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FEDERAL COMMUNICATIONS COMMISSION  
BROADCAST LOCALISM HEARING

SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY  
RAPID CITY, SOUTH DAKOTA  
MAY 26, 2004

1 (The hearing commenced at 5:45 p.m.)

2 COMMISSIONER ADELSTEIN: This hearing  
3 of the Federal Communications Commission will  
4 come to order. Good evening, everybody, and  
5 welcome to the third hearing of the Federal  
6 Communications Commission's Localism Task  
7 Force.

8 My name is Jonathan Adelstein, and I'm one  
9 of the five Commissioners on the Federal  
10 Communications Commission. Thanks to Senator  
11 Daschle I'm the first one ever from South Dakota  
12 to serve on the FCC in the 75-year history of  
13 the agency and the first one in fact to even  
14 serve from any of the states in the upper Great  
15 Plains. It's great to bring the FCC back home.

16 I'm thrilled that Commissioner Mike Copps  
17 came with us here to my hometown to this hearing.  
18 Commissioner Copps has been a great national  
19 leader in the effort to make media more  
20 responsive to local concerns and in the struggle  
21 against media consolidation.

22 I should explain to everyone that until last  
23 week, our chairman, Chairman Powell, fully  
24 planned to be here. Unfortunately, the  
25 President and Congressional leaders asked him to

1           participate in an event back in Washington, so  
2           he had to return early this morning. But we  
3           were so glad he came out yesterday and  
4           participated in the series of events involving  
5           our telecommunications future here in our  
6           state. It's an honor he asked me to chair this  
7           hearing in his absence. He has assured me that  
8           as tonight's hearing is being recorded for the  
9           record, that he will review the entire  
10          transcript.

11                 The focus of this evening is how well  
12          broadcasters are serving their local  
13          communities. The FCC has been here all week,  
14          though, as I said, interacting with tribal  
15          community leaders on telecommunication needs,  
16          showcasing cutting edge technologies and  
17          exploring the benefits of wireless broadband for  
18          rural America. The Chairman attended many of  
19          these events yesterday when he was here.

20                 This level of involvement by the FCC in a  
21          community like Rapid is unprecedented, and we're  
22          so proud that the FCC would dedicate these kind  
23          of resources to investigating what's happening  
24          in our community and trying to find ways to make  
25          our telecommunications and media systems even

1 more responsive.

2 All this came about because of tonight's  
3 hearing, which is really the focus of our visit.  
4 I'm proud to hold this historic hearing in my  
5 hometown. Now, this is the third of only six  
6 hearings that we're holding across the country.  
7 The first hearing was in Charlotte, North  
8 Carolina last October and the second was in San  
9 Antonio, Texas earlier this year. And we've got  
10 about three more hearings to come.

11 But Rapid City is the smallest market that  
12 we're going to visit, and that's going to serve  
13 as an important case study of what's happening  
14 in hundreds of communities across the country  
15 that won't have the opportunity to have a visit  
16 like this from the FCC.

17 So we hope to showcase our local flavor here  
18 and give the world a sense of good things that  
19 are happening here and maybe some things that  
20 need work.

21 What I found as I've gone to these different  
22 events throughout the community is that we've  
23 had incredible levels of local press coverage.  
24 We've had cameras everywhere, we've had the  
25 Rapid City Journal covering extensively what

1 we've done before and during, and we're really  
2 glad to see the kind of real localism. That's a  
3 testament to the commitment of our broadcasters,  
4 of what's happening in the community. We want  
5 to hear about those efforts, and things people  
6 might think need to happen in addition.

7 As I was preparing for tonight, I thought a  
8 lot about the local flavor of the Black Hills  
9 and how, for a change, major media companies  
10 like HBO are actually catching on to Deadwood's  
11 global appeal. It only took about 130 years.

12 Deadwood is actually a fascinating case, you  
13 know, because we often hear criticism about big  
14 national media companies that don't cover enough  
15 local issues. But here we have a local  
16 highlight being featured on the national scene,  
17 and it seems to be adding quite a bit of, shall  
18 we say, color to our culture. Given the show's  
19 language, it's a good thing for HBO  
20 that the FCC and decency rules don't yet cover  
21 cable programming.

22 It's so important that we at the FCC get out  
23 of Washington and hear directly from communities  
24 like Rapid City. Last summer the FCC was  
25 bombarded with really a ground swell of public

1 concern about the growth of giant media  
2 companies and how consolidation tends to  
3 homogenize the programming and undercuts  
4 coverage of local issues that are of concern to  
5 local communities.

6 Nearly three million people contacted the  
7 FCC to oppose the rules that were adopted, over  
8 my objections, to how big media companies get  
9 even bigger. We've never seen anything like it.

10 I've personally listened to thousands of  
11 people across the country, as has Commissioner  
12 Copps, in city halls and schools and churches and  
13 meeting rooms all across this country. We  
14 sensed a real frustration about the state of the  
15 airwaves. And tonight it's your turn.

16 Chairman Powell created an initiative on  
17 localism that this is a part of last August. A  
18 critical part of that effort is to get out and  
19 talk to Americans in their own communities about  
20 their broadcasters.

21 So we're here tonight to hear directly about  
22 your experiences with TV and radio. And we'll  
23 stay all night if we have to to make sure that  
24 each one of you who wants to speak is heard.

25 We really want to hear your perspective on

1           how well broadcasters are meeting the needs of  
2           your local community. We want to know are they  
3           providing enough coverage of local issues that  
4           concern you, including local elections? Do you  
5           have enough different news sources? Are they  
6           providing balanced coverage of every segment of  
7           the community including the Native American  
8           community that is so important here? Are they  
9           providing enough family-friendly programs? Are  
10          you hearing local artists played on the radio?  
11          This is all about localism.

12                 Broadcast radio and television are unique in  
13                 they are distinctly local forms of media in this  
14                 country. They are licensed to local communities  
15                 like Rapid City and by law they are required to  
16                 serve the public interest. This bedrock  
17                 principle embodies broadcasters' bargain with  
18                 the government. In return for a valuable license  
19                 to use the public airwaves, broadcasters agree  
20                 to act as a trustee of the public interest.

21                 Localism in our view is the responsiveness  
22                 of a broadcast station to the needs and  
23                 interests of the community of license. This is  
24                 what distinguishes broadcasters from say a cable  
25                 or satellite channel that has no local content

1 and has no special public interest obligations.

2 Every community has local news, local  
3 elections, local talent, and local culture. In  
4 my view, localism doesn't mean just giving  
5 promotional air time or fundraising  
6 opportunities to local charitable organizations.  
7 It means providing opportunities for local  
8 self-expression. It means reaching out,  
9 developing and promoting local talent, local  
10 artists, local musicians.

11 It means being responsive to communities in  
12 other ways such as dedicating the resources to  
13 discover and address the needs of the community.  
14 And there needs to be competition so all those  
15 different angles are rooted out. It means being  
16 accessible, sending reporters and cameras out to  
17 all parts of the community. It means making  
18 programming decisions that truly serve and  
19 reflect the makeup of the community.

20 I'm especially pleased tonight that we have  
21 so many representatives of the Native American  
22 community here, up on the panel and out in the  
23 audience, and that we're going to get their  
24 perspective on how the media coverage of Native  
25 American issues and concerns of the tribes are



1 covered.

2 I look forward to hearing whether the  
3 mainstream media adequately covers issues of  
4 concern to Native Americans so they don't have  
5 to rely just on Native American broadcasters  
6 like KILI radio, but can instead rely on all of  
7 the outlets in this community.

8 Now, having grown up here in Rapid, I  
9 personally know the dedication of many in our  
10 local media. We have broadcasters here in  
11 Rapid City that have a deep and abiding  
12 commitment to our community. Just so happens  
13 that they are locally owned in many cases.

14 Many of you have probably bumped into Bill  
15 Duhamel over here around town. Clearly, given  
16 his size, he's hard to miss. Some of you  
17 probably have let him know what you thought  
18 about his programming down at the local cafe.  
19 KOTA is right there on the street so you can  
20 walk right up to it. It's not always the case.  
21 In big cities you often find the broadcasters  
22 are isolated out somewhere. They don't want  
23 people walking by and just in. That's one of  
24 the tangible ways that local ownership touches  
25 the community. It's one that should be

1           cherished and it's one the FCC should promote.

