

BROKEN PROMISES:

How Digital Broadcasters are Failing to Serve the Public Interest



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Abstract

Television broadcasters first received free licenses to operate on the publicly-owned airwaves in exchange for a pledge to serve the “public interest, convenience and necessity.” As technology advanced, they lobbied Congress for – and received – additional spectrum to broadcast in digital by promising high-definition audio and video, as well as increased local and public interest programming.

Today, a majority of television stations are broadcasting digital programming. However, their promises to the Congress and the public remain unfulfilled. The Media Policy Program of the Campaign Legal Center examined one week of programming aired by 91 digital commercial broadcasters in 16 media markets and found less than five percent of digital programming is aired in high-definition, and only 0.3% was dedicated to local public affairs.

Introduction: The Promises of Digital Television

The publicly-owned airwaves are an immensely valuable resource. According to the New America Foundation, if the airwaves that commercial broadcasters use for free were to be auctioned off (the way spectrum is auctioned to cell phone and other wireless companies), the revenue could exceed \$750 billion.¹

Television broadcasters were first granted free licenses to use the publicly-owned airwaves (or spectrum) in the Communications Act of 1934. That license allows them to broadcast in analog. In 1996, Congress gave broadcasters a second free license for digital spectrum, and reiterated that the free licenses had been awarded in exchange for an “obligation to serve the public interest, convenience and necessity.”² The presumption was that broadcasters would convert from analog to digital signals, and within a few years, broadcasters would give back their analog spectrum to be used for emergency services, such as police, fire and rescue. Broadcasters said that they needed free use of the digital spectrum so that they could provide high-definition television programming (HDTV) to the American public, with clearer pictures and high-quality audio.

“With digital technology, I will be able to provide the viewers in Montana with pictures of breathtaking quality and accompanying high-quality audio. Digital transmission will mean that I can provide other innovative services as well.” – William Sullivan, President and General Manager of KPAX-TV in Missoula, Montana and member of the Television Board of Directors of the National Association of Broadcasters, testifying before the Senate Commerce Committee, June 20, 1996.

“Cox television stations intend to broadcast HDTV signals. ...To survive, local television stations must provide video images that are superior in quality or at the very least equal to our competitors. High Definition Television will be the key to this

¹ New America Foundation, Spectrum Policy Program.
<http://www.newamerica.net/index.cfm?pg=section&secID=3>, last visited April 18, 2005.

² See 47 U.S.C. § 336(d).

competitive calculus.” – Kevin O’Brien, Vice President and General Manager of KTVU-TV in San Francisco, California and Chairman of the Board of the Association of Local Television Stations, testifying before the House Commerce Committee, March 21, 1996.

“Without digital capability, our country’s free over-the-air system will be permanently relegated to a form of technical and competitive inferiority that would undermine greatly the vitality and viability of free television. At a time when we as a country are legitimately concerned about creating information haves and have-nots, it makes no sense to deprive the public of the opportunity to receive for free the high quality picture and sound.” – Letter from the broadcast industry to then-President Bill Clinton, January 1996; cited by Senator John McCain at a hearing before the Senate Commerce Committee, September 17, 1997.

But after initially committing to HDTV, broadcasters then endorsed “spectrum flexibility” which would give them the ability to provide other services (such as datacasting and pay-per-view), or the ability to “multicast” several standard-definition channels using the same amount of spectrum that is used for a single high-definition channel. Spectrum flexibility would allow broadcasters to boost profits, both by charging consumers for additional services and by increasing the amount of advertising they could sell; however, industry representatives continually couched spectrum flexibility proposals in terms of the benefits it would provide to the public.

“The benefits of this [spectrum flexibility] proposal will flow to the public and to broadcasters. ...[T]he public will benefit by having access to such services. ...If broadcasters can seek out additional revenue sources from digital broadcasting, that will help speed up their conversion process and defray the costs of providing the new service.” – Edward Fritts, President and CEO of the National Association of Broadcasters, testifying before the Senate Commerce Committee, March, 21, 1995.

“[L]ocal stations could provide to television sets textual and graphic information.... But broadcasters should not be limited here, because we too are an important part of the information superhighway, and can provide wireless services.” – John C. Siegel, Senior Vice President of Chris Craft Industries, Inc., testifying before the House Commerce Committee, May 12, 1995.

More recently, broadcasters have petitioned the FCC and Congress for multicasting must-carry rights, which would require cable operators to carry all their digital programming streams (up to six standard definition television channels). They claim that spectrum flexibility and multicasting rights will enhance their ability to serve their local communities. Indeed, throughout the digital television transition, broadcasters have consistently affirmed their intention to continue to serve “the public interest, convenience and necessity.”

“Broadcasters in no way intend to use flexibility to supplant our public interest service obligations.” – Edward Fritts, President and CEO of the National Association of Broadcasters, testifying before the Senate Commerce Committee, May 4, 1994.

