



STATEMENT OF  
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WORKSHOP ON THE FUTURE OF MEDIA AND  
INFORMATION NEEDS OF COMMUNITIES: SERVING  
THE PUBLIC INTEREST IN THE DIGITAL ERA.

I want to start as I have often begun my testimony at Commission and Congressional hearings. The best broadcasters in the United States do a superb job meeting the needs of their communities. Those are the broadcasters who come forward to serve as witnesses at events such as this. Today is no different; Albritton Communications does a terrific job serving the Washington, DC area and, in particular, has led the way in integrating cable and soon, with its new local web site, the Internet, into its public service mix. If every broadcaster did as good a job as Albritton, this country would be much better off.

Another thing that typifies public events such as this is that broadcasters brag about their public service during emergencies. Here, too, the very best broadcasters can do magnificent work. Responding to public emergencies is the minimum we should expect from all broadcasters, but, as Eric Klinenberg has documented in his terrific book, *Fighting for Air: The Battle to Control America's Media*, a disturbingly large number of broadcasters have little or no capacity to originate local programming, much less respond to public emergencies.

The sad fact is that every broadcaster does *not* do as good a job as Albritton does. In assessing how to address the public interest obligations of broadcasting in the future, the Commission must focus on the *worst* broadcasters, the ones who do little or nothing to recompense the public for their free use of ever more valuable spectrum.

Even in the face of escalating demands for spectrum to fuel broadband deployment and technological innovation, Congressional and FCC policy has failed to hold TV and radio broadcasters accountable for addressing the problems, needs and interests of their communities. While the best stations have used changing technology to improve

their responsiveness, the quantity, quality and diversity of service has declined from a market wide perspective.

The FCC gave broadcasters the freedom to ignore their public service obligations in the early 1980's. The centerpiece of the Commission's deregulation decisions was the notion that marketplace forces would insure that community needs would be met. On this basis, the Commission eliminated guidelines which prompted every broadcaster to carry minimum amounts of news and public affairs programming. It also changed its renewal processes, so that renewal is automatic unless citizens file a license renewal challenge. There is no audit or other review of the truthfulness of the statements in the renewal applications. Moreover, the 1996 Telecommunications Act imposes insuperable barriers upon those citizens who attempt to challenge a license renewal.

The marketplace has not worked. Like other human beings, broadcasters do not always make rational choices, and are constrained by the biases of the culture in which they live. As the Commission has learned in its examination of "no urban dictates" advertising policies, some advertisers ignore important markets because of innate bias, cultural insensitivity and downright ignorance. The problem is especially severe for racial and ethnic minorities, as well as for other segments of the audience which consist of people who are too old, too young or too poor to be demographically attractive. The failure of the Commission's efforts to diversify ownership and employment in broadcasting means that broadcasters are as yet unrepresentative of the nation as a whole.

Technology has changed, and the country has changed. The business model of traditional broadcasting is changing, too, although I happen to believe that it is changing more slowly than do some others. To adapt, the Commission must fashion modern public interest obligations for broadcasters which restore some of the protections for the public which had been eliminated by deregulation.

The centerpiece of Title III of the Communications Act is service in the public interest based on localism, competition and diversity. Having chosen not to follow the model of other countries which approach broadcasting from a national perspective, the Communications Act specifies that a core duty of each broadcaster is to serve its own community of license. We seek to have as many licensees as possible, because competition among them improves the quality of service and, perhaps most importantly, helps assure the public access to a diversity of social, political and cultural perspectives.

There is no point in having a system which prizes localism and diversity if many of the licensees do nothing - literally nothing - which is locally oriented, or which dupli-

cates the programming of other stations or which consists entirely of home shopping programming. Yet that is what the current system tolerates.

I am going to focus my remarks to local news coverage, because it is the most important element of service in the public interest.