2                     In small markets like Rapid City, I get the  
3           sense from just what we've seen this week and  
4           from my growing up here that there is a  
5           different flavor here. A lot of business and  
6           community leaders have told me directly that  
7           they're pleased with the accessibility of the  
8           radio and TV broadcasters in this market and with the  
9           coverage of local issues. They perceive in  
10          smaller markets like this the media really are a  
11          sounding board for the community, and  
12          broadcasters recognize their responsibility to  
13          serve that function.

14                    Part of what we're here tonight to learn is  
15          whether this accessibility corresponds with  
16          local ownership. Does the fact that we have  
17          local ownership make a big difference -- not being  
18          owned by a big national conglomerate,  
19          out-of-state, absentee owners or larger  
20          corporations?

21                    And if local ownership does matter, how can  
22          we protect that way of life and how can we  
23          possibly export that elsewhere? Are Rapid City  
24          and other smaller markets represented by the  
25          panelists a showcase of positive practices that

1           can be sent around the country that we can talk  
2           to in the larger markets and say why can't you  
3           do that? That may be wishful thinking. The  
4           nature of smaller markets maybe can't be  
5           replicated.

6                     But we should mine for any lessons that we  
7           can draw from tonight's testimony, and we will.  
8           So we want to hear about the positive aspects  
9           of what's happening here, and also those issues  
10          that people in the community feel need more  
11          work. We want to learn how the FCC can  
12          encourage all stations to put the needs of  
13          the local community first.

14                    Over the years the FCC has tried to promote  
15          localism in many different ways. For a lot of  
16          years, the FCC required broadcasters to air  
17          certain kinds of programming. It imposed  
18          obligations on broadcasters to interact with the  
19          community and to conduct formal ascertainment  
20          interviews with community leaders to learn of  
21          the issues of concern to the community.

22                    Over the years, most of these requirements  
23          have been eroded or eliminated entirely. Still,  
24          local broadcasters continue to be the primary  
25          source of local news, weather, public affairs

1 programming, and emergency information. They  
2 play a key part in making our democracy function  
3 at its best.

4 So through tonight's hearing we want to  
5 determine the level of localism that  
6 broadcasters are providing today. We'll  
7 consider what rules the FCC might adopt to  
8 improve the local service of broadcasters. This  
9 hearing is an on-the-ground inspection of how  
10 our broadcast system is working right here in  
11 Rapid City.

12 The FCC has several specific objectives for  
13 these hearings. First and foremost we want to  
14 hear directly from you about what you think  
15 about your local broadcasters. Second, we want  
16 to hear from a variety of community leaders  
17 about how broadcasters address issues of  
18 importance to them and the groups they  
19 represent. Third, we want to hear from  
20 broadcasters themselves about their efforts on  
21 localism. Broadcasters should be proud of the  
22 coverage of local issues, and we need to hear  
23 from them.

24 We also want to educate concerned citizens  
25 about how you can participate at the FCC when a

1 local station's license is up for renewal.  
2 License renewals happen only every eight years,  
3 and they shouldn't be just a postcard sent in to  
4 the FCC by the broadcaster. That's the way it  
5 works today.

6 License renewal proceedings are open to  
7 anyone who has something to say about their  
8 local station. Our staff has prepared a short  
9 primer that we've been giving out at the  
10 hearings across the country on how to  
11 participate in the license renewal process which  
12 is available on the table outside, if you've got  
13 it, or at the FCC's Web site at  
14 [www.fcc.gov/localism](http://www.fcc.gov/localism).

15 I want to thank all of our panelists -- we  
16 have a great group of panelists here this  
17 evening -- for preparing testimony and joining  
18 us here tonight. The participation of members  
19 of the community and the local broadcasters  
20 really makes these hearings very meaningful to  
21 us. And I extend my thanks for your presence  
22 here tonight.

23 I'm particularly pleased that Park Owens  
24 will offer his perspective on broadcasters' role  
25 in meeting critical homeland security and public

1 safety needs. And I want to welcome all of you  
2 who came here tonight. I know that each of you  
3 will bring a unique perspective, if you care to  
4 share it with us. Hearing directly from you is  
5 critical to us as regulators because we have as  
6 our main job your interest at stake. That's the  
7 law, the public interest. We want to hear from you,  
8 making sure the decisions we make are in your  
9 interest.

10 I've found in my time at the FCC it is just  
11 too easy to lose touch. I think back to last  
12 summer when the FCC did that dramatic weakening  
13 of our media ownership rules. We worked out the  
14 rules, but didn't put them out for public comment  
15 before we put them out. And there was a huge  
16 glitch in them that counted the smallest TV  
17 markets as if they were among the largest in the  
18 country because they didn't understand how we  
19 counted our statewide public broadcasting  
20 networks.

21 For example, these FCC rules now consider  
22 Rapid City to be just as big as Baltimore, the  
23 city of a million people, and the same rules  
24 apply. And it looks like Sioux Falls is just as  
25 big as Detroit. So now we can have just as much

1 consolidation of ownership here in Rapid or in  
2 Sioux Falls as you can in these major media  
3 markets.

4 Being from here, it was second nature for me  
5 to think about how these rules work in places  
6 like Rapid City, and I found out about it right  
7 away because I said, how is this really going to  
8 fit? And I spotted this error and alerted my  
9 colleagues. And I certainly hope it's the kind  
10 of thing we can get fixed.

11 So tonight we're shining the spotlight on  
12 South Dakota and on the upper Midwest. And I  
13 especially want to thank Commissioner Copps for  
14 coming to my hometown to get a feel for things  
15 out here. Before I turn to him, I also want to  
16 welcome representatives from Senator Daschle's  
17 and Senator Johnson's offices who are later  
18 going to say a few words.

19 Both Senators have been tireless leaders in  
20 the Senate on insuring our media continues to  
21 preserve competition, localism, and diversity.  
22 I'm pleased to welcome their statements here.

23 First I'd like to recognize a few key people  
24 in the audience. I see we have our mayor here,  
25 Rapid City Mayor Jim Shaw, who will offer some





1 Chairman.

2 COMMISSIONER ADELSTEIN: I like the  
3 sound of that.

4 COMMISSIONER COPPS: That has a nice  
5 ring to it. Let me thank Commissioner  
6 Adelstein, my friend, and your native son, for  
7 everything he has done in getting us out here  
8 today, and also for his splendid leadership at  
9 the Commission across the whole gamut of issues  
10 confronting us, particularly on the media issues  
11 like localism, diversity, and competition that  
12 are part of the media consolidation issue.

13 In fact, since our other Commission  
14 colleagues are not with us tonight, this reminds  
15 me very much of the hearings that Jonathan and I  
16 did by ourselves around the country about a year  
17 ago before the Commission voted, over our  
18 strenuous objection, to let big media get even  
19 bigger.

20 Anyhow, it's great meeting here with  
21 Commissioner Adelstein on his home turf. He's  
22 telling me all the time about how wonderful  
23 folks are out here, how warm and gracious the  
24 hospitality is. I've only been here about 10  
25 hours, but I'm already experiencing that and

1           enjoying that. So I'm delighted to be here, and  
2           thank you for having us.

3           I also want to thank your two United States  
4           Senators, Tom Daschle and Tim Johnson, who have  
5           been champions on so many issues important to  
6           South Dakota including the localism, diversity,  
7           and competition that we're going to be talking  
8           about this evening.

9           Neither Jonathan nor I would be here without  
10          the leadership and support of Senator Daschle.  
11          And he and Tim Johnson bring real vision and  
12          leadership from South Dakota to Washington.

13          Most of all, thank you to each and every  
14          person in this audience tonight for giving up  
15          your precious time and coming out here to share  
16          your thoughts with us on the future of our  
17          country's media.

18          The very first trip I took outside  
19          Washington, D.C. as FCC Commissioner was to  
20          attend a conference at the other end of  
21          South Dakota over in Sioux Falls. And that had  
22          to do with the needs of those with disabilities  
23          and focused on the power of communications  
24          technologies to bring communities together to  
25          provide access to vital information and to

1 foster jobs and economic opportunity.

2 Tonight we discuss many of those themes  
3 right here as we continue a truly remarkable  
4 grassroots dialogue about the future of our  
5 media. Over the past year we have seen really  
6 cascading national concern over what millions of  
7 Americans, Jonathan and I included, see as a  
8 disturbing and worrisome trend in our media.

9 Wherever we've gone we have seen citizens of  
10 every stripe, Republicans and Democrats,  
11 conservative and liberal, Northern and Southern,  
12 young and old, rural and urban. Everybody comes  
13 together to express their concerns. More  
14 accurately, I think, to express their alarm over  
15 the rising tide of media consolidation, big  
16 media companies controlling more and more of the  
17 nation's airwaves.