“Digital will bring valuable options to the public that will augment our primary service but not replace our public interest obligations.” – John C. Siegel, Senior Vice President of Chris Craft Industries, Inc., testifying before the House Commerce Committee, May 14, 1995.

“Belo’s responsibility is to our local communities. This responsibility is unchanged in the digital world and if anything, the digital transition and multicasting allow us to provide our viewers with more, not less, public interest programming. ... In the digital world, Belo stations will strive to meet viewers’ expectations and continue to offer the highest standard of programming that benefits our local communities.” – Robert Dechard, President and Chief Executive Officer of Belo Corporation, in a letter to Congress, February 8, 2005.

In December, 1999, the Federal Communications Commission (FCC) opened a Notice of Inquiry in the Matter of Public Interest Obligations of TV Broadcast Licensees.³ The agency noted that:

“DTV holds the promise of reinventing free, over-the-air television by offering broadcasters new and valuable business opportunities and providing consumers new and valuable services. DTV broadcasters will have the technical capability and regulatory flexibility to air high definition TV (HDTV) programming with state-of-the-art picture clarity; to “multicast” by simultaneously providing multiple channels of standard digital programming and/or HDTV programming; and to “datacast” by providing data such as stock quotes, or interactive TV via the DTV bitstream. ... At this the advent of the digital age, we seek comment on how broadcasters can best serve the public interest during and after the transition to digital technology. We seek comment on challenges unique to the digital era, how broadcasters can meet their public interest obligations on both their analog and digital channels during the transition period, and on various proposals and recommendations that have been made on how broadcasters could better serve their communities of license.”

The agency received hundreds of comments on how broadcasters could best serve the “public interest, convenience and necessity” in return for their free use of digital spectrum. In addition, a Presidential Advisory Committee on Public Interest Obligations of Digital Broadcasters – made up of broadcast industry executives and public policy leaders – produced a series of recommendations on the primary applications of the public interest standard, including how to address diversity, political discourse, localism, children’s educational needs, access for persons with disabilities, equal employment opportunities, and more.⁴ However, to date the FCC has taken no action to move forward with a rulemaking on the public interest obligations of digital broadcasters.

³ MM Docket No. 99-360.

⁴ “Charting the Digital Broadcasting Future,” Advisory Committee on Public Interest Obligations of Digital Broadcasters. <http://www.ntia.doc.gov/pubintadvcom/piacreport.pdf>, last visited April 18, 2005.

About the Study

Today, approximately 85% of television stations are broadcasting in digital.⁵ The Media Policy Program sought to determine how much of this digital programming is broadcast in high-definition, and what types of programming air on all digital channels. Are broadcasters fulfilling their promises to broadcast high-definition programming? Are they using their increased digital capacity to provide more or enhanced local civic and public affairs programming?

This study examined one week of programming (October 26 through November 1, 2004) offered by 91 digital commercial broadcasters (123 channels) in 16 media markets. The 16 markets included in this sample represent geographic diversity, as well as a mix of large and small media markets.

Programming schedules were downloaded from CheckHD.com, a broadcast industry-backed website that provides information on digital programming.⁶ In most cases, the schedules provided by CheckHD.com were cross-checked against programming schedules and descriptions available on the stations' own websites.

A total of 20,664 broadcast hours were examined. Each half-hour of programming was coded by station, market, network affiliation, program name, time aired, high definition vs. standard definition and category. Categories included:

- **Celebrity News:** Includes all celebrity-focused shows (e.g. *Access Hollywood*).
- **Children's Programming:** Includes all programming geared towards children (e.g. *Blue's Clues*, *Scooby Doo*).
- **Comedy:** Includes all sitcoms (e.g. *Everybody Loves Raymond*); animation not geared towards children (e.g. *The Simpsons*, *Family Guy*); and sketch shows (e.g. *Saturday Night Live*).
- **Drama:** Includes all drama programs (e.g. *The West Wing*); science fiction (e.g. *Star Trek*); movies; and soap operas (e.g. *General Hospital*).
- **Adult Educational:** Includes adult continuing education series; documentaries; nature shows (excluding those geared towards children); travel shows; and home-and-garden or cooking shows (e.g. *P. Allen Smith Gardens*).
- **Local News:** Locally produced newscasts.
- **Local Public Affairs:** Locally produced public affairs programs and newsmagazines.
- **National News:** National and international news programs.
- **National Public Affairs:** Nationally produced public affairs programs (e.g. *Face the Nation*) and newsmagazines (e.g. *Dateline*).
- **Off-Air:** Times when stations are signed off the air.
- **Paid Programming:** Includes all home shopping and 30-minute (or longer) infomercials.

⁵ "1491 Stations in 211 Markets Delivering in Digital," National Association of Broadcasters. <http://www.nab.org/Newsroom/issues/digitaltv/DTVStations.asp>, last visited April 18, 2005. The Federal Communications Commission reports there are 1748 licensed television stations. <http://www.fcc.gov/mb/audio/totals/bt041231.html>, last visited April 18, 2005.

