Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC 20554

In the Matter of	)	
	)	
Annual Assessment of the Status of	)	MB Docket No. 07-269
Competition in the Market for the	)	
Delivery of Video Programming	)	

To: The Commission

COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS

Jane E. Mago
Jerianne Timmerman
Erin L. Dozier
Scott A. Goodwin

NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street, NW
Washington, DC 20036
(202) 429-5430

June 8, 2011

SUMMARY

The marketplace for video distribution has changed dramatically over the past decade and continues to evolve at an ever-quickening pace. Although these changes have significantly increased the competition that broadcasters face for viewers and advertisers, broadcasters are continuing to expand the services they provide. Broadcasters are deploying spectrum in innovative new ways, including by offering increased HD programming services, diverse multicast services, and Mobile DTV service. More than 70 stations already have commenced providing Mobile DTV service and many more will do so over the coming months. Mobile DTV is a spectrally efficient, robust over-the-air service that provides viewers with access to local news and other popular video content on an on-the-go basis.

As broadcasters continue to innovate, they also continue to build on their traditional strengths, including high-quality national and local programming. Broadcasters are, almost without exception, the only participants in the video marketplace that produce and distribute local news, weather, and public affairs programming. Local broadcasting is particularly critical during times of emergencies, providing life-saving coverage of the recent tornadoes that ripped through Tuscaloosa, Alabama and Joplin, Missouri, as well as innumerable other severe weather events. This extensive local service simply is not available from cable, DBS, or Internet sources, except to the extent it is retransmitted from, or otherwise made available by, local broadcast stations. Consistent with stations' significant investments in news and weather coverage, a majority of Americans continue to turn to a local television station for these services rather than other media platforms or emerging online sources. And the amount of news programming offered by television stations is at a record high.

In addition, the broadcast distribution model and reliance on free, over-the-air ("OTA") television is increasing in popularity. Recent studies show that more and more households are "cutting the cord" and eliminating pay-TV service in their homes, electing instead to rely on over-the-air service. Younger adults are more likely to cut the cord and access TV programming exclusively through OTA reception, perhaps supplementing their service with online, on-demand video offerings. However, broadcast-only households skew not only toward young adults, but also to minorities and lower-income families: both minorities and low-income households rely more heavily on OTA broadcast reception than the general population.

The important public interest benefits of the broadcast model — including the *local* programming provided by stations and free, over-the-air distribution of all their programming — are enhanced when broadcasters are able to negotiate freely for retransmission consent compensation. As NAB has previously discussed in detail in other proceedings, the Commission should reject requests from pay TV providers to interfere in these market-based negotiations. In addition, the Commission should not hinder broadcasters' locally-oriented service by continuing to maintain out-of-date and asymmetric ownership rules that restrict local stations but not their marketplace competitors.

More television programming is available online than ever before, including local broadcast station programming available through local websites and mobile sites. Local stations are making serious investments in their online offerings to better serve viewers, and the introduction of "hyper-local" video news coverage is but one example of the innovative online video offerings that stations are providing their viewers. The Commission should continue to monitor the status and impact of these online video offerings. However, at this time, it would be premature to create a classification system for online video. These are nascent offerings using diverse technologies and business models, and the Commission should not attempt to create specific designations or definitions at this early stage.

TABLE OF CONTENTS

SUMMARY ii

TABLE OF CONTENTS iii

I. THE BROADCAST TELEVISION MARKETPLACE 2

A. **Broadcasters Are Competing Effectively and Providing Increased Services Despite Ever Greater Numbers of Video Competitors.** 2

B. **Trends in the Number of Households that Rely Exclusively on Over-the-Air Broadcast Television Service Reveal That Increasing Numbers of Americans Rely on Spectrum-Based Reception.** 5

C. **Broadcasters Provide a Uniquely Local Service that Is Not Available Elsewhere in the Media Ecosystem.** 9

II. REGULATIONS AFFECTING ENTRY AND RIVALRY 13

A. **The Broadcast Industry Is Highly Decentralized Compared to the MVPD Industry, But Is Hindered by Outdated and Asymmetric Ownership Rules.** 15

B. **Retransmission Consent is a Marketplace-Based Mechanism That Works as Congress Intended in All Aspects of the Video Distribution Market.** 17

C. **The Fees Paid by MVPDs to Broadcasters for Retransmission Consent Remain Far Less Than Those Paid to Less Popular Cable Networks.** 18

D. **Broadcasters Are Developing Services to Compete in the Rapidly Changing Video Marketplace, Especially the Marketplace for Mobile Video.** 20

III. BROADCAST TELEVISION SERVICES 21

A. **The Digital Transition Has Permitted Broadcasters to Deploy Diverse Multicast Services to their Communities.** 21

B. **The Digital Transition Has Fostered the Development of Mobile DTV.** 22

C. **Broadcasters Compete Effectively in a Difficult Marketplace for Advertising.** 22

D. Local Broadcasters Provide Communities Local News, Weather, and Public Affairs Programming That Would Otherwise Not Be Available in the Video Marketplace. 24

E. More National And Local News Programming Is Available Online Now Than Ever. 27

F. Joint-Sales, Shared-Services, and Local-Marketing Agreements Have Allowed Stations to Remain Competitive and to Better Serve their Viewers—Particularly in Smaller Markets. 29

IV. ONLINE VIDEO 31

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Annual Assessment of the	)	MB Docket No. 07-269
Status of Competition in the	)	
Market for the Delivery of	)	
Video Programming	)	

To: The Commission

COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS

The television broadcasters represented by the National Association of Broadcasters ("NAB")[1] are competing against a larger and more complex array of video competitors than ever before, both for viewers' attention and for advertisers' resources. In addition to traditional video competitors, the past year has seen dramatic increases in online video distribution. Despite one of the most challenging economies in history and an intensely competitive video marketplace, the nation's television broadcasters are continuing to invest in local and national news resources, continuing to launch new digital multicast channels on a free, over-the-air basis in their communities, and launching an innovative new Mobile DTV service across the country. Reliance on over-the-air ("OTA") reception of television stations continues to increase, as viewers recognize the value provided by additional free digital services and the potential to supplement OTA reception with online services for national entertainment

[1] NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

programming. Overall, the television broadcast industry continues to play a vital role in a highly competitive marketplace, for the continued and expanded benefit of the American public.

I. THE BROADCAST TELEVISION MARKETPLACE

A. Broadcasters Are Competing Effectively and Providing Increased Services Despite Ever Greater Numbers of Video Competitors.

The NOI in this proceeding seeks data on broadcasters' competitive situation and strategies.[2] Television broadcasters are competing harder than ever for both advertisers and viewers against a large array of competitive video services. That broadcasters face more competition than ever need not be belabored. Multichannel video programming distributors ("MVPDs"), including cable, direct broadcast satellite ("DBS") services, and telephone network-based video distribution, as well as online video, all now compete with over-the-air television broadcasting for viewers and advertising.[3]

Although competition has grown with technological innovation, so too have the opportunities for broadcasters to provide even more effective service to their communities of license. The transition to digital television has enabled local stations to broadcast news, sports, movies, and other programming in high definition ("HD"). The superior picture quality of HD programming improves the appearance of programming and commercials, providing more value for viewers and advertisers.[4] The advent of digital television also has provided the opportunity

---

[2] *See* Notice of Inquiry, *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 07-269, at paras. 41-45 (Apr. 21, 2011) ("NOI").

[3] *Id.* at para. 2.

[4] From 2003 to 2009, consumers invested over $109.8 billion in HD television sets. *See* Consumer Electronics Association ("CEA"), FastFacts Historical Data (2009).

for television broadcasters to provide free, over-the-air multicast channels to their communities, adding depth and breadth to the Nation's video offerings. Additionally, broadcasters view the Internet not only as a source of competition but also as an opportunity for innovation, a source of new opportunities to serve their communities, and to earn new revenue. Station websites provide opportunities to expand news and programming availability, offer additional multimedia services, and provide new revenue streams, and mobile applications provide expanded opportunities for broadcasters to service audiences on the move.[5] Moreover, as detailed below, the growth of Mobile DTV will open the mobile device market to efficiently delivered, one-to-many mobile broadcast programming.

As broadcasters continue to innovate, they also continue to build on their traditional strengths, including high-quality national and local programming. Despite the vast increase in the number of non-broadcast programming channels, national broadcast television programming remains substantially more popular than cable programming.[6] And the Nation's television broadcasters create and distribute *local* programming, offering their viewers community-focused local news and emergency information, among other local offerings.

---

[5] *See* Comments of NAB, *Examination of the Future of Media and Information Needs of Communities in a Digital Age*, GN Docket No. 10-25, at 30-31 (May 7, 2010) ("NAB Future of Media Comments").

[6] Broadcasters typically represent 90-98 of the top 100 primetime programs viewed each week. *See, e.g.*, TVB's Ratings Track for the week ending May 15, 2011, *available at* http://www.tvb.org/measurement/4747/249136 (noting that broadcasters delivered 93 of the top 100 programs among adults 18-49). During the 2009-2010 television season, broadcast television programs represented 98 of the top 100 programs, as well as 302 of the top 312 programs. TVB, "TV Basics," at 11, *available at* http://www.tvb.org/media/file/TV_Basics.pdf.

The NOI asks how video programming differs between rural and urban areas and in particular whether access to certain forms of video programming is lacking in rural areas.[7] Broadcasters across the country are justifiably proud of their unique dedication to serving their local communities, including rural areas underserved by other video providers.[8] In prior submissions to the Commission, NAB has demonstrated the wide reach of local television stations' signals. When taking into account full-power stations, TV translators, Class A stations and low-power TV stations, 99.24 percent of the total U.S. population has access to at least one in-state TV station over the air. Additionally, consumers across all counties nationwide receive, on a weighted average basis, 17.6 in-state TV stations and 4.5 out-of-state stations over the air.[9]

Rural communities are not the only underserved communities that depend on and receive programming from broadcasters. As we have documented previously, broadcasters' local news and other programming plays an especially important role for African-Americans, Hispanic communities, women, and older Americans.[10]

---

[7] *See* NOI at para. 57.

[8] As the Commission recently noted, broadband deployment is still lacking in many rural areas. *See Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act, Seventh Broadband Progress Report and Order on Reconsideration*, GN Docket No. 10-159, at paras. 1-4 (May 20, 2011).

