

October 1, 2010

**FILED ELECTRONICALLY VIA ECFS**

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

**Re: MB Docket No. 09-182**

Dear Ms. Dortch:

Clear Channel Communications, Inc. (“Clear Channel”) hereby submits this filing in order to further address contentions regarding the appropriateness of utilizing radio programming formats to measure the degree of diversity in local radio markets. As Clear Channel explained in its earlier submissions in this proceeding, common ownership of radio stations increases the diversity of formats available to radio listeners, as the Commission itself previously has recognized.<sup>1</sup> This evidence directly supports repeal, or at the very least relaxation in the largest markets, of the local radio ownership rule. In the face of this evidence, a single commenter – Future of Music Coalition (“FMC”) – argues that radio formats provide a poor measure of diversity.<sup>2</sup> This, however, is false.

At the heart of FMC’s argument lies its contention that radio stations with different formats do not actually air different programming. But as Clear Channel explained in its comments, even stations with supposedly similar formats air substantially different programming for one simple reason: they strive to serve distinct audiences.<sup>3</sup> The attached analyses, based on data from Clear Channel stations with different formats in the “Adult Contemporary” category, further bear this out.<sup>4</sup> For example, an analysis of the percentage of “current,” “recurrent,” and “gold” songs<sup>5</sup> played on Hot Adult Contemporary (“Hot AC”) and Soft Adult Contemporary (“Soft AC”) stations during a randomly selected week in July 2010 shows a large degree of variation. For

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<sup>1</sup> See Comments of Clear Channel Communications, Inc., MB Docket No. 09-182, at 21-25 (filed July 12, 2010) (“Clear Channel Comments”); Reply Comments of Clear Channel Communications, Inc., MB Docket No. 09-182, at 1-2 (filed July 26, 2010) (“Clear Channel Reply Comments”).

<sup>2</sup> See Comments of Future of Music Coalition, MB Docket No. 09-182, at 14-15 (filed July 12, 2010) (“FMC Comments”); Reply Comments of Future of Music Coalition, MB Docket No. 09-182, at 5-6 (filed July 26, 2010) (“FMC Reply Comments”).

<sup>3</sup> See Clear Channel Comments at 23.

<sup>4</sup> See Current/Recurrent/Gold Analysis (Exhibit A hereto); Clear Channel Radio Adult Contemporary Audience Composition Analysis (Exhibit B hereto).

<sup>5</sup> In this analysis, “current” songs are those produced over the last year or two; “recurrent” songs are slightly older; and “gold” songs are even older and consist of those traditionally thought of as classic hits.

example, Hot AC stations played an average of 31% current songs while Soft AC stations played an average of only 8% current songs; Hot AC stations played an average of 21% recurrent songs while Soft AC stations played an average of only 7% recurrent songs; and Hot AC stations played an average of 48% gold songs while Soft AC stations played an average of 85% gold songs.<sup>6</sup> In addition, audience composition analysis shows that stations airing the Hot AC and Soft AC formats serve different demographics. For example, 26.2% of Hot AC stations' audiences are between 35 and 44 years old while only 18.4% of Soft AC stations' audiences fall within that age category. Similarly, 12.9% of Soft AC stations' audiences are over the age of 65 while only 3.9% of Hot AC stations' audiences are 65 or older.<sup>7</sup> In a related vein, FMC argues that stations with combination formats that have some overlap should not be considered distinct.<sup>8</sup> This, too, is simply false – the different format names in a combination format are the primary, secondary, and tertiary formats aired by a station and, in fact, a station with a “news/talk/sports” format will air more news and less sports than a “sports/talk/news” station.

FMC also claims that commonly owned stations with the same or similar formats tend to air the same programming.<sup>9</sup> Clear Channel has already explained that all of its stations are programmed at the local level and thus air substantially different programming. Exhibit A hereto further supports this point as well. For example, although WRVE(FM), Schenectady, NY and KHKZ(FM), San Benito, TX are both Hot AC stations, during a randomly selected week in July 2010 WRVE(FM) aired only 10% current songs while KHKZ(FM) aired 55% current songs.<sup>10</sup> The differences are even more stark across supposedly similar formats within the same format category. For example, Hot AC station KMXP(FM), Phoenix, AZ aired 31% recurrent songs, while Soft AC station WRVF(FM), Toledo, OH aired only 4% recurrent songs.<sup>11</sup> There is also great variation among the programming aired on commonly owned stations in the same market with supposedly similar formats. For example, Soft AC station KISC(FM), Spokane, WA aired 82% gold songs, while Hot AC station KCDA(FM), which is licensed to Post Falls, ID but also serves Spokane, WA, aired only 47% gold songs.<sup>12</sup> This evidence belies FMC's claims.