18 For many months the discussion focused on  
19 the decision by the FCC to relax our media  
20 consolidation rules with people asking how many,  
21 or maybe more accurately, how few companies  
22 should control our media, for what purposes are  
23 stations granted licenses, how does the  
24 public interest fare in a more heavily  
25 consolidated environment? That media

1 consolidation dialogue continues in Congress, in  
2 the courts, around the nation.

3 Tonight we talk about our core media values,  
4 particularly localism, from a little different  
5 perspective. But we should realize that this,  
6 too, is part of the larger discussion about  
7 protecting the people's interest and the  
8 people's airwaves.

9 No one part of this grassroots dialogue can  
10 be divorced from any other part. And media  
11 ownership is just as germane to this discussion  
12 as any other topic is. So we should begin at  
13 the beginning, and that means reminding  
14 ourselves that it is indeed we the people who  
15 own the airwaves. No company, no station...  
16 (Applauding.)

17 No company, no station, no firm, no special  
18 interest owns an airwave in the United States of  
19 America. The people together own them all, and  
20 corporations are given the privilege of using  
21 this public asset and even to profit from it in  
22 exchange for their commitment to serve the  
23 public interest.

24 Broadcasters have been given very special  
25 privileges and they have very special

1           responsibilities to serve their local  
2           communities. It's a different industry. It's a  
3           special industry, and serving the public  
4           interest is always supposed to be its lone star.

5           I'm pleased that tonight we'll hear from  
6           many local broadcasters with roots deep in their  
7           communities, and I hope we will find that  
8           localism, diversity, and competition are alive  
9           and well here.

10          We need always to recognize and reaffirm the  
11          proud heritage of local broadcasters, the vast  
12          majority of whom are committed to serving their  
13          communities and serving the public interest.  
14          But it's going to take more than talk to insure  
15          that the public interest remains paramount, even  
16          here in South Dakota, because the increasing  
17          media concentration being allowed by this  
18          particular Commission threatens the very  
19          survival of local broadcasting everywhere.

20          During the hearings on media consolidation  
21          that Commissioner Adelstein and I held around  
22          the country, we heard time and again from small,  
23          independent, local broadcasters their fear about  
24          the effects consolidation was having on them.

25          While most broadcasters try to serve the

1 public interest, these days they face a  
2 progressively steeper hill in doing so. Less  
3 and less are they captains of their own fate,  
4 and more and more are they captains to the  
5 really unforgiving expectations of Wall Street  
6 and Madison Avenue. And more and more are they  
7 competing against well-heeled big media  
8 companies, for whom the highest good is too often  
9 selling products rather than meeting their  
10 obligation to serve the public interest.

11 Some tell us that the answer is to rely more  
12 and more on marketplace forces as a guarantor of  
13 the public interest. These people trust that  
14 the public interest will somehow magically trump  
15 the urge to build power and profit, and that  
16 localism will somehow survive and thrive.

17 That is a dangerous assumption to make. And  
18 I'm not willing to rely on magic, magic in the  
19 marketplace or magic anywhere else, to safeguard  
20 the public interest.

21 In fact, since the 1980s fundamental  
22 protections of the public interest in  
23 communications have weakened and withered. Not  
24 just the controls on the numbers of stations one  
25 company can own, but prohibitions on

1           broadcasters from owning and producing the  
2           programs they run.

3           The requirement for broadcasters to go out  
4           and meet with members of the community to  
5           determine the needs and interests of the local  
6           audience, it's gone. So are teeing up  
7           controversial issues for listeners and viewers  
8           and encouraging antagonistic points of view.  
9           And maybe that explains something about why we  
10          so often get such slipshod election coverage and  
11          why too few people actually go out and vote.  
12          And those are just a few of the obligations that  
13          we have frittered away.

14          Here's one more, and Jonathan already  
15          alluded to it. We no longer have a credible  
16          license renewal process. Not many years ago, when  
17          your Federal Communications Commission looked at  
18          license renewal time, which occurred every three  
19          years, we looked at a very explicit list of how  
20          a station is supposed to be meeting its public  
21          interest obligations, and that was what we used  
22          to make our judgment.

23          We don't do that anymore. Now we have a  
24          process wherein broadcast companies need only  
25          send us a short form, not every three years,

1           excuse me, but once every eight years. And  
2           their renewal applications are almost  
3           automatically granted. We don't generally even  
4           look at the public file that we require stations  
5           to keep. So license renewal has become a slam  
6           dunk, and it's not called postcard renewal for  
7           nothing.

8           I believe that this erosion of public  
9           interest protections comes at a high and  
10          dangerous cost to the American people. Some may  
11          call my concern excessive, but I feel in my  
12          bones that few priorities that our country faces  
13          match this one in terms of long-term importance  
14          to our democracy.

15          After all, how we communicate with one  
16          another, how we converse with one another,  
17          that's what America is all about. The rules of  
18          broadcast that determine what that conversation  
19          is going to be are therefore obviously extremely  
20          important.

21          So we are here tonight in Rapid City to talk  
22          with members of this community and tap your  
23          local expertise and let us know how you think  
24          your stations are serving the public interest.  
25          There's no other way for us to know this without



1 coming out and talking to you. Are they  
2 providing the kind of public issue coverage,  
3 community news, local sports, election  
4 campaigns, local entertainment, diversity, all  
5 of that.

6 Maybe, hopefully, things are better here in  
7 South Dakota. I think we need to look closely  
8 before we rush to any conclusions. And I hope  
9 we can focus particular concern, and I think we  
10 will tonight, on tribal communities. Are  
11 stations here covering events in Indian Country?  
12 Are they providing the perspective of those both  
13 on and off the reservations? And do Native  
14 Americans have access to their airwaves?

15 And finally, an issue on which I have  
16 focused attention since I came to the  
17 Commission, are stations adhering to community  
18 standards or are they airing excessive amounts  
19 of violent and indecent programming?

20 If you leave here concerned about the future  
21 of the media, your media, you should realize  
22 that there are things you can do to help.  
23 Jonathan has already explained the license  
24 renewal process, and South Dakota is going to be  
25 going through it for the next year in radio and

1 the year after that in television.

2 There are many ways that you can have input  
3 into that. You can be part of a formal petition  
4 to deny an application. I don't recommend that  
5 for anybody but the stout of heart, because the  
6 law doesn't make it easy, and we don't make it  
7 easy, and it's expensive and it's cumbersome.  
8 But you can also simply register an informal  
9 complaint which we are bound to look at. You  
10 can send an e-mail, send a letter, send a  
11 postcard. We want to hear from you.

12 Jonathan alluded also -- something I want to  
13 emphasize just a little bit more. We got a  
14 little bit side-tracked, I think, in one or two  
15 of the earlier hearings, and I hope we can avoid  
16 that tonight. Some of our commenters and  
17 panelists seem to confuse such things as  
18 conducting blood drives and fundraising for  
19 charities with the sum total of their public  
20 interest obligation.

21 Now don't get me wrong, I think such  
22 fundraising is wonderful and commendable and  
23 deserving of very high praise. But they are  
24 only part of a broadcaster's far broader  
25 responsibilities to serve the community.

1           It's as American as apple pie, I think, for  
2           corporations, in every line of business, to  
3           participate in this kind of community help. But  
4           the questions on the table tonight go way beyond  
5           that to how this very special industry is  
6           meeting its very special obligations to serve  
7           the public interest. So I hope we can focus on  
8           that.

9           Thank you very much to all of our panelists  
10          for being a part of this. Thank you to all the  
11          commentators who will be speaking later. And  
12          again, thank you to each and every one of you  
13          and to the good people of Rapid City for hosting  
14          this this evening. And I'm looking very much  
15          forward to the rest of the record.

16                   COMMISSIONER ADELSTEIN: Thank you,  
17          Commissioner Copps. Thank you, Commissioner  
18          Copps for an eloquent statement.  
19          As I look out over the audience, I see we're  
20          fortunate to have many representatives from  
21          several tribes here this evening including  
22          Oglala Lakota, Rosebud Sioux, and Fort Peck.  
23          And as I mentioned, we just spent the day going  
24          over issues of concern to Native Americans and  
25          telecommunications, another major area of our

1 responsibility.

2 I spent the day with many of you, and I'm  
3 sure there's others here as well. So let me  
4 just welcome all of the tribes represented here  
5 tonight. We're so pleased to have you here.  
6 And after all, a lot of this is about you. So  
7 we're glad to have you here.

8 I'd like to open with introducing our very  
9 own Mayor, who's offering some welcoming  
10 remarks. Mayor Jim Shaw knows a little  
11 something about the media, and we thank you for  
12 being here and welcoming us.

