

**Federal Communications Commission
Broadcast Localism Hearing
Rapid City, South Dakota
May 26, 2004**

Statement of Dr. William F. Duhamel

Good evening, Mr. Chairman and Commissioners. Welcome to Rapid City and thank you for coming to South Dakota. I am the President of Duhamel Broadcasting Enterprises, which operates KOTA-TV, Rapid City, and three full-power satellite TV stations, serving Western South Dakota, Eastern Wyoming and the Nebraska Panhandle.

Our stations define the Rapid City DMA, which is ranked 175th; our combined service areas cover an area equivalent to that from Washington, D.C. to Boston to Buffalo, New York, but include only about 90,000 television households. Duhamel Broadcasting also operates four radio stations in the Black Hills.

Duhamel Broadcasting exemplifies local broadcasting. I began my career while a teenager as a late night KOTA disc jockey and log typist in the Traffic Department. My daughter, Helene, is our early evening TV news anchor; and my grandchildren are the sixth generation of our family to live in the Rapid City area over the last 150 years. At one time, the Duhamel Company was the largest manufacturer of Western saddles in the United States. During World War II my mother, Helen Duhamel, bought a minority interest in the only radio station in Western South Dakota. Our family entered into broadcasting when my mother bought out the other stockholders of KOTA in 1953 to prevent Rapid City's only radio station from being sold to an out-of-state owner. In 1955, she built the first television station in Western South Dakota, and over the next two decades added the three satellite stations that provide television service to our extended viewing area.

We recently completed construction on a new 1500-foot tower near Scottsbluff, Nebraska to replace one that collapsed while it was being strengthened for a digital television antenna. On that subject, all of our four television stations are operating with a digital signal and we are providing High Definition service here in Rapid City. We believe that we were the first HD service in South Dakota.

Today times are tough for local television in medium and small markets. There are three other full-power TV stations in Rapid City which has a population of 60,000. One is in bankruptcy; a second has been cutting back on local operations; and the third is a limited staff satellite for a Sioux Falls station. All of the local TV stations are trying to maintain the level of local service that they have provided to the community over the years, while facing the challenges posed by declining network compensation, increasing competition and the costs of the digital transition.

A major challenge we face is the proliferation of Direct Broadcast Satellites [DBS]. Like most small markets, we do **not** have local-into-local service in Rapid City. Our experience is similar to many TV stations in the West – we have lost a large number of

our viewers to distant DBS signals and we have been inundated with repeated requests for waivers under the Satellite Home Viewer Act. While we attempt to treat these requests fairly and grant them when our signal is truly not available to a household, we have faced more than 23,000 DBS waiver requests in a market of 90,000 households and have granted over 3,000. Since this is a hearing on broadcasters' local service, please keep in mind that when DBS subscribers receive *distant* network signals, we lose them as part of our audience and they lose access to *all* of our local service. To preserve localism, we need local-into-local in every market.

To address one of the key questions raised by this hearing, additional rules mandating localism are *not* needed. To survive in the face of increased audience fractionalization from cable, DBS and the internet, local broadcasters must distinguish themselves by their commitment to local needs and interests. Providing the programming that our local audiences will watch or listen to has always been and must always be our fundamental commitment.

Let me turn to some of the aspects of our record. One of our foremost obligations is to keep our viewers informed. *Nearly 40%* of each weekday schedule on our TV stations is devoted to news and public affairs programming. We carry over seven hours a day of network news and public affairs and about 2 and a half hours each weekday of *local* news and public affairs programs. We air full half-hour news programs at 5:30 AM, 5:30 PM and 10 PM, plus ten-minute *local* news and weather inserts each hour in *Good Morning America*. After 6:30 AM, our Scottsbluff satellite broadcasts separate news and weather focusing on Nebraska. At noon every weekday, we air a full half-hour public affairs interview program. Generally, this program consists of a short news and weather update, followed by two interviews and local notices and announcements. KDUH-TV in Scottsbluff airs a separate program at the same time with interviewees from the Nebraska area.

Our AM news/talk station, KOTA, airs two local interview segments every day. One of them is primarily devoted to local non-profit groups. The other segment features issues in the community. Recent discussions included an interview with the Mayor on issues affecting Rapid City, a panel of local officials on ways to prevent West Nile virus, and proposals to add prairie dogs to the endangered species list. Other Rapid City radio and TV broadcasters have similar public affairs interview programs. KOTA also airs over 100 play-by-play broadcasts of *local* high school and college sports events every year.

One particular aspect of this obligation, of course, is to make sure viewers are informed about elections. We have carried debates between candidates in every statewide election since at least 1968. Duhamel Broadcasting has produced and carried debates – when the candidates have agreed to appear – for every federal election and for every gubernatorial race. We have also produced and carried debates in some years for other state offices, including candidates for lieutenant governor and attorney general. Tomorrow night, we along with KSFY-TV in Sioux Falls will produce the sixth TV debate this Spring between the two candidates in the upcoming June 1 special election for South Dakota's lone U.S. House seat. As a follow-up to the debate, we are attempting to set up a one-

hour program featuring a panel discussion among South Dakota political leaders and interviews with undecided voters about key issues.

