

**TESTIMONY OF ANDREW JAY SCHWARTZMAN
PRESIDENT AND CEO, MEDIA ACCESS PROJECT
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For more than 30 years, I have sat on panels such as this. During that time, I have heard the testimony of scores of talented, dedicated commercial broadcasters who have provided meaningful service to their local communities. Few, if any, are more committed to public service than my friend Jim Goodmon.

My testimony today is *not* about those broadcasters. It is about the much larger number of broadcasters who do little or nothing to address the problems, needs and interests of the communities they are licensed to serve. *They* are never invited to appear by the NAB or by the Commission. *They* are the ones who should be called upon to explain why they lack any locally originated programming other than advertisements. *They* should be asked how they merit a free license for exclusive use of scarce publicly owned spectrum when they don't provide something - anything - designed to serve the public interest, as opposed to their own private interests. Indeed, although I hope this will soon change, as of now, the Commission's policy is that radio or TV stations carrying commercials or home shopping presentations 24 hours a day are presumed to be operating in the public interest.

Sadly, in the wake of the 1996 Telecommunications Act, and the consequent growth of large regional and national ownership groups, the number of good broadcasters is diminishing, and the number of mediocre broadcasters is increasing.

Locally originated news and public affairs programming is but one important measure of commitment to local service. There are about 1400 full power commercial TV stations in the United States, and another five or six hundred Class A stations. According to the RTNDA, less than 800 of those 2000 stations originate newscasts. 2000 minus 800 is 1200. How can the Commission possibly make the statutorily mandated determination that those 1200 stations are operated in the public interest? I don't think it can.

It is even worse with radio. Thousands of stations do little or nothing, and thousands more outsource their newsgathering to a single company which carries essentially identical newscasts on scores of stations. Indeed, one company alone, Metro Networks (which is owned by Viacom, itself a group owner) provides newscasts for more than 2000 of the nation's radio stations. Where is the viewpoint diversity in that?

The radio industry's abandonment of local public service is especially worth exploration. In many markets, commercial broadcasting has simply ceded public service to non-commercial broadcasting. This is quite puzzling, since we supposedly rely on marketplace forces to insure that public needs are met. Yet there is clearly a huge audience of well-educated high income listeners who have abandoned commercial radio and now rely on public stations for local news and information.

[OVER]

As you have heard in other hearings, technologies marketed with such names as “voice tracking” and “central casting” are used to cover up the fact that many broadcasters export programming into local stations rather than create it on site. This would be a much more useful hearing if the Commission were to invite or - if necessary - compel the testimony of those licensees, whose stations are run by senior management and program executives located hundreds or thousands of miles away from the communities they are obligated to serve.

How and why do those stations get their licenses renewed? It can't be because they carry public service announcements when they can't sell the airtime. Or maybe it can. I'd like to know. So would millions of American citizens. After all, protection of their right to receive information is, and ought to be, the primary goal of the Commission's regulatory system.

What should the Commission do about this? Unless and until the Commission has answers for these questions, it cannot complete this localism inquiry. These are matters that you ought to address before, not after, it contemplates further relaxation of its broadcast ownership rules.

That having been said, here is a list of things the Commission could do to start fixing the problem:

- Develop a meaningful and much more transparent license renewal process based on much more detailed information about broadcasters' actual program practices.
- Reduce the term of broadcast licenses to three years.
- Require every single licensee to carry minimum amounts of locally originated, licensee produced, programming designed to address local needs, tastes and interests.
- Expand the number of low power FM stations.
- Develop meaningful programs to double the number of minority and female owned broadcast stations within the next five years.
- Deny must-carry privileges to over the air TV stations which devote more than 12 hours per day to home shopping presentations.

One last point bears special emphasis. Much of my presentation thus far has focused on increasing the amount of programming which is responsive to local needs and tastes. But not everything important can be measured. Effective local service requires institutional and personal attachments to the community. It requires a diverse workforce that is capable of conveying the many different perspectives found in each community. There is no way to document the qualitative impact of having a station operated locally by individuals citizens who live in the community and expect to remain there.

The intensity of the public's concern about the how broadcasters serve their community is something the Commission should not, and in practice, cannot, ignore. Despite obvious attempts to minimize public attendance at events such as this, thousands of Americans have shown up to tell you how much they care. Please don't ignore them.

Contact: Andrew Jay Schwartzman
(202) 232-4300
andys@mediaaccess.org