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February 3, 2010

**By Electronic Filing (ECFS)**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW, TW-A325  
Washington, DC 20554

**Re: Texas Association of Broadcasters  
Ex Parte Letter  
MB Docket No. 04-233  
GN Docket No. 09-47  
GN Docket No. 09-51  
GN Docket No. 09-137**

Dear Ms. Dortch:

On behalf of the Texas Association of Broadcasters ("TAB"), and pursuant to Section 1.1206 of the Commission's Rules<sup>1</sup>, the undersigned provides notice that on February 2, 2010, members of the Texas Association of Broadcasters<sup>2</sup> met with the following:

- Sherrese Smith, Legal Advisor for Media to Chairman Genachowski
- Joshua Cinelli and Jamila Bess Johnson, Media Advisors to Commissioner Copps
- Rosemary Harold, Legal Advisor, Media, to Commissioner McDowell

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<sup>1</sup> 47 C.F.R. § 1.1206

<sup>2</sup> The TAB members attending yesterday's meetings were: Manuel Abud, KXTX-TV, Dallas-Fort Worth, Texas; Meredith Beal, KCLW(AM), Hamilton, Texas; Ben Downs, Bryan Broadcasting Corporation; Jackie Rutledge, WOAI-TV, San Antonio, Texas; Ann Arnold, President of TAB; and Oscar Rodriguez, Vice President of TAB.



## ATTACHMENT A

The attendees presented an overview of the myriad ways local radio and television broadcasters serve their local communities. They discussed how they engage audiences in public affairs, news events and community-building endeavors according to the characteristics of each station's unique audience. In particular, they noted that despite recent economic turmoil and reduced advertising revenues, many television stations have actually increased their news and public affairs programming, demonstrating broadcasters' continuing commitment to their local audiences.

The attendees also expressed concern that the proposed localism rulemaking presents a one-size-fits-all formula for stations to ostensibly advance localism that would restrict stations' ability to achieve this goal in ways that are most likely to engage their audiences and accomplish the desired effect.

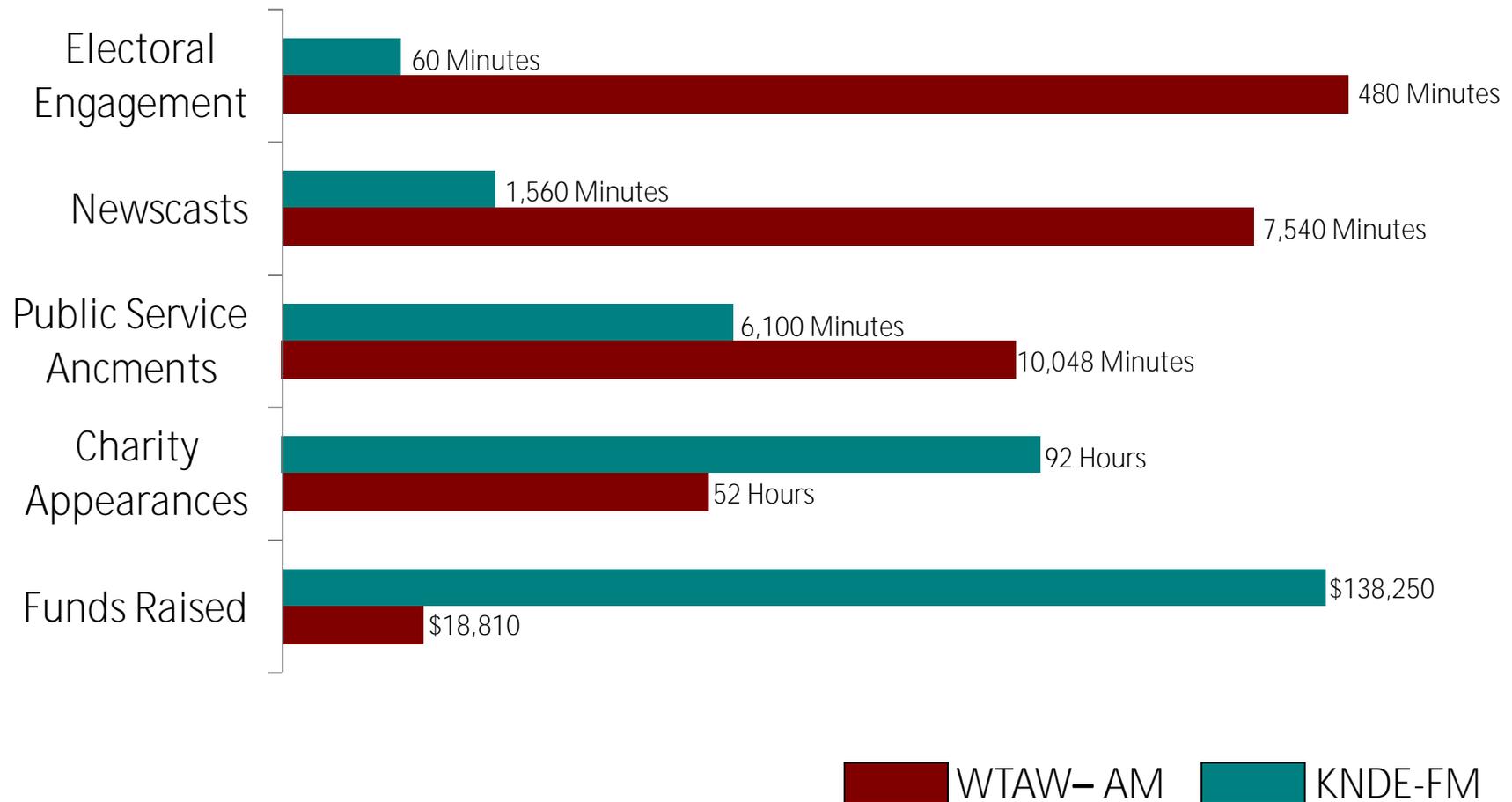
The attendees noted that the localism proposal is unlikely to accommodate the recording of significant, effective community-building endeavors stations undertake on a routine or emergency basis, and that the reporting requirements appear so onerous that many broadcasters anticipate they will have to divert scarce staff resources to regulatory reporting requirements from the very efforts the proceeding seeks to advance, thereby diminishing the ability of stations to meet the needs of the local population.