⁶ CheckHD.com was launched by Decisionmark, and is co-sponsored by the National Association of Broadcasters, the Consumer Electronics Association, the broadcast networks and Sinclair Broadcasting.

- **Reality:** Includes game shows (e.g. *Wheel of Fortune*, *Survivor*); dating shows (e.g. *Blind Date*); and courtroom shows (e.g. *Judge Judy*).
- **Religious:** Includes all religious, spiritual or worship programs.
- **Sports:** Includes football, auto racing, wrestling, hunting, basketball, et cetera.
- **Talk shows:** Includes both daytime (e.g. *Oprah Winfrey*) and late night (e.g. *Tonight Show with Jay Leno*) talk shows.
- **Weather:** Includes weather/radar maps or reports lasting at least 30 minutes.
- **Other:** Includes variety or musical shows (e.g. *Showtime at the Apollo*); and programs that could not be identified or that do not fit into any of the above categories.

Broadcasters often claim that local public affairs programming is contained within their local news shows; and indeed, some stations embed discussions about community issues within their news programming. This study did not include any content analysis to determine the amount of public affairs that aired during local news programming on the week of October 26, 2004. However, the Lear Center Local News Archive did examine the content of evening and late night local news shows on 44 television stations during the period of October 4 through November 1, 2004.⁷ That study found there was little time devoted to local public affairs. A typical half-hour of local news included:

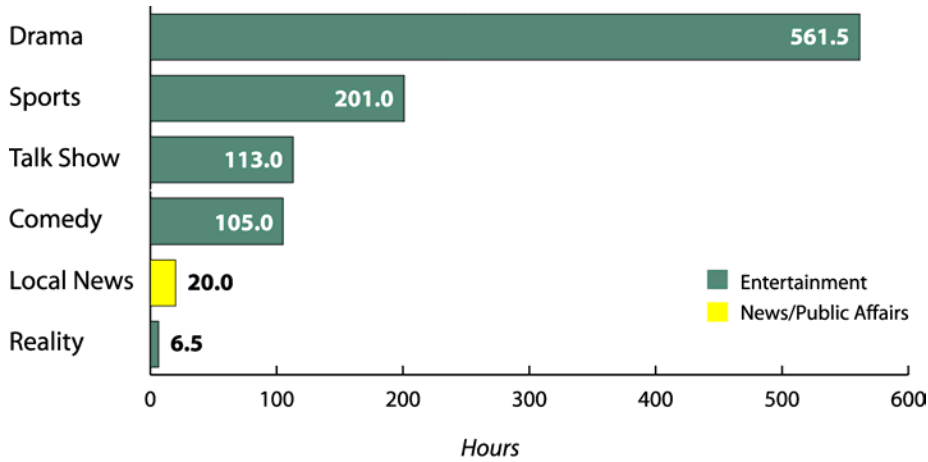
Advertising	8 minutes, 51 seconds
Sports and weather	6 minutes, 21 seconds
Crime	2 minutes, 34 seconds
Presidential elections	2 minutes, 0 seconds
Local interest	1 minute, 56 seconds
Teasers, intros and music	1 minute, 43 seconds
Health/medical	1 minute, 22 seconds
Non-presidential elections (local, state, federal)	1 minute, 15 seconds
Other	1 minute, 12 seconds
Unintentional injury/Accidents	55 seconds
Business/economy	47 seconds
Government (non-election)	28 seconds
Iraq	25 seconds
Foreign policy	13 seconds

⁷ “Local News Coverage of the 2004 Campaigns: An Analysis of Nightly Broadcasts in 11 Markets,” Lear Center Local News Archive at the University of Southern California’s Annenberg School for Communication. <http://www.localnewsarchive.org/pdf/LCLNAFinal2004.pdf>, last visited April 18, 2005.

Finding: Few Programs Are Broadcast in High-Definition

Less than five percent of all programming aired by digital broadcasters is aired in high-definition (HD). Of the 20,664 hours examined, only 1,007 were HD. Ninety eight percent of all HD programming is entertainment-oriented in nature.

Types of HD Programming:



Category	Hours	Percentage		
Drama	561.5	55.8%		
Sports	201.0	20.0%		
Talk Show	113.0	11.2%		
Comedy	105.0	10.4%		
Local News	20.0	2.0%		
Reality	6.5	0.6%		
Adult Educational	0.0	0.0%		
Celebrity News				
Children's Programming				
Local Public Affairs				
National News				
National Public Affairs				
Off-Air				
Other				
Paid Programming				
Religious				
Weather				
TOTAL			1007.0	

Only two stations in the survey aired locally-oriented programming in HD: WJAC in Johnstown, PA (noon and 5 p.m. newscasts) and WDJT in Milwaukee, WI (6 a.m., 5 p.m. and 10 p.m. newscasts).

