

Report on Broadcast Localism and Notice of Proposed Rulemaking
MB Docket No. 04-233
Formal Comments
By
Family Life Communications Incorporated
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- I. Family Life Communications Incorporated (“FLCI”) is an Arizona non-profit sole member of Family Life Broadcasting System, licensee to eight full-service radio stations¹ and Family Life Broadcasting, Inc., licensee to ten full-service radio stations². All radio stations are operated as noncommercial stations.
- II. In MB Docket No. 04-233 (“Report”), the Commission proposes to replace the Quarterly Issues and Programs List with a standardized form to measure the station’s performance in airing programming that is connected to the community. The Report requests comment on whether the Commission should adopt rules that utilize a standard disclosure form as was presented in the Commission’s “Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations”, MM Docket No. 00-168 released January 24, 2008. Parts “2” and “3” of the “Standardized Television Station Disclosure Form” in Appendix B appears to FLCI as needing major revision to simplify it for radio stations while also serving the Commission’s purpose of disclosure of radio licensee’s activities and results in producing and airing program that helps meet the needs of radio stations’ communities of license. FLCI respectively proposes that the contents of parts “2” and “3” of the form be simplified such as is shown in Appendix A of these Formal Comments.
- III. The Commission proposes in its Report that radio stations place most of the contents of their public inspection file onto the station’s website. FLCI applauds the Commission for utilizing this technology that has become routine for radio stations as well as radio listeners to utilize for stations’ communications purposes. While there will be quite an expense in staff time to initially scan and upload the contents of our radio stations’ public inspection files onto our stations’ websites, it is anticipated that maintenance of that part of our stations’ websites should not take much time.
- IV. The Commission proposes to modify the requirement that licensee’s air their pre-and post-filing announcements in connection with their license renewal applications to add a requirement that those announcements be posted on their stations’ websites. It is proposed that this would increase the public awareness and participation in the license renewal proceedings. FLCI believes that the Commission’s objectives will be accomplished by expanding the communication of the renewal announcements onto stations’ websites. This will generate greater participation by the public but will likely mean many more objections to radio station renewals. This will likely slow down the Commission’s renewal process and place many more stations in at least temporary jeopardy of their license being renewed. Thus, FLCI proposes the Commission establish a non-mandatory “localism standard of performance” for radio stations that will provide the licensee with renewal expectancy if it

¹ WUGN(FM), WUFL(AM), WUNN(AM), WUFN(FM), KFLT(AM), KFLB(AM), KFLQ(FM), and KWFL(FM).

² WJTF(FM), WJTG(FM), WJTY(FM), KJTY(FM), KJTA(FM), KFLR(FM), KFLT-FM, KFLB-FM, KAMY(FM), and KRGN(FM),

performs to the standard and appropriately documents such performance. Under Section 309(k) of the Communications Act, the Commission is to grant a renewal application (i.e. renewal expectancy) if it finds that:(1) the station has served the public interest, convenience and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse. Such a standard if performed and documented could provide to the Commission the evidence that the station has served “the public interest, convenience and necessity,” one important part of renewal expectancy.

- V. In its Report the Commission tentatively concluded that each licensee should convene a permanent advisory board made up of officials and other leaders from the service area of its broadcast station. The Commission seeks comment on whether such a board will be able to alert each broadcaster to issues that are important to its community of license. FLCI believes such a permanent board is not necessary to accomplish the important job of ascertaining unmet needs in our communities of license. FLCI regularly undertakes ascertainment of unmet needs in our communities of license without such a permanent board. Our staff surveys the needs of community leaders every quarter. That data is then provided to the programming department to help them determine what features to produce and air. For example, we learned a month ago from a community survey in Albuquerque that “too often the faith community shuns the needs of families of prisoners who undergo dramatic changes. Often the one who cares for the children is suddenly thrown into the midst of having to also be the ‘other parent’ – bread winner, tutor/teacher/mentor, car mechanic and a variety of other rolls. Those families have to deal with isolation, shame, embarrassment, hurt, loss of a loved one, and anger.” Within a few minutes after that information was sent to the programming department one of the managers contacted the local staff to obtain source material for a feature to be aired. This process is efficient and effective, both qualities of which are extremely important to noncommercial listener-supported radio stations. We believe that developing formal permanent advisory boards would most likely be neither effective nor efficient in accomplishing the same objective currently being met.