[9] Reply Comments of NAB, *Report Required by the Satellite Television Extension and Localism Act On In-State Broadcast Programming*, MB Docket No. 10-238, at 2 (Feb. 22, 2011).

[10] *See* Comments of NAB, *Examination of the Future of Media and Information Needs of Communities in a Digital Age*, GN Docket No. 10-25 at 6 (May 7, 2010). *See also* Pew Research Center, "Understanding the Participatory News Consumer: How Internet and Cell Phone Users Have Turned News Into A Social Experience," at 3 (March 1, 2010) ("Pew Participatory News Consumer Study") (demonstrating heightened importance of local television news for African-Americans, women, and older Americans); Reply Comments of Univision Communications, Inc., (continued…)

B. Trends in the Number of Households that Rely Exclusively on Over-the-Air Broadcast Television Service Reveal That Increasing Numbers of Americans Rely on Spectrum-Based Reception.

Local broadcasters offer program services on a free OTA basis that are desirable, unique, diverse, and competitive with the services provided by pay-television providers. Free OTA service gives consumers the ability to receive numerous channels of HD programming and digital multicast services, including highly popular national network programming; local news and public affairs programming, and other locally responsive programming; entertainment programming; sports programming; and emergency information and alerts. The NOI asks about trends in reliance on OTA television service,[11] and this trend is clear: it is decidedly towards increased reliance by consumers on OTA service. According to a new study, the number of Americans that rely exclusively on OTA broadcast television increased by 4 million over the past year. As of June 2011, a total of 46 million Americans, up from 42 million last year, rely solely on OTA television reception.[12]

With local broadcasters offering compelling and valuable programming at no charge on an OTA basis, consumers increasingly are cutting the cord and cancelling their

---

NBP Public Notice #6, GN Docket Nos. 09-47 *et al.*, at 3 (Nov. 13, 2009) (stating that within the Hispanic community, there is "disproportionate reliance on over-the-air broadcasts"); Comments of Univision Communications, Inc., *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, ET Docket No. 10-235, at 1-3 (May 18, 2011) ("[T]he broadcast medium plays a significant role in serving the news, information, and other media and communications needs of minority groups, especially the growing Hispanic community.").

[11] NOI at para. 36.

[12] Knowledge Networks, Press Release, "Over-the-Air TV Homes Now Include 46 Million Consumers" (June 6, 2011) ("Knowledge Networks Press Release") (describing results of survey fielded in March and April 2011 based on interviews with 3,343 households, including representative portions of cell-phone-only, non-Internet, and Spanish-speaking homes).

subscriptions to expensive MVPD services.[13] According to Convergence Consulting Group, one million households cut the cord in 2010, and approximately 2.07 million U.S. television households will have cut the cord between 2008 and the end of this year.[14] According to another recent survey, approximately 4 percent of TV households in total—or five million homes—have eliminated pay-TV service in their home at some point in the past and now rely only on OTA reception.[15] Younger adults are more likely to cut the cord and access TV programming exclusively through OTA broadcast signals.[16] One survey has indicated that 60 percent of Generation Y is "leaning toward or seriously considering 'cutting the cord,'"[17] while another showed that 7 percent of current pay-TV subscribers are considering canceling their service—not surprising in light of the ever-increasing costs of subscribing to MVPD service.[18]

---

[13] *See* Knowledge Networks Press Release (2011 survey found that 15 percent of all U.S. households rely solely on OTA signals to watch television programming, up from 14 percent).

[14] *See* Don Reisenger, "Study: More TV Viewers in U.S. 'Cutting the Cord,'" *CNET News* (Apr. 6, 2011), *available at* http://news.cnet.com/8301-13506_3-20051202-17.html.

[15] Knowledge Neworks Press Release.

[16] *Id.*

[17] *See* Ideas and Solutions! Inc., "What Gen Y Thinks About Pay TV and Cord Cutting," study summarized at http://www.ideasolutions.com/cable-cord-cutting-study-information.html. Generation Y consists of people between the ages of 18 and 29—a demographic of 70 million people. *See* Daniel Rowinski, "Study: 60% of Generation Y Leaning Toward Cutting the Cord," *Read Write Web* (May 31, 2011), *available at* http://www.readwriteweb.com/archives/study_60_of_generation_y_leaning_to_cutting_the_co.php.

[18] *See* Todd Spangler, "Survey: 7% of Pay-TV Subs Pondering Pulling the Plug," *Multichannel News* (Apr. 25, 2011); *see also* James Gallagher, "Cutting the Cable TV Cord," *STLToday* (Mar. 30, 2011), *available at* http://stltoday.com/business/local/article_f588c958-d382-580e-a142-df273a5d3cfb.html; Implementation of Section 3 of the Cable Television Consumer Protection and Competition Act of 1992, *Report on Cable Industry Prices*, MM Docket No. 92-266, DA 11-284, at para. 2 (Feb. 14, 2011) (noting that the average monthly price of expanded basic service (continued…)

Approximately 20 percent of homes with a head of household age 18-34 are already broadcast-only.[19] Due to these demographic trends, reliance on OTA television service can be anticipated to increase in the future.

Broadcast-only households skew not only toward younger adults, but also to minorities and lower-income families. Certain minority groups rely more heavily on broadcast reception than the general population, including 17 percent of African-American households and 23 percent of Hispanic homes (but 27 percent of homes in which Spanish is the primary language).[20] One fourth of Asian families rely on OTA broadcast television. Lower-income households likewise depend on free, OTA broadcast signals, with 23 percent of homes with an annual income of less than $30,000 relying on TV signals solely over the air. Free, over-the-air broadcast television is critical to these low income households that cannot afford the steep price of cable and satellite subscriptions. Indeed, those households that have eliminated pay-TV service report cost-cutting (71 percent) or not enough value for cost (30 percent) as the reason for doing so.[21]

Further, even "wired" households rely on the OTA service provided by local television broadcasters. As the Commission recognized in the NOI, "many MVPD households receive broadcast television stations over the air on television sets that they have chosen not to

---

increased by 5.9% for the 12 months ending January 2, 2009, a period during which the Consumer Price Index increased by just 0.1%).

[19] Knowledge Neworks Press Release.

[20] *Id.*

[21] *Id.*

connect to MVPD service."[22] Of course, even households that choose to connect all of their television sets to pay-TV services rely on their local broadcasters. Local television stations are vital and unique providers of local journalism and other locally-oriented services (ever more important as newspapers continue to struggle), as well as highly valued national network programming. And broadcast programming is, by far, the most popular programming on television today.[23] Virtually every television household seeks out and relies upon local broadcast service, regardless of whether that household receives such service over the air, retransmitted by MVPDs, or both.

Finally, broadcasters nationwide are rolling out Mobile DTV service, which is competitive with other mobile video offerings and which, by definition, is entirely dependent on an OTA delivery model. Mobile DTV is a spectrally efficient, robust OTA service that provides viewers with access to local news and other popular video content on an on-the-go basis. It also relies on broadcasting's spectrally efficient, one-to-many architecture to provide viewers with access to emergency information—even when cellular networks go down or the power goes out. As the world witnessed with the disastrous tsunami in Japan, Mobile DTV can provide an essential, almost singular lifeline in times when cellular networks are overburdened or down.

More than 70 stations have commenced providing Mobile DTV service, and the nationwide roll-out is continuing. One group of broadcasters (the Mobile Content Venture) has announced plans to provide Mobile DTV service to markets serving 50 percent of the U.S.

---

[22] NOI at para. 36.

[23] *See supra* note 6.

population by the end of this year.[24] Another group, the Mobile 500 Alliance, includes stations that reach 92 percent of the U.S. population, and it too is moving forward with Mobile DTV roll-out. These efforts are anticipated to result in Mobile DTV being available in more than half of all television markets by the end of 2011.

C. Broadcasters Provide a Uniquely Local Service that Is Not Available Elsewhere in the Media Ecosystem.

As the Commission recognizes in the NOI, broadcasters play an important role in the provision of local news.[25] Local television stations across the country serve the public by playing a unique role for their viewers: they provide an unparalleled source of local and national news and information, emergency information and alerts, and entertainment programming targeted to what is most relevant to the viewers in their communities of license at any given time. Stations often invest significant resources in the kind of enterprise journalism that simply is not provided by cable, DBS, or Internet sources. Local reporters serve the needs of their communities not only by covering the kinds of high-profile stories that may get attention elsewhere, but also by covering the day-to-day, low profile but essential stories coming out of city hall, zoning meetings, the school board, and local commercial and community activities. A 2009 study by the Pew Research Center for the People and Press found that 44 percent of respondents believe that local television stations "do the most to uncover local news stories," a percentage significantly higher than was received by other media outlets such as news websites

---

[24] MCV, "Markets," *available at* http://www.themcv.com/markets.

[25] NOI at para. 44.

and newspapers.[26] The same study observed that, "television remains the dominant news source for the public."[27] According to a 2010 survey by Frank N. Magid Associates, 49 percent of viewers report that local television news is part of their daily routines.[28] And 81 percent of those surveyed reported that local broadcast news was the "most important" news source among local, network broadcast, and cable TV news, as well as the "most important" source of weather information.[29] Favorability ratings of local television news (73 percent) remain at the top of all media.[30] And despite the emergence of competing online and other media platforms, on a typical day, 78 percent of Americans still get news from a local television station, making local stations the "top source of news for Americans."[31]

Local broadcasting is particularly critical during times of emergencies, providing often life-saving coverage of hurricanes, tornadoes, snow storms, wildfires, and earthquakes. The majority of Americans — 54 percent — rely on their local television station for weather

---

[26] The Pew Research Center for the People & The Press, "Public Evaluations of the News Media: 1985-2009, Press Accuracy Rating Hits Two Decade Low," at 4 (Sept. 12, 2009) ("Public Evaluations of the News Media: 1985-2009").

[27] *See id.* at 4 (stating that 64 percent of respondents report receiving most of their local news from television and that 71 percent of respondents report that they receive most of their national and international news from television).

[28] "Study: Ads on local TV news drives greater awareness" (Nov. 30, 2010), *available at* http://www.rbr.com/media-news/advertising/study-ads-on-local-tv-news-drives-greater-awareness.html.