Finally, although FMC vaguely urges the Commission to “work to collect better data” regarding format variety,<sup>13</sup> it proposes no workable solution to the hypothetical (and nonexistent) problem that it posits. Clearly, any requirement that radio broadcasters submit playlists to the FCC would

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

<sup>7</sup> See Exhibit B. These figures are based on Winter 2010 Arbitron ratings for selected Clear Channel stations in PPM markets. An analysis of stations in diary markets shows similar variations. See *id.*

<sup>8</sup> See FMC Comments at 15.

<sup>9</sup> See FMC Reply Comments at 6.

<sup>10</sup> See Exhibit A.

<sup>11</sup> See *id.*

<sup>12</sup> See *id.*

<sup>13</sup> FMC Comments at 15, 17-18.



be administratively burdensome for both the industry and the agency. Even more troubling, any such mandate would also violate the Administrative Procedure Act and tread heavily on broadcasters' First Amendment rights, as Clear Channel explained in its comments in the FCC's localism proceeding, which it hereby incorporates by reference.<sup>14</sup>

In sum, FMC's attempt to undermine the record evidence that today's local radio markets are highly diverse and that common ownership increases diversity, including its specific attack on the use of formats to measure program diversity, should be rejected. The record in this proceeding, as Clear Channel has shown, compels the conclusion that repeal or, at a minimum, relaxation of the local radio ownership rule is long overdue.

Respectfully submitted,

/S/ Jessica Marventano

Jessica Marventano

Senior Vice President, Government Affairs

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<sup>14</sup> See Comments of Clear Channel Communications, Inc., MB Docket No. 04-233, at 83-96 (filed Apr. 28, 2008); Reply Comments of Clear Channel Communications, Inc., MB Docket No. 04-233, at 56-60 (filed June 11, 2008).

