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As prepared for submission

**The Federal Communications Commission
The Information Needs of Communities**

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Good morning. Thank you to the FCC and ASU for hosting this important event and to Chairman Genachowski and Commissioner Copps for attending. I particularly want to thank Steve Waldman and the rest of the staff for putting together the report on the “Information Needs of Communities.”¹ I am pleased to be here to discuss the role of local broadcasters in serving those needs.

Broadcasters have a special obligation to provide community responsive programming. Some broadcasters take this public service very seriously and deliver on this commitment. Others do not.

According to the INOC Report, over one third of commercial TV stations air no local news.² Among those that do, some don’t provide the kind of information people need to participate effectively in democratic processes. Increasingly, people are getting more information about their candidates from campaign ads than from their local broadcasters. Political advertising spending on local TV has steadily increased over the last decade, yet TV stations don’t always invest those profits in coverage of local elections. In 2006, local stations generated \$2 billion in political ads. But a study looking at the 2006 midterm elections found that, during the typical local TV newscast, stations aired over four minutes of partisan political ads – but gave less than half of that time to objective reporting about local elections.³

Some broadcasters allow their news coverage to be shaped or even manufactured by advertisers. The *Los Angeles Times* has exposed a number of instances of pay-for-play “experts” and ads masquerading as news on local broadcast TV. In one disturbing example, a station featured a story on promising new cancer treatments at a local hospital – only it wasn’t really a news story. It was a segment paid for by the hospital featured in the piece.⁴ This is not an isolated phenomenon. My own organization has filed dozens of complaints about the use of un- or under-disclosed “fake news” on local TV.

¹ *The Information Needs of Communities: The Changing Media Landscape in a Broadband Age*, FCC Staff Report, GN Docket 10-25 (rel. June 9, 2011) (“INOC Report”).

² *Id.* at 102.

³ University of Wisconsin NewsLab Midwest New Index, *An Analysis of Local Television News Coverage of Elections and Government In Illinois, Michigan, Minnesota, Ohio and Wisconsin*, at 4 (November 2006) <http://www.takeactionmn.nonprofitoffice.com/vertical/Sites/%7BCE1345E8-AAC2-42CC-8C15-F82AB19118EE%7D/uploads/%7B04066911-91FD-406F-9E5C-09EA9935B827%7D.PDF>.

⁴ James Rainey, “On the Media: KCBS ads masquerade as news,” *Los Angeles Times* (April 21, 2010), available at <http://articles.latimes.com/2010/apr/21/entertainment/la-et-onthedia-20100421>. See also

To help community members, journalists, and watchdog groups uncover these kinds of lapses in service, the INOC Report recommends making transparency a pillar of FCC media policy.⁵ Currently, broadcasters must disclose certain information and maintain public files that *theoretically* should help the public and the FCC ensure that broadcasters serve their communities. But, as the INOC Report makes clear, the information disclosed is not always useful or accessible. As a consequence, communities lack the tools they need to meaningfully engage with their local broadcasters.

Free Press is one of many public interest groups that support the INOC Report recommendation to modernize the current disclosure regime. We have submitted a proposal to provide the public with searchable and online access to information on the programming that broadcasters provide to their communities, as well as online access to the content of broadcasters' public files.⁶

To be clear, improved disclosure won't magically convert delinquent broadcasters into model public servants. Nor is it a substitute for better FCC enforcement of the broadcast public interest bargain, which has atrophied over time and should be reinvigorated. As the INOC Report acknowledges, "the public interest obligation system is broken, and it does matter."⁷

But even though better disclosure is not a silver bullet, it is both important and necessary:

1. Better information can empower communities to make broadcasters more responsive even when the FCC can't – or won't

The FCC invites communities to participate in the licensing process, but rarely acts on citizen complaints. If the FCC won't hold broadcasters to their promises, it should at least help communities do so themselves.

Better information means better conversations between communities and local broadcasters about the information needs of that community. Of course, not every conversation between licensees and local communities will be productive. Here, too, better disclosure, coupled with public pressure, can go a long way to holding media accountable. Watchdog groups and journalists can shed light on – and publicize – whether broadcasters are serving the public or just wasting precious airwaves. Local civic groups can highlight the best and worst broadcasters covering the community. Journalists could use the proposed online public file database to track political ad spending patterns on local TV stations, or publish lists of broadcasters that engage in pay-for-play "news."

James Rainey, "On the Media: The news is, that pitch was paid for," *Los Angeles Times* (Sept. 15, 2010), available at <http://www.latimes.com/entertainment/news/la-et-onthemedial-20100915,0,370372.column>; James Rainey, "On the Media: Fake news flourishes under the feds' noses," *Los Angeles Times* (Sept. 17, 2010) available at <http://www.latimes.com/entertainment/news/la-et-onthemedial-20100918,0,566983.column>.

⁵ INOC Report at 346.

⁶ See <http://www.savethenews.org/sample-form>.

⁷ INOC Report at 295.

2. Broadcasters can market themselves on their public service

While better disclosure can expose broadcasters that are doing a less than stellar job, it can also illuminate those who provide exemplary service to the community. Every station claims it is number one in news. With better, uniform disclosure, the public can decide for itself.

3. Better disclosure can lead to better FCC policy decisions

There are numerous FCC proceedings that posit how various policies or structural rules impact the provision of local programming and service to local communities. The FCC is often forced to spend a lot of money for proprietary third party data that is ill-suited to its purpose and which the agency can't share publicly even when it relies on it to make policy decisions. A uniform online broadcast disclosure regime would be less burdensome than what broadcasters already do now, and would be more transparent and valuable for policy making purposes.

4. It's 2011

In a time when there is an app for nearly everything, it is silly that a person still has to take off work and drive dozens of miles (and in some cases over 100 miles) just to get information about how their local broadcaster is serving the community. But that's how it works today. We are well into the Internet Age – it is ridiculous that this information is not online already.

While I have focused on one important recommendation in a very large report, Free Press is also enthusiastic about many of the recommendations related to nonprofit, community and public media. Those organizations are increasingly rising to fill the gaps being left by commercial media. Better disclosure rules will help us more clearly identify those gaps and spur innovation and experimentation to meet our nation's diverse information needs.