

August 4, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: MM Docket No. 00-168 and GN Docket No. 10-25

Dear Chairman Genachowski:

The Public Interest Public Airwaves Coalition (“Coalition”), including the Benton Foundation,¹ Campaign Legal Center, Common Cause, Free Press, Media Access Project, New America Foundation, and the Office of Communication, Inc. of the United Church of Christ, urges the Commission to take action to implement the disclosure recommendations in its recent comprehensive report, *The Information Needs of Communities* (“INOC”).² Like the Commission’s National Broadband Plan, this report compiles the most up-to-date and comprehensive review of one of the core areas under the Commission’s authority—mass communications—and the Commission’s statutory obligations to ensure that broadcasters serve the public interest, convenience and necessity.

The chief recommendation of INOC Report is to “Emphasize Online Disclosure as a Pillar of FCC Media Policy.”³ The report finds that “technology has increased the potential potency of transparency as a policy tool” and that “effective dissemination of government collected information can empower citizens, improve accountability, limit reporting costs, and stimulate entrepreneurship.”⁴ Specifically, the INOC Report recommends that the Commission eliminate broadcasters’ existing obligation to file quarterly “issues/programs” lists and paper filings of other information that broadcasters are currently required to make available through their public files.⁵ The report proposes replacing these outdated mechanisms with a streamlined online process through which broadcasters can both report on service to local communities, and make their public files available via the Internet. The INOC Report concludes that the purpose of such increased transparency and disclosure “is not primarily so *regulators* can discipline or reward stations—but so *consumers* can, if they choose.”⁶

The Coalition agrees that increasing the transparency and quality of information submitted by broadcast licensees would improve the performance of broadcast stations by making them more responsive to the needs of their local communities of license. Effectuating the report’s disclosure recommendations will also provide the Commission an opportunity to set an example for the many agencies and governmental entities that it has recommended take similar steps to increase transparency and disclosure, while reducing administrative burdens by taking advantage of the Internet. Most important, we believe that these goals can be achieved while shielding broadcasters from inappropriate interference in their protected speech, as well as protecting the people’s “paramount” right “to have the [broadcast] medium function consistently with the ends and purposes of the First Amendment.”⁷

To this end, and as outlined below, the Coalition encourages the FCC to expedite adoption of the streamlined online broadcaster program reporting and online public file requirements proposed in the INOC Report.

1. The Commission Should Eliminate Paper Forms And Adopt An Online Programming Reporting Obligation With An Integrated Database

The INOC Report recommends that the Commission eliminate the requirement that broadcasters create a quarterly paper file detailing programming responsive to their communities of license.⁸ Instead, the report recommends replacing paper filings with an online form that is standardized and machine-readable.⁹ We agree. An online reporting mechanism that is part of a searchable, integrated database would not only reduce the burden of submitting this information, it would also provide communities and researchers with better access to it.¹⁰

A searchable and integrated broadcast information database is consistent with the FCC's goal to provide the public with more and better information, as well as the ability of modern technology to provide it. For example, the Commission's National Broadband Plan encouraged all government entities to utilize the Internet and cloud computing to increase transparency and civic engagement.¹¹ It encouraged agencies to make information available in a machine-readable or otherwise accessible format.¹²

To ensure that the public can easily locate such information, the Commission should clarify that all data submitted by broadcasters will be incorporated into an integrated database hosted by the Commission with links to it provided on individual broadcaster web sites. Members of the public and researchers alike should be able to download the data in raw form in its entirety to compare stations or perform other analyses. The new database should be connected electronically with the ownership data the Commission already collects, thus reducing further the broadcaster filing burden.¹³ After this new online database is implemented, broadcasters will not be required to fill out Form 355, nor will they be required to maintain the current issues/programs lists.

