

January 27, 2012

VIA ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C., 20554

RE: Standardizing Program Reporting Requirements for Broadcast Licensees
(MB Docket No. 11-189)

Dear Ms. Dortch,

LIN Television Corporation (d/b/a LIN Media) (“LIN”) respectfully submits this letter in response to the Commission’s request¹ for a cost-benefit analysis of the proposed standardized broadcast television program reporting form that would require quarterly segment-by-segment reporting of local news and local civic/governmental affairs for two composite weeks.² LIN supports the legal and policy arguments made by the National Association of Broadcasters in this proceeding, but wishes to provide the Commission with additional specific factual, data-driven examples of the costs the proposed form would create for LIN and the resultant negative impact on LIN’s ability to produce local programming. LIN sees few (if any) benefits in the proposed standardized form, so the majority of this letter discusses costs.

About LIN

LIN is a local television and digital media company that owns, operates, or services 34 network affiliates and interactive television station and niche web sites in 17 U.S. markets. Across these stations, LIN airs more than 550 hours of local news and other local programming **per week**. In fact, 13 of these stations air twenty-five or more hours of local news per week. From 2009 through 2011, years in which many stations were trimming local news in response to the economy, LIN added 60 weekly hours of local news and 18 weekly hours of other local programming (*i.e.*, more than 4000 annual hours) in its footprint.

Specific Costs of Data Entry for Segment-Level Reporting

LIN conservatively estimates that for each half hour of programming, it will take at least an hour to review and report on information about the title or topic, date and time aired, and length of segments. This timing includes searching the station’s electronic newsroom system for specific segments, assigning a topic or title to unnamed segments, moving that data to another form, making adjustments for typographical errors, and other data processing-type tasks. As described further below, any requirements to populate additional fields will exponentially increase the amount of time required to respond to the proposed form but LIN cannot easily quantify those costs based on present experiences. LIN believes that this ratio is conservative, but even so, the numbers we provide below are still staggering.

¹ In the Matter of Standardizing Program Reporting Requirements, *Notice of Inquiry*, MB Docket No. 11-198 (FCC 11-169) (released November 14, 2011), at Section IV.

² Our letter presumes that the Commission implements segment-by-segment reporting in the standardized form. LIN recognizes that the Commission has requested comment on whether to allow licensees to report at a program-by-program level only. LIN suggests that if a standardized form must be implemented at all, a program-level reporting form would be less burdensome, but still problematic for other reasons described herein.

The proposed form places more of a paperwork burden on stations, like LIN's, that provide greater amounts of local programming. For example, WLUK-TV in Green Bay, Wisconsin (DMA Rank 69) airs 43 hours of local news and 6.5 hours of other local programming weekly. Reporting on this programming would therefore require at least 792 hours each year (49.5 weekly hours x 2 weeks x 2 for reporting x 4 quarters). In contrast, the current issues and programs lists only require WLUK-TV to spend 24 hours each quarter providing illustrative examples of its local service in specific categories. The increased workload would require LIN to hire temporary assistance or reassign someone from newsgathering or other tasks for paperwork completion. And, of course, that amount doesn't include the other information fields described below, review, and any delays in the Commission's database software. That cost would have to come from somewhere, and it would be deducted out of WLUK's news budget.

The proposed form would also place greater strains on smaller market newsrooms. For example, WLFI-TV, the CBS affiliate in Lafayette, Indiana (DMA Rank 188), which airs the only local television newscasts from and targeted to the Lafayette, Indiana DMA. Despite the small market size and the overhang from Indianapolis stations (DMA Rank 26), WLFI currently produces 22.5 hours of local news weekly. Using the ratio described above, segment-by-segment reporting on two weeks for each quarter would require WLFI to devote at least 90 hours each quarter for a total of 360 hours per year. In contrast, the current issues and programs lists only require WLFI-TV to spend an estimated 24 hours each quarter providing illustrative examples of its local service in specific categories. Again, the estimate doesn't include other fields, review, or database delays. Those are hours that could be better spent in the community as the only local news-producing television station in Lafayette, Indiana.

Furthermore, the proposed form would threaten the viability of new, innovative, niche programming. To illustrate, WWLP-TV, Springfield, Massachusetts (DMA Rank 114), recently launched a 4:30 a.m. newscast. WWLP was only able to make this new newscast targeted at a very niche market of early commuters economically feasible by instituting a very lean operation. The additional cost of at least ten additional hours of labor each quarter could very well make this newscast economically non-viable and may have forced WWLP to forgo the idea at the outset (or cancel it in the future), also imposing an incalculable cost on the station's programming discretion as protected by the First Amendment.

The composite week approach also means that a station could be forced to report segment-by-segment on days on which it went "wall-to-wall" with breaking news coverage. When wildfires struck, KXAN-TV in Austin, Texas (DMA Rank 47) brought its viewers nearly 20 hours of breaking news programming (outside of regularly scheduled newscasts). If that programming occurred on one or more "composite" days, the station would be required to split live, continuous programming into segments, and then report repetitious segments about the wildfires, which could take 40 hours (but probably more). Of course, in the converse, if those reporting days did not appear in the composite weeks, KXAN-TV would receive no "credit" for its wall-to-wall coverage. At bottom, the additional two hours (at least) required to potentially report on each hour of breaking news coverage would discourage stations from providing breaking news coverage at all, imposing an immeasurable cost on the station's editorial judgment.

