

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Radio Broadcasters Coalition) Docket No. _____
)
Petition for Class Waiver of the Commission's)
Sponsorship Identification Requirement)
)

PETITION FOR CLASS WAIVER OF THE RADIO BROADCASTERS COALITION

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I. INTRODUCTION AND SUMMARY

The Internet is a powerful tool for information dissemination that has changed the way the public gets the information it wants and needs. Increased access to the Internet, especially increased *mobile* access, allows consumers to get the information they want, when, where, and how they want it. This transformation has taken place in a relatively short time period, and certain of the legal requirements that apply to radio broadcasters have not yet been updated to account for these developments in technology and consumer behavior.

In this request for a narrowly focused waiver of the sponsorship identification (“SID”) requirement, the Radio Broadcasters Coalition (“Coalition”)¹ urges the Federal Communications Commission (“FCC” or “Commission”) to enable a defined class of qualifying radio broadcasters—those that air music and sports programming and elect to comply with specified criteria—to enhance, improve, and increase the information given to listeners about sponsored programming. As described below, the Coalition’s proposal will allow these broadcasters to supply SID information in a more easily accessible manner, in line with both consumer preferences and practices for getting information through the Internet and the Commission’s ongoing efforts to utilize the power of the Internet to provide more and better information to the public.

Pursuant to Section 317(d) of the Communications Act of 1934, as amended (the “Act”),² the Coalition hereby requests that the Commission grant a waiver of the SID

¹ The Radio Broadcasters Coalition consists of the following radio broadcast companies: Beasley Broadcast Group, Inc., Cox Enterprises Inc., Cromwell Group, Inc., Emmis Communications Corporation, Entercom Communications Corp., First Natchez Radio Group, Greater Media, Inc., Henson Media, Inc., and iHeartMedia, Inc.

² 47 U.S.C. § 317(d) (2012).

requirement to afford a degree of flexibility to a clearly defined class of radio broadcasters that air music and/or sports programming and elect to comply with the conditions outlined in this waiver request and Appendix A hereto.³ In particular, the Coalition requests that the FCC waive the technical requirement that a radio broadcaster airing music or sports programming include an on-air sponsorship identification announcement “at the time [sponsored material] is so broadcast,” provided that the radio broadcaster participates in an initial, robust, listener education program and thereafter airs daily announcements during the most-listened-to dayparts and posts enhanced disclosures online. As explained fully below, grant of the requested class waiver is in the public interest because it would result in listeners having access to more information in a more user-friendly and satisfying way and align with consumer expectations and practices, along with Commission actions, in the digital age.

II. THE PROPOSED WAIVER FOR RADIO BROADCASTERS AIRING MUSIC AND/OR SPORTS PROGRAMMING WILL OFFER FAR GREATER AND MORE ACCESSIBLE SPONSORSHIP INFORMATION TO LISTENERS.

The proposed waiver for radio broadcasters airing music and sports programming would enable affected broadcasters to exceed the goals of the existing SID requirement. By granting the requested waiver, the FCC would preserve the existing SID requirement and the related prohibition on “payola,” while allowing radio broadcasters airing music and sports programming and operating pursuant to the waiver to fulfill the requirement in a more flexible and consumer-friendly manner and with fewer interruptions. On-air SID

³ The requested waiver would extend only to the limited categories of music and sports programming on stations with a functioning website—and not to any sponsored content appearing within news, informational, or political programming—regardless of station format.

announcements would continue under the waiver, and they would satisfy all of the content requirements under the current rules: stations would continue to clearly state that some programming heard on the station is “paid for” or “sponsored by” third parties, stations would disclose the identities of those third parties, and the circumstances in which announcements are required would remain unchanged. However, radio broadcasters that comply with the eligibility requirements would be given a different option regarding *how* they disclose SID information to listeners. The narrow class subject to the waiver would make SID disclosures through both on-air announcements and enhanced online disclosures, providing consumers more and better information than they receive today. As explained below and further detailed in Appendix A, radio broadcasters operating pursuant to the waiver would be permitted to alter their practices with respect to both the content and the frequency of SID announcements.

