

UNITED STATES OF AMERICA

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FEDERAL COMMUNICATIONS COMMISSION

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FIELD HEARING

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BROADCAST LOCALISM HEARING

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SAN ANTONIO, TEXAS

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CHAIRMAN POWELL PRESIDING

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WEDNESDAY, JANUARY 28, 2004

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P R O C E E D I N G S

5:30 p.m.

CHAIRMAN POWELL: Welcome, Ladies and Gentlemen, to this Second Annual FCC Broadcast Localism Hearing. It's a pleasure to be here in San Antonio.

My name is Michael Powell. I serve as the Chairman of the Federal Communications Commission. I'm joined by my four distinguished colleagues, Commissioner Mike Copps —

(Applause.)

Clearly a hero to many.

Commissioner Kathleen Abernathy, Commissioner Kevin Martin, Commissioner Jonathan Adelstein.

(Applause.)

I see their family's here today.

(Laughter.)

I also want to especially thank San Antonio Mayor, Ed Garza, the members of the City Council and City Manager Terry Brechtel and the County Commissioners for welcoming us to this great and historic city and for making this grand facility here available to us. We're going to hear from the mayor in

just a few moments.

As most of you know, back in August we announced an initiative on localism and broadcasting. A critical part of that effort is for the Federal Communications Commission to leave Washington and talk to Americans about the system of broadcasting and how it serves their local communities.

We held our first hearing in Charlotte last October, and we will hold similar hearings in several cities throughout the country over the months ahead.

Before discussing localism, there are a few people in the audience I wish to recognize who bring to life the importance of public safety and Localism.

The first is Jay Kimbrough, Director of Homeland Security in the Governor's office here in Texas. We will also hear some welcoming remarks —

(Audience interruption.)

— I would like to say to the audience that in the spirit of civil discourse, which is what we're here to talk about, it would really be quite respectful to allow everyone — everyone who wishes to get an opportunity to speak.

In addition, as many of you know, this is the home of the Amber Alert System, and we are pleased to have with us tonight Tarrant County, Texas, Sheriff, Dee Anderson, one of the cofounders of Amber Alert, and Patricia Bradberry and her daughter Ray Lee, the first child ever saved by the Amber Alert System.

(Applause.)

Would you stand so we could recognize you.

(Applause.)

Thank you very much.

So what is this localism and why does the FCC care about it? In the broadcast sense, localism is the repre — the responsiveness of a broadcast station to the needs and interests of its community of license. Promoting localism is one of the highest principal reasons the FCC regulates broadcast television and radio in the first place.

Before a radio or television station can go on the air, it must receive a broadcast license from the Federal Communications Commission; and if the Commission determines the applicant is qualified to hold the license, one is issued.

In return, however, the licensee promises

to serve the public interest through its use of the license. A key part of the public interest is that the broadcaster air programming that is responsive to the community of license.

The public interest obligation applies uniquely to broadcasters and is what singularly distinguishes them from cable or satellite channels, although other obligations apply to these services as well.

The FCC has promoted localism in many ways. And today we're focusing on the behavioral component as to whether broadcasts serve the public interest.

The Commission has tried in the past to promote localism by requiring broadcasters to air certain kinds of programming and by imposing various procedural obligations such as ascertainment.

Over the years, many of these requirements have been modified or eliminated, and we seek here to determine anew, the level and character of local broadcast service being provided today and to consider what behavioral rules and policies the Commission might adopt or what legislative changes it might recommend to promote and improve the local service of broadcasters.

The one constant in all of this is a station's duty and service to the local community. Our hearings are an on-the-ground inspection of how the broadcast system is working for local communities. So specifically, we have three main objectives from these hearings.

First, we want to hear directly from members of the public on how they think their local broadcasters are doing, what you like, what you dislike, and what you think should be done differently.

Second, we want to hear from broadcasters about their efforts. I know many broadcasters are justifiably proud of their work to serve their communities, and we wish to hear from them as well.

And third, and perhaps most importantly, we want to educate members of the public on how they can participate at the Federal Communications Commission when a local station's license is up for renewal.

I see these hearings as an opportunity to bring these license renewals to life. It is one thing for us as Commissioners to sit at our desks in Washington and read dry rule applications, quite

another to talk directly to the public who listen to those stations every day. We wish to spread the word that renewals are not just a Beltway phenomenon. They are open to everyone who has something to say about their local stations.

So along these lines, I have asked the FCC staff to prepare a short primer on how to participate in the license renewal process. Those will be available to you on the tables in the back of the room. This primer is also located at our web site at www.fcc.gov/localism.

And, finally, I want to thank the panelists with us today, for taking the time to prepare testimony and join us this evening.

The participation of the community and the local broadcasters is critical if these hearings are to be meaningful, and I extend sincere thanks for your presence here tonight.

And, finally, I want to extend a welcome to the citizens of San Antonio who are here in attendance and have been our gracious host. And those of you watching and listening on TV and radio, we join you happily. We very much look forward to tonight's discussion.

Before moving forward, I'd like to acknowledge the Mayor of San Antonio, Mayor Ed Garza, for brief welcoming remarks. Mr. Mayor.

(Applause.)

MAYOR GARZA: Chairman Powell and Commissioners here today, I want to, first of all, welcome you to San Antonio. (In Spanish.) And welcome and thank the FCC Broadcast Localism Task Force to come to San Antonio and certainly hear from, I think, a very well-informed community.

The City takes an active role in legislative and regulatory process in Washington, D.C., and is honored to be chosen for tonight's public hearing. And I think San Antonio, not only is a city that celebrates its diversity, we believe we reflect many of the, certainly, aspirations and the issues that are of concern to people across America today, but I think we also represent a lot about the future of American cities. And some of the concerns that you'll hear tonight and some of the compliments, I think, really do represent a lot of the future exciting things that are going to be happening — that will be happening in the world of communications.

I'd first like to say that the importance

of citizen participation is critical, and, certainly, finding out what's taking place in local communities and the responsibility that the local media has. And it certainly is often a difficult balancing act for the media, balancing the consumer demands of a good story, which usually means plenty of conflict and probably plenty of violence.

But the media has a responsibility not to sensationalize the news. Citizens who see only crime stories on the news might not realize that we have just had one of our lowest murder rates in years.

San Antonio broadcasters also play an important civic role with news and public affairs programming, such as candidate debates and press conferences, many of which I participated in and this local community has been very engaged in certainly educating the public on many of the local issues.

And I would like to point out specifically one of the legends here in San Antonio, WOAI's Bud Little, who pays particular attention and is always accurate and fair in his presentation of information.

Morning call-in shows are also important, especially those that bring civic issues to the attention of new audiences. During the past few weeks,

I've reached out to some of the radio stations that have an audience that usually aren't as politically engaged, and just recently was on KZEP radio station, which plays classic rock and went to the station to be a co-host. I actually even sang a song to see if one of the listeners could guess which one that was. But that's the kind of communication I think that we as leaders have to challenge some of our, certainly, broadcasters in the San Antonio area.

On KZEP now, I actually come out every Monday morning giving our update on the soccer team that I play on promoting Fit City, and certainly wanting to bring a soccer team to San Antonio at the major league level, and I do appreciate, Mr. Chairman, your encouraging the local stations to cover the mayor's team, especially on a weekly basis.

The media has an additional responsibility to represent the community where their — their broadcasting certainly reaches out to a diverse community; and as I mentioned earlier, San Antonio is diverse. More than half our residents are of Hispanic descent. We, perhaps, are the most Hispanic city in the United States, nearing almost 60 percent.

But we're also a very mature community, a

community that has a low immigration population, and I think it represents a lot about the future trends and expectations on the communications side, especially in terms of bilingual communication. And here in San Antonio we have leadership, 12 Spanish-language television stations, and certainly, in Texas, a 60-percent increase in the number of Spanish-language formatted radio stations.

In San Antonio our radio stations also serve the community interest by promoting public safety. Certainly something that we take very seriously here in the area of Homeland Security with the recent challenges to communities. I have nothing but compliments to say about the local broadcasters in being partners with the City of San Antonio, Bexar County, our local emergency operation center, in terms of getting information out, certainly since September the 11th, but also when we have floods here in San Antonio, we have a very proactive broadcasting community that oftentimes breaks away and has live coverage, not just for 10 minutes or 15 minutes, but one to two hours or longer for the sake of getting information out to the public, very important, and certainly a partner in the community.

Many other examples, certainly with our fire department in getting information out, on public safety tips. As was mentioned earlier, the Amber System — Amber Alert system has been a wonderful example and San Antonio residents and surrounding residents have not only seen the benefit, but have been active participants in making that a success.

Local radio and television stations also support the community by hosting telethons, radiothons. You're going to hear from many of the groups. Whether their focus is on homeless and hunger, whether their focus is on housing, other important charities and issues, the local community has continued to come through. And I think that San Antonio, in that regard, does serve as a model where the broadcasters have partnered with the local non-for-profits and other state holders making sure that public awareness and key public issues is disseminated.

So, again, in conclusion, I hope that your hearing tonight is informative, that you can certainly get the feedback that you anticipate. On behalf of the citizens of San Antonio, we, again, welcome you to our city. We look forward to continuing this dialogue and certainly being advocates for a better broadcasting

system and a communication system that benefits the citizens today and the citizens of tomorrow. Thank you very much.

(Applause.)

CHAIRMAN POWELL: Thank you very much, Mr. Mayor, and on behalf of all my colleagues, thank you for being such a gracious host for this activity, and we'll push broadcasters to carry your pro — your games if you're sure that's quality programming. I haven't seen you play, but we'll assume so.

(Laughter.)

But we all have come to recognize the importance and — and new dilemmas facing us as a nation, in terms of homeland security and broadcasting has an important part to play in the informing of our citizens and the protection of our homelands. So we have with us here for Texas the Director Of Homeland Security, Jay Kimbrough, who wishes to speak briefly.

(Applause.)

MR. KIMBROUGH: Mr. Chairman, Members, thank you very much. And on behalf of Governor Rick Perry, I too, would like to welcome you to Texas and specifically to the beautiful City of San Antonio. The Governor is pleased, of course, that you've come to

San Antonio to hear what Texas broadcasters do for their communities and how they serve the public.

One of the best examples of how Texas broadcasters have made a huge difference in our lives occurred in 1997, when Dallas-area broadcasters and Sheriff Dee Anderson turned a local tragedy into a triumph of technology and cooperation by creating the nation's first Amber Alert using the emergency alert system.

Here in Texas, Governor Perry initiated a successful statewide Amber Alert plan. And, of course, just last year President Bush signed into law the national Amber Alert. As director of Governor Perry's Office of Homeland Security, I can tell you that we very much appreciate the broadcaster's cooperation and leadership on public safety matters.

Their assistance on Amber Alerts, weather warnings and working with state and local entities in disseminating emergency messages in the event of a terrorist incident or any other public safety crisis is imperative. Once again, Mr. Chairman and Members, welcome to Texas. Enjoy your time in San Antonio. Thank you. Good evening.

(Applause.)

CHAIRMAN POWELL: Thank you. Now I'd like to acknowledge each of my distinguished colleagues for brief opening remarks. Commissioner Abernathy?

COMMISSIONER ABERNATHY: (Inaudible, mic off.)

Thanks for the additional instructions. Thanks for inviting us here and for hosting us in such a great location and for all of you turning out tonight, broadcast licensees, citizens, all of you who care so much about these issues.

When it comes to broadcast licensees, whether you're small or large or regional or national, you have a duty to serve the local community, and I know that stations respond to this mandate in different ways. They may air public announcements, sponsor job and health fairs, cover local sports events, host fundraisers for local charities, and produce educational programming, and I know that some do a better job than others.

So why are we here tonight? Because we need to further explore whether we, as government regulators, are doing all that we can to ensure that stations serve their community. And I know that everyone who is attending this evening's hearing cares

about your local community or you wouldn't be here tonight.

And I also suspect that you want to better understand what it means for a local broadcaster to serve the public interest. I've heard concerns that some broadcasters have abandoned their public interest obligations and are only interested in their earnings reports. Other people are uncomfortable with some of the broadcast content, while still others object to a perceived government attempt to restrict free speech.

At the same time, I've heard from a number of charitable organizations that survive and thrive thanks to sponsorship from local broadcasters.

So I'm here tonight to listen and to learn. I'll listen to the broadcasters describe how they're do — how they believe they're serving our local communities, and then I want to know how you evaluate whether they're meeting your needs. Should we look only at the programming that's aired, or should we consider nonprogramming efforts as well, such as sponsoring local community activities?

I'll listen to local community organizations and citizens, all the different panelists. We want to know: do you believe that the

broadcasters are serving your local community? If they're doing it well, why are they doing it well? If they're not, what more should we be doing at the FCC?

I appreciate how important this is to all of you because you've given up a night with your family to help us work through these issues, and I very much appreciate that. I'm hoping that tonight's hearing will be worth your sacrifice, that you'll go home and say, "This was well worth it. I learned a lot and I made a difference." Not only will you provide the Commission with valuable information, but it will create a foundation for an ongoing dialogue between local broadcasters and the local community.

Communication can effectuate change, clarify misunderstandings and ease concerns; but I think both sides have to be willing to listen, and I know I'm here to listen. So, again, thanks to all of you for taking time out of your busy lives to be here today and to care about these issues. I'm looking forward to listening and learning.

(Applause.)

CHAIRMAN POWELL: Commissioner Copps.

COMMISSIONER COPPS: Tonight we continue a truly remarkable grassroots dialogue about the future

of the media. Over the past year, we have seen cascading national concern over what many Americans, myself included, see as disturbing trends in the media.

We have seen citizens from all over the country, conservative and liberal, Republican and Democrat, young and old, rural and urban, North and South, come together to express their concern, even their alarm.

For many months the discussion focused on new and looser ownership rules implemented by the Federal Communications Commission, the people asking how many, or perhaps more accurately how few broadcast stations, media conglomerates should be allowed to own, for what purposes are stations granted licenses, and how does the public interest fare in a more heavily concentrated environment?

This ownership dialogue continues in Congress, in the courts around the nation. Tonight we address core media values, particularly localism from a little different perspective; but we should realize that this is part of a larger discussion about protecting the people's interest in the people's airwaves. No one part of this grassroots dialogue can

be divorced from any other part. Media ownership is totally germane to any discussion of localism.

Let's begin at the beginning tonight reminding ourselves that all of us do indeed own the airwaves and that corporations are given the privilege of using this public asset and to profit from that use in exchange for their commitment to serve the public interest.

Broadcasters have been given very special privileges, and they have very special responsibilities to serve their local communities. Serving the public interest is supposed to be their lodestar.

Now, broadcasting is not an easy business. Many broadcasters still want to serve the public interest, but these days station owners are less and less captains of their own fate and more and more captives of unforgiving Wall Street and Madison Avenue financial expectations.

Some tell us the answer is to rely more and more on marketplace forces as a guarantor of the public interest. These people trust that the public interest will somehow magically trump the urge to build power and profit and that localism will somehow survive and thrive. I don't think we can afford to rely on

magic here.

Since the 1980's fundamental protections of the public interest have weakened and withered. Requirements like meeting with members of the community to determine the needs of the local audience, teeing up controversial issues for listeners and viewers, encouraging antagonistic points of view, and providing viewpoint and program diversity, to name just a few of the obligations — that once we had, and have no more.

In addition, the Commission pared back its license renewal process from one wherein we looked closely every three years at how stations were serving the public, to one we're in now. Companies need only send us a short form every eight years and their renewal wishes are granted. License renewal has become pretty much of a slam dunk, and it's not called postcard renewal for nothing.

This erosion of public interest protections comes at high and dangerous costs to the American people. Some call my concern excessive, but I feel in my bones that few priorities our country confronts have such long-term importance to our democracy as how America communicates and converses with itself and how this process has deteriorated in

recent years.

We've come to San Antonio to talk directly with members of this community and this state and to tap local expertise that can give us a look both broad and deep at what is happening here. How can we possibly know if licensees are serving their communities without hearing from the community?

Are stations adding to the civic dialogue? Are they encouraging local talent? Are they reaching out to minority groups within the community? And an issue on which I've focused attention since I came to the Commission: Are they adhering to community standards or are they airing excessive amounts of indecent and violent programming?

Few can deny that we are seeing a race to the bottom on our airwaves. Sometimes I wonder if there even is a bottom. Just this week we cited Clear Channel for apparent violations of the indecency statute on 26 different occasions, but the proposed fine doesn't rise above the cost of doing business for such a large conglomerate. We should have long since been fining violators for each utterance on a program, rather than treating the whole program as just one instance of indecency. That could represent a credible

fine.

(Applause.)

But we haven't been able to get ourselves there yet, and I mention Clear Channel because Clear Channel's headquarters are here, but I don't want to cite only Clear Channel. It is a pervasive problem and it is getting worse.

The industry collectively is doing next to nothing to clean up its act, but if we at the Commission could just bring ourselves to send one of these more outrageous cases to a hearing for license revocation, big media would get the message real quick, and they would begin to take us seriously, which they don't right now. There is something you can do to start taking back your airwaves.

The Commission began this past fall a process for all stations across this county to renew their licenses. We need your help with this. Stations are required to keep a public inspection file, but the Commission does not generally look at that file nor examine how a station has served its local community unless we hear from members of the community.

We rely on you to tell us if there is a problem in your community. There are various ways to

tell us what you think, from filing a formal petition, which is not the easy or user-friendly process it should be, and one which I recommend only to the stout of heart, to filing an informal objection, to sharing with us your even more informal comments, letters, or e-mails. Any one of our FCC folks here can tell you how it's done. As the Chairman indicated, we have a sheet that they will be distributing.

We began these localism hearings in Charlotte, North Carolina, in October. We heard from the good people of North Carolina and South Carolina about the importance they attach to their local media. We did get a little sidetracked on one score, however. Some of our panelists and commenters seem to confuse such things as conducting blood drives and fundraising for charities with the sum total of their public interest responsibilities.

Now, these fundraising activities are commendable activities to be sure, but they are only part of a broadcaster's responsibilities to the community. It's as American as apple pie for corporations in every line of business to participate in that kind of community self-help. As I said, we all applaud them, but the question on the plate tonight

goes to how well this very different and very special industry is serving its very special obligation to use their airwaves for the larger benefit of us all.

So I hope our panelists and commenters tonight will resist the temptation to catalog all of their nonbroadcast efforts and will focus instead on the greater picture of what they are doing as trustees of the public's airwaves.

(Applause.)

Finally — finally, I would like to thank all of you in this audience who have given up your evening to be here to discuss the importance of local broadcasting to your communities. I understand that some of you waited outside a long, long time to get in. I'm delighted you're here. I hope I'll hear from all of you tonight.

It just shows how important this issue is when you get so many people turning out, some from far corners of this great state. So Texas is making its voice heard. I'm enormously pleased to be here and listen. Thanks to each of you, and thank you, Mr. Chairman, for bringing us together tonight.

CHAIRMAN POWELL: Thank you, Mike.

(Applause, standing ovation.)

CHAIRMAN POWELL: Wow, thank you.

Commissioner Martin, you have to follow that act.

COMMISSIONER MARTIN: I'm a little worried about trying to follow — follow that.

First, I do want to thank all of you for coming tonight to share your thoughts about and your experiences with your local broadcasters. As my colleagues have noted, these issues are all extremely important to all of us on the Commission. Indeed, the goal of promoting localism underlies our whole regulatory structure as it applies to media.

I also know that localism is important to the broadcasters who recognize that their own success depends on responding to the needs and interests of their local community. Most broadcasters view serving the local community as the right thing to do, as part of their commitment to serve the public interest that is so integral to this business. I also know that many of you have extremely important concerns that you'd like to express tonight, and I know many of you waited a long time to get a chance to speak tonight.

So I'm going to stop, because I think the most important thing for us to be doing here tonight is

to be listening to what you all have to say.

(Applause.)

CHAIRMAN POWELL: Thank you. Commissioner Adelstein.

COMMISSIONER ADELSTEIN: Thank you, Mr. Chairman. It's great to be here in San Antonio to further this dialogue on how well local broadcasters are serving their local communities. I really appreciate your efforts, Mr. Chairman, in getting us outside the Beltway and getting us directly to communities like Charlotte and San Antonio and taking us across the country, because it's so important that we get outside and really hear from people.

I'd like to thank all of you who are here today, too — the outstanding panelists — we have an incredible array of experts we're going to hear from and people in the industry and public interest representatives. We have a lot of local citizens who made a lot of effort to be here. We thank you for showing your concern. And to the mayor, for your hospitality, I thank you.

And we're also here to tell the public, as my colleagues have noted, how to participate in the upcoming round of radio and television station license

renewals. These renewals come up only every eight years, and they're one of the best ways you have to hold your local stations accountable to your community. So, — but I think a lot of people aren't even aware that this is happening, so we're here to tell you about it and to tell you that you need to get involved if you have a concern about anything that's happening in your community in the media.

These hearings follow a round of hearings that were held across the country last year to get public input on the FCC's media ownership rules. I found those incredibly valuable. We heard from thousands of people about their sense of real frustration with the media, and I expect that tonight's hearing will be equally valuable in understanding people's views about how their media is serving their local communities like San Antonio.

So we're here tonight to talk about localism. I want to define for a minute what it really means. Every community has local needs, local talent, local elections, local news, local culture, and while localism reflects a commitment to local news and public affairs programming, it also means a lot more. It doesn't just mean giving promotional airtime and money

to charitable organizations, as commendable as that is. It means providing opportunities for local people to be heard over the airwaves. It means reaching out, developing and promoting local performing artists, local musicians, other local talent. It means making programming decisions that really serve the local needs.

And if you have the kind of talent, the kind of quality talent that you have here in Texas, Lord knows you want to hear it over the radio. People like Ray Benson here; there's so much great music here. I'm a big music fan. I mean, I know that some stations in this state do a great job and others may not do as much to promote local artists, but that's — that's what it's all about.

So you want to make sure that the coverage that you hear on the radio reflects the makeup of the community. That means airing concerns of the rapidly growing Hispanic community which makes up the majority of this — of this town's population, as well as the African-American community, and other minority groups. And I understand that tonight's hearing actually happens at the same time as the Hispanic Chamber of Commerce event, so I'm really grateful that Mr. Moran

and Ms. Camarillo could be here with us.

Localism also means being responsive to communities in other ways, such as dedicating resources to discover and address the needs of the community. It means being accessible, sending reporters and cameras out to all parts of the community, and documenting those efforts in public files that are accessible to the residents.

A lot of local broadcasters in this country have shown a real commitment to the community and to localism, and we'll hear from some of them tonight. Some stations do this very well. I am especially pleased to hear tonight from some of the small market broadcasters like Mr. Hanszen and Mr. Freeman, a low-power FM broadcaster, about the needs of smaller rural communities like the one that I come from. I come from a small town in South Dakota.

So, we're here tonight to learn how we can encourage other stations to put the needs of the community first. It's the cornerstone of the public's social compact with broadcasters. They receive valuable licenses from the FCC to use the public airwaves, and in return they agree to act as a trustee of the public interest, and we're here tonight to see

how well they're doing with that responsibility.

So we're beginning this in-depth examination of how broadcasters can better serve the local communities, and we need your input on this. And we're really glad to hear from you. And I also really strongly support the efforts that Commissioner Copps referred to, stepping up our enforcement against indecency in the airwaves. I want to make sure that the Commission can ensure that local musicians and artists get heard on the airwaves, and are treated fairly, and I mean airtime, not just in Austin where there's a vibrant local music and radio scene, but throughout the state and in every community in this country.

So, I look forward to hearing from other excellent panelists and all the people who came here tonight. So thank you for coming out, and without further ado, I'll say, let's get started. Thank you.

(Applause.)

CHAIRMAN POWELL: I'll now have the FCC's Secretary announce the agenda for the hearing.
Madam Secretary.

MADAM SECRETARY: Thank you, Mr. Chairman, Commissioners and Panelists and special guests.

Tonight's hearing will consist of two panel presentations and an open microphone session after each panel. Each panel will feature six speakers. Each speaker will have five minutes to make opening remarks. A brief question and answer period will follow in which the Commissioners may ask questions of the panelists. The Commissioners will be given questions suggested by the audience on three-by-five cards.