[29] *Id.*

[30] *See* Public Evaluations of the News Media: 1985-2009, at 11.

[31] Pew Research Center, "Understanding the Participatory News Consumer: How Internet and Cell Phone Users Have Turned News Into A Social Experience," at 3, 11 (March 1, 2010) ("Pew Participatory News Consumer Study").

coverage.[32] In contrast, 20 percent of Americans rely on the Internet and only 19 percent rely on cable television programming for such information.[33] Stations routinely provide around-the-clock, multi-day coverage of severe weather events, at extraordinary cost in station resources (and lost advertising revenue).[34]

Because the range of television stations' locally oriented programming has been described in detail in prior submissions to the Commission,[35] we will focus here on just one recent example of the local service provided by broadcasters: the emergency weather coverage provided to viewers in Tuscaloosa, Alabama, Joplin, Missouri, and elsewhere in the southeast during devastating tornadoes that ripped through the region last month.[36] As commenters have noted, in their coverage of these storms, "[r]adio and television stations were instrumental in saving lives."[37]

> Local television was the primary source of news about the rapidly changing afternoon weather patterns [prior to the tornado that hit Tuscaloosa,

---

[32] "Poll finds local television is leading source for weather info" (Jan. 4, 2011), *available at* http://www.rbr.com/media-news/poll-finds-local-television-is-leading-source-for-weather-info.html.

[33] *Id.*

[34] *See* NAB Future of Media Comments at 16 (reporting, for example, that a station's hurricane coverage cost it $160,000 before accounting for lost advertising revenue).

[35] *See, e.g.* Reply Comments of NAB, *In the Matter of Broadcast Localism*, MB Docket No. 04-233, at 7-17 (June 11, 2008) ("NAB Localism Reply Comments") (providing examples from local radio and television stations).

[36] Price Colman, "Stations Go Multi-Platform To Cover Storms," *TVNewsCheck* (May 4, 2011), *available at* http://www.tvnewscheck.com/article/2011/05/04/50994/stations-go-multiplatform-to-cover-storms.

[37] Radio Television Digital News Association, "Radio, TV Stations Show Unparalleled Commitment While Covering Ala. Tornadoes" (May 25, 2011), *available at* http://www.rtdna.org/pages/posts/radio-tv-stations-show-unparalleled-commitment-while-covering-ala.-tornadoes1361.php.

> Alabama]; not social media or text alerts—television. Social media amplified and carried the message, but TV meteorologists brought us the info forward.
>
> Though anyone with a computer can access real-time weather data from most of the same sources as local meteorologist James Spann and company, we often rely on their televised expertise to know when to hide in the basement. Their coverage likely saved hundreds of lives.[38]

Because local stations make significant investments in their ability to provide emergency weather coverage, local stations have equipment and "boots on the ground" to track and report on the storms quickly — a time difference that may have saved lives during these recent disasters.[39] Local stations moved into commercial-free mode without hesitation and preempted popular entertainment programming to provide local viewers around-the-clock coverage. Recently, a series of tornados tore through Okalahoma City, where "TV forecasters narrated the twisters' every turn" and '[t]elevision helicopters broadcast live footage while the system approached the [Oklahoma City] metropolitan area of 1.2 million people — calling out to specific communities like Piedmont to 'Take cover now!'"[40]

There are a great number of examples of how local broadcast stations' efforts during these storms saved lives, connected affected viewers to emergency services, and reconnected family members. As Governor Jay Nixon told Missouri broadcasters last week:

> Some of you may have been personally affected by the tornado; you may have lost friends, neighbors, colleagues, homes and possessions. But you kept going. On behalf of all the people in the state of Missouri, I salute your courage, your professionalism and

---

[38] Wade Kwon, "Twisters, Twitter, and You," *Birmingham's City Paper* (May 12, 2011).

[39] *Id.*

[40] Chuck Bartels & Kristi Eaton, "TV, Forecasts Eased Tornado Risk in Okla.," *TV NewsCheck* (May 26, 2011).

> your dedication to serving your community throughout this catastrophe.
>
> Courage, Professionalism, Service to others. These are the hallmarks of broadcast journalism at its finest. And in the last two weeks in Missouri, in the aftermath of one of the most destructive tornadoes in history, I have seen broadcast journalism in its finest hour. You play a critical role in getting accurate information to the public when time is of the essence; warning folks of the coming dangers, helping them prepare and get to safety, and finding help after the immediate crisis is past.[41]

Attachment A provides a compilation of many specific examples of stations' efforts, compiled by the Radio Television Digital News Association.

While "[l]ocal television was the primary source of news"[42] during the storms, the local service provided by stations was also available through alternative media, including stations' websites and through social media tools.[43] Accordingly, viewers had access to the stations' unparalleled coverage of the storms even if they lost power or had to leave their homes during the storm. As the roll-out of Mobile DTV continues, viewers will increasingly have access to these critical services using handheld devices.

II. REGULATIONS AFFECTING ENTRY AND RIVALRY

As noted above, broadcast stations provide local service to viewers that is unique and unavailable to viewers through cable networks or alternative media. Yet broadcast stations are facing increasing competition for advertising dollars from cable, satellite, and Internet

---

[41] Remarks of Gov. Jay Nixon to the Missouri Broadcasters Association, June 3, 2011.

[42] Price Colman, "Stations Go Multi-Platform To Cover Storms," *TVNewsCheck* (May 4, 2011), *available at* http://www.tvnewscheck.com/article/2011/05/04/50994/stations-go-multiplatform-to-cover-storms.

[43] *Id.*

sources and new technologies. Broadcasters can and must adapt to these challenges to continue making substantial investments in local service. The Commission should not hinder broadcasters in these efforts by continuing to maintain out-of-date and asymmetric ownership rules that restrict local stations but not their marketplace competitors.

In addition, the Commission should reject requests from pay television providers to interfere in the congressionally established marketplace for retransmission consent, which is an effective, efficient and fair system that benefits consumers, as NAB recently explained in detail.[44] The fees that MVPDs pay to cable networks to carry their programming still dwarf those paid to more highly rated broadcast stations, showing that there remain distortions in the market. Moreover, a dual revenue stream supported by both advertising and retransmission consent revenues is important to broadcast stations' continued ability to make investments in local journalism, weather coverage, emergency reporting of life-saving information, and public affairs programming. In parallel with the emergence of a dual revenue stream, the digital transition has enabled broadcast stations to deploy spectrum in innovative new ways and to compete more effectively in the rapidly changing video marketplace, especially the growing market for mobile video.

---

[44] *See* Comments of NAB, *Amendment of the Commission's Rules Related to Retransmission Consent*, MB Docket No. 10-71, at 3-9 (May 27, 2011) (NAB Retransmission Consent Comments).

A. The Broadcast Industry Is Highly Decentralized Compared to the MVPD Industry, But Is Hindered by Outdated and Asymmetric Ownership Rules.

The NOI seeks information about the state of horizontal concentration in the broadcast industry.[45] In contrast to overheated rhetoric about media concentration in some quarters, the television broadcast industry is largely decentralized, and each television broadcaster exercises relatively little market power in the market in which it operates. Some commentators consistently suggest that the media industry generally is highly concentrated.[46] Setting aside the normative components of this argument, it is true that some sectors of the media economy are relatively concentrated. According to a recent SNL Kagan article, as of the fourth quarter of 2010, 73.4 percent of all multi-channel video subscribers receive service from one of five providers, and 87.9 percent receive service from one of ten providers.[47]

The television broadcast market, however, is significantly different. In 2010, the top ten U.S. broadcast station owners accounted for only 31.2 percent of total television advertising revenue in the 25 largest markets.[48] One must count the top thirty broadcast station owners to account for 80 percent of industry revenue.[49] Increasingly, television broadcasters

---

[45] *See* NOI at para. 37.

[46] *See, e.g.*, Media Access Project, "Media Concentration," *available at* http://www.mediaaccess.org/issues/media-concentration/.

[47] SNL Kagan Briefing Book.

[48] Jeffrey A. Eisenach & Kevin W. Caves, Declaration & Study, at 8 (May 27, 2011) (attached to NAB Comments, MB Docket 10-71 (May 27, 2011)) ("Eisenach & Caves Study"); *see also id.* at 5-10 (explaining in detail that the upstream market for television programming (including broadcast programming) remains highly competitive, while the downstream market for distribution of video programming remains highly concentrated among a few major MVPDs).

[49] Project for Excellence in Journalism, "2010 Annual Report: Local TV Ownership," *available at* http://stateofthemedia.org/2010/local-tv-summary-essay/ownership/.

subject to pervasive ownership restrictions compete against video distributors that are not subject to federal regulation at all. Given the decentralized structure of broadcasting — which ensures multiple stations per market — as well as the vibrant competition in the broadcast industry, the Commission should eliminate or reform its outdated, asymmetric ownership rules governing local broadcasters.

As more and more competitors enter the video marketplace and the choices available to the public grow, asymmetric rules distort and hinder competition and prevent broadcasters from pursuing reasonable combinations capable of effective competition. To successfully compete and serve their communities with high-quality, resource-intensive programming, broadcasters must have at least a relatively even playing field with their competitors, including the highly concentrated MVPD industry.[50] Moreover, there is no reason to assume that deregulation would produce change uniformly in the direction of horizontal concentration — as the Internet video area demonstrates, an unregulated video industry can remain highly decentralized. Removing artificial barriers to strategic business combinations merely allows broadcasters to pursue the most sensible arrangements necessary to compete in today's marketplace.

---

[50] In 2009, the D.C. Circuit Court of Appeals vacated the cable horizontal ownership cap. *See Comcast Corp. v. FCC*, 579 F.3d 1 (D.C. Cir. 2009). In 2001, the same court vacated the vertical cable ownership limits. *Time Warner Entm't Co. v. FCC*, 240 F.3d 1126 (D.C. Cir. 2001). Although these rules were mandated by Congress in 1992, *see* 47 U.S.C. § 533(f), because of court rulings they have been invalid for a longer period of time than they actually have been in effect. *See* NAB Comments, *2010 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 09-182, at 5 n.9 (July 12, 2010).

B. Retransmission Consent is a Marketplace-Based Mechanism That Works as Congress Intended in All Aspects of the Video Distribution Market.