CC Monitored Hot AC & Soft AC stations  
Current/Recurrent/Gold Analysis

EXHIBIT A

GRC Analysis			Overall	Overall Unique	Current	Current Unique	Recurrents		Recurrent	Gold		Gold Unique		
Market	Station	Format	Plays	Titles	Plays	Titles	Current %	Plays	Unique Titles	Recurrent %	Plays	Titles	Gold %	Avg Year
Albany, NY	WRVE-FM	Hot AC	2014	460	205	18	10	124	25	6	1685	417	84	1991.5
Albuquerque	KPEK-FM	Hot AC	2106	391	940	47	45	414	46	20	752	298	36	2004.8
Colorado Springs	KVUU-FM	Hot AC	2121	336	691	40	33	550	67	26	880	229	41	2005.3
Dallas	KDMX-FM	Hot AC	2145	300	441	18	21	517	30	24	1187	252	55	2002.9
Dayton	WMMX-FM	Hot AC	2130	768	520	49	24	403	59	19	1207	660	57	1998.5
Honolulu	KUCD-FM	Hot AC	2109	194	868	30	41	487	28	23	754	136	36	2006.3
Los Angeles	KBIG-FM	Hot AC	2104	348	607	27	29	401	29	19	1096	292	52	2001.5
McAllen	KHKZ-FM	Hot AC	2105	363	1157	69	55	453	66	22	495	228	24	2007.4
Modesto, CA	KOSO-FM	Hot AC	2411	505	1042	60	43	533	56	22	836	389	35	2005.9
Phoenix	KMXP-FM	Hot AC	2196	344	290	18	13	675	32	31	1231	294	56	2002.5
Portsmouth, NH	WERZ-FM	Hot AC	2131	417	653	43	31	455	61	21	1023	313	48	2004
Salt Lake City	KJMY-FM	Hot AC	2219	380	844	29	38	420	47	19	955	304	43	2004.8
San Diego	KMYI-FM	Hot AC	1923	367	532	36	28	436	48	23	955	283	50	2003.2
San Francisco	KIOI-FM	Hot AC	2161	366	563	26	26	466	43	22	1132	297	52	2000.3
Spokane	KCDA-FM	Hot AC	2305	469	905	41	39	314	60	14	1086	368	47	2005.5
Springfield, MA	WHYN-FM	Hot AC	2118	470	501	23	24	484	40	23	1133	407	53	2000.8
Tampa	WMTX-FM	Hot AC	2229	446	591	26	27	439	50	20	1199	370	54	2003.4
Chicago	WLIT-FM	S AC	2034	483	90	11	4	137	17	7	1807	455	89	1992.5
Dayton	WLQT-FM	S AC	2068	671	164	38	8	173	24	8	1731	609	84	1991.6
Grand Rapids	WOOD-FM	S AC	1972	567	192	14	10	149	29	8	1631	524	83	1993.6
Las Vegas	KSNE-FM	S AC	2190	528	149	11	7	186	21	8	1855	496	85	1992.5
Los Angeles	KOST-FM	S AC	1974	428	167	11	8	101	11	5	1706	406	86	1990.9
Modesto, CA	KJSN-FM	S AC	2140	965	124	13	6	173	28	8	1843	924	86	1990.2
Phoenix	KESZ-FM	S AC	2185	524	200	11	9	224	25	10	1761	488	81	1993.4
Portland, OR	KKCW-FM	S AC	1998	399	105	5	5	154	12	8	1739	382	87	1993.2
Richmond	WTVR-FM	S AC	1965	577	155	14	8	127	23	6	1683	540	86	1991.6
San Antonio	KQXT-FM	S AC	2022	532	219	38	11	144	27	7	1659	467	82	1993.7
Spokane	KISC-FM	S AC	2076	677	259	22	12	114	21	5	1703	634	82	1992.9
Toledo	WRVF-FM	S AC	1928	511	217	19	11	81	10	4	1630	482	85	1992.6
Wichita	KRBB-FM	S AC	1735	669	178	36	10	138	32	8	1419	601	82	1993
<b>Soft AC Averages</b>			<b>2022</b>	<b>579</b>	<b>171</b>	<b>19</b>	<b>8</b>	<b>146</b>	<b>22</b>	<b>7</b>	<b>1705</b>	<b>539</b>	<b>84</b>	<b>1992</b>
<b>Hot AC Averages</b>			<b>2149</b>	<b>407</b>	<b>668</b>	<b>35</b>	<b>31</b>	<b>445</b>	<b>46</b>	<b>21</b>	<b>1036</b>	<b>326</b>	<b>48</b>	<b>2003</b>

# Clear Channel Radio Adult Contemporary Audience Composition Analysis

Jess Hanson  
July 23, 2010



# How to Read the Data

**All information is based on:**

- ▶ **Arbitron Winter 2010 quarterly report (January-February-March) for diary and PPM**
- ▶ **Metro survey area, M-S 6am-midnight**
- ▶ **Persons 12+ AQH persons**
- ▶ **Clear Channel Hot and Soft Adult Contemporary stations**

# Stations Included in This Report

## Diary - Hot AC

- ▶ KSSK FM Honolulu    KVUU FM Colorado Springs    WAEB FM Allentown    WKDD FM Akron
- ▶ WMMX FM Dayton    WLND FM Chattanooga    WHYN FM Springfield, MA

## Diary - Soft AC

- ▶ WLYT FM Charlotte    WLZT FM Columbus    WMGF FM Orlando    KTSM FM El Paso
- ▶ WLQT FM Dayton    KKLI FM Colorado Springs    WRVF FM Toledo
- ▶ WTVR FM Richmond    WVOR FM Rochester, NY    KISC FM Spokane    KRBB FM Wichita

## PPM - Hot AC

- ▶ KBIG FM Los Angeles    KIOI FM San Francisco    KMYI FM San Diego    KGBY FM Sacramento
- ▶ KDMX FM Dallas    KMXF FM Phoenix    KJMY FM Salt Lake City    WDTW FM Detroit