13 MAYOR SHAW: Thank you,  
14 Mr. Commissioner. And welcome to all of the FCC  
15 personnel who are here. We do greet you on  
16 behalf of the City Council and the citizens of  
17 Rapid City and are pleased to have you in town.

18 The official welcome from the City is from  
19 the Mayor, but also as Commissioner Adelstein  
20 just mentioned, I have a separate perspective, a  
21 dual prospective, if you will; that's because I  
22 made my living before becoming mayor for about  
23 30 years in Rapid City in the broadcast media,  
24 both radio and television.

25 And so I have that unique perspective both

1 from having worked, but also now having served  
2 as mayor for about five years and can see from  
3 the other side how the various media cover not  
4 just local politics but statewide and even  
5 national on the local scene.

6 I do want to also stress to you that having  
7 you here, from my perspective, is very  
8 enlightening, it's very welcoming, very  
9 friendly. But from my days in broadcasting, I  
10 know at least in the past a visit from anyone  
11 from the FCC brought fear and trepidation to the  
12 broadcasters. And having two, or as it was  
13 earlier, three Commissioners here, I'm sure made  
14 the broadcasters in the area pay attention.

15 But that being said, and I mean that in jest  
16 because my experience in Rapid City, as both of  
17 our Commissioners have alluded to, is that the  
18 local broadcasters here in Rapid City do an  
19 outstanding job of public service.

20 I've been involved in broadcasting long  
21 enough that I remember the times of the renewal  
22 process that you spoke of, Chairman Copps, when  
23 it was a much shorter time span and much more  
24 thorough.

25 I believe that most broadcasters today still

1           operate as if those former rules were still in  
2           place, and they go well above and beyond  
3           whatever requirements might have been in those  
4           days, not just with local news, not just a  
5           rip-and-read kind of an affair, but having  
6           actual people who are getting the actual news  
7           stories, both radio, television, and for that  
8           matter, in the newspaper.

9           Let me speak briefly to the matter of our  
10          Native American friends who are represented here  
11          and others from Western South Dakota. We have a  
12          significant population in the Rapid City  
13          community of Native American people, upwards of  
14          20 percent, according to some estimates.

15          And I believe the local broadcasters do a  
16          pretty good job of covering some of the issues.  
17          Could we do more? Of course. Could we be more  
18          thorough? The answer is always yes.

20          But the reason I offer that perspective is,  
21          one of the efforts I have undertaken as mayor is  
22          what I call the Undoing Racism Task Force, which  
23          I think describes it pretty well. We recognize  
24          there are instances of racism in our community.  
25          It's not acceptable. Most people would like to

1 see it eliminated, and the best way to do that  
2 is through communication.

3 We can do that in meetings. And we've had  
4 several large group meetings, and we've had  
5 several hundred people attend. But there are  
6 60,000 people who live in Rapid City. So how do  
7 the rest hear about the meetings and not just  
8 hear about them in the sense of an announcement  
9 that they are going on, but hear about the  
10 substance of the discussion? Through the media.

11 And I have to say that the media has been  
12 outstanding in their coverage over the last  
13 several months, radio, television, long- and  
14 short-form interviews, news stories, and such.

15 So I believe we are, when it comes to  
16 localism, an example of how that type of  
17 programming, that type of commitment to the  
18 local community could be handled in larger  
19 markets.

20 I understand competitive pressure certainly,  
21 and I understand the cost constraints that have  
22 to play into the operation of any broadcast  
23 arrangement, whether it's a radio or television  
24 or a combination AM/FM or TV/AM or whatever it  
25 might be.

1           But there are broadcasters locally who do  
2           care about the local community. Part of it, as  
3           Commissioner Adelstein mentioned earlier, is  
4           because they are here, they live in the  
5           community. And I've seen in the audience here  
6           tonight several people who are involved in  
7           ownership of broadcast outlets here in the  
8           Rapid City area besides Mr. Duhamel. So they  
9           are interested, they do the job.

10           And in Rapid City I think we can be an  
11           example for how that localism can be inserted  
12           well beyond the blood drives and the  
13           fundraisers. Those are all important, and you  
14           hear about that. And there are many examples of  
15           how well that's done in the Rapid City  
16           community.

17           But getting to deeper issues, whether it's  
18           covering local elections, not just the outcome  
19           but beforehand, spotlighting who the candidates  
20           are, some of the issues, giving in-depth  
21           information to voters, covering Native American  
22           issues, and covering the whole gamut of keeping  
23           people well-informed, especially in a relatively  
24           sparsely populated state like South Dakota where  
25           the communication industry, radio and



1 television, are especially important.

2 But I think you'll hear tonight from a lot  
3 of people, there are challenges. Can we do a  
4 better job? Yes, we can always do more. But I  
5 think you'll also find that here in the Rapid  
6 City area our broadcasters, yeah, they  
7 understood what localism is about, and they are  
8 trying their best to do a good job in that  
9 regard, and with the suggestions they'll hear tonight  
10 they'll probably continue to do more.

11 So again, on behalf of the City, we welcome  
12 you. And on a personal note, I welcome you  
13 here, too, tonight. I'm anxious to hear the  
14 discussion. Thank you for holding this hearing  
15 in Rapid City.

16 COMMISSIONER ADELSTEIN: Thank you,  
17 Mr. Mayor. We are in part here to try to  
18 restore some of that fear so that broadcasters  
19 know that we have the people mind at heart and  
20 that we're lions in protection of the public  
21 interest.

22 Yesterday we spent some time with Chairman  
23 Michael Powell, our Chairman, and the Governor  
24 of the state, Mike Rounds, talking about  
25 broadband and its availability in rural parts

1 of the state, how wireless can get it there.

2 He really gets it when it comes to  
3 technology and is a real leader in that field.  
4 I'm so honored that tonight we're joined by  
5 Lieutenant Governor Dennis Daugaard, who's going  
6 to offer us some opening remarks as well. Thank  
7 you, Lieutenant Governor.

8 LIEUTENANT GOVERNOR DAUGAARD: Thank  
9 you, Mr. Chairman. I'd like to echo the Mayor's  
10 remarks as he welcomed the Commissioners to  
11 Rapid City and to South Dakota. Over the last  
12 decade I've gotten to know your father quite  
13 well, Mr. Adelstein, and he's become a friend of  
14 mine. In speaking with him earlier tonight, I  
15 know he's very happy that you're here in  
16 South Dakota. I know that your mom is very  
17 happy that you're here in South Dakota. And  
18 Commissioner Copps, I haven't talked to your mom  
19 and dad yet. But I'm sure if I did, they'd be  
20 glad you're in South Dakota just as I am.

21 Broadcasting impacts people more than we  
22 sometimes realize. My wife is a school  
23 librarian in Dell Rapids, South Dakota, a very  
24 small town near Sioux Falls. And as one of her  
25 duties she will read to a kindergarten class at

1           least once a week, oftentimes more than that.

2           And I happened to come upon her reading to  
3           one such group of kindergartners one day, and  
4           she was reading a book called, There Was an Old  
5           Lady Who Swallowed a Fly. And I'm sure many of  
6           you have heard of that book.

7           And of course after she got done reading the  
8           first page, she leaned over to her students who  
9           were just rapt with attention and she whispered,  
10          "Do you think she'll die?" And one little girl  
11          raised her hand and said, "No. I saw that last  
12          night on Fear Factor. She won't die." So even  
13          kindergartners it seems are impacted by  
14          broadcasting, and broadcasting does impact  
15          people.

16          South Dakota is a sparsely populated state.  
17          And in that respect, many consider the entire  
18          state to be local. And from that perspective,  
19          I'd like to say thank you to the broadcasters of  
20          this state for their localism in supporting the  
21          Governor last winter when all the local  
22          broadcasters preempted about 30 minutes of air  
23          time -- and I don't know of any broadcaster who  
24          did not -- and aired 30 minutes of the Governor  
25          talking about his vision for South Dakota for

1 the next six years. And if that isn't an  
2 attention to local needs and local issues, I  
3 don't know what is.

4 So from that perspective and from my role as  
5 Lieutenant Governor and on behalf of the State,  
6 I want to say thank you to those broadcasters,  
7 to all the broadcasters who did that.

8 And just lastly I want to say thank you to  
9 the FCC, to the Chairman who was here earlier  
10 this week, to the two Commissioners,  
11 Commissioners Adelstein and Copps, who are here  
12 yet again tomorrow, and for the time you've  
13 spent in South Dakota. We're glad you're here.  
14 We are glad you are giving your time and  
15 interest to our needs and our concerns, and we  
16 welcome you to South Dakota. Thank you.

