

[<<< Back | Print](#)

## Speak Up, Sweet Charlotte

### *FCC gears up for earful on both sides of localism issue*

By John Eggerton – Broadcasting & Cable, 10/20/2003

#### In this story:

[A balance of views](#)

[A mixed reaction](#)

['Real People' set to testify](#)

The FCC has scheduled public hearings on local broadcasting in a half dozen cities over the next year, kicking off with this week with an Oct. 22 gathering at the Charlotte-Mecklenburg Government Center in Charlotte, N.C.

#### Local Programming in Charlotte Commercial TV stations, per week

|           | AFFIL | AMOUNT              | OWNER           |
|-----------|-------|---------------------|-----------------|
| WBTB(TV)* | CBS   | 24 hours 30 minutes | Jefferson-Pilot |
| WSOC-TV   | ABC   | 32 hours 13 minutes | Cox             |
| WCCB(TV)  | Fox   | 7 hours             | Bahakel         |
| WCNC-TV   | NBC   | 31 hours            | Belo            |
| WJZY(TV)  | UPN   | 5 hours             | Capital**       |
| WWWB(TV)  | WB    | 1 hour 30 minutes   | Capital**       |

\*Produces news for WJZY

\*\*Duopoly

SOURCE: B&C research

It is one element of a broader inquiry into localism and diversity that Chairman Michael Powell pledged in August.

That effort is partly in response to Senate Commerce Committee hearings, in which broadcasters were beaten up over everything from the Dixie Chicks boycott to centralcasting. It was also to signal that this inquiry, not the national-ownership-rule changes Powell is trying to preserve, is where the localism questions and criticisms should be addressed.

Powell says the FCC will use the information gleaned to determine whether any changes need to be made in public-interest obligations or the FCC's license-renewal procedures to help ensure broadcasters that are serving their local communities. All the hearings are timed to precede, or in Charlotte's case coincide with, rounds of license renewals in the host cities.

#### A balance of views

The FCC was still finalizing details at press time, but the 3½-hour hearing will be an even mix of panelists and open comment. The FCC wasn't saying which commissioners were going, but Democratic Commissioners Michael Copps and Jonathan Adelstein, both vocal consolidation critics, plan to attend. Republican Commission Kevin Martin will not attend due to a previous engagement. The rest of the Republicans were still firming up plans at press time.

According to FCC spokesman David Fiske, the hearing will feature a balance of views. He also said the commission is already working on the next hearing.

So what do critics of "Big Media" think about what is billed as another effort to listen to the vox populi, perhaps toughen public-interest standards and even teach citizens how to complain about stations at renewal time?

#### A mixed reaction

"A waste of time," said Jeff Chester, of the Center for Digital Democracy. He sees more politics than populism in the hearings: "[Powell] must have been reading a history of Stalin's show trials and come up with the idea of doing these hearings." Chester concedes that he is less focused on Charlotte than on Philadelphia, where he is helping lead a court challenge of the FCC's media-ownership rules.

An FCC spokesman responded to the criticism by offering this quote from the Nov. 6, 2002, *Los Angeles Times*, about the media-ownership review: "The consumer group criticized the extension as inadequate. 'The FCC should have granted much more time, including an agreement to hold field hearings,' said Chester. 'This FCC proceeding makes a mockery of what should be the model of an informed debate.'"

Consumer Federation of America's Mark Cooper is just as unenthusiastic as Chester. "The chairman sort of sends this stuff out, makes it up as he goes along trying to keep up with the political winds. Nobody has told me about the format, and I have not seen a lot of details."

Cooper isn't planning to attend, but he didn't attend the ownership hearings either. "These are supposed to be field hearings, for real people to testify, not Washington types."

### 'Real People' set to testify

One of those real people, according to consolidation critic Common Cause, is David Smith, a Raleigh, N.C.-area lawyer and member of Common Cause's state governing board. He ran unsuccessfully for the state legislature, and the FCC is expected to ask him to speak about how he was covered during the campaign.

Other Charlotte TV stations owned by Jefferson-Pilot Communications, Belo and Cox Communications all plan to send news crews to cover the hearing. At press time, spokespeople for the parent companies said they had not been asked to participate as panelists. Although, Jefferson Pilot spokesman Paul Mason said the Greensboro, N.C.-based company expects to have a representative at the meeting. Fiske said event will be audio-streamed over the FCC's Web site. C-SPAN is interested but had not committed to covering the hearing at press time. Charlotte's government cable channel (ch. 16 on Time Warner, 20 on Adelphia) was planning to carry it.

The other localism hearings are scheduled for San Antonio in December; Santa Cruz/Salinas, Calif., in March; Rapid City, S.D., in April; Portland, Maine, in May; and Washington in June.

[<<< Back](#) | [Print](#)

From: Paul Jackson  
Sent: Saturday, October 18, 2003 10:56 AM  
To: Paul Gallant; Lori Holy; Michele Ellison; Robert Ratcliffe; Harry Wingo; Royce Sherlock  
Cc: David Fiske; Richard Diamond; Meribeth McCarrick; Michelle Russo  
Subject: Press Clippings: Localism

CongressDaily/A.M.  
Monday, October 20, 2003

#### TELECOMMUNICATIONS

##### For Media Rules Foes, No Retreat

House and Senate critics of the FCC's revised media ownership regulations are standing firm in their efforts to roll back part or all of the new rules, despite fierce opposition by House GOP leaders, a veto threat from the White House and a multitude of year-end priorities competing for floor time in both chambers. "We're trying to fight this battle on a variety of fronts," Rep. Maurice Hinchey, D-N.Y., said last week. "We know we're up against formidable opposition, but we're going to keep pressing it ... and we're going to continue it right on into next year if we have to."

One potential complication for opponents of the new rules is whether the Senate version of the FY04 Commerce-Justice-State appropriations bill -- which, like the House-passed version, includes language to reverse the "broadcast cap" portion of the new rules -- will be folded into an omnibus package.