Following the question and answer period, there will be an open-microphone session at which members of the audience may speak on a first-come, first-served basis. Procedures for the three-by-five cards and open microphone session will be explained shortly.

At approximately 7:35, the hearing will break for ten minutes. After the break, the hearing will reconvene with the second panel, followed by a brief question and answer period and a second open microphone session.

Following the second open-microphone session, the Commissioners will make closing remarks, after which the hearing will adjourn. Should anyone need special seating arrangements please see an FCC

staff person.

The following are the procedures for tonight's Localism Task Force public hearing: We will utilize a time machine to maintain time limits on each presentation. Each panelist will have a total of five minutes to make his or her individual presentation. The green light will signal for the first four minutes of your remarks. When the yellow light signals, you will have one minute remaining. At that time, you should sum up your presentation. The red light signals the end of your allotted time. Please conclude your remarks at that time.

At the conclusion of all panelists' presentations, the Chairman and other Commissioners will have an opportunity to ask questions of the panelists, including questions suggested by the audience on the three-by-five cards that are in the public information packets available at the table in the lobby.

The audience is invited to use these cards to write any question they would like the Commissioners to ask after the panelists conclude their presentations. The time for this segment of the hearing is limited and it is likely that Commissioners

will not be able to ask all suggested questions. Audience members may offer comments during the open-microphone session that will follow the period devoted to questions.

Task Force staff will be collecting the three-by-five cards throughout the panelists' presentations. Please pass your card to the end of your row when staff members signal that they are collecting cards. The cards will be randomly divided and given to the Commissioners at the conclusion of the presentations. The Commissioners will have an opportunity to ask questions of the panelists. Panelists are asked to limit their responses to two minutes, to maximize the number of questions that can be addressed. Finally, we also remind you to turn off your cell phones.

And now I am pleased to introduce the speakers for our first panel in order of presentation: Lydia Camarillo, Vice President, Southwest Voter Registration Education Project, San Antonio; Steve Giust, General Manager KWEX-TV (Univision) San Antonio; Joe Linson, Vice President, NAACP, San Antonio branch; Ray Rossman, Director, Parents Television Counsel, San Antonio Chapter; Robert G. McGann, President and

General Manager, KENS-TV (CBS)(Belo Corp.), San Antonio; and Oscar Moran, Senior Advisor to the Executive Board and former President, of the League of United Latin American Citizens, San Antonio. Thank you.

Mr. Chairman.

CHAIRMAN POWELL: Thank you Madam Secretary. I'd like to now turn over to our first panelist, Lydia Camarillo, Vice President, Southwest Voter Registration Education Project. Ms. Camarillo.

AUDIENCE MEMBER: (In Spanish.)

(Applause.)

MS. CAMARILLO: Buenas Noches.

Mr. Chairman, Commissioners, distinguished guests, members of the audience, and members of the press. Thank you for inviting me to be part of the Federal Communications Hearing on Broadcast Localism.

My name is Lydia Camarillo. I am Vice President of Southwest Voter Registration Education Project. Southwest Voter is a National Civil Rights organization founded here in San Antonio in 1974 by our founder, the late William C. Valasquez, to increase the participation of Latinos and other ethnic communities

in the democratic process.

Since its inception, Southwest Voter has registered over 2.2 million Latino voters throughout the Southwest and recently the Southeast, or as we like to refer to our service area, America's Sunbelt states. This election cycle Southwest Voter will ensure that 2 million Latinos register to vote and are mobilized for the November elections.

Let me begin by stating that I am pleased to be part of this important hearing to discuss issues of localism that have an impact on the voice of democracy, the representation of ethnic and minority voices, the allocation of the airwaves times and more specifically, the impact of consolidation of ownership on democracy in the representation of communities of color. Hopefully, my testimony will also provide recommendations on how the FCC can respond to the lack of Latino representation on the broadcast airwaves of America.

The Latino population is the fastest growing electorate in the country. Only a generation ago, Latinos were a politically powerless people. Our interests were disregarded, our views dismissed, our cultures disrespected, our participation discounted.

Today the Latino community is participating in the American democracy process like never before.

Allow me to emphasize that our numbers continue to grow, and as a matter of fact, we are the youngest electorate in the nation. Interestingly, Latino voter registration has grown from 2.7 million Latino voters to 8.3 million nationwide, a phenomenal growth of 163 percent.

Moreover, 38 million Latinos living in the United States, which represent more than 12 percent of the United States population and six percent of the nation's total electorate, have become an undeniable and unavoidable presence in American politics.

In states like Arizona, California, Texas, the Latino electorate represents a significant share of the total share of the vote. In Texas alone, 2.5 million Latinos are registered to vote, representing 14 percent of the total share of the vote. For the Democratic primary presidential elections, Latinos represent 25 to 30 percent of the total share of the vote here in Texas, for the March primaries.

In fact, contrary to the conventional wisdom, primary elections in New Hampshire, Iowa, and South Carolina will not determine a front runner in the

Democratic field. Latinos in Arizona, Nuevo Mexico, Nevada, California, Florida, and Texas will likely determine the Democratic presidential nominee through their primaries in February and March.

It is why we are convinced that the Latinos stand at a crossroads in American politics. A crossroads that holds many historical implications. The overall decline of the participation levels amongst the American electorate, combined with a record growth of Latino participation promises to change the values of America's democracy.

Also, the rising numbers of Latinos and Latinas being elected to political office promises to change the face of our government. But in spite of the record growth of Latino electorate, mainstream America and Latino communities have not yet understood the impressive gains made by Latinos politically for many reasons.

One being that the newsrooms of America are not telling the complete story, or if our stories are being told, they are not being told by Latinos, and even more rarely are they reported by Latinos. Rarely is the complete and accurate Latino story reported.

Historically, we can argue that newspapers

were never controlled by the government. This was a result of the protection of the First Amendment; in other words, anybody could start a newspaper. This is not the case for radio and television. Because broadcasters had to broadcast over the public airwaves, and to prevent public from — people from interfering with each other's other signals, a controlling monitoring process was developed with the passage of the Radio Act of 1927 and the Federal Communications Act of 1934.

These government regulations governed by the FCC provide for individuals to free license to broadcast over the public airwaves. But in return, these broadcasters have an obligation and a duty to give public access, representation and coverage. Public airwaves belong to the people and as such, broadcasters have a moral obligation and duty to represent the public interest, needs, and convenience of its broadcasters broadest sense — convenience in its broadest sense.

The use of the public airwaves should also mean that the widest possible dissemination of news and information from diverse voices, perspectives and communities must be part of the American culture, and

the FCC therefore has the responsibility to protect the public interest. It is why we feel it is necessary that this interest must be extended to Latinos and communities of color.

The number of television stations owned by minorities has declined in the last three years from 33 to 20. In San Antonio, the top ten radio stations are owned by the three conglomerate companies, Clear Channel, Fox and Univision.

This issue — the issue is not whether broadcasters are being local to a greater or lesser degree, but rather whether the lax ownership rules hinder the democratic process and excludes community interest and representation. Television and radio owned and controlled by Latinos and communities of color ensure that the Latino story is told completely and with accuracy. Furthermore, it ensures the Latinos report the Latino perspective in America.

Diversity of ownership breeds competition and competition breeds better journalism and diversity of perspective in the news. It is why ownership guarantees diversity of news reporting, reporting by reporters that reflect the growing ethnic communities of color. In other words, news reported by local

communities ensure the public interest of those communities.

Since 1996 America has witnessed the decline in quality of broadcasting as major radio conglomerates buy up almost most of the country's stations. During this time, the largest companies went from owning 40 stations to 1200 and the United States citizen — and United States citizens listened as their quality of news reporting and programming declined. Programming decisions are made at the national level, not at the local level. Local news teams and international news bureaus were scrapped and downsized guaranteeing less coverage on the local and important issues.

In communities like San Antonio we, where the population of Latinos is significant, little coverage on important issues that matter to this community are covered in a way that truly reflect their interest.

For example, I doubt that the majority of the Latino community in San Antonio is fully aware that 2.5 million Latinos are registered to vote in Texas, and the Latino electorate make up an estimated 15 percent of the total share of the vote in any given

election. In our opinion facts such as these are important information that can help stimulate an even greater participation from within our ranks, thereby fortifying the democratic process. For we have — or, we have wondered, could it be that such dilatation from more localized and responsible media would not be welcomed by some of the powers that be?

There is little doubt that journalism and news reporting shapes the political landscape of America's democracy. Without a fair share of minority ownership and control America's communities of color and Latinos will continue to be absent in the airwaves of America.

It is one of the reasons that I am here to testify on behalf of the millions of Latinos who make up a significant and growing part of this country. But I am realistic enough to know that I can only represent those who believe as I do, or as Southwest Voter and the William C. Velasquez Institute believe, that deregulation of the public airwaves hurts America's democracy, voices, and public interest, and it will undoubtedly promote the continued exclusion of the voices of Latinos who work hard, pay their taxes and live in America.

Without local owners and local newsrooms who better reflect America's changing population, the media industry will continue to be disconnected from its communities. The bigger companies become, the less likely they will feature local talent, cover local news reported by reporters who look like our communities.

Obviously, ownership matters. It ensures corporate responsibility, diversity of creativity, art, culture and vision, promotes diversity, reporting, ensures that local news take front stage governed by local issues and its communities which lease — which then resonate at the national level.

I, therefore, respectfully ask and suggest that the FCC can support the local communities by ensuring that it prevents broadcast television companies from buying newspapers in the same communities in which they have television stations, limits the numbers of local radio stations that any one broad — any one broadcaster can own in a single market depending on how many stations exist in a single market. Limit the number of local —

CHAIRMAN POWELL: Ms. Camarillo, can you try to sum up, please?

MS. CAMARILLO: Pardon?

CHAIRMAN POWELL: Can you try to sum up, please?

MS. CAMARILLO: Sure. There's five — there's three other things. Finally, I would like to thank you for giving us this opportunity to share with us our views and to request that you honor — honor our tradition of excellent journalism; better put, a tradition of ensuring that communities are included. What I have emphasized is that the airwaves belong to the people. Thank you very much.

CHAIRMAN POWELL: Gracias.

(Applause.)

CHAIRMAN POWELL: Mr. Giust.

MR. GIUST: Good evening. Good Evening. I'm pleased to participate in tonight's discussion. My name is Steve Giust, and I've been the General Manager of KWEX-TV, Channel 41 here in San Antonio for nearly 12 years. I began my 32-year career in television broadcasting in 1971 at the ABC affiliate in my home town of El Paso.

KWEX holds the distinction of being the first formatted UHF television station in the United States, having begun operations with a Spanish format in 1961. KWEX provides local programming that

has always been in active participation in the community. As most of you know, KWEX is also the local affiliate of the Univision Television Network in San Antonio, and, in fact, a Univision-owned station. KWEX has gone to great lengths over the years to serve the needs of the local Hispanic community, and in that time we're proud to have become a part of San Antonio.

One of the reasons KWEX has achieved this position is because it provides local programming that is responsive to the residents of San Antonio. In particular, KWEX airs seven hours of news programming each — each week, including two daily news — live newscasts. Last year one of our news anchors, Monica Navarro, who has been with Univision in San Antonio for 25 years — 21 years, was selected Journalist of the Year by the 2003 Hispanic Media Awards.

KWEX broadcasts weekly community affairs shows such as: "Desde San Antonio," which contains in-depth segments of topics such as home ownership, education, arts, nutrition, and finances, and "Es Tu Capitolio," a show composed of interviews with state and local political leaders addressing topics and laws that concern the community.

Beyond the regular newscasts and public

affairs programming, KWEX airs literally thousands of public service announcements each year, as well as community calendars to keep the San Antonio community informed about programs, services, and events hosted by local municipal and non-profit organizations.

In these ways, KWEX keeps San Antonio residents informed and engaged in politics, public affairs and local events. But one of the most important ways that KWEX is able to serve its community and connect with San Antonio residents is through community outreach efforts. For example, in 2003, the station sponsored the San Antonio Public Library — Library Summer Reading Program, the Annual Conference on Latina Health Issues, and the Day of Scholarships.

In addition, KWEX was involved in numerous local events, including clothing drives, voter registration efforts, academic scholar — scholarships, and health fairs.

On the programming side, to ensure that the station stays current and understands the community's concerns, we continuously talk to community leaders and members of the public throughout the year. Even though the FCC eliminated its formal ascertainment requirements in 1984, KWEX continues to conduct formal

interviews with both leaders and members of the community to get the input of the needs and interests of San Antonio. On average, KWEX conducts over 80 of these face-to-face interviews each year in an effort to determine the issues and topics most important to the people of San Antonio.

KWEX values the relationship it has in the community, which is made — made possible only by providing the local information and assistance that viewers expect from their local broadcast station. In this regard, our continued ability to serve the publ — the public as we enter the digital age depends significantly on the FCC adopting cable must-carry requirements for both analog and digital signals during the DTV transition. Without such dual carriage, that important public interest connection between local broadcast stations and their viewers will be severed by cable operators.

Broadcast stations in general, and KWEX in particular, work hard to cultivate a local presence and to serve the needs of the communities. Airing local programming that is unique and tailored to the community helps attract viewers and keeps the local broadcast station from blending in the mosaic of

competing channels and media available to the public.

KWEX is particularly fortunate to have the support of our owner, Univision, which places great importance on local programming and community outreach, to produce local news and public affairs programming, sponsor community outreach efforts, and maintain our connection to the community. We look forward to continuing to do so in the future.

Thank you.

(Applause.)

CHAIRMAN POWELL: And now I'd like Joe Linson, Vice President, NAACP, San Antonio Branch.

MR. LINSON: Thank you, Mr. Chairman. Good evening, Mr. Chairman, and welcome to town the distinguished panel of Commissioners. I'm Joe Linson, Vice President of the local branch of the NAACP led by Mrs. Ethel Meyer, a longtime civic leader, et cetera.

This branch has been around more than 85 years and has been doing a tremendous job of trying to level the playing fields of civil rights and human rights in this community.

I want to open my comments by giving you a flavor for the importance of media. The late Reverend Dr. Martin Luther King, Junior, in a sermon was quoted

as saying, and I quote, "take our attitude towards advertisement. We're so easily led to purchase a product because a television or radio advertisement pronounced it better than any other. Advertisers have long since learned that most people are soft-minded, they capitalize on this susceptibility with skillful and effective slogans. This undue gullibility is also seen in the tendency of many readers to accept the printed word of the media as final truth. Few people realize that even our authentic channels of information, the press, the platform, and in many instances the pulpit, do not give us objective and unbiased truth." Close quotes.

Every bit of information comes to us with a point of view. Therefore, I feel that it is imperative for media outlets to engage the total community as much as humanly possible. In San Antonio for the most part the media and electronic media have been quite responsible; but that is not to say, however, that improvements can't be made. None of us has reached perfection yet. Continuous improvement in reporting the news is the challenge of our times.

I am delighted that the FCC has chosen San Antonio as one of the cities for this broadcast

localism hearing. I'm in support, like my colleagues here of deregulation, and in as many instances as possible. After all, this is the essence of the free enterprise system which has served this country well.

I do not necessarily believe that big is bad. I'm of the opinion that the less government involvement in the private sector, the better off the overall economy. I feel that the market will dictate if left alone.

I do, however, encourage the FCC — I'm encouraged, rather, by the FCC in moving in this direction. However, I do understand the concerns of some of the folks who are expressing some concerns about consolidation. I think that one way to assuage those concerns is to require media companies to set up more community advisory boards in these local markets. This would allow individuals from all sectors of the community to provide input and to help shape the message for their areas. (Applause.)

I have — I have personally been involved, as a community rep of the old, now defunct *San Antonio Light* newspaper — I don't think I was part of it going defunct, though — and I provided valuable insight into the local African-American community here. The

San Antonio Express News, our local paper now, has a community advisory board, and they rely heavily on the input of community leaders to get the message out and make sure they're not offending various and sundry groups in this town. This is a multicultural town, and we're proud of that, and that type of thing.

I would be in favor of a more robust approach, Mr. Chairman, by you all to continue to encourage these media conglomerates to work in that area, to continue to bring in, you know, individual groups and citizens to serve on those community-based boards.

Also, I would like to point out that the local cable company here, Time Warner, has a program of community access. This program allows individuals and groups to produce their own programs and thus shape their own message. This is really a good thing for this community. I think the concept of — I also think rather the concept of this low frequency FM station can be a huge asset in this regard as well. So I'm really interested in that.

(Applause.)

There are — there are groups — there are groups in this town, such as the NAACP, Neighborhood

First Alliance, and I see their president, T.C. Calvert out there, a yeoman in this community, I might add, the Hundred Black Men, the Alamo City Chamber of Commerce and other groups such as this who would benefit by having access to their own quote, "community FM station".

For the most part, community groups have access to religious programming, particularly in the African-American community here, and I'm all — I'm all for that. I'm all for religion, but — but we need more than that. Low frequency FM can be a tremendous resource in a community like this.

I am confident that our local media will accept a good-faith outreach program designed to provide wider access to the powers of the printed and electronic message. Along these lines, I would strongly encourage internships, and also some national searches by these local media-types to find qualified staff people who would in fact reflect the demographics of this community in particular.

Now, I would be remiss to sit up here and accuse the local media of being biased in hiring, when, in fact, I don't have the facts on who's applying for the jobs. That's not my style, and I wouldn't do

that. I do know that, and I'm a talk show junkie, I do know that talk show radio is very popular here and around the country — I'm going to wrap up — and I rarely hear the African-American perspective. I've called in and got on the air a couple of times, et cetera, and I think there's a real opportunity for input there. I'm talking to the local media on that one.

I could go on and on with this message. However, I would rather spend the rest of my time dealing with any questions related to this market.

Again, I would close by thanking Chairman Michael Powell for the distinguished job you do, and your group, professionals, for your leadership in this area. Thank you very much.

(Applause.)

CHAIRMAN POWELL: Thank you. Mr. Rossman.

MR. ROSSMAN: Chairman Powell, Commissioners and fellow panelists, I appreciate and thank you for this opportunity to testify on this important issue.

My name is Ray Rossman. I'm the Chapter Director of the San Antonio Chapter of the Parents Television Counsel. Today I represent individuals like

myself, parents, and grandparents, who are convinced that our voices are not being heard by those who have the privilege, not the right, the privilege, of broadcasting into our homes on a nightly basis.

We're convinced that our community standards have been pushed by the wayside, and instead the broadcasters uphold the standards of network programmers in Hollywood or New York, who have no regard for the impact or influence that their programming has on San Antonio children.

They admonish us to change the channel if we don't like what we're hearing or seeing, but turning off offensive or indecent programming should not be our only option. These are our airwaves. When is the last time that programmers considered what their community wants? When have they surveyed our views on what should come into our homes or over our airwaves on a nightly basis?

A recent Parent's Television Council survey asked Texans their thoughts about television programming. An overwhelming margin opposes profane, violent, and graphic sexual content on the public airwave.

(Applause.)

They do not believe — they do not believe that local broadcasters consider community values when making their programming decisions. Local broadcasters have entirely subordinated their duty to serve the public interest by yielding entirely to the national broadcast networks. It's unclear at this point whether the subservient behavior of local broadcasters is deliberate or whether it's being forced upon them by the networks through intense commercial pressure.

In a PTC survey of network owned and operated affiliates, not a one has told us that it preempted network programming on the basis of community standards.

Independently owned affiliates told us that because of network contractual obligations they could not preempt network programming. In fact, some Fox and CBS affiliates said they weren't allowed to see advance copies of reality programming. When NBC aired Maxim's Top 100, 26 independent NBC affiliates chose not to telecast — telecast the program that many believe bordered on the pornographic, and was certainly not in keeping with their community standards. And, yet, not one NBC-owned and operated affiliate preempted it based upon community standards.

The responsibility to protect our children from offensive and violent messages is a burden to be shared by parents, networks, local broadcasters and the FCC. For too long this burden has been shouldered solely by the parents, and we simply cannot do it alone. We need the FCC to do its job and we need local broadcasters to listen to our concerns. The FCC can start by severely penalizing broadcasters who air indecent programming.

Licensees should know that their ability to broadcast is a privilege, not a right. They should know that their privilege can and will be revoked if they do not abide by the law. We've heard that many independent affiliates are afraid to preempt programming because the networks threaten to take away their affiliation during the next round of contract talks.

In an effort to ease the burden on independently-owned affiliates the FCC can move to vote on the NASA petition. A limited number of TV stations around the country have preempted programming, but in several of those instances the same show was aired in the same market by a different station that was owned by the same corporate owner.

For example, when a CBS affiliate refused to air the Victoria's Secret fashion show, Viacom simply aired the program on the local UPN affiliate, again, without regard for community standards. So where is the deference to community standards?

Broadcasters can start by listening to the needs and the wants of their local communities. We are voting with our remotes, but the networks aren't listening. The networks repeatedly use the excuse that they have to compete with cable programming, programming that is full of sex, violence, and foul language. Hogwash. Hollywood isn't interested in what America wants, so our local broadcasters need to be.

(Applause.)

We are going — we are going to do our part. We are going to contact advertisers to let them know what they're advertising dollars are sponsoring. We are going to continue to be vigilant about what our children watch. We are going to file indecency complaints and file petitions to deny licenses; but we need your help. We need you to work with licensees, and we need you to hold them accountable, and we need broadcasters to listen to our community standards.

Together we can make a difference. There

is no better time to start than now because our children are watching. Thank you, Mr. Chairman.

(Applause.)

CHAIRMAN POWELL: Thank you, Mr. McGann — Mr. Rossman. I would like to introduce Robert McGann.

MR. MCGANN: Good evening, Chairman Powell, Commissioners Abernathy, Copps, and Adelstein, Mayor Garza, and other local officials.

My name is Bob McGann, and I thank you for the opportunity to be a panelist this evening. I am President and General Manager of local station KENS-TV and am here representing the station and its owner Belo Corp.

KENS-TV has been operating in San Antonio as a CBS-affiliated station since 1950. Belo purchased the station in 1997, and I became the general manager of the station in 1998. I have been a local broadcaster for 30 years.

The day of television stations being both locally owned and operated has long since passed in most television markets. My station's owner, Belo, is headquartered in Dallas and the majority of the other stations in this market are also not locally owned. However, KENS, like the other stations in this market

is locally operated. I live here in the San Antonio area as do all of my senior managers. All the day-to-day decisions on programming and management of KENS are made by me and my staff.

In the important area of news programming, for example, our parent company does not dictate the content. Those decisions are made by the news director at KENS under my supervision. Belo's role from its Dallas headquarters is limited to assuring itself that KENS is being operated in accordance with Belo's values and operating principles. Those principles require that quality news and information based on Belo's values of balance and fairness are delivered to KENS viewers, and that KENS and all of its employees are active corporate and individual citizens in San Antonio. That to me is the essence of localism today: Local operators, managing their stations and serving their communities with responsive programming and active community participation.

We believe at KENS that a local television station must allocate a significant portion of its broadcast week to news and other non-entertainment programming. This is a critical aspect of localism which is functioning well in San Antonio.

During a recent week KENS broadcast 39 hours of non-entertainment programming, amounting to 23.2 percent of its total weekly broadcast program hours. At KENS we ensure that our local programming is responsive to our viewers by means of both formal and informal ascertainment in our community. Through the year, I and other on KENS management call on community leaders such as Albert Ortiz, San Antonio Chief of Police, Dr. Ricardo Romo, President of UTSA, and Susan Reed, Criminal District Attorney, in an effort to find out from their vantage point as leaders in the community what the problems are and needs that KENS should address in its programming.

In addition, we conduct annual market surveys, asking citizens for the local issues of importance to them. That information, together with informal input, is compiled and serves as the focal point in planning our non-entertainment programming. In my view, some combination of formal and informal ascertainment at the station's option is the most effective way to perform this indispensable task.

KENS has partnered with the area's major cable system, Time Warner Cable, to create NEWS 9, a 24-hour local cable news channel serving San Antonio.