2. The Commission Should Reduce Reporting Requirements To Two Constructed Weeks Per Quarter

The Enhanced Disclosure rules adopted over three years ago direct commercial and non-commercial broadcasters to submit comprehensive information about their all of their programming on a quarterly basis.¹⁴ To reduce this burden, the Coalition proposes that commercial and non-commercial broadcasters only be required to submit data for two "constructed" or "composite" weeks per quarter that are selected by the FCC. This change would address the concerns expressed in this docket by a cross-section of broadcasters,¹⁵ while implementing the INOC Report's recommendation that broadcasters report on core programming about their communities of license.¹⁶

A constructed or composite week is a sampling method whereby individual days are randomly selected to construct a week that contains different days of the week from two different

weeks of the quarter. Thus, first a Sunday is randomly selected from all possible Sundays in the quarter. Then a Monday is selected in the same way, and so on and so forth. Broadcasters would be obligated to report on core local programming categories aired during the randomly selected days comprising the two constructed weeks. A constructed week, if implemented properly, has methodological validity for academic research and would provide a snapshot of programming for the public.¹⁷ To explain the research viability of this means to reduce the reporting obligation, we attach as Appendix A the statement of SEED, a coalition of academics with expertise in media sampling adequate to support rigorous and accurate analysis.¹⁸

The Commission can implement the composite week by using a random number generator to select appropriate dates in each quarter. The Commission should announce the date of the composite week the morning after the selected day. Virtually all broadcasters maintain a tape of their day for a short time after it is broadcast. Immediate notification of the date to be included in the composite week should offer ample time to notify broadcasters of the date without giving any advance warning that would contaminate the quality of the sample.

3. The Commission May Limit Mandatory Programming Disclosures To Core Categories Of Local Programming,

The INOC Report highlighted the importance of providing communities “with the data they need to understand what their local TV stations are doing and how they compare to others. . .”¹⁹ It also suggested that broadcasters “can use this official data to market their commitment” to serving their communities.²⁰ Finally, it noted that “[I]awmakers making spectrum policy should have a more granular understanding of how broadcaster use their stations and serve the public.”²¹

Consistent with these goals, we propose the Commission adopt an online reporting mechanism similar to the sample provided here: <http://www.savethenews.org/sample-form>. As described further below, this proposal simplifies broadcasters’ programming reporting obligation, while ensuring that citizens and the Commission have access to this important information in a standardized and comparable format.

➤ *The Commission should reduce the mandatory composite week programming reporting requirements to the following core local programming categories: Local News; Local Civic/Governmental Affairs; Local Electoral Affairs; and Closed Captioning/Emergency Accessibility Complaints.*²²

Local news,²³ local civic/governmental affairs,²⁴ and local electoral affairs²⁵ programming should be reported by segment.²⁶ Under the reduced reporting requirements of a composite week system proposed above, it will be less burdensome for broadcasters, but more useful to the public and the FCC if material is disclosed on this more granular basis. News outlets retain segment-by-segment information for advertisers and other reasons.²⁷ Broadcasters should disclose a few key data points with regard to the programming segments.²⁸ With regard to closed captioning²⁹ obligations, broadcasters should disclose whether the programming reported is closed captioned and if so, the type of captioning (off-line, live or electronic “newsroom technique”).

- *The Commission should require disclosure of all local electoral affairs programming aired during a local election period.*

Coverage of local electoral issues is critical to an informed citizenry. Unfortunately, election timing may not coincide with reporting periods determined by the composite week. As a result, that mechanism (while otherwise sufficient) may not adequately capture local electoral issue coverage.³⁰ Thus, in addition to the composite week reporting, broadcasters should disclose all local electoral affairs programming aired during the peak campaign periods when the lowest unit charge laws are in effect (*i.e.*, 45 days before a primary election and 60 days before a general election).

- *The Commission should capture two important statistics with respect to programming accessible to people with disabilities.*

As the Commission has acknowledged in rulemaking, it is important for the disability community to have access to information related to their needs without unduly burdening broadcasters. Accordingly, broadcasters should identify on a quarterly basis any programs (by title and length) that were not captioned and the reason why each program was exempt from closed captioning under section 79.1(d) of the Commission's rules.³¹ On the same basis, a licensee should report the total number of complaints in the previous quarter with regard to its emergency programming that was not accessible to people with disabilities.³²

- *Broadcasters should have the option of reporting on other types of programming, should they choose to do so.*

It is clear that many broadcasters pride themselves on their service to the community and already track at least some of their community service programming as part of their own internal monitoring and promotional work.³³ An optional reporting requirement would allow broadcasters who wish to showcase their service to the community (outside of core local news, civic affairs, and electoral affairs programming) to do so if they choose to. Thus, the online form sample provides an optional field where a broadcaster may voluntarily report any other programming that it has aired to serve its local community of license during the days selected to comprise the two composite weeks: <http://www.savethenews.org/sample-form>.³⁴

Any information thus voluntarily submitted would be prominently labeled in the online form as a voluntary disclosure. Moreover, a disclaimer explaining that the absence of voluntary information does not mean that a particular broadcaster is not performing those services, but simply that the broadcaster is not reporting it in the public disclosure form, could accompany such disclosures.