Most HD programming is network-produced and airs in prime time.

Program	# Hours	Daypart	National or Local
The Tonight Show with Jay Leno	113.0	Late Night	National
NFL Football	75.5	Weekend Afternoons	National
Young and the Restless	65.0	Daytime	National
Monday Night Football	42.0	Prime Time / Late Night	National
World Series	42.0	Prime Time	National
College Football	41.5	Weekend Afternoons	National
Desperate Housewives	28.0	Prime Time	National
Wonderful World of Disney: Monsters, Inc.	28.0	Prime Time	National
Law & Order: Special Victims Unit	26.0	Prime Time	National
Madam's Family: The Truth About Canal Street Brothel	26.0	Prime Time	National
Without a Trace	26.0	Prime Time	National
NCIS	25.0	Prime Time	National
American Dreams	14.0	Prime Time	National
Boston Legal	14.0	Prime Time	National
Crossing Jordan	14.0	Prime Time	National
Las Vegas	14.0	Prime Time	National
Law & Order: Criminal Intent	14.0	Prime Time	National
LAX	14.0	Prime Time	National
Life as We Know It	14.0	Usually Prime Time / Occasionally Late Night	National
Lost	14.0	Prime Time	National
Medical Investigation	14.0	Prime Time	National
NYPD Blue	14.0	Prime Time	National
Third Watch	14.0	Prime Time	National
West Wing	14.0	Prime Time	National
CSI: Crime Scene Investigation	13.5	Usually Prime Time / Occasionally Late Night	National
Cold Case	13.0	Prime Time	National
CSI: Miami	13.0	Prime Time	National
CSI: NY	13.0	Prime Time	National
Dr. Vegas	13.0	Prime Time	National
ER	13.0	Prime Time	National
JAG	13.0	Prime Time	National
Joan of Arcadia	13.0	Prime Time	National
Judging Amy	13.0	Prime Time	National
Law & Order	13.0	Prime Time	National
Jack & Bobby	9.0	Usually Prime Time / Occasionally Early Evening	National
8 Simple Rules	7.0	Prime Time	National
According to Jim	7.0	Prime Time	National
Complete Savages	7.0	Prime Time	National
Father of the Pride	7.0	Prime Time	National
George Lopez	7.0	Prime Time	National
Hope & Faith	7.0	Prime Time	National
Joey	7.0	Prime Time	National
Less than Perfect	7.0	Prime Time	National
Rodney	7.0	Prime Time	National
Center of the Universe	6.5	Prime Time	National

Everybody Loves Raymond	6.5	Prime Time	National
King of Queens	6.5	Prime Time	National
Listen Up	6.5	Prime Time	National
Still Standing	6.5	Prime Time	National
Two and a Half Men	6.5	Prime Time	National
6 News at 5:00pm	5.0	Early Evening	Local
6 News at Noon	5.0	Midday	Local
CBS 58 Morning News Express	5.0	Early Morning	Local
Everwood	5.0	Prime Time	National
Gilmore Girls	5.0	Prime Time	National
One Tree Hill	5.0	Usually Prime Time / Occasionally Early Evening	National
Reba	5.0	Prime Time	National
Smallville	5.0	Prime Time	National
The Mountain	5.0	Prime Time	National
What I Like About You	4.5	Usually Early Evening / Occasionally Prime Time	National
CBS 58 News at 10pm	3.0	Late Night	Local
Star Trek: Enterprise	3.0	Usually Prime Time / Occasionally Late Night	National
CBS 58 News at 5pm	2.0	Early Evening	Local
Kevin Hill	1.0	Prime Time	National
Veronica Mars	1.0	Prime Time	National

Finding: Little Local Public Affairs Offered on Digital Channels

There is a near black-out of local public affairs programming on digital television. This finding mirrors the results of an October 2003 study by the Alliance for Better Campaigns that examined analog broadcast programming in six cities where the FCC was holding localism hearings.⁸ The October 2003 study found that just 0.4 percent of programming was local public affairs. This new analysis shows digital broadcasters are doing about the same: Only 0.3% of digital programming focused on local public affairs.

Category	# Hours	Percentage of Total	Percentage of Total in 2003 study
National News	3,147.0	15.2%	8.0%
Drama	2,593.5	12.6%	14.1%
Talk Show	2,071.5	10.0%	10.4%
Off-Air	1,901.0	9.2%	0.8%
Reality	1,825.5	8.8%	9.9%
Local News	1,697.5	8.2%	9.4%
Comedy	1,596.0	7.7%	10.0%
Paid Programming	1,423.0	6.9%	14.4%
Sports	1,206.0	5.8%	7.9%
Religious	731.0	3.5%	4.6%
Children's Programming	544.5	2.6%	3.4%
Celebrity News	513.5	2.5%	2.5%
National Public Affairs	384.5	1.9%	1.7%
Adult Educational	378.0	1.8%	n/a
Weather	336.5	1.6%	n/a
Other	262.5	1.3%	2.5%
Local Public Affairs	52.5	0.3%	0.4%

There is significantly more national news on digital television than was found in the previous Alliance study, due in large part to *ABC News Now*⁹ which aired national news and public affairs programming 24 hours per day on seven digital channels in our study. *ABC News Now* is currently off the air with no plans to return to free, over-the-air broadcast television.