KENS has also partnered with the area's major daily newspaper, the San Antonio Express News, to create MySanAntonio.com, a local news and information web site. These new offerings are driven by localism and the marketplace — not by federal mandate.

KENS supplies local access to the airwaves in a variety of ways. KENS produces a weekday morning show, called "Great Day SA," which provides access to local artists, musicians, community leaders, and community organizations. In addition, KENS airs the City of San Antonio's New Year's Eve event, and is the official station of Fiesta, airing three major local parades. KENS has also created the Excel Awards, which honors our area's best teachers during the school year. Through public service announcements and other activities, KENS supports numerous community organizations such the San Antonio Food Bank and the Salvation Army, helping raise over \$175,000 annually for those two groups — groups alone.

To sum up, Mr. Chairman and Commissioners, localism is driven in every American television market by two powerful and historically entrenched principles. First, is the principle of community service, which is a long-established hallmark of local television

stations. Local stations and their employees serve their communities because it is both personally rewarding and it is the right thing to do. It is also reinforced by the FCC license renewal process which focuses on a station's performance in its community and for its viewers.

Second, is the principle of economics. There are strong economic incentives in the form of advertising dollars which reward the top-rated station in the market, those which provide the most-watched local news. We do not need any additional incentives to continue to serve localism. Localism is what we are about. It is the business of local television. Thank you.

(Applause.)

CHAIRMAN POWELL: I would like to now introduce Mr. Oscar Moran.

MR. MORAN: Thank you. On behalf of LULAC, the nation's oldest and largest civil rights organization, I want to thank you Chairman Powell, members of the Commission, and all the distinguished panelists for the opportunity to partic — participate in tonight's FCC Localism task force hearing here in San Antonio.

Speaking to and defining "localism" in the broad and complex spectrum of broadcast programming is difficult at best, and so today, this evening, I will share some comments and suggestions which hopefully will lead to some positive changes in the industry.

Since the FCC commission has previously found that non-entertainment programming guidelines and formalized ascertainment procedures were unduly burdensome and unnecessary for both television stations and radio stations, today I would like to suggest some regulation changes and incentives in the areas of licensing requirements and incentives to promote greater attention to localism.

Under incentives to improve localism, we believe that the FCC's decision last summer to deregulate media ownership rules of radio, newspaper and television stations in the same market, as well as raising of the national broadcasting rule from 35 to 45 percent, a percentage that has recently last Thursday been reduced to 39 percent.

Nonetheless, we believe that this will not serve the minority communities as they continue to be underserved by the growing trend of corporate centralization of broadcasting formats and homogenized

media coverage of local news.

(Applause.)

We continue — we continue to see a lack of coverage on voter registration drives, health issues and cultural initiatives due to a trend towards corporate centralization of news and information which is sometimes considered more mainstream. We believe that revisiting that 35 percent ratio will provide a badly needed incentive here.

Under regulations that would improve localism, we believe that licensing requirements should go back to where they were, and that is every three years to the current eight years. The American people would not tolerate a health system that only allows for eight-year cycles of physical check-ups for obvious reasons.

The American people would not tolerate an educational system that measured — measures educational achievement and learning progress of their children every eight years, or a system that only allows an evaluation of the emission systems on our vehicles under this so-called auspices of burdensome and unnecessary guidelines because the obvious path toward the accelerated demise of our communities would

come closely thereafter. Thus, our present system in these areas of checks and balances serves us well.

There are numerous other parallels to the eight-year cycle that we could illustrate but in an effort to avoid redundancy we hope that a viable point has been made here today. This evening plain ordinary citizens find themselves on the precipice of relinquishing their right to one of our most precious and valuable resources, and that is the right to unencumbered, unfiltered and relevant local news, information and cultural awareness initiatives which are taking place in our community via the nation's airwaves.

There are presently numerous red flags on the broadcast media horizon, but among the most visible is a glaring lack of minorities in the executive branch as well as the governing board members of these corporations.

(Applause.)

We must not accept the rationalized criteria used to justify these numbers which only serve to divert attention away from one of the main responsibilities embedded in the broadcast license renewals of this station, and that is to provide a

community service.

As ordinary citizens, we must stand ready to evaluate and assist broadcast media entities from succumbing to the pitfalls of corporate in-breeding which results when viable diversity is not present, as well as the practice of recycling minority board of directors' members, an abuse which was recently high — highlighted in major newspapers and business journals where they cited an example of one person who serves — serves on 12 to 14 boards of Fortune 50 companies, and who publicly stated that he spends most of his time traveling from meeting to meeting, which begs the question how can such a board member, such a person, honestly look after the interest of the consumers and shareholders of these entities.

We must pay strict attention to the direct correlation between the lack of diverse input and viable government and the demise — in the demise of the recent giants in energy, security, healthcare, to name a few, in the adverse domino effect on ordinary citizens. To this end we will be working with members of Congress on legislation to curtail the abuse of board of directors recycling in publicly traded and regulated industries.

By far, the most direct impact on the every day lives of ordinary citizens is the news information and right of our voices and viewpoints to be heard via our airwaves. And as such, we must ensure that the broadcast media is held to the highest standards via improved renewal and licensing evaluations.

The public trust that has been given to them for safeguarding is not an entitlement program. It must be earned every day by viable engagement of ideas, management and governance within their corporate structures, or that trust will be lost in the very near future.

If we step back today, and look through the eyes of the minority communities, localism in the broadcast industry is not doing well. It is not terminal, but we believe that the present environment will not cure the direction in which it is going. Thank you very much, Mr. Chairman, Members of the Commission, We hope that our input tonight has provided... (Inaudible.)

(Applause.)

CHAIRMAN POWELL: Thank you very much, Mr. Moran. We'll now have a period in which we will

ask questions and read questions of — from the audience. I'd like to begin with a question for Joe.

"You say" — this is a question from the audience — "that each piece of coverage has a message and a distinct point of view, don't you think deregulation gives less diversity, less of a distinct message since more stations would be owned by fewer people thus one voice?"

MR. LINSON: I think that's a possibility, but the way — the way I would approach it, Mr. Chairman, if, if we can, if investors are out there to, you know, buy — buy stations, then, you know, you can solve that problem. And I'll cite an example, of the local station here was for the most part was black-owned, BET — I'll use BET — rather, it was sold after... (inaudible.)

This is a free enterprise system. I keep saying that. There's a chance that question that obv — that can occur, but if you own your own station, you get around that, as I would approach it. I'm simply talking about the market. If we're in this business, buy a station, get some investors together and buy — buy a station. You know, that's another — another way to approach it. There's always the possibility of that

situation, but —

THE AUDIENCE: (Inaudible.)

MR. LINSON: — but the fact of the matter is, I believe in, get some investors together and buy it. BET was black-owned, but it was sold by black folk to another company. You can't blame the guy for taking three billion dollars. Now he owns a basketball team in Charlotte, North Carolina. That's my approach to that one.

CHAIRMAN POWELL: I'm going to go to the next question, but I, I have to say I feel obligated to say that in — to have healthy discourse, we have to have enough civil respect to allow individuals to make their statement.

(Applause.)

I think it's a fine tradition in America that people can disagree respectfully, and I hope that by the end of the night we'll be able to say that about our hearing here in San Antonio.

MR. LINSON: May I just say this, Mr. Chairman, I agree with you on that, but I don't mind, and I put that group down as undecided, as far as I'm concerned.

(Laughter.)

COMMISSIONER ABERNATHY: I have a question here that's directed to Lydia Camarillo, and it follows on a question that I wanted to ask you, too, as well as some of the other panelists are welcome to jump in.

And it says: "Does local radio and TV provide adequate news coverage of Central and South American news for Latinos in the San Antonio area and for their families from their countries of origin?"

As a follow-up to that, one of your biggest concerns was ownership and control of, of local stations, and I agree, and we've got a diversity committee and we're working on ways to expand opportunities for ownership; but for the ones where you don't have Latino ownership, and that have a localism obligation, how does that translate into serving underserved parts of the community; and as we're measuring localism, do we look simply at local news programming? Should we look beyond that to sponsorship of various activities, coverage of sports that may be unique to certain communities?

I mean, if we're trying to get a handle on this, what does it mean for a local station to be responsive to these communities?

MS. CAMARILLO: Well, thank you for asking

that question. I think that the question, while I focused on, on ownership of local — of minority and Latinos having an opportunity because I think that gives an opportunity for communities to have real voices, I don't think it was exclusive to that.

When you have one or two companies owning everything, you have less voices. And so we have to make sure that communities are included at all levels as Moran — Mr. Moran mentioned very accurately. At the board level we don't have representation, and certainly at the rank and file of the reporters we don't have representation.

But if you ask me a question about — do we have even slight reporting on Central and, and — and South America, I have to tell you we don't even have local reporting. I think that Latinos are not covered. I don't think the African-American community is covered, I don't think that communities that are disproportionately poor are covered.

And so I think that having — I want to thank the, the industry for giving money when it gives, but it doesn't give enough money. I want to thank the industry for having its community service, but it doesn't do enough. So I think that, that the question

is really goes back to you all who are the FCC and the regulators —

(Applause.)

— who are willing to have to — and the ones who have to decide whether or not someone should have the right to have a license again. As I stated, the airwaves belong to us. And if the airwaves belong to the people, then the people must have a voice, and we do not have a voice. Thank you very much.

(Applause.)

MR. GIUST: Commissioner, I — I just want to add that we make it a point to cover as much as we can. We know — we know who our viewers are, and we have a lot of people that are first, second, third generation here, but we have a lot of people that have just come into America, and we know how important it is to report what is going on in their home, home — home of Mexico or, or in Central America.

To give you an example, in 19 — in the year — in the 1990 census, 92 percent of the Latino population here was from Mexico. Now it's only 71 percent in the 2000 census, which means there are more people here from South America, and we owe it to them to let them know what is going on in their country, and

we make it a point to do that. Thank you.

(Audience talking.)

COMMISSIONER COPPS: I have a number of questions from the audience having to do with must carry, which has to do with requiring the cable systems to carry — carry the broadcast programming and some concern about the possibility of losing shows like C-Span or whatever, and more generally, just to wonder as we — and Mr. Giust talked about this and made an interesting connection between must-carry and the public interest. It won't be long. We're in the digital world and the station now that has one stream of broadcasting going out of San Antonio, will have maybe six, with the ability to multi-cast.

And I think there's a great interest on how — how's the public interest going to be protected in that environment, and what are you willing, I think, to — to undertake as the result of that?

In other words, would you be willing to make a commitment to increase your public interest service obligations proportional, to an increase in channel capacity that you have? What kind of things do you think we ought to be looking at as we deliberate today?

MR. GIUST: In terms of multi-casting, Commissioner? Our, our company has not gone to that point in the terms of what we would carry on the other channels if we were given that opportunity. I'm sure, that in all my years of broadcasting, the way we survive is by giving back to our community. And I'm positive, the way our company supports us, that we would definitely give back more public service. But I'm not here at this time to guarantee you what I could do, because I don't know at this time.

CHAIRMAN POWELL: Mr. McGann.

MR. MCGANN: Commissioner, I would like to point out that this hearing is an excellent example of how we will work in the digital area. We're — I'm happy to say we are multi-casting on our digital channel this entire hearing this evening on five two, and on five one we're carrying KENS and CBS programming. So I would view it in terms of the future, this would be an excellent way that we would handle the multi-casting issue.

(Applause.)

COMMISSIONER COPPS: It's really — I'm very glad to hear that if it really — obviously is a very important issue if we're going to give

broadcasters the ability to multi-cast and certainly the public has the right to expect that they would be — — good and effective means to guarantee service in the public interest, and I'm glad to see that you're working on that, and I hope the industry as a whole will be giving some thought to that as the Commission moves toward a decision in this area.

COMMISSIONER MARTIN: Following up, if I could ask Mr. McGann just real quickly, is any of — is that multi-casting of this hearing being carried on the any of the cable systems?

MR. MCGANN: At this present time we're not being carried on cable.

COMMISSIONER MARTIN: I also have a question from the audience for Mr. Giust, If Univision is working to meet the community interest as you assert, why does it portray such a narrow range of women on its programs?

MR. GIUST: I want to understand the question a little better in terms of narrowing — the ladies. We have lovely women on our shows, some of our shows.

(Audience booing.)

How they are chosen — I've never really

had any complaints about the women that we have on the air. Locally — locally, I think our local talent is just as beautiful as, as — as our network talent.

Now, I —

(Words from audience.)

Yeah. Anyway, that's all I have.

(Words from audience.)

COMMISSIONER ADELSTEIN: Well, I have an appropriate follow-up to that from the audience. This is for Univision: What about indecency on Spanish novelas on prime time? And — and to follow up on that, a question maybe, if we could hear from Senor Moran and Senora Camarillo —

(audience interruption.)

— I'm sorry. There's a question we've had that following up on that for other people to respond about the level of concentration in Spanish language broadcasting. I just would like to hear from you if you feel there's enough opportunities for voices to be heard in Spanish language broadcasting.

MR. GIUST: To — to answer your question, on novelas, I have very few complaints on novelas, very few. I mean, the only complaints I get usually is if we preempt a novela for other type of programming. I

usually get phone calls that are threatening when we preempt a novela.

(Laughter.)

It's the truth. But the programming, I've seen tremendous quality and a tremendous amount of investment and money to make beautiful type of novelas that are on the air now. You know, I don't understand what the — what the question is on the novela side that you're asking me.

COMMISSIONER ADELSTEIN: It was just that — what about indecency, was the question from the public.

MR. GIUST: I'm sorry. I can't hear you.

COMMISSIONER ADELSTEIN: I'm sorry. The question from the public is: What about indecency?

MR. GIUST: On these —

COMMISSIONER ADELSTEIN: That you responded to.

MR. GIUST: I — if I get a complaint, Commissioner, I definitely direct that immediately to, to our network. I have very few complaints. You know, you can check our FCC file — very few complaints on the novelas. I mean, I wish you could give me a specific — yeah — I'm — some of the topics are hot

and heavy. But again, I get more calls if we move up, if we preempt the novela than if I — I do in terms — I can tell you, maybe we've had a handful of complaints about the content of the novelas. The language, I think is nowhere near that — what I've heard in other situations. Anyway, that's all I've got.

COMMISSIONER ADELSTEIN: Just a follow-up for the other panelists about whether or not —

(In Spanish.)

MS. CAMARILLO: (In Spanish.)

COMMISSIONER ADELSTEIN: Is there enough opportunity for diverse voices to be heard over Spanish language broadcasting in this country?

MS. CAMARILLO: (In Spanish.)

COMMISSIONER ADELSTEIN: For you and for Senor Moran.

MS. CAMARILLO: (In Spanish.)

(Applause.)

Latinos are covered better in Spanish stations than they are covered in the mainstream stations and one of the reasons is because the workers are Latinos like the rest of us. Thank you.

(Applause.)

CHAIRMAN POWELL: We have fallen quite a

bit back on time, and so I'd like to move to the open-mic period since it seems to be open anyway.

(Audience laughter and conversation.)

MADAM SECRETARY: Members of the audi — members of the audience who wish to speak should form a line down the center aisle. We will alternate microphones during the session. The FCC staff will let you know when it is your turn to speak. If you are in need of assistance of a Spanish translator, please notify the FCC staff, identified by their white badges.

(Translated in Spanish.)

MADAM SECRETARY: In the interest of letting as many people present their views as possible, speakers should limit — limit their remarks to no more than two minutes. The green light will signal for the first one and a half minutes. When the yellow light signals, you will have 30 seconds to sum up your remarks. Please observe these time limits. To accommodate as many speakers as possible, we encourage individuals from organizations to limit the number of speakers who use the open-microphone to express a common viewpoint and to consider using our electronic filing procedures to register multiple speakers' comments in our official record. We will now begin the

open-microphone session.

CHAIRMAN POWELL: Just one thing to emphasize — one thing to emphasize. Remember that there are two open-mic sessions. So this isn't the only run we're going to get at this tonight. We're going to do this for about 45 minutes before the break, and I really would encourage people to make their comments brief because you're only stealing time from other people who really need an opportunity to be heard. So with that, please, let's, let's proceed.

(Translated in Spanish.)

AUDIENCE MEMBER: Hello. Testing. Can you hear me? I'm here tonight, Gentlemen, to ask you to expedite the widening of the radio bands for the firemen and the policemen so they do not overlap the next 9/11 occurs. We need to expedite this right away, no messing around. They don't need to fight a building falling on them again and radio signals overlapping. That would be wrong. If you drag your feet on this that also would be wrong, and, and I believe you should do something immediately.

(Applause.)

Another quick comment I have is accurate reporting. It took two days after I listened to an

inaccurate report which told only half the truth about a man on PCP last week. It took two days for the truth to come out and the truth only came out by a recording played on Clear Channel Radio radio station.

I did not hear it on ABC, I did not hear it on NBC, and I did not hear it on CBS. And it's ludicrous for you to fine the only one that came through for the American public to be informed when it's dangerous and a matter of national security when people get up and go out of their living rooms and burn down something because they want ratings. You need to put the fine on NBC, CBS and ABC where it belongs and leave Clear Channel alone.

(Applause.)

That's all I have to say. They cannot regulate themselves, they cannot be trusted. Thank you.

CHAIRMAN POWELL: Thank you. Let's start here.

AUDIENCE MEMBER: We own the airwaves, but quite a few, just a handful of corporations, decide what will go on those airwaves. Have you noticed a lack of coverage by these heads of the airwaves? Of course not, unless you've been listening to some kind

of alternative radio or alternative source of information. These are too limited. The population of this country is in danger of being dumbed down by the networks. To put it bluntly, serving corporate interests and serving the public interests cannot be consistently achieved as long as corporations enjoy the elevated status they now hold. Stop deregulation, undo what you've already done.

Mr. Linson, a free market system to which you allude to so highly is a system of greed, selfishness and has no interest in what is best for the public at large. You may ask — you may ask who decides what's best for the public. I would propose that the public can handle that question for themselves, thank you. Stop limiting our sources of information. Thank you.

(Applause.)

AUDIENCE MEMBER: Chairman Powell, and FCC Commissioners, welcome to Texas. Thank you very much for coming and listening to us. My name is Robin Stallings. I'm the Executive Director of the Texas Bicycle Coalition. There are four million Texans who ride a bike at least once a year, and at least 30,000 of them contribute in some way to our organization.

And we have a particular interest in the airwaves.

There have been some problems in the last few years where on-air talent or hosts have gotten a few laughs at the expense of cyclists, joking about, you know, hitting them with car doors, throwing things at them. This has happened in a lot of stations. That must pass for humor in a lot of places, but I want to say that while this happened in many different kinds of stations, including some Clear Channel stations, Clear Channel stepped forward, and actually, I should say that the individual stations, each one stepped forward, they met in, in Houston with our representatives and they met with other cyclists, our counterparts in Raleigh, they met with other cyclists and counterparts in Cleveland, and they did something about it, and they worked it out.

And after it was all worked out even Clear Channel at the corporate level went out of their way and called me — I didn't call them — to see if there was anything else they could do. And we were a bit surprised. We thought it was over. There was — we thought it was some behemoth that we could never deal with. But that is not what we found in this case. And we — in fact, they found other ways that they could

work with us, teach us how we could work with the local stations, and they also pointed out that we — and have since learned, that over 200 charity rides in the country just last year, Clear Channel supported and helped with having people on-air as well as supporting the rides. And I just want to say thank you very much for coming here, but sometimes local doesn't always mean locally owned, but do you care about local issues and many of the stations do that, even if they are corporate. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is Kate Cole, and I'm the Executive Director for the Heidi Search Center for Missing Children. We're a nonprofit organization that was established in 1990 after the abduction and murder of an 11-year old little girl named Heidi Lynn Seeman.

Our job is to assist law enforcement, families and the community in finding missing children and adults. We could not do that without the local media we have here. And I cannot not specifically pick out one single channel that's better than the other.

I have been with the center for four years and the relationship we have with them now is, when I

have somebody missing, I send them an e-mail. I don't even have to talk to anybody on the phone and they assist us.

I cannot commend them highly enough in the way they help the community and the families around here when they have a missing loved one. Not just the children that we hear nationally, but the local adults that also go missing under suspicious circumstances.

They help us with getting information out to the public. There's different times of the year where we want awareness for safety, at Halloween during parties, when the kids are out trick or treating, Saint Patrick's Day, where a lot of adults are going out drinking. They help us with information out to the general public, without any hesitation. They get information out to the public about searches we're having, help that we need, money when we're short on money. We are a nonprofit, like I said. We rely purely on public donations.

There's no greater joy than seeing a family reunited with a missing loved one. We had a couple a few years ago who were separated, been married for many years, and through the media's coverage of the wife's disappearance, then she was managed to be

located alive.

We had a young girl that ran away and went down to Mexico. One of the local Hispanic stations ran the story a couple of years after she'd gone missing. It went down into Mexico, a man — a man recognized her as a stripper in one of the bars he frequented down there. Within a matter of days she was reunited again with her family.

Thank you for allowing me to speak, and I would like to say we hope the media will continue to support us. And if the city does not deal with the runaway problem, I'd like to challenge the media to help us educate the city on our Hispanic young female runaways, which is a huge problem. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening. My name is Ruben Esparanza. I am the publisher of the *San Antonio Post*. Mr. Copps, I congratulate you in trying to defend the rules and regulations of the FCC, although they've been eroded for many years. I'm proud to say I'm a licensee for third-class license for the FCC and yes, they have been eroded.

Now, the word, public interest, has been said by most of y'all. The Commissioners have said

that. But also you have said the convenience of broadcasting. But what none of y'all have said is the necessity is to cov — to cover public events that local media do not.

I'll give you a case in point. And this — actually this will be going to the Supreme Court in the next two years. We're using the rules and regs of the Federal Communication, the FCC, in our court case. Just recently we had a campaign, a local campaign — they called it a campaign — for fluoride. We got ten seconds of coverage.

The pro-people got 30 minutes, even more. They never — they never broadcast the dangers of the — of fluoride. Right there, I saw the erosion of the rules and regs. What needs to happen is that we need to keep the local ownership, public ownership or local ownership within the community. That way we have more voices and not just one telling us the news.

(Applause.)

And you are correct, sir. So I ask you, the Commissioners, bring back the rules of local ownership for the public interest. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening, Chairman,

Commissioners and distinguished panel. My name is Michael Hu (phonetic). I am Director of San Antonio Asian Community Affairs. I'm here this evening to watch, come here and share with you the experience I had with the local television stations Fox and WB 35. Recently I was headed fundraising events to fundraising a gas mask for San Antonio police departments. I went over to talk to the Fox, WB station manager John Seabers and told him about the project. Now he's very enthusiastic about helping out the community and help out raising money to help our own police departments.

And sure of all, that they not only bent over backward to help out — to help with this project. They are putting the commercial, public service commercial on a national world series to advertise this event. Now, I'm sure they can put this advertising in the midnight somewhere where nobody sees it. They could put it somewhere else. But they didn't do so. They, they act in the community interest and they help out this tremendously. As a result, we are raising over \$100,000 and we now have 500 gas masks for our local police departments to spare to use any time for emergency.

Again, I wanted to stress that this

station has been helping out as far as community interest over and beyond the call of duty. And again, I want to thank you for this opportunity to speak, and thank you.

(Applause.)

AUDIENCE MEMBER: Mr. Chairman, Commissioners, Committee Members and others, good evening. My name is David Gates from Dallas, Texas. I'm 45. I've been in broadcasting since the age of 11. Broadcasting's been good to me, and I've seen it change dramatically over the last three-plus decades. I've worked from Paca City, Oklahoma with an independent operator, all the way up to Disney ABC in Chicago, the nation's third largest market. I've held almost every position including responsibilities for the entire radio division in a multi-media company.

Localism and consolidation are indeed related. The more consolidation, the less localism. The more — the more control over a market by a single operator, the less incentive to do much more than crank cash out of that market.

(Applause.)

In my lifetime, radio has never been less local than it is today. Many announcer shifts at many

radio stations can't even say it's cloudy, raining and 57 degrees right now, because the shows were voice-tracked on a computer hours ago in a city far, far away.

