

**Before the
FEDERAL COMMUNICATIONS COMMISSION**
Washington, D.C. 20554

In the Matter of)
)
Standardizing Program Reporting Requirements) MB Docket No. 11-189
for Broadcast Licensees)
)

**JOINT COMMENTS OF BARRINGTON BROADCASTING GROUP LLC,
BELO CORP., DISPATCH BROADCAST GROUP, GANNETT CO., POST-
NEWSWEEK STATIONS, INC., AND RAYCOM MEDIA, INC.**

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In this Notice of Inquiry the Commission is considering replacing the issues/programs lists that local television stations are currently required to compile and include in their local public files with new disclosure obligations. These new requirements should be clear, meaningful to the public, and practical — not unduly burdensome for stations.

To assist the Commission’s efforts, the undersigned broadcasters (collectively referred to as “Television Broadcasters”) have developed a sample programming report (“Sample Programming Report”), which is attached as Exhibit A. The public would be able to access these reports through the Commission’s website, thereby advancing the Commission’s goals “to make it easier for members of the public to learn about how television stations serve their communities, and to make broadcasters more accountable to the public,” while also “limiting as much as possible the burden of compliance on broadcasters.”¹

¹ *In the Matter of Standardizing Program Reporting Requirements for Broadcast Licensees*, MB Docket No. 11-189, Notice of Inquiry, ¶¶ 1, 45 (rel. Nov. 14, 2011) [hereinafter, “NOI”].

I. EXECUTIVE SUMMARY

Television Broadcasters own more than 100 stations in television markets of all sizes across the country.² Some of these stations are affiliated with major or emerging television networks, while others are independent stations. Since completing the transition to digital television, many of the stations have expanded their high-quality services for the public by adding new multicast channels and mobile digital television offerings. The stations in aggregate employ thousands of people and serve as engines of economic growth and democracy in the local communities within their broadcast areas, enabling local businesses in these communities to reach potential customers and elected officials to inform potential voters, in addition to providing viewers important public interest programming and emergency alerts.

Television Broadcasters take their responsibility to serve the public interest seriously, as do other broadcasters. Their stations have a robust and longstanding track record of serving the needs of the local communities within their broadcast areas. These communities vary greatly in geographic, economic, political, cultural, and other demographic characteristics, and each station has developed a programming lineup designed to meet these different needs.

The purpose of this Notice of Inquiry is to determine what steps the Commission should undertake “to make it easier for members of the public to learn about how television stations serve their communities, and to make broadcasters more accountable to the public.”³ As a predicate for this proceeding, Television Broadcasters commend the Commission for undertaking a comprehensive study on the state of the media landscape, which culminated in the report entitled *The Information Needs of Communities: The Changing Media Landscape in a*

² A list of these stations is attached in Exhibit B.

³ NOI, ¶ 1.

Broadband Age.⁴ It was wise before considering regulatory changes for the future, for the Commission to understand the present, and the report did just that with thoughtful, comprehensive, and in-depth research, designed not to confirm pre-conceived convictions, but to find out the facts. The Commission should take into account the findings of this report as it considers new programming disclosure obligations for broadcasters, including the report's recommendation that the Commission replace old rules if it adopts new requirements.⁵

Consistent with the findings of the report on the information needs of communities, the Commission's Notice of Inquiry appropriately recognizes that Form 355, which was adopted in the Commission's 2008 *Report and Order* but which never took effect, was "overly burdensome."⁶ To avoid reaching the same result here, the Commission should assess proposals for new programming disclosure obligations against three specific criteria: (1) whether the form is clear, (2) whether the information obtained from television stations is needed by and meaningful to the public, and (3) whether the disclosure obligations are practical and not burdensome. In Section II below, Television Broadcasters describe how new reporting requirements can and should meet these criteria.

⁴ Steven Waldman & The Working Group on Information Needs of Communities, *The Information Needs of Communities: The Changing Media Landscape in a Broadband Age* (July 2011) [hereafter, "INC Report"].

⁵ Under the Commission's current rules, many television stations already make available a wealth of programming information in their quarterly issues/programs lists. See, e.g., In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement for Children's Television Programming Report (FCC Form 398), MM Docket Nos. 00-168, 00-44, *Joint Comments of Television Broadcasters*, Attachment A (May 19, 2008) (providing a copy of WDIV-TV's Quarterly Issues/Programs List for January 1, 2008-March 31, 2008).