Local public affairs programming continues to be relegated to weekends when viewership levels tend to be lower. There was three times as much local public affairs programming aired on the weekends (39.5 hours) as on weekdays (13.0 hours).

⁸ "All Politics Is Local, But You Wouldn't Know It By Watching Local TV," Alliance for Better Campaigns. <http://www.bettercampaigns.org/reports/display.php?ReportID=12>, last visited April 18, 2005. In February 2005, the Alliance for Better Campaigns merged into the Media Policy Program of the Campaign Legal Center.

⁹ *ABC News Now* originally ran from July 26, 2004 through January 29, 2005. In April 2005, ABC announced it would re-launch *ABC News Now* in July. According to press reports, the digital news offering will combine international, national and local reports for distribution via multiple media platforms. However, the company has indicated it will not air the channel digitally, nor will it seek retransmission consent agreements with cable operators for carriage. Instead, ABC hopes to attract paying subscribers for the news service through broadband providers and mobile telephone carriers.

Finding: Few Differences Between Programming Offered on Primary and Non-Primary Channels

There were few differences between programming offered on digital broadcasters’ primary channels compared to their non-primary channels.¹⁰ Only two categories show a major differential between primary and non-primary channels: national news and off-air. As for the first, the increase in national news on non-primary channels is explained by *ABC News Now* (see footnote 9, above). For the second, it is much more common for a non-primary channel to go off the air for portions of the day or night than a primary channel, which typically airs programming 24 hours per day.

Category	# Hours on Primary Channels	Percentage on Primary Channels	# Hours on Non-Primary Channels	Percentage on Non-Primary Channels
Drama	2196.5	14.5%	397.0	7.2%
Talk Show	1757.0	11.6%	314.5	5.7%
National News	1500.0	9.9%	1647.0	29.7%
Reality	1479.0	9.8%	346.5	6.3%
Local News	1468.0	9.7%	229.5	4.1%
Comedy	1318.5	8.7%	277.5	5.0%
Paid Programming	1240.5	8.2%	182.5	3.3%
Sports	1062.5	7.0%	143.5	2.6%
Off-Air	782.5	5.2%	1118.5	20.2%
Religious	645.0	4.3%	86.0	1.6%
Children’s Programming	450.5	3.0%	94.0	1.7%
Celebrity News	420.0	2.8%	93.5	1.7%
National Public Affairs	326.0	2.2%	58.5	1.1%
Adult Educational	227.5	1.5%	150.5	2.7%
Other	205.5	1.4%	57.0	1.0%
Local Public Affairs	38.5	0.3%	14.0	0.3%
Weather	2.5	0.0%	334.0	6.0%

¹⁰ For the purposes of this study, a station’s primary channel is “.1” and non-primary channels are “.2”, “.3”, “.4”, etc. Not all stations are multicasting non-primary channels. See Appendix A.

Conclusion

Broadcasters have an explicit responsibility to serve the local communities to which they are licensed. They receive free licenses to operate on the publicly-owned airwaves in exchange for a promise to serve “the public interest.” The digital television transition offers enormous benefits to the broadcast industry, and these benefits ought to be balanced with increased public service.

Broadcasters have broken their many promises to the American people – the actual owners of our nation’s airwaves – when it comes to digital television. Few programs, particularly locally-produced programs, are being broadcast in high-definition. There is a serious dearth of local public affairs programming, and little evidence that broadcasters will use their multicasting capabilities to provide enhanced public interest service to their local communities.

The *Public Interest, Public Airwaves Coalition*, which the Campaign Legal Center’s Media Policy Program is helping lead, is urging Congress and the Federal Communications Commission to establish clear public interest obligations for digital broadcasters before undertaking any new action to further the digital transition. The *PIPA Coalition* has proposed processing guidelines that would allow expedited license renewal for any television station that airs at least three hours per week of local civic or electoral affairs discourse. If each primary channel complied with these guidelines, the amount of local public affairs programming would increase four- to five-fold.¹¹

¹¹ The *PIPA Coalition* proposal allows for a limited amount of local news content to be counted towards the minimum. To read the proposal in its entirety, please see Appendix B.