4. The Commission Should Make Changes To Enable Rapid Conversion Of The Public File To An Online Format.

The INOC Report recommends that broadcasters make their the public files available via the Internet, thereby returning to “the original purpose of the ‘public inspection file’ rules, which was to allow the ‘public’ to ‘inspect’ this important information.”³⁵ The Coalition has long

supported modernizing the public file system by requiring broadcasters to place their public files online on their websites. Not only would this facilitate community access to the file, it would also reduce the burden on licensees to maintain paper files. To wit, many broadcasters already have voluntarily placed their public files online, presumably because it is easier and more cost-effective.³⁶ Beyond creating an electronic version of the existing public file, it would be useful for the Commission to consider how to create searchable databases of the information contained in the public file, particularly the political file.

The Commission should clarify the following online public file obligations:

➤ *Time brokerage, joint sales, and joint operating agreements*

The Commission currently requires commercial television stations to put copies of time brokerage agreements and joint sales agreements (with confidential information redacted) in their public inspection files.³⁷ It is critical that these arrangements be in an online public file. Additionally, because the INOC Report found that some stations have been outsourcing their news production or engaging in other forms of cooperative newsgathering,³⁸ joint operating agreements also should be made available as part of the online public file. Unless such agreements are available online, it is exceedingly difficult for members of the public, or the Commission, to learn about joint sales agreements (JSAs), local news sharing (LNS), shared services agreements (SSAs) or other contracts affecting control of the station and production of local news and other programming.

➤ *Political file*

As we have indicated in previous filings, we urge the Commission to require broadcasters to post their political file online, a key to greater accessibility, not only by candidates, but also by the public.³⁹ We also believe that placing this information online will reduce the burden on broadcasters that often receive multiple daily in-person requests to access this information during an election season. However, because during the campaign season the political file can change daily, the online requirement could include provisions for a reasonable delay in posting updated information.

➤ *Sponsorship identification information*

Pursuant to the recommendation of the INOC Report, the FCC should require licensees to submit a record of any “pay for play” news and information programming in the online public file.⁴⁰ Specifically, when a broadcaster airs news or information programming that would require an on-air disclosure of a sponsor under the FCC sponsorship identification rules, the licensee should also post that information as part of the online public file.⁴¹

➤ *The online public file should be accessible to people with disabilities.*

The Commission should require broadcasters to ensure that the portions of their websites that host the public file are accessible to people with disabilities.⁴² In addition, we propose that the link to the public file appear on the broadcaster’s home page, along with contact information for

people with disabilities to use if they have concerns. For a person with disabilities already struggling with an inaccessible site, the burden of searching through several pages or levels becomes an insurmountable barrier. Broadcasters also should report whether their entire website is accessible to persons with disabilities.

➤ *Eliminate e-mail from the online public file.*

To even further diminish the burden on broadcasters, the Coalition proposes excluding public e-mail from the electronic disclosures in the public file.⁴³ To alert members of the public to letters and emails, the public disclosure form should include the total number of letters available at the station in the previous quarter and for the current licensing period, and a notice that these materials are available for public viewing at the main studio consistent with existing public file rules.

Conclusion

In sum, the Coalition is very pleased to see the Commission's strong support for disclosure as a critical element to fulfill its obligations with respect to broadcaster accountability. We urge the Commission to act expeditiously in light of the extensive record and critical needs of the public.

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APPENDIX A: Statement of SEED re composite week sampling.

APPENDIX B: Broadcasters currently providing online access to public file content.