(Applause.)

The formats are essentially homogeneous across the nation. Many of the subtleties of market and station independence are gone. As we've given the industry and our nation's primary information dissemination platform over to a few selected investors, the market manager knows that his or her career rides almost exclusively on budget attainment. Things like the public file and some genuine interest in local public affairs are relics, where stations do just enough, maybe, to get through the FCC inspections and accountabilities that are oh so rare anymore.

It's been surprising to me to see how, just how great the disconnects been between the Commission's recent majority positions and reality. As the share of voice is controlled by an ever smaller and smaller select few with their own corporate and political agendas, the ordinary American citizen has less of a chance.

I would invite the Commission to have the

courage, character, strength and wisdom to go back and review their recent supportive positions on consolidation, find out what's really going on, and find some ways to be more consistent with the Communications Act of 1934, which delineates that the airwaves do belong to the public.

(Applause.)

AUDIENCE MEMBER: Mr. Chairman, my name is Maria Antonia Berriozabal and I'm a long-time resident of San Antonio, and have been active in my community at the grass roots level most of my life. Between 1981 and 1991, I served on the San Antonio City Council. I join my voice today to those of my fellow citizens who have come to express deep concern as media mergers create bigger and bigger media conglomerates. We, the people, are not seeing ourselves in local media outlets. Others will share their story. I will share one.

In 2002 a coalition of citizens representing the diversity of San Antonio as never before embarked on a petition drive expressing deep concern over a proposal to build a luxurious PGA resort over our only source of water, our Edwards Aquifer. Public incentives were also being given to the

developer, a very, very big international company. It was a story of power versus the people.

We, the people, organized and conducted the most successful petition campaign in the history of our city. We gathered over 100,000 signatures over a period of about three months. As important as this number is, those who gathered the signatures, and how hard they worked was a story that should have been told. At a time when citizen participation in democracy is eroding, in 2002 in San Antonio over 1,000 volunteers participated in this campaign.

This story should have captivated the airwaves. It didn't. They did not tell the story of Guadalupe Iguelis (phonetic) and her elderly friends who stood in front on a hot summer day gathering signatures in their church, or young people who for the first time saw the workings of government.

We gathered across race, gender, culture, political affiliation. Our concern for our city and our environment brought us together. This is an instance where the airwaves should have been used to share the story of democracy in action. It did not. We did not get what we were asking for and it was simply the opportunity to hold an election. Our

elected leaders did not listen to us. We did not have the media's help.

(Applause.)

(Spanish through interpreter.)

AUDIENCE MEMBER: We are millions of immigrants who have enriched this country and who have given it its diversity. And many of these millions of immigrants who have such a rich history and culture are ignored because of their humble beginnings. And how is it possible that our voices in a country that speaks of liberty and justice for all cannot be represented, represented equitably, and how is it possible that there is one conglomerate owner that is deciding what we should hear or see?

We have so many needs that are not being expressed. We have so many things that are not being properly shown, that reflect who we are. And there's so many things that we have done, so many accomplishments that are never shown. Why? Because they are not money producing. There is no gain in it, no profit in it and yet, we have so much to offer. And how many stories of injustice have been hushed? And the conscience and we have just been sublimated and abused and ignored and trampled on with programming

that has nothing to do with our values or our interests.

Please do not deprive us of our liberty and our, our right to have something that is for every single — every single citizen. The right for freedom of speech is a right for each and every one of us and we should be granted this. We have been marginalized and used and the reality is that as immigrants we have so much richness and so much culture and so many wonderful traditions that have been a profit to the others and yet we have been marginalized.

I ask that the media be pluralistic and be responsible to the voices of all of us who want to be heard. And not to separate us from the needs of the community. Thank you.

(Applause.)

AUDIENCE MEMBER: Commissioners, my name is Brian Hughes. I'm a graduate of MIT and the Harvard Business School, and currently I chair a... (inaudible) ...company. I want to thank Commissioner Copps for putting ownership clearly on the agenda. In 1984 I started a company called P-Tap Systems which built P-Tap One, the first privately-owned transatlantic fiber optic cable. In 1989 P-Tap One went into service

and broke AT&T's monopoly on international telecommunications. At that time, the FCC was a strong proponent of competition to increase the number of diverse suppliers of international telecommunications.

As a result, I find it somewhat ironic that 20 years later the MIT is loose, sorry — the FCC is loosening the rules to allow the consolidation of media ownership. This consolidation is clearly driven by the demands of Wall Street, a demand for continuous growth to meet the needs of the marketplace. Now, as a biologist now I see the only system that we talk about where continuous growth is part of the system is cancer. So, this is a fool's game because there is no end in sight. Wall Street demands will lead to more expansion. How else do you get continual growth, you're not making any more spectrum.

First of all, we see national expansion led by that brave American, Rupert Murdoch. Next, we will see international expansion like U.S. multinationals. Where else can the U.S. — these companies expand to meet the demands of Wall Street. Finally, we can see the Spirit rover on Mars as a pathfinder for the future media markets. Simply put, media consolidation is not a viable long-term

strategy. At some point it becomes a cancer. Local ownership, local control allows things to be right-sized. Thank you.

(Applause.)

AUDIENCE MEMBER: Thank you. My name is T.C. Calvert, I am president of the Neighborhood First Alliance, which represents some 30,000 families here in the city. I want to talk about localism, but I also want to challenge the FCC Commissioners tonight. Will you let your light shine, and will you stimulate the type of media coverage we need across America and our neighborhoods? That's my challenge to you.

San Antonio, Texas experiences a lot of floods. I live in a neighborhood where there's flood zones, just like other people across this United States who live in neighborhoods where there's a lot of toxins, where there's a lot of chemical plants.

But I live along an area called the Salado Creek, and we had a 100-year flood that came to my neighborhood, Brother Powell. You should have seen the water coming. It was scary. People were scrambling for their lives. The fire department had put their lives on the line. The police department had put their lives on the line.

Our television stations in our area, the fiber optics, and the cable was shut out. Our TVs went black. The people in the community listened to a Clear Channel Communication called KSJL radio. You know what they were doing while the flood waters were coming? They were bopping the music, hits and oldies, instead of warning our people that the flood waters were coming. Will you let your light shine?

(Applause.)

Now that problem not only holds true in San Antonio, Texas, but it holds true in Oklahoma, Louisiana, New Mexico and all the communities where Clear Channel Communications has urban contemporary stations. So, I'm here to challenge this Commission to change your rules. We want to see low-powered radio stations in our community controlled by the people in this community.

(Applause.)

We could talk about all the boards we want to. We're sick and tired of blue ribbon committees. We're sick and tired of these boards. We want ownership and we want the FCC to let its light shine. Thank you.

(Applause.)

AUDIENCE MEMBER: That might be a tough act to follow. My name is Sarah Kirby. I'm here with the Salvation Army here in San Antonio, Texas. As an agency that serves thousands of people in need in this community, we're truly grateful for the media coverage that we carry here. Without their support, the Salvation Army could not continue to provide the hope to thousands and the public awareness of the issues and challenges we face in serving such a large and diverse population here. In particular, without WOAI-TV we could not have provided a happy Christmas holiday for over 10,000 children and their families this past year, because the public was made aware of the need.

Without KENS-TV during the 2002 flood, we could not have kept 15 mobile canteen units running, 18 hours a day for over five weeks providing food and water to people that were in the middle of this disaster and devastated by it, and providing for the rescue workers that were in additionally helping them, because the public was made aware of that need.

We are truly grateful for the media in this community. We wish we could always get more airtime, but we, we appreciate everything they do to help raise public awareness and make sure that the

community knows what the needs are and how we can take care of our community. Thank you.

(Applause.)

AUDIENCE MEMBER: Hello. My name is Nadine Saliba. I'm here on behalf of the Arab-American community. The media plays a pivotal role in shaping public opinion and creating lasting images. Arabs and Arab-Americans have been the victims of more media vilification and stereotyping than perhaps any other national or ethnic group in recent U. S. history.

After the administration decided to wage its war on terrorism by attacking civil liberties at home through the Patriot Act, once again Arab-Americans were the principal victims becoming the most vulnerable, marginalized, maligned and demonized group in the United States. That all of the media in allowing this process to go unchecked and largely unexamined cannot be underestimated.

In a democracy a free press is supposed expose instances of abuse and misuse of power. Instead, the media has toed the government line when it comes to issues affecting Arab-Americans. It has echoed the administration's propaganda and has engaged in a degree of ultra censorship that is both shameful

and inexcusable in a free society. And things stand —

(Applause.)

And things stand to get worse with your project for media consolidation. The Bush administration would not have been able to so easily get away with waging a preemptive war, sending off young American soldiers to their death and causing the death of an untold number of Iraqis based on lies and false evidence, if it weren't for the collusion —

(Applause.)

— if it if it were — if it were not for the collusion of the pathetically weak media that failed the American people and failed our democracy when it chose not to interrogate the official discourse behind the war, and yes, things will get only worse with your project of media deregulation. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is Loretta Van Copenhal (phonetic), and I'm a citizen of the United States, a country that will, I hope, be restored to democracy within the next year.

(Applause.)

Mr. Powell and those Commissioners who infamously voted last June 6th, for the wider opening

of our airwaves to the highest bidder, you have behaved reprehensibly.

(Applause.)

Your vote — your vote was not in the best interests of a free press and media. Your vote took place after more than a million letters from citizens like me implored you not to do it. You did not listen then, and you will probably not listen now.

(Applause.)

But I must speak out, just as my fellow citizens here are also speaking out. We do this because we must try. We cannot give up a sacred facet of our democracy willingly. The less you listen, the more you violate the trust of the American people, the more you spur reaction. You double speak, talking about localism when you mean just the opposite.

(Applause.)

You kneel before the gods of profit while you spout platitudes about civil discourse. The American people, no matter how little you listen and how little you care, will win in the end. We still have the vote. Never forget that.

(Applause.)

AUDIENCE MEMBER: Good evening. Welcome —

—

(Audience interruption.)

My name is — good evening. Welcome to Texas. We hope that when you leave tonight you still think this is a friendly place. We are happy to have you here. My name is Gary Riding (phonetic) and I've come down from Dallas as a private citizen. I don't represent any particular group tonight other than perhaps — I speak on behalf of the basic unit of society, which is the family.

I am doing my best as a father to rear children of high moral standards, and I need your help to hold off the flood of pornography, profanity and violence that's surrounding them. I'm also a 39-year-old red-blooded American male, and this may come as a surprise to the media in our country, but I don't want to see the pornography, profanity and violence that is surrounding us.

(Applause.)

Please do all you can to help me by imposing maximum fines, strengthening regulations to turn back the erosion of the moral standard this country was built on. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is David Martin. I'm a freelance journalist here in San Antonio, and I would like to thank Commissioner Adelstein and Commissioner Copps for doing their best to open up a dialogue about a very important issue, media ownership.

(Applause.)

And I would also like to point out that I kind of feel like a guest that was invited to a party after the big media already feasted at the public trough, and we are only left to eat — pick up the scraps from the table. And it's a little late once you already try to take the media ownership rules off the table to invite public input. But given that you have provided us this opportunity, I would like to point out another elephant in the room, which is that the principal beneficiaries of these pro concentration decisions by the FCC happened to be Bush administration political supporters.

This is the — in return for favorable coverage from big media, the FCC has now granted the big media what they want, which is more monopoly control of their media markets. For example, Univision, which the CEO of Univision is a Bush

pioneer, contributed over \$700,000 to the Bush campaign, was rewarded with the right to purchase Hispanic Broadcasting Company, thus expanding Univision's control of the Spanish language media market. Need I mention Murdoch, who has received numerous rewards from the FCC for his political support of the Bush administration.

The President of Fox News is Roger Ailes, former media strategist. I'm sure he would receive that job due to his journalistic ethics.

(Applause.)

I would just like to say media concentration is not in the public interest because democracy is the public interest.

(Applause.)

AUDIENCE MEMBER: Good evening, Chairman Powell, Commissioners, distinguished guests, ladies and gentlemen. My name is Gerry Trombolt (phonetic) and I am deaf. I represent the Self Help for Hard of Hearing People Chapter, San Antonio, as well as the thousands of deaf and hard-of-hearing persons living in our locality.

In July of 2002, this area of Texas experienced a terrible life-threatening flood. The

deaf and hard-of-hearing population soon discovered that San Antonio broadcasters did not have emergency weather captioning in place. We began an immediate war with phone calls, e-mails, text messaging and complaints to the FCC.

We sent in close to 200 formal complaint forms to your agency. We met with local television personalities and executives to explain what we needed. We find that, still, as of this date, full captioning, real time captioning, is not available for weather and other emergency news. We find that stations are reluctant to secure appropriate equipment and negotiate with providers to give us what the law has already mandated.

Let me emphasize, Mr. Chairman, Commissioners, that which you already know, to the rest of this audience, that Texas broadcasters refuse to recognize our right to equal access, the necessity of compliance and that they are flirting with danger every day. The result of this neglect on their part can and may result in senseless tragedy when a deaf or hard-of-hearing person loses his life because there was no captions. Please take our plea to heart — there are thousands of deaf and hard-of-hearing people in this

particular community who need, and without question deserve what is already in place in law. Hear us though we can't hear for ourselves and be the voice of humanity in the communications and broadcast world. Thank you.

(Applause.)

CHAIRMAN POWELL: We'll hear two more before the break.

(Spanish through interpreter.)

AUDIENCE MEMBER: My name is Viola Casares and I represent Fuerza Unida here in San Antonio.

(Applause.)

It's an organization that was formed in 1990 when we lost our jobs at the Levi plant here in San Antonio in 1990. And I'm here to speak for all the Mexican women who are workers and our voices are often not heard, are overlooked.

Fourteen years ago, we were in the news briefly, and now we're just a group of forgotten women.

All day in the news we hear nothing but crime and homicides and murder and mayhem, but we feel that our dignity has been robbed.

We believe that the hard work that Fuerza Unida does needs to be heard on the airwaves. Our

struggles need to be heard.

We're constantly losing jobs all the time. People are losing jobs and those of us who were with — who are with Fuerza Unida who lost our jobs before and who got new jobs and lost them again, little is being done. Nobody's — nobody's taking us into account.

This is a war in our communities, lack of jobs, and believe you me there is blood being shed because of it. And every day we're losing more and more jobs with this monster called globalization. And I just came here to say please don't forget about us humble women who give so much to our community. Do not forget us.

Please let's spread the good news about the good work that we do instead of always focusing on the bad and the negative. Thank you.

(Applause.)

CHAIRMAN POWELL: This will be the last one before our break —

AUDIENCE MEMBER: Good evening.

CHAIRMAN POWELL: — and then we'll have a second open-mic period at the end.

AUDIENCE MEMBER: Good evening. I'm

Charles Estes (phonetic) from Denton, Texas. Thank you, Commissioners for coming here to Texas to listen to us.

(Through interpreter.)

I'm also representing the deaf and hard-of-hearing people, 1.8 million strong in the State of Texas, almost one-tenth of the Texas population, and when we consider the fact that the older we become the more hearing loss we have, when you get to retirement age, about one-third of the population has a hearing loss of some kind. I submit that our needs are not being attended to very carefully or inadequately.

For example, at the set-up today, the deaf and hard-of-hearing people are grouped here in the front, the close captioning is way over there.

(Applause.)

It is not accessible. At 7:28 this evening when I was standing there in line, the captioning disappeared, for a good two minutes or more before it reappeared. That happens all the time on the local as well as the national broadcasting, captioning when it's absent from a critical part of local programming.

For example, if you turn on the television

at 7:00 in the morning, usually you get national programming. Every 15 or 30 minutes, the program reverts to local weather and news. It's ironic that that part is not captioned, and I know more about your weather in Washington, D.C., than I know in your snow and ice, and I know about the floods in Washington state, but I don't know anything about my own weather in Denton where I reside, which affects me.

Is my time up? [Unidentified voice:
You're okay.]

And with that, captioning has regressed significantly over the years. We get a lot of garble. We get a lot of omission. We get a lot of, you know what that term is, money grains. There are times when, when I get the opposite message from the captioning that the broad — broadcast actually delivers. Attention needs to be made to the quality of captioning. Thank you.

(Applause.)

CHAIRMAN POWELL: Thank you very much. In a minute we're going to take a break, but there's a little girl who's been waiting in line. It's past her bedtime, and we're going to let her come up and make the last comment before the break.

AUDIENCE MEMBER: Hello. My name is Patricia Bradbury, and this is my five-year-old daughter Ray Lee. Ray Lee was abducted by her babysitter in 1998, when she was only eight weeks old. Fortunately for us the Amber plan was soon alerted in the Dallas-Ft, Worth area — I'm sorry, I'm a little nervous — and in less than half an hour after the alert was made a motorist spotted the vehicle and reported it using his cell phone. Within minutes, the police — the police pulled her vehicle over and in doing so rescued my daughter.

This was the very first time the Amber Alert plan had ever been put into effect by the local radio and news media. Last year President Bush signed a bill into law which made Amber plan available nationwide. Ray Lee and I are here today to reinforce the fact that Amber plan works. We are among the lucky ones and are grateful to the radio and news networks, as well as law enforcement, for making sure that this is used both timely and successfully to ensure the safety of abducted children. Thank you for your time today.

(Applause.)

CHAIRMAN POWELL: We'll now take a ten-

minute break and start with our second panel.

(Recess.)

CHAIRMAN POWELL: Thank you. I think we're going to get started. We're really pressing for time so we are going to try to hasten things up so everyone gets an opportunity to speak and all the panelists get through their presentations.

We're just going to go right to the sec — to the second panel, and I'd like to introduce Ray Benson, Co-founder, guitarist-vocalist of the band Asleep at the Wheel. Take it away, Ray.

(Applause.)

MR. BENSON: This is a tough room. Thank you folks for coming in tonight. My name is Ray Benson. I'm a musician. I live in Austin, Texas.

(Applause.)

I hope we do better after the end of this speech. All right. I — I've been playing music here in Texas for over 35 years. I've recorded 29 albums. I produce records, I run a recording studio and that's just so you might believe what I have to say.

Mr. Chairman, the question of radio consolidation is very important to musicians. In the case of contemporary commercial music, and I want to

make a delineation between contemporary commercial music and the fact that there are oldies stations that play older music, there are genre stations that play older genre music. But certainly in the case of contemporary music, just as strip malls with national brand name retailers have homogenized the look and feel of large and small towns across America, so, in certain instances has radio done much the same thing to music in numerous formats in the mainstream radio. I recognize — hang on guys, we'll get there — I recognize that the desires of the American consumer are partially to blame for some of this. But ultimately, it seems very unfortunate that a lot of great music is not being heard.

When I started — when I started making records in the early 70's, things were a lot different. Stations had larger play lists, were sprinkled with records from independent small labels, from national independent labels and from regional labels. People got to hear a variety of music and regional stars were made all over the country.

These regional stars would take success in their region and would go from one city to the other built upon the other successes and then would break

into the big time. Numerous hit records were started in markets and nurtured there and grew to national hits. Today, because a single company owns so many stations, the access has been limited to four major record labels, a small handful of consultants and independent promoters.

The price of entry into this marketplace has become staggering. A ballpark figure for production and promotion of a single today is six to seven figures, over a million dollars in some cases depending on the genre. This money buys the production costs of the CD of course and videos. But it also is used as access to radio and video play in a number of ways, from favors unrelated to air play, such as free concerts for the stations, junkets for the people, and labels charge these marketing costs to the artist, and that's another story which I don't have time to get into now.

It is certain that with few exceptions, and I will say there are exceptions, music on the radio in San Antonio, Texas, and Cleveland, Ohio, is much the same today in the mainstream genres. The exception that was, was Tejano and Norteno and Conjunto music in south Texas.

"Was," I say, because at the time that this music was generating and germinating, there were independently owned stations, where artists could build a following, could build experience, become regional stars in the Southwest. Ruben Ramos, Emilio Navaira and Selena, who then later became one of the biggest stars of Tejano music ever. Without the access to stations at the grass roots level, this music would not have developed.

There is now talk in the Tejano community that the consolidation of their stations has been a problem for the music. Now, if this was another commodity, if this was groceries, we might shrug it off as business as usual. Certainly, grocery stores charge their people for product placement. But grocery stores are not the public airwaves. They belong to the people and are licensed in the public interest. We've heard that a lot today.

The — the practice of DJ's and people broadcasting from other cities to other cities, we've heard about that. You know, we can all get on the Internet and numerous other places and find out the national feed. Weather changes, you want to have somebody who can stick their hand out the window and

say: It's raining. The same thing with music, when you take centrally located players, local music cannot make it through the gate. Now, this is a problem because we want to have a variety of music. America has produced the most varied and commercially successful forms of music because of our regionality, because of our differences and because of our esthetic ability to express ourselves in different ways.

The — the problem now has been access. Now, is there a way to fix this? I think there's a number of ways, and I think it has already happened some. I don't want to jump on any one conglomerate. I don't want to say so-and-so does this and so-and-so does that, because it doesn't hold true. In Austin, Texas where I live, one of the largest conglomerates owns two radio — the radio stations rated number one and two in the market that plays regional local music, KVET. They do this to serve their audience. Austin, Texas is a very special place musically, and I have not seen this duplicated in other cities. It's part of the rich music scene in Texas that does that, but it results in a competitive advantage and a healthy bottom line in the long run.

To encourage this in other markets, we

must create an environment beneficial to the radio station owners as well as the music providers, whether the providers are billion dollar entities or independent companies. The playing field is hardly level today. The American public will find the music that they want. Jam bands have a huge following, a huge economic impact and do not have a voice in radio. Their people rely on other things. If that trend continues, what will happen to radio? We want radio. We need radio. We want radio to exist and be healthy and prosper so that the American public can enjoy the wide variety of music.

Canada is an interesting model. I don't know if some of you are familiar with the Canadian content law. They have a Canadian content law, which says — I can't remember — I think 30 percent of the music must be of Canadian content. This has been a breeding ground for incredible amounts of artists who've later on become huge artists in America and worldwide because they had a breeding ground.

You cannot — you cannot make this thing happen from a manufactured point of view. Corporate entities tend to believe that they can generate things on a level of — we made our numbers this quarter,

we're going to make our numbers this quarter, we need another Elvis right now. And you cannot do this out of thin air. If you want your Elvis, you gotta let him develop. You've got to let him come up through a system that allows accessibility to his music and experience in the marketplace. You have to try different things before you will find what works in the broader sense.

So, you know, what can I say? What can the FCC do? You know, you can help the stations to provide access. I am not a politician, you might have noticed. I don't have the solutions for you, but I know that if you come up with a solution that gives local talent access to the airwaves you will find a richer and a much better complement of music coming out of our country. The — the homogenized sound that comes — when people are playing something over and over again, they will accept it. How many of you have a song stuck in your head that you hated? It happens. Thank you. It happens. If you repeat something enough — I believe it was Adolph Hitler who said it — if you repeat something enough people will believe it. If you take —

(Applause.)

— if you take — if you take 18 or 20 records and play them over and over again people will learn to eat that kind of crap.

(Applause.)

I believe it's in the best interest of radio to have a varied and original music source to play. I believe in radio. I believe that these hearings are a great idea. I commend the Commission for holding these discussions year round. And I predict that you will hear similar comments from musicians all over the country.

Everybody else has raised incredibly valid points about their different aspects of how conglomeration has affected their special interest. You know, all parties need to be involved. This is not an adversarial relationship between radio and music. We like, need radio. Radio can be our best friend. Music and radio have enjoyed a great marriage for years and years. Media radio is and was responsible for the great spread of popular music in the 20th century. Without radio, coming out of the ether into the small farms and all the places that radio reaches, without having to charge the consumer of this directly, has meant more and more to enriching people's lives. Not

only that, in its diversity, it has created one of the greatest popular cultures in the history of mankind.

A lot of times I've said that the Berlin Wall was not taken down by bombs. It was taken down by music and blue jeans. And this is one of the greatest exports this country has — is our original music. How many times have you heard about great musicians who, underappreciated in America, went over to Europe to be appreciated?