This year South Dakota passed legislation designed to prevent election fraud that requires voters to present a photo ID at the polls. One concern about the new law is that there are many residents of the Indian reservations who do not have drivers' licenses or other forms of ID. We produced and are airing a series of PSAs about the new law and the need for an ID in order to vote. One of the PSAs we run on this issue was produced by Native Americans and specifically addresses registration and voting rights on the reservations.

In times of disaster the vital importance of local broadcasting is emphasized. KOTA's Director of Operations, Monte Loos, wrote the initial South Dakota EBS and EAS Plans and was the long-time State Chair of both the EBS and the EAS Committees. The worst disaster ever to befall Rapid City was the flash flood of 1972 that killed 239 people. KOTA-TV was knocked off the air for about 12 hours; but KOTA Radio stayed on the air. We were commercial-free on both radio and TV for at least a week and a half providing vital information to the area. One of the biggest problems was the location of missing persons. Thousands of people were separated from their friends and families without means of communication. We literally read thousands of names on the air 24 hours a day to help people determine whether their loved ones were dead or alive. President Nixon gave KOTA a commendation for our service to the community during the flood.

More recently, the Black Hills area has been ravaged by a series of forest fires. During the recent Deadwood fire of 2002, two KDDX announcers remained in Deadwood and Lead to relay phone descriptions from listeners about the fire status after the cities had been ordered evacuated. A S.D. National Guard Adjutant General, who led the fight against the fire, later shared that the Guard used the "X's" live fire reports with locations to keep tabs on the progress of the fire. The "X-Rock" stayed on the air continuously during the fires to broadcast updated fire information. As the Mayor of Deadwood wrote in a letter of thanks, the station "took personal messages, helped those who called for assistance and gave people hope for hours on end." During earlier fires in 1988 and 1999 and a subsequent fire later in the Summer of 2002, we provided live remotes on radio and TV from the fire zones as well as coverage of town meetings organized to limit dangers to people and damage to property from the fires.

Also in 2002, a freight train derailment spilled thousands of gallons of benzene near our Scottsbluff TV station. A large area was evacuated, including the downtown area of Scottsbluff where our studio is located. Two KDUH-TV employees stayed behind to provide news to the thousands of viewers who were in shelters and churches. They remained on the air until the early morning hours when the all clear was sounded and people were allowed to return home.

Other frequent problems in our vast service area are winter ground blizzards caused by blowing and drifting snow that cause a "white-out" situation, which results in a complete

loss of visibility. All local radio and TV stations monitor these conditions and interrupt regular programming to let drivers know which roads will be closed.

Duhamel Broadcasting, like most broadcasters, is active in helping charities and other community groups. We cooperate with the local Eye Institute to offer free eye screening for all pre-school children in the area. In 1985, we founded the annual KOTA Care and Share Food Drive, which has collected nearly 6 million pounds of food for the Black Hills Regional Food Bank and Church Response in its 20 years. We've partnered with the Boy Scouts in delivering and collecting food bags. Based on this successful Drive, the National Boy Scouts have adopted this partnership in other troops across the country. The cash and food collections have grown dramatically each year; in 2003 the KOTA Care and Share Food Drive collected the equivalent of 922,000 pounds of food. This is a significant effort in meeting the needs of the hungry in our region.

Some of the other groups who we help by airing PSAs and otherwise developing community support are the United Way, the Make A Wish Foundation, the Boy Scouts, Children's Care Hospital and School, Big Brothers/Big Sisters of the Black Hills, Rapid City Club for Boys, Working Against Violence, Youth and Family Services, Black Hills Diabetes Association, Cornerstone Rescue Mission, the CASA Program, area chapters of the American Cancer Society, Literary Council of the Black Hills, the YMCA, the Journey Museum and many more. The primary beneficiaries of these charitable organizations are the economically disadvantaged. The unfortunate reality is that the majority of the needs in our area are among Native Americans.

In Scottsbluff, we have promoted events as local as a Cub Scout bake sale. The Mayor complimented KDUH-TV on its awareness efforts to improve air service to the Scottsbluff airport. We also sponsor community events in that area including the National Guard Patriotism Day; an annual Chili Cook-Off and Polka Fest; and Blues at the Bluff, which offers local people the opportunity to hear well known jazz musicians. Our radio stations are similarly involved. Q 92.3, among other things, donated airtime and a remote to support Working Against Violence, a group that helps protect women from violence. That station and Star 106.3 air information about non-profit groups and charities in the area three times every day. Star 106.3 has a local morning interview program that highlights local organizations such as Meals on Wheels and the Dahl Fine Arts Center.

Several of our stations participate in mentoring and job programs with area schools to allow students to learn about careers in broadcasting. We have helped families in need from unexpected emergencies such as seeking bone marrow donors for a critically ill child or replacement of property lost during forest fires. The "X Rock Army" is a group of volunteers we helped form to provide support for the families of service men and women who are deployed in Iraq or Afghanistan.

Mr. Chairman and Commissioners, Duhamel Broadcasting has succeeded in the Black Hills by focusing on the needs of our community. When I was on the Gore Commission and discussed our record, someone commented, "well, you are a *good broadcaster*; we

have to worry about the others.” I disagree. I have come to know broadcasters in South Dakota and across the Nation. I know there are outstanding local broadcasters in *every* locality who serve their communities as we do. It’s good business for broadcasters and it IS the great tradition of American broadcasting.

Thank you for the opportunity to speak with you tonight. I look forward to answering any questions.