REFERENCES

¹The Benton Foundation is a nonprofit organization dedicated to promoting communication in the public interest. These comments reflect the institutional view of the Foundation and, unless obvious from the text, are not intended to reflect the views of individual Foundation officers, directors, or advisors.

² *The Information Needs of Communities: The Changing Media Landscape in a Broadband Age*, FCC Staff Report, GN Docket 10-25 (rel. June 9, 2011) (“INOC Report”).

³*Id.* at 346.

⁴*Id.* at 345.

⁵ *Id.* at 347-8. The report specifically highlights the following items as part of an essential electronic disclosure:

- How much of their programming is about their local community, including some breakdown of types (for instance, reporting about local government).
- How they are using their extra “multicast” channels.
- News-sharing arrangements, staffing levels, and collaborations with other local news entities.
- The extent to which websites are accessible to the hearing and visually impaired.
- Sponsorship identification disclosures for ‘pay-for-play’ material appearing in news and information programming.

⁶*Id.* at 347.

⁷ *Red Lion Broadcasting v. FCC*, 395 U.S. 367 (1969).

⁸ INOC Report at 347.

⁹*Id.* at 348.

¹⁰ The Commission found there were significant benefits to an integrated database in its Enhanced Disclosure Order. *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement for Children’s Television Programming Report (Form 398)*, Report and Order, 23 FCC Rcd. 1274, 1294 (Mar. 13, 2008) (“Enhanced Disclosure Order”). *Enhanced Disclosure*

¹¹ The Commission and the American public have already witnessed the tremendous benefit of a searchable and manipulatable database in the Department of Commerce’s Broadband Map. Users can employ “interactive tools to compare broadband across various geographies, such as states, counties or congressional districts.”

http://www.ntia.doc.gov/press/2011/NationalBroadbandMap_02172011.html. The map further enables users to select pre-formatted popular reports, or create their own reports for their particular community. *See* <http://www.broadbandmap.gov/analyze>.

¹² National Broadband Plan, Chapters 14 and 15.

¹³ *See, e.g., Petition for Reconsideration of the Joint Broadcasters*, filed MB Dkt. 00-168 (April 15, 2008) at 16 (proposing a link between existing ownership reports and the programming reports).

¹⁴ *Enhanced Disclosure Order*, 23 FCC Rcd. at 1290 and Appendix B.

¹⁵ *See, e.g., Petition for Reconsideration of Broadcasting Licenses Limited Partnership et al.*, filed MB Docket 00-168 (April 15, 2008) at 14.

¹⁶ INOC Report at 348.

¹⁷ We recommend the Commission carefully consider the audit process recommended in the INOC Report to determine whether the reporting is accurate. INOC Report at 349.

¹⁸ *See* Appendix A.

¹⁹ INOC Report at 349.

²⁰ *Id.*

²¹ *Id.*

²² This limited reporting obligation would represent a significant reduction in scope from the reporting categories that the FCC adopted in the 2007 Enhanced Disclosure Order. There the Form 355 reporting obligation requires the Title, Date/Times Aired, and Length of each broadcast program or program segments that fall into the following categories: National News, Local News, Local Civic Affairs Programming, Local Electoral Affairs Programming, Independently Produced Programming, Local Programming, Public Service Announcements, Underserved Communities, and Religious Programming. *Enhanced Disclosure Order*, 23 FCC Rcd. at Appendix B.

²³ We recommend the following definition of local news: “Programming that is locally produced and reports on issues about, or pertaining to, a licensee’s local community of license.” *See* Christopher Ali, *The Second Day Story*:

Re-imagining Public Broadcasting Through Community, (Univ. of Tampere, Finland), 2010, at 15, n.2 (cited in INOC Report at 402, note 96, Chapter 6).

²⁴Local Civic/Government Affairs Programming: “Includes broadcasts of interviews with or statements by elected or appointed officials and relevant policy experts on issues of importance to the community, government meetings, legislative sessions, conferences featuring elected officials, and substantive discussions of civic issues of interest to local communities or groups.” *Enhanced Disclosure Order* at Appendix B, Instructions for FCC 355.