The attendees noted as an example of their concerns that the proposed 24/7 staffing requirement would force some small 24-hour AM radio stations to sign off at night, eliminating highly valued programming and local emergency information updates to listeners because of increased costs. In such cases, stations are currently able to provide automated programming and insert live, local information or updates of significant community interest as local needs dictate.

The attendees noted that rather than targeting the relative handful of stations that generated complaints in the FCC's localism hearings, the proposed rules overreach by placing extraordinary regulatory burdens on all stations, the vast majority of which clearly and continuously serve the public interest of local communities.

With regard to national broadband policy, the attendees expressed support for achieving universal broadband access, noting that such service is beneficial to communities and to stations with significant and growing presence online. Regarding proposals to potentially reclaim broadcast TV spectrum for redeployment for mobile broadband uses, the attendees indicated that TV broadcasters, after making significant investments in the government-mandated DTV transition, are fully utilizing the spectrum allocated to them for the high-definition and multicast programming that Congress and the FCC promised viewers as a result of the transition. Furthermore, stations are now poised for the next generation of technological and programming innovation benefitting not only local viewers, but also the electronics industry and local retailers. Removing spectrum from that effort would both undercut local broadcast service and the development of new and free services for the public.

# Different Demographics Consume Information in Different Ways



## Congressman Chet Edwards Health Care Town Hall

**WTAW**

**NewsTalk 1620**

- Broadcast live on WTAW-AM
- Attended by over 1,600 citizens
- Long form for Newstalk listeners



# Chemical Fire Evacuation

- On July 30, 2009, the entire city of Bryan (over 70,000 people) was forced to evacuate their homes due to hazardous fumes from a chemical fire
- Blended traditional and new media to alert the public



**Candy 95** Chace Murphy reports EOC is waiting on a fly thru of the plume to determine the air quality before making any announcements on the evacuation zone. We have a reporter on the scene and will get you the latest information as soon as the fly thru results are announced. Listen live at [www.candy95.com](http://www.candy95.com) or [www.wtaw.com](http://www.wtaw.com)



RT @[BryanFD](#) Please avoid Hwy 21 west out of town. HAZMAT incident in progress, highway is shut down. [12:26 PM Jul 30th](#) from web

