



FOX TELEVISION STATIONS, INC.

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A Unit of Fox Television

June 11, 2008

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Reply to Comments, Broadcast Localism MB Docket No. 04-233

Dear Ms. Dortch:

Please note that Fox Television Stations, Inc. is submitting twenty-five exhibits with the above-referenced filing. For clarification purposes, we note that this will require multiple separate filings. Thank you.

Respectfully submitted,

Dianne Smith

Attachments

Reply to Comments
Multiple Station Exhibits

failing to provide sufficient community-responsive programming.² In fact, the record in this proceeding contains thousands of examples provided by broadcasters and community organizations of exactly the opposite. In support of NAB's comments, Fox provides the attached summaries, with supporting documentation, citing specific examples of Fox's involvement in the communities it serves. These summaries are comprised of literally thousands of pages that demonstrate the service Fox stations provide to their local communities, without the need for specific government rules or requirements. Each community is different, with varying needs and interests requiring the managers of each Fox local broadcast station to determine how the station can best serve its local community. Here are some examples:

- In Atlanta, WAGA-TV/DT airs 50.5 hours of local news per week, including many investigative reports focused on a variety of subjects, from underage drinking on university campuses in the metro Atlanta area to voter fraud in a Chattanooga County judicial race leading to a state investigation. WAGA also produces an annual two and a half hour commemorative service honoring Martin Luther King.
- In Austin, KTBC-TV/DT's local news provides extensive coverage of important political issues with a direct impact on the Austin community, ranging from coverage of legislation related to erecting a border fence between Mexico and the United States to a town hall meeting specifically focused on the danger and problems created by coyotes in the Austin area.

² NAB Comments, at i. "A closer examination of the record in this and other proceedings shows that local stations recognize and embrace their obligation to serve the public interest." *Id.* "The record contains no evidence that responsive programming and other services are not widely available to viewers and listeners on a market basis." *Id.*

- In Baltimore, WUTB-TV/DT employees participate in the Baltimore community and are involved in organizations such as Education Based Latino Outreach and the Maryland State Emergency Communications Committee. *Profiles*, a Sunday morning public affairs program, explores local issues on a weekly basis, ranging from fighting hunger in Maryland to the impact of the civil rights movement on today's society. Another show, produced in partnership with Howard Community College, *CineMaryland* focuses on the local film industry, giving students an opportunity to learn about video technology and acting and film careers.
- In Birmingham, WBRC-TV/DT airs 48 hours of local news each week adding another half-hour during high school football season. WBRC pre-empts its entertainment programming when important local events occur, such as the entire funeral service for Rosa Parks, an Alabama native and civil rights icon, which WBRC aired live. WBRC regularly airs public service announcements ("PSAs") promoting community causes such as the need for blood donations, Alabama foster care, and cleaning up local waterways.
- In Boston, WFXT-TV/DT provided extensive coverage of the local and national debate about illegal immigration and the "Boycott Massachusetts" initiative due to Senator Edward Kennedy's stance on the issue. WFXT aired a live, in-studio debate between four gubernatorial candidates.
- In Chicago, WFLD-TV/DT seeks community input through town hall meetings with community and political leaders from Chicago's African American and Hispanic communities. In 2007, WFLD produced *The Ecozone Project*, a local

- environmental program, and conducted many other community outreach campaigns, including a school supply drive for homeless public school students.
- In Cleveland, WJW-TV/DT has become known in the community as the “Official School Closing Station,” providing school closing information on more than 3000 schools in the greater Cleveland area. WJW produces and airs *Neighborhood*, a quarterly special on issues facing the African-American community, including the shortage of organ donors and learning problems faced by Northeast Ohioan children.
 - In Dallas, KDFW-TV/DT airs more local news than any other television station in the State of Texas, offering 43 hours of original news content each week. From its main news studio in downtown Dallas and its news bureaus in Fort Worth and Carrollton, KDFW provides extensive coverage of breaking news, including severe weather updates and in-depth stories on a variety of subjects from teenage gang members using runaway girls for prostitution to Hurricane Katrina evacuees facing eviction from a local apartment complex. KDFW is also home to *Insight*, the oldest public affairs program in Dallas-Fort Worth.
 - In Denver when a local survey revealed that homelessness was Denver’s biggest problem, KDVR-TV/DT aired numerous stories, including about a proposal to ban the homeless from lying in the city streets and the “Housing First” program to provide shelter to the homeless. In addition to airing debates between candidates for local, state and national office, KDVR aired news stories on the impact of Hispanic voters on elections and a rally and march against the Iraq war.