We do not believe a community advisory board made up of primarily community agency leaders who are elected or appointed by an entity other than the station will deliver the results of quality community input that the Commission desires. Participation in many formal ascertainment interviews of leaders of community help agencies in the past has shown that when asked “what are the unmet needs of this community”, most harped on how their agency is not getting the financial and governmental support and broadcast visibility it needs. This does not provide the type of information that can be useful to the station’s programming staff. But even a greater threat than poor effectiveness would exist if the Commission mandated such a permanent community advisory board.

We believe there could be a major threat to the continued existence of listener supported noncommercial radio stations whose educational and programming objectives are to provide for the educational and spiritual needs of families. That threat would occur if permanent “advisory” boards were made up of members who did not agree with the station’s educational and programming objectives. They could easily be divisive to our stations’ objectives and counter productive to our desire to become aware of and develop programming to help meet the needs of our communities. This can occur because many people, even leaders, believe there should be no place for faith in our culture even though many faith-based groups who are having a positive impact in helping to meet needs of

underserved parts of our communities. The involvement of such individuals in a formal advisory group would be very counterproductive to the stations' and the Commission's purpose of exposing the station to the needs of underserved portions of our communities.

However, we believe an informal station advisory group can be of assistance to stations if its members would be made up of government, business, local agency, and church leaders in the community who agree with the station's educational and programming objectives. They would clearly understand that their only roll is to be additional helpful "sets of eyes" in the community who provide input on unmet needs to underserved portions of their community. We further believe the most effective and efficient way to accomplish that is for stations to appoint members from among the civic, business, religious, minority and community agency leaders along with at least one "non-leader" station listener.

- VI. In its Report, the Commission requests input on what informal efforts could stations undertake to gather and document information from citizens to learn of unmet needs of its community of license. Here is a short list of such "low-cost" and yet effective ways to obtain informal input:
1. The station establishes a telephone line to record such comments. It would be almost impossible for callers to limit themselves to just the subject of unmet community needs;
 2. The station develops a web form that outlines the various types of needs in which the commenter can select which need (or "other need") pertains to their written comment. It would take less time to gather, utilize and document information from a web form than from the telephone.
- VII. The FCC is considering as part of the Digital Audio Further Notice of Proposed Rulemaking a requirement that licensees maintain a physical presence at each radio broadcast facility during all hours of operation. The stated reason is to increase the ability of the station to provide local information, particularly in the event of severe weather or a local emergency to increase the likelihood that each broadcaster will be capable of relaying critical life-saving information to the public.

Except for its daytime AM stations, FLCI stations broadcast 24 hours per day. By centrally locating our on-air announcer, we can afford a high quality live and listener-interactive radio service. A requirement to maintain a physical presence at each radio station during all hours the station is on the air so that someone could answer a telephone or the door in the event of an emergency would cause financial hardship for FLCI. That hardship would severely jeopardize the quality of radio service it is currently delivering to its communities at all times of the day and night because of the scarcity of resources.

Current EAS equipment, when properly installed, tested and maintained is fully able to provide the important service to national, statewide and local disaster management personnel, providing them the means to broadcast emergency information and instructions. Instead of requiring stations to absorb a very high personnel expense, the Commission should require additional EAS testing, communication and coordination among disaster management agencies.