(Applause.)

Radio is and was responsible for the great spread of popular music in the 20th century. Let's work together to make it just as powerful and enlightening and informing in the 21st century. Thank you very much.

(Applause.)

CHAIRMAN POWELL: Mr. Freeman.

MR. FREEMAN: Bon Jour, Bon Soir, Bon Soir, Monsieur Chairman. (French.) Good evening, Mr. Chairman and Members of the Commission.

My name is John Freeman. I'm the Chief Operation Officer for Southern Development Foundation founded by Father A. J. McKnight, who was active in the civil rights and cooperative movements. He solicited

me to design and build the first LPFM radio station in Opelousas, Louisiana. Opelousas is a community of approximately 20,000 citizens of which 65 percent are African-American.

I'm a retired network manager. From a pragmatic perspective, I have sufficient expertise to comment on information technologies and influences. Information technology is so enormously powerful and profound that we are changed by every encounter with its influences. Such encounter with IT is staggering. The dialogue I wish to discuss is not who or what entities will control that source of power, but rather how that powerful influence can be incorporated into our communities, allowing them to become a participator in this transforming evolution.

My reductionism concludes that broadcast localism is not apart from IT spectrum. I was disappointed to learn that limitations were placed on execution and expansion of LPFM licensing in our country. I implore the Commission to petition Congress to lift the restrictions on LPFM. The conclusive finding of the MITRE testing revealed that LPFM caused no interference to full power stations.

An additional downside to an expansion of

broadcast localism are the increasing amount of translators that have been used, that could be used for a low-power utilization, their channels in particular. Translators are repeaters run at two and a half times the power of the LPFM, and are technically identical to stations like KOCZ. However, they do not create any original programming. Additionally, the concentration of translators into the hands of a sophisticated few can harm any future attempts to provide purposeful broadcast localism.

Opelousas is the birthplace of Zydeco music. Zydeco music is a French, Cajun, Creole, and African influenced composition sung in Creole and English. The governor of Louisiana declared Opelousas the Zydeco capital of the world. Given all these recognition and culture significance, the full power stations could — would occasionally allow the music to be played only for a couple of hours on the weekends. I have personally experienced how difficult it was and possibly still is for the young unsophisticated recording artists to get their music or other programs played on full power stations in their community.

At KOCZ we develop programs we believe are in line with the values of our community. Our office

manager, Ms. Mona Kennerson's famous phrase, KOCZ is an originator not a duplicator. This statement implies that the existence of our LPFM station has measurably influenced the full power station localism initiatives. That observation has caused me to believe that LPFMs are the balance for broadcast localism influence into the IT world.

Finally, I support free market competitiveness and creativity. I believe also that it is the backbone of capitalism. Many in the free market believe we all should be competing on a level playing ground. But there are some in the free market who cry foul at any signs of competition, imploring the Commissioners like the FCC to spend our tax money on research that actually stifles competition and public access.

I suggest that their complaints be accompanied by scientific evaluations, at their own expense, and reserve our tax dollars for validated investigations. I also believe that the public has a right to be a participator and observer in this new wave of broadcast localism.

So I appeal to you, Mr. Chairman and members of the Commission, to allow our communities to

participate fully and locally in the creation of broadcast localism. Thank you for having this hearing.

(Applause.)

CHAIRMAN POWELL: Mr. Glade

MR. GLADE: Good evening. I'd like to welcome the members of the Commission and its staff to our fine city. My name is Tom Glade. I am the local market manager for the Clear Channel Radio stations in San Antonio. I want to thank you for the opportunity to address the issue of localism. There is no question that from 20,000 feet the concept of localism is something that we all agree is essential. But here on the ground in my world, localism is more than a concept, it's the way I operate my radio stations. And the reason couldn't be simpler. It's called the radio scan button. That one button is more powerful than most people know. It makes absolutely certain that we meet the needs of our local listeners every day in every way or they simply turn us off. Believe me that job is easier said than done. Because here on the ground the concept of localism isn't anywhere near as clear as it appears at 20,000 feet. It changes all the time in a city as dynamic as ours.

I believe the government's increased

reliance on market forces to drive content requires us to better identify what people want, meet those needs and adapt to those changes more quickly. Because if we don't, rest assured we'll know it. A company called Arbitron is extremely adept to bring that to our attention. In fact, the new ratings book shows how dynamic and competitive the San Antonio market is. Some of our stations went up in ratings, some of them went down. It is my job to figure out what we're doing right and what we're not, and if there's anything you can count on, I'll move heaven and earth to figure out what our listeners want and make them happy.

My five minutes won't allow me to describe everything we do to connect to our community. But I hope the following sampling will show how deeply committed we are to the needs of San Antonians.

All our stations provide local newscasts, traffic and weather. Last year we donated over \$3,000,000 in commercial time and raised almost \$6,000,000 for San Antonio charities and civic causes. We produced public affair shows such as "Community Focus," "Talk San Antonio" and "San Antonio Living," and provided community service like the Stranger-Danger program where over 100,000 elementary students

learned — were taught how to be safe. And Learn a Living, where local workers are trained to perform new and higher-paying jobs.

As FCC Commissioners, you know firsthand that it's not every day when someone tells you you're doing something right. That's why I'm so proud of these letters that I brought to submit to the record tonight. There's 100 — 898 letters that were sent to our stations right here from the local folks just saying thank you for our efforts to help their charities or publicize their causes. As far as I'm concerned it doesn't get any more rewarding than this.

We're — we've also prepared a short video testimony that interviews local citizens. This video answers the question better than I ever could of just how local local broadcasting is here this San Antonio. The Commission has generously agreed to provide a link on its web site.

You know, Clear Channel may be a big company and operates a lot of radio stations, but what you don't know is that it is my job as local market manager to run my stations and meet the needs of the local audience as best I see fit. I know too well that listeners can change stations at a push of a button.

They can do it while chatting on the phone, they can do it while driving 65 miles an hour, and if they're anything like me, they'll do it while chatting on the phone and driving 65 miles an hour.

Our listeners have many, many choices for news, information and entertainment. While I admire and respect my company, I know they can't program our stations from corporate headquarters, and they know it too, and that's why they don't. Clear Channel recognizes the importance of local autonomy and realizes — and relies on local control to make sure that we're always in touch with our local listeners. And just as Clear Channel can't be successful programming all the stations out of its headquarters, I think it's just as unlikely that it can be done from Washington, D.C. I say that with enormous respect for the work of the Commission and Localism Task Force.

Each community across the country is different. In my view a cookie cutter approach to localism from Washington will be less effective than one developed right here at home. Mr. Chairman and Commissioners, we trust the American people to elect their President. We trust them to elect members of Congress and state and local officials. I believe we

should trust them to determine for themselves which stations do the best jobs to meet the needs of our local communities. Thank you for inviting me tonight. I'll be happy to answer any questions you may have

(Applause. And boos.)

MR. HAIR: My name is Ray Hair. I want to thank the members of the Commission and the Localism Task Force for the opportunity to discuss how big radio, as it exists today, hurts the interests of local communities in enjoying and fostering the growth of local musical talent and entertainment talent. I care deeply about local music, and I care deeply about live music. I believe the Commission and the Task Force should care too, because only when a full range of young and old artists and musicians playing many genres of styles and music have a shot at reaching audiences both live and on the air, will our local cultures and local entertainment industries thrive. The health of local entertainment matters for the whole country and because our local music scenes are not what provide the rich mix from which new music, new stars and new additions to American musical culture are grown.

I've been a professional musician for 40 years, a Union leader for 20 years, I taught drums at

the University of North Texas for ten years, and I've been in Texas as a resident for 28 years. One way or another music has been a core focus of my entire adult life. I played my first gig in Meridian, Mississippi in 1964 and since then I've performed all over the country.

I'm currently an International Executive Officer of the American Federation of Musicians of the United States and Canada, the largest entertainment union in the world. In that role, I helped to advance the interests of the AFM's 100,000 members through the union's collective bargaining with the recording, motion picture, television, radio, advertising, and traveling theatrical musical industries and through our assistance to our locals that represent musicians in major regional symphony, opera and ballet orchestras and through education and lobbying in Washington and throughout the nation.

All the Texas locals of the union including San Antonio are comprised of professional musicians in Texas of which I'm the Secretary. I'm also President of the Dallas-Ft. Worth Professional Musicians Association, and we have 1800 members who record and play live music of every type and style in

venues large and small.

I work hard to improve opportunities for live performing musicians in my area, which includes 100 counties in Texas and eight counties in Oklahoma. The union is directly involved in arranging free concerts that reach over 500,000 local attendees a year. These concerts are funded by the musician — the Music Performance Trust Funds which was created by the recording industry and by the union in collective bargaining.

(Applause.)

MPTF performances provide paying gigs for talented local musicians and they expose audiences to all types of music in arts and music festivals in their local communities. We also have an impressive track record of booking local and regional musicians as headliner acts in all sorts of concert venues and music and arts events in our area. We work hard to enhance the opportunities of talented musicians with small local followings to reach larger audiences as well as to ensure that great musicians like Ray Benson and Asleep at the Wheel can keep connecting to audiences in bringing their musical visions to the lives of more and more people. In short, we work for more and better

employment for musicians, both unknown and well-known in our community.

It's obvious that the musicians' union would care about jobs, but perhaps it's not so obvious that we don't just care about it out of narrow self interest. Sure, we want to work and be able to support our families but we also want our children and music students to grow into a thriving local music scene that will inspire them and offer them a chance to hear and to make music. We want a music scene where new ideas, new styles and new creativity have a chance to reach audiences, where diverse music is fostered not squashed.

That's not just good for the local community, it enhances the whole American cultural experience. Unfortunately, though, the way big radio operates in the contemporary musical environment doesn't help the growth of lively, diverse, local music scenes. Instead it gets in the way. One way this happens is when radio owners also own live entertainment businesses like concert venues and promoters and then leverage their position to control local events and artist choices.

I'll give you an example from my own

personal experience in Dallas. For a number of years Local 72147 in Dallas served an important role in booking musical performances for a three-day festival called the Taste of Dallas. Through MTPF co-sponsorships we were able to increase the number of musical performances that were given free to the public during daylight hours, and in booking the evening headliner acts, we were able to place talented artists with local and regional fans into a position of reaching greater audiences.

But that changed in 2001, when the local Clear Channel stations made their radio promotion of the festival contingent upon the festival booking the evening headliner acts exclusively through another Clear Channel business. The festival told me it had no alternative but to accede to Clear Channel's demand. The result was that local musicians lost their role in helping to create that local three-day event. And what's more, local and regional musicians lost a lot of gigs as Clear Channel brought in the nonlocal acts they wanted to promote. And perhaps what is worst of all, the community had a chance — lost its chance to hear a more diverse range of music from their own talent base.

When a radio owner also owns live entertainment businesses, it can exert a lot of control over the artist's options and choices. For example, I once booked a well-known artist for the Ft. Worth Main Street Arts Festival. Less than a week later her agent called to cancel. Clear Channel had insisted that she not come to Ft. Worth in April, but wanted her to appear in an event promoted by Clear Channel in Addison in May. The agent made it clear to me that the artist had no alternative but to do as Clear Channel asked even though she would earn more money in Ft. Worth. But because she was dependent upon Clear Channel to broadcast her recordings she declined to perform in Ft. Worth.

That kind of control isn't good for music, artists, or communities. In fact, it highlights a huge problem, the fact that new and local artists are becoming dependent on big radio owners, not just for air play, but for live engagement opportunities. Where a national corporation controls the local headliner venues and concert promoters, as well as the radio play list, local artists can find themselves shut out from both ways of reaching an audience. I urge the Commission and the Task Force to read the Cornell

University study entitled "The Clear Picture on Clear Channel," which was released by the AFL-CIO today, and I have it right here, and I want to place it in the record.

(Applause.)

The leveraging — the leveraging of business ownership is not the only problem affecting local communities. My experience is that radio today is more likely to play a homogenous list of nationally aired tunes and much less likely to give air play to local music.

I'll give you another terribly sad example. Back in 1985 we used to help Denton Jazz Fest, a local music event, and by 1987 attendance at that event was around 2,000 people. And a local radio program director at KKDA-FM was sufficiently intrigued to come in and do a live eight-hour broadcast of the festival. KKDA continued to do that until 1992 or so. By that time the festival grew to 10,000 attendees and hundreds of wonderful talented artists were able to perform and reach thousands of people. But it went off the air — and it was — I don't know of anything like it in Texas anymore. There just isn't that kind of local programming commitment. Our Tejano musicians in

Texas, and especially here in San Antonio —

CHAIRMAN POWELL: Can you sum it up?

MR. HAIR: — have experienced the way in which an important local genre can be marginalized. Tejano music exploded in the early 1990s, but radio stations do not foster or encourage Tejano music with much air play. At most they'll only give it Mexican regional format that focuses on Latino... (inaudible), Latino urban hip-hop selections. Radio stations can foster or strangle a strong diverse musical culture. On behalf of all professional musicians everywhere, I urge the Task Force to recognize the importance of local radio programming and strong local music communities that new artists and styles of music have a chance to grow and enrich us all.

(Applause.)

CHAIRMAN POWELL: Dr. Wayne.

DR. WAYNE: Chairman Powell, Commissioners and distinguished guests. My name is Dr. Richard Wayne. I'm a pediatric physician by training and as a resident of San Antonio continuously for the past 32 years, I'm very appreciative of the opportunity to participate in these hearings tonight. For the past ten years I've served Christus Santa Rosa Children's

Hospital in two ways, as administrator for the hospital and as a part-time physician in the emergency department.

The Christus Santa Rosa Children's Hospital, which is located only a few blocks from where we are right now, is part of a system which has continuously provided healthcare for the citizens of San Antonio, our county and South Texas since 1869. In fact, our current location in the inner city on Houston Street has existed since 1874. The Children's Hospital, per se, is 45 years old, although the children have been cared by the system since its beginning in 1869.

Our Children's Hospital was the first in San Antonio. It is the largest and most active and it serves our region in many areas. The lives of more than 150,000 children each year are touched by the various in-patient and out-patient activities. Although the hospital serves all populations, we are unique in Texas in that we serve the highest percentage of Medicaid patients of any hospital in the State of Texas, 73 percent last year. We're also the classic safety net inner-city hospital with about 65,000 children who will go through our emergency department

this year. That equates to one child coming through the door or the back door by ambulance every eight minutes, around-the-clock, 365 days a year.

Like many children's hospitals with similarities to ours, we're extremely dependent on community and philanthropic support in order to optimally serve the children who come to our institution. I can cite for you several examples how the local media, both television and radio, have assisted us in being able to tell our story, which is really the story of our community's children, to a broad audience and help us to raise funds to provide critically needed programs, equipment and facilities for these children.

The most striking and long standing example is our Children's Miracle Network broadcast. This event takes place in early June of every year and this summer will mark the 21st consecutive year that WOAI-TV has partnered with us in this endeavor. The commitment of the station and its broadcasters has been exemplary. They have truly put their heart and souls into ensuring the success of an event which typically requires weeks and months of planning and preparation. During the past 20 years the CMN broadcasts have raised

approximately 30 million dollars, every penny of which has stayed in our community for its children.

Five years ago Soft Rock 101.9-FM radio began conducting an annual companion radiothon to augment the dollars of the telethon. Once again, the commitment of their broadcasters and management has been wholehearted, and each year has produced greater success both in educating the public and in raising dollars for the hospital and its children.

This past year the Hispanic Broadcasting Corporation came to us and wanted to conduct a radiothon to better acquaint our Hispanic community with these issues. This event attracted national attention and it was the first ever radiothon for a CMN hospital conducted by Hispanic radio.

I can tell you it was an amazing success due to the extraordinary energy and commitment of the broadcasters and the support of their management. The amount of dollars raised for a first-ever radiothon, \$183,000, was frankly beyond our wildest dreams.

A second way that the television and radio media have been helpful to us has been informing the public on issues related to children's health and on issues around public policy as it may pertain to

children and their health and well-being.

A couple of quick examples. After the September 11th tragedy, I was contacted by a number of local television and radio stations, both English-speaking and Spanish-speaking, about how to communicate with children of various ages surrounding this terrible event. We were able, with the help of the media, to share with parents and others advice, who in many cases were trying to deal with their confused and emotionally upset children.

The second example has to do with the newly enacted and still evolving children's health insurance program, or CHIP, a program which last year served over a half-million previously uninsured Texas children, many, of those from our community. The evolution of this program has had an enormous impact on many of our local families, and our local media has been very helpful in working with us and others to keep the public informed.

Once again, Mr. Chairman, I'm appreciative for this opportunity to share this with you and the Commissioners. Thank you.

CHAIRMAN POWELL: Thank you, Dr. Wayne.
Jerry Hanszen.

MR. HANSZEN: Good evening, Mr. Chairman and Commissioners, and welcome to Texas. Before I begin my remarks, I would like to submit into the record behind me, over 4,000 letters telling the success story of localism with Texas broadcasters.

I'm the Owner and General Manager of KGAS radio in Carthage and KMHT radio in Marshall. We're located in east Texas about 25 miles from the Louisiana border. Carthage has a population of 6700 people. Marshall has a population of about 24,000 people. In a telephone conversation with one of the FCC members before our meeting tonight, they said I may very well be the smallest radio broadcaster to ever speak to a group this size. Now, I hope they're talking about the size of my community and not my statue or bank account. If that be the case, I take it as one of the greatest honors I've been given. Thank you very kindly.

Our slogan for our station is the "Heartbeat of East Texas." We work very hard to live up to that billing. That's why we broadcast our neighbors' favorite country music on our FM channels, and the gospel music that they like on our AM channels. And we'll put just about any up and coming

musician on the air. We do that every day and do our best to show their success. It's also the way that our community is involved is with our local broadcasting of news.

We have five local newscasts daily, with KGAS featuring and focusing on Panola County and KMHT on Harrison County. And these local newscasts cover everything from funeral notices to school lunch menus, which I think is just about as local as you can get. We also air a live show each day called "Panola Pride". It airs at 8:30 in the morning and is hosted by me, where we provide local politicians, ministers, school officials and others to come and discuss local issues and events.

At 9:00 a.m. we run a very popular show called "Swap Shop," where listeners call in and describe the items they'd like to buy, sell or trade. We average about 100 calls per hour, and that's pretty amazing, considering the size of our listening audience.

We have a weekly program with the High Sheriff of Panola County, and on Sunday, we air devotionals and services of the area churches. All this local programming is on top of our extensive

coverage of the other religion in Texas, high school football.

(Laughter.)

We not only cover ten teams each week on our two stations, but we make sure that the broadcast of the half time marching bands are promoted so that those parents can enjoy their kids' performances as well.

(Applause.)

Apart from programming, our stations are also closely involved in our communities. In fact, KGAS functions as the primary emergency warning system for Carthage, so when our fire department, which is made up of volunteers is called to an emergency, KGAS interrupts its programming to let the people know where the emergency is so, that folks can get out of the way of emergency vehicles.

(Applause.)

It is common knowledge that when you hear the Carthage town siren go off, you need to tune your radio to KGAS to find out exactly what's happening.

We also partner with various organizations in the area, but like most broadcasters we do much more than just cut checks to worthwhile causes. In fact, in

my view the most important contributions that broadcasters make to their community has very little to do with money.

(Applause.)

We raise the awareness — we raise the level of awareness, discussion and education in our communities. We give a voice to local groups and citizens. That's why our stations devote so much air time to local news and public affairs. That's why we work hard to enhance our community by promoting blood drives, Shrine Club, Lion Club, youth-related activities and many others too numerous to mention.

Now, we do all these things because we think it's part of our responsibility as a good corporate citizen.

(Applause.)

But that's not the only reason. We have worked in radio — I've worked in radio for many years and the most important thing I've learned along the way is that local programming and local coverage are the keys to success.

(Applause.)

Radio — radio is a very competitive business even in the small market of Carthage, Texas

and we find that the best way to distinguish ourselves is to air programming that focuses on issues and events of interest to our neighbors. Localism as you call it is really nothing more than common sense good business.

(Applause.)

And I can assure you — and I can assure you, whether the FCC decides to create new localism rules or not, KGAS and KMHT will keep doing what it takes to be the "Heartbeat of East Texas."

(Applause.)

CHAIRMAN POWELL: Out of respect for those who were in the line before, we're going to pause for five minutes so that the organizers can reassemble the open-mic line in the order that they were left. So, we're going to go ahead and let them do that, and we'll just wait until that gets set up.

(Recess.)

CHAIRMAN POWELL: The one caution before we get started, in an effort to get through as many people as possible, because we're going to go for about one hour, I would ask people to try to keep their comments to about a minute —

(Audience member shouting: That's not

acceptable.)

CHAIRMAN POWELL: Well, it will have to be acceptable. Please.

(Audience member shouting.)

AUDIENCE MEMBER: With protocol already being established, I would like to introduce myself. I'm Roger Sanchez, representing the Alzafar Shrines. I just want to acknowledge one fact that we do have one local station and several that have responded to us through the years, in letting our community know that we are having the two hospitals available for our low income people, and it's vital that this community is well aware that we have these facilities available at no cost. And there is one particular station that always comes to our rescue to let the community know that we are there to help them and that's KADA radio station.

(Applause.)

And that's a very low — a family-owned business, but I'll tell you they're the ones that always come through with us, and they give us the full support that we need, that our community is well aware that we support our needy children and crippled children and our burned children. I have a good

response from all the other stations, but they are the only ones that pass a PSA every day to let the people know that they have availability for free orthopedic help and burned children at our two hospitals which are located in Houston and Galveston.

And I would like to also terminate here with the conjunction of the fact that there's four words I would like to finish up with. And that's trust, talents, time and treasures. Trust, so that we can be united here as a group tonight, and trust in God that we work in peace and harmony. Talents, we have wonderful talents.

Without our community, our radio stations, our Shriners, and time, that we give the time to all the kids. Treasures, because we'll have the kids that will gain from it, and they'll be better citizens of our future. And finally, one word, thank you. Ironically, another two, thank for your understanding and cooperation. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is Santiago... (inaudible) ...from... (inaudible), Texas. I want to talk about two radio stations, Hispanic radio stations. The first one come out in '91 and gone in

'98. Why? Because this radio station give us to Hispanic people a very big information, not like some out here. And the second radio station is La Un — La Unica in Miami. They come in all United States in Spanish. But what happened? La Unica come in '97, but tomorrow is the last day of the radio station. Why? Because these people tell us the truth, nothing but the truth. Why they getting from us? Why? What happened to this people?

THE INTERPRETER: So Santiago is saying the two very important stations that he's been listening to for years, one from California, and one from Miami, one is defunct and the other one is going to go off the air tomorrow after being on the air since 1997. They provided a lot of information. It wasn't even music, it's all information. And there's a lot of people that listen to the radio Unica. There's — that should be — there's no reason for that considering how large the Spanish-speaking population of San Antonio is.

(Applause.)

Thank you. Okay. These two radio stations they have calls from whole United States. That was great station. But, but just because it's

Hispanic station they cut it. Thank you. Gracias.

(Applause.)

AUDIENCE MEMBER: Mr. Chairman, Commissioners, my name is Dee Anderson, and I'm the Sheriff in Tarrant County, Texas, here. Thank you for the kind introduction earlier. I wanted to come tonight and put a face on the Amber plan that you've heard so much about. You've already seen one face of a beautiful five-year old child that was with us today because the plan was in place when she was kidnapped when she was only eight weeks old. You're getting ready to meet another small child who was saved because of the plan.

Unfortunately, I can't bring you the face of the tragedy that started this plan in 1996 when Amber Hagerman was kidnapped and murdered. We had no such plan. And it was a radio listener who called in and said I can be warned of a thunderstorm, I can be warned of a tornado, why can't we be warned when a child's has been abducted. From that very simple thought a plan grew that has spread through 48 states and now internationally.

It has become a phenomenon that none of us ever dreamed of back in 1996. But I want to say,

you've heard a lot of negative things tonight, but in Texas something works very, very well. Something is very, very right about the local radio stations and television stations in Texas, and that is the Amber Plan.

