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FEDERAL COMMUNICATIONS COMMISSION  
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Federal Communications Commission  
Office of the Secretary

In the Matter of

Broadcast Localism

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MM Docket No. 04-233  
FCC 07-218

TO: THE COMMISSION

Reply of English First to Comments Filed Regarding the  
Report on Broadcast Localism and Notice of Proposed Rulemaking

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## Statement of Interest and Table of Contents

English First is a 150,000-member national organization concerned with issues of language policy. English First is based in Springfield, Virginia.

Our comments are in two parts:

- I. **English First replies to comments filed by the Minority Media and Telecommunications Council on April 28, 2008 and its addendum filed on May 18, 2008 (pages 3-5).**
- II. **English First has grave concerns with the FCC's proposed permanent advisory boards (pages 5-6).**

**I. English First replies to comments filed by the Minority Media and Telecommunications Council on April 28, 2008 and its addendum filed on May 18, 2008.**

The Minority Media and Telecommunications Council's comments of April 28<sup>th</sup> suggest that the organization strongly supports the FCC's Report on Broadcast Localism and Notice of Proposed Rulemaking 73 FR 8255 (February 13, 2008), so long as its member organizations are exempt from these proposed new rules. For example, on page 3 of their comments, we are informed:

[M]any of the proposals presented for comment would have a disproportional negative impact on minority broadcasters because of their relatively small size and limited access to capital.

Again on page 5:

While the ideal, formal advisory board could alert broadcasters to issues that are important to its community of license, most new entrants, small broadcasters, and minority broadcasters do not have the time or the financial resources to assemble search committees for the selection or election of board members.

Once again on pages 8 to 9:

The proposed reversion to the main studio rule of the early 1980s appears to be neither fair, efficient, nor equitable for minority broadcasters. It would impose a greater disadvantage on broadcasters who entered the industry later and were thus unable to assemble clusters of stations which each shared the same community of license.

All of this complaining before the ink was barely dry on the FCC's Report on Broadcast Localism and Notice of Proposed Rulemaking [hereinafter NPRM] suggests that an actual FCC review of any given Spanish-language station's programming choices will be a rare occurrence, given both the difficulties of even conducting such a review in addition to the potential for high-decibel complaints should the FCC dare offer any criticism.

The NPRM does not address the specific issues regarding foreign language broadcasters. A foreign language radio station might just as well be located in a foreign land under this NPRM.

For example, there is no requirement that the records of a Spanish language radio station's community service be kept in English.

Additionally, the community advisory boards mandated by the FCC's "localism" NPRM are likely to be similar to the stations management solely for linguistic reasons.

English First notes that there is no requirement that proceedings of these advisory boards must be conducted in English nor that any minutes or transcripts of such meetings must be published in English.

None of these excuses will be applicable to large, English-speaking radio networks. In fact the FCC's NPRM seems to narrowly and incorrectly apply program diversity requirements to each and every radio station in a given market, rather than to the market as a whole.

An American in Mexico would not consider himself "underserved" if he failed to encounter English-language broadcasting on every part of the radio dial. Yet that is the clear implication of the FCC's NPRM for each and every "licensee" in the United States of America (page 8259):

The Report describes and seeks comment on several possible ways to enhance broadcast localism and diversity, including increasing and improving the amount and nature of broadcast programming that is targeted to the local needs and interests of a licensee's community of service, and providing more accessible information to the public about broadcasters' efforts to air such programming.

The market model might be understood this way: a sports fan residing in Washington, D.C. would opt for 980 AM, while a commuter might prefer the more frequent traffic reports aired by WTOP. There are also Spanish (WYRE-AM, WPWC-AM) and Korean (WDCT-AM) broadcast stations already in place.

This market model would be devastated by the NPRM seeming expectation that each and every radio station in the D.C. area must simultaneously satisfy sports fans, commuters, Spanish speakers and Korean speakers.

English First is also concerned that the Minority Media Council seeks to transform the citizen review process into a kangaroo court run by the most hypersensitive professional ethnic activists in every community:

Broadcasters must reach beyond the business sector and look for leaders in the civic, religious, and non-profit sectors that regularly serve the needs of the community, particularly the needs of minority groups that are typically poorly served by the broadcasting industry as a whole.

Radio station owners have every reason to be concerned about the potential cost of FCC-mandated outreach efforts to allegedly underserved groups which may not even exist.

For example, given their anemic circulation, foreign language and ethnic newspapers enjoy some of the costliest advertising rates in any metropolitan area. This is because corporations and government agencies are convinced they must advertise in such publications in order to document their outreach efforts.

If radio stations must all run print advertisements in Spanish, the profitability of the local Spanish-language newspaper will skyrocket, yet without necessarily increasing the services provided to Hispanic Americans. A large percentage of Hispanics speak and read English only, thus rendering mandated Spanish-language advertisements as useful to them as ads written in Chinese would be.

## **II. English First has grave concerns with the FCC's proposed permanent advisory boards.**

The FCC's NPRM states on page 8256:

Community Advisory Boards. The Commission seeks comment on its tentative conclusion that, to determine significant community needs and issues, licensees should convene and periodically consult with permanent advisory boards made up of officials and other leaders from the community of each broadcast station. The Commission believes that such community advisory boards will promote both localism and diversity and, as such, should be an integral component of the Commission's localism efforts.

It is the considered opinion of English First that such permanent advisory boards will swiftly become ever-swirling caldrons of perpetual discontent, as professional ethnic activist organizations vie with one another to be shown their proper respect by each licensee.

The March 4, 2008 comments filed by the National Religious Broadcasters also raise this essential point when they note on page 3 that this proposal would "create an unrealistic expectation of empowerment in the board representatives selected."

The NRB amplifies this essential point on page 7:

What happens when ardent community representatives, who know the advisory board is the result of an FCC "mandate," fail to convince the licensee of the value or legitimacy of a purported "local issue?" Not only will a certain degree of coercive pressure on the station manager result, but complaints will then be filed with the Commission arguing that the licensee is not fulfilling the Commission "mandate" in good faith.

Woe to the radio station that does not offer special programming for *Cinco de Mayo*, *Eid al-Fitr*, the martyrdom of Guru Arjan Dev and every other national day or special religious observance of any group, no matter how miniscule such a group may

comprise of a given station's potential listening audience. Licensees whose stations broadcast solely in English may also be challenged as insufficiently diverse.

Woe indeed is any radio station which dares air a news program that the Council for American Islamic Relations considers "unbalanced" or a discussion which the League of United Latin American Citizens believes to be anti-immigrant.

The ultimate result of all this mandatory multiculturalism will be to replace radio programs and formats which large majorities of the general public enjoy with programs listened to by few and enjoyed by fewer.

The Report on Broadcast Localism and Notice of Proposed Rulemaking should be withdrawn.

Respectfully submitted,

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