17 COMMISSIONER ADELSTEIN: Thank you very  
18 much. We did talk about the 2010 Initiative  
19 yesterday because it involves a lot of our  
20 jurisdiction at the FCC in terms of a vision for  
21 having South Dakota covered with broadband  
22 service and the latest, most advanced  
23 technology.

24 I noted that as we did this forum that the  
25 Governor and I, and Chairman Powell --

1 Commissioner Copps hadn't yet arrived -- had a  
2 series of meetings with four different  
3 television outlets. We went from camera to  
4 camera to camera because each one of them wanted  
5 to cover what it was we were talking about,  
6 which is an issue of such concern for the future  
7 economic development of the state. And that was  
8 a good example of exactly what it is you're  
9 talking about.

10 So we're now going to commence the panel.  
11 I'd like to turn to our secretary to announce  
12 the hearing agenda. Madame Secretary.

13 SECRETARY DORTCH: Thank you, Commissioner  
14 Adelstein, Commissioner Copps. Good evening to  
15 you panelists, special guests, and citizens.  
16 This evening's hearing will consist of two  
17 segments separated by a break.

18 The first segment features panel  
19 presentations by eight speakers. Each will have  
20 four minutes to make opening remarks. We will  
21 use a time machine located on the stage in front  
22 of Commissioner Adelstein and color-coded cards  
23 to maintain these time limits.

24 A yellow card and light will be displayed  
25 when there is one minute remaining for

1 presentation, and each panelist should begin to  
2 sum up at that time. A red card and light will  
3 be displayed when a panelist's time has expired,  
4 and each panelist must conclude his or her  
5 remarks.

6 After all panelists have presented their  
7 opening remarks, there will be a brief period  
8 for the Commissioners to ask panelists questions  
9 and for panelists to respond.

10 A 15-minute break will follow the  
11 question-and-answer period. After the break we  
12 will begin the second segment of the hearing.  
13 Steve Hemmingsen will moderate that session and  
14 will provide details about the format and  
15 procedures after the break.

16 Finally, we would like to remind you to turn  
17 off your cell phones and pagers. We will now  
18 begin the first segment of the hearing, the  
19 panel presentations.

20 In order of presentation, the panelists are:  
21 Bill Duhamel, President of Duhamel Broadcasting,  
22 Licensee of KOTA (ABC), Rapid City; Eleanor St.  
23 John, Owner and Managing Partner, White Eagle  
24 Partners, Licensee of KQEG UPN 23, La Crosse,  
25 Wisconsin; Park Owens, Director of Emergency

1 Management, Rapid City and Pennington County;  
2 Alan Harris, President, Wagonwheel  
3 Communications, Green River, Wyoming; Thomas  
4 Short Bull, President, Oglala Lakota College,  
5 Kyle, South Dakota; Maynard Meyer, President and  
6 General Manager KLPQ FM, Madison, Minnesota; Tim  
7 Sughrue, Chief Operating Officer, Rapid City  
8 Regional Hospital; and Melanie Janis, General  
9 Manager, KILI, Porcupine, South Dakota. Thank  
10 you, Commissioner Adelstein.

11 COMMISSIONER ADELSTEIN: Thank you.  
12 Just before we get started with our panel I  
13 wanted to also note that we have here with us  
14 representatives from Senator Daschle's office  
15 and Senator Johnson's office, and they wanted  
16 to, I believe, read a welcome greeting from them  
17 as well.

18 My former colleague as one of Daschle's  
19 staff, Ace Crawford, who I believe is here. Oh,  
20 there's Ace. We used to work together in  
21 Senator Daschle's office for many years, and  
22 she's the West River Field Director for Senator  
23 Daschle. Thank you for being here.

24 MS. CRAWFORD: Thank you, Jonathan.  
25 As a former colleague, it is an honor for me to

1 be here tonight and address you not only as  
2 Commissioner Adelstein but also Mr. Chairman.

3 As Jonathan mentioned, we worked together in  
4 Senator Daschle's Washington, D.C. office for  
5 seven years, and for a time Jonathan and I sat  
6 across from each other, our cubicles were across  
7 from each other. And I have several stories I  
8 could share, and Jonathan should probably thank  
9 me afterwards that I'm not, so...

10 COMMISSIONER ADELSTEIN: I'll remind  
11 you I have a gavel here.

12 MS. CRAWFORD: But I can also attest  
13 to the fact, I guess, more importantly what a  
14 tireless and dedicated worker he is. And to  
15 those of us that have worked with him, it's no  
16 surprise that he received this appointment to  
17 the FCC Commission. So welcome home, Jonathan.

18 Commissioner Copps, welcome to South Dakota.  
19 To the rest of the distinguished members on the  
20 panel, I do have the following remarks on behalf  
21 of Senator Daschle. Commissioner, you do have a  
22 full text of his prepared remarks. And after  
23 you see them, I think you'll appreciate the fact  
24 that I'm delivering an abbreviated version of  
25 those.



1           So I am pleased that the Federal  
2           Communications Commission has chosen to come to  
3           Rapid City for a field hearing of its Localism  
4           Task Force. Localism is so important to rural  
5           states like ours. I know Commissioner Adelstein  
6           has made rural issues a priority for his work on  
7           the Commission.

8           I recommended that the President name  
9           Jonathan to the FCC in part because I knew his  
10          presence would give rural America and  
11          South Dakota a strong voice on the Commission.  
12          I didn't know that it would lead to an FCC  
13          hearing right here in Rapid City.

14          I'm glad the Commissioners chose to come  
15          here as part of their series of localism field  
16          hearings and am pleased to welcome you to  
17          South Dakota. Rapid City is the smallest and  
18          most rural market in which the Commission is  
19          holding a field hearing, and I think the  
20          Commission has made an excellent choice.

21          There's a place and a need for national  
22          programming. It can help create bonds of common  
23          experience across the country, and national  
24          operations will be able to devote more resources  
25          to national and international news.

1           But residents of Rapid City and those of the  
2           many small towns of South Dakota also need to be  
3           able to find news, weather, and other  
4           programming designed to meet local needs and  
5           appeal to the local audience.

6           A programmer in New York simply won't  
7           appreciate how important agricultural news or a  
8           weather report can be to rural residents. I  
9           applaud the FCC for acknowledging this need and  
10          holding this important series of localism  
11          hearings.

12          Localism is a central concern in the ongoing  
13          debate over the changes that the FCC proposed  
14          last year in its media ownership rules. I  
15          strongly opposed the Commission's decision to  
16          relax the rules and allow greater consolidation  
17          of media ownership. A primary reason is the  
18          relaxed rules and negative impact on localism.

19          Nevertheless, I am pleased that all the  
20          Commissioners have stated their intent to  
21          promote localism. The Commission will have to  
22          revisit these rules at some point. Sooner, if  
23          the courts overturn the new rules, or later as  
24          part of its regular periodic review process. I  
25          hope the input the Commissioners receive tonight

1 will be helpful in that process.

2 Local broadcasting has been under pressure  
3 in recent years with consolidation increasing in  
4 the industry as both regional and national  
5 chains purchased independent television and  
6 radio stations. The consolidation has been  
7 particularly severe in radio.

8 The FCC recognizes development in the new  
9 rules, which take a different track for radio  
10 than for television. Radio is critically  
11 important to rural states, where the large  
12 distances and sparse population densities limit  
13 the viability of broadcast television.

14 In many of South Dakota's counties, radio is  
15 the only option for local broadcast news and  
16 often the most effective way to warn of a local  
17 danger.

18 One area I'd like to note is the importance  
19 of radio on Indian reservations. It's a  
20 critical source of information and news for  
21 Native Americans. National and regional  
22 broadcasters are likely to ignore this audience  
23 and programming targeted to them. Radio offers  
24 native listeners news about their reservation  
25 and cultural programming in English and in

1 native language.

2 While they are in South Dakota, the  
3 Commissioners have scheduled several tribal  
4 telecommunication events. I applaud this effort  
5 to reach out to Indian country and want to  
6 underscore the reservations offer a case study  
7 why localism in broadcasting is so critical.

8 Tonight's hearing will help the  
9 Commissioners in their ongoing evaluation of  
10 what's happened in local radio over the past  
11 decade. I hope they will also look at that  
12 experience as a cautionary note about television  
13 broadcasting as ownership continues to become  
14 more concentrated in that medium as well.