This grew out after a simple idea but law enforcement and media had to sit down and work together to make it happen. They said it could never be done. It has been done. It's a great success, and I want you to know how much law enforcement depends on it, needs it and appreciates what has been done by our media here in Texas. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is Michelle Petty. I'm a local attorney, and I'm chair of the Alamo Sierra Club. And I'm here tonight as representing of all of them, and I'm also a parent. As a citizen I'm frustrated that I can't hear my favorite local bands on the local T — on the local radio stations. I'm very frustrated about it.

(Applause.)

And I can see and hear it from Mr. Hanszen than hear Stephanie... (inaudible) ...Jones or Two Tons of Steel, which has been three times the favorite of

San Antonio in the local papers.

As a parent, I've been shocked by the DJ's talk on KZEP in the mornings. My kids listen to it when they wake up on the alarm clock. Its ama — it's outrageous.

As a lawyer, I represent people who have been blackballed by corporate media. They can't just work in this town, they can't work anywhere because their influence is so vast. I've represented station managers, I've represented local talent, print journalists, and let me tell you, they can't be here tonight to tell you that some of these journalists who put these news stories together in the public interest get their stories axed, because it's not in the conglomerate's best interests. They can't report those abuses to you.

And as a leader in the environmental community our stories get short changed. If we get coverage at all, and we have to go through a lot of hoops to get coverage, our perception is the media doesn't give full coverage to our issues.

And I can tell you this: We haven't seen enough of T.C. Calvert's East side African community stories about the contamination from the CPS power

plant.

(Applause.)

AUDIENCE MEMBER: Hi. My name is Margarita Chavez. I'm from Abilene, Texas. I'm glad to be here today. I'm very pleased to be here today. I want to share my story about the kidnapping of my baby. I want to tell you about the ordeal that I went through on August 13, 2002. My baby daughter Nancy here with me was kidnapped in a Wal-Mart parking lot. The kidnapping happened in front of my eyes in broad daylight. A woman took my baby out of my car just, just when I just returned the shopping cart to its place and she took the chance to — that chance to take my baby out of my car.

I'm here to support the Amber Alert.

Thanks to the Amber Alert my baby was found the very next day safe and sound.

(Applause.)

And she's here with me thanks to the great and excellent job of the media, my local media. They did a very good job. I'm so thankful, grateful to them, and I want to encourage them to keep up the good work. I'm so grateful with them, and I thank God that they used them with a lot of wisdom and will. Thank

you.

(Applause.)

AUDIENCE MEMBER: Thank you all. My name is Deborah Lavoy (phonetic), and I hope that you all have taken in all of the comments that have been made here tonight about the need for diversity. I wish that you could stay and listen to the people who have been here since 4:00 a.m.

(Applause.)

My concern — my concern is that while news may be local, it still is often superficial and does little to serve community needs. To give an example, following — to add to the number of examples you've heard, following the State of the Union address on Tuesday, I watched what I think was KENS-5, our local CBS affiliate, and the first eight minutes they ran ten stories, that's less than a minute a story. Certainly not enough time to give quality or in-depth information. And there was no story I heard about the State of the Union address or how it affects us here in San Antonio.

Many of the stories were not important to me. I'm sorry there was a fire. I'm sorry about the little boy that starved to death, but those are only

superficially reported. I'd like to hear about what's being done to prevent such tragedies, and what can members of the community do to help affected families. But instead of answering those questions, the news went to commercial. How is that local? Thank you.

(Applause.)

AUDIENCE MEMBER: Chairman Powell and Commissioners, my name is Augie Grant. I'm a former Associate Professor at the University of Texas. I'm currently visiting Professor at the University of South Carolina. For the past six years I've conducted systematic studies of Texas broadcasters' public service activities. These activities have been summarized in a report that is going to be made available in the electronic filing that I encourage everyone to take advantage of.

But to summarize, over the past six years broadcasters that have responded, we are not projecting results, broadcasters responding have donated more than 2.4 billion dollars in air time, airing more than 30 million public service announcements. That's an average of one every six seconds just in the State of Texas. You'll have similar results if you do studies nationwide as well.

These same broadcasters have aired in the past six years more than nine thousand political debates and aired more than — I'm sorry — almost half a million promotional announcements telling people these debates are coming. I encourage you to look at the statistics of the facts underlying the broadcasters' performance. They do much more, including the Amber program, scholarships, et cetera. Their contributions can definitely be measured and are definitely making an impact. Thank you.

(Applause and boos.)

AUDIENCE MEMBER: I understand we're down to one minute from two before, so I'll try to make it short. Good evening, my name is T. C. Smythe. I'm a full-time singer, songwriter from Houston, Texas. Seven years ago I joined my local songwriters association, and they taught me how to write, record, sing and pitch my songs to publishers, record labels and radio stations. I worked hard, and I won several regional and national awards for my songwriting. Since then I've sold thousands of CDs from the edge of the stage, but I've learned that if I don't write a song that can make people want to drink beer, or buy insurance, commercial radio won't play it.

(Applause.)

This has nothing to do with my ability as a performer or a writer. My performance and protection values can compete with any project here or in Nashville. I'm not unique or alone.

Please review the audio samples you received in your handouts. This is a compilation of Houston-based writers who despite their efforts and outrageous talent are denied air time for one reason: local broadcasters will not play independent music. I've sent press releases and CDs to every major FM station in Texas on behalf of myself and these artists, and when I called to confirm receipt I was asked who my major label was and if I would be willing to buy advertising. The custodians of the airwaves need to be reminded that all radio is public radio, and they are required to reflect the communities from which they derive their vast wealth. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is...

(inaudible) ...Frost, and I'm a local high school student. Firstly, I would like to beg that in your future conferences you open up a speaker's list so there's a fair way for people who were here earlier to

speak.

(Applause.)

Secondly, I would like to speak on something that's truly a ba — bipartisan issue. My concern is that domination of local media by one company homogenizes the news we get and the slant it's given at. Thus, it affects opinions of the viewers of television, the listeners of radio and the readers — readers of local papers. In effect, it affects democracy. I know that Clear Channel and Time Warner aren't here to protect our interests. They're corporations, they need to make money. But I know that the FCC was created to protect our interests.

(Applause.)

I didn't come to tell you how to do your jobs because I'm sure you know what they are. I came to implore this committee to look past any sponsored lunches you might get or corporate gifts you may receive. I came to implore you to fulfill the expectations our community has and the communities around the nation.

In San Antonio for example, Clear Channel owns a large percentage of the billboards, television stations, radio stations and public venues. With the

amazing influence they have on the city seemingly unchecked by the FCC, they can easily crush any organization or local political official that might have an opposing view. What I'm asking is that you protect our interest, you protect our views and you protect us.

(Applause.)

AUDIENCE MEMBER: First off — first off, good evening, Commissioners and fellow Americans. My name is Nicole Thomas. I love San Antonio. I think it's a great place to live. But did you know many stations only devote two hours a week to local artists? I know Clear Channel needs to promote its own artists and venues. I would like Clear Channel to look at me more than just a way to make money. My interests and my city needs to be represented. We need more local radio and news stations.

I'm asking the FCC to keep their promises to reinstate a full low-power FM plan. With this our community will get the power and control it needs to be successful. Do we really want the government controlling our public airwaves for their best interest? No. Because they use the media to influence our actions and views are of what they desire. Our

government stopped Microsoft from developing a monopoly in the computer industry. Why then, will they allow someone to have monopoly in the media industry? Thank you very much.

(Applause.)

AUDIENCE MEMBER: I would like to thank you and your panel for taking time away from your families to hear our voices tonight. Good evening. My name is Deputy... (inaudible) ...and I'm with the Bexar County Sheriff's Office Crisis Intervention Unit.

Our unit is responsible for the recovery of missing children and the follow-up investigation of sexually, physically and abused and exploited children. Sheriff Ralph Lopez and the Bexar County Sheriff's Office immediately recognized the importance and the need for the Amber Alert, primarily for the safety of our children, but secondly based on the number of cases files our unit investigates.

We have fought diligently and successfully for the Amber Alert. This is an essential tool for law enforcement. We, as law enforcement, work very hard and respond immediately, but even we have our limitations. The Amber Alert increases our eyes one

hundred-fold. We in Bexar County take special interest in our children. The Amber Alert partners our community watching television and listening to the radio with the Bexar County Sheriff's office and in doing so creates law enforcement — a larger law enforcement community and a safer Bexar County for our children. We pray that you give every child every chance possible. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is Laura Smith. After working for nearly 13 years in television news, I now teach broadcast journalists at the University of Texas, and I also study the issue of duopolies and their impact on local news.

I want to talk about localism by relaying a story. Last year I worked for two months in a local newsroom in Austin to try and understand their decision-making process. And what I noticed in those two months was that they had a very white, very male newscast, despite having an extremely diverse staff, and I wondered why that was. So I talked to the news director about it and he said that he has been a news director for 20 years, he knows what is news, and he knows that Austin is no different than what is news in

Atlanta. This is an institutional town, and I give them institutional news.

Earlier tonight a number of community groups came up and talked about what good things stations were doing from them (sic). I don't dispute that. But look at these groups: The Salvation Army, children's hospitals — hardly controversial groups seeking to have their voices heard.

(Applause.)

These corporations are growing in size and strength with your help, and with very little examination of whether their content truly serves the public's best interest. Whether it's through ascertainment requirements or a stricter re-licensure system, I strongly urge you to reconsider what you're doing and serve the public interest in our stead. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening. My name is Stan Thomas. Thanks to FCC Commissioners Copps and Adelstein, we ordinary citizens, the owners of the airwaves, have this very limited opportunity to have our voices heard on an issue which is the life blood of our threatened democracy: who controls the media,

ordinary citizens or multi-national media conglomerates?

We ordinary citizens depend on newspapers, radio, television and the Internet to provide us with access to a wide and diverse range of opinions.

Paraphrasing Barbara Renata Gonzalez of the Esperanza Peace and Justice Center, diverse opinions are not being heard on the local airwaves and diversity is a bedrock of a truly representative democracy. No thanks to FCC Chairman Michael Powell and the other two members, Commissioners Martin, Commissioners Abernathy, because they are handing over on the proverbial silver platter control of the media to a few very powerful and very rich media conglomerates: Time Warner, Disney, Viacom and Clear Channel to name a few.

According to data assembled from the FCC's own travel records over the past eight years, industry groups and media corporations regulated by the FCC, have paid for more than 2,500 junkets for FCC Commissioners and top staff, providing travel, lodging and entertainment here and abroad costing 2.8 million dollars.

Some say that a regulated industry has a stranglehold over the regulator, the FCC, and its

congressional overseers. By the way, the Bush administration is preserving — is pressuring the FCC to proceed on the path of giving more control to the media conglomerates. We ordinary citizens don't stand a chance against these this power — these powerful and influence of these corporate titans in the Bush administration unless we speak up. We must speak up. Let there be no doubt that we, the ordinary citizens, own the airwaves and fully intend to keep it that way. Our fragile democracy is at stake. Thank you.

(Applause.)

AUDIENCE MEMBER: Good afternoon, Chairman — good afternoon, Chairman Powell and Commissioners. My name is Maria Salazar. I'm a freshman at Communications Arts High School. Communications Arts High School was created in 1994 by five founding partners, Trinity University, KSAT-12, Telemundo, San Antonio Express News and WOAI New Radio 1200, a Clear Channel owned and operated company.

My teacher is very enthusiastic and made my class aware about the FCC meeting and that our principal had agreed for us to go to it. Permission slips were passed out to students and asked to be brought back to school. I was very excited to attend

an event that my community was concerned about. On Monday our trip was cancelled, supposedly due to a lack of seating. How many students were coming? Looking around I don't see how about 25 students wouldn't have been able to find seats if the school really wanted us to come, or did our media sponsors influence the decision to cancel our trip? I'll never know.

Our communications arts curriculum is based on the premise that the 21st century will demand strong communication skills in reading, speaking, listening and thinking, according to the school's web page. This sounds so noble, but shouldn't our school make an even bigger effort in trying to get us to look more into the career fields that they're preparing us for? Thank you.

(Applause.)

AUDIENCE MEMBER: Hi. My name is Melissa Rodriguez, and I'm a freshman at Communications Arts High School also. Right now the media in San Antonio does not inform the people about things that actually matter.

For instance, we have almost no news about the environment which is a very important issue here. San Antonio is being severely affected by toxic

environmental pollution at what used to be Kelly Air Force Base. Toxins have seeped into the ground water. This contamination poses a great risk to a large number of people who live near this former government base. The local media has not paid enough attention to this issue. This story went through the news cycle in about a week. TV and radio stations hardly talked about — hardly talked about the people that live near the contaminated area, even though many of them have been complaining about the effects of the pollution. They failed to inform us about all the damage and the many consequences that have come from this environmental disaster and are still affecting us today. I want my local media to have better coverage of important issues like the Kelly USA clean up.

Corporate media fails again and again to make local news and issues its focus. Corporate ownership of our San Antonio local media censors our voices and concerns, and we lose information about critical emergencies such as dangerous accidents, natural disasters, toxic spills and health issues. We lose coverage of community events important to the life of the city and its neighborhoods.

Citizens should help decide what is played

on TV or radio. Ordinary citizens should have ownership of these stations so they can have a voice beyond mega corporations such as Clear Channel. I believe that with powerful corporations such as Clear Channel in San Antonio that control over 70 percent of popular radio and TV, we do not receive information that they do not want us to have. I urge this FCC Task — FCC Task Force on localism to listen to the people's desire to have more radio stations, more media outlets, free airwaves that are not owned by just one, two or three companies with power, but by a wide and deep diversity of voices.

(Applause.)

(Singing in Spanish.)

AUDIENCE MEMBER: This song calls on us to protect and honor the sacred voices that speak for the poor and disenfranchised, so that we can maintain hope, joy and light. My name is Graciela Sanchez, and I am with the Buena Gente of the Esperanza Peace and Justice Center.

(Applause.)

In San Antonio we are subjected to aggressive control of news reporting. The radio waves are dominated by a culture of greed and a culture of

violence. In blatant and subtle ways information is filtered, evalu — evaluation is biased and voices of the dissent are ignored, demonized or ridiculed. The many Clear Channel stations promote the opinions of its owners even to the extent of financing pro-war and pro-development rallies —

(Applause.)

— and then — and then reporting on them as if they were independent actions as they did last year.

I know people have come here and supported and thanked Clear Channel, and I know Clear Channel has done some good things for some members in the community, but in 1997, '98 there was an organized campaign of conservative radio talk shows that targeted the Esperanza for a progressive, pro-Latino, pro-people of color, pro-women and pro-gay viewpoints. Within time the Esperanza was completely defunded by city leaders. We went to court. We won the lawsuit in Federal District Judge (sic).

(Applause.)

We won in 2001 with the Federal District Judge, and still this October and November, WOAI radio spent a whole week, and it was followed up with WOAI—

TV, demonizing the Esperanza. It didn't matter that we won in court. So we challenge you to maintain the FCC ruling as it is. Thank you.

(Applause.)

AUDIENCE MEMBER: Thank you, Chairman Powell and the rest of the FCC people, Commissioners up there for giving me the opportunity to speak. I'm sorry that someone that stayed here as long as they did at 4:00 a.m. was not able to speak because of lack of organization. I'll take that out of my two minutes.

My name is Jack Corbin. I started Stone City Attractions, a Stone — a San Antonio concert firm over 30 ago, and recently formed Stone City Productions, Jack... (inaudible) ...presents, promoting concerts, other entertainment events throughout the southwest. We have competed very strongly in many markets with conglomerates that own concert firms as well as radio stations, TV stations and the like —

I know you may feel you have heard it all before, both the positives and the negatives of consolidation, but just let me relay my own experience. I started my concert firm with \$500 over 30 years ago, and all I had was a dream. And now I'm proud to say I've promoted and/or produced almost every

major name act from the Rolling Stones to Santana, from Kenny G to Julio Iglesias, all types of music. But above all else, we're proud of our community involvement, from the numerous benefits we have done to just plain donating without fanfare or press conferences, tens of thousands of dollars to local flood victims and the needy.

I remember back in 1972 I took a tape, not a CD, or an LP of a local band, to a major radio station, KTSA, and they helped me promote that band and their concert with that tape. That is an absolute impossibility now. We need more local ownership and local input into stations' content.

The stability of stations using the public airwaves should not be judged by their bottom line, but the quality of their content. For-profit corporations answer to the majority of their stockholders who fail — who without fail care mainly, if not solely, about the bottom line. They have a different goal than community service and diversity. Your Commission needs to protect the public interest and the airwaves. No doubt we need change. We need corporations with compassion. We need conglomerates with a conscience, and we need a Commission with courage. Thank you.

(Applause.)

AUDIENCE MEMBER: Hello. Hello. My name is Michael Martinez (phonetic). I'm with the Esperanza Peace and Justice Center. I'm here first to say — use a word that I've heard a lot over Clear Channel affiliates, democracy, democracy. We have been fed how we're going everywhere in the world to teach about democracy, and yet this board, this panel did not participate in democracy when they were supposed to have our best interest as a community at hand and made the decision to sell us down the road. And I will look in each one of your eyes and tell me — tell you — you are not doing things in my best interest. You are not things in my best interest. You are not doing things in my interest.

(Applause.)

For those of you who did do things in my best interest, thank you.

(Laughter.)

I also want to point out that democracy is something that is learned. It's about fairness. What has happened in this meeting and possibly in the meeting before is not about fairness. How these meetings have been set up have been a guessing game for

the people who have stayed here all night long to talk, to voice their opinions, to be heard. I suggest that this panel start practicing the idea of fairness and democracy when thinking about these meetings, so that people know exactly when they're doing and what they're doing. So they don't have to stand here in line and hustle and have to pick up their elders and bring them forward. This is not democracy. This is the Clear Channels and the giant companies that have reserved seats right and left, but we have to battle for a place here. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening. My name is Tish Stringer. I'm from the Houston Independent Media Center, a local chapter of an international alternative media network.

(Applause.)

You may like to attempt to divorce the issue of media concentration from that of localism, but that simply isn't possible. It is my contention that a remote board of directors or a CEO doesn't know what is best for my local community. My airwaves are for encouraging real democracy and highlighting the diversity of news and perspectives on the ground. I

urge you to support local broadcasting. Most importantly, by reversing the relaxed media ownership rules that you approved this past June, but also in supporting community media initiatives such as low-power FM licensing, including in metropolitan areas by opening the second adjacent channels. I want you to require mega-media corporations to offer open air time to community groups by playing public service announcements in prime time rotation, by supporting public access programming, not just on cable, and by offering prime time point-counter-point access.

We must encourage a rich media environment where the true diversity of views, opinions can be presented. Only in this way can we ever hope to have a strong, engaged, informed citizenry equipped to be active participants in civil society and in our democracy. The airwaves belong to the public. They are not for corporate profit. Thank you.

(Applause.)

AUDIENCE MEMBER: Thank you, Commissioners. My name is Stephanie Gross, and I'm an organizer with TEXPIRG, the Texas Public Interest Research Group. TEXPIRG's mission is to be an advocate on behalf of the public interests. We identify threats

to the national environment and the rights of consumers, and backed by thorough research we seek to end them. Whether it's cleaning up power plant pollution or speaking out against insurance companies using unfair practices to set rates, the success of our campaigns depends on a media responsive to the responsibility to cover local problems.

Therefore, the Commission's decision to weaken media ownership rules does not serve the public interest. The purpose of this hearing is to improve how broadcasters serve local communities. However, the hearing is too little, too late, to take into account how ownership affects local news and views presented. Indeed, after holding just one hearing outside of Washington, D.C., this Commission ignored millions of letters from a broad spectrum of groups all across the county who supported the stronger rules. By allowing television and radio stations to be owned by fewer companies and by allowing television broadcasters and newspaper publishers to own each other and not have to compete for news, the FCC has jeopardized our democracy. It's essential that Texans see and read and hear a variety of viewpoints before they make up their mind on important issues facing this state.

(Applause.)

TEXPIRG believes that placing power to speak in the hands of a few companies will destroy the people's first amendment free speech rights to hear from, as the Supreme Court put it, diverse and antagonistic sources. A marketplace of ideas with only one or two ideas for sale isn't competitive, and as we have heard time and time again tonight, it's boring and repetitive and uninspiring. America deserves better.

(Applause.)

AUDIENCE MEMBER: Hi. I hope that the committee and the panelists will excuse me for being a little bit nervous and a little bit tired. I have been here since 4 o'clock in the morning, and I am — just — I just really want to get my voice across, so I hope you can take a minute to listen to me.

My name is Kristin Gorsline (phonetic), and I live in San Antonio. I don't have a TV, so I rely on the radio for my news.

(Applause.)

Instead, I find issues that are important to me and my community aren't covered on the radio. For instance, public transit is ignored. Changes to the bus schedule to include frequency, additions and

deletions were considered — weren't considered big news to the radio station and ignored during prime hours, even though many San Antonians, myself included, use the buses every day to go back and forth from work.

As well, I heard very little coverage of my local elections and abstained from voting in my district because I felt I was too uneducated on the candidates and the issues to vote. I feel if the current media doesn't think my local issues are important, issues that affect how I live my life, how I work, what sort of direction San Antonio is heading towards, that the companies don't care about San Antonians and are therefore not responsible to tell our stories. To further deregulate the media only condones the present ineffective and disrespectful local coverage and devalues the citizens of San Antonio, Texas and the United States. Thank you for listening to me.

(Applause.)

AUDIENCE MEMBER: Hello. Hello. My name is George Camantez (phonetic). Some of you have asked where's the local on-air talent, people that are trying to get into these Clear Channels and other multimedia

conglomerates, forget it. For talk radio shows, right now in America, the people that stand before me, there are more people standing before me than there are blacks and Hispanics on mainstream talk radio shows in America. The sign should be posted blacks and whites -- blacks and Hispanics are not allowed to be on talk radio. Now these big multimedia conglomerates don't have any problem at all, especially on VH-1 and MTV, strutting out Black and Hispanic females calling them the "B" word and the "H" word and making a big buck off of them.

(Applause.)

Mr. Glade, you are kidding yourself if you think there are actual diversity within Clear Channel stations. I've lived all over the country and listened to your stations all over the place and there are virtually no Hispanics at all on any of your local talk shows anywhere in America. And I find that really unacceptable because there are people that are talented and gifted that wanted the opportunity to apply, but they're not given a chance because, well, talk show listeners, the voice of conservative whites won't listen to a Hispanic male, and the Hispanics are mostly liberals, and they won't listen to a conservative

Hispanic. So, basically you got no ratings, no opportunities, so no blacks or Hispanics are ever given the chance to get into the mainstream of a.m. talk radio.

To wrap it up. Look, just look for yourselves. How many Hispanics and blacks are there? It's all about making money. It's not about giving opportunities. Most Hispanics here at 1200 do news, weather and janitorial. They don't have the mic. There's not one Hispanic in this station that works — in this area that works in the mainstream a.m. talk radio show, not one. Now, we have a 50.6 percent Hispanic population. Not one talented Hispanic can be found out there. Imagine that. That's amazing. Thank you very much for your time.

(Applause.)

AUDIENCE MEMBER: My name's John Courage, and I'm with a group of San Antonio (sic) called Citizens for Ethical Government. And I want to start you off with a word of caution. I think we all have heard the adage that power corrupts and absolute power corrupts absolutely, and it appears that what the Commission is trying to do is put absolute power over media into the hands of very few, and I think we should

all be very well aware of what the results will be.

I think we can kind of take a look at the situation that we have with Wal-Mart, for example. What you have if you give the media newspapers, television, radio, it's like Wal-Mart coming into a town and taking on the pharmacy, the garage, the clothing store, and all of a sudden everybody in town is indebted to one institution.

(Applause.)

We don't need that. What we do need is diversity. What we do need is to have an exchange of ideas. What we do need is to ensure that the public interest is represented, and it's not represented by three or five or eight. It's represented by hundreds. And so, I would urge strongly that the FCC not allow further conglomeration. Let's go ahead and make sure that every voice is heard in our airwaves. It does belong to the public. You're in control of those decisions. You need to make the right decisions for the people, not for the corporations.