⁶ Any new reporting requirements should limit "as much as possible the burden of compliance on broadcasters." NOI, ¶¶ 13, 45; see also INC Report, at 347 (concluding that the previous "enhanced disclosure" form was "overly complex").

The Commission also should ensure that new program disclosure requirements will be implemented in a manner that is consistent with the First Amendment and with the Commission’s circumscribed authority to intrude into licensees’ discretion with respect to programming decisions. To this end, Section III of these comments urges the Commission to adopt the recommendation of the report on the information needs of communities that online programming reports should be used to inform local communities about how their local television stations are serving their needs, and not to determine whether a station’s license should be renewed.⁷ Using the programming reports in the context of license renewal proceedings would “risk treading on the First Amendment rights of broadcasters” by being a “not-so-subtle attempt to exert pressure on stations to air certain types of content.”⁸ Section IV urges that any new disclosure obligations be designed to elicit meaningful information for local communities and the public in general, rather than to serve the agenda of the research community (as contemplated in the NOI and advocated by the public interest groups).⁹

II. **IF THE COMMISSION ADOPTS A QUARTERLY WEB-BASED PROGRAMMING DISCLOSURE REQUIREMENT FOR STATIONS, IT SHOULD BE CLEAR AND NOT BURDENSOME.**

The Commission should measure any proposals for new programming disclosure requirements against three specific criteria: (1) whether the requirements are clear, (2) whether the information provided is needed by and meaningful to the public, and (3) whether the disclosure obligations are practical and not burdensome.

⁷ INC Report, at 349.

⁸ NOI, at 23 (concurring statement of Commissioner Robert M. McDowell).

⁹ See, e.g., *id.* ¶ 17.

Requiring local television stations to complete a web-based programming disclosure form once per quarter consistent with Television Broadcasters' proposal would satisfy each of these criteria. First, stations would have clear guidance about the information to be provided and how it should be submitted. By being clear and simple to understand, the form would reduce the risk that stations will interpret the instructions differently and would help ensure that the information reported by nearly 1,800 broadcast television stations is consistent. Second, as the Sample Programming Report demonstrates, the disclosure form would provide information that is *meaningful* to the public in content, organization, and level of detail. Third, the form would be *practical* for local television stations to complete accurately four times a year *without overly burdening* broadcasters' ability to perform the public services on which they must disclose.¹⁰

A. The Report Form Should Cover Three Programming Categories: (1) News Programs, (2) Local News Programs Plus Other Programming Of Interest To Local Communities, And (3) Electoral Affairs Programming.

Local television stations should disclose the programming they aired in three categories: (1) News Programs, (2) Local News Programs Plus Other Programming Of Interest To Local Communities, and (3) Electoral Affairs Programming.

The first category, News Programs, includes all local, regional, national, and international news programs. As the report on the information needs of communities notes, "many local TV news operations are more important today than they have ever been," acting as leading sources of news on-air and online.¹¹ While local news is a critical component of this

¹⁰ Other commenters may have other program disclosure proposals or urge refinements to Television Broadcasters' proposals. They should be evaluated against the criteria set forth above.

¹¹ INC Report, at 349.

service, viewers' programming needs and interests are not limited to reporting on local events or locally-produced programming. Regional, national, and international news programs are similarly relevant to a station's local communities. For example, military service members fighting wars abroad have families and other ties to local communities in every part of the United States, making international coverage of these wars of significant *local* interest to these communities. When Hurricane Katrina displaced millions of people in New Orleans and nearby areas, people across the country took in these victims or organized aid efforts, making news coverage of the disaster relevant beyond Louisiana. And surely no one would argue that news coverage of the 9/11 terrorist attacks only mattered to viewers in New York City, Washington, D.C., and Shanksville, Pennsylvania. Consequently, the proposed News Programs category is designed to provide viewers with clear, comprehensive data about how broadcasters serve the important public function of keeping their local communities informed of important news programming.

The second category, Local News Programs Plus Other Programming Of Interest To Local Communities, consists of local news programs and other programming, whether locally produced or not, about or of interest to a local community within the licensee's broadcast area. This category is based on the recommendations of the report on the information needs of communities, which found that the public should have access to information regarding stations' programming that is about the local community.¹² This category also recognizes, however, that programming can be and often is of particular interest to local communities even if the program is not strictly *about* those communities or is produced elsewhere. For example, a nationally distributed documentary about immigration would be of great interest to viewers in the San

¹² *Id.* at 348.