²⁵Local Electoral Affairs Programming: “Local electoral affairs programming consists of candidate-centered Discourse focusing on the local, state and United States Congressional races for offices to be elected by a constituency within the licensee’s broadcast area. Local electoral affairs programming includes broadcasts of candidate debates, interviews, or statements, as well as substantive discussions of ballot measures that will be put before the voters in a forthcoming election.” *Enhanced Disclosure Order* at Appendix B, Instructions for FCC 355.

²⁶Form 355, Question 2(c)-(e), *Enhanced Disclosure Order*, 23 FCC Rcd. at Appendix B.

²⁷ Furthermore, without segment information for news, the disclosure will be virtually meaningless because local news often includes a number of segments that cover national news, as well as other material that is not locally produced or about the community of license.

²⁸ As outlined in the sample form, broadcasters should disclose: programming/segment title or topic; date/time aired; whether it aired on a primary or multicast channel; whether the material is first run programming or previously aired on this or another station; the approximate length of the segment excluding interstitial commercials; whether the material reported, or any portion of it, is subject to the disclosure requirements of the FCC sponsorship identification rules, and if so, to disclose the sponsoring entity; and whether the material reported, or any portion of it, is the product of a local marketing agreement, local news service, or shared service agreement, or any other contractual arrangement or agreement between the licensee and another broadcast station and/or daily newspaper located within the licensee’s designated market area, and if so, to link to the relevant agreement in the licensee’s online public file.

²⁹ Under 47 C.F.R. §79.1, all newly produced English and Spanish language television programming is required to be captioned unless it is exempt.

³⁰ We also note the INOC Report finding that “local election coverage on commercial television stations is particularly lacking.” INOC Report at 84. Access to more uniform and transparent information on broadcaster coverage of these important issues will encourage meaningful dialogue between broadcasters and their audiences and empower citizens.

³¹ If these rules are adopted after the Commission implements the Communications and Video Accessibility Act, we recommend a similar disclosure with respect to video description. *See* 47 C.F.R. §79.3.

³² Broadcasters have an obligation to transmit emergency programming so that it can be understood by people with disabilities. 47 C.F.R. §79.2. Broadcasters should report the total number of complaints, regardless of whether the complaint alleges a violation of law. This will help the public and the Commission to monitor the degree to which the current rules are meeting the needs of people with disabilities. While we are not recommending broadcasters place letters from the public on the Internet due to the strenuous objections of broadcasters (see public file section, *infra*), the letters will still be available in the event that a large number of reported complaints requires further investigation by member of the community or the Commission.

³³ For example, see the 112 page issues/programs list produced by KNBC in Los Angeles cited in the INOC Report. INOC Report at 286.

³⁴ The Commission should make reporting on the following categories of programming optional: National News, International News, Paid Public Service Announcements, Unpaid Public Service Announcements; Religious Programming, and Emergency Programming. Broadcasters should also be able to highlight any other category of programming they believe serves their public interest obligation.

³⁵ *Id.* at 348.

³⁶ *See* Appendix B.

³⁷ 47 C.F.R. §73.3527(e)(14) & (16).

³⁸ INOC Report at 96-97.

³⁹ *See, e.g., Petition for Reconsideration of Campaign Legal Center et al.*, filed MB Dkt 00-168 (April 15, 2008) at 2-5

⁴⁰ INOC Report at 348-9.

⁴¹*Id.* at 349.

⁴²The Commission reached a similar conclusion in its Enhanced Disclosure proceeding. *See Enhanced Disclosure Order*, 23 FCC Rcd. at 1284.

⁴³The Enhanced Disclosure rules require broadcasters to make available emails from the public as part of their online public file (paper copy letters are exempted from the posting requirement). *Enhanced Disclosure Order*, 23 FCC Rcd. at 1283-84. Broadcasters have requested this exemption in their Petitions for Reconsideration. *See, e.g., Petitions for Reconsideration of Joint Broadcasters* at 7-8; *Broadcasting Licenses Limited Partnership et al.* at 21; *Named State Broadcasters Associations* at 9-11, all filed MB Dkt 00-168 (April 15, 2008).