Remember REED ARENA IS OPEN as a place of shelter. [1:26 PM Jul 30th](#) from web

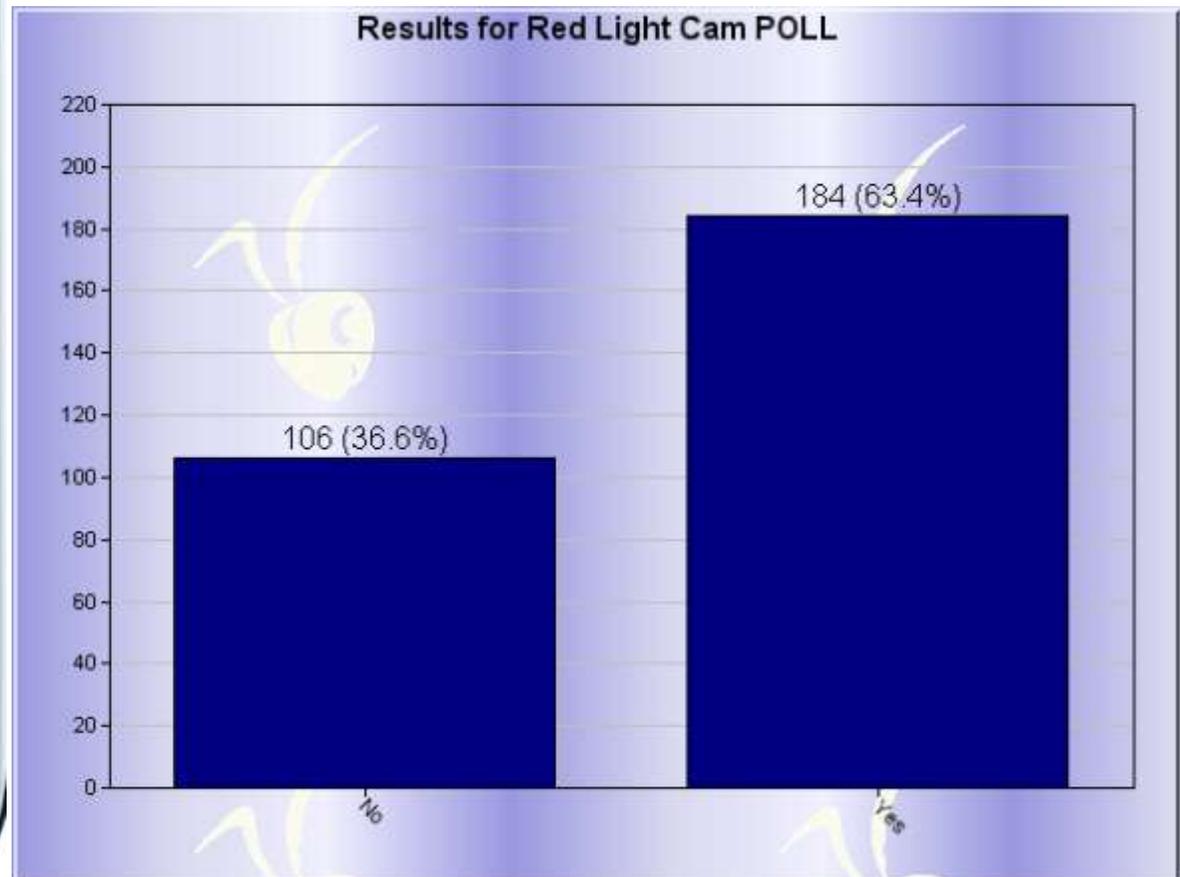
BREAKING: Evacuation Area NOW EXTENDED North of UNIVERSITY DR. West of HWY 6. If you SEE OR SMELL SMOKE, GET OUT. RT PLS! [1:42 PM Jul 30th](#) from web



Candy 95: Due to Bryan hazmat fire, Brazos Valley residents north of Villa Maria and west of Hwy 6 should evacuate and go south. Reed Arena now open as a shelter. (*Texted to 2,934 subscribing listeners*)