- In Detroit, WJBK-TV/DT's 50 hours of local news weekly focuses on "news that works for you." *Problem Solvers* exposes bad businesses, crooked individuals and unfit public servants and then works to resolve the victim's problems. WJBK ascertains the needs of the Detroit community in many ways, from staff members holding individual meetings with community leaders to networking with sixteen nonprofit agencies on a regular basis to determine issues of local importance. Feedback from WJBK's website, MyFoxDetroit.com, also shapes and influences many of the stories covered in WJBK's newscasts.
- In Houston, KRIV-TV/DT airs many political shows of specific interest to Houston, including a profile of Ann Richards, political candidate debates and topical debates on illegal immigration. KRIV participates in quarterly ascertainment sessions between community leaders and organizations and station personnel.
- In Kansas City, WDAF-TV/DT airs 49 hours of local news covering topics from the deterioration of inner city schools to the impact of professional football on the community. WDAF receives daily feedback from its viewers through e-mails and phone calls. Its newsroom telephones are staffed 24/7, and reporters receive questions, tips/ideas and feedback from viewers about programming and news.
- In Los Angeles, KTTV-TV/DT and KCOP-TV/DT cover topics with an immediate, direct impact on their community. On education, the stations covered hearings on how to turn around the troubled Los Angeles school district. On immigration, KTTV and KCOP not only covered the massive protests in Southern California, but focused in on the specific demands and opinions of the people

- marching in the protests. On consumers' issues, the stations investigated gas price gouging claims and safety measures on bus lines.
- In Memphis in 2007, WHBQ-TV/DT won Emmy and Promo Awards for its public service campaign on the homeless and Emmys for food bank and American Cancer Society PSAs. WHBQ hosts monthly meetings with community leaders to discuss a variety of issues, including child abuse, crime and gang violence in schools, and health issues. WHBQ produces a uniquely Memphis event, the "Memphis in May International BBQ Cooking Contest."
 - In Milwaukee, WITI-TV/DT airs more than 47 hours of local news each week covering issues related to consumers, race relations, local politics, health and investigative reports, including loopholes in Wisconsin's drunk driving laws. WITI also helps its viewers with everyday problems through its *Gus Tour* and *Ask Gus* series. No Milwaukee station can serve its community without covering the Green Bay Packers. *Fox 6 Blitz* airs August to January, and includes pre- and post-game shows.
 - In Minneapolis, KMSP-TV/DT provides extensive breaking news coverage, including the I-35W bridge collapse. Investigations by KMSP reporters led to the dismissal of senior state transportation officials. The station's political coverage includes airing the annual State of the Twin Cities speech by the mayor.
 - In New York, WNYW-TV/DT devotes extensive time to coverage of political issues of importance to its viewers in its daily newscast, but it also produces *Good Day Street Talk*, a weekly half-hour program focusing on political issues with topics ranging from the New York mayoral race to a new noise code proposed by

the New York City Council. WNYW employees participate in the New York community, serving as members of the advisory board of the League of Women Voters and the Community for Hispanic Children and Families.

- In Orlando, WOFL-TV/DT airs 39 hours of local news per week as well as weekly public affairs programs. Not surprisingly, many of these programs focus on senior citizen related topics, as well as hurricane safety. The station's website provides extensive hurricane-related resources, as well as candidate profiles and where to vote. In 2007, WOFL added a "Candidate Matchmaker" component, allowing voters to match their political positions with those of the candidates.
- In Philadelphia, WTXF-TV/DT offers extensive political coverage on candidates and issues during its 36.5 hours of local news per week. In addition, Fox Friday, a half-hour weekly program, allows more extensive coverage of topics, including veterans' issues.
- In Phoenix, KSAZ-TV/DT and KUTP-TV/DT cover local town hall meetings and debates, such as the Scottsdale Council debate on commuter plans at the airport. KSAZ airs 40.5 hours of local news weekly, including investigative reports on topics like whether apartment complex managers provide truthful information about their tenants, such as whether they are convicted sex offenders. Both stations regularly participate in ascertainment meetings hosted by the Arizona Broadcasters Association.
- In St. Louis, KTVI-TV/DT airs 44.5 hours of local news per week and pre-empt regularly-scheduled programming to cover severe weather warnings, election results and other important events. During the 2008 election season, KTVI

provided extensive coverage of the Hillary Clinton town hall meeting and Barak Obama rally.

- In Salt Lake City, KSTV-TV/DT exposed heroin use among local teens during its local newscasts, aired a three-part series on illegal immigration and why Utah is becoming a haven for undocumented workers, and covered Delta Airlines pilot negotiations because Salt Lake City is a major Delta hub.
- In Secaucus, WWOR-TV/DT produces and airs public affairs and political programming shows weekly. *Ask Congress* features members of the New Jersey Congressional delegation discussing issues in-depth, and *New Jersey Now* includes discussions with many state political and community leaders. Reports aired by WWOR's investigative team have resulted in a doctor being sent to jail for performing cosmetic surgery without a medical license and school officials making changes to bus driver safety programs.
- In Tampa, WTVT-TV/DT airs 52.5 hours of local news each week. Its public affairs program, *Your Turn*, has included stories by WTVT's own reporter and photojournalist about their trip to cover the local angles of the Iraq war.
- In Washington, DC, WTTG-DT airs 47.5 hours of local news each week. Due to its location in the nation's capitol, WTTG provides extensive coverage of national political news, but also focuses on local issues, including coverage of numerous town hall meetings on topics ranging from the demolition of the Wilson Bridge to the impact of flooding in Huntington.