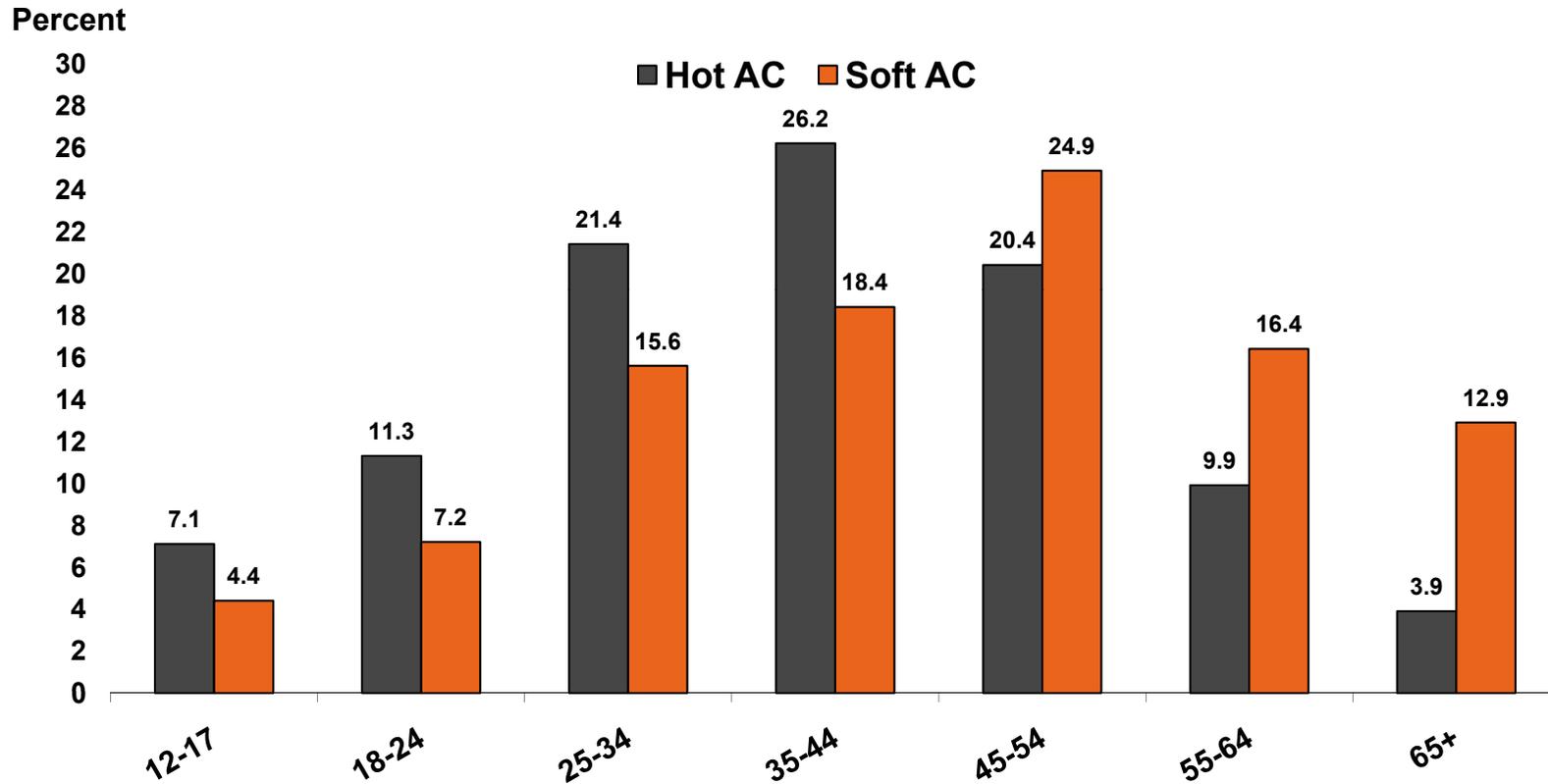
## PPM - Soft AC

- ▶ WLIT FM Chicago    KESZ FM Phoenix    KSNE FM Las Vegas    KQXT FM San Antonio
- ▶ KOSY FM Salt Lake City