It is hard to overstate the importance of local TV news in the traditional newscast format. Every survey consistently shows that local TV news is, and remains, the top source of news for Americans. The Pew Internet and American Life Project's most recent survey found that 78% of the public watches a local TV newscast on a typical day. Radio is not far behind. Pew's survey found that on a typical day, 54% of the public listen to radio news at home or in the car.

Local TV news is important for another reason, which is that, along with daily newspapers, it sits atop the daily news food chain. As demonstrated in Tom Rosenstiel's recent study of news coverage in Baltimore, local TV and newspapers are the primary sources of news. Virtually all radio, Internet and social media news originates from TV and newspapers. "Local television stations and their [associated] web sites accounted for about a third (28%) of the enterprise reporting on the major stories of the week."<sup>1</sup> New media platforms do not yet serve as a source of local news; rather, as the Baltimore study shows, they are more devoted to "repeatage" rather than "reportage."

Under the current regime, hundreds of television stations carry no news and many of them do not even have functional local origination capacity. The shortcomings are especially great when it comes to coverage of local elections. Methodologically solid studies of television coverage in major markets shows that many stations provide no coverage of elections (except of course, for commercials) and that those stations which do cover elections typically emphasize federal and statewide elections. Coverage of local elections is typically comprises less than 1% of their total news coverage. (There is no coverage of local elections on cable except for the handful of markets with a single local cable news channel.)<sup>2</sup>

Commercial radio is even worse. It has largely abdicated its responsibility to generate local news coverage to public radio. In all but the very largest markets, there are only one or two commercial radio stations with the capacity to report and cover

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<sup>1</sup>"How News Happens," [http://www.journalism.org/analysis\\_report/how\\_news\\_happens](http://www.journalism.org/analysis_report/how_news_happens)

<sup>2</sup>So-called "shared services agreements" have significantly impaired diversity in many markets.

news. Most other stations, if they carry news at all, use a centralized news bureau like Metro Networks, which use the same reporters to deliver essentially the same reportage, to a dozen or more stations. (Moreover, even Metro Networks is closing local bureaus and increasingly relying on regional “news hubs”).

There is in short, little localism, no competition and minimal diversity.

Looking to the future, I have heard no one call for any change in the basic legal framework, or to redefine the components of the public interest standard. Rather, we need to adapt rules to social and technological change based on the same core principles. If broadcasters prove unwilling to employ digital radio and television technologies to improve their performance, they should be required to return their spectrum for reuse in a more societally productive manner.

This is not to say that I am wedded to traditional regulatory approaches and traditional formats. News doesn't have to be delivered in newscasts as we understand them today. TV and especially radio can devise new program formats which might deliver news and information in very short bursts and be tied to the particular format of the long form programming in which they appear. As NPR has demonstrated, websites and social media can be integrated into the news delivery mechanisms. New technology permitting use of content from stringers and even non-professional journalists can also be added to the mix.

With all that in mind, here is an outline of what I would suggest:

First, I urge the Commission to put teeth in the license renewal process. Shorten license terms to three years. Implement the “enhanced disclosure” requirements embodied in the new Form 355 for both television and radio. Require each radio and television station to demonstrate it has addressed the needs of the community of license, specifically including use of locally produced programming addressing local issues. Review each broadcaster's renewal application and audit 10% of licensees every year.

Second, require broadcasters to demonstrate that every channel in a radio or television multicast service is advancing the public interest.

Third, in the renewal process, discount programming which is not produced by the licensee or which has or will appear on more than one station.

Fourth, disincite TV broadcasters from diverting their spectrum for ancillary and

supplemental uses by raising the fee for such use from 5% to 20% of gross revenue.

Fifth, develop incentives for broadcasters to integrate online content with their on air content.

Sixth, the Commission should complete action on Docket 93-8 and rule that TV stations primarily devoted to carriage of home shopping services are not operating in the public interest.

I will close with yet another point I have made on numerous occasions. We developed the best broadcasting system because of, not in spite of, regulations which examined broadcasters' public service and made the worst of them accountable for their misuse of public trust. We need a modern version of those requirements to fully realize the potential of broadcasting in a digital age.