Antonio, Texas DMA, regardless of where the documentary was produced or whether the documentary focuses specifically on San Antonio. The proposed form recognizes that such programming serves the needs of communities in these stations' coverage area.

The third category, Electoral Affairs Programming means election- and candidate-centered coverage (excluding electoral advertisements) focusing on local, state, or national elections with a constituency in the station's broadcast area. For example, this category would include local news or non-news stories about the elections, candidate debates, and political referenda.

These categories are *clear* because they rely on common industry definitions, common-sense judgments, and unambiguous, objective standards. They are *meaningful* because they allow viewers to assess how stations' programs address both interests of the general public and issues related to the local community, in a format that is simple and easy to understand. And they are practical without imposing unnecessary burdens because they minimize the number of difficult content-based judgments stations would have to make in compiling this information if they were mutually exclusive program categories.

In contrast, a form that required stations to report on exclusive, topic-based programming categories would create an unavoidable degree of subjectivity and inconsistency. As the Commission discovered in its previous attempt to develop a standardized programming disclosure form, it is extremely difficult to define programming categories in a way that is both clear enough to produce responses that are reliably consistent as among reporting stations and flexible enough to capture the range and diversity of programming stations actually offer. For instance, one of the flaws in Form 355 was that it would have required stations not only to distinguish between national and local news within the same program but also to separate out

and distinguish between local news segments addressing civic affairs and those addressing electoral affairs. The Commission should not return to such a narrow, topic-driven, and subjective approach.

B. Programming Should Be Included In Every Category For Which It Qualifies.

Any new disclosure requirements should make clear that stations should disclose programming in every category for which it qualifies. For instance, a local news story about a candidate for state senate would fall within all three reporting categories: it is news programming; it is about or of interest to the local communities within the station's broadcast area; and it focuses on a race for public office elected by a constituency within the station's broadcast area.

To prohibit a station from including a program in a category that accurately describes that program because it is also reported under another category on the form would lead to results that would not be standardized, reduce the accuracy and utility of the overall report, produce data that is less meaningful to the public and in some cases provide a distorted picture of the station's programming, and create uncertainty for stations and the public alike. The above example of a local news story about a state senate candidate illustrates the point. If stations are required to disclose this news content under only one programming category, one station might categorize it as a News Program after much internal deliberation, while another station in the same market might conclude that a similar program should be reported as Electoral Affairs Programming. A member of the public who wanted to compare how these two stations are serving the public interest might incorrectly conclude that the first station does not air any Electoral Affairs Programming; that the second station does not air any News Programs; and that neither station airs any Local News Programs Plus Other Programming Of Interest To Local

Communities, even though both stations aired similar programming that reasonably could be categorized under each of these programming types.

C. The Form Should Call For The Reporting Of Programming From Start To End.

Programming length should be measured from its start to end time, without having to subtract, for example, commercials, sponsorship ID announcements, promotional and public service announcements, or station identification announcements that might air within the program or segment. This approach would provide clear, practical guidance to broadcasters and meaningful information to members of the public, who do not subtract such televised content when considering program length or whether the program material meets their needs. Identifying and subtracting this information moment by moment would also impose substantial burdens on stations with no commensurate public benefit.

D. The Disclosure Form Generally Should Provide Programming Information On A Per-Program Basis.

To minimize the burden on stations while ensuring that the public has meaningful information about how stations serve the public interest, the disclosure form generally should ask for programming information on a per-program, rather than a per-segment, basis. News Programs and Local News Programs always should be reported on a per-program basis. Likewise, a 30-minute local public affairs program or a 30-minute candidate debate should be classified as a 30-minute program about the local community and 30-minute electoral affairs program. Requiring broadcasters to break this programming down into individual program segments would create significant and unnecessary burdens, especially for stations in small markets. Breaking a newscast, for example, into individual stories for reporting purposes would not provide any more information to the public about how much news programming the station

offered. In addition, this approach comports with the way in which the public considers such programming. It watches 30 minute programs.