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Scholars Endorsing Enhanced Disclosure (SEED) supports efforts by the Federal Communications Commission to enhance the disclosure obligations for broadcast licensees. SEED's members use data about the nation's television and other programming to support their research in areas as diverse as communications, economics, political science, and sociology. SEED formed in response to recent Commission decisions to improve the data collected about television broadcasting in the United States. SEED seeks to ensure that more data are available from non-proprietary sources and that the data are of sufficiently high quality that they can support continued research and analysis. SEED believes that such information is of value not only to enhancing citizen awareness of the activities of their local broadcasters, but also to academic and public policy researchers seeking to answer a wide range of research questions.

SEED prepared this document in response to a variety of complaints and discussion surrounding the FCC's recent decision. Specifically, many in the commercial broadcast community have complained that the current reporting obligations are too stringent and burdensome. While SEED believes that much of the reporting imposed by the FCC is, in fact, quite manageable, SEED hopes to educate the Commission on additional means by which data can be collected in a less burdensome manner while continuing to obtain high-quality, reliable information sufficient to support both the public's need to be informed, and researchers' interests. SEED members are delighted that the FCC has finally decided to collect meaningful, quality data and hopes to identify means by which that data collection could begin sooner rather than later.

It is important to emphasize that SEED does not consider the research value of these data to be related to means by which such data could be used on behalf of more intensive content regulation of broadcasters. Rather, SEED recognizes the variety of much wider-ranging policy

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issues that can be informed by the availability of such data. For instance, it has been well-documented how proceedings such as the FCC's quadrennial media ownership proceeding have drawn upon a wide range of analyses of the relationship between ownership and market conditions and the availability of a variety of forms of programming, in an effort to determine the appropriate scope of media ownership regulations.¹ As the media environment grows increasingly complex, robust information about the nature of the broadcast programming available in individual markets will be of increased value and importance to effective policymaking.

SEED would like to suggest the use of a constructed week sampling procedure for use in the reporting of programming activities pursuant to FCC regulations. The use of constructed week sampling is a common and well-regarded procedure associated with the content analysis research method.² Content analysis involves indentifying a reasonably representative sample of media content for quantitative analysis. The key is for the sample of content selected to be as generalizable to the broader population of content as possible (just as is the case in sampling individuals for survey research). To improve generalizability, researchers typically have approached media content (including newspapers, television channels, and Web sites) by employing what are typically called constructed week samples.³ With this procedure, a week's worth of content is assembled by randomly selecting days from throughout the measurement period. Thus, for instance, a seven day week is assembled via randomly selecting one Monday,

¹ See, for example, Philip M. Napoli, Paradoxes of Media Policy Analysis, *Administrative Law Review*, 60(4), 801-812 (2008).

² For an overview of the content analysis methodology and its wide range of uses, written by three of the leading experts in the field, see Frederick G. Fico, Stephen Lacy, and Daniel Riffe, A Content Analysis Guide for Media Economics Scholars, *Journal of Media Economics*, 21, 114-130 (2008).

³ For recent examples of the use of constructed week sampling in content analyses of television programming, see Barbara K. Kaye and Barry S. Sapolsky, Taboo or not Taboo? That is the Question: Offensive Language on Prime-Time Broadcast and Cable Programming, *Journal of Broadcast & Electronic Media*, 53(1), 22-37 (2009); Philip M. Napoli and Michael Zhaoxu Yan, Media Ownership Regulations and Local News Programming on Broadcast Television: An Empirical Analysis. *Journal of Broadcasting & Electronic Media*, 51, 29-57 (2007).

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one Tuesday, one Wednesday, one Thursday, one Friday, one Saturday, and one Sunday from the measurement period. This process helps to ensure that the content that is sampled does not reflect idiosyncratic fluctuations in the nature of the available content that might occur within a particular week (for example, an unusual news event). It also helps to ensure that fluctuations associated with particular days of the week are controlled for (for example, the fact that television and radio programming schedules on weekends generally are very different than during weekdays). As one recent analysis noted, “Stratified sampling that yields constructed weeks has been the most convincing response to the problem of systematic content variation in media content.”⁴ Should data for two constructed weeks be gathered each quarter, then the FCC, citizens, and researchers would have a very adequate sample of programming behaviors to address their needs.