15 I believe all the FCC Commissioners  
16 recognize the importance of localism in  
17 broadcasting. I look forward to reviewing what  
18 they have to say and what they hear and learn  
19 from the many South Dakotans who are here  
20 tonight to share their experiences, concerns,  
21 and views. Sincerely, Tom Daschle. Thank you,  
22 Commissioner.

23 COMMISSIONER ADELSTEIN: Thank you,  
24 Ace. The full letter will be made part of the  
25 official record. We also have joining with us

1           tonight my other former Senate staff colleague.  
2           I wasn't in the same office, but Darrell  
3           Shoemaker, who is the West Field Director for  
4           Senator Tim Johnson, is here. Thank you, Darrell,  
5           for sharing words from Senator Johnson.

6                         MR. SHOEMAKER: Commissioner Adelstein,  
7           also on behalf of Senator Johnson I want to  
8           welcome you back home. Obviously like Ace  
9           indicated, from a staff perspective, obviously  
10          we're overjoyed to have you where you are and  
11          certainly have fond memories of working  
12          alongside you on several different fronts.

13                        On behalf of Senator Johnson I wanted to  
14          welcome Commissioner Adelstein and Commissioner  
15          Copps to Western South Dakota. We had hoped  
16          that the full Commission could be here, and  
17          we're certainly disappointed that Chairman  
18          Powell was unable to stay with us for some very  
19          unique testimony on some unique concerns, unique  
20          issues affecting the providers, the consumers,  
21          the residents of Western South Dakota and the  
22          midwest region here.

23                        I would like to present the following brief  
24          remarks from Senator Tim Johnson for the record.  
25          I want to thank you for your invitation to

1 attend tonight's meetings on the FCC Localism  
2 Task Force. I regret that I am unable to attend  
3 today, but I know you are in good hands with  
4 Commissioner Jonathan Adelstein presiding over  
5 the meeting.

6 I was pleased when Senator Daschle put  
7 Jonathan's name forward for an appointment to  
8 the FCC. It is so important we now have a  
9 Commissioner who knows and understands the  
10 unique telecommunication needs of rural America,  
11 including South Dakota's Indian reservations.

12 I want to welcome Commissioner Copps and  
13 members of the FCC staff also to South Dakota.  
14 I hope you will have the opportunity to meet  
15 with many of my constituents and will take what  
16 you hear from them back to Washington when you  
17 are considering communications policies that  
18 have a real impact on South Dakotans.

19 Rural America offers unique challenges and  
20 opportunities for communications policies, and I  
21 appreciate the many individuals and groups from  
22 the Black Hills in South Dakota that are  
23 providing important insight and information  
24 through their testimony this evening.

25 While I differed with the majority of the

1 Commission on its media ownership rules from  
2 last year, I am pleased the Commissioners were  
3 willing to come to the Heartland and hear from  
4 the public including consumers, industries,  
5 civic organizations, broadcasters and others on  
6 the importance of localism in broadcasting.

7 I want to thank all of you for participating  
8 in tonight's meeting. This is civic  
9 participation at its very best. Best wishes.  
10 Sincerely, Senator Tim Johnson. Thank you,  
11 Commissioner.

12 COMMISSIONER ADELSTEIN: Thank you,  
13 very much, Darrell. Thank you, Senator Johnson,  
14 for that statement. Now to begin with our  
15 panel. We'll start with our very own Bill  
16 Duhamel.

17 MR. DUHAMEL: One clarification. I was  
18 told we had five minutes in the written things  
19 that I received rather than four. That caught  
20 me.

21 COMMISSIONER ADELSTEIN: We'll spot you  
22 a minute.

23 MR. DUHAMEL: Okay. This times out at  
24 four and a half.

25 COMMISSIONER ADELSTEIN: Let's move the

1           thing back to five minutes.

2                         MR. DUHAMEL:  Okay.  Good evening,  
3           Commissioners, and once again, welcome to  
4           Rapid City.  I'm the President of Duhamel  
5           Broadcasting which operates KOTA TV and three  
6           full-powered satellite TV stations.

7                         Our stations define the Rapid City DMA.  We  
8           serve an area equivalent to that from  
9           Washington, D.C.  to Boston to Buffalo, but  
10          which only includes about 90,000 television  
11          households.  We also operate four local radio  
12          stations in the market.

13                        Our company is all about local broadcasting.  
14          In 1955, my mother built the first television  
15          station in Western South Dakota and the second  
16          station in the state.  Today times are tough for  
17          local broadcasting in medium and small markets  
18          which face the challenges posed by declining  
19          network compensation, increasing competition,  
20          and the costs of the digital transition.

21                        Another major challenge is DBS.  We do not  
22          have local into local service.  Our experience  
23          is similar to many TV stations in the West.  We  
24          have lost a large number of our viewers to  
25          distant DBS signals.  Since this is a hearing on



1           broadcasters' local service, please keep in mind  
2           that when DBS subscribers receive distant  
3           network signals, we lose them as part of our  
4           audience and they lose access to all of our  
5           local service.

6           Let me turn to some of the other aspects of  
7           our record. One of our foremost obligations is  
8           to keep our viewers informed. Nearly 40 percent  
9           of each weekday schedule on our TV stations is  
10          devoted to news and public affairs. We carry  
11          about two and a half hours each weekday of local  
12          news and public affairs, including at noon a  
13          full half-hour of public affairs interview  
14          program. Making sure viewers are influenced or  
15          informed about elections is also a key part of  
16          our localism.

17          Duhamel Broadcasting has produced and  
18          carried debates for every federal and every  
19          gubernatorial race since at least 1968.  
20          Tomorrow night we, along with KSFY in  
21          Sioux Falls, will produce the sixth TV debate  
22          between the candidates in the June 1st special  
23          election for South Dakota's lone U.S. House  
24          seat.

25          This year South Dakota passed legislation

1           that requires voters to present a photo ID at  
2           the polls. One concern is that there are many  
3           residents of the Indian reservations who do not  
4           have a picture ID. We produced and are airing a  
5           series of PSAs about the need for an ID in order  
6           to vote.

7           One of the PSAs we run was produced by  
8           Native Americans specifically to address voting  
9           rights on the reservations.

10          In times of disasters, the importance of  
11          local broadcasting is emphasized. The worst  
12          disaster ever to befall Rapid City was the flash  
13          flood of 1972 that killed 239 people. We were  
14          commercial-free for at least a week and a half.

15          One of the biggest problems was locating  
16          missing persons. We literally read thousands of  
17          names on the air to help people determine  
18          whether their loved ones were dead or alive.

19          More recently the Black Hills area has been  
20          ravaged by forest fires. During the Deadwood  
21          fire two years ago, two of our KDDX announcers  
22          remained in Deadwood on the air after the cities  
23          were evacuated.

24          Also in 19 -- or 2002 a freight train  
25          derailment spilled benzene near our Scottsbluff

1 TV station. A large area including our studio  
2 was evacuated. But two of our employees stayed  
3 behind to provide news to people in shelters.

4 Duhamel Broadcasting is active in helping  
5 charities and other community groups. In 1985  
6 we founded the KOTA Care and Share Food Drive  
7 which has collected nearly six million pounds of  
8 food. We've partnered with the Boy Scouts to  
9 deliver and collect food bags. The National Boy  
10 Scouts have adopted this partnership throughout  
11 the country.

12 The primary beneficiaries of the many  
13 charities we assist are the economically  
14 disadvantaged. Unfortunately, the reality is the  
15 majority of our needs in our area are among the  
16 Native American community. Duhamel Broadcasting  
17 has succeeded by focusing on our community's  
18 needs.

19 When I was on the Gore Commission, someone  
20 commented, "Bill, you were a good broadcaster.  
21 We have to worry about all the others." I  
22 disagree. I have come to know broadcasters both  
23 here in South Dakota and across the nation. I  
24 know there are outstanding local broadcasters in  
25 every locality who serve their communities as we

1 do. It's good business for broadcasters and it  
2 is the great tradition of American broadcasting.  
3 Thank you for the opportunity to speak with you  
4 tonight.

5 COMMISSIONER ADELSTEIN: Thank you,  
6 Mr. Duhamel. Now we turn to Eleanor St. John  
7 from KQEG TV in La Crosse, Wisconsin.

8 MS. ST. JOHN: Thank you. Thank you,  
9 Commissioner Adelstein and Commissioner Copps  
10 and all of you from the FCC. I thank you so  
11 much for giving me the opportunity to speak this  
12 evening.