If, however, a seven-minute interview on a 30-minute talk show addresses a particular topic about or of interest to a local community or that concerns a local election, the station also should be permitted to report that segment, even though the entire talk show might not otherwise fit the specific program categories.

These are complicated, technical issues. Television Broadcasters urge that the Commission publish a draft disclosure form and ask for comments on it. And the Commission should solicit and pay particular attention to the views of smaller stations and stations in smaller markets, stations in financial straits, and stations not affiliated with a major network on this issue.

E. The Disclosure Form Should Give Stations The Option Of Providing Additional Information That They Believe Is Important To Inform The Public About Their Service.

While the three proposed programming categories — (1) News Programs, (2) Local News Programs Plus Other Programming Of Interest To Local Communities, and (3) Electoral Affairs Programming — capture many of the important ways in which local stations' programming serves the public interest, a meaningful reporting system must recognize that television stations serve their local communities in myriad ways not adequately captured by these three program categories. Accordingly, any program disclosure form should include an open-ended "Comments" section that recognizes that stations serve the public interest in a variety of ways. A station might choose to use this section (which would be optional) to describe public-interest programming it aired outside the random sample week. Some stations might wish to describe programming that does not fit within any of the program categories specified in the form, such as arts or educational programming. Stations also could highlight their off-air public-

interest activities, such as sponsoring and promoting a local clothing drive or other efforts supporting charitable activities. All of these responses would serve the Commission's overall goal of "facilitat[ing] access to information on how licensees are serving the public interest."¹³

F. With The Exception Of Electoral Affairs Programming, Stations Should Be Required To Report Programming Based On One Random Sample Week Per Quarter.

Television Broadcasters agree with the report on the information needs of communities that the Commission could and should lessen the burden on broadcasters while providing for effective disclosure of public interest programming by requesting most programming information for one week per quarter.¹⁴ Specifically, stations should report (1) News Programs and (2) Local News Programs Plus Other Programming Of Interest To Local Communities based on one randomly selected, contiguous sample week per quarter. For the reasons explained below, however, stations should report any Electoral Affairs Programming that is aired during the quarter and within the 45-day period before a primary election and the 60-day period before a general or special election, when the lowest unit charge rates are in effect.

1. A Contiguous, Random Sample Week Would Provide Meaningful And Reliable Information For Most Types Of Programming.

Reporting for a contiguous, random sample week would provide stations with a clear reporting obligation and the public with meaningful information that comports with the way typical viewers experience a week of station programming. Using a contiguous random sample week, rather than a composite week comprised of days scattered throughout the quarter, also is more practical, less burdensome for broadcasters and more meaningful for the public because it would reduce the risk of unintentional error. The success of any standardized program

¹³ NOI, ¶ 10.

¹⁴ INC Report, at 348.

reporting system will depend on the Commission's ability to notify nearly 1,800 broadcast television stations that they must retain program information about the same specific days.¹⁵ The more notices the Commission must issue, the more likely it is that they will occasionally fail to reach one or more stations, thus creating the risk that stations may erroneously discard data necessary to fulfill their reporting obligations. Television Broadcasters' proposal would provide the public with a random but comparable sample of broadcasters' programming while requiring stations to be on the alert for only one FCC notice per quarter, compared to seven if the days in the sample week were non-contiguous.

A sample week will not provide an accurate representation of a station's programming, however, when special events — such as the Olympics, the Oscars, or ongoing coverage of a special national or international emergency — interrupt a station's typical programming schedule. It is likely that any random sample week chosen by the Commission would be atypical for some broadcasters due to unforeseen factors such as severe weather or breaking news. As demonstrated in the proposed Sample Programming Report, this issue could be addressed in two ways. First, an open-ended comments question would offer stations an opportunity to explain atypicalities that affected the stations' programming during the sample week. For instance, if coverage of a playoff game preempted part of a station's normal news coverage, a station could explain that abnormality.

Second, if the week selected by the Commission contained events, such as the Olympics, that deviated from the normal broadcast week, the comments section also would allow stations the option of reporting on one of the immediately adjacent weeks as being more representative of the station's programming. The station would still provide information for the

¹⁵ FCC Public Notice, "Broadcast Station Totals as of December 31, 2011" (Jan. 6, 2012).