The Commission should look in two other areas to improve stations' ability to provide emergency personal the means to broadcast important information without severely hurting their ability to provide their broadcast service. The first is to improve EAS testing and verification procedures so that a station's EAS equipment cannot be in disrepair for more than two weeks before they are confronted with warnings and high penalties if the equipment is brought back onto operation quickly. This could involve a verification process

on the web, monitored weekly by a local or regional disaster management personnel or members of the state broadcasting association. The second area to improve stations' ability to provide emergency personal the means to broadcast important information is for the Commission to work with the Department of Homeland Security to ensure that national, statewide and local disaster management personnel are properly instructed on how to seamlessly coordinate community wide disaster communication. FLCI has observed that while effective on the national and statewide level, there is a lack of coordination and communication with local disaster management personnel and broadcasters. The Commission needs to take the lead since it provides oversight with the last leg of the disaster communications chain, local broadcasters.

- VIII. In its Report, the Commission states that the FCC “has tentatively concluded” that it should reintroduce renewal application processing guidelines that will ensure that all broadcasters provide some locally oriented programming. FLCI contends that it is not in the public interest for the FCC to dictate the content of the licensee’s programming. However, the Commission should require licensees to air programs, or program elements that are directed to help meet specific community needs as well as require adequate disclosure for the community of license to evaluate how well its programming is helping to meet the interest and needs of that community. This disclosure would provide evaluation data to the community of license and to the FCC at license renewal periods. If the Commission mandates that radio stations place their public inspection file onto the station’s web site, it will greatly expand the exposure of the station’s record of performance to the population within its community of license and service area. However, FLBI is concerned that such increased exposure will invite involvement of narrow special interests groups who are *not* part of the community of license *nor* the stations’ service area to initiate a high volume of pejorative comments that could jeopardize the license of otherwise well-performing stations. Thus, FLBI proposes the Commission establish a non-mandatory localism standard that will provide the licensee with renewal expectancy if it performs to the standard and appropriately documents such performance.

In its proceeding that established the current point system to decide among new noncommercial educational applicants the FCC decided not to provide any weight (or points) for stations proposing a local studio. The Commission agreed with arguments that technology allows a broadcaster from outside of stations’ service area to deliver local programming to the stations’ service area. Unless the Commission wishes to have a double standard on the meaning of “local” programming, it must conclude that programming is local if it addresses one or more ascertained unmet needs of the community of license. In other words, local programming does not need to be produced locally.

To be effective, and yet consistent with the Commission’s previous rulings in the matter of localism, FLCI respectfully suggests that the Commission require stations to reveal the community of license needs that it ascertained each quarter and the specific programming and/or program segments that were aired during that quarter to help meet the specific local needs that were ascertained.

- IX. The Commission seeks comment in its Report on whether they should require licensees to provide them data regarding their airing of music and other performances of local artists and how they compiled their station(s)’ play lists. FLCI utilizes rigorous music selection criteria in determining the music that is placed on the air and never copies any music list, whether local, regional or national. Respectfully, FLCI believes the Commission should not be in the music programming business and should not dictate any music boundaries

accordingly. Forcing licensees to place its music selection criteria on the web will only result in music tastes becoming criteria to be utilized in challenging stations' license renewal. That is neither in the Commission's, the stations' nor the public interest.

APPENDIX A
Suggestion for Improving Sections 2 and 3 of the Reporting Form

2. PROGRAMMING INFORMATION

a) Overall Programming: List the average number of hours per week of the indicated types of programming on the analog and each digital channel.

	Analog-HD1	HD2	HD3	HD4	HD5
Total Programming Hours					
National News Programming					
Local News Programming					
Local Civic Affairs*					
Local Electoral Affairs*					
Other Local Programming					
Locally Aimed Public Service Announcements					
Produced by Licensee					

*To the extent this programming was carried during national or local news programming, please deduct from number of hours reported for those categories.

3. MEETING COMMUNITY OF LICENSE NEEDS

	YES	NO	If yes, describe the steps the licensee took
a) Did the licensee undertake any efforts to determine the programming needs of its community of license?			
b) Did the licensee design any programming to address the needs identified in (a), above?			