Many opponents of the new FCC rules consider the Commerce-Justice-State rider to have better prospects for enactment than other legislative measures overturning the new rules, partly because the media ownership language is virtually identical in the House and Senate versions of the spending bill. They also argue it would be politically risky for President Bush to veto a large appropriations package over a limited rollback of the FCC's new rules.

Supporters of the Commerce-Justice-State language note it is the most narrowly focused of the various FCC rollback measures. It would block the FCC from implementing its June 2 decision to allow a single company to own broadcast television stations that reach as many as 45 percent of the nation's households, up from the current 35 percent. But it would not address other controversial components of the FCC decision, such as easing newspaper and television cross-ownership rules.

"I think appropriations, right now, is the most immediate way to address the issue," said a spokesman for Senate Commerce ranking member Ernest Hollings, D-S.C., who co-sponsored the media ownership rider and other legislative vehicles to overturn the new rules. "When you consider the breadth of support for that particular provision, both in the Senate and in the House, I think it would be a difficult provision to strike."

But Senate Commerce Chairman McCain, who favors a limited reversal of the new FCC rules, is at the forefront of efforts to strike the

appropriations rider. He argues the media ownership issue should be addressed instead through an up or-down Senate vote on a broader, stand-alone bill his committee approved in June.

"I think it's a policy matter, and it borders on hypocrisy because the issue of cross-ownership is arguably as compelling as the 35 percent [or] 45 percent cap," McCain told CongressDaily.

Like the cross-ownership rules, he argued, "radio ownership is not addressed at all" in the Commerce-Justice-State language.

McCain has placed a hold on the Commerce-Justice-State spending bill -- effectively blocking floor action on it -- and has told Senate Appropriations Chairman Stevens he will lift the hold only if appropriators remove the media ownership language and numerous other "objectionable" legislative riders from the bill.

McCain also has said if the Commerce-Justice-State bill is folded into an omnibus spending package, he will offer a floor amendment to remove the media ownership language.

"I don't know what's going to happen on this," McCain said. "It's awfully hard to pry it out of an appropriations bill, but I'm going to engage in a spirited debate on the floor."

As of late last week, Senate appropriators still were planning to move each spending bill individually, according to a committee spokesman.

"Officially, we are still proceeding on a one-by-one basis for all bills," the spokesman said. "We fully expect [the Commerce-Justice-State bill] to go through conference and to be signed as a separate bill."

But senators at the forefront of the media ownership debate still are bracing for the possibility of an omnibus package.

"The major question is whether we'll have the chance to get the [Commerce- Justice-State] appropriations bill on the floor," said Sen. Byron Dorgan, D- N.D., who has called for a complete rollback of all the FCC's new media ownership rules.

Dorgan said an omnibus measure could "preclude a lot of amendments from being offered" on media ownership and other issues.

Dorgan argued his "resolution of disapproval" is the best vehicle for rolling back the new media ownership rules. The Senate passed that "legislative veto" of the new rules on a 55-40 vote last month.

But unlike Senate leaders, who were required to schedule a floor vote on the measure under the Congressional Review Act, House GOP leaders currently are under no obligation to move it to the House floor. Shortly after the Senate vote, House Majority Leader DeLay and Energy and Commerce Chairman Tauzin said they would fight any attempts to move the Dorgan resolution through the House, and they noted the resolution fell short of the 67 Senate votes needed to override a veto by Bush.

House Dems Seeking Support

Hinchey and several other House Democrats have been working to mobilize support for the Dorgan resolution among rank-and-file House members. Hinchey said 176 House members -- including six Republicans -- have signed a letter asking House Speaker Hastert to schedule a floor vote on a resolution to overturn all of the media ownership revisions the FCC adopted in June.

Hinchey, who co-wrote the letter to Hastert with several other House opponents of the new FCC rules, said they plan to submit the letter by the end of the month, and possibly as early as this week.

"The letter is prospering," Hinchey said. "It's gaining more and more signatures every day."

If the letter fails to sway House leaders, Hinchey said the next step would be to introduce a House version of the Dorgan resolution and begin collecting signatures on a discharge petition. Sponsors of such a resolution would have to garner at least 218 signatures on the petition to bypass the House Energy and Commerce Committee and bring the resolution directly to the floor.

Dorgan said the resolution would have a good chance of enactment if its House sponsors succeed in collecting the 218 signatures.

"I know House leadership is opposing the resolution of disapproval, but I think there's a broad base of support for it over there," Dorgan said.

Dorgan also dismissed the veto threat from White House officials as "hot air."

"The president is not going to make this his first veto," Dorgan said. "White House aides have said they will recommend a veto, but we have not heard directly from the president. Those are just idle threats, in my judgment."

#### Fallout Over Hearings Criticism

Meanwhile, the FCC plans to hold a public hearing Wednesday in Charlotte, N.C., on whether media companies are meeting their local broadcast obligations. The meeting will be the first in a series of six public hearings to be held in various cities over the next eight months. The FCC's new "localism" task force will conduct the hearings.

FCC Chairman Michael Powell launched the task force in August amid criticism the commission had held only one public hearing before adopting the new media ownership rules.

Next week's hearing will provide consumers, industry representatives, civic organizations and other interested parties with an opportunity to share their views on broadcasters' service to their local communities, according to the FCC.

"Throughout the media ownership debate, the biggest concern expressed has been about localism," said FCC spokesman Richard Diamond. "The idea of a hearing is to look at the issue of localism directly, rather than

looking at it through the lens of ownership rules, which is a very indirect and clumsy way to look at the issue."

Diamond said the hearings would help the task force formulate recommendations to the FCC how best to promote localism in television and radio. The task force also will advise the commission on legislative recommendations to Congress. "So it's forward-looking on the issue of localism," Diamond said.

Congressional opponents of the media ownership rules welcomed the news of the upcoming hearings, but said the FCC should have held more of those types of hearings before adopting the new rules.

"They rushed this through without any public hearings, other than one hearing they held in [Richmond, Va.]," Hinchey said. By Molly M. Peterson

Pacific Business News (Honolulu) - October 13, 2003  
<http://pacific.bizjournals.com/pacific/stories/2003/10/13/story6.html>

#### EXCLUSIVE REPORTS

New round of FCC hearings could include Hawaii  
Debbie Sokei

Local media groups are again seeking to convince the Federal Communications Commission to meet here to discuss ownership of KHON-TV and KGMB-TV by Indiana-based Emmis Communications.