Commission-selected week. Together, these disclosures provide the benefits of uniformity while also providing local communities with a more accurate picture of the ways in which the stations typically serve the public. The Commission would select the specific sample week prior to the start of the quarter but not announce it until eight days after the end of the chosen week to ensure that stations' programming decisions are not influenced by knowledge of which week is to be included in the disclosure form.

2. Stations Should Disclose Electoral Affairs Programming That Airs Within The Reporting Period And During The Lowest Unit Charge Windows.

Because Electoral Affairs programming is likely to be concentrated around elections, a random sample week would miss much of the electoral programming stations air. The Sample Programming Report would avoid this problem by requiring stations to report the Electoral Affairs programming they air on *any* day during the quarter (regardless of whether that day is part of the random sample week) if that programming falls during the 45-day period before a primary election or the 60-day period before a general or special election, when the lowest unit charge rates are in effect and voters and candidates are most engaged in the political process.

III. TO AVOID RAISING FIRST AMENDMENT CONCERNS THE COMMISSION SHOULD NOT USE PROGRAMMING REPORTS IN THE CONTEXT OF LICENSE RENEWAL PROCEEDINGS.

As the NOI appropriately recognizes, the goal of the current proceeding is to standardize stations' *disclosures*, not their *programming*.¹⁶ Standardizing the way in which stations disclose their public service programming and activities (up to a point) may make it easier for the public to hold broadcasters accountable. But the disclosure function should not

¹⁶ NOI, ¶ 23.

dictate or intrude into stations' programming decisions. The ways in which stations actually *meet* the needs of their local communities should not be standardized.

It would be inappropriate for the Commission to analyze stations' public service contributions using a one-size-fits all approach. Reporting obligations must be sensitive to the different circumstances of small-market or small stations, stations that are struggling financially, and stations that are not affiliated with a major network. In addition, these requirements must accommodate the diversity of programming that is responsive to the interests of local communities. For example, some stations may provide a multicast channel devoted to healthcare issues while others may focus on serving the needs of minority audiences. In addition, the needs of the public in a particular market may vary widely, depending, for example, on whether it is in a rural or urban area, the demographic composition of the audience (including whether a substantial portion of viewers are non-English speakers), the programming of other stations in the market, and the political, cultural, and economic character of the community.

As stated in the report on the information needs of communities, the goal of the programming disclosure form "should not be to provide the FCC with tools for license-renewal denials" but rather to inform the local communities within the station's broadcast area.¹⁷ As Commissioner McDowell aptly recognized, "[t]oday's highly competitive video market motivates broadcasters to respond to the interests of their local communities."¹⁸ Therefore, any disclosure form that is adopted should "minimize the need for government involvement in monitoring how broadcasters comply with their public interest obligations."¹⁹

¹⁷ INC Report, at 349.

¹⁸ NOI, at 23 (concurring statement of Commissioner Robert M. McDowell).

¹⁹ *Id.* ¶ 10.

A new standardized disclosure form should not be formulated or used in a way that would improperly pressure stations to skew their service coverage in favor of government-preferred programming categories. The NOI — with its emphasis on ensuring that researchers, as opposed to local communities within the station’s broadcast area, have sufficient data to achieve “methodological validity for academic research” and to perform “quantitative analyses [that] accurately reflect the amount of time devoted to public interest programming” — invites the very “quantitative approach” that the Commission has otherwise properly eschewed.²⁰

For three decades, the Commission has emphatically rejected the idea that a “simple quantitative approach” could accurately measure whether a licensee is fulfilling its obligation to air programming that is responsive to the community.²¹ Instead, the Commission has recognized that, in carrying out its obligation, a licensee must be free to exercise “its good faith judgment . . . to address issues by whatever program mix it believes is appropriate” and “to decide what amounts of such programming will be offered.”²² This proceeding should not become a backdoor way to introduce a prescriptive approach.

As the U.S. Court of Appeals for the D.C. Circuit has pointed out, the system of broadcast television regulations and license renewal proceedings renders licensees subject “to a variety of *sub silentio* pressures and ‘raised eyebrow’ regulation of program content,” to which the smallest stations are most vulnerable.²³ In that case, the D.C. Circuit struck down as unconstitutional a statute requiring noncommercial broadcasters who received federal funding to

²⁰ *Id.* ¶¶ 17, 26. See Section IV below. See also the public interest groups’ filing.

²¹ *Revision of Programming and Commercialization Policies, Ascertainment Requirements, et al.*, Report & Order, 98 FCC 2d 1076, ¶ 77 (1984).

