

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

In the Matter of )  
 )  
Entercom Communications Corp. ) RM-11684  
Petition to Amend Section Sec. 73.1216 )  
Licensee-conducted contests )

**REPLY COMMENTS OF  
ENTERCOM COMMUNICATIONS CORP.**

Entercom Communications Corp. (“Entercom”), hereby submits reply comments in response to statements submitted pursuant to the Commission’s Public Notice of November 20, 2012<sup>1</sup> inviting interested persons to file statements in support or opposition of Entercom’s Petition for Rulemaking (the “Petition”) filed on January 20, 2012, which requests the Commission to amend 47 C.F.R. § 73.1216 governing licensee-conducted contests (the “Contest Rule”).

**DISCUSSION**

**I. The Commission Should Institute a Rulemaking Proceeding on the Petition.**

The Petition received overwhelming and unanimous support in this proceeding. Over 100 parties (including thousands of commercial and non-commercial radio and television broadcasters, National Public Radio, all 50 State Broadcasters Associations and the National Association of Broadcasters) submitted comments urging the Commission to institute a rulemaking proceeding to modernize the Contest Rule to bring the rule in line with the 21<sup>st</sup>

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<sup>1</sup> Public Notice, “Consumer & Governmental Affairs Bureau, Reference Information Center, Petition for Rulemaking Filed,” Report No. 2968 (Nov. 20, 2012).

Century and better serve the public.<sup>2</sup> The Petition and the comments to this proceeding state sufficient reasons in support of amending the Contest Rule. As Emmis advocated in its comments, “Affording stations the option of posting contest rules on websites, with periodic on-air announcements directing listeners to those sites, would properly reflect changes in technology since the rule was adopted decades ago, and would better inform listeners than the rule in its current form.”<sup>3</sup> The NAB Comments cite recent studies to demonstrate that, “Americans have become accustomed to using the internet to obtain instantaneous information.”<sup>4</sup> The NSBA Comments and NAB Comments point out that availability of contest rules in non-broadcast form may very well increase public awareness of a contest’s material terms and prevent misunderstandings by the public.<sup>5</sup>

The Clear Channel Comments advance Entercom’s position in the Petition that requiring on-air disclosure of material terms does not further the Contest Rule’s goal of conducting contests in a fair and honest manner<sup>6</sup> because broadcast of contest rules is negative, undesirable programming that drives away audience.<sup>7</sup> To support this position, Clear Channel submitted a study showing that a station lost more than a quarter of its net listening audience during

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<sup>2</sup> See Joint Comments of the Named State Broadcasters Associations, RM-11684 (December 13, 2012) (the “NSBA Comments”); See Comments of Emmis Communications Corp., RM-11684 (December 14, 2012) (the “Emmis Comments”); See Comments of Saga Communications Inc., RM-11684 (December 18, 2012); See Comments of Clear Channel Communications, Inc., RM-11684 (December 19, 2012) (the “Clear Channel Comments”); See Comments of the North Carolina Association of Broadcasters, RM-11684 (December 19, 2012); See Comments of the Ohio Association of Broadcasters, RM-11684 (December 19, 2012); See Statement of National Public Radio, Inc., RM-11684 (December 20, 2012); See Comments of Radio One, Inc., RM-11684 (December 20, 2012); See Comments of Local TV, LLC, RM-11684 (December 20, 2012); See Comments of Cox Enterprises, Inc., RM-11684 (December 20, 2012); See Joint Comments of Belo Corp., et al., RM-11684 (December 20, 2012); See Comments of Adventist Radio Broadcasters' Association, RM-11684 (December 20, 2012) (the “Adventist Radio Comments”); See Joint Comments of Beasley Broadcasting, et. al., RM-11684 (December 20, 2012); See Comments of the National Association of Broadcasters, RM-11684 (December 20, 2012) (the “NAB Comments”); See Comments of the Virginia Broadcasters Association, RM-11684 (December 20, 2012) (the “VBA Comments”).