Last week, Michael Powell, FCC chairman, announced plans for a series of hearings across the country to determine how broadcasters are meeting obligations to serve their local communities. The meetings also will address licensing renewals.

A meeting in Hawaii could provide an opportunity to address concerns over Emmis' ownership of the two stations, said Sean McLaughlin, president and CEO of Maui's Akaku Community Television. Rick Blangiardi, senior vice president and general manager for KHON and KGMB, expects a ruling next year.

"Meanwhile, we are doing everything we can to improve the quality of news here in Hawaii," Blangiardi said.

According to the Nielsen Media Research, in May 2003 KHON had a market share of 12/26 at 10 p.m., 14/29 at 6 p.m. and 6/16 at 5 p.m. KGMB had a market share of 8/16 at 10 p.m., 6/12 for 6 p.m. and 5/13 at 5 p.m.

Hawaii has more TV stations per 100,000 households, however, than markets much bigger than the islands (see related story on page 33).

Over the past year opponents of single ownership of the stations -- Akaku, the Honolulu Community-Media Council and the Society of Professional Journalists, Hawaii Chapter -- have been pushing unsuccessfully for an FCC meeting here. Those opponents contend Emmis' ownership would be a disservice to the community and would change the scope of local news gathering. Blangiardi asserts single ownership would not undermine news quality.

"I see [Powell's announcement] as a huge shift," McLaughlin said. "It greatly increases the chances of the FCC of physically holding a meeting in Hawaii." Powell said the scope of the hearings are not final but they could result in findings warranting new regulations. Meeting dates also have not been set. "I have no problem with it resulting in rules if they're suggested by what we learn," Powell said.

A federal appellate court has ordered order a stay of the Federal Communication Commission's 3-2 vote allowing media companies to own more television stations and other media outlets in a market, relaxing decades-old rules.

The court's action gives Congress time to act on the FCC's ruling. Sen. Dan Inouye, D-Hawaii, favors a bipartisan resolution that would repeal the FCC rule change. Inouye said if the FCC gets its way, media coverage would dramatically change.

"If allowed to go into effect, these rules will result in fewer creative outlets for independent television and content producers; higher ad rates for large and small businesses; fewer antagonistic sources of news and opinion; and less airtime for community groups," Inouye said.

"In addition, there may be growing reluctance by local station operators to take on network executives in rejecting nationally produced programming that violates community standards."

Inouye said 75 percent of what Americans watch during prime time and 90 percent of the top 50 channels on cable are controlled by five media companies. Rep. Ed Case, D-Hawaii, also is against the FCC rule change.

Until a ruling is made, Kate Healy, spokeswoman for Emmis, said it is business as usual at KHON and KGMB. "Obviously, at the end of the day, our actions will reflect whatever resolutions the Congress, the courts or the FCC come up with," Healy said. "But until that resolution becomes clear, we will continue to operate the stations in the best interest of the community." Reach Debbie Sokei at 955-8042 or [dsokei@bizjournals.com](mailto:dsokei@bizjournals.com).

<http://www.wsoc.tv/news/2561894/detail.html>

WSOCTV.com

FCC Announces Charlotte Radio And Television Hearing

POSTED: 11:04 a.m. EDT October 17, 2003

As announced on October 3, 2003, the Localism Task Force of the Federal Communications Commission has scheduled six public hearings on the subject of localism, and will hold the first of these in Charlotte, North Carolina. Several FCC Commissioners will preside. The hearing is open to the public, and seating will be available on a first-come, first-served basis. The hearing date, time, and location, are:

Date & Time: Wed., Oct. 22

6:00 p.m. - 9:30 p.m.

Location: Charlotte-Mecklenberg Government Center  
Meeting Chamber  
600 East Fourth Street  
Charlotte, North Carolina

The purpose of the hearings is to gather information from consumers, industry, civic organizations, and others on broadcasters' service to their local communities. The Charlotte hearing will begin with a number of invited guests and panelists making brief introductory remarks. The Commissioners will then have an opportunity to ask the panelists questions or comment on the subject of localism. Approximately one half of the time allotted for the hearing will be reserved for the general public to register their views through an "open microphone" format. The Commission will release further details before the hearing.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Please include a description of the accommodation needed, providing as much detail as you can, as well as contact information in case additional information is needed. Please make your request as early as possible, and allow at least five days advance notice. Last minute requests will be accepted, but may be impossible to fulfill. Please send a request by e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov), or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations, 202-418-0530 (voice), 202-418-0432 (TTY);

For accessible format materials (Braille, large print, electronic files, and audio format), 202-418-0531 (voice), 202-418-7365 (TTY). The hearing will be recorded, and the record will be made available to the public. The public may also file comments or other documents with the Commission.

Filing instructions are provided at  
[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-239578A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-239578A1.doc).

For additional information about the hearing or the Localism Task Force, please visit the Task Force's website at <http://www.fcc.gov/localism>, or contact the Task Force directly at 202-418-7777, or at [localism@fcc.gov](mailto:localism@fcc.gov). Press inquiries should be directed to Michelle Russo, at 202-418-2358, or Meribeth McCarrick, at 202-418-0654.



From the October 16, 2003 edition of Technology Daily AM:

#### Antitrust

##### FCC Plans Field Hearings On Rules For Local Broadcasting

The FCC announced details Wednesday for next week's public hearing in Charlotte, N.C., on whether media companies are meeting their local broadcast obligations. CongressDaily reports that the meeting will be the first in a series of six in various cities over the next eight months. The hearings will be conducted by the FCC's new "localism" task force. FCC Chairman Michael Powell launched the task force in August amid criticism over the commission's decision to ease media-ownership rules, including those governing how many broadcast stations a company may own in a given local market. In other news, Bloomberg reports that SBC Communications won approval from federal regulators to enter the \$7 billion market for long-distance service in the final four states where it lacked permission to do so: Illinois, Indiana, Ohio and Wisconsin. The FCC granted that permission.