Appendix A: Stations Included in the Study

Station (Primary Channel)	Multicast Channels	Network Affiliation	Market	Market Rank (DMA)
WABCDT (7.1)	WABCDT2 (7.2)	ABC	New York	1
WCBS-DT (2.1)		CBS	New York	1
WFUT-DT (68.1)		TFA	New York	1
WMBCDT (63.1)		TBN	New York	1
WNBCDT (4.1)		NBC	New York	1
WNYW-DT (5.1)	WNYWDT2 (5.2)	FOX	New York	1
WPIXDT (11.1)		WB	New York	1
WPXN-DT (30.1)		PAX	New York	1
WRNN-DT (48.1)		IND	New York	1
WXTV-DT (41.1)		UNI	New York	1
WBAL-DT (11.1)	WBAL-SD (11.2)	NBC	Washington	8
WBDCDT (50.1)		WB	Washington	8
WBFF-DT (45.1)	WBFFDT2 (45.2)	FOX	Washington	8
WDCA-DT (20.1)		UPN	Washington	8
WJLADT (7.1)	WJLADT2 (7.2)	ABC	Washington	8
WJZ-DT (13.1)		CBS	Washington	8
WMARDT (2.1)	WMARDT2 (2.2); WMAR-RD (2.3)	ABC	Washington	8
WNUV-DT (54.1)	WNUVDT2 (54.2)	WB	Washington	8
WNVCDT (57.1)	WNVCDT2 (57.2); WNVCDT3 (57.3); WNVCDT4 (57.4)	IND	Washington	8
WNVTDT (30.1)	WNVTDT2 (30.2); WNVTDT3 (30.3); WNVTDT4 (30.4)	IND	Washington	8
WRC-DT (4.1)		NBC	Washington	8
WTTG-DT (5.1)		FOX	Washington	8
WUSADT (9.1)		CBS	Washington	8
KASW-DT (61.1)		WB	Phoenix	15
KNXV-DT (15.1)	KNXVDT3 (15.3)	ABC	Phoenix	15
KPAZDT (21.1)		TBN	Phoenix	15
KPHO-DT (5.1)		CBS	Phoenix	15
KPNX-DT (12.1)		NBC	Phoenix	15
KPPX-DT (51.1)		PAX	Phoenix	15
KSAZ-DT (10.1)		FOX	Phoenix	15
KTVK-DT (3.1)		IND	Phoenix	15
KTVWDT (33.1)	KTVWDT2 (33.2)	UNI	Phoenix	15
KUTP-DT (45.1)		UPN	Phoenix	15
WCGV-DT (24.1)		UPN	Milwaukee	32
WDJT-DT (1.1)	WDJT-DT3 (1.3); WDJT-DT4 (1.4); WDJT-DT5 (1.5); WDJT-DT6 (1.6)	CBS	Milwaukee	32
WISN-DT (12.1)		ABC	Milwaukee	32
WITI-DT (6.1)		FOX	Milwaukee	32
WMLW-CA (1.2)		CBS	Milwaukee	32
WPXEDT (40.1)		PAX	Milwaukee	32
WTMJDT (4.1)		ABC	Milwaukee	32
WVCYDT (22.1)		REL	Milwaukee	32
WVTV-DT (18.1)		WB	Milwaukee	32
WBNSDT (10.1)		CBS	Columbus	34
WCMH-DT (4.1)		NBC	Columbus	34
WSYX-DT (6.1)		ABC	Columbus	34
WTTE-DT (28.1)		Fox	Columbus	34

WWHO-DT (53.1)		UPN	Columbus	34
KAIL-DT (7.1)		UPN	Fresno	58
KBAKDT (29.1)		CBS	Fresno	58
KERO-DT (10.1)		ABC	Fresno	58
KFREDT (59.1)		WB	Fresno	58
KFSN-DT (30.1)	KFSN-DT2 (30.2)	ABC	Fresno	58
KFTVDT (20.1)		UNI	Fresno	58
KGPE-DT (47.1)		CBS	Fresno	58
KMPH-DT (26.1)		FOX	Fresno	58
KNSODT (5.1)		TEL	Fresno	58
KNXTDT (49.1)		REL	Fresno	58
KPXF-DT (48.1)		TFA	Fresno	58
KSEE-DT (24.1)		NBC	Fresno	58
KMSSDT (34.1)		FOX	Shreveport	81
KSHV-DT (45.1)		WB	Shreveport	81
KSLA-DT (12.1)		CBS	Shreveport	81
KTAL-DT (6.1)		NBC	Shreveport	81
KTBS-DT (3.1)		ABC	Shreveport	81
KLJBDT (49.1)	KLJBDT2 (49.2)	FOX	Davenport	94
KWQC-DT (6.1)	KWQCDT2 (6.2)	NBC	Davenport	94
WHBF-DT (58.1)		CBS	Davenport	94
WQADDT (8.1)	WQADSD (8.2); WQADSD2 (8.3)	ABC	Davenport	94
WJAC-DT (6.1)	WJACTDT2 (6.2)	NBC	Johnstown	97
WWCP-DT (8.1)		FOX	Johnstown	97
WCTV-DT (46.1)		CBS	Tallahassee	109
WTLFDT (24.1)		IND	Tallahassee	109
WTWC-DT (40.1)	WTWCDT2 (40.2)	NBC	Tallahassee	109
WTXL-DT (27.1)		ABC	Tallahassee	109
KEZI-DT (9.1)	KEZIDT2 (9.2)	ABC	Eugene	120
KLSR-DT (34.1)	KLSRDT2 (34.2)	FOX	Eugene	120
KMTR-DT (16.1)	KMTRDT2 (16.2)	NBC	Eugene	120
KVALDT (13.1)		CBS	Eugene	120
WABIDT (5.1)		CBS	Bangor	151
WLBZ-DT (2.1)	WLBZDT2 (2.2)	NBC	Bangor	151
WVII-DT (7.1)		ABC	Bangor	151
KXMC-DT (13.1)		CBS	Minot	157
WIXT-DT (9.1)		ABC	Utica	166
WUTRDT (20.1)		ABC	Utica	166
KFQX-DT (15.1)		FOX	Grand Junction	189
KJCTDT (7.1)		ABC	Grand Junction	189
KKCO-DT (11.1)	KKCO-DT2 (11.2)	NBC	Grand Junction	189
KREX-DT (2.1)		CBS	Grand Junction	189
KACBDT (16.1)		NBC	San Angelo	196
KIDYDT (10.1)		FOX	San Angelo	196
KLST-DT (8.1)		CBS	San Angelo	196