First, the waiver would allow the narrow class of radio broadcasters to present far greater SID information to consumers in a new, more detailed, and more easily accessible way. Under the class waiver, covered radio broadcasters would not just provide on-air announcements, but would also post online enhanced SID disclosures, thus providing consumers with more information than the Commission currently requires. Radio stations would be required to house sponsorship information related to music and sports programming in a separate and distinct section of their websites, labeled so that visitors could clearly identify it—*i.e.*, under a tab entitled “Enhanced Disclosure of Sponsored Programing.” The enhanced information that consumers would have access to online would consist of: the name(s) of the sponsor(s); the name(s) of program(s) in which sponsored programming appears; a list of the applicable artists and songs the station

played, and/or sports teams the station featured, that are affiliated with the companies that supplied consideration; the type of consideration received by the station (*i.e.*, direct payment; on-air appearances; access to songs before formal release; prize materials such as concert tickets, CDs/downloads, merchandise, or sports tickets, *etc.*; whether consideration was provided on an exclusive or non-exclusive basis); and the type of consideration the station agreed to provide in return (*i.e.*, increased airplay, contests, sports coverage, *etc.*).⁴ With these new enhanced online disclosures, listeners could access more and better sponsorship information in the manner they choose, thereby allowing radio broadcasters airing music and/or sports programming to harness the power of the Internet in an innovative way to serve the public even better than they do under the existing SID regime. Enhanced information would also be available to listeners by request at a radio station on a computer with Internet access, or by mail, email, or fax, thereby ensuring that any listener lacking convenient Internet access could nevertheless obtain the enhanced sponsorship identification information contained in the online disclosures.

In addition to the enhanced online disclosures, the limited class of broadcasters operating pursuant to the waiver would also continue to broadcast on-air the currently required content of SID announcements. Additionally, the new on-air announcements would provide listeners with more information than is currently required, as the

⁴ Radio broadcasters operating pursuant to the requested waiver would not be required to disclose the *amount of* consideration received from or promised to a sponsor of music or sports programming. The existing SID requirement does not require disclosure of this information, and this information consists of confidential commercial and financial information that radio broadcasters do not disclose in the ordinary course. *Cf.* 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d) (2014) (recognizing that privileged or confidential commercial, financial, or technical data should not be routinely made available for public inspection).

announcements would include *all* third-party sponsors for *all* sponsored music and sports programming aired on the station that day, and would contain a clear statement about the supplemental information available online or through alternative means. An example of an on-air announcement under the requested waiver would be as follows: “Some of the music [and/or] sports programming that you hear on this station is sponsored [or paid for] by Interscope, Sony, Universal Records, or the Washington Nationals. For additional information, please visit our website at www.WXYZ.com or contact the station at 12345 Main Street, Washington, DC 20036, info@wxyz.com, or 202-555-1234.”

Second, the frequency of on-air SID announcements under the waiver would change. During an initial three-week listener-education period, the class of radio broadcasters subject to the waiver would continue to comply with the current SID requirement. During the same three-week period, these radio broadcasters would air supplemental announcements on a very frequent schedule to educate listeners about the new enhanced online SID disclosures, thereby teaching consumers to go to station websites to get more information about sponsored music and sports programming. Specifically, the educational announcements would air four times daily, within the dayparts during which listening is the highest.⁵ This type of high-frequency consumer

⁵ On weekdays, announcements would air once each during the AM Drive (6:00 a.m. to 10:00 a.m.), the Midday (10:00 a.m. to 3:00 p.m.), the PM Drive (3:00 p.m. to 7:00 p.m.), and the Evening (7:00 p.m. to midnight) dayparts. On weekends, announcements would air between 6:00 a.m. and midnight, with at least one airing between noon and 2:00 p.m. Studies show that listening is highest during these dayparts. *See, e.g., State of the Media: Audio Today 2014*, Nielsen, at 10 (Feb. 6, 2014), available at <http://www.nielsen.com/us/en/insights/reports/2014/state-of-the-media-audio-today-2014.html>. And, the FCC has recognized that listening is highest during these time periods as well. *See, e.g.,* 47 C.F.R. §73.3580(d)(3)(i) (requiring broadcasters to air certain announcements between 7:00 a.m. and 9:00 a.m., or between 4:00 p.m. and 6:00 p.m.).