CongressDaily/A.M.  
Thursday, October 16, 2003

#### TELECOMMUNICATIONS

##### FCC Starts Public Hearings On Local Broadcast Service

The FCC announced details Wednesday for next week's public hearing in Charlotte, N.C., on whether media companies are meeting their local broadcast obligations. The meeting will be the first in a series of six public hearings that will be held in various cities over the next eight months. The hearings will be conducted by the FCC's new "localism" task force.

FCC Chairman Michael Powell launched the task force in August amid criticism over the commission's new media ownership rules. Congressional opponents have noted that the FCC held only one public hearing before adopting them in June.

Next week's hearing will let consumers, industry representatives, civic organizations and other interested parties share their views on broadcasters' service to their local communities, according to the FCC.

The task force plans to hold later hearings in San Antonio, Texas, Santa Cruz/Salinas, Calif., Rapid City, S.D., and Portland, Maine between December 2003 and May 2004.

The last of the hearings is scheduled for June 2004 in Washington. The task force also will advise the FCC on legislative recommendations for strengthening localism.

<http://www.knoxstudio.com/shns/story.cfm?pk=MEDIAHEARINGS-10-07-03&cat=AN>

FCC to hold hearings to get citizen input on broadcasters

By DAVID RANII

Raleigh News & Observer

October 07, 2003

- National media watchdog groups, flush with their success in stalling consolidation-friendly media ownership rules, are contemplating trying to block some TV and radio stations across the country from renewing their broadcast licenses.

And a new initiative by Federal Communications Commission member Michael Copps to conduct a series of hearings across the country could play into their plans.

Copps said the meetings will give citizens a forum to express opinions on whether broadcasters are serving the public interest, as required, and therefore deserve to have their licenses renewed.

Media groups believe the hearings could trigger challenges to some license renewals at the grass-roots level.

"You can be sure that the Copps hearings will spur local activists," said Josh Silver, managing director of Free Press, a public-interest group in Massachusetts. "Stay tuned. It is going to happen."

In a telephone interview, Copps said the hearings would enable the public to convey their frustrations, but added, "I'm not just interested in a pleasant conversation on localism. I'm looking to compile a record that could be used now in license renewal." A potential target is WDCG-FM G105, one of five Raleigh, N.C.-area stations owned by Clear Channel Communications of San Antonio, Texas. The station has come under attack from listeners and advertisers after Bob Dumas of the "Bob and Madison Show" said he hated seeing bicycle riders on the road and laughed at stories about motorists running cyclists down.

"If I could be of any use at any FCC hearings, I would certainly be happy to participate," said Blanche Dean of Durham, N.C., captain of a cycling team called the Msfits. "(G105's) license is up for renewal Dec. 1. We would like to see that not happen."

Clear Channel isn't under attack only in North Carolina.

Essential Information, a public-interest group founded by Ralph Nader, recently filed a challenge to Clear Channel's radio licenses in the District of Columbia and three states. The challenge accuses the chain of running deceptive promotions and airing obscene and indecent material.

Jim Donahue, project director for Essential Information, said there are no plans to include Clear Channel's stations in North Carolina and elsewhere in the challenge - because it's not necessary. "If the FCC did rule in our favor, they would have to revoke all of Clear Channel's licenses," he said.

Andy Levin, senior vice president of government affairs for Clear Channel, said that won't happen.

"I expect the FCC will look at the totality of the circumstances, how our stations are run in the public interest, and renew each one of our stations," he said.

The FCC reviews a station's performance, including whether it is serving the public interest, when licenses come up for renewal. But over the past two decades the agency's oversight has relaxed, and renewals are mostly rubber-stamped. They're known in the industry as "postcard renewals."

Critics complain that as the broadcast industry has consolidated, commitment to the public interest has fallen by the wayside.

<http://www.tvweek.com/topstorys/060903democrats.html>  
Democrats, Republicans Join in Protest of New FCC Rules Legislative Override Given Slim Chance by Washington Insiders

By Doug Halonen

Angry lawmakers, including a clear majority of the Senate Commerce Committee, last week vowed to block a new set of Federal Communications Commission rules on media ownership that they said will give a handful of media industry conglomerates undue power over the nation's entertainment and information businesses.

Sen. John McCain called all five FCC commissioners to a Senate Commerce Committee hearing last Wednesday. The next legislative shot will be taken June 19, when the committee plans a vote on legislation backed by Sen. Ted Stevens, R-Alaska, that would set in concrete an FCC rule that used to bar broadcasters from owning TV stations reaching more than 35 percent of the nation's TV homes. The FCC's Republican majority raised the cap to 45 percent in a vote June 2.

At hearings before the Commerce Committee, Sen. Byron Dorgan, D-N.D., said he plans to amend the legislation to overturn other parts of the FCC's new media ownership rules.

However, it probably isn't going to matter in the end. Veteran observers say the prospects for a legislative override are slim at best, particularly because the key congressional committee chairmen with jurisdiction over communications legislation—Sen. John McCain, R-Ariz., and Rep. Billy Tauzin, R-La.—have made clear their opposition to an override.

"The new suite of rules recognize and reflect the explosive growth in the number and variety of media outlets in the market, as well as the significant efficiencies and public interest benefits that can be obtained from common ownership," Rep. Tauzin said.

But a clear majority of the Senate Commerce Committee is upset about the FCC's new rules. And the fact that the agency's proposal to change its media ownership rules elicited more than 750,000 complaints from the public could add momentum to legislation—even though President Bush is expected to be sympathetic to his fellow Republicans at the FCC on the issue.

"It's always a long shot but it's not as long a shot as it might have been," said Andrew Schwartzman, president of the activist Media Access Project.

Lawmakers also plan to try to ax the rules with a "resolution of disapproval," a seldom-used parliamentary device that would effectively allow them to sidestep normal legislative procedures.

Congressional sources said the relevant provisions in the law permit sponsors of the resolutions to bring them directly to a Senate vote without the usual committee hearings as long as they have the support of 30 senators. Under the unusual provisions, which were included in the Small Business Regulatory Enforcement Fairness Act of 1996, the resolutions can't be filibustered and aren't subject to amendment.