<sup>3</sup> See Emmis Comments, at 1.

<sup>4</sup> See NAB Comments, at 3; See Arbitron/Edison Research, *The Infinite Dial 2012: Navigating Digital Platforms Presentation Companion* (2012) at 7; See International Demographics, Inc., *The Media Audit, 2011/2012—80 Market National Aggregate Report*; See BIA Access Pro, December 2012.

<sup>5</sup> See NAB Comments, at 3; See NSAB Comments, at 5.

<sup>6</sup> See Petition, at 2 (citing *Amendment of Part 73 of the Commission’s Rules Relating to Licensee-Conducted Contests, Notice of Proposed Rulemaking*, 53 FCC 2d 934 (proposed June 25, 1975)).

<sup>7</sup> See Petition, at 6; See Clear Channel Comments, at 3-4.

commercial breaks containing an announcement of the material terms of a contest, but only lost 13% of its net audience during commercial breaks that did not contain the material term announcement<sup>8</sup> Thus, including contest rules in a commercial break essentially doubled the audience loss. This study provides a real life example demonstrating why on-air contest rule disclosures are not the most effective means to communicate contest information to the public as the disclosures are negative programming that causes a large portion of a station's audience to completely tune out.

In light of the overwhelming support of the Petition and each of the reasons set forth in the comments to this proceeding, the Commission should grant Entercom's Petition and institute a rulemaking proceeding on this matter.<sup>9</sup> The fact that not one comment was filed opposing the Petition is telling and supports the need for the Commission to update the Contest Rule. The rulemaking requested in the Petition is more than justified.

## **II. Entercom does not Oppose the Named State Broadcasters Associations' Proposal to Permit Stations to Post Contest Rules on their Own Websites or on any Other Free, Publicly Accessible Web Site that Elects to Permit Such Posting**

In lieu of Entercom's suggestion to permit stations that lack their own Web site to be able to post material term disclosures on Web sites of the station's state broadcaster's association, the the NSBA suggested the following instead:

“allowing broadcast stations the option of posting their contest rules on any Web site that allows such posting so long as (i) the Web site is accessible to the public 24/7 during the contest, for free and without any registration requirement, and (ii) the station airs periodic announcements during the contest giving the Web site address where the contest rules may be viewed.”<sup>10</sup>

Entercom does not oppose the NSAB's proposal. Entercom never intended to make it mandatory for state broadcasters associations to post a member's contest rules on its Web site.

Entercom's proposed rule amendment language states, “...Disclosure of material terms on a Web

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<sup>8</sup> See Clear Channel Comments, at 4 and Exhibit A.

<sup>9</sup> See 47 C.F.R. § 1.407.

<sup>10</sup> See NSBA Comments, at 6.

site can be made on the station's Web site or if the Station does not have its own Web site and *if permitted*, on the Web site of its state broadcasters association." (Emphasis added).<sup>11</sup> The proposal to allow a station to post contest information on a Web site of a State Broadcaster's Association for stations that do not have their own Web site was suggested by Entercom since the Commission has proposed this in other circumstances.<sup>12</sup> However, Entercom has no issue with the NSBA's alternative proposal in the event the Commission determines that it is more appropriate than what Entercom initial proposed. The important issue is that broadcasters be given the option to make contest terms available on the internet rather than on-air.

### CONCLUSION

Based on the foregoing, Entercom respectfully urges the Commission to promptly initiate a rulemaking proceeding to amend the Contest Rule proposed by the Petition.

Respectfully submitted,

Entercom Communications Corp.  
401 City Avenue, Suite 809  
Bala Cynwyd, PA 19004  
(610) 660-5610

By: \_\_\_\_\_/s/\_\_\_\_\_  
John C. Donlevie, Executive VP & Secretary  
Carrie A. Ward, Associate Counsel

December 28, 2012

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<sup>11</sup> See Petition, at Appendix A.