(Applause.)

AUDIENCE MEMBER: Good evening. I'm Timothy Roan (phonetic). I'm from San Antonio, and I teach little children. Localism and media cannot be

discussed without addressing the issue of media ownership consolidation. The two issues are intertwined, as it is because of increased consolidation that local interests represented in the media have suffered. Indeed, fewer owning more is a bad mix. Putting the immense responsibility and power of media control into the hands of a few is a recipe for mono-cultural, sanitized, biased viewpoints, from newscasts to sitcoms. When headquarters in San Antonio is planning the direction a station in Seattle will be going, how can true localism succeed? The answer is not rhetorical. The answer is: It cannot.

Diversity diminishes as fewer and fewer voices are heard. As fewer and fewer companies are controlling more and more of the airwaves, the voices of those left out become weaker and weaker. The whims of the few media controllers become the cultural norms of the nation.

No recent example is more obvious than the situation that occurred with the musical act, the Dixie Chicks. You may know that the band made remarks about the U.S. admin — U.S. administration, and subsequently they were systematically boycotted nationwide, regardless of what the public thought. These actions

were pursued from the very top of the mainstream media corporate hierarchy, and mandated down to every station under their control, with no consideration of local sentiment, interest or viewpoints.

I urge this Commission to put aside the all powerful coercion of corporate lobbyists and pay attention to the tens of thousands of American citizens you will encounter in your six community meetings around the nation who demand diversity in the public airwaves. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening. My name is Sherry Chandrey (phonetic), and I'm here representing CAIR, which is the Counsel on American and Islamic Relations here in the United States, and we're based out of Washington and I'm representing a San Antonio Chapter.

I would just like to talk to the FCC about localism in the community. We're a new chapter and we're hoping to get that influence in the media as far as representation on our group and organization. And with the status of the country right now and what's going on overseas, I'm hoping that the influence of the media will also protect the American citizens in this

country that are Muslims, that have lived here for years and generations, and the ones that are here as citizens today.

And I'm hoping that the FCC will also make sure that the media coverage is not biased based on who's President and who's not President. I would like to know that the influence of the media is not based on politics, but's based on news. I know that you're the gatekeepers of democracy in this country, and that you have heard this over and over again, and we hope the freedom of speech and the freedom of what we hear in the news and everything else is, is clearly free — freedom of the press, and that it's not controlled by politics.

And I have another hat. I just want 30 seconds — I'm a mother. I have four kids and it's so terrible sitting in front of the television and watching Victoria's Secret commercials with three boys, and if you can do anything about the programming on television today, it would be greatly appreciated for the people in the country that do still have moral values. Thank you.

(Applause.)

AUDIENCE MEMBER: Hi. How are y'all

doing? My name is Bracken (phonetic) Firecracker, and I'm a radio journalist and producer for WINGS, Women's International News Gathering Service —

(Applause.)

— which has aired women's news worldwide for over 17 years, and I've also worked with independent media, also known as Indymedia. I've worked with community radio stations and pirate radio stations, what we call free radio. And that's not something that I am ashamed to admit. You may ask why it's used to work with alternative media. The answer is simple. There is a complete and utter lack of diversity of people and opinions in corporately-owned media. Just look at this panel in terms of gender. Having only two women represented is not acceptable.

(Applause.)

Therefore — therefore, we the people are forced to create our own media. And we do this in various creative, creative — creative ways, such as radical cheerleading, something you probably won't hear on mainstream radio because we're not usually described as lovely ladies. We have something to —

(Applause.)

— say today — newspaper, TV, and radio,

who owns them? Would you like to know? They show you the world through the corporate eyes but their hidden agenda ain't no disguise. (Cheerleading.)

AUDIENCE SHOUTING: We see you. We know you. We don't believe you. We'll show you. But we've got more than booty for you. We've got something to say in a different way. And independent media is how we do.... (Inaudible and indistinguishable words.)

(Applause and shouting.)

AUDIENCE MEMBER. Good night. I'm bilingual, so I don't need a translator.

(Spanish.)

San Antonio has — it's composed majorly of Mexicans, Mexican-Americans or Chicanos, and we are bilingual. So, don't think of us of either speaking only English or Spanish.

(Spanish.)

Don't stereotype us. I want you to show what happens in my community. I want you to show the artists in my community that — I'm just going to say it in English because you're not going to give me two minutes.

I want you to, to reflect the art, the music, the volunteers, the activists, the teachers, and

the students and the curanderos, the healers. I want quality and accessibility. My students know that the programming is not —

(Spanish.)

— it's not appropriate for them. They told me themselves. I'm a teacher — I'm a second grade teacher. They told me Ms., tell them not to show violence. Ms., tell them to not to show programs that cuss. I — I'm a bilingual teacher. They watch Univision, and I want to ask you to create local programming. Don't import only from Mexico, from other countries, because they're already made.

(Spanish.)

(Applause.)

AUDIENCE MEMBER: I hope you guys that don't speak Spanish get a translator to understand what she just told you, very important. Welcome to San Antonio, Chicano cultural capital of Texas and of the Southwest. This is our home. This is our home. There's two things I want to say. I'm going to try to get it as fast as I can.

The first thing, the most compelling argument that I have heard about — about the consolidation — in favor of consolidation, are the

nice things that Clear Channel is doing, Amber Alerts, giving money back. That's not going to go away under local control. If anything that's going to increase.

(Applause.)

So let's keep that in mind when we talk about Amber Alert. It's not going to go away. It's here, it's technology, it's not going to go away.

The main thing that I want to talk about is about us as Chicanos, as Latinos. We know we're — we're the second largest group — the second largest ethnic group in the country; largest minority group, second largest ethnic group, Chicanos, Mexicanos, 66 percent of the population. We're strong — 200, two — let me step back — 25 million strong in a growing population.

So why is it that there are a really low percentage of Latino broadcasters, Latino radio journalists, MCs, directors of programming? Why has that number dropped in recent years? Consolidated ownership will not increase that diversity. Despite our population making up half of this city, the face of media ownership does not reflect our population. Neither does the public face of media — the ones who we see every day reporting us the news. Is this the

future of broadcasting as we heard earlier today?
Where are our voices? Red, white and blue America, we
are your future, and whether you like it or not, we
will be heard.

(Applause.)

AUDIENCE MEMBER: Good evening. My name
is Renee Felts. I am co-director of the local news
department at KPFT radio in Houston.

(Applause.)

We're a station that's part of the five-
station Pacifica Network. Some view us as a biased
source of news and views, but that means little to most
people when you consider that Clear Channel is
organizing and covering pro-war rallies on their
airwaves.

(Applause.)

Clear Channel is a poster child of the
effects of media deregulation you approved in 1996 and
again in June of this year. Clear Channel is also
notorious for its cuts to local news departments at the
radio stations it purchases. Often these are
award-winning news departments that are downsized or
cut out completely and replaced with AP wire news.
Profit-driven programming cannot support a thriving

local news department, and profit, not the public interest, cannot support a thriving democracy. You might even say it's un-American.

A major news story that receives little coverage in Texas, except on KPFT local news, is the death penalty. This internationally condemned killing machine executes more people, juveniles mentally ill and mentally disabled than any other state. Public debate on this issue — public debate on reforming or eliminating the death penalty is alive and well in Texas, but you wouldn't know it from reading the standard AP coverage that is about what this — is about all that this — the only coverage that this undoubtedly local issue receives.

As a journalist I cannot stand by silently and watch the media consolidation approved by the FCC keep the public in the dark about what is taking place in its community, especially on this important local issue. I urge you, fellow protectors of the public interest, to do your job and keep media regulation in place. Thank you.

(Applause.)

AUDIENCE MEMBER: Mr. Chairman,
Commissioners, fellow broadcasters, my name is Steven

Yates. I'm the owner and general manager of four radio stations in East Texas. I'm a second generation broadcaster. My father pioneered radio in East Texas in 1938, signing on the first radio station between Houston and Dallas and was the only radio station in East Texas for ten solid years. With that one radio station we started, just like we are tonight, with an open microphone. We invited people to come down and get on the air, play their guitar, sing their songs and talk about their organizations.

We still do that today. With that one radio station we broadcast five different formats. We targeted the African-American, the Hispanics, the Anglo-Americans, the gospel listeners. Deregulation has helped my business better serve the public interest. With deregulation, I can now serve the Hispanic population with a full-time radio station. I can serve the African-American community with a full-time radio station. I can play more Zydeco music for those who want to hear that. My request lines burn up for those requests, and I answer the public interest. Deregulation has enabled me to better serve the public interest.

With one station now having — with

deregulation having more stations — for example, during 9/11, I was able to flip one switch and target four different formats, four different audiences about the disaster in New York. The day almost one year ago to right now when the orbiter Columbia disintegrated over the skies of East Texas, within minutes I was able to contact four different audiences with one flip of the switch, and let them know and choreograph and tell people where debris had fallen and help the authorities. So deregulation has helped me as a broadcaster, and I want you to know in defense of my — the competitors or the so-called conglomerates, they were right there as well. So localism is my life, and thank you for allowing me to better serve the public interest with deregulation.

(Applause and boos.)

AUDIENCE MEMBERS: Good evening. My name is Will Brown. I'm the Executive Director of the Palmer Drug Abuse Program, and I just wanted to share you some good news about localism and how we've benefited from it.

An example, in November of 2002, a group of teenagers in our program, and we're a program that serves teenagers and young adults and members of their

family, they asked me if there was something they could do to educate their peers in the community about the abuse of over-the-counter cough and cold medications. KSAT-12 and their anchor, Steve Spriester, was the first local outlet to respond. Thanks to KSAT'S coverage several local retail establishments responded by limiting access to these products, and local state representative Carlos Euresti submitted legislation on our behalf to protect teens in all retail locations throughout Texas. Unfortunately, this legislation failed.

KSAT continued to follow this story, and recently, the Partnership for a Drug Free America created a national awareness campaign, and they unveiled that campaign right here in San Antonio in front of me and about a hundred of our kids. Soon USA Today ran a cover story on this national trend. CNN, the Today Show, Good Morning America, 20/20 and Dateline NBC have run stories in the past 30 days. *People* magazine, *Time* magazine, and my personal favorite, *Good Housekeeping*, actually ran stories on this issue to their readers. So what began as a local story submitted by a really small organization in San Antonio has blossomed into a national alert and a

national call to action.

So I applaud KSAT-12, I applaud our ABC affiliate, I applaud Steve Spriester for listening to a community concern from a small nonprofit. So now millions upon millions of parents, teenagers, educators and community leaders have become aware of a potentially lethal abuse of available medication thanks to all these folks here.

(Applause.)

AUDIENCE MEMBER: Good evening, Chairman, Commissioners and distinguished panelists. My name is Michelle... (inaudible) ...Brown, and I'm a board member of the San Antonio affiliate of the Susan G. Komen Breast Cancer Foundation. I was standing outside for four hours today, so thank you for extending this hearing and allowing me to be heard.

One in eight women will be affected with breast cancer and the mission of the Komen Foundation is education, screening, research and treatment. We are able to fund those events and those activities every year through the Komen San Antonio Race for the Cure. From the inception of the race in San Antonio, which is now in its seventh year, Clear Channel stations, KMMX, KAJA, KQXT, WOAI AND KTKR and Clear

Channel television station WOAI have played a critical role in the media sponsorship of this event. The first year of the race we had about 1800 people and raised about \$75,000. The race is going to be at the end of March, and thanks to their support, we're expecting to raise a million dollars in one day, and we're hoping to see 30,000 people.

I'll cut my remarks short, but I just want to tell you that we are so appreciative of what they're able to do in this community. Thanks for your time.

(Applause.)

AUDIENCE MEMBER: Hi. Hi, my name is Teresa Allen. I'm on the national board of Pacifica Radio and I'm on the local board of KPFT radio in Houston, and you can go their web page, at www.pacifica.org.

Educator Jonathan Kozol says you cannot fatten sheep by weighing them, and you cannot teach children by testing them. I believe that the cornerstone of democracy is an informed citizenry capable of critical analysis and engaged, and I don't feel that you can have democracy with a media that focuses almost exclusively on escapism, marketing, avoiding controversy, sensationalism and pursuit of the

dollar. Thank you very much, Mr. Copps and Mr. Adelstein.

(Applause)

I'm not finished yet. I am very much concerned that the children that we were talking about earlier today, protecting, that they will be those children that are so easily indoctrinated and led around by sheep — like sheep, because of the problem of media consolidation, because we are not teaching critical analysis, we are not giving people the facts, and Mr. Powell, I would bid you to please do something about this. Turn it around. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening. Thank you for your long day. We appreciate your attention. My name is Tyler Cox. I'm the Director of News and Operations for Infinity Broadcasting's KRLD in Dallas. We're the all-news radio station serving Dallas-Ft Worth. Every hour of every day, seven days a week, 365 days a year, we are providing local news weather, traffic and sports information to the metropolitan area.

I'm here in my role though, tonight, as the Chairman of the Dallas-Ft. Worth Amber Plan Task

Force. You've heard much of it tonight. I just wanted to reinforce the fact that the Amber Plan that is in place today and is growing around the nation, is the direct result of broadcasters in Dallas listening to a listener.

A woman who became concerned, called her favorite radio station, suggested that radio could do something, and now we have the national focus of the Amber Plan today. It's in place in communities all across the country because broadcasters in Dallas-Ft. Worth banded together to create a plan that make a difference. It saves lives and clearly demonstrates that broadcasters are listening and are in tune with local needs and issues in their communities. Thank you.

(Applause.)

AUDIENCE MEMBER: Mr. Chairman, FCC Commissioners, panelists, dignitaries, thanks for the opportunity to speak tonight. I just had back surgery four weeks ago and drove up two and a half hours to be here and stood in line since 4:00 p.m., but that doesn't matter to me. My name is Manny Garcia, and I represent the Academy of Tejano Artists and Musicians right here in San Antonio, Texas.

(Applause.)

First of all, let me explain the mission of our organization is to create and mobilize a unified effort of Tejano artists and musicians and formulate a membership organization that will fill the present void in the Tejano music. We intend to recognize and honor talent without the premise of record sales or any other type of monetary gain in an effort to diversify and elevate the standards of the current condition. Our board of directors are all musicians and artists of many years of experience. Our advisory board members are part of this community. They are prominent businessmen and women, a national organization and elected officials.

I believe that we should all return to the basic principles as it was stated and it was mentioned earlier, and that is reminding ourselves that all of us own the airwaves. Radio listeners want to hear a wider range of music that includes local musicians and talent. We hear too little of the music we like and grew up with. Local artists and musicians are underexposed on the radio. We would like less repetition, more new music, and I believe that more local acts would make radio more appealing to a larger

audience. Radio as I see it today does not serve the diverse cultural needs of the American citizen, because substantial ethnic and regional economic populations are not provided the service to which they are entitled to. I can go on and go on, but because time is limited, and I want to afford the opportunity to my other colleagues and friends, I thank you for your time here tonight. Have a good night.

(Applause.)

AUDIENCE MEMBER: Thank you. Mic check. Thank you very much. My name is George Cisneros. I'm a native San Antonian, a fifth generation content creator. My great-great-grandfather was a printer. His son was a printer, my grandfather, the grandson was a printer. My uncles in my mother's family were printers, and I am in digital content development which is really about the same stuff.

And my concern about localism is the simple fact tonight that if this was a local thing, where are the local elected officials? If you look around the room tonight, not a single local elected official who would be making judgments about local issues is here tonight, because the deal probably has already been cut, and I'm really sad. It's frightening

that those kinds of things are happening. But you're here, you're doing the show. I welcome you to San Antonio and while you're in San Antonio, I know you're getting tired of everything while you're at the table here, why don't you try some of our local food, and not go to a group — place like Denny's, which is a consolidated food industry and listen to our local radio.

I really wish — wish you the best of luck, Mr. Powell, and one of the things about San Antonio that makes it work is that people work one-on-one. We can go to a station manager, we can still go — still go to a few station owners. You know, I can pick up the phone and call Steve or call Bob, or you know, somebody, and complain if I wanted to. Because they're here in San Antonio. But not all the communities in my state have the luxury of having the owners in their towns.

And we grew up in a printing family. We grew up with small newspapers. We grew up where people could come in and talk to the owner, and I really think that that's a very American democra — democratic concept, is talking to the owner of a business when you've got a problem. And you can't do that right now

if we go towards consolidation. So, thank you very much. I am a little angry about the whole issue, but I know it's been a long night, so bear with us. In San Antonio public policy is a contact sport. We take it very seriously. We take our water, our food and our band width very seriously, so keep that in mind.

(Applause.)

AUDIENCE MEMBER: Chairman Powell, members of the Commission. For the record, my name is Jack M. Finger. Yes, and so I ask: Is your Enforcement Chief David Solomon here today?

CHAIRMAN POWELL: (Moving head side to side.)

Not here today? Hm, okay. Well, you know, the reason I ask is because, you see, last October the U2 singer, Bono, he glowingly spoke the "F" word. Yes, the "F" word on national TV, and instead of blowing the whistle on him, your Mr. Solomon merely said, quote, the use of specific words including expletives or other four letter words does not, and I repeat not, does not render material obscene, unquote.

Um. Okay. So my question is: How on earth did this man get hired by you in the first place? Worse yet, what is this guy still doing being

employed by you? You know, if you, yes, you, the Commissioners had decency among yourselves, had even a lick of integrity or character, all of you would sit down with this man and explain to him, Dave, what you did was just totally unacceptable. We don't accept obscenities on national TV, and please don't do these kinds of things again, just before you fired him.

Now, yeah, I mean, that's right, you have become a paper tiger, a toothless lion. But — I mean, it's no wonder our children are not safe in front of TV anymore. Now, what does it take — does it take thousands or hundreds of thousands of irate citizens calling their U.S. Senators telling you to get serious about this stuff?

Now, you'll say, Mr. Finger, don't worry. We already fined Clear Channel nearly a million dollars for the obscenities on their TV with the — with the Sponge Bob situation there, for 26 indecency violations. I say whoopee do. That's about eight, eight grand for each violation, which they'll pass onto the consumer. Yeah. And it's obvious you did that only because — among others, but you put others, because others are finally putting your administration under the microscope. I think you know what needs to

be done here. Thank you.

(Applause.)

AUDIENCE MEMBER: Chairman — Chairman Powell, member Commissioners. My name is Van Lobrito (phonetic), a local citizen. Thank you for this opportunity to let me speak to you. I'm here at this hearing to express my deep concern with the increasing and continuing flood of sexual explicit material, biased network news that is more akin to propaganda and religious bigotry that television daily spews out warring against the American family and our nation's very foundation.

In the 1950's as most of us know, television was a safe haven for families. No longer. In subsequent decades networks have continued to push the envelope to newer and low — newer and newer lows of moral darkness and depravity. What was unthinkable is now daily fare. Anthropologist... (inaudible) ...made an exhaustive study of more than 80 primitive and advanced civilizations. Each culture — each culture reflected a similar pattern. Those civilizations with strict sexual codes made the greatest cultural progress. Every society that extended sexual permissive to its people soon perished.

Professor... (inaudible) ...said there was no exception to this rule.

This is not about censorship. This is about protecting American families which are the foundation of our nation. The networks do not represent the American family or our community values.

Another issue of deep concern is the constant religious bigotry attacks on people of faith, particularly of Christian faith. Again, the networks are at odds with most Americans and the values that made our nation great.

There's a little six-year old girl, who should be home — she should be safe in her home, but every evening a strange man breaks in and sexually assaults her. A nearby policeman is aware of the situation and should protect her, but does little. The little girl is the American family, particularly the children of our great nation.

The strange man that assaults her represents network television and its daily fare of moral toxic waste dumps, propaganda as news and religious bigotry. Sadly, little is being done. Time and the decline of our culture passes swiftly and unabated. The time to act is now. Mr. Powell, member

Commissioners, I respectfully and hopefully ask: will you protect our nation and its families? Thank you and God bless you.

(Applause.)

AUDIENCE MEMBER: Hello. I am Amina... (inaudible) ...and I'm here with KPFT. And many of you might think that we're suffering from localism, but I just wanted to let you know that we're one of the very few media outlets who are broadcasting this live, on the air, right now. We didn't have any technical difficulties at all.

(Applause.)

And my question is: How can it be allowed for CBS to ban an ad meant to run during the Super Bowl sponsored by Moveon.org? This ban has sparked an outcry from the public of over one million combined voices through e-mail, phone calls, and petitions. The Bush administration is able to have multiple ads run, along with other political ads, and shouldn't what you call a free market truly be free? Meaning that anyone willing to pay your ridiculous prices for their voice to be heard, should really be heard.

Why is it so offensive to hear the truth about the deception of the appointed President? Why is

CBS so fearful of the truth? Is the truth really that scary? CBS banning this ad is a blatant violation of free speech and is an attempt by corporate media to silence dissent. And CBS you have been officially, officially notified. Run the ad.

(Applause.)

AUDIENCE MEMBER: Hi. This is a fake fur coat, and the reason I say that is because of what I'm going to talk about. I'm an animal rescuer, and I love them, and I feed them. I do not wear them.

We have a radio station, KTSA, here in San Antonio, that's our community station. We all tune in to find out everything we need to know, including about animals. It's a public service program with Dr. Dan Kirby, a veterinarian here in town, that does this for the sake of animals. This past week, and this is why I'm here, sir, he was removed from KTSA. He was taken off the air because of an infomercial that paid \$2,000 for that particular hour. We no longer have him on our air to listen to, and we want him back and I'm asking you, call 599-5500, and say we want Dr. Dan Kirby back on KTSA. That's what the listeners want. Thank you, sir.

(Applause.)

AUDIENCE MEMBER: Good evening. My name is Lisa Cortez Walden, and with all due respect, I am not a lovely lady.

(Applause.)

I — I am a doctoral student studying media literacy at the University of Texas at San Antonio. As part of my fellowship I work with local teachers to develop curriculum that incorporates media into their classroom. I am dedicated to teaching people not only how to look at media critically, but to produce and participate in a world where media is increasingly important.

As such, I urge you to turn back this disturbing trend of media deregulation and conglomeration. In order to create a viable local media, our community needs equitable access to equipment, outreach that really reaches out to the community — loc — to the community of local schools, students and independent producers.

Our local media community needs your help. The large media organizations such as Clear Channel have no clear policy for local equitable access. Educators, students and independent film makers are consistently met with insurmoun —

insurmountable obstacles in creating — hearing their voice. Clear Channel simply has no need in fostering a locally responsive media. Thank you very much.

(Applause.)

AUDIENCE MEMBER: Commissioners, I cherish the diversity that's represented tonight. One mentioned she didn't care about a starving child, something that I take pretty seriously. I'm Eric Cooper, I'm Executive Director of our local Food Bank, the San Antonio Food Bank, and we work to provide food to about 320 different nonprofit charities throughout a 16-county region here in southwest Texas. And as some of the poorest counties in the nation, in working to try to meet the needs of those agencies — they feed about 40,000 households per month — it takes a tremendous amount of resources to meet that need. And last year we delivered about 22 million pounds of food valued at about \$36,000,000 worth of grocery products.

We had our shelves stocked by the community and the community responded through many of the appeals that went out through local television stations and radio stations; in particular, this past holiday season with a promotion called Food for San Antonio, which was led by Clear Channel and all of

their properties to bring awareness to childhood hunger and those in poverty.

We also enjoy partnerships with Belo and, and the folks at KENS who raise money significant for our organization equal to United Way. It's these partnerships that are critical for many of the nonprofits we serve to be able to provide what our community needs, and basic needs like food. So, from those who call me to pass on thank yous, I thank them publicly for providing the service they do to our organization in helping us meet the needs for many low-income clients. Thank you.

(Applause.)

AUDIENCE MEMBER: Mr. Powell, ladies and gentlemen, peace officers, thank you so much for staying late. We really appreciate this. I am a stay-at-home mom. I teach my children in a home school. I'm a volunteer and I'm also a veteran, and I am fed up. I'm fed up with the foul language, I'm fed up with the nudity, I'm fed up with the sex that assaults my family on a daily basis. I propose that the FCC bring decency back to our airwaves by restricting that foul language, restricting the nudity, restricting the sex that assaults our families every day and impose harsh

fines and enforce them quickly.