Assuming the resolution is approved by the Senate, it can then be voted on immediately on the House floor, bypassing Rep. Tauzin's House Energy and Commerce Committee altogether.

Assuming congressional approval, a major fly in the ointment is that the president has to sign the resolution into law before it becomes effective.

But as is the case with any legislation, Congress can always attempt to override a veto with a two-thirds majority of the House and Senate.

Despite Sen. McCain's opposition to the override legislation, a clear majority of his colleagues on the Senate Commerce Committee were sharply critical of the agency's rules during committee hearings after the FCC's vote.

Should other legislative initiatives fail, Sen. Ernest Hollings, D-S.C., said he would try to derail the FCC's deregulation with a rider on an appropriations bill, a plausible course of action because he is a senior member of the Senate Appropriations Committee and Sen. Stevens is the committee's chairman.

Sen. Dorgan and Democratic presidential candidate Sen. John Kerry, D-Mass., meanwhile, said they would use a resolution to overturn the agency's rulings in an end-run around normal congressional lawmaking procedures.

Despite the vote, the rules won't go into effect until 30 days or so after they are published in the Federal Register. The final regulations aren't expected to be forwarded for publication until sometime this week.

That means that lawmakers will have a month or two to derail the regulations before any new deals are done. #

<http://www.cjr.org/issues/2003/5/radio-kelliher.asp>

EMERGING ALTERNATIVES

Low Power, High Intensity

Building Communities on the FM Dial

BY LAURIE KELLIHER

They bought their equipment on e-Bay. Their antenna is attached to a water pipe on the roof. They have only two staff members, but more than

fifty people volunteer in the studio on their time off from jobs as factory workers, busboys, and grocery clerks. Few at the station speak English. Some are illiterate. No one has any previous experience in radio. It's WSBL-LP in South Bend, Indiana, and it's low-power FM.

In the increasingly corporate world of radio, low-power FM isn't about how far your signal reaches but how near. These are neighborhood stations with 100-watt signals that travel single-digit miles. They are run by civil rights organizations, by environmental activists, by church groups and school districts. They are voices that have either been pushed out of the radio spectrum or never invited into it, and the appetite for them speaks to a growing need in this country for community. And with a recent technical study providing leverage in low-power's struggle with big radio, there just might be more of them on air.

Low-power FM licenses were introduced in January 2000 under William E. Kennard, then former Federal Communications Commission chairman. The move was partly a strategy to control the proliferation of unlicensed pirate channels, partly a reparation for the Telecommunications Act of 1996, which deregulated radio and set the stage for media consolidation. The idea was simple: low-power FM stations would be small enough to fit between the frequencies of existing full-power stations, and their licenses would be granted to noncommercial organizations for educational purposes. "When hundreds of stations are owned by just one person or company," Kennard said in March 2000, "service to local communities and coverage of local issues lose out."

On the west side of South Bend, losing out meant a Hispanic community with no Spanish-language radio station. When WSBL-LP began its Spanish-language broadcast in September 2002, the community not only heard traditional and contemporary Hispanic music but also received English-language vocabulary lessons during the breaks. The station raises money for a local scholarship fund and helps collect corn flour for the local food bank. WSBL-LP regularly runs public service announcements for early-childhood vaccinations, prostate cancer testing, and HIV screenings, and can measure the results. "The statistics at local clinics jumped from last year to this," says Eliud Villanueva, director of WSBL-LP. "We have really made a difference, and that surprised us more than anyone else."

For Villanueva, an electrical inspector with no previous radio experience, the road to WSBL-LP began with a 700-mile drive to Maryland. That's where the Prometheus Radio Project was holding a "radio barn-raising" seminar at the site of another low-power FM station, WRYP-LP in Sherwood, Maryland. Prometheus, a nonprofit organization devoted to the growth of noncommercial community radio, offers legal and technical support to communities that want to build a low-power station - something that can realistically be done for about \$10,000. The barn-raising offers three days of classes (including "Intro to Radio Engineering," "Running an All-Volunteer News Operation," "How the FCC Works") and concludes with the raising of a transmission tower and the station's first broadcast. "Once these stations were just a glint in the eye of the village wacko," says Pete Tridish, technical director for Prometheus. "People would say, 'You can't build a radio channel, only Clear Channel can build a radio channel.'"

Clear Channel, based in San Antonio, Texas, now owns more than 1,200 radio stations in 230 cities and has become Exhibit A for opponents of media consolidation. Many of its broadcasts originate in locations other than the cities where they are heard, saving Clear Channel considerable money. Low-power FM is technically and philosophically the opposite, originating locally and focusing tightly on local needs and concerns. "The purpose of low-power FM isn't profit," says Tridish. "The purpose is to rethink how we use media to bring communities together."

Mike Shay was a member of a Maryland environmental group battling to prevent a Chesapeake Bay wetland area from being developed into a supermarket when his organization applied to the FCC for a construction permit to build WRYYR-LP. "We thought of it as a way to fight billionaire developers and corporations on a playing field that was not level," says Shay. WRYYR-LP identifies itself as the first radio station owned and operated by an environmental group. Amid a mix of gospel, jazz, and alternative music, the station runs programs dedicated to local and national environmental issues. WRYYR-LP also offers coverage of county council meetings and local elections, with particular emphasis on land-use and zoning issues. The programs on the station feature local musicians and writers, and are hosted by local residents. "We thought if we could celebrate our community, we would make it stronger," says Shay.

As with most low-power FM stations, WRYYR-LP is funded through the donations of local residents and businesses. Running the station is a challenge for a volunteer staff with other full-time jobs, but the difficulties haven't deterred them. Shay, who traveled to Richmond, Virginia, to deliver a statement at the FCC's public hearing on broadcast ownership rules there last February, says he is disgusted with media deregulation and the buildup of media conglomerates: "Everything is going in such a wrong direction. Low-power FM is the one bright spot."