# City of College Station Red Light Camera Vote

## New Tools for Young Voters



# One of a Kind Fundraising — A \$5,000 Haircut



# KBTX-TV Food For Families Food Drive



# 83rd Annual Bryan-College Station Christmas Parade



# 2009 Christmas Angels Toy Drive



## 2009 Radio MASH Toy Drive



# Candidate Forums



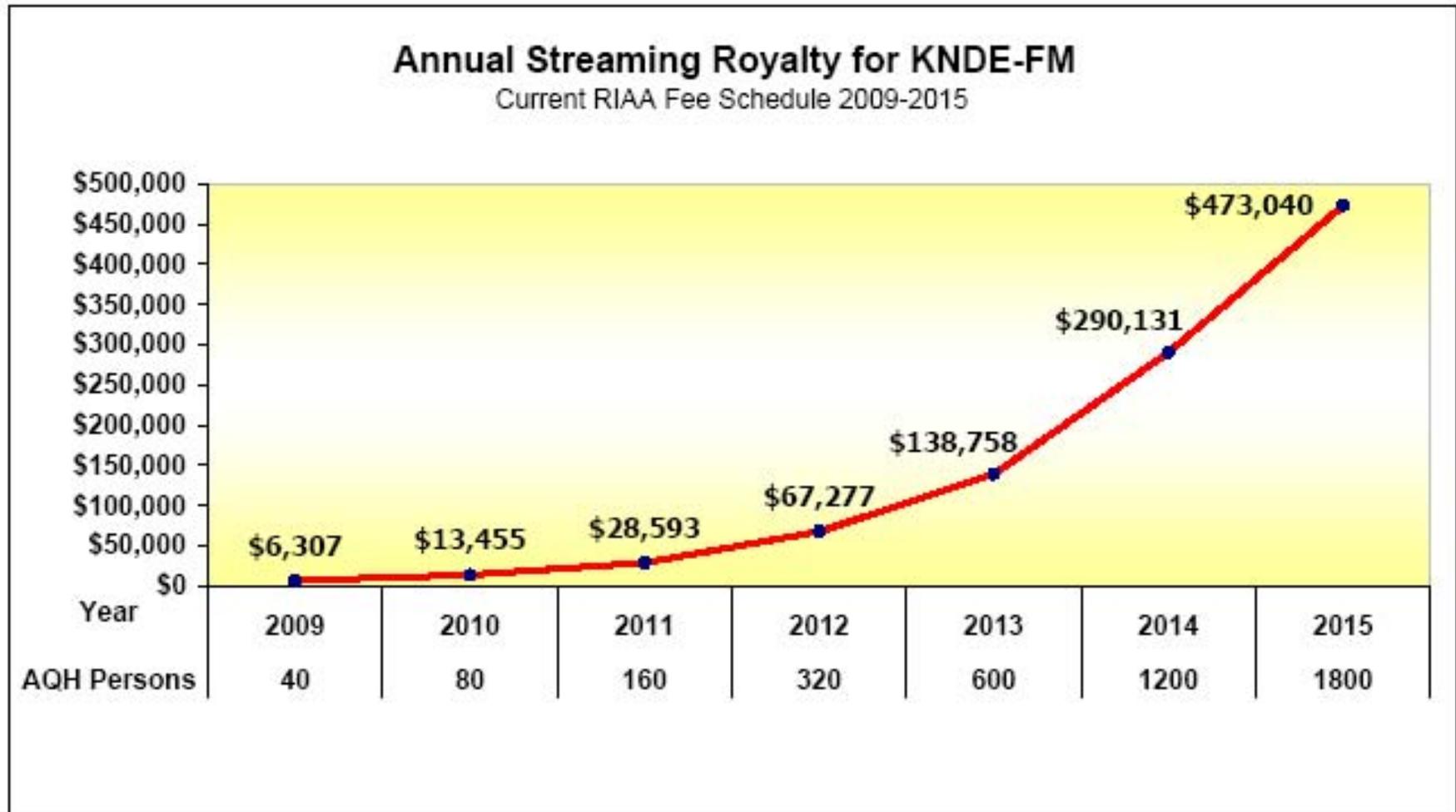
What broadcasters did on *our* Christmas vacation...



What XM & Pandora did on their Christmas vacation...



# The Price of Success



\*According to Arbitron 1,800 is the actual 2009 AQH Persons for KNDE

# Our Streams Become Mainstream