The retransmission consent system is an essential key to competition in the MVPD market.[51] Because retransmission consent is a marketplace-based mechanism, it works well in all aspects of the MVPD marketplace. As the Commission previously has recognized, the creation of the local-into-local DBS retransmission consent regime permitted DBS to obtain its current competitive position.[52] And while it took some time for a market to develop with respect to the retransmission of broadcast signals on cable systems, that market has begun to develop over the past several years, thus rendering it possible for stations (facing declining advertising revenue in the media marketplace overall) to help support their investments in the production of costly and high value programming.

Broadcasters are, almost without exception, the only participants in the video marketplace that produce and distribute local journalism, weather, and public affairs programming, and, as described above, broadcast stations invest substantial resources in programming that is relevant to the needs and interests of their local communities.[53] The enterprise journalism provided by broadcast stations, in virtually all cases, simply is not available

---

[51] For a more detailed discussion of these issues, please see NAB Retransmission Consent Comments.

[52] *See Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, Seventh Annual Report, CS Docket No. 00-132, at paras. 70-73 (Jan. 8, 2001). ("This year's significant increase in DBS subscribership has been attributed in part to the authority granted to DBS providers in late 1999 to offer 'local-into-local' service. . . . For the post-SHIVA period (January-June 2000), DBS operators added an average of 5,706 new subscribers per month in each DMA, an increase of 43 percent over the pre-SHVIA period.").

[53] *See* Comments of Joint Broadcasters, *Examination of the Future of Media and Information Needs of Communities in a Digital Age*, Gen. Docket No. 10-25 at 3-5 (May 7, 2010); *see also* Section I.C, *supra*.

from cable, DBS, or Internet sources, except to the extent it is retransmitted from, or otherwise made available by, local broadcast stations. Broadcasters also invest in and support other valuable programming, from sports and special events programming to network and syndicated programming.[54]

Yet without the ability to negotiate for reasonable retransmission consent compensation, the unique mix of locally targeted and national programming that broadcast stations make available to viewers would be jeopardized for OTA audiences and cable and satellite subscribers, online viewers, and those accessing the programming through new mobile technologies. Broadcasters would also lose the ability to invest in national sports, entertainment and news programming, which would migrate, in some cases exclusively, to pay-television.

C. The Fees Paid by MVPDs to Broadcasters for Retransmission Consent Remain Far Less Than Those Paid to Less Popular Cable Networks.

The popular, unique and diverse programming that is supported by the retransmission consent process is available at a bargain value to MVPDs. The NOI invites comment on the compensation that broadcast stations have negotiated to receive from MVPDs for retransmission consent.[55] In 2009, each ABC, CBS, Fox and NBC affiliated station received,

---

[54] *See* Reply Comments of National Football League, *Petition for Rulemaking to Amend the Commission's Rules Governing Retransmission Consent*, MB Docket No. 10-71, at 5 (June 3, 2010) ("[T]to air popular programming, such as entertainment, news and sports, broadcasters must either pay to create it or acquire the rights to it – including NFL games."); Comments of CBS Corp., Fox Entertainment Group, Inc. and Fox Television Stations, Inc., NBC Universal, Inc. and TBC Telemundo License Co., the Walt Disney Company, and Univision Communications Inc., *Petition for Rulemaking to Amend the Commission's Rules Governing Retransmission Consent*, MB Docket No. 10-71, at 16 (May 18, 2010) (noting retransmission consent fees support "the higher quality national programming that a station can acquire").

[55] NOI, at para. 42.

on average, $0.14 per subscriber per month in retransmission consent fees.[56] These rates pale in comparison to the rates that MVPDs pay for much less popular cable networks. While MVPDs paid an average of $0.14 per subscriber per month for ABC, CBS, Fox, and NBC affiliated stations (which received averaged ratings of 5.185 per channel during the November 2009 sweeps), MVPDs paid an average of $1.49 per channel for the most popular cable networks (which received averaged ratings of just 2.186 per channel during the same period). A simple chart illuminates the vast disparity between the *prices* paid by MVPDs for cable networks versus broadcast programming, and the *ratings* that each of these channels garner:

Program Source	Ratings (Nov. 2009 sweeps)	Average Per-Subscriber Fee
Top 4 Cable Networks by License Fee	5.772 for all four 1.443 average for one channel	$8.32 for all four $2.08 average for one channel
Top 4 Cable Networks by Ratings	8.743 for all four 2.186 average for one channel	$5.95 for all four $1.49 average for one channel
Big 4 Networks (ABC, CBS, FOX, and NBC)	20.738 for all four 5.185 average for one channel	$0.56 for all four $0.14 average for one channel

Sources: SNL Kagan, *Economics of Basic Cable Networks 2009*, and Nielsen Media Research, as cited in Opposition of the Broadcaster Associations at Section V.

In other words, MVPDs paid *more than 10 times the per-subscriber fee* for cable networks that were *less than half as popular* as the broadcast network channels.[57]

Independent analysts recognize that the emergence of retransmission consent payments "was a rational, needed, fundamental change to the economic relationships in the industry to bring broadcast networks more on par with cable networks, especially given the much

[56] *See Opposition of the Broadcaster Associations, Petition for Rulemaking to Amend the Commission's Rules Governing Retransmission Consent*, MB Docket No. 10-71, at Section V (May 18, 2010) ("Opposition of the Broadcaster Associations").

[57] *See Opposition of the Broadcaster Associations,* at Section V.

higher viewing levels of broadcast networks."[58] However, the ongoing disparity in payments makes clear that MVPDs are still paying broadcasters artificially low rates as compared to cable networks.[59] Retransmission consent fees also are miniscule in comparison to the overall programming costs and revenues of MVPDs. In particular, a recent economic analysis found that, in 2010, retransmission consent fees were approximately six tenths of one percent of surveyed cable multiple system operator revenues.[60]

D. Broadcasters Are Developing Services to Compete in the Rapidly Changing Video Marketplace, Especially the Marketplace for Mobile Video.

The completion of the transition to digital television by full-power broadcasters has increased the competiveness and efficiency of television broadcasting. With digital broadcasting, broadcasters are deploying spectrum in innovative new ways, including by offering crystal-clear HD programming services, diverse multicast services, and Mobile DTV service. Broadcasters' use of spectrum also is efficient and effective because broadcasting relies on a "one-to-many" infrastructure: popular video programming can be distributed to hundreds of thousands and even to millions of viewers without the slow-downs or outages that constrain one-to-one systems.[61] Policies that would diminish the capabilities of local stations to serve

---

[58] SNL Kagan, "The Economics of Retransmission for Broadcasters and Cable MSOs," at 3 (2010).

[59] *See id.* at 8.

[60] Eisenach & Caves Study at 22.

[61] For more on broadcasters' effective use of spectrum, *see* Comments of NAB and MSTV, *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, ET Docket No. 10-235, at 11-14 (Mar. 18, 2011) ("Broadcast Innovation Comments"); Reply Comments of NAB and MSTV, *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, ET Docket No. 10-235, at 12-14 (Apr. 25, 2011).

viewers—such as "repacking" the television band in a manner that would increase interference, reduce service areas, or constrain the ability of broadcasters to innovate and offer new services—would diminish competition (especially in mobile video), consumer choice, and the health of our country's vibrant broadcasting service.

III. BROADCAST TELEVISION SERVICES

A. The Digital Transition Has Permitted Broadcasters to Deploy Diverse Multicast Services to their Communities.

The NOI seeks information concerning broadcasters' use of new digital opportunities to provide multiple linear channels of programming.[62] Broadcasters increasingly are using multicast channels and offering Mobile DTV services to provide diverse and competitive programming options to viewers, including foreign-language offerings, 24-hour educational programming for children, and highly localized channels that target and serve the specific needs of individual communities.

According to SNL Kagan, "[a]t the end of 2008… roughly one-third [of stations] were delivering programming on a secondary digital channel. After the digital switchover June 12, 2009, that figure grew to more than 60% of all full-power TV stations broadcasting content on secondary channels or multicasting. . . . As of the end of 2010, that percentage of commercial multicasting stations has increased to 71% . . . doubling the channel options for viewers with 1,240 additional digital channels . . . ."[63] In total, by the end of 2010, the number of digital channels provided by broadcasters (including HD channels, multicast channels, and Mobile DTV

---

[62] NOI at para. 41.

[63] Justin Nielson, "TV Stations Multiplatform Analysis '11 Update: Multicasting Expands Programming Options, Mobile DTV Goes Live," *Broadcast Investor* (SNL Kagan, Jan. 27, 2011).

channels) "jumped to 2,518."[64] Many multicast channels also serve Hispanic audiences specifically—as of the end of 2010, broadcasters were offering 142 Spanish-language network-affiliated multicast channels.[65] And broadcasters are continuing to roll out new services, such as Bounce TV, a new multicast network aimed at serving African American audiences.[66]

B. The Digital Transition Has Fostered the Development of Mobile DTV.

The roll-out of Mobile DTV also will enable viewers to receive live, local broadcast television programming—including local news, weather, sports, emergency information, and entertainment programming—on a mobile basis, on any Mobile DTV capable device. World-class consumer electronics manufacturers such as Samsung and Dell are working with broadcasters to develop Mobile DTV capable tablets, cell phones, laptop computers, netbooks, and other devices. Mobile DTV will be a reality for more than half of U.S. television markets by the end of this year.

C. Broadcasters Compete Effectively in a Difficult Marketplace for Advertising.

The NOI asks for data on trends in spot and local advertising for local broadcast stations, as well as general information on the competitiveness of the advertising market.[67] As discussed previously and as the Commission suggests in referencing the changing advertising

---

[64] *Id*.

[65] *See* Justin Nielson, "TV Stations Multiplatform Analysis '11 Update: Multicasting Expands Programming Options, Mobile DTV Goes Live," *Broadcast Investor* (SNL Kagan) (Jan. 27, 2011).

[66] As one of its executives reported, "the more than 14 million African American TV households have just a few dedicated cable channels – and no over-the-air networks…. Bounce TV will fill the need for an over-the-air television network exclusively for African Americans." Jon Lafayette, "EXCLUSIVE: Bounce TV, New Broadcast Net Aimed at African Americans, To Launch in Fall," *Broadcasting & Cable* (Apr. 3, 2011).