The birth of the low-power FM movement is generally attributed to DeWayne Readus, later renamed MBanna Kantako, who in 1987 began a 1-watt broadcast out of his apartment in Springfield, Illinois. "Kantako was the Johnny Appleseed of micro-radio," says Peter Franck, a San Francisco lawyer who advised Kantako on behalf of the National Lawyers Guild when the FCC fined Kantako for broadcasting without a license. Kantako was broadcasting to the African-American community in the John Hay Homes housing project where he lived, and his shows discussed the issues concerning that community, particularly issues related to police brutality in Springfield at the time. "People with alternative concerns of all kinds want to speak to their community," says Franck. "They want media that is not mediated by the government or by corporate advertisers."

But with limited spectrum space, radio has always necessitated some sort of regulation. And it is the apportionment of that spectrum space that is at issue in the low-power FM movement. When the FCC opened its first window for low-power construction permits in May 2000, 720 applications were filed. At the same time, the National Association of Broadcasters, joined by National Public Radio, raised concerns with Congress about the potential interference low-power FM channels might

cause to existing full-power channels, and asked that the prescribed minimum dial distance between the two be increased. More distance meant fewer low-power channels. Though studies done by FCC engineers showed that the low-power signals were too small to cause interference at the designated distance, Congress complied with the NAB and NPR request for further study in December 2000. This effectively knocked out of contention more than half the original applications and all but excluded low-power stations from congested urban markets.

Low-power advocates were appalled. "It has never been appropriate policy in this country for Congress to make engineering decisions," says Cheryl Leanza, deputy director of Media Access Project, a public-interest telecommunications law firm based in Washington, D.C. "They were persuaded by incumbent broadcasters."

The results of the independent study requested by Congress were released in July and concluded what low-power FM advocates and FCC engineers had always maintained: that the majority of interference issues voiced by the NAB and NPR were not legitimate. A public comment period will now be open until September 12, when the FCC will prepare its recommendation to Congress. "Right now is a very important time for media policy," says Leanza. "Low-power FM is one step we can take on a national level that says we support diversity and localism in media."

While the study is potentially good news for low-power FM, conceivably adding hundreds of new channels to the existing 220, the movement is still mired in bureaucracy with many applications filed more than a year ago still awaiting approval. Chairman Michael K. Powell announced in a press conference on August 20 that the FCC would expedite the approval process but the agency is not currently accepting new applications for licenses and has not said when it will start again.

Which makes a station like Radio Bird Street grateful it has its license. "I would have been a pirate station if it weren't for low-power FM," says Erv Knorzer, general manager of KRBS-LP in Oroville, California. When KRBS-LP moved into an abandoned laundromat, its goal was to bring community radio to Oroville. In the process it brought some life back to a downtown area that had been deserted years ago for outlying strip malls. The station runs public service announcements for the local library, community theater, and senior center. It broadcasts the independent news program Democracy Now!, offering an alternative to the nearby commercial stations, five of which are owned by Clear Channel. Knorzer's daughter, Marianne, serves as the station manager and arranges a programming schedule that includes Hmong-language news broadcasts for the Oroville Laotian community and a labor issues show that keeps local hospital workers up to date with news of the local Steelworkers Union. The station's youngest deejay is ten, the oldest seventy-two. The board of directors includes members of the local Mexican-American, Native-American, African-American, and Hmong communities. The studio on Bird Street is often crowded with people from the sixty-five-member staff of volunteers who make the station run. "This station gives hope to a lot of people," says Marianne.

URL:

[http://www.timesrecordnews.com/trn/nw-national/article/0,1891,TRN\\_5703\\_2328129,00.html](http://www.timesrecordnews.com/trn/nw-national/article/0,1891,TRN_5703_2328129,00.html)

FCC to hold hearings to get citizen input on broadcasters

By DAVID RANII

October 7, 2003

National media watchdog groups, flush with their success in stalling consolidation-friendly media ownership rules, are contemplating trying to block some TV and radio stations across the country from renewing their broadcast licenses.

And a new initiative by Federal Communications Commission member Michael Copps to conduct a series of hearings across the country could play into their plans.

Copps said the meetings will give citizens a forum to express opinions on whether broadcasters are serving the public interest, as required, and therefore deserve to have their licenses renewed.

Media groups believe the hearings could trigger challenges to some license renewals at the grass-roots level.

"You can be sure that the Copps hearings will spur local activists," said Josh Silver, managing director of Free Press, a public-interest group in Massachusetts. "Stay tuned. It is going to happen."

In a telephone interview, Copps said the hearings would enable the public to convey their frustrations, but added, "I'm not just interested in a pleasant conversation on localism. I'm looking to compile a record that could be used now in license renewal." A potential target is WDCG-FM G105, one of five Raleigh, N.C.-area stations owned by Clear Channel Communications of San Antonio, Texas. The station has come under attack from listeners and advertisers after Bob Dumas of the "Bob and Madison Show" said he hated seeing bicycle riders on the road and laughed at stories about motorists running cyclists down.

"If I could be of any use at any FCC hearings, I would certainly be happy to participate," said Blanche Dean of Durham, N.C., captain of a cycling team called the Msfits. "(G105's) license is up for renewal Dec. 1. We would like to see that not happen."

Clear Channel isn't under attack only in North Carolina.

Essential Information, a public-interest group founded by Ralph Nader, recently filed a challenge to Clear Channel's radio licenses in the District of Columbia and three states. The challenge accuses the chain of running deceptive promotions and airing obscene and indecent material.

Jim Donahue, project director for Essential Information, said there are no plans to include Clear Channel's stations in North Carolina and elsewhere in the challenge - because it's not necessary. "If the FCC did rule in our favor, they would have to revoke all of Clear Channel's licenses," he said.



Andy Levin, senior vice president of government affairs for Clear Channel, said that won't happen.

"I expect the FCC will look at the totality of the circumstances, how our stations are run in the public interest, and renew each one of our stations," he said.

The FCC reviews a station's performance, including whether it is serving the public interest, when licenses come up for renewal. But over the past two decades the agency's oversight has relaxed, and renewals are mostly rubber-stamped. They're known in the industry as "postcard renewals."