Finally, the proposed requirement to report on all electoral segments during "lowest unit charge" windows far exceeds the burdens of composite week reporting. For example, in some states, such as Virginia, there are three (or more) elections in a given year. Conceivably, electoral information could be included in each and every newscast of a hot political state. In 2012, LIN's station WAVY-TV in Norfolk, VA (DMA Rank 43), which airs 35 hours weekly of local news, could therefore be required to review and report upon more than 900 hours of programming for a presidential primary, local general election, Senate primary, and federal general election.

The Costs of Categorization

The costs described above include only data input, but LIN wishes to point out that the initial determination of what is “local news” and what is “local civic/government affairs” or “electoral affairs” is subjective and require far more than simple data processing. Of course, the Commission’s choice of these limited subjective categories at the expense of the many ways stations can serve their local communities troubles LIN as an unquantifiable cost on each licensee’s editorial discretion. In any event, in a situation where a licensee must certify to the accuracy of its submission, these issues would impose additional review, training and legal costs on licensees.

To start, a segment about a local mayoral race is “local news”, “local civic/government affairs”, and “electoral” programming. Even entire programs, such as the aptly named “Newsmakers” program on WPRI-TV in Providence, Rhode Island (DMA Rank 53), can sit right on that line. How is someone attempting to report on each segment within Newsmakers (or any other local news program) to decide whether a segment is more “news” or “local civic/government affairs” or even “electoral” programming?

Second, what one station considers “news” may be different than what another station considers “news.” Is information about an upcoming concert considered news? On a CW station aimed at a younger demographic, it certainly could be in that category. For example, LIN’s CW affiliate in Mobile, Alabama (DMA Rank 60) recently launched “Studio 10”, a local entertainment and lifestyle program. Many segments of Studio 10 are “news” to that station’s audience, so a trained individual would have to sort through to determine which segments are “news” and which are not.

LIN estimates the cost of management and legal review by comparison to the Form 398 children’s report, which generally takes 30 minutes to review. An ordinary Form 398 includes 16 entries per program stream (representing 4 hours of children’s programming in the current and future quarter). By comparison, WPRI-TV generally airs 19 segments in each 30 minute newscast. Since WPRI-TV airs 32 hours of programming each week, a review of two composite weeks would entail more than 2400 entries for one program stream. That reporting obligation (and therefore review requirement) includes **150 times** the amount of entries. By that calculation, reviewing the proposed standardized disclosure form for WPRI-TV would take 75 hours. Even if that time could be streamlined by standardization and training, a rational broadcaster may therefore reduce the number of segments in a newscast to lower the reporting burden, imposing an additional cost to viewers of less desirable programming.

Costs of Proposed Additional Information Fields

As referenced above, the data entry and review estimates presume that only the topic, time, date, and duration of each segment must be reported because that is the only area where LIN has analogous experience that can lead to direct estimates. However, the proposed form also requests information about (among other categories) first-run status, service arrangements, captioning and video description. Those categories would lead to additional costs that LIN cannot quantify at this time due to the enormity of the tasks. As described below, however, the time burden would be immense.

As for whether programming is “first run”, the NOI’s broad sweep of this term is troubling and difficult to implement on an operational level. Television stations often use segments that include pool feeds (e.g., government press conferences), jointly owned mounted cameras (e.g., traffic cams), video or audio from previous newscasts that ran on that station or a co-owned or serviced station (e.g., b-roll or updated stories from earlier in the day), or video or audio from network news or other national feeds (e.g., Fox News Edge, CNN, AP). Each of these could affect whether a segment is “first run.” Many of these

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situations would also fit within the NOI's broad description of services arrangements, so this issue affects both the "first run" question and the services arrangement question (for each individual segment).

Determining whether any of these circumstances apply to an individual segment would require someone to review all material in the station's catalog (or multiple stations' catalogs) and know exactly when and what material other stations in the market are using from pool and news service feeds. LIN cannot even fathom a cost for answering these two questions for each segment in the thousands of hours of news that LIN's owned, operated, or serviced stations air each week. The task is simply impossible, and it would require extensive qualifications to any certification on the proposed standardized form.

On captioning and video description, LIN's stations, which are all located outside the Top 25 markets, use a mix of electronic newsroom technique and third-party provided real-time captioning for their local programming and are only required to "pass through" video description (if technically feasible). LIN does not currently track which programs use which type of captioning or which (if any) news service segments include video description that must be passed through (if technically feasible). Any tracking and reporting requirements would therefore be additional costs to LIN.

Minimal Benefits

For all these costs, and surely other costs pointed out by other broadcast commenters, LIN sees limited benefits to the proposed standardized form. Local viewers have access to each local station's news and public affairs product by watching the station, using television listings (e.g., Tribune Media Services or MVPD electronic program guides), or reviewing news stories posted to station websites or mobile platforms. LIN does not believe that the benefit of allowing out-of-market researchers and advocacy groups access to aggregated data for comparison at the expense of broadcasters fulfills any Commission purpose (especially since the Commission no longer uses comparative hearings) that is not already fulfilled by issues and programs reports.

Conclusion

In addition to its support of the National Association of Broadcasters legal and policy analysis, by this letter, LIN believes that it has provided the Commission with additional data-driven, factual examples of how the proposed standardized form would impose previously unheard of paperwork burdens, remove staff from newsgathering functions, and stifle licensees' First Amendment discretion. On the other side of the scale, LIN sees little benefit to allowing out-of-market researchers and advocates access to comparative data at the expense of television broadcasters. LIN therefore believes the Commission should decline to adopt the proposed standardized disclosure form. If, however, the Commission decides to adopt a version of the proposed standardized disclosure form, it should limit the form to program-level, rather than segment-level, reporting and remove extraneous questions on first-run status, service arrangements, captioning and video description, and other categories.

Very truly yours,

/s/

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