For this constructed week approach to be as reflective of actual broadcast programming practices as possible, the selection of the individual days would have to be made by the Commission, with the selected dates then being conveyed to broadcast licensees so that they could compile the relevant programming information for those days. Conducting the disclosure process in this manner would help to provide a level of rigor to the data gathering that is on par with that employed in academic research, and would provide citizens, policymakers, and researchers with a valuable baseline for assessing very important dimensions of the behavior of some of our most important media outlets.

Of course, such data would be worthless unless they are easily accessible – and accessible in a format that is conducive to rigorous analysis. Thus, this information should be made available online in an electronic format that is easily exportable to spreadsheet and

⁴ See Joe Bob Hester and Elizabeth Dougall, *The Efficiency of Constructed Week Sampling for Content Analysis of Online News*. *Journalism & Mass Communication Quarterly*, 84(4), 811-824 (2007), p. 812.

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statistical analysis programs. Ideally, this information should be centrally hosted on the FCC's web site, where the data for all stations can be easily searched, accessed, and downloaded.

In the most beneficial scenario, the actual programming from the days selected for inclusion in the disclosure sample would be permanently archived, in order to create something that has been sorely missing in the United States throughout the history of broadcasting – a comprehensive historical archive containing a representative sample of broadcast programming that would be of tremendous long-term value to policymakers, scholars, students, and a wide range of industry professionals. Today, both older communications technologies such as newspapers and newer communications technologies such as the Web have far superior archives of their history than is the case for television and radio.⁵ These enhanced disclosure obligations provide a perfect opportunity to address this troubling gap.



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⁵ See Lawrence Lessig, *Free Culture* (2004), p. 111. For information about Web archiving, see <http://www.archive.org/index.php>.

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Broadcasters Maintaining Online Public File Access

| n | Market | URL |
|----------|--|---|
| KAEF-TV | Eureka, CA | http://www.krcrtv.com/public-file/index.html |
| KBEH | Los Angeles, CA | http://www.tr3sla.com/public_folder/ |
| KBLN | Medford – Klamath Falls, OR | http://betterlifetv.tv/about_better_life/fcc_notices_public_files/kbln_73.3526_ndash_local_public_inspection_file.php |
| KCSM-TV* | San Francisco – Oakland – San Jose, CA | http://kcsm.org/Public_Inspection_File/TV/index_TV.html |
| KCPT* | Kansas City, MO | http://kcpt.org/about-2/human-resources/public-file/ |
| KEYC-TV | Yuma, AZ – El Centro, CA | http://www.npg-inc.com/keyc/PublicFile.html |
| KGTF-TV* | Hagatna, Guam | http://www.pbsguam.org/aboutus/publicfiles/ |
| KJLA | Ventura, CA | http://www.kjla.com/PF/ |
| KLRU* | Austin, TX | http://www.klr.org/about/reports/ |
| KRCR-TV | Chico – Redding, CA | http://www.krcrtv.com/public-file/index.html |
| KRWB-TV | Albuquerque – Santa Fe, NM | http://www.newmexicoscw.tv/SubPage.aspx?page=939 |
| KTSC* | Colorado Springs – Pueblo, CO) | http://www.rmpbs.org/public/index.cfm?dir=\KTSC\ |
| KUEN* | Salt Lake City, UT | http://www.uen.org/tv/publicfile.shtml |
| KVMD | Los Angeles, CA | http://www.kvmdtv.com/public_file/index.html |
| KXLA | Los Angeles, CA | http://www.kxlatv.com/public_file/index.html |
| WBNS-TV | Columbus , OH | http://www.10tv.com/live/content/station/fcc.html |
| WKOP-TV* | Knoxville, TN | http://www.easttennesseepbs.org/content.aspx?article=1673&parent=1629 |
| WLJT* | Jackson, TN | http://wljt.org/Public%20File/PFHome.html |
| WNPT* | Nashville, TN | http://wnpt.org/index.php?option=com_content&task=view&id=38&Itemid=75 |
| WTJR | Quincy, | http://wtjr.org/publicfile/ |

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| | | |
|---------|--|---|
| | IL – Hannibal, MO – Keokuk, IA | |
| WVPT* | Harrisonb urg, VA | http://www.wvpt.net/pifile.html |
| KAAH-TV | Honolulu, HI | http://www.tbn.org/publicfile/ |