education campaign is proven effective and will ensure that listeners who choose to take advantage of the new accessible online disclosures know how to do so.⁶ After the initial intense listener-education period, radio broadcasters operating pursuant to the waiver would continue to inform consumers about sponsored music and sports programming with once-daily on-air announcements and enhanced online disclosures.⁷ Specifically, the once-daily on-air announcements would air during the most highly-listened-to dayparts: the AM Drive, Midday, or the PM Drive.⁸ During both the initial phase and the period after the initial phase, broadcasters would rotate airing announcements through the key dayparts, thus airing them at different times on different days and ensuring they reach the broadest possible range of listeners. This dual-faceted approach—combining both an on-air and online component—would result in listeners to stations operating

⁶ Advertisers often run spots frequently for a few weeks, and then scale back, which maximizes listener awareness in the initial period. The frequency proposed for the initial period under the waiver is far greater than the frequency most advertisers typically use to create awareness of products. For example, data obtained from Media Monitors and Katz Media Group indicates that during the week of July 7, 2014, McDonald’s, Subway, Advance Auto, Sam’s Club, the U.S. Department of Health and Human Services, and NAPA aired approximately 18.30-27.55 ads per week; broadcasters operating under the waiver will air on-air announcements 28 times a week. The vast majority of radio advertisers only air ads 1-12 times a week.

⁷ As noted above, the requested waiver would not apply to news, informational, or political programming, and all stations would continue to comply with the existing SID requirement with respect to such programming. *See supra* note 3.

⁸ The proposed once-daily frequency is greater than or equal to the requirements imposed under other important FCC obligations. *See, e.g.*, 47 C.F.R. §§ 11.61(a)(1)(i), (a)(2)(i)(A) (requiring broadcasters to run brief Emergency Alert System tests *once weekly*, and longer tests *once monthly*); *id.* § 73.3580(d)(4) (requiring broadcasters to air pre-filing announcements *twice monthly* in the months surrounding renewal application filings); *id.* § 73.3580(d)(3)(i) (requiring *daily* announcements *for four days of a single week* related to applications for major modifications of station facilities or assignments or transfers); *id.* § 73.1216 note 2 (allowing *licensee discretion* regarding the frequency of announcements for contest rules).

pursuant to a waiver having access to more information about sponsored programming in a more useful format.

III. GRANT OF A NARROWLY FOCUSED WAIVER FOR MUSIC AND/OR SPORTS RADIO BROADCASTERS IS JUSTIFIED AND WILL SERVE THE PUBLIC INTEREST.

A. The Commission May Grant a Class Waiver of the SID Requirement When It Serves the Public Interest.

The Commission has clear authority to grant the requested waiver. Congress explicitly authorized the Commission to grant class waivers of the SID requirement:⁹ “[t]he Commission may waive the requirement of an announcement . . . in any case or class of cases with respect to which it determines that the public interest, convenience, or necessity does not require the broadcasting of such an announcement.”¹⁰ This definitive grant of regulatory power demonstrates Congress’ recognition that there could be instances in which requiring compliance with the SID requirement would not serve the public interest. The Commission has relied on this provision to grant class waivers in several cases. For example, the Commission granted a waiver for broadcasts of feature motion picture films produced for theatres.¹¹ There, the Commission determined that a class waiver was in the public interest, in part because the SID requirement would have

⁹ The Commission requires broadcasters to announce SID information when valuable consideration is paid for any matter to be broadcast. See 47 U.S.C. § 317 (2012); 47 C.F.R. § 73.1212 (2014). The requirement is “designed to protect the public’s right to know the identity of the sponsor.” *Sponsorship Identification Rules and Embedded Advertising*, MB Docket No. 08-90, Notice of Inquiry and Notice of Proposed Rulemaking, 23 FCC Rcd. 10682, 10684 (¶ 4) (2008).

¹⁰ 47 U.S.C. § 317(d).

¹¹ See *Amendment of Sections 3.119, 3.289, 3.654 and 3.789 of the Commission’s Rules*, Docket No. 14094, Report and Order, 34 F.C.C. 829 (1963) (“*Feature Film Waiver Order*”); see also 47 C.F.R. § 73.1212(h).

