelling them to do so. Where stations do not meet community standards, the market and other existing regulatory avenues already exist to hold them to account.

I also draw your attention to the Commission's proposal to reinstate rules regarding unattended station operation and the location of stations' "Main Studios." As you know, similar

rules were previously relaxed as technology was developed to allow remote and automated management of broadcast facilities. These technologies allowed stations in Louisiana to better serve their communities by dramatically expanding their available programming. It also allowed several small broadcast businesses to remain viable despite rising costs, thereby keeping an important voice on the air in their communities.

But perhaps most importantly, this technology provides the capability for broadcasters to remain on the air when station facilities are destroyed or station personnel are forced to evacuate ahead of a disaster. As a Senator from a hurricane-prone state and the Chairman of the Senate Homeland Security and Governmental Affairs Committee Disaster Recovery Subcommittee, I believe we should promote such technical investment, not inhibit it. As such, I am concerned that the rules being considered would unduly stall these advances, and as a result, limit the tools available for broadcasters to continue serving their communities in times of peril.

I appreciate that the FCC's intended goals for this measure include ensuring personnel are on-site to act on alerts from local emergency management officials, and commend the Commission for its attention to our disaster warning infrastructure. Maintaining this communications chain is essential, and that is why I am supportive of efforts by the Federal Emergency Management Agency (FEMA) to expand its warning systems and provide more coordination with state and local officials. Through such coordination and technical advancement, I believe the FCC's goals for this measure can be achieved without handicapping stations' capabilities when their viewers and listeners need them the most.

Thank you for giving my constituents' concerns every appropriate consideration, within applicable guidelines, during your review. I look forward to working with you to craft policies that rightly encourage community engagement without inhibiting disaster communications or further burdening already-strained Louisiana business owners. Your point of contact in my office should be Adam Sharp, my Deputy Chief of Staff, at [adam\\_sharp@landrieu.senate.gov](mailto:adam_sharp@landrieu.senate.gov) or (202) 224-0098.

With warmest regards, I remain

Sincerely,

  
Mary L. Landrieu  
United States Senator



*Acadiana's News Leader*

**Mike Barras** • President/General Manager

1808 Eraste Landry • P. O. Box 90665 • Lafayette, LA 70509 • 337.981.4823 • Fax 337.984.8323

April 17, 2008

The Honorable Mary Landrieu  
United States Senate  
Washington, D.C. 20510

Dear Mary,

The purpose of this letter is to make you aware of FCC's proposal to regulate "localism" in broadcasting. In my opinion, shared by some of my colleagues, this will overly burden Television and Radio stations with, yet, another un read report required by the FCC.

Aside from all of the public service announcements and live interviews to help local families and organizations, all television and radio stations file quarterly reports that are of concern from the public. Each quarter, KLFY meets with, not only community leaders, but with the everyday public to determine what issues are important to them. Drugs, Crime, Traffic, Economic conditions, and Health concerns are but a few of their concerns. KLFY, through it's public service programming, Newscasts and public service announcements takes special care to address those issues. As you can well imagine "Post Hurricane Recovery" items were of great interest, not only to the New Orleans area, but all of Acadiana.

I would hope that you realize that Television and Radio Stations are committed to serving in the public interest and that we have demonstrated that commitment.

Please use your influence to stop the FCC from putting more burdensome work on the Broadcast Media.

Thank You,

A handwritten signature in cursive script that reads "Mike".

Mike Barras, KLFY-TV  
President/General Manager



Y O U N G   B R O A D C A S T I N G   O F   L O U I S I A N A ,   I N C .

# KWCL-FM BROADCASTING

*P.O. Box 260  
230 E. Main Street  
Oak Grove, L.A. 71263  
318-428-9670  
318-428-2476(fax)  
[kwcl@bellsouth.net](mailto:kwcl@bellsouth.net)*

**Senator Mary Landrieu  
724 Hart Senate Building  
Washington , D.C. 20510**

**Dear Senator Landrieu,**

**It is my understanding that you will be sending a letter to the FCC regarding the issues facing broadcasters and the changes they have proposed.**

**As a small radio station in Northeast Louisiana, we have served this region for 50 years this year. There are already many rules and regulations on the books that we are required to follow and adding more makes it extremely burdensome on a station that only employs 4 people. Requiring more staff in order to man the studios 24 hours a day would financially destroy me..if I could even find the people to do it.**

**As a small station we are a large voice for our community. Modern technology has allowed us the ability to serve this area 24 hours a day seven days a week and if an emergency arises, we can be contacted and respond immediately. Our officials know we can be counted on to reach the public and have many times requested us to do so.,especially during bad weather, when we are faced with the threat of high winds and tornadoes.**

**At the present time we are an especially vital part of the fifth district levee board keeping our people informed of the river stages and the condition of the levees that protect us from floods.**

**We are on a personal, first name basis with our local officials on the police jury, school board and the city administration, as well as our State Representatives ,Senators and our Congressman. All of these people utilize our facilities to keep the public informed of the many steps being taken to serve and protect them and their rights. Further rules and regulations could possibly take this facility away from these people due to the added increase to the cost of operation. We work with a very limited budget and wear a very tight belt.**

**We appreciate your assistance.**

*Irene Robinson*  
**Irene Robinson  
President  
KWCL-FM**



# Ville Platte Broadcasting Co., Inc.



April 18, 2008

Honorable Mary Landrieu  
United States Senate  
Hart Office Building  
Washington, DC

Re: Broadcast Localism Notice of Proposed Rulemaking

Dear Senator Landrieu:

I would like to express my feelings as a small market broadcaster that many of these proposals will bring undue hardship on us. We pride ourselves on serving the local community. When KVPI AM first signed on in 1953, our call letters stood for Keeping Ville Platte Informed and Entertained. I feel we have kept trust to our community and to the Federal Communications Commission.