Critics complain that as the broadcast industry has consolidated, commitment to the public interest has fallen by the wayside.

The Charlotte Observer (KRTBN)  
Tuesday, October 7, 2003

FCC Seeks Public Input on Media Ownership Rules  
By Mark Washburn, The Charlotte Observer, N.C.  
Knight Ridder/Tribune Business News

Oct. 7--Concerned that media conglomerates neglect local broadcasting responsibilities? The Federal Communications Commission wants to hear about it. The FCC announced Monday it would send a task force into the nation's heartland beginning this month in Charlotte to hear public comment on "localism" in broadcasting.

The Oct. 22 meeting in center city will be followed by public meetings in San Antonio; Salinas, Calif.; Rapid City, S.D.; and Portland, Maine. The series of meetings will end in June 2004 with a hearing in Washington.

The listening sessions come as the agency is under fire from Congress and others for endorsing broader limits on corporate ownership of America's media outlets. The meetings also come as the agency gathers comments about broadcast-station license renewals.

Relicensing is done periodically region by region nationally. The expiration dates for radio licenses in the Carolinas is Dec. 1. Television licenses in the Carolinas are up for renewal in the autumn of 2004.

Denial of a license is "very rare," FCC spokeswoman Michelle Russo said.

Announcement of the hearings comes two months after FCC Chairman Michael Powell said the agency would examine how TV and radio stations can best serve their communities.

Powell and the FCC came under criticism for passing new rules in June that would allow companies to control television stations reaching 45 percent of the country's viewers -- up from 35 percent before -- and to own broadcast stations and newspapers in the same city, which was

previously prohibited in most cases. The rules are in limbo amid legal and political challenges.

Media companies had sought the changes, saying old regulations hindered their ability to compete in a marketplace altered by cable television and new technologies, such as direct satellite broadcasts and the Internet. Critics feared that a handful of companies would control the marketplace of information and entertainment and that absentee owners would fail to serve local constituencies.

"We heard the voice of public concern about the media loud and clear," Powell said in announcing the task force in September. "Localism is at the core of these concerns, and we are going to tackle it head on."

The hearings could unleash a new round of criticism aimed at the agency and media companies.

"I'd say the FCC chairman is belatedly responding to the tsunami of criticism that broke after he pushed through the June 2 vote on media ownership rules," said Tom Taylor, who follows broadcasting for the daily industry newsletter Inside Radio, based in New Jersey.

Taylor said broadcasters fear the meetings may be a series of open forums "to attack radio and TV for their alleged lack of local focus and public service."

FCC officials may hear localism issues such as the growing industry practice of making a newscast sound local despite being aired from another city.

In the Carolinas, for example, newscasts on Columbia's WOLO-TV (ABC, Channel 25) originate 90 miles away from the studios of WCCB-TV (Fox Charlotte, Channel 18). Both stations are owned by Charlotte-based Bahakel Communications and share master control facilities at the company's studios near Cricket Arena.

The hearings are also expected to address "voice tracking," a common practice at some radio stations in Charlotte and elsewhere. Through automation, a radio program sounds local but is actually voiced by an announcer in another city who reads local promotional information, weather and ads, which are spliced between songs.

Although broadcasters are obliged to serve their communities as a condition for holding an FCC license, rules governing the industry have gradually eased.

In the 1980s, the FCC lifted requirements that radio and TV stations air nonentertainment shows, such as news, public affairs or educational programs.

The agency also dismantled the Fairness Doctrine, which required broadcasters to air both sides of controversial issues.

Powell set a one-year timetable for the task force to offer recommendations that should be made to Congress to strengthen localism in broadcasting.

-----Original Message-----

**From:** peter dahlberg [mailto:pdahlberg@satx.rr.com]

**Sent:** Tuesday, September 30, 2003 12:11 AM

**To:** Spitzer, Ken

**Cc:** Michael Powell; JohnHogan@ClearChannel.com; Markmays@ClearChannel.com

**Subject:** Re: Why does Clear Channel hate cyclists?

Thank you for your attention on this matter.

Do you recall a couple of years ago a news story of three teenage boys who video taped themselves driving around town shooting pedestrians with a paintball gun? If you do not recall the story, the general point was the outrage that the public felt toward the actions of these kids. There was even a follow-up story of their court appearance and punishment.

A paintball gun is far less lethal than a "empty Yoo-hoo bottle" when thrown from a moving vehicle.

Below you will find two letters written regarding other Clear Channel radio personalities who also advocate assaulting cyclists

Sincerely,

Peter Dahlberg

*The following is from Frank Karbarz of Houston, TX. It speaks for itself. After reading, please consider voicing your opinion to the people in authority. We'll spare you the grisly details of the accident. This is an attempt to stop the public airwaves from being used to make light of cyclists' deaths and advocate intentionally dangerous driving.*

- *On Saturday morning, August 30, 2003, a 20-rider paceline was hit by a pickup truck near Lake Jackson, TX, in the Houston area. Two cyclists were instantly killed. Eight others were injured. One had to be life flighted.*

*This was a horrible accident. But I'm writing to RBR about subsequent events that sound identical to your story in issue No. 106 about the Cleveland radio station that advocated hate crimes against cyclists.*

*On Tuesday morning, the DJs on the local Clear Channel radio station, KLOL (101), turned Saturday's event into entertainment and advocated that their listeners use their car mirrors to hit cyclists. Yes, another Clear Channel affiliate like in Cleveland!*

*Obviously, Clear Channel thinks it is okay to continue support of such a hate crime. I wonder how their advertisers feel about potentially deadly and criminal behavior.*

*This is a problem because most radio listeners are steering their 3,500-pound weapon of destruction as they listen to the voices broadcast by Clear Channel throughout the entire country.*

*I urge all cyclists to support a letter-writing campaign to Clear Channel, the FCC, the local radio station program manager, and sponsors. Here are several key individuals:*

*Mike Powell, FCC Chairman, [mpowell@fcc.gov](mailto:mpowell@fcc.gov)  
Vince Richards, KLOL program manager, [vincerichards@clearchannel.com](mailto:vincerichards@clearchannel.com)  
John Hogan, CEO, Clear Channel Radio, [JohnHogan@clearchannel.com](mailto:JohnHogan@clearchannel.com)  
Mark Mays, COO, Clear Channel Communications, [Markmays@clearchannel.com](mailto:Markmays@clearchannel.com)*

- *Here is my letter, which you are free to modify and use:*

*John Hogan*

Our morning show includes a good deal of animated banter, between callers and on-air personalities, that can be both humorous and caustic. The intention is always to entertain our listeners. During a couple of shows this week, time was spent by callers and on-air personalities discussing driving and cyclists. During this discussion, comments were made which at the time we felt were humorous in nature. In retrospect we feel that the some of the comments were inappropriate, and for that we sincerely apologize.