# Clear Channel Audience Composition Comparison

## Hot AC vs. Soft AC

### PPM Markets

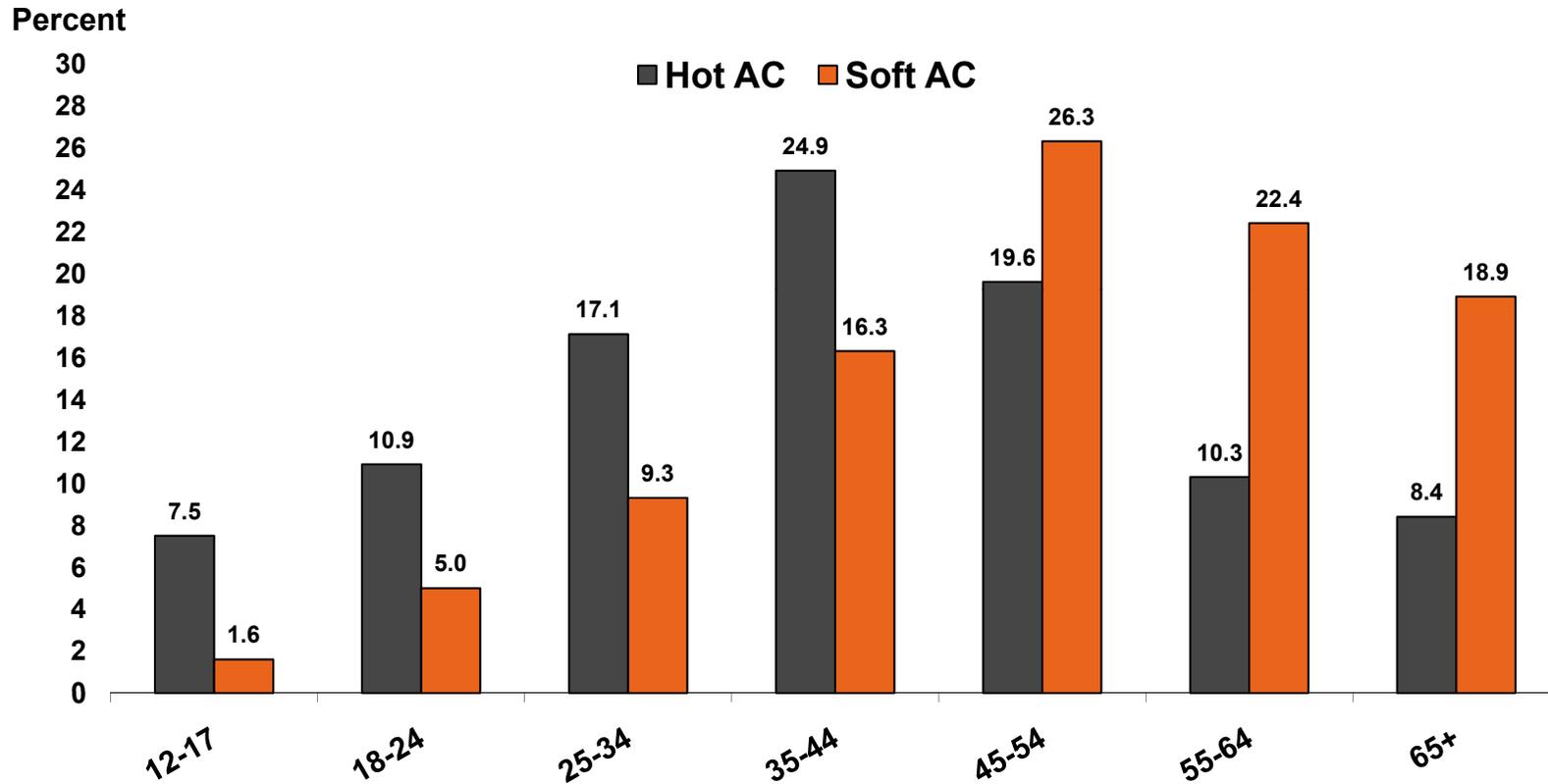


Source: M-S 6am-Mid, Metro composition based on 12+ AQH Persons

# Clear Channel Audience Composition Comparison

## Hot AC vs. Soft AC

### Diary Markets



Source: M-S 6am-Mid, Metro composition based on 12+ AQH Persons