

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS
APPROVING IN PART AND DISSENTING IN PART**

Re: Broadcast Localism, Notice of Inquiry

From the earliest days of broadcasting, we have obligated licensees to serve the needs and interests of their local communities. The principle of localism is at the heart of the public interest. I support the Commission's renewed interest in promoting localism, although we should have examined these issues *prior* to loosening our media concentration protections, not after those rules were gutted. While I am comfortable with parts of today's NOI, I must nevertheless dissent to those sections that concern issues that have already been raised in other long outstanding proceedings or that are otherwise ripe for decision by the Commission, or at this late juncture, overripe. There are issues here where we should be acting, not asking more questions, and putting them off will raise questions in some minds about our seriousness of intent to resolve such matters.

During the hearings and forums on media ownership that Commissioner Adelstein and I attended across the country, we heard time and again from citizens about the detrimental impact that consolidation has already had on localism and diversity and we heard their fears about where still more concentration will lead. I would have heeded the calls from millions of Americans and considered these important localism issues before we voted last June to allow media conglomerates to get even bigger. Localism is one of the fundamental goals of our ownership rules and of the public interest. I believe that it is impossible to divorce localism from ownership. What if we get to the end of this new proceeding and determine that localism is *not* served by ever greater media concentration? With the consolidation genie out of the bottle, it will be too late then to stem the tide.

This NOI properly seeks information that will serve the Commission's localism task force as it writes its report and recommendations. It also raises a number of questions in areas that merit attention in our effort to increase localism and to implement the statutes. These include questions on low power FM, payola, and sponsorship identification. In the meantime, as we proceed with this inquiry to determine if we need to change our disclosure and other rules, we should also look at more immediate steps including investigating credible allegations of paid consideration that might form the basis for an enforcement action under our current rules. We have ignored this problem for too long.

Notwithstanding my support for an inquiry into ways to promote localism, I must dissent in part from this NOI. We have headed down this path of questions several times before. We started having a discussion on the public interest obligations of broadcasters several years ago. While focused primarily on public interest obligations during the digital transition, these proceedings raised questions more generally about how broadcasters are serving, or could better serve, their local communities. The Commission issued a formal Notice of Inquiry in December 1999, followed by two very specific Notices of Proposed Rulemaking the following year. And then these proceedings languished. Over a year ago, we managed to get the record refreshed with a commitment to resolve the issues promptly. We should have resolved them long ago. The public interest discussion was further expanded to include radio via a Notice of Proposed Rulemaking issued a few months ago. Today's NOI raises numerous issues that have already been raised in previous proceedings and other issues that could be resolved by the Commission without seeking comment in an NOI.

A few cases in point:

- Enhancing political and civic discourse: The NOI seeks comment on ways to enhance our country's political and civic dialogue. This is clearly an important topic, especially in an election year when so many critically-important issues confront our nation. But it is also a subject that was raised in our previous public interest proceedings. Here is an issue that demands action now rather than another

round of initial questions and comments. Study upon study depicts a bleak and depressing picture. From 1996 to 2000, coverage of even the Presidential race on the network evening news dropped by one-third. The average Presidential candidate sound bite in 2000 was 8 to 9 seconds. Local newscasts fared no better. In the 2002 election, over half of the evening local newscasts contained no campaign coverage at all. What coverage there is tends to focus inordinately on the latest tracking polls and handicapping the horse race rather than on the serious issues the nation needs to be discussing. And when you get down to the Congressional and local races, the situation is even more dismal. We also see less public affairs programming. One survey found less than one half of one percent of programming is devoted to local public affairs. We have studies. We have comments. We don't have action.

- Community-responsive programming: Broadcast stations have an obligation to air programming responsive to the needs and interests of their communities of license. In today's NOI, the Commission asks whether the Commission should take action to better ensure that broadcasters air programming to serve their communities' needs and interests or whether the Commission should rely on market forces to encourage broadcast stations to air community-responsive programming. Yet, five years ago, the Commission sought comment on similar public interest requirements. Why keep asking the same questions when we should be acting?
- License Renewals: As one part of the effort to ensure that licensees are serving their local communities, we desperately need to establish an effective license renewal process under which the Commission would once again actually consider the manner in which a station has served the public interest when it comes time to renew its license. Many of the license renewal issues raised in this NOI merit attention, but I fail to understand why we need an NOI to ask whether we should actually examine a station's public file at license renewal time, whether we should conduct audits of these files, and whether we should better involve the station's community in the license renewal determination. If this Commission was serious about its public interest responsibilities, it could implement these steps immediately as part of the current license renewal review, rather than merely asking questions that will not result in any action until the next license renewal cycle that is eight long years away. One thing is certain: the current system of postcard renewal for licenses is not serving the public interest.
- Communication with Communities: In the 1999 NOI, the Commission sought comment on how television broadcasters determine and meet the needs and interests of their communities. Based on the comments received in response to that NOI, the Commission progressed to an NPRM in 2000 seeking comment on proposals to promote broadcaster communications with communities of license. Now, four years later, the Commission launches yet another NOI seeking comment on these very same issues. As local stations come under the control of far-away media conglomerates, it is time to move forward and act on these proposals, rather than move backward from an NPRM to another NOI.

When the issue is how to hold Big Media accountable to the local communities they serve, we are stuck at the starting gate. I recognize that the NOI states that it is not intended to delay other proceedings, but I fear this will be precisely what it does. The better part of good government here is to move ahead and act on those matters where we already have compiled a record or where the statute has long since told us to be about our job of protecting the public interest. That would benefit the public interest and, in the process, help the credibility of this agency, too.