“disruptive and dislocating effects [on the industry] and . . . might inhibit program production.”¹² Similarly, the Commission found that it was in the public interest to grant a waiver for broadcasting “want ads” or classified ads by individuals.¹³

Here, the public interest would be served by grant of the requested class waiver, which would apply only to sponsored radio music and sports programming aired by stations meeting specified criteria. Grant of the requested narrow class waiver would further the SID requirement’s goal of protecting the public’s right to know the identity of sponsors by allowing enhanced sponsorship identification disclosures for these types of programming through once-daily on-air announcements and online postings that together give listeners more sponsorship information than is currently available. Indeed, as explained above and discussed more fully below, the public would have more detailed and user-friendly information about programming sponsors, and would be able to access that information in a more modern way. The requested class waiver, therefore, is rooted in the statutory authorization for class waivers and precedent, and is fully justified.

B. Airing Daily Announcements and Posting Supplemental Information Online Provides More Information to Consumers in a More User-Friendly Way Than They Might Otherwise Obtain Under the Current Sponsorship Identification Requirement.

Grant of the requested waiver would serve the public interest and the goal of the SID requirement because it would give consumers access to *more* information with respect to sponsored music and sports programming, in a more user-friendly format, than is currently available. As discussed above, the content of on-air announcements under

¹² *Feature Film Waiver Order*, 34 F.C.C. at 841–42 (¶ 35).

¹³ *Amendment of Part 73 of the Commission’s Rules and Regulations Relating to the Sponsorship Identification Requirements*, Docket No. 17252, Report and Order, 8 F.C.C. 2d 322 (1967); *see also* 47 C.F.R. § 73.1212(g).

the waiver would continue to comply with the current SID requirement, disclosing that programming had been “paid for” or “sponsored” by named third parties. In addition, announcements would include *all* third-party sponsors for *all* sponsored music and sports programming aired on a particular day, so listeners would receive useful information covering not only the particular time period during which they heard the announcement, but also regarding any other sponsored music and sports programming airing on the station that same day. Announcements also would contain clear information about how consumers could access the enhanced disclosures online or by contacting the station directly.

The online disclosures themselves would also provide listeners with more information than is currently available. Whereas now the listener is only privy to the name of the sponsor and the programming that is sponsored, under the waiver the listener would also have access to a list of the applicable artists and songs the station played, and/or sports teams the station featured that are affiliated with sponsors, and the type of consideration exchanged. Also, the enhanced information would be published on station websites for the entire time that particular sponsored content aired, enabling listeners to access the information at a time and place of their choosing, without regard to their circumstances at the time disclosure announcements are aired by a station. Broadcast disclosures are fleeting, and can be interrupted by the honking of a horn; they can be interrupted when a car is in a tunnel, or when a driver receives a call on a mobile phone and mutes the radio. Unlike the spoken word, online disclosures will remain available long after a broadcast disclosure has disappeared into the ether.

Moreover, the once-daily on-air announcements under the waiver would provide consumers with a more satisfying listening experience. At the same time that consumers benefit from increased information, listeners value programming with fewer interruptions. Providing enhanced online disclosures would allow the narrow class of broadcasters operating pursuant to a waiver to deliver both: more information with fewer interruptions. Thus, grant of the waiver would serve the public interest.

C. Relying on Broadcasters' Websites to Provide Sponsorship Information Is Fully Consistent with Consumer Expectations in the Digital Age and with the Progressive Path Being Forged by the Commission.

Granting the requested waiver would also better align the Commission's policies with modern consumer expectations, behaviors, and practices. It is indisputable that the Internet is increasingly important and available to Americans, and that consumers today expect to be able to get the information they care about online wherever and whenever they want it. If listeners were told that additional sponsorship information was available online, there is every reason to believe that those interested in this information would be able and willing to access the information via the Internet.¹⁴