[67] *See* NOI at para. 42.

landscape,[68] broadcasters face unprecedented levels of competition for advertising dollars. Between 2002 and 2008, cable revenue from local advertising — advertising for which cable competes directly with local broadcasters — increased by 60 percent, and revenue rose for cable local advertising even in the recession year of 2009.[69] The market for online advertising has similarly exploded even in the face of the recession; the Interactive Advertising Bureau reports that Internet advertising revenues for the first half of 2010 climbed to a record-high $12.1 billion.[70] Numerous studies have shown the substitutability of various types of media outlets and platforms for advertising purposes.[71] It is the growth of this broad range of substitutable

---

[68] NOI at para. 42.

[69] *See* Pew Center for Project for Excellence in Journalism, *2010 Annual Report: Local TV Economics*, *available at* http://stateofthemedia.org/2010/local-tv-summary-essay/economics/.

[70] *See* Interactive Advertising Bureau, "Internet Ad Revenues Break Records, Climb to More Than $12 Billion for First Half of '10" (Oct. 12, 2010), *available at* http://www.iab.net/about_the_iab/recent_press_releases/press_release_archive/press_release/pr-101210.

[71] *See, e.g.*, Mark W. Frank, "Media Substitution in Advertising: A Spirited Case Study," 26 *International Journal of Industrial Organization* 308, 311 (2008), *available at* http://ssrn.com/abstract=1260968 (finding that many of the advertising media used by liquor brands are highly substitutable); Avi Goldfarb & Catherine Tucker, "Advertising Bans and the Substitutability of Online and Offline Advertising," (May 4, 2010), *available at* http://ssrn.com/abstract=1600221 (concluding that online advertising substitutes for offline advertisements with respect to alcoholic beverage advertisements); Adam Thierer & Grant Eskelsen, Progress and Freedom Foundation, "Media Metrics: The True State of the Modern Media Marketplace," at 23 (2008) (discussing increasing substitution among media outlets in today's marketplace); Robert Ekelund, Jr. et al., "Are Local TV Markets Separate Markets?," 7 *Int'l J. Econ. Bus*. 79, 91-92 (2000) (finding that, at the local level, television advertising is not a distinct antitrust market because "radio and newspaper advertising are substitutes for TV advertising").

mediums for advertising that led the Project for Excellence in Journalism to quote an ad executive as describing the ad market as being in "chaos."[72]

Despite the continuing growth in competition, broadcast advertising has improved following the recent severe recession. One study found that ad revenue for local television grew by 17 percent in 2010.[73] TVB reports that spot TV advertising was up 23.5 percent in 2010 compared to 2009.[74] Spot advertising grew far more than network, syndication, or cable — TVB describes it as having "dominated" growth.[75]

D. Local Broadcasters Provide Communities Local News, Weather, and Public Affairs Programming That Would Otherwise Not Be Available in the Video Marketplace.

As noted above, the Nation's television broadcasters provide viewers with an unparalleled source of local and national news and vital emergency information and alerts. Even in the face of declining advertising revenues, television stations have increased the number of hours per week of news programming.[76] In 2009, the amount of news on the average television

---

[72] Cathy Taylor and the Project for Excellence in Journalism, *State of the News Media 2008*, *available at* http://stateofthemedia.org/2008/special-reports-the-future-of-advertising/ ("State of the News Media 2008").

[73] Deborah Potter, Katerina-Eva Matsa & Amy Mitchell, Pew Research Center Project for Excellence in Journalism, *The State of the News Media 2011 (*"State of the News Media 2011"), "Key Findings," *available at* http://stateofthemedia.org/2011/overview-2/key-findings/.

[74] TVB, Advertising Revenue Comparison in Television, http://www.tvb.org/trends/4705.

[75] *Id.*

[76] Bob Papper, RTDNA/Hofstra University, "2010 TV and Radio Staffing and News Profitability Survey," summarized at www.rtdna.org/pages/media_items/2010-tv-and-radio-news-staffingand-profitability-survey1943.php?id=1943 ("2010 Papper/RTDNA Study"); Bob Papper, RTDNA/Hofstra University "TV and Radio Staffing and News Profitability Survey 2009,"("2009 Papper/RTDNA Study"), *available at* www.rtdna.org/media/pdfs/research/TV%20and%20Radio%20Staffing%20and%20Profitability. (continued…)

station rose to a record high of five hours per weekday (up from the prior year's record 4.6 hours) notwithstanding declines in staff.[77] Over the past four years, airtime for news has increased an average of 20 percent.[78] A number of stations have launched early morning (4:30 a.m. or 5:00 a.m. newscasts) over the past year, and a recent Pew Research Center Project for Excellence in Journalism report found that the number of markets with newscasts starting at 4:30 a.m. more than doubled over the course of 2010.[79] (This corresponds with an increase in viewership for stations; in the past five years, the number of households that have a TV set on at 4:30 a.m. has doubled, from 8 percent to 16 percent.[80]) A number of stations also have introduced newscasts in a 7 p.m. news slot, providing local news to a substantial subset of viewers who are not home in time for the traditional early evening newscasts.[81]

Empirical evidence shows that, from 1999 to 2009, despite advancing technology, increasing competition, and major fluctuations in economic outlook, average annual spending by broadcasters on news as a portion of overall expenses has remained remarkably steady.[82] Over that period, average spending per year on news as a portion of total expenses among ABC, CBS,

---

pdf ("[T]he amount of news on the average station soared to a new record – up an average half hour each weekday to 4.6 hours.").

[77] *See* 2010 Papper/RTDNA Study.

[78] *Id.*

[79] *State of the News Media 2011*, "Local TV: By the numbers," *available at* http://stateofthemedia.org/2011/local-tv-essay/data-page-3/ ("Stations in 69 markets had news on the air in that time slot in 2010, according to a PEJ analysis of Nielsen data and news reports. That compares to 28 markets the year before. Not surprisingly, viewership has shot up as well, up more than 50% in just one year.")

[80] *State of the News Media 2011*, "Local TV: Good News After the Fall."

[81] *Id.*

[82] *See* Television Station News Expense Data 1998-2008 (Attachment B).

Fox, and NBC stations consistently has been between 25.3 to 27.5 percent, and among all stations the figure consistently has been between 21.9 and 24.4 percent.[83] Indeed, despite the recession, these ratios have risen each year from 2007 to 2009.[84] In total, local television stations produce over a million hours of original local news per year.[85]

Likely because of this consistent investment in news programming, "local stations remain Americans' No. 1 television news choice. Half of all Americans say they watch regularly and they have more choices than ever of when and where to watch it."[86] This high viewership translates into advertising; local news advertising dollars (which tracks viewership) contribute on average close to 45 percent of station revenue.[87]

Moreover, broadcast stations are increasingly using innovative digital tools to improve their local service. As noted below, broadcast station websites are expanding their use of broad-based, multimedia platforms that include video, user-generated content, and special features created solely for the Internet. Stations employ a wide range of interactive devices to engage and expand their audiences, such as blogs that permit broadcasters to supplement their on-air coverage and allow reporters to provide extra information and insights. Stations are using live webcams to provide up-to-the-minute traffic and weather information. They have embraced

---

[83] *Id.*

[84] *Id.*

[85] *See* NAB Future of Media Comments at 37 (citing "The Economic Realities of Local Television News — 2010: A Report for the National Association of Broadcasters," at 10-12 (Apr. 2010)) (noting that surveyed stations produced an average of 26.6 hours of local news programming per week and an additional 27.2 hours per year of emergency journalism and special news programming (e.g., candidate forums)).

[86] *State of the News Media 2011*, "Local TV: Good News After the Fall."

[87] *Id.*

mobile tools such as applications for the iPhone, Android devices and Blackberries to better connect with tech-savvy audiences. They also are turning to social media, such as Facebook, Twitter, and YouTube, to interact with local communities. By incorporating user-generated content into their sites, broadcasters are able to provide a widely-viewed and effective platform for citizen journalists, and enabling citizens to participate in the news process.[88]

E. More National And Local News Programming Is Available Online Now Than Ever.

More television programming is available online than ever before. This array of programming includes prime-time network programming available through online video distributors as well as local programming available through local websites and mobile sites. Given the unique local service provided by broadcast stations, it is perhaps no surprise that the websites provided by local broadcasters are now the most popular websites for local journalism.[89] Stations are making serious investments in their websites and broad-based, multimedia platforms in order to better serve consumers.

According to a recent survey conducted for NAB, some television stations in the top 25 markets spend over $1 million annually just for news production on their websites.[90] Respondent stations typically employ two or three full-time web producers, and many produce

---

[88] "[N]ews is becoming a participatory activity, as people contribute their own stories and experiences and post their reactions to events." Pew Participatory News Consumer Study at 40.

[89] According to the Television Advertising Bureau, 33.4 percent of adults 18 and older turn to local broadcast television websites for local news. The next most popular local website for news are those run by local newspapers, at 25.7 percent. *See* TVB, *Nielsen Media Research Custom Survey 2008, available at* www.tvb.org/mediacomparisons/39_AMW_Website_News.asp?mod=R.

[90] *See* Attachment B of NAB Future of Media Comments, at 20.

extra newscasts exclusively for website distribution.[91] For example, one station produces three 5-minute newscasts for posting online, while another station reports that it posts an additional 10-minute mid-day newscast and intra-day updates of 2 minutes each.[92] Online advertising makes up 5 percent of local TV advertising revenue and is a growth area for local TV news stations.[93] A recent survey found that local TV news video is on par with broadcast network entertainment programming in popularity for online viewing (31 percent versus 32 percent) and ahead of cable news (25 percent).[94]

Station websites also permit hyper-local news coverage. For example, Raycom Media and DataSphere Technologies announced in March 2010 that they would be rolling out neighborhood-focused websites in the communities served by Raycom's television stations.[95] The highly localized websites will provide community-specific news and information, and will enable local business to target advertising efficiently and effectively.[96] DataSphere's similar collaboration with Fisher Communications already has proven successful, with 30 community

---

[91] *Id.* at 20-21.

[92] *Id.* at 21.