Requiring Main Studios to be physically located in a station's community of license proposal: We are already following it. We are licensed to serve Ville Platte and Evangeline Parish and we are located in Ville Platte. However, I know this would be bring undue financial hardships to many of my fellow broadcasters if they would be forced to move studio locations. I feel in most cases, these broadcasters are serving their station's community of license.

Eliminate unattended operation of broadcast stations proposal: This proposal would cause us to sign off during the overnight hours. Currently we are unstaffed from 9:00pm till 6:00am the next morning. We can not justify paying someone to work the overnight hours. Currently we have emergency officials who have our cell phone and contact numbers to reach us in an emergency during unstaffing times. We also have our EAS to automatically activate for weather and other bulletins at all times.

Programming requirements for processing license renewal applications proposal: We have been programming local community service programming throughout the year not only during license renewal times. We have won awards for our community service programming. We offer local news, public affairs programming, political coverage and all sorts of local programming.

809 West LaSalle Street • P.O. Box J • Ville Platte, Louisiana 70586  
Phone: 337-363-2124 • Fax: 337-363-3574 • www.oldies925.com • e-mail: KVPI@cebridge.net

Proposal for a Community Advisory Board- I am concerned about this proposal. If we are not serving the local community, I could understand the possible need for such a board. I am troubled by several questions: Who would choose this board? How often would they meet? Would they receive some type of remuneration for their trouble?

On the proposal for play lists, we are programming more local and area artists than most stations in our area. We have no problem following this offer because we personally want to support and promote our Louisiana artists. However, I don't feel the government has any business in this regard. The licensee should be afforded the opportunity to decide on how best to serve his or her local community.

As a small market broadcaster, it is a struggle to make ends meet. The last thing we need is more government regulation and oversight. If there is a problem with a particular licensee at license renewal time, address the problem with them, don't throw out the baby with the bath water by saddling every broadcaster with tough new regulations.

Thank you for permitting me to express my personal views on the Localism Notice of Proposed Rulemaking Proceeding.



Mark Layne  
General Manager  
KVPI AM/FM  
Ville Platte, Louisiana

**Z-107.5**  
#1 Choice for Country

**ESPN**  
RADIO 97.7

The Peach  
**99.3 FM**  
Hits of the 60's & 70's

1490 am  
**KRUS**  
Black Gospel / Blues

4-17-08

Dear Senator Landrieu,

Small market broadcasters, like myself, are asking for your help. The FCC has been misled into thinking that local radio isn't local any longer. Our 4 local radio stations in Ruston, Louisiana are very local. We don't need costly rules by the FCC to force us to do our job. We would deeply appreciate anything that you can do, to stop these misguided regulations being forced upon us.

We've won over 20 "Radio Station of the Year" awards from The Louisiana Association of Broadcasters, because of our local service to the community. We do air local public service programming. We air programming that brings local issues to the public. We do air local radio newscasts. We do air thousands of local public service announcements.

Like any other industry these days, we've had to tighten our belts. We do operate with a few less people than years ago, but that doesn't mean we aren't serving our community.

I don't feel these proposed rules, from the FCC, are necessary. Some of these proposed changes won't add more localism, because they will force small broadcasters to cut back on hours of operation and services.

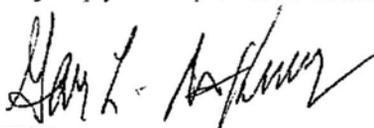
I understand what it means to "serve the public interest". I'm a career broadcaster who has always strived to serve the public, with our radio stations.

Quickly, let me give you a few examples of local programming that we do.

- We air a Lincoln Leader's Program each Thursday, featuring local leaders discussing issues and events that are important to our residents. Recent guests have included the District Attorney, Louisiana State Representative, School Board President, Police Jurors, New Ruston Police Chief, and the Lincoln Parish Sheriff.
- We air a "Chamber Update" show 2 times every Tuesday, featuring our Ruston-Lincoln Chamber President discussing Chamber events and important issues in the Parish.
- We develop and read 6 local morning drive newscasts every weekday. We also air Louisiana Network News, from Baton Rouge, so listeners can keep up with the Louisiana legislature and other state news.
- We help charities raise much needed local funds, by sponsoring and participating in fundraising events. Many feature live radio remotes.
- We raise money and awareness for our Local Domestic Abuse Resistance Team, with a radiothon each fall.
- We raise over \$150,000 annually for St Jude's Children's Research Hospital. (many Louisiana children have cancer and go to this free hospital)
- We air thousands of public service announcements every year for local civic groups, local governments, local church groups, and area charities.

Thank you for any help you can provide Louisiana broadcasters.

Respectfully,



Gary L. McKenney  
General Manager KXKZ, KNBB, KPCH, KRUS  
P.O. Box 430 500 North Monroe Street  
Ruston, Louisiana 71270