¹⁴ Available evidence indicates that interested listeners would quickly go online after hearing the new SID announcement and would recall the online option in the future. Studies show that radio boosts and has a nearly immediate effect on web browsing. See *Radio: The Online Multiplier*, Radio Advertising Bureau, at 3, 17, available at <http://www.rab.co.uk/rab-studies/radio-online-multiplier/> (finding that radio increases brand browsing by 52%, and that more than half of radio-prompted browsing occurs within 24 hours of hearing the ad); see also *Study: Radio Airplay and Music Sales*, Nielsen (2013), available at http://www.nab.org/documents/newsRoom/pdfs/Nielsen_Airplay_Sales_Study.pdf (showing a "significant relationship between radio airplay and digital song sales"). Similarly, experience shows that radio ads prompt consumers to take specific action, including visiting websites in particular. For example, Element Hotels boosted website traffic by 102% by running radio ads for just one week in nine markets. *Case Studies, Element Hotels*, Radio Advertising Bureau, available at <http://www.rab.com/public/ncs/pdfs/Element%20Hotels.pdf>.

The Internet is nearly ubiquitous.¹⁵ A recent National Telecommunications and Information Administration (“NTIA”) survey found that “the Internet has become integral to daily life in the United States,”¹⁶ with “some form of broadband . . . available to almost 99[%] of the U.S. population,” and that the digital divide is “diminishing.”¹⁷ Growth in Internet use is not limited to a certain segment of the population, either. From 2007 to 2012, home broadband use for Americans aged 65 and older rose 15%, and the number of people aged 16 and older who “use the Internet at any location” grew 18%.¹⁸ Importantly, radio listeners are up to 48% more likely than the average consumer to use a PC, laptop, or mobile device, so Internet usage for the target audience for SID announcements is necessarily even greater.¹⁹

With this growth in Internet usage in general, consumers have begun to extensively rely on online information sources to make important decisions. For example, consumers turn to the Internet to make financial decisions: 89% use Internet

¹⁵ As noted above, enhanced information would also be available to listeners by request at a radio station on a computer with Internet access, or by mail, email, or fax to accommodate the small percentage of listeners who do not have access to the Internet or might prefer the sponsorship information in another format. *See supra* Part II.

¹⁶ *Exploring the Digital Nation: Embracing the Mobile Internet*, U.S. Dept. of Commerce, NTIA, at i (2014), available at <http://www.ntia.doc.gov/report/2014/exploring-digital-nation-embracing-mobile-internet> (“2014 NTIA Survey”).

¹⁷ *Id.* at i, vi–vii (showing that approximately 75% of households use the Internet at home, and 11% of households access the Internet at libraries).

¹⁸ *Id.* at vi (recording an increase from 32% to 47% for broadband use for older Americans).

¹⁹ *Radio’s Online Advantage (Is Being Squandered . . .)*, Borrell Associates, at 7 (2012), available at <http://www.slideshare.net/gordonborrell/borrell-radio-internet-newsletter-rain-summit-west-april-15-2012>.

search engines to inform their purchasing decisions, and 93% use the Internet to compare options for consumer electronics.²⁰ Consumers use the Internet for the most highly valued decisions as well, including decisions about products for children and healthcare.²¹ These trends demonstrate that Americans trust and have come to rely on Internet sources for a wide range of information, and that incentivizing radio broadcasters to post SID information regarding sponsored music and sports programming online would align with contemporary consumer behaviors and expectations.

Today, the Internet is also accessible wherever the consumer is, thanks to the surging use of mobile devices. In fact, smartphone ownership has exploded from 10% in 2009 to 61% in 2014—more than a 500% increase.²² Tablet popularity is booming as well. From 2012 to 2014, tablet ownership more than doubled,²³ and from 2010 to 2013,

²⁰ *Understanding the Role of the Internet in the Lives of Consumers*, Fleishman-Hilliard and Harris Interactive, at 9–10 (2012), available at <http://cdn.fleishmanhillard.com/wp-content/uploads/2013/06/2012-DII-White-Paper.pdf>.

²¹ *Id.* at 8–9 (reporting that 85% of people rely on online information to make product or services choices for their children, 75% of people go online to find advice and support about healthcare, and 80% go online to compare healthcare options); see also *Millennial Moms & Mobile: Are We There Yet?*, Ansible and Millennial Media, at 8 (2014), available at <http://www.millennialmedia.com/mobile-intelligence/special-reports/> (showing that 18-34 year-old mothers rely on smartphones and tablets for purchase inspiration more than they rely on what they see in the store: 55% of purchase inspiration comes from mobile devices, and 51% comes from in-store experiences).