²² *Id.* ¶ 33.

²³ *Community-Service Broadcasting of Mid-America, Inc. v. FCC*, 593 F.2d 1102, 1116 (1978) (en banc).

make audio recordings of programs “in which any issue of public importance is discussed” and to provide those recordings upon request to members of the Commission or the public.²⁴

Although the statute on its face imposed no new content requirements, the court found that the statute had the effect of chilling licensees’ First Amendment rights by “provid[ing] a mechanism, for those who would wish to do so, to review systematically the content of public affairs programming” and to use the results in conjunction with “existing means for communicating [officials’] displeasure.”²⁵ If used to make license renewal decisions, standardized programming disclosure reports could have similar chilling effects; stations might fear that failure to air enough programming in the government-designated categories would increase the risk of official displeasure or renewal denial.²⁶

To avoid what Commissioner McDowell describes as government’s inappropriately “foist[ing] upon local stations its preferences regarding categories of programming” or engaging in a “not-so-subtle attempt to exert pressure on stations to air certain types of content” in ways that “risk treading on the First Amendment rights of broadcasters,” the Commission should affirm that valuable contributions can be made outside the program categories contemplated in the NOI and that the disclosure form will not be used in renewal proceedings to impose (whether directly or indirectly) quantitative programming requirements or quotas on television stations.²⁷ This clarification would not only be consistent with Commission

²⁴ *Id.* at 1104-05.

²⁵ *Id.* at 1116.

²⁶ As the D.C. Circuit noted, “[i]n seeking to identify the chilling effect of a statute our ultimate concern is not so much with what government officials will actually do, but with how reasonable broadcasters will perceive regulation, and with the likelihood they will censor themselves to avoid official pressure and regulation.” *Id.*

²⁷ NOI, at 23 (concurring statement of Commissioner Robert M. McDowell).

precedent, but also would preserve the value of the disclosure form as an informational tool for the public by removing the specter of improper government interference in content decisions.

IV. THE PURPOSE AND DESIGN OF STATIONS' DISCLOSURE OBLIGATIONS SHOULD BE TO PROVIDE MEANINGFUL INFORMATION TO LOCAL COMMUNITIES, NOT TO SERVE THE AGENDA OF THE RESEARCH COMMUNITY.

In several places, the Notice of Inquiry asks about the impact new disclosure requirements would have on the academic research community.²⁸ Such questions are irrelevant to the Commission's statutory responsibilities and are inappropriate. Rather, the Commission's task is to provide the public within the station's broadcast area with "accurate information on which to base their viewing decisions."²⁹

Consequently, the Commission should design new reporting obligations to provide meaningful information to local communities, rather than to provide researchers with data that ensures "methodological validity for academic research."³⁰ While researchers might benefit from requiring stations to submit large amounts of raw, granular data, such reports would provide most viewers with little understanding of stations' overall programming. Under the Commission's cost/benefit analysis, the public in the station's local communities could not "be expected to utilize [such] additional information compiled in the form." Yet requiring stations to compile this highly-detailed information would impose costly burdens on stations that would

²⁸ See, e.g., *id.* ¶ 17 (noting that a coalition of public interest groups submitted "a statement from a coalition of academics with expertise in media sampling that says that a constructed week, if implemented properly, has methodological validity for academic research" and asking whether a one-week reporting period would provide the "research community with a sufficient sampling period").

²⁹ *Id.* ¶ 23. Obviously, Television Broadcasters have no objection to the research community's using this information, but the information should be designed for use by the general public.

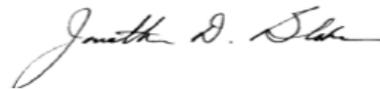
³⁰ *Id.* ¶ 17.

consume resources better used to actually serve their local communities.³¹ It is not in the public interest for station employees, including journalists, to divert their energies and professional talents from producing news for the benefit of local viewers to providing raw data for academic and other research.

* * *

Carefully designed disclosure obligations can provide broadcasters clear guidance and the public meaningful information about stations' public-interest programming, without unduly burdening local television stations. Television Broadcasters' proposal meets this standard. We look forward to the comments of others and to continue working with the Commission as it develops proposed rules in this proceeding.

Respectfully submitted,



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³¹ *Id.* ¶ 46.