For a more extensive list of Fox stations' coverage of their communities, please refer to the attachments for each of the stations listed above.

II. Proposals Relating To “Source Diversity” In Network Programming Are Not Properly The Subject of Commission Consideration In This Proceeding

The Public Interest Public Airwaves Coalition proposes that stations affiliated with one of the four major national television networks should receive expedited renewal only when they air “independently-produced” programming for at least 25 percent of the primary channel’s prime time schedule.³ The Commission recently declined to consider the question of network “source diversity” or proposals requiring a certain percentage of prime time network programming to be “independently” produced.⁴ For similar reasons, it should decline in this proceeding to address those same issues and proposals. In its 2006 Quadrennial Regulatory Review, the Commission, for the second time, determined that the issue of network programming source diversity was outside the scope of a proceeding focused on media ownership regulations.⁵ This proceeding is similarly not the appropriate place to explore the network source diversity issue. This rulemaking is limited to an evaluation of broadcasters’ service to their local communities and does not relate to the composition of the producers and suppliers of programming offered by national broadcast networks to their affiliates. Indeed, the Commission did not raise the issue of source diversity of network programming in the *Notice*, and the processing guidelines proposed by the Commission relate to “locally-oriented programming,” not the

³ Comments of Public Interest Public Airwaves Coalition (the “Coalition”), at 16-18. According to the Coalition, for programming to be “independent,” it must not come from any source where a major network controls more than a one-third interest in, is the distributor of, or owns the copyright for the programming. *See id.* at 17.

⁴ *See In re 2006 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 23 FCC Rcd 2010, 2014, n.17 (2008) (the “2006 Quadrennial Review”).

⁵ *Id.*; *see also In re 2002 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 18 FCC Rcd 13620, 13684-69 (2003).

identity of producers of network programs.⁶ The Coalition's proposal and the issues it raises therefore are not properly the subject of Commission consideration in this rulemaking, and, as the Commission determined in the 2006 Quadrennial Review, should be addressed, if at all, in another proceeding.

III. Fox Supports The Arguments Against The Re-regulation of Broadcasting, And The Constitutionality Thereof, Advanced By CBS Corporation

Fox supports and endorses the arguments against the re-regulation of broadcasting developed by CBS Corporation in its comments in this proceeding.⁷ Fox agrees that the record developed will not sustain a dramatic reversal of prior Commission policy. Minimum percentages of subjectively categorized programming and mandatory community advisory boards are unnecessary based upon the comprehensive examples submitted by broadcasters and organizations during the comment period. As previously noted, Fox is filing thousands of pages of examples of our community-responsive programming.

Of particular concern is the Commission's proposal to revert to the main studio rule discarded in 1987. Broadcasters have invested millions of dollars in main studios in compliance with today's rules. For example, WJBK's main studio is located in Southfield, MI, one mile north of Detroit, and KMSP's main studio is located in Eden Prairie, six blocks outside the city limits of Minneapolis. Like many of the minority broadcasters referenced in the Minority Media and Telecommunications Council

⁶ Notice, at ¶¶ 40, 124.

⁷ See CBS Corporation Comments, at 17-54. CBS notes that the current Commission proposals are at odds with the steps taken in the mid-1980s to significantly deregulate television broadcasting.

(“MMTC”) comments,⁸ Fox entered broadcasting late in comparison to many others and at the same time the main studio rule was being revised. The *Notice* makes no reference to grandfathering existing studio locations. Are the hundreds of stations referenced in the filings simply expected to relocate, bearing significant costs with no demonstrable advantages to our viewers?

Finally, Fox also supports the constitutionality arguments advanced by CBS related to the regulation of broadcasting.⁹

IV. Conclusion

Today, broadcasters are responsive to their individual communities without the necessity of the additional governmental regulation proposed in the *Notice*. Each community is different, and each station’s response to the needs and interests of that community is unique. Blanket, cookie-cutter, fill in the blank national proposals advanced by some in this proceeding will actually harm localism and diversity, not enhance it.

⁸ Minority Media and Telecommunications Council Comments, at 8-9.

⁹ CBS, at 56-62.

Respectfully submitted,

**FOX TELEVISION STATIONS, INC., KSAZ LICENSE, INC.,
TVT LICENSE, INC., WAGA LICENSE, INC., WJBK
LICENSE, INC., FOX TELEVISION STATIONS OF
PHILADELPHIA, INC., KTBC LICENSE, INC., KDFW
LICENSE, INC., NEW DMIC, INC., and WDAF LICENSE,
INC.**

/s/

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