[93] *See State of the News Media 2011*, "Local TV: By the numbers" ("According to Borrell Associates, local stations brought in $1.34 billion from online advertising in 2010, an 8% increase from the year before. . . . Stations also captured a larger share of local online advertising – just under 10%, according to the Borrell data.")

[94] "Study: Ads on local TV news drives greater awareness" (Nov. 30, 2010), *available at* http://www.rbr.com/media-news/advertising/study-ads-on-local-tv-news-drives-greater-awareness.html.

[95] *See* "Raycom Goes Hyper-Local With Station Websites," *Radio Business Report/Television Business Report* (March 3, 2010).

[96] *See id.*

sites already up and running just for the Portland area[97] and 43 neighborhood websites launched for the Seattle area.[98] Gannett Broadcasting has introduced "hyperlocal websites" in 10 DMAs in which it owns TV stations to feature neighborhood news and user-generated content through video and other online content. Gannett has rolled out 40 such community-focused web sites in Tampa, Florida, in coordination with its station, WTSP-TV.[99]

F. Joint-Sales, Shared-Services, and Local-Marketing Agreements Have Allowed Stations to Remain Competitive and to Better Serve their Viewers—Particularly in Smaller Markets.

As broadcasters have told the Commission in numerous other proceedings, the operational efficiencies afforded by JSAs, SSAs, and LMAs have allowed broadcasters "to maintain and even expand local news on many stations"[100] — even during a period when "news staffing is down throughout the [broadcasting] industry,"[101] where advertising revenue in all television markets has fallen by 25 percent,[102] and where 12 broadcasters, many of whom

---

[97] *See* M. Malone, "Raycom to Debut Hyper-Local Community Sites," *Broadcasting & Cable* (April 4, 2010).

[98] *See Communications Daily* for August 19, 2009, at 11.

[99] Linda Moss, "Gannett Tests Hyperlocal Model in Tampa," *Net News Check* (May 11, 2011).

[100] Reply Comments of the Coalition to Preserve Local TV Broadcasting, *2010 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rule*, MB Docket No. 09-182, at iii-iv (July 26, 2010) ("Coalition to Preserve Local TV Broadcasting Reply Comments"). Same-market ownership, though much more limited than JSAs, SSAs and LMAs due to the Commission's restrictive local ownership rule, has had a similar effect. *See* Comments of the Coalition for Smaller Market Television Stations, *2010 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rule*, MB Docket No. 09-182, at 8-9 (July 12, 2010).

[101] Comments of the NAB, *2010 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rule*, MB Docket No. 09-182, Attachment B: The Economic Realities of Television News—2010, at 15 (July 12, 2010).

[102] Project for Excellence in Journalism, The State of the News Media: An Annual Report on American Journalism, at 9 (2010), *available at* http://stateofthemedia.org/print-chapter/?print)_id=355.

operated in smaller- and medium-size markets, filed for bankruptcy in 2009 alone.[103] Further, these arrangements have "enhance[d] the provision of … emergency journalism and other services"[104] and assisted smaller-market stations with their digital TV roll-outs.[105] And in past years, small-market stations that entered into an LMA increased their audience share by an average of 3.2 points.[106] These arrangements thus positively impact both television stations' ability to compete and the public interest benefits these stations provide their viewers.

Specific examples illustrate the point:

- In Baton Rouge, Louisiana (DMA # 94), a JSA and SSA between ComCorp's WGMB and Knight Broadcasting's WVLA has permitted the two stations to produce two local newscasts where neither station provided *any* local news prior to entering the agreements in 2007.[107]

- In Providence, Rhode Island—New Bedford, Massachusetts (DMA #48), a grandfathered LMA permitted the arrangement's weaker station to relaunch its nightly 45-minute 10 p.m. news broadcast, as well as a 15-minute sports wrap covering local high school and college sports.[108]

---

[103] Notice of Inquiry, *2010 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rule*, MB Docket No. 09-182, at para. 8 (May 25, 2010); *see also* Price Coleman, "TV Groups Cope with Leverage Troubles," *TV Newsday* (Mar. 4, 2009), *available at* www.tvnewscheck.com/articles/2009/03/04/daily.4/.

[104] NAB Reply Comments, *2010 Quadrennial Regulatory Review of the Commission's Broadcast Ownership Rule*, MB Docket No. 09-182, at 19 (July 26, 2010).

[105] Comments of LIN, Raycom, Waterman, and Montclair, *2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 02-277, at 30-33 (Jan. 2, 2003).

[106] *Id.*

[107] Coalition to Preserve Local TV Broadcasting Reply Comments at 10-11.

[108] Comments of Coalition Broadcasters, *2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 02-277 *et* al., at 32-22 (Jan. 2, 2003).

- In Fort Wayne, Indiana (DMA #107), a JSA and SSA have permitted Granite's WISE-TV to preserve its weekend newscast, and both stations in the arrangement have added more live local news.[109]

- In Joplin, Missouri (DMA #147), a JSA and SSA between Nexstar and Mission permitted the signal of Nexstar's KSNF to continue on the air when its main tower collapsed on its studio facilities due to high winds. KSNF's news staff relocated to the studio of Mission's KODE, and KODE used its D-2 channel to carry the KSNF signal during the latter station's rebuild of its tower.[110]

- And in Amarillo, Texas (DMA #131), a JSA and SSA enabled Nexstar to add a new 9 p.m. newscast to its KAMR-TV.[111]

IV. ONLINE VIDEO

The NOI notes that an increasing amount of video programming is being made available over the Internet.[112] As the Commission has identified, video content is available online through branded broadcast networks, broadcast television stations, and cable networks, as well as "standalone" services such as Netflix, iTunes, Vudu, and Hulu.[113] These distributors use a variety of distribution models, including subscription, advertising, and pay-per-view. This has resulted in an increased diversity of video programming and distribution options for consumers. In particular, the availability of on-demand programming through these varied services, coupled with broadcasters' free OTA linear television signals (both primary and, increasingly, multicast), is making possible a cord-cutting phenomenon.[114]

---

[109] Coalition to Preserve Local TV Broadcasting Reply Comments at 15.

[110] *Id.* at 18.

[111] *Id.* at 17.

[112] NOI at para. 53.

[113] *See* NOI at para. 53.

[114] *See supra* Section I.B., for a discussion of cable cord-cutting.

Although the FCC previously has monitored the presence and status of video offerings on the Internet, it has never before created specific designations or definitions for the many and varied online video offerings. Indeed, the scope of the FCC's jurisdiction over such services is not entirely clear. These are nascent offerings using diverse technologies and business models that provide different types of consumer experiences and serve different markets for online video. It would be premature to create categories of online video services based on these quickly evolving offerings.[115] At this early stage, the FCC risks being over- or under-inclusive, potentially grouping together services that are dissimilar or that transform in unexpected ways. It does not make sense for the Commission to create a comprehensive classification system for online video in the absence of clear jurisdiction, a public policy need, and appropriate administrative procedures.

* * *

Without question, the video marketplace is intensely competitive. Both viewers and advertisers have more choices today than at any time in the history of the broadcasting industry. Broadcasters compete against one another, as well as against cable, DBS and telco system channels selling local and national advertising, and an expanding array of online and mobile competitors. Yet, broadcasters continue to be the sole participants in the video marketplace that produce local news, sports and emergency programming, the essential nature of which has been demonstrated over and over this year. Broadcasters' service to viewers

---

[115] NAB notes that online distributors need to obtain rights and clearances for the programming they offer. There have been instances where online distributors have not obtained appropriate clearances. *See, e.g.*, *WPIX, Inc. v. ivi, Inc.*, No. 1:10-cv-07415-NRB, 2011 WL 607111, at *13 (S.D.N.Y. Apr. 19, 2011).

continues to expand through increasingly diverse, free-to-air multicast channels, as well as the widespread deployment of Mobile DTV. We urge the Commission not to undermine the competitiveness of the video marketplace by altering the congressionally-created free market for the retransmission of broadcast signals, and to recognize that competition can be fostered by remedying outdated and asymmetric ownership restrictions.

Respectfully submitted,

By: _____*/s/ Jane E. Mago*_____

Jane E. Mago
Jerianne Timmerman
Erin L. Dozier
Scott A. Goodwin

NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street, NW
Washington, DC 20036
(202) 429-5430

June 8, 2011

Attachment A

Radio, TV Stations Show Unparalleled Commitment While Covering Ala. Tornadoes

SHARE Print Story

May 25 2011

By Donna Francavil a, Frankly Speaking Communications

BIRMINGHAM, AL - On April 27th, a series of violent storms tore through the Southeast much like a lawnmower cuts and flings grass. At least 350 were killed in the Southeast; 230 people in Alabama alone.

One victim described the miles of damage to me this way: "Imagine stuffing your house in a blender, turning it on high, then raising the lid."

Tornado victim Lee Limbaugh emailed his friends as soon as power was restored to his Pleasant Grove, Alabama home.

"The tornado narrowly missed my house, but for so many here, it showed no mercy whatsoever. The destruction is unimaginable."

For some of those victimized by violent tornadoes in Alabama and the tattered southeast, radio signals provided their only link to the outside world and life-saving information.

One radio listener wrote the following to Citadel Broadcasting: " Incredible coverage with Leland, Valerie and the gang yesterday. We've been without power for two days and you were all we had to keep us informed of tornado tracking and storm info. I'm sure you're exhausted, but we really appreciate your efforts. Thanks for being there!"

While other stations were broadcasting television audio, Citadel's Birmingham talk show hosts described where the tornadoes touched down. Video references could not be discerned on radio very well. Birmingham Citadel stations were the only ones to originate live radio coverage although the tornado came within a mile of their large-windowed, mountaintop, 2nd and 3rd story building.

Radio and television stations were instrumental in saving lives. They provided a critical link between those in need and the needy.

Tornadoes whipped winds so close to of some of Birmingham's major radio and television stations, many were ready to seek shelter themselves. Yet all entities remained on the air, and vigilant.

One meteorologist, at times exasperated and speechless at the immensity of storm, begged viewers to text to their loved ones to seek shelter immediately.

The broadcasters realized they faced a true emergency. All major broadcast outlets moved into commercial free mode or aired very few spots, provided warnings which saved lives, and after the storms hit, provided a lifeline for those stranded. Talk show hosts connected the needy with the charitable, and gave a voice to obliterated communities that FEMA had not yet discovered.