Appendix B: Proposed Public Interest Processing Guidelines, Drafted by the Public Interest, Public Airwaves Coalition

Preamble

How should the “public interest, convenience, and necessity” be served by broadcasters? The government has allowed the nation’s broadcasters to use at no cost the enormous power, potential and capacity of the publicly-owned analog and digital spectrum estimated to be worth hundreds of billions of dollars. In return, the public expects – and our democracy requires – the Federal Communications Commission (FCC) to define meaningful public interest requirements so that this grant of spectrum will benefit not only broadcasters, but also our national and local communities.

As the age of digital television dawns, the FCC has a fresh opportunity to create meaningful public interest obligations for broadcasters. One core component of these public interest requirements is that broadcasters provide opportunities for citizens to become informed about – and involved in – local civic affairs and elections. Another is to use digital broadcasting’s enormously increased capacity to expand the diversity of viewpoints and voices available to the American public over its airwaves. In addition to the specific proposals below, we recognize that the public interest also requires that broadcasters air programming that serves the educational needs of children, Americans with Disabilities (i.e., closed captioning, video description, digital features that would provide for more access), and underserved communities, and generally promote local and community programming.

To assure that broadcasters are adequately serving the public interest, they should be obligated to report to the public on an ongoing basis if and how they are fulfilling these requirements. Ensuring that the grantees of the public’s extraordinarily valuable spectrum adequately serve the public interest appropriately balances First Amendment interests and guarantees that the age of digital television will benefit both broadcasters and the American public.

Proposed Processing Guidelines

The following is a processing guideline for the general public interest portion of broadcast license renewal applications. Licensees that meet all four of the following guidelines will receive staff level approval of the general public interest portion of their license renewal application; applications of licensees not meeting all of the following guidelines will be referred to the Commission for review. In addition, any viewer may file a complaint with the Enforcement Bureau alleging that the licensee has failed to comply with the terms of this processing guideline. If, on the basis of viewer complaints or staff review, the staff determines that the licensee consistently falls significantly below the minima set forth here, the staff shall have the authority to direct the early filing of license renewal applications or take other enforcement measures as may be appropriate.

1. Local Civic and Electoral Affairs Programming Requirements

To receive staff level approval, a licensee shall air a minimum of three (3) hours per week of qualifying local civic or electoral affairs programming on the most-watched (primary) channel they control/operate. The primary channel means the FCC-required free over-the-air standard channel which, like its analog predecessor, provides entertainment, sports, local and national news, election results, weather advisories, access for candidates and public interest programming such as educational programming for children (see FCC's Fifth Report and Order on DTV).

In addition, to the degree that a licensee multicasts additional free over the-the-air programming streams, the licensee must air an amount of qualifying local civic or electoral affairs programming on those channels equal to three hours per week per channel or three percent of the aggregate number of hours broadcast between the hours of 7:00 a.m. and 11:35 p.m. per week, whichever is less.

Licensees shall have the flexibility to decide how to allocate their local civic and electoral affairs programming among their various non-primary channels; for example, a licensee may decide to run most of its non-primary channel local civic and electoral affairs programming on one designated local news or public affairs channel.

Qualifying Programming

Qualifying programming must meet the definition of either local civic programming or local electoral affairs programming.

Local civic programming is designed to provide the public with information about local issues. Local civic programming includes broadcasts of interviews with or statements by elected or appointed officials and relevant policy experts on issues of importance to the community, government meetings, legislative sessions, conferences featuring elected officials, and substantive discussions of civic issues of interest to local communities or groups.