Be assured that G105 does not advocate harm to cyclists. Again, thank you for your message and please feel free to write or phone me in the event I can be of service.

Best regards,

Ken Spitzer  
Regional Vice President  
G105-FM Radio  
Phone: 919-878-1500

-----Original Message-----

**From:** peter dahlberg [mailto:ddahlberg@satx.rr.com]

**Sent:** Thursday, September 25, 2003 2:30 PM

**To:** Public Relations

**Subject:** Why does Clear Channel hate cyclists?

Cleveland, Houston, and now North Carolina. Is advocating assault and murder against cyclists the message that Clear Channel is promoting?

Sincerely,  
Peter Dahlberg

President/CEO Clear Channel Radio  
200 East Basse Road  
San Antonio, TX 78209

Re: KLOL

Dear Mr. Hogan.:

I'm an avid radio listener and avid cyclist. Given this past weekend's death of two cyclists in Dallas Texas, I'm compelled to respond to your DJs comments on Houston affiliate KLOL. This morning your DJs explicitly recommended that listeners use their vehicle mirror to hit cyclists. Not only is this criminal and deadly behavior, but it reveals your company's repeated disregard for humanity. In fact, your Cleveland affiliate recommended exactly the same behavior toward cyclists in July ([article below](#)).

Why do your morning radio personalities nationwide continue to advocate violent driving behavior towards lawful citizens and users of our roads?

One thing is clear, your DJs communicate to your listeners that potentially deadly and violent behavior is good amusement and should be encouraged. Would it have meant anything different if the DJs recommended taking a loaded gun to a local school to protest overcrowded classrooms? Clearly your DJs comments cannot be considered harmless humor in our society. Furthermore, these antics are particularly sensitive to your Houston-based listeners because of this weekend's tragedy.

What is Clear Channel Communications going to do to next? In July, you donated thousands of dollars to cycling advocacy groups when your Cleveland affiliate pulled the same stunt. While thoughtful, it did little to change behavior in your company. Are you willing to risk liability of your entire company?

Please do not continue allowing your employees to use a tragedy to perpetuate violence.

—Frank A. Karbarz, Houston, TX

- **This is the article that appeared in RBR newsletter issue No. 106:**

Imagine a radio station telling drivers to throw cans at cyclists or pass them, hit the brakes and fling open the passenger door.

That actually happened in Cleveland. For a week in July, some morning show miscreants (on a station we won't publicize) made a running "joke" out of harassing cyclists.

When people phoned in to explain cyclists' rights, they were mocked and insulted.

One of the callers was bike-shop owner Lois Cowan of Century Cycles. The DJs offered her an interview, then used it to brand her a "PMS sufferer," "stupid" and a person who "can't take a joke."

Cohen sent e-mail about the situation to cycling advocacy lists. Hundreds of riders nationwide contacted the station's owner, Clear Channel Communications, with letters, e-mail and phone calls. They protested reasonably and civilly, which made the right impression.

Within days, Clear Channel execs promised to donate air time, money and other support to local cycling causes. Company reps even attended a ribbon-cutting ceremony to open a Cleveland bike path.

The DJs were ordered to apologize publicly. Too bad they weren't made to ride to work for a month.

September 29, 2003

Thank you for your e-mail message regarding recent Bob and Madison morning show broadcasts on G105.

Communications Daily  
Monday, October 6, 2003

Volume 23; Issue 193

#### NAB STUDY SHOWS 76% OF LISTENERS ARE SATISFIED WITH RADIO

PHILADELPHIA -- NAB said "solid appreciation" of radio's importance to the public was expressed by 93% of respondents to poll by Zogby International, released here Fri. at the NAB Radio Show. Commissioned by the NAB, the survey found that 76% of participants in poll were either "very satisfied" or "somewhat satisfied" with local radio programming. The Sept. poll results closely paralleled but are down slightly from similar poll for NAB taken in April, pollster John Zogby said. The survey didn't ask about listeners' satisfaction with the number of radio commercials.

Despite the findings, group executives here saw a need for more and better promotion of radio's value to its listeners, particularly in emergencies. Joel Hollander of Infinity said the many "misconceptions" about radio held by consumers, public interest groups and legislators needed to be addressed. Clear Channel's John Hogan said there was "a disconnect between the radio industry" and elected officials. Hogan and Hollander said they and others would explore ways to improve radio's image.

FCC Media Bureau Chief Kenneth Ferree said basing market definitions on projected contours had caused problems and that was why agency shifted to Arbitron figures. That, too, caused problems, including an NAB court appeal (CD Oct 3 p7), so the Commission started a rulemaking on how to define market areas for stations in small markets that weren't measured by Arbitron. He said "the chairman [Powell] heard you" when broadcasters argued that structural rules weren't the best way to define localism, so the FCC task force on localism was established.

There's not likely to be any broadcast legislation in the short time remaining this session of Congress, said Reps. Andrews (D-N.J.), Engel (D-N.Y.) and Walden (R-Ore.), who owns several radio stations. Engel said the rest of year would be spent mostly on appropriations bills. The Congress members generally endorsed the Zogby findings. "It's important for people to know how important radio is," Engel said. "I get all my news from radio." Andrews said the industry had "a great story to tell" of its service to the public.

While the number of exhibitors and floor space occupied for the 3-day Radio Show were down from last year in Seattle, attendance of 3,900 in Philadelphia equaled that of 2002. -- Tack Nail