²² *The Infinite Dial 2014*, Edison Research and Triton Digital, at 34 (2014), available at <http://www.edisonresearch.com/wp-content/uploads/2014/03/The-Infinite-Dial-2014-from-Edison-Research-and-Triton-Digital.pdf>. This number is even greater amongst younger Americans—with 78% of people aged 12-24 owning smartphones, and 68% of people aged 25-54 owning smartphones. *Id.* at 35.

²³ *Id.* at 38 (showing an increase from 17% to 39%).

tablet usage grew tenfold.²⁴ Mobile usage now surpasses desktop usage, comprising 57% of all Internet usage.²⁵ Mobile Internet adoption is occurring faster than did adoption of earlier technologies such as the television, and “the use of mobile devices . . . is now deeply ingrained in the American way of life.”²⁶

This modern reality—that American consumers overwhelmingly use and trust the Internet, both at home and on the go—has not gone unnoticed by the Commission. Indeed, the growing importance of the Internet and mobile devices is the very reason why the FCC has prioritized broadband Internet access.²⁷

Moreover, the Commission recognized in a 2011 report that “with the media landscape shifting as fast as it has been, some current regulations are out of sync with the information needs of communities and the fluid nature of modern local media markets.”²⁸ Based on that conclusion, the report urged “greater transparency by government and media companies” to “empower consumers.”²⁹ Specifically, the report recommended

²⁴ *2014 U.S. Digital Future in Focus*, comScore, at 8–9 (2014), available at <http://www.comscore.com/Insights/Presentations-and-Whitepapers/2014/2014-US-Digital-Future-in-Focus> (revealing that smartphone use grew from 131 billion minutes to 442 billion minutes, and that tablet use grew from 11 billion minutes to 124 billion minutes).

²⁵ *Id.* at 9.

²⁶ *2014 NTIA Survey* at *i* (reporting that almost 9 out of 10 Americans ages 25 and older use mobile phones).

²⁷ *See, e.g., Connecting America: The National Broadband Plan*, FCC (2010), available at <http://www.fcc.gov/national-broadband-plan>.

²⁸ *The Information Needs of Communities: The Changing Media Landscape in a Broadband Age*, Federal Communications Commission, at 6 (June 2011), available at <http://www.fcc.gov/info-needs-communities#download>.

²⁹ *Id.* at 7.

that “[i]nformation required by FCC policy to be disclosed to the public should, over time, be made available online.”³⁰ In April of 2012, the FCC updated existing public file rules for television stations to move their public files from paper to the Internet, “harness[ing] current technology to make information concerning broadcast service more accessible to the public.”³¹ In so doing, the Commission reasoned that:

The evolution of the Internet and the spread of broadband Internet access has made it easy for stations to post material online and for many consumers to find information online. The television broadcast industry should not be left out of the online revolution that has improved the delivery of products and services across our economy, as well as the availability of government services and government information to the public.³²

The Commission is also considering whether it should open a rulemaking proceeding to evaluate extending the online public file obligation to other media, including cable and satellite television providers and radio broadcasters.³³

³⁰ *Id.*

³¹ *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement for Children’s Television Programming Report (FCC Form 398)*, MM Docket Nos. 00-168, 00-44, Second Report and Order, 27 FCC Rcd 4535, 4536 (¶ 1) (2012) (“*TV Online Public File Order*”); see also *Comments of Public Interest Public Airwaves Coalition, Sunlight Foundation, Center for Effective Government*, MM Docket Nos. 00-168, 00-44, at 3 (filed Aug. 26, 2013) (supporting the online political file requirement and noting that it “has accomplished many of the Commission’s intended public interest goals, such as reducing the public’s burden in accessing the files”).

³² *TV Online Public File Order*, 27 FCC Rcd at 4537 (¶ 10).

³³ See *Media Bureau Seeks Comment on Petition for Rulemaking Filed by the Campaign Legal Center, Common Cause and The Sunlight Foundation Seeking Expansion of Online Public File Obligations to Cable and Satellite TV Operators, Bureau Also Seeks Comment on Expanding Online Public File Obligations to Radio Licensees*, Public Notice, DA 14-1149, MB Docket No. 14-127 (Aug. 7, 2014).