In Alabama, three major broadcast groups—Clear Channel, Citadel, and Cox—implemented independent fund-raisers to help those in need.

The four television stations in town initially attempted a joint telethon, but in the end the collaboration attempt faltered.

The Clear Channel stations worked with the local Fox affiliate; Citadel with all stations, but mostly the CBS affiliate; Cox Radio with the ABC affiliate.

HERE'S WHO DID WHAT:

Cox Media Group

Vice-President-Market Manager at Cox Radio David DuBose said when the storms were predicted; his group activated their disaster plan.

One day after more than 40 tornados destroyed or damaged 14,000 homes, DuBose said, "All 7 Cox stations joined a relief effort collecting, loading 12 truckloads of bottled water and personal toiletry kits, diapers, etc. We continue now raising cash." DuBose continued, "The lesson here is to have a disaster plan, keep adequate local news staff so even music stations can provide critical info, stay with the story, keep going round the clock as we

POST A COMMENT

did for two days.

DuBose knew the time was not right to return to music formats until much later. "We continued with multiple reports all through the weekend carrying all press conferences live from the Governor, Birmingham Mayor Bell, FEMA, Tuscaloosa Mayor Walt Maddox and the President." Birmingham Mayor William Bell publicly acknowledged Cox radio stations saved lives with their early warnings and extended coverage. DuBose's programming efforts were also noticed by listeners, who took the time to call the station, and gush with gratitude. Listeners thanked managers for their consistent tornado programming when competitors had already returned to music programming.

Cox continued coverage relentlessly despite two staffers who lost their homes and two staffers with homes that were heavily damaged.

Clear Channel Communications

"Having the largest radio news operation in the state paid off," said Clear Channel Operations Director Tom Hanrahan.
"The 5-station cluster utilized news-talk WERC, and veteran morning hosts from its FM music stations." Our first concern was getting information on the air." Music was not aired on the Clear Channel cluster, for 13 hours after the day after the storms passed through.

"Stations stayed in simulcast from 5 AM-6 AM across the cluster. WERC stayed in long form coverage from 5 AM-9 PM Thursday-Sunday after storms, opening lines to callers to get info out, and included special guests in studio like FEMA reps to answer listener questions."

Hanrahan said Clear Channel worked with Fox affiliate WBRC-TV and Raycom Media stations, raising significant amounts of money. Radio station WQEN staged a one-day telethon netting more than $55,000 for The Red Cross.

Clear Channel station WDXB aggressively promoted a County Music Television telethon called "Music Rebuilds" in an effort to donate their time to raise money for the rebuilding effort.

Said Hanrahan, "It's the right thing to do."

The stations are now involved in promoting a June 14th "Bama Rising," country music benefit concert for Alabama tornado recovery.

Market Manager Ray Quinn felt the unsung heroes during the storms were the engineering teams, which managed to keep the stations on the air when power was going out, and towers were falling down. "It amazes me all this talk about satellite radio and Pandora encroaching on terrestrial radio. How helpful were they during all of this? No wonder why over 95% of the Birmingham population still tunes in to radio for about 17 hours every week!"

Citadel Broadcasting

Citadel Broadcasting Market manager Bill Thomas in Birmingham, knew the storm was going to be of historic proportions when a National Weather Service Meteorologist predicted "loss of life and one of the most disastrous storms we'd ever see," on one of the news-talk stations he manages.

Thomas said, "We took that seriously. We basically went to a full simulcast mode the day of the storm and that allowed us to use personnel across the stations but we were carrying the actual weather and storm coverage across four FMs and two AMs." The next day, stations were separate so that they could serve their particular coverage areas."

Thomas manages WJOX AM/FM, WAPI AM/FM, WUHT-FM, WZRR-FM, and the Paul Finebaum Radio Network.

On the day the storm hit, Finebaum described the tornado as he watched it approach the big picture window in his studio. Since then, Finebaum hasn't talked much about sports.

Finebaum said, "On the day the Bama Rising concert was announced, we had (Alabama native country music star) Randy Owen in studio for the entire show, four hours, promoting the event, taking phone calls about the tornado. He ended up giving a mini-concert. (Citadel manager) Bill Thomas told me afterwards that we broke every rule in sports radio history; however, it was by far, the most memorable and meaningful program we have ever done - and the best. He sang many songs and naturally ended the show by singing an acoustic version of ``My Home's In Alabama.'' There wasn't a dry eye in the house or in cars across the listening audience. We have stayed with the story non-stop with the support of our partners at Sirius-XM."

The stations used their airwaves to mobilize listeners immediately in an emergency fund-raiser. WAPI Talk show host and former news anchor/reporter Leland Whaley organized an emergency donation drive by utilizing empty parking lot space. Donations poured in rapidly. The obliterated towns of Concord and Hackleburg received their first relief supplies from the radio stations, not the Red Cross.

Thomas said, "Leland created the quick-turnaround fundraiser, but more than 50 staff members and over two hundred listeners were key to pulling it off within hours of the tornadoes....many working at the site despite damage and power outages at their own homes. In fact, listeners to the stations online were responsible for seven additional semi-trucks coming from other states. Our fund raising will go on for sometime to come. (Recently, we collected thousands for the Salvation Army with Birmingham's Biggest Yard Sale and more than 300 listeners paid for the chance to dunk (Afternoon talk-show host) Richard Dixon in a dunking tank, with proceeds for tornado relief.)"

More than two million-dollars worth of donations filled 10 tractor-trailer trucks in Birmingham, bound for distantly affected towns. Callers passionately called news-talk WAPI, expressing gratefulness for the life-line, saying that they had no power, no supplies, but did have a radio. Radio station hosts informed storm victims. The airwaves were used as a critical public forum to broadcast needs and meet those needs.

The merits of acting quickly during a tragedy aided those without, but seemed chaotic as each station seemed to have its own project to promote.

Lessons Learned

Birmingham-based national sports radio host Paul Finebaum criticized Birmingham television stations for failing to fully cooperate.

"Everybody's been calling attention to themselves," Finebaum said. "I'm extremely bothered that the four TV stations did not work cooperatively.

I thought the ABC affiliate jumped the gun to get their telethon on two days after the storms hit." Finebaum told his listeners he felt the stations blew a chance to cooperate more fully.

"It was in poor taste for the station to have quickly shifted its focus from rescue and recovery to fund-raising," he told me.

ABC affiliate: WBMA TV

WBMA, the ABC affiliate for Birmingham and central Alabama, also known as ABC 33/40, agrees that collaboration among the stations in the same market is a great idea, and something stations throughout the nation should ponder should tragedy strike their market in the future.

WBMA General Manager Mike Murphy said, "The worst time to try learn to dance is in the middle of the song."

Murphy feels stations can benefit from working jointly should disaster strike. Less than a month after the disaster stuck, Murphy took action to plan for the future. He recommended a plan of action among stations to the Alabama Broadcasters Association. "There's no reason we can't have a collaborative disaster plan."

Collaboration: NBC affiliate: WVTM TV

Murphy credits Birmingham's NBC affiliate General Manager, WVTM's Gene Kirkconnell with attempting to orchestrate a unique cooperation among media outlets.

Kirkconnell commends the ABC affiliate for moving fast and raising a good deal of money for the Red Cross quickly.
Kirkconnell said when so many repeatedly asked him, "How can we help?" he shot for the moon and doing so paid off as donors opened their wallets in an unprecedented way.

"This is a moment I'll never forget. The need was there. We put out the call. People answered. A lot of people are going to get help because of it."

Kirkconnell seemed awed how the effort caught on like wildfire when the Alabama Broadcasters Association extended the details of the effort and spread the word.

WVTM-TV Alabama's 13 United Way Tornado Relief Telethon was aired one week after the tornadoes hit, with participation by stations throughout the state and across the United States.

"The idea I had was to put together a method by which it would be really easy for newspapers, websites, radio stations, and television stations within the state of Alabama but also really anywhere in the United States and beyond to say "Yes" to putting an appeal out there for the donation of funds," said Kirkconnell.

Phone line and text numbers, web and postal addresses were established. Newspapers and websites advertised the telethon. CNN donated satellite time. NBC weatherman Al Roker was moved. He told his Today Show and Weather Channel audiences about the fund-raising efforts.

Kirkconnell said Crawford Broadcasting also participated in the effort, along with many, many media partners. Birmingham natives and nationally syndicated morning show hosts, "Rick and Bubba" talked about the telethon on their radio show, which claims more than 50 affiliate stations. Media General stations promoted the event and more than 200 markets carried the WVTM-TV Alabama's 13 United Way Tornado Relief Telethon.

As I spoke to Kirkconnell about what seemed like the momentous wave of goodwill, a donor walked in, and hand-delivered a check for $10,000 dollars.

CBS Affiliate: WIAT TV

The telethon was also carried by the Birmingham CBS TV affiliate, WIAT, on its main channel in a fully collaborative effort. The CBS affiliate went a step further: It also lent a satellite truck and operator for custom live shots. Its anchors and personalities made appearances. The station pulled out all the stops to help with competitor, WVTM's efforts.

WIAT Vice-President of Marketing/Programming, Alex Morrow, said," During a time of disaster there should only be one priority and that is the welfare of our viewers. This means all viewers, not just those loyal to WIAT. Because of this, WIAT was willing to partner with any station or allow any other station to partner with us in the recovery efforts."

Morrow said the station linked with community partners. "WIAT formed a unique partnership with five credit unions throughout our DMA (Designated Market Area) and each credit union established a 'CBS42 Disaster Relief Fund.' During our extended news coverage and through the heavy rotation of promos, the station encouraged viewers to visit any of those credit union locations to make a donation. The collection sites are still on-going and 100% of the proceeds will be given to the Red Cross."

Also: We got excellent support from other New Vision Television stations…three of them sent us people to help out, several others sent equipment. We literally could not have kept the wheels on without that assistance.

Plus, on CBS42.com, WIAT established a "Neighbors Disaster Relief" tab, which serves as a one-stop resource for those in need of help and those who would like to help.

"By creating and in-depth resource we've been able to provide valuable information to everyone, and it is available day and night," Morrow said.

There were no tallies available on how much was raised at the time this article was written.