I don't think that I'm in the minority when I say that I'm fed up with this, but the FCC stands at a pivotal point right now. You can choose to continue to permit licentiousness over the airwaves or you can make a positive change and bring decency, decorum and reticence back to television and have a positive influence over our culture today. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening, ladies and gentlemen and members of the Federal Communications Commission. Thank you for letting me speak at this meeting tonight.

I would like to express my thoughts about the foul language and nudity that is broadcast on television, and the reasons why I want my TV to be unpolluted. My name is Evan Homan (phonetic) and I am 12 years old. I'm a Boy Scout in Troop 410, and I'm home schooled by my mom, and I play the the bagpipes and... (inaudible) ...PacMan.

We have one television in our — in our house, and usually when we turn it on I'm offended by the language, sex, and nudity that I see. In my grandparents' house they have cable; and even though we

have over a hundred channels, it is difficult to find something to watch that does not offend me.

When I watch a movie or show on the TV, I am usually insulted because of the foul language, nudity and the sinful nature of the characters. The reasons I do not want foul speech and nudity on the television are because it affects the way young people think, dress, speak and act, and it is displeasing to my father and mother because they do not want me to act like the characters that we see.

The only nonoffensive channel on TV is PBS because of the neat science, nature and history programs. The things that I would like to be done about the problem of cursing and nakedness are a fine for all the shows that permit sex and foul language and more prog — more programs that are family friendly.

As a side note, I would love to see the old shows like Abbott and Costello, Laurel and Hardy, and the old Batman series on regular and network stations, since we do not subscribe to cable or satellite.

Thank you all for your time, and I look forward to seeing less nudity and hearing less cursing — cursing on the television. Thank you.

(Applause.)

AUDIENCE MEMBER: Hi, my name is Dora Pena. I'm the spearhead of the Texas Chapter of the National Association of Latino Independent Producers. I'm based out here out of San Antonio, and I work with a lot of creative people that include independent producers and music producers as well. And I'm also a concerned viewer and listener.

Ever since I quit my job at a TV station, and I became — I became a stay-at-home mom, I turned off the TV more so I've had more chance to dedicate more time to my writing and producing the things that I want to see on television. So I want the broadcasters to know that there is an independent community producing here in San Antonio, and if you'll just reach out to us and accept some of our programming, you might be surprised at what the audience reaction might be.

I also want to talk about my children and the programming that is not available for them, educational programming. And ever since Madonna said publicly that she didn't let her children watch TV because of the bad influences, I thought that might be a good option. So, please don't make me take away the TV that I grew up with for my kids.

And I think that praising broadcasters for giving to charities or covering local news is like praising my son for taking a bath, because that's something that they should be doing anyway.

(Applause.)

And I love — I love the Amber Alert and I'm really thankful that the Amber Alert, especially because I'm a mother, that the Amber Alert is here, but I think it took a little too long to be implemented to begin with. Thank you

(Applause.)

AUDIENCE MEMBER: My name is Manuel Pena. That was my wife, and y'all see why I love her. But she kind of stole my words about the patting on the back for something you're supposed to be doing. The airwaves are ours. You're supposed to reach out to community, the TV stations and the radio stations, reach out, help us, show support to the Children's Miracle Network, the Salvation Army. So they're patting you on the back for something you're supposed to be doing. You get paid lots of money for our airwaves. I don't get paid to be faithful to my wife, I do it because that's my job. I put food on my kids' back (sic) and I shelter them because that's my job as

a father. I don't expect for a pat on the back, and I don't expect for any money.

Also, what I wanted to say, I'm a teacher here at a high school on the South side of town, which is predominantly Hispanic kids, and it hurts me every day to hear these kids saying they don't care about school, they don't care about getting their degree and they don't — they don't know what's out there for them. I hear young girls saying that their boyfriends are going to support them. They don't care about school. In my opinion, these kids don't have anything to relate to on TV. They love TV, they love radio, but they're not seeing programs that they can relate to. They're not seeing people of their ethnicity that are successful lawyers, doctors, dentists, CEO's, and that's what we need, and that's why local programming — you guys really need to reflect our community. That's all I have to say. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening Mr. Powell, members of the panel. I'll try to be quick. My name is Matthew Gonzalez. I'm a musician and owner of Bonetree Records, an independent record label in San Antonio.

A few years ago I decided to produce a CD of my band's music, in the process, started the label, and unlike a lot of musicians, I did not overtake this endeavor with visions of overnight success and platinum albums and all the other rock-star excesses.

My goal was simple: To make a living — a modest living, doing something that I love. The CD was recorded and mastered and packaged as professionally as anything on the market.

I contacted your radio stations large and small across the country in the hopes, that like in the past, there'd be a few DJs or program directors who would like it enough to give it a spin or two.

Well, while I did find a few college and public radio stations accommodating, I was almost unilaterally rejected by the corporate stations. And I was told, excuse me — I was told basically, it wasn't that they didn't like it, but that their play lists were too tight for a lone DJ to play a song simply because he or she liked it.

They said that their — many of them said their play lists were predetermined in board meetings, weekly staff meetings and conference calls from

corporate headquarters.

I just want to say, how do corporately-controlled play lists give any democracy to the people? How does this level the playing field for independent record labels who do not have a multi-million dollar promotional machine to buy air time with comp tickets and hundreds of thousands of dollars worth of free goods?

I also want to say that just like the Wal-Marts and Targets are grinding American's small businesses into the ground, your policies will allow media giants like Clear Channel right in step with music industry heavyweights, like Sony music to stamp out the smaller independent music companies with stunning and silencing swiftness. Thank you very much.

(Applause.)

AUDIENCE MEMBER: Hi.

(Spanish.)

For a while when I was back in high school I had aspirations about becoming a journalist until I found out about how the media really works. And once when someone asked me, I told them that I wanted to become a journalist because I felt that it was my responsibility to — to help others understand how

events in the world affect us.

Why I felt this unyielding urge to help others was because I wanted to better the conditions of my community and pop the Westside bubble. That is, the attitude that many of my fellow students have, as a result of negative stereotypes, cultural obligations and a lack of understanding for what's occurring in the real world.

While I was prepping myself towards a life as a college student, many of my friends were preoccupied with trying to figure out how they were going to score their next set of wheels. Only a little more than half of my senior class graduated.

One of the main reasons I feel this occurs too often is a result of low self esteem and a lack of understanding of how much an important role a college education can play in your personal, economic and psychological health. And when you think about it, it's not a farfetched idea to think that, because of your social standing in the mainstream media is often represented with crime, illiteracy, and more kids than you can afford, then maybe there is no alternative lifestyle than the one that is presented to you on a regular basis.

I remember once being laughed at in high school by a sophomore because I still rode the bus as a senior. I told him I was saving money for college. When I said that, he looked at me in shock. College? And I told him, Yeah, aren't you going to college? And he said no. I have to worry about how I'm going to buy a car, how I'm going — how I'm going to pay my bills, and how I'm going to support my family.

The idea that life is nothing more than work, partying and striving toward the glamorous life that is often portrayed on TV is, I'm sure, not the type of lifestyle that any — anyone would want their children's foundations to be placed on. My question to you guys then is why do we keep promoting these kinds of images and these kinds of messages?

(Applause.)

AUDIENCE MEMBER: Hi. I'm Chuck Conrad. I am General Manager of KZQX-LP. That LP stands for low power. We're a small station in East Texas and in the year and a half that we've been on the air I have been amazed at what a difference it has made in our community. If the Commission wants to do something quickly and now, they can do this by simply authorizing more low-powered stations.

(Applause.)

You've blown the LP-10 window that you promised, I have — and apparently that's out the window, but you — when low-power FM was first proposed, you knew that you did not have to protect second adjacent channels — third adjacent channels, yet Congress made you go through the MITRE study, who said you don't have to do this. I think we all know that this is true. Translators don't do it.

So you can do something about this. And to make more channels available for low-powered community broadcasters, the simple thing to do is first look at the 3000 pound elephant that you just got this fall, the great translator invasion. Thirteen thousand, four hundred people or entities applied for translators. If a translator can go on that frequency, a community broadcaster can go on it. A satellite delivered translator offers nothing in the way of localism at all. There's great local stations out here, but they need some help. Thank you very much for your time.

(Applause.)

AUDIENCE MEMBER: Hello, and thank you for hearing me tonight. My name is Schuyler Chris

(phonetic). On a daily basis we lament the decay of our society. We cry for the young lives and the old lives lost due to senseless violence. Hearts ache for the young teenaged mothers. We peer into the hell of lives of those who are struck by sexually transmitted disease. We know these realities and know they are preventable if proper actions are taken.

It is true that we are what we eat. When you feed us garbage in every program, we become poisoned personally, and our society ultimately is trashed. To that end, I want to know what will the FCC do to clean up the programming that glamorizes the behaviors that lead to the sickening realities I just discussed.

In closing, I would like to simply state, take heed to what ye hear. That's what Mark said, the apostle during the time of Christ and a follower of Christ, chapter four, verse 24. Take heed what ye hear. I hope you will take that advice tonight.

(Applause.)

AUDIENCE MEMBER: Good evening. My name is David Katz and thank you all for staying this late. I sincerely appreciate it. I'm an independent record – record label producer as well as an independent solo

musician.

As a part-time musician, I don't have time for the glamorous life of your average rock star, which is just fine with me. The drugs, the promiscuity and the partying until the sun comes up seems to be a common motif in most of today's cultural pop icons, which are saturated on the airwaves today.

I believe this is a self-perpetuating phenomenon caused by the codependent relationship between the record companies and the radio stations. This dependency is damaging to our society and leaves no room for growth in the industry other than monetary. It's completely unnecessary.

Larger conglomerate companies like Clear Channel Communications who own in excess of 1300 radio stations, 150 concert venues and 700 and — 700,000 billboards can easily promote effectively and profitably anyone or anything that they please, even local artists.

Why don't they? Maybe it's fear of change or of the unknown, or maybe it's because they wouldn't receive funding from third-party promotional agencies that are hired by the record companies in order to avoid payola or pay for play laws. The problem with

these loopholes is that even though the law technically is not broken is that the intention of the law is ignored and forgotten, and the intention is what's more important.

I'll wrap this up. In the interest of promoting localism in program broadcasting, I challenge the FCC to use the relationship — use your relationship with the radio stations to encourage them to include local and independent artists in their regular rotational air play, and I challenge the broadcasters, both local radio stations and corporate giants, to innovate new ideas and programming, spreading creativity and bringing the artistry back into music broadcasting. Thank you.

(Applause.)

AUDIENCE MEMBER: Good afternoon. Good afternoon, Chairman Powell and to the Commission and to the other fine people on the panel. I appreciate you're staying here tonight. As I listened to you on C-Span and saw how you went through some of the grilling on Congress, I know there's a lot of people on Capitol Hill that are concerned about these issues and I'm glad to see that my Congressional Number 28 representative's here tonight to hear the comments and

concerns that we have tonight.

I'd like to thank Mr. Freeman for his Zydeco music because one of my roommates at the University of Houston was one of the Tibideaux families; and, you know, the Tibideaux have a big presence in Louisiana. And I also would like to thank the NAACP for being here tonight, and also the comments of my friends Heather and Ms. Petty, about the east side of San Antonio.

I, as an African-American male, and my name is Charles English for the record, I am the President and founder of the Jefferson Heights Neighborhood Association. I also sit on board of representing Districts One and Two for the representative of the poor, and I'm a little concerned about what's happening and this is about communication.

And tonight I didn't find a packet for myself, but I had to pick up one off the floor. So, Commissioner, if we want to start communicating, let us start here in these types of hearings. And I think that if we pick things up off the floor, that's pretty much how I feel that my community on the East side is being treated when it comes to communication in this city.

So, I would say to you, Mr. Glade from Clear Channel, you can start by participating in National Night Out, when we come against crime and those types of drugs in our community. We want to see your presence in our community. And some of you others who are hear tonight hearing these fine people, do not let — don't go back to Washington unless you really are going to make a change, sir.

We really need an opportunity here. This is an opportunity to be heard, and there are no avenues for us to be heard. So, I had to come here tonight on a bit of urgency after the board meeting just to tell you tonight that the African-American male is being demonized across this country. And we need to change that, and the only way we can change that, if you give those of us who are doing good things in our community and our city to bring about a change, give us the opportunity to be heard, and thank you very much.

(Applause.)

AUDIENCE MEMBER; Mr. Chairman, Commissioners. I know y'all are tired just as much as everyone else. But I want to ask: What will your legacy be, the legacy of this Commission? Will it be the Commission that had the courage to stand up to the

well-heeled, well-financed, well-entrenched lobbyists in the communications industry that had their way and continued to have their way, despite of the — the voices of millions, not just these few, but millions of Americans who are depending on you and who are trusting you to do what is wise, what is good, and asking you to have the courage.

We realize the pressures on you are tremendous. The financial pressures — even as we speak, I know that the lobbyists for the industry are being arrogant, and confident that — let the people say what they will, we've got the inside track, we've got the connections, we've got the ears. Have courage. Let this be your legacy.

We — is it not a fact that at this time that there's pressure being brought to bear on the Commission to open up bandwidth in the sacred military and educational areas of the — higher gigahertz ranges to provide more and more efficient wireless Internet access service? I hear these on National Public Radio, Public Radio International, Texas Public Radio, BBC. Why should I have to hear those things there?

Many things, local radio, we've got good arguments pro and con. But what is the access and the

wisdom of having conglomerate ownership of so many licensed broadcasting stations unless it's for profit? And if it is so, then the more public people, the more public that can get involved and invest, maybe there's a positiveness to it. But when you have the largest corporation compared to the other two locally that are here, and there's between 25 to 30 percent higher per share value, the public citizen has to give to the smaller, too.

The multi-licensing and the other branches of their business present a closed circuit. There's no more time on the airwaves than what we have. There's no more band width on the frequencies than what are physically there. Regulating them, controlling them and the power is yours. It is yours.

All the laws made presently and the future, if they do not conform to the six orders of ordination of the U.S. Constitution in the preamble, then rules and regulations as well. It's your microphone, you control the time, I realize it, sir. But have this to be a legacy of courage. Don't be short sighted in thinking once you serve your time, and you've done your duty, public service, that you'll go on to become another well-heeled, well-financed,

well-entrenched lobbyist for the industry. Think further. Y'all will be our great leaders if you can stand up, sir. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is Chris Peterson, and I've been a citizen of San Antonio all my life. First and foremost, I want to thank you for this opportunity to speak on behalf of San Antonio and the surrounding communities.

I think most of us can agree that in our society in America today two crucial elements that affect everyone of all ages is television and radio broadcasting. A lot of our culture is molded and shaped by what we perceive and process through these two key media outlets. For those of us who have been exposed to these media elements for over 20 years, we have seen quite a change in what is viewed and heard on a daily basis. There are many things that have been added that yesterday were considered obscene, and unfortunately, today, they have simply been deemed acceptable.

For most in this great country we live in, our most precious and valuable assets that we influence and educate is our children, our future. I think it is

essential that we stand up for our future and our children to say what is immoral yesterday is still immoral today. What was indecent then is indecent now, and what is unethical will always be unethical.

Gentlemen and ladies, your task in our society is one of great power and responsibility, and I pray you truly understand that the depth of your actions is the direct result of where our future is fashioned for years to come.

Thank you again for your time, and God bless you.

(Applause.)

AUDIENCE MEMBER: Hello. My name is Steve James. I would like to enter into the public record of these proceedings a 2001 report done by — a 2001 report done by the National Telecommunication Information Administration, under the Department of Commerce, a report titled "Minority Commercial Broadcasting Ownership in the United States." At the core of this report it states that because of media consolidation minority broadcast owners have had limited access to advertising dollars in a given market.

Also at — also at the rep — also the

report states minorities have been adversely affected in broadcast employment and in training opportunities. This is why I believe — I believe in further expansion of such a service as low-power FM. Thank you.

(Applause.)

AUDIENCE MEMBER: Chairman Powell, and Members of the Commission, as well as the other distinguished panel guests. Thank you for being here today, and thank you for extending the opportunity for us to speak with you past 9:30.

My name is Shawn Zacharia (phonetic). I'm the Division Director for the March of Dimes, and I would like to take this opportunity to express how supportive KENS-5 has been to our organization throughout the years.

KENS-5 has been vital to helping us accomplish our mission, and that is improving the health of babies by preventing birth defects and infant mortality. They have demonstrated their support by sponsoring Walk America.

Walk America is our cornerstone fundraising event. And here in San Antonio, our budget is \$301,000, so 78 percent of our budget is made on Walk America. So because of KENS-5's help in

supporting Walk America, March of Dimes is able to support our lifesaving programs and research that benefit the San Antonio community. And this is accomplished locally by programs of community service advocacy, education and public and health professionals, as well as grants.

Part of KENS-5's support includes providing on-air personalities to help us lead our campaigns. Last year we were very fortunate to have Bill Taylor serve as an honorary Walk America Chairman. KENS-5 was very receptive in helping and starting the KENS-5 Walk America team. Bill assisted us tremendously in this effort.

In addition to support of Walk America, Wendy Rigby has always been by amenable when we've had news story ideas. When she covers a story for us, she does an exceptional job by making every story interesting and worthwhile to the viewers.

Her stories have helped educate viewers about what they can do to decrease the incidences of birth defects by focusing on topics, such as folic acid, and the growing problem of premature births. And then finally, the creative department makes us feel like they're part of their community.

And I know I just have a couple of seconds, but I'd like to also briefly point out how supportive Clear Channel has been to us as well. They, too, provide honor personalities to support our events such as Walk America and Star Chefs. They also provide AV equipment. And that AV equipment when it's donated to us, we don't have to purchase it, which helps us save money and that money goes towards research.

And I would like to pay particular attention to two people, Tim Kieslings (phonetic). He's the Promotions Director for Clear Channel radio as well as Tom Glade, the Market Manager for Clear Channel radio. They have provided us with expert media advice, not just with their stations, but as our community as a whole helping us within March of Dimes do better community service and strategically do our marketing for this community. And I thank you for your time this evening.

(Applause.)

AUDIENCE MEMBER: Chairman Powell, Commissioners, I am Mark Rodriguez, a small business owner from Austin, Texas and also Chairman of the Greater Austin Hispanic Chamber of Congress. I'm here to report on a successful program in Austin, Texas.

We partner with KXAN-TV in Austin, Texas. We co-produce a community survey which is actually a business tool. We will co-analyze the survey results, which is actually market intelligence. The success of the Hispanic and minority entrepreneur is our number one goal as an organization. This program is like going to business school for free. We, we encourage more partners — partnerships like this in communities across the country. Stay tuned. We're going back to work. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening. Thank you all. I'm John Champaign (phonetic), citizen and proponent of Walter Cronkite draft for president. What if the people really owned the airwaves? Then those who use the airwaves for profit would pay compensation to the owners, the people, for the use of the people's property?

(Applause.)

When the people judge that what's broadcast is in the public interest, the people will give a rebate or maybe even pay for the broadcast, the production. When the people judge that what's broadcast is already over broadcast, is titillating, is

serving the private interest of those who seek profit, then maybe the, the fee will go up, and we'll see less of what we don't want to see on the air.

Let's really have the people own the airwaves. And let the people sculpt the use of the airwaves by saying what is serving the public interest and not let those who want to use it for profit decide that their bottom line is equating to the public interest. Thank you.

(Applause.)

AUDIENCE MEMBER: I want to thank you for the opportunity. I finally got to be an anchorman.

(Laughter.)

I'm Ernest Bronny (phonetic), a senior citizen who listens to local radio. I used to watch TV but a number of years ago I turned it off. I didn't like the direction it was going and what was coming off of programming. The news media always seemed to be the same. There were issues that I was interested in that never got on the news media.

I listen to KTSA. This is not a commercial. I'm a senior citizen. I picked that station because of what it does for me. I belong to several nonprofit organizations here. I'm with the San

Antonio Audubon Society and the Mitchell Lake Wetland Society. I'm the annual compilant for the Christmas Bird Count. KTSA has been very supportive of us. They've interviewed me on the radio to promote the Christmas Bird Count and other events and activities we've been involved with.

I get many, many issues, current issues the community issues, that they bring up for people to discuss. And it's give and take. And they give both sides. One of the most recent ones that I'm really proud of them in doing is they brought to the floor the issue of the EPA and the ozone and the governmental agencies that were pushing for tailpipe emissions control. And they were able to show repeatedly, and brought people forward with evidence that this doesn't work and it's a rip off on the public, and for them I thank you, particularly a senior citizen on a limited income — fixed income, that would have been more money out of my pocket, which they showed was not justified.

I want to compliment KTSA on their weather coverage particularly during extreme adverse weather. In the floods of 1998 and two years after that and more recently, they actually terminated all their current programming and went strictly to weather reports and

gave the community an up-to-date running account through the whole storm of what was going on to help the people and protect the people in the interest of the people. They should be commended for that. Another area is that this part of Texas, South Texas, has a lot of gun owners, a lot of hunters. I'm a volunteer instructor for Texas Parks and Wildlife. I teach... (inaudible) ...education. I get a lot of questions about gun control issues. KTSA brings people in who present the pro-gun side. How much of the news media will you find giving the pro-gun side? You get plenty of the anti-gun side, very little. National media, you won't hear anything pro-gun on that. KTSA gives both sides, lets people chime in and call in and talk about and discuss it.

And the last thing that may sound kind of trivial to most people, but I appreciate the traffic reports that they put on every 15 minutes. If you're driving around San Antonio and do a lot of driving like I do, you're going to appreciate that. It saves me a lot of gas. It saves me a lot of waiting and waiting in traffic jams, and probably has saved me some accidents by being able to take alternate routes because they alerted me as to what's going on.

So, I thank you very much for taking the time to listen to it all, and I certainly appreciate you making me an anchor man. Good night.

(Applause.)

CHAIRMAN POWELL: And that's the rest of the story.

(Laughter.)

That was our last speaker in the open-mic. I would like to ask my colleagues if any of them have any final comments for this evening.

COMMISSIONER COPPS: I just want to thank everybody. I think the hour is late. This is obviously an involved and caring —

(Audience: Can't hear you.)

This is obviously an involved and a caring and a concerned community, who went through a great deal of trouble to share a lot of information with us this evening. Our job now is to take it back and make sure it's part of our deliberations on license renewal and localism and on all the other items on our agenda.

I want to thank the panelists. I want to thank you people who took the time, and waited a long time to get in here to help us out. I think it's been a good evening. I never go to one of these where I

don't learn a lot and I learned a lot this evening and I'm grateful for it.

(Applause.)

COMMISSIONER ADELSTEIN: I'd just echo that by saying that I think the people of San Antonio have a lot of wisdom, and that we need to take it back to Washington. I want to thank my colleagues for being out here and sticking — sticking with this. It's really a historic thing to get all five of us together like this.

We miss our families, but we think this has been, I think, very worthwhile. I've learned a lot. It's like a giant ascertainment effort, and I appreciate the fact the broadcasters stayed here and everybody on the panel stayed here, because you heard a lot of deep concerns, and you've heard a lot of good compliments, and I think you need to take that back to and share it with your colleagues, do more of what you're hearing good things about and address the concerns that you heard.

So I just want to thank everybody for sticking with it to the end here.

(Applause.)

CHAIRMAN POWELL: This has been a

tremendously vigorous hearing, and it shouldn't be any other way, I think, in a democracy, and we really appreciate the people of San Antonio for providing us the opportunity to be in their fair city. And we appreciate all of you for staying through a long evening and night to give us the kind of information, data and record that we will need to make thoughtful and substantive judgments.

We're thankful to you. We're grateful for you. We're humbled by the trust you put in us to serve the public interest, and we will continue to do that to the best of our abilities.

Thank you very much, and thank you for joining us here at the Federal Communications Commission. This meeting is adjourned.

Thank you.

(Applause.)

(Hearing adjourns at 11:00 p.m.)