13 I'm Eleanor St. John, Majority Owner and  
14 General Manager of the Class A television  
15 station KQEG-CA, LaCrescent, Minnesota. We're a  
16 UPN affiliate serving the southern part of the  
17 La Crosse-Eau Claire, Wisconsin DMA. And I  
18 helped build this station from scratch in 1994.  
19 I'm currently building another station in  
20 Chippewa Falls to serve the northern part of my  
21 DMA. I own 51 percent of an FM station that I  
22 operated for 13 years and sold in 2002.

23 The EEO initiatives made me aware of my  
24 opportunities. I'm an enrolled member of the  
25 Winnebago Tribe, a member of the Eagle Clan.

1 I'm involved in community affairs every day.

2 I not only manage my station but I also  
3 personally host a half-hour daily public affairs  
4 program, a public forum, if you will. I operate  
5 cameras, I keep the books, I prepare the  
6 station's program schedule. I've also been a  
7 member of the Board of Directors of the  
8 Community Broadcasters Association since 1999.

9 CBA represents Class A and low-power  
10 television stations. We don't have the  
11 resources of the NAB, but we do our best to tell  
12 our local stories to all those that will listen.

13 We are the FCC home of small businesses, of  
14 women, minorities, and local service in the  
15 broadcast industry. We hire people locally in  
16 our hometowns, and we serve our hometowns.

17 Class A stations are the only broadcast  
18 stations of any kind that have a legal  
19 requirement to broadcast local programming. We  
20 are required by statute to broadcast three hours  
21 a week. That's quite a job, but I love it. I'm  
22 up for that challenge. Our own community  
23 involvement helps us keep in touch with local  
24 issues and to carry what my viewers truly want  
25 to see, like high school sports and real area

1 community events.

2 It's great that the FCC is increasing its  
3 recognition of the value of local programming in  
4 a media world that keeps consolidating and  
5 centralizing. Maybe Class A and LPTV stations  
6 are running counter to today's trend, but we  
7 think we're the ones that are doing a real job  
8 of communicating with our communities.

9 There are some things though that you can do  
10 to help make it easier for Class A stations to  
11 provide local service. We have to keep a main  
12 studio in our service area, and that's good to  
13 provide a point of contact to the public. But  
14 we're overburdened when we have to comply with  
15 the full power rule that our main studio be  
16 staffed by two persons during all regular  
17 business hours including a manager.

18 Class A stations are small economic units  
19 where it's wasteful for any staff member not to  
20 be active all the time whenever that person is  
21 needed. And it should be okay for the manager  
22 to be on call and be able to come to the studio  
23 within an hour or two because we're working out  
24 there, too. We don't try to bar the doors to  
25 the public, but we do have to limit the staff

1 and make them more efficient.

2 It also doesn't make good sense to say that  
3 programming is local only if it's produced  
4 within our Grade B contour. Our DMA is our  
5 economic area of interest, and it's bigger than  
6 the Grade B contour. We should get credit for  
7 programming produced elsewhere, especially if  
8 the subject is really local, like interviewing  
9 our Congressmen in Washington or if the subject  
10 is really something pertinent to the community,  
11 relevant to the community, like an away sports  
12 game that we bring back to the home team  
13 audience. We need to be able to count it all as  
14 local.

15 It would also be helpful if the three-hour  
16 weekly local programming requirement could be  
17 averaged over a month so that we don't have to  
18 provide filler local material just to meet the  
19 law.

20 Thank you for listening to me. I'm proud of  
21 my station and its community service. Class A  
22 LPTV stations don't get a whole lot of attention  
23 in Washington circles, but we're here everywhere  
24 throughout the country doing our local thing and  
25 trying to make a difference.

1           We welcome your support to help do the best  
2           job we can. We are the FCC's true local  
3           connection. I would say (speaking in native  
4           language). In my language that means thank you.

5           I have challenged my staff to be more  
6           involved in the community through affiliations  
7           and associations more than just a lunch or a  
8           breakfast meeting. And in a local experience  
9           that I had in preparing to come on this trip, I  
10          went to the bank to get some money and ran into  
11          some of those identity theft things, so that was  
12          a new topic for the show. Thank you so much.

13                    COMMISSIONER ADELSTEIN: Thank you.  
14          Next we'll hear from Park Owens, Director of  
15          Emergency Management here in Rapid City and  
16          Pennington County.

17                    MR. OWENS: Thank you, Commissioner  
18          Adelstein. We in emergency management have a  
19          little different perspective to localism. We  
20          deal in two commodities. We deal in regular  
21          information for upcoming events and  
22          preparedness. We also deal in emergency public  
23          information. It absolutely positively has to be  
24          there, not overnight, but right now. And that's  
25          the support that we receive.



1           In our routine information, the broadcasters  
2           here in our area from an emergency management  
3           perspective, have been very, very supportive.  
4           They support our initiatives in severe weather  
5           campaigns.

6           In fact, there's an ongoing one right now,  
7           the West Nile Virus Preparedness campaign. Each  
8           broadcast outlet has received both radio and TV  
9           spots. I haven't heard them run yet, but I'm  
10          sure they'll go back and find those and they'll  
11          support the West Nile Virus campaign also.

12          They've also made their studios available to  
13          us in emergency management to record PSAs and  
14          help us distribute them to their other outlets  
15          in town.

16          The local broadcasters interview emergency  
17          management staff. As I look out tonight, I see  
18          shooters, I see reporters, I see news directors,  
19          I see engineers. I see my partners, and that's  
20          how we look at it. It's a collaborative  
21          process. It's a partnership. We cooperate for  
22          the local good.

23          When we have emergency public information,  
24          they know, no kidding, this is important, it  
25          goes on right now. How do we do that? We've

1 worked with the broadcasters to establish  
2 several systems to get that information to them  
3 when they need it, group e-mail, group fax,  
4 meetings, visits. Let them see who we are  
5 before you-know-what hits the fan, before we  
6 actually have a need for emergency public  
7 information.

8 The local broadcasters know they can call  
9 our office also. We'll make every effort to  
10 accommodate their questions, their requests for  
11 an interview. We've been in their studios,  
12 we've been on their programs. They've been in  
13 the offices, we've been on the creeks for flash  
14 floods, we've been outside with them.

15 My background in broadcasting journalism  
16 makes me less reluctant to talk to the media  
17 than many of my fellow responders might in local  
18 government. But probably one of the proudest  
19 initiatives, the initiatives that we're proud of  
20 is our ability here in Rapid City, Pennington  
21 County, the only one of its kind in the entire  
22 state of South Dakota, is that we can originate  
23 EAS message traffic.

24 Let me say that again. That's normally  
25 someone else's province, but we can originate.

1           Actually the broadcasters are allowing us to  
2           take back those public airwaves momentarily. We  
3           don't abuse that privilege because advertising  
4           dollars and their programming is at stake, too.

5                     But that initiative was brought forward by,  
6           to be perfectly honest, a collaboration by Mayor  
7           Shaw with Monty Loos, who has since retired from  
8           KOTA, with Bill's support.

9                     Because they bought the equipment to allow  
10          them to receive our message from the Emergency  
11          Operations Center. So when we program a message  
12          either for a live broadcast or for playback it  
13          takes those airwaves just like the National  
14          Weather Service does on the radio or on the EAS.

15                    I see our -- my favorite programmer is in  
16          the -- I'm not a rocket scientist, by the way,  
17          if that -- anybody is ever worried about that.  
18          But I see my favorite programmer, Gary, sitting  
19          in the audience.

20                    We also have broadcast outlets that have  
21          made their engineers available to us to help in  
22          programming the equipment. We're also the  
23          backup to the National Weather Service. We have  
24          all of their weather events programmed in the  
25          Emergency Alert System.

1           But what made this all possible was phone  
2           access equipment. I can call up the equipment  
3           from the Mayor's office if we need to put out a  
4           civil emergency message.

5           So what does it all come down to in our  
6           market right here in Rapid City and Pennington  
7           County is that the broadcasters do in fact  
8           support the emergency managers in this area,  
9           particularly always with emergency public  
10          information and every time they can with routine  
11          preparedness type information. Thank you very  
12          much.

13                    COMMISSIONER ADELSTEIN: Next we'll  
14          hear from Alan Harris, who's the president of an  
15          AM station in Green River, Wyoming.

16                    MR. HARRIS: Thank you. Four or five?

17                    COMMISSIONER ADELSTEIN: Five, right.  
18          Give you five minutes.

19                    MR. HARRIS: Good evening,  
20          Commissioners. I am a life-long broadcaster  
21          from Wyoming. My wife and I own and operate  
22          three radio stations in Sweetwater County, two  
23          FMs and an AM. Sweetwater County is  
24          geographically slightly larger than New Jersey.  
25          We have a population of about 42,000. In

1           addition to operating our company, The Radio  
2           Network, I'm a member of the Radio Board of the  
3           National Association of Broadcasters.