Morrow continued, "In addition, WIAT partnered with Country Music Television to simulcast the 'CMT Disaster Relief Telethon' on 42.2 on May 6, 2011 with those dollars also being donated to the American Red Cross."

Unparalleled News Commitment

To me, it seemed every working journalist for every radio and television station in the Birmingham area operated on adrenaline. That feeling was echoed by all news directors in town.

"I have been doing this a long time and have never encountered a total team commitment like this coverage required. We did massive amounts of special programming and the only griping I got was from people who wanted to be even more involved. Everyone stepped up. Everyone did above and beyond. It was a week before anyone got a day off."

Veteran WIAT-TV News Director Bill Payer said, "I've obviously been proud of other accomplishments over the years, but I've never been involved in something that combined excellent television, excellent journalism and genuine service to the community the way this coverage did. Everyone involved should be both proud and humbled by this."

I asked Payer: As a news manager, did you do anything differently than when covering past storms?

Payer said, "The main difference was the realization that literally nothing else mattered. We scrapped carefully crafted plans and schedules for the May book to devote our full attention to storm and aftermath coverage. Storm related coverage and recovery coverage was our total focus."

WBRC FOX6

Vice-President and General Manager of Birmingham's FOX affiliate, Lou Kirchen felt her experienced staff knew what to do when word of the approaching storms first became known. "If you have a strong meteorologist and very strong news director then to some degree, we follow their lead. When we saw the size of this event, we went wall to wall. We did 72.5 hours of news," between April 27th at 2 p.m. and the evening of April 29th. With Fox's blessing, "we delayed the showing of Idol. We didn't show the Royal Wedding festivities. We stuck purely with news. We knew the most important thing in the DMA was this story."

Our staff worked around the clock, said Kirchen. In addition, personnel flowed in from Raycom stations in other markets around the country supplying the station with additional personnel and equipment, such as microwave trucks for live shots. "These units are called, 'Go Teams'...ready to help supplement coverage during times of disaster."

Lou Kirchen said she would be willing to discuss the merits of a multi-station collaborative disaster plan especially, one involving stations throughout the state.

Fox 6's Red Cross fundraising effort was state wide, in that Raycom stations in Huntsville, Montgomery and Dothan, as well the Clear Channel Radio stations in the market participated in that effort. "That's why we felt it would have been confusing to change directions mid-stream," said Kirchen.

Kirchen said her station partnered with the Red Cross, using social media and the web. During the news coverage, reporters and anchors conducted informational interviews to raise money.

"On Your Side" and "Call for Action" personnel were activated to provide additional help for those in need. Viewer advocacy shows, such as "Law Call" helped viewers get their legal questions answered. Feedback from viewers indicated those services were appreciated, said Kirchen.

"We told people where to go to donate their money. We directed them to the Red Cross website." The Red Cross is trying to determine the value of items donated.

Kirchen also enjoyed combining forces with Clear Channel stations. "They were a tremendous partner. Their stations did a very fine job helping us cover this."

Utilizing Social Media

A tool kit utilizing social media was created to make donating easy said Alabama 13's Kirkconnell. "The text-to-donate stats came back. And we had donations from all 50 states, from Singapore, Japan, Italy and Puerto Rico."

In the end, Alabama's 13 United Way Tornado Relief Effort generated more than $804,000.

More Lessons Learned

WBMA's Murphy said his station moved quickly into telethon mode because the Red Cross advised donors would be more generous if the station acted quickly. ABC 33/40 was able to mobilize fast. In a little more than 36 hours and with the help of a few major donors, the station created a telethon that raised $575,000 for the American Red Cross. Murphy did not collaborate with any radio stations but did broadcast NBC affiliate WVTM's telethon on their second channel, and promoted their United Way effort.

Murphy recalled how Poynter broadcast consultant and RTDNA contributor Al Tompkins taught him long ago, that his real job was to make a difference.

The TV station coordinates clean up efforts, which will continue every Saturday as long as there is a need.

Many nationally syndicated radio and television morning show hosts flew to Alabama to raise awareness and be at the heart of activity here. This article addresses only a few who came to this state, but each one contributed significantly to the ultimate outpouring of generosity which will be critical to this area's eventual recovery and rebuilding.

How'd They Do?

In the end, radio and television stations managed to align themselves with a broad array of broadcast faculties and charitable organizations. Those partnerships resulted in saved lives, awareness and significant fund-raising. The station managers each felt they provided the kind of service broadcasters can be proud of.

Holding Public Officials Accountable

In the wake of the disaster, news operations at local radio and TV stations are holding public officials accountable to maximize recovery efforts. Some municipalities acted quickly to remove piles of debris. Yet the city of Birmingham was slow to remove debris in Pratt City. The news-talk station's audience, the eyes and ears of the community, questioned the pace of the clean up, triggering Alabama's governor to question Birmingham's mayor.

Why Do It?

How do you measure success? Donated dollar amounts tell some of the story. Testimonials tell the rest of the story.

Listeners Express Appreciation

Listener Shelisa took the time to write to Cox Radio's David DuBose:

"Just wanted to write and to thank the 'Radio Angels' that have been covering the tragedy that occurred on Wednesday, April 27, 2011 within the state of Alabama. The staff at your station has done a marvelous job in the coverage that you're providing to the public as well as the donation drive that you have put together. I appreciate the way the Cox Family has allowed your 'air-wave angels' to deviate from the normal scheduled program and allow the people to express themselves."

"Some of the listeners that have been affected by this tragedy and just listeners in general are allowing petty things to get the best of them."

"You know, government officials may or may not get around to visiting to every affected area, but thanks be to God that money has been allocated to everyone that has been affected in the state. Again, I would like to thank you and your angels for ALWAYS being there for the listening audience whenever there is a threat of severe weather or when something like this happens. It is my prayer that God will bless each of you and your efforts and know that some people are very, very appreciative."

"Yours in Christ,
Shelisa"

And this note, sent to the Paul Finebaum Radio Show from listener Malcolm Howard:

"I can't begin to tell you how much I appreciate what The Paul Finebaum show has done to help ease the pain of this horrible event. Yesterday was the most inspiring piece of radio I've heard. My daughter lost everything, but she is alive, her neighbors were all killed and it was a miracle that my family is intact. I've been a fan for over 20 years, and I gotta say I'm so proud of you, your staff and everyone involved with the show. I mean that with all my heart. Some may think radio is a dinosaur, I say you guys are making it stronger. The show is National, and I know its growing leaps and bounds. Again, please echo my grateful appreciation to everyone involved with show, we love y'all, and you make us proud everyday!"

Malcolm Howard

Station personnel put in long hours without sleep; they sacrificed time with their families; put themselves at personal risk, gave up income and dedicated unprecedented resources to save lives and rebuild lives.

Why?

It's what we do as journalists.

Donna Francavilla is a media consultant for Frankly Speaking Communications, a freelance reporter for CBS Radio News and a field producer for CBS The Early Show.

Attachment B

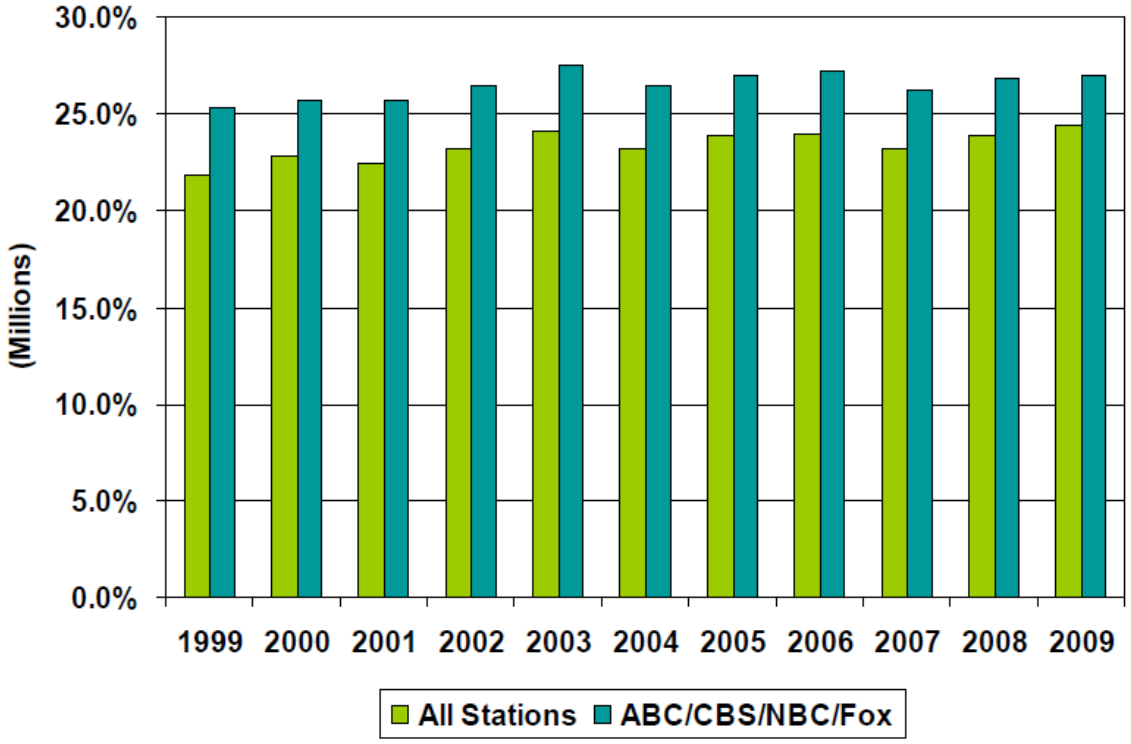
Television Station News Expense 1999-2009

Source: NAB Television Financial Surveys: 2000-2010

News Expense:

% of Total Expenses

(Data detail contained in next chart)



Source: NAB Television Financial Surveys: 2000-2010

News Expense: % of Total Expenses		
Year	**All Stations**	**ABC/CBS/NBC/Fox Stations**
1999	21.9%	25.3%
2000	22.8%	25.7%
2001	22.4%	25.7%
2002	23.2%	26.5%
2003	24.2%	27.5%
2004	23.2%	26.5%
2005	23.9%	27.0%
2006	24.0%	27.2%
2007	23.2%	26.3%
2008	23.9%	26.8%
2009	24.4%	27.0%