Local electoral affairs programming consists of candidate-centered discourse focusing on the local, state and United States Congressional races for offices to be elected by a constituency within the licensee's broadcast area. Local electoral affairs programming includes broadcasts of candidate debates, interviews, or statements, as well as substantive discussions of ballot measures that will be put before the voters in a forthcoming election. Programming that focuses on the "horserace" aspects of an election does not qualify as local electoral affairs programming. Programming that is primarily concerned with the political strength or viability of a candidate or ballot issue; that focuses on a candidate or ballot issue's status in relation to polling data, endorsements or fundraising totals; or discusses an election in terms of who is winning or losing is considered "horserace."

Exclusions from Local Civic or Electoral Affairs Programming

Public service announcements and paid political advertisements do not qualify as local civic or electoral affairs programming.

Additional Qualification Requirements

Local civic and electoral affairs programming must meet the following qualification requirements in order to be counted towards the three hour/three percent minimum:

- It must be aired between 7:00 a.m. and 11:35 p.m. with at least 50 percent of that programming being aired between 5:00 p.m. and 11:35 p.m.
- At least 75 percent of the required minimum must be “first-run programming” by the licensee.
- A licensee holding multiple licenses within the same area (as defined by the Commission’s rules permitting multiple ownership) may not fulfill its requirements by duplicating original “first run” programming on its stations. Each station licensed within a market must fulfill the public interest guidelines by providing the public with a unique perspective.
- To the extent that a licensee utilizes such distribution and promotion mechanisms as personal video recorders (PVRs), video-on-demand (VOD), and electronic program guides (EPGs), local civic and electoral affairs programming must be made available and promoted using these and other utilized interactive technologies.
- It must be identified and documented as local civic or electoral affairs programming, and this information must be made available in the licensee’s public file and website.

Qualifying Newscasts

Programming aired during regularly scheduled newscasts on the primary channel that otherwise meets the definition of qualifying local civic or electoral affairs programming may be counted towards the licensee’s weekly minimum, up to 30 minutes per week.

Special Considerations Governing the Periods Prior to Elections

In the six (6) weeks prior to a general election for federal, state and/or local public office, at least two hours of the three hour minimum shall be local electoral affairs programming, aired between the hours of 5:00 p.m. and 11:35 p.m. on the licensee’s primary channel.

2. Independently Produced Programming

To receive staff level approval, a licensee that is an affiliate of a national television network (ABC, CBS, NBC, FOX, UPN, and WB) shall air independently produced programming for at least 25 percent of the primary channel’s prime time schedule.

Independent programming must be produced by an entity not owned or controlled by an owner of a national television network. If an owner of a national television network owns or controls more than a one-third financial interest in the program, acts as the distributor of such program in syndication, or owns the copyright in such program, the owner of a national television network

will be considered to be the producer of that program for the purposes of this processing guideline.

To further the public interest in diversity of viewpoints and localism, licensees are encouraged to program on their non-primary digital channels additional independently produced programming, including locally produced independent programming.

Programming that meets the definition of local civic or electoral affairs programming shall not be included as either network or independently produced programming in this calculation.

3. Reporting

To receive staff level approval, a licensee shall certify that at the end of each quarter during the preceding license term, it placed on its station website (if it has one) and in its public file, a report identifying any programming that counts toward fulfillment of the processing guideline. The report shall contain the following information for each program or program segment:

- For local civic programming, the specific local issues addressed. For electoral affairs programming, identify the race and the name(s) of the candidate(s) or the ballot issue(s)
- Program format, e.g., local news segment, talk show, documentary
- Date and time aired
- Channel on which it was aired
- Whether the programming was locally produced
- Description of any interactive functions utilized
- Description of how the program was promoted to the public
- Efforts made to ensure the public was exposed to diverse viewpoints on the issue or election

4. Excessive Commercialization

The staff shall not have authority to act upon, and shall refer to the Commission, any application for renewal which demonstrates that the licensee has devoted in excess of 50% of its daily programming to material which consists of the transmission of sales presentations or program length commercials.

About the Public Interest, Public Airwaves Coalition (PIPA)

The preceding processing guidelines were drafted by the founding members of the PIPA Coalition, including Alliance for Better Campaigns, Benton Foundation, Center for Creative Voices in Media, Center for Digital Democracy, Common Cause, Institute for Public Representation of Georgetown University Law Center, Media Access Project, New America Foundation and the Office of Communication of the United Church of Christ, Inc. The guidelines were submitted to the Federal Communications Commission in April, 2004. Since that time, the PIPA Coalition has grown into powerful alliance of public interest groups, media activists and grassroots organizers (including more than thirty national organizations) urging the FCC and Congress to hold the nation's commercial broadcasters to a higher standard of public service.