

**STATEMENT OF  
COMMISSIONER JONATHAN S. ADELSTEIN  
CONCUR IN PART, DISSENT IN PART**

*Re: Broadcast Localism, MB Docket No. 04-233, Report on Broadcast Localism and Notice of Proposed Rulemaking (Dec. 18, 2007).*

After four and a half years, during three of which the Commission did nothing on this proceeding, today we finally adopt this *Report and Notice of Proposed Rulemaking*. Regrettably, it merely recites the issues of public concern, repackages previous Commission actions, and proffers yet another set of proposals. There are no final rules – nothing concrete to foster a better relationship between broadcast licensees and the public they are licensed to serve.

Today's item literally does nothing meaningful to promote localism. It is as if we promised to deliver a book but produced only the cover. While some may contend that this *Report and Notice* is the conclusion of the 2003 localism proceeding, in meeting the Commission's commitment to Congress and the American people, it is really only the beginning. We have not met the demand from leading members of Congress that we conclude our localism proceeding before acting on media ownership.

When the Localism Task Force was launched, we were promised "rigorous studies" and legislative recommendations. We have seen neither studies nor any recommendations to Congress. After the expenditure of over \$350,000 of taxpayer funds and valuable staff resources, the Task Force – if it still exists – owes the American people and Congress completed studies and solid recommendations on which to base immediate action by the Commission and Congress.

We heard from citizens at hearings across the country that there is a real urgency to improve the responsiveness of local broadcast stations to the needs, interests, tastes and values of local communities. Rather than a serious effort to address these concerns, the localism proceeding from its inception in 2003 appears to have been a political tactic – a means to deflect attention away from the fact that the Commission, in spite of strong public and congressional opposition, had just passed the most reckless set of media ownership rules in history. Sadly, today the Commission is paving the same road towards consolidation. This localism proceeding continues to be used as political cover for the Commission to weaken broadcast ownership rules and permit more media consolidation. Make no mistake, the only real actions we are taking today will undercut localism, diversity and competition.

I concur in part to this *Report and Notice* because – in word, if not in deed -- it represents a shift from the Commission's earlier miscalculation that market forces alone will ensure broadcasters promote quality local news, local artists, and informative local political and civic affairs programming. For over a quarter century, the Commission has outsourced its obligation to ensure that broadcasters will address the programming needs and interests of the people in their communities of license. Today, we take a small step

towards correcting the Commission's past failings that produced a regulatory environment that limited citizen involvement and participation, provided broadcasters with virtually no guidance, and expected little, if any, accountability.

We learned from our localism hearings that there is far too little coverage of local issues voters need to know about in a way that prepares them to make educated decisions. We heard that "breaking news" is being replaced with "breaking gossip." In community after community, we heard from citizens that serious coverage of local and state government has diminished. In many respects, there was a virtual blackout of coverage of state and local elections. And while networks and stations say they have to slash news resources, some were offering up to one million dollars for an interview with Paris Hilton. Real investigative journalism and thoughtful reporting have given way to an "if it bleeds, it leads" mentality.

Sadly, today, quality journalism is too often sacrificed to meet quarterly earnings numbers for Wall Street. Owners of multiple media outlets lose incentive to invest in independent and competitive news operations in the same market. The Commission's own study, which was originally buried until Senator Boxer demanded that the FCC publicly release it, shows that locally owned TV stations provide more local news. And while the Commission has failed to complete a similar study of radio, we have heard across the country that homogenized playlists and payola are shutting out local musicians, and unmanned radio stations have replaced local DJs.

Historically, the Commission had looked for ways to promote localism in broadcasting to ensure that broadcasters were accountable and serving the public interest. Since the 1980s, however, the Commission has gutted those protections and embarked on a destructive path to treat television like "a toaster with pictures."

With the encouragement of the broadcasting industry, the Commission has systematically removed the public from meaningful points of interaction between broadcasters and the communities that they are licensed to serve. For example, broadcast stations are permitted to maintain main studios and their public files well beyond communities of license, so the public cannot effectively monitor the programming of local broadcasters. Today, few broadcasters have citizen agreements with local community organizations. Few broadcasters hold meetings with members of the community to determine the community's interests and needs. Enforceable public interest obligations that required broadcasters to maintain logs of programming that are responsive to local, civic, national or religious concerns have been decimated. And, the once-substantive license renewal process conducted by the FCC has been ratcheted down to a postcard, rubber-stamp process.

The end result is that today many stations are unattended and operated from remote locations, residents are discouraged from monitoring a station's performance, and dialogue between the station and its community is often non-existent. Simply put, the FCC has failed to protect the interests of the American people.

While few Americans are familiar with the term “localism,” most understand that providing “local” service to a “local” community is the essential purpose of broadcast radio and TV. Broadcasting in America is and will always be a local medium. Many broadcasters understand that and often deliver critical service to local communities. Even today, the FCC continues to license valuable public airwaves – for free – to broadcasters, in exchange for service to local communities. Localism is, therefore, the central obligation of every broadcast licensee to air programming that is relevant and responsive to the local community’s interests, tastes and needs. As this Commission moves forward in the proceeding, it is important that we remember that localism is the cornerstone of American broadcasting and the Commission has an unquestionable obligation to protect the needs and interests of local communities.

While there are no new rules established in this Notice, there are proposals worthy of adoption. I fully support the tentative conclusion in this Notice that each licensee should establish a permanent community advisory board. This approach would help broadcasters determine the local needs and interests of their communities, and should be an integral part of a final plan for addressing localism. I also support the Notice’s tentative conclusion that specific procedural guidelines for processing broadcasters’ license renewal applications. Assessing licensees’ local programming performance would provide additional incentive for broadcasters to meet this fundamental obligation. Although I and others will once again encourage the Commission to act immediately on these proposals, one can’t help but regard the prospects for quick implementation with a healthy degree of skepticism. If history is any guide, the odds are that the Commission will either neglect to finalize these proposals, or when it comes time to finalize them, they may be so diluted as to render them meaningless.

We need to put the meat in the sandwich we promised to deliver. It is high time we put this notice out for comment, but we should have actually implemented improvements to localism before we completed the media ownership item. Now that the Commission has acted to loosen the media ownership rules, it is all the more imperative we move immediately to implement some of the useful ideas broached here and others that we learn about in the comment period. We are already too late to have done this right.