The Coalition's proposal follows the direction forward to 21st Century digital information dissemination that is being charted by the Commission: it would allow radio broadcasters that air music and sports programming to provide information to listeners in a way that reflects modern consumer demands and harnesses the power of the Internet and is, accordingly, in the public interest.³⁴

IV. CONCLUSION

For the foregoing reasons, grant of the requested waiver will serve the public interest by giving radio broadcasters of music and sports programming the flexibility to provide consumers with more SID information in a more consumer-friendly and modern way. The Coalition therefore respectfully requests that the Commission grant this petition and allow this narrow class of radio broadcasters to fulfill their SID requirements as described above and in Appendix A hereto.

³⁴ For the very small minority of Americans who currently lack Internet access (less than 1%, according to the NTIA), the same enhanced information would be available in person or by mail or fax, upon request.

Respectfully submitted,

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APPENDIX A

ELIGIBILITY REQUIREMENTS FOR CLASS WAIVER OF THE SPONSORSHIP IDENTIFICATION REQUIREMENT FOR MUSIC AND SPORTS PROGRAMMING

The announcement otherwise required by Section 317(a)(1) of the Communications Act of 1934, as amended, and Section 73.1212 of the Commission's rules is waived, solely with respect to music and sports programming, for any broadcast radio station that:

(1) conducts an initial listener-education campaign lasting for three (3) weeks, during which the station must:

(a) broadcast on-air at least four (4) listener-education announcements per day that meet the following criteria:

(i) each such announcement must disclose the facts that (aa) some of the music and/or sports programming (as applicable) aired on the station is sponsored by third parties, and (bb) additional information regarding sponsored programming will be posted on the station's website and made available upon request by any individual emailing, calling, or visiting the station; and

(ii) on weekdays, at least one (1) such announcement must air between each of the following time periods: (aa) 6:00 a.m. and 10:00 a.m., (bb) 10:00 a.m. and 3:00 p.m., (cc) 3:00 p.m. and 7:00 p.m., and (dd) 7:00 p.m. to midnight, and

(iii) on weekends, at least four (4) such on-air listener-education announcements must air between 6:00 a.m. and midnight, with at least one (1) such announcement occurring between noon and 2:00 p.m.; and

(b) continue during the three- (3-) week listener-education campaign period to comply with the existing sponsorship identification requirement set forth in the Communications Act and the FCC's rules;

(2) following the three- (3-) week listener-education campaign period, makes on-air broadcast sponsorship identification announcements as follows:

(a) at least one (1) such announcement must air seven days a week, between 6:00 a.m. and 7:00 p.m.; and

(b) each such announcement must:

(i) identify all applicable sponsored music and/or sports programming broadcast on the station that day;

(ii) state that some music and/or sports programming (as applicable) aired on the station is “paid for” or “sponsored by” third parties;

(iii) disclose the identities of all third party sponsors associated with that day’s sponsored programming; and

(iv) state that additional information regarding sponsored programming is available on the station’s website, or upon request from the station at its physical address, by email, or by phone (with the url of the station’s website, physical address, email address, and phone number clearly understandable to listeners); and

(3) following the three- (3-) week listener-education campaign period, also makes continuously available, for the entire time that particular sponsored content airs, enhanced online sponsorship identification disclosures that must, with respect to all sponsored music and/or sports programming aired on the station:

(a) state that the content is “paid for” or “sponsored by” a third party;

(b) identify:

(i) the person, entity, or company sponsoring the content;

(ii) all programs during which sponsored programming is aired;

(iii) the applicable artists and songs the station played, and/or sports teams the station featured that are affiliated with the sponsoring individuals, entities, or companies;

(iv) the type of consideration received by the radio station (but not the amount of such consideration); and

(v) the type of consideration provided by the radio station in return (but not the amount of such consideration); and

(c) be posted in a separate, clearly identifiable, section of the radio station’s website (*i.e.*, under a tab or link clearly labeled “Enhanced Disclosure of Sponsored Programming”); and

(d) be made available for public inspection at the radio station and by mail, email, or fax upon request.