<sup>12</sup> See Petition, at 4.

**CERTIFICATE OF SERVICE**

I, Janet Trainor, an assistant at Entercom Communications Corp., do hereby certify that on December 28, 2012 a true copy of the foregoing **“REPLY COMMENTS OF ENTERCOM COMMUNICATIONS CORP.”** was sent via United States First Class Mail, postage prepaid, to the following:

Brooks Pierce  
Att: Mark J. Prak  
P.O. Box 1800  
Raleigh, NC 27602  
*Attorneys for Virginia Association of Broadcasters; Ohio Association of Broadcasters and the North Carolina Association of Broadcasters*

Doug Easter, CAE  
Executive Director  
Virginia Association of Broadcasters  
250 West Main Street, Suite 100  
Charlottesville, VA 22902

Tom Griesdorn  
Chairman, Board of Directors  
Ohio Association of Broadcasters  
17 South High Street, Suite 1010  
Columbus, OH 43215-3413

Dick Harlow  
President  
North Carolina Association of Broadcasters  
P.O. Box 627  
Raleigh, NC 27602

Jane E. Mago  
Jerianne Timmerman  
Valerie Schulte  
National Association of Broadcasters  
1771 N. Street NW  
Washington, DC 20036

Brian M. Madden, Esquire  
F. Scott Pippin, Esquire  
Lerman Senter PLLC  
2000 K Street, NW, Suite 600  
Washington, DC 20006-1809  
*Attorneys for Joint Commenters (Beasley Broadcasting, et al.)*

Donald E. Martin  
Donald E. Martin, P.C.  
P.O. Box 8433  
Falls Church, VA 22041  
*Attorneys for Adventist Radio Broadcasters' Association*

Kathleen A. Kirby  
Eve Klindera Reed  
Kathryne C. Dickerson  
Wiley Rein LLP  
1776 K Street NW  
Washington, DC 20006  
*Attorneys for Joint Parties (Belo Corp., et al.)*

Derek Teslik, Esquire  
Dow Lohnes, PLLC  
1200 New Hampshire Avenue, NW  
Suite 800  
Washington, DC 20036-6802  
*Attorneys for Local TV, LLC*

Pamela Taylor  
Chief Operating Officer  
Local TV, LLC  
300 Dave Cowens Drive, Suite 505  
Newport, KY 41071

Barry J. Ohlson  
Vice President, Regulatory Affairs  
Public Policy Office  
Cox Enterprises Inc.  
975 F St. NW  
Suite 300  
Washington, D.C. 20004

Joyce Slocm  
Michael Riksen  
Michael Starling  
Rishi Hingoraney  
John Kean  
Gregory A. Lewis  
National Public Radio, Inc.  
635 Massachusetts Avenue N.W.  
Washington, DC 20001

Christopher Cain  
Vice President, Associate General Counsel  
Clear Channel Media & Entertainment  
200 E. Basse Road  
San Antonio, TX 78209

John E. Fiorini, III, Esquire  
WILEY REIN LLP  
1776 K Street N.W.  
Washington, DC 20006  
*Attorneys for Emmis Communications Corporation*

Michael Plantamura  
Vice President & General Counsel  
Radio One, Inc.  
1010 Wayne Avenue, 14<sup>th</sup> Floor  
Silver Spring, Maryland 20910

Gary S. Smithwick, Esquire  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Ave NW, Suite 301  
Washington, DC 200016  
*Attorneys for Saga Communications, Inc.*

Wiley Rein LLP  
1776 K Street NW  
Washington, DC 20006  
*(Attorneys for Clear Channel Media & Entertainment)*

Richard R. Zaragoza, Esquire  
Lauren A. Birzon, Esquire  
Pillsbury Winthrop Shaw Pittman LLP  
2300 N. Street, NW  
Washington, DC 20037  
*Attorneys for Named State Broadcasters Associations*

\_\_\_\_\_/s/\_\_\_\_\_  
Janet Trainor