4           Before getting into the specifics of our  
5           station's service to the community I'd like to  
6           address the issue of localism in broader terms.  
7           Radio programming presents the same challenges  
8           and opportunities regardless of market size or  
9           the operator. The coverage of our signals  
10          define who we can serve. And in a world of  
11          countless sources for entertainment and  
12          information, we're required to attract an  
13          audience from that local community.

14          Now, that means we have to offer a  
15          compelling reason for a local listener to listen  
16          to a local station. We're required by law to  
17          broadcast in the public interest, but we are  
18          required by an even higher authority, our local  
19          listeners, to broadcast in their interest.

20          The truth is, we serve at the pleasure of  
21          the people in our market and under the constant  
22          threat that if they are not pleased, we are  
23          silenced at the flick of a switch. And in that  
24          light you can be assured that radio is and  
25          always will be a local medium, with service to

1 local communities at its core, or we shall  
2 surely perish.

3 That said, I do believe broadcasters are  
4 pretty special people because of this very  
5 intimate connection with their communities.  
6 We're professional communicators, but perhaps we  
7 haven't spent enough effort communicating on our  
8 own behalf, and consequently have poorly told  
9 you what we do.

10 So let me begin to tell you about who we are  
11 at The Radio Network by sharing an announcement  
12 that we recently aired. I was recently asked,  
13 What is The Radio Network? The simple answer is  
14 three radio stations. However, The Radio  
15 Network is much more. The Radio Network is a  
16 volunteer firefighter, a school board member, a  
17 member of Cowboys Against Cancer, a church  
18 leader, a hospital board member, a Little League  
19 coach, a member of the Chamber, National  
20 Association of Broadcasters board member, bank  
21 board member, water board member, Junior  
22 National Babe Ruth baseball, committee member of  
23 Ducks Unlimited, the Rocky Mountain Elk  
24 Foundation, Mule Deer Foundation, United Way,  
25 Relay for Life, a fair board member, youth

1           basketball coach, member of the Sportscasters  
2           and Sportswriters Association.

3           You see, we at The Radio Network are more  
4           than just three radio stations. We're part of  
5           the community, and we take pride in our resume'.  
6           Thanks for listening and thanks for letting us  
7           be a part of your community.

8           Now, there was more, but that's all we could  
9           get into 60 seconds, and that's the local  
10          involvement of just 12 people, our entire staff.

11          Let me talk about what we do on the air. We  
12          broadcast 72 local newscasts every week. We air  
13          41 sportscasts. We have a daily public affairs  
14          interview program. We ask every candidate in  
15          every election to be a guest on that program and  
16          share their views on the issues. We provide  
17          live coverage from the county courthouse for  
18          election returns.

19          Since 1976 we have aired six hours every  
20          week of Spanish language programming. It's the  
21          only local source of Hispanic programming in the  
22          area. We provide live play-by-play coverage of  
23          all high school football and basketball games.  
24          We cover wrestling matches. We have  
25          play-by-play coverage on the Little League game

1 of the week.

2 On Saturday mornings we air the Sean Maxwell  
3 show, a local show providing an opportunity for  
4 local artists to perform on the air. Two guests  
5 each week showcase their talents. And like most  
6 stations, we provide road and travel  
7 information, announce school closings and  
8 meeting cancellations due to the weather.

9 Now what is unusual is that we also  
10 interrupt our programming every time the fire  
11 department is summoned. Volunteers know to  
12 listen to our station to find out where the fire  
13 is.

14 We aid organizations in our community.  
15 After 9/11 we teamed with the Green River Fire  
16 Department to raise money for victims' families  
17 and in just two days collected over \$9,000 in a  
18 community with just over 11,000 people.

19 Nine years ago The Radio Network launched  
20 our Coats for Kids campaign. We've been able to  
21 purchase over a thousand new coats with the  
22 money contributed by local residents and by our  
23 radio stations to Coats for Kids.

24 In an average week last year we aired 120  
25 PSAs, 75 percent of which were about local



1 issues. The topics covered, alcohol abuse,  
2 domestic violence, smoking, drug use, hunger,  
3 breast cancer.

4 Commissioners, this gives you a flavor of  
5 our local service. We are part and parcel of  
6 our community, and this kind of involvement is  
7 what hometown radio is all about. And little,  
8 if any, of this is required by law or FCC rules.  
9 It's what our listeners require. It's what we  
10 do in Green River. It's what local broadcasters  
11 do all across this country. Thank you for your  
12 attention. Be pleased to answer any questions.

13 COMMISSIONER ADELSTEIN: Thank you, Mr.  
14 Harris. Next we turn to Thomas Short Bull, the  
15 President of Oglala Lakota College in Kyle.

16 MR. SHORTBULL: Commissioner Adelstein  
17 and Commissioner Copps, I want to first thank  
18 you for the opportunity to make remarks on  
19 behalf of Indian people in this state. I want  
20 to talk to you about the obligation that I feel  
21 that the broadcast media has to minorities in  
22 this country. And I think one of the most  
23 important obligations that the broadcast media  
24 has is to improve the image of Indian people to  
25 counter the false and negative stereotypes that

1 by and large exist in our non-Indian community.

2 In talking about positive role models, I  
3 want to give you the story about when Korczak  
4 Ziolkowski was asked to build the monument in  
5 the Black Hills. And the tribal elder came to  
6 him and said, "You know, your heroes are not our  
7 heroes."

8 And the thing that we've got to have as  
9 Indian people is not just heroes from the past,  
10 but also contemporary heroes. And who knows  
11 about those contemporary people that are doing  
12 good work in the Indian community? Who's going  
13 to tell that to our young Indian people unless  
14 the broadcast media does more of that for us as  
15 Indian people.

16 And I think the concern that I have and many  
17 of us as Indian people have is that the  
18 broadcast media is concerned too much with  
19 reporting the negative aspects that occur among  
20 our people. The reports about sensationalized  
21 crimes that occur in the city of Rapid City,  
22 rather than reporting on the hard work that are  
23 done by Indian people in this community and on  
24 our reservations.

25 I'd like to give you some examples. Who

1 knows of Evelynna Murphy who's a nurse  
2 practitioner at the Sioux San Hospital, and the  
3 other nurses that work there? Who gets -- how  
4 do people get to know them? How do people get  
5 to know about our Indian teachers on the  
6 reservation, our Indian college instructors, our  
7 tribal program directors on the reservation.

8 You know, who are going to be our positive  
9 role models unless the broadcast media reports  
10 more about this rather than reporting on the  
11 sensationalized crimes that occur among Indian  
12 people.

13 The other issue as I see it is the negative  
14 perception that the non-Indian community has  
15 about Indians. That the most common perception  
16 is that, "Indians are drunks and  
17 good-for-nothing people." This perception is  
18 reinforced when the only time they see Indians  
19 is when they see drunks on the streets or  
20 sleeping or passed out in the city parks.

21 Although the number of Indian people who are  
22 inebriated are only a small percentage of the  
23 total Indian population, many of the non-Indian  
24 people nonetheless believe that all Indian  
25 people are like this.

1           The other problem is that when much of the  
2 news reports are about crimes committed by  
3 Indian people, this also reinforces the negative  
4 perception about Indian people.

5           Again, I say that there are a number of us  
6 that complain about the over reporting of bad  
7 news about Indians and not enough about the  
8 positive news. As a result of this situation,  
9 much of the non-Indian population is unaware  
10 that there are many hardworking and respected  
11 Indian people in Rapid City and on our  
12 surrounding Indian reservations.

13           When there are positive stories on the  
14 reservation, there has been a reluctance on the  
15 part of the broadcast media to come to our  
16 reservation because it just takes too much of  
17 the day to come out to the reservation.

18           On numerous occasions I've had directors at  
19 television stations say, "Well, we'd go down to  
20 the reservation but by the time we get back, we  
21 can't report on other things."

22           An example of this is that Oglala Lakota  
23 College has annually sent out a press release on  
24 its graduation. I know of only one time that  
25 the broadcast media came down to cover our

1 graduation. Oglala Lakota College has been much  
2 more successful when it has had press  
3 conferences in Rapid City. And I want to thank  
4 the broadcast media for this coverage.

5 In closing I want to say as a means of  
6 portraying a more positive image of Indian  
7 people, I would like to suggest to the broadcast  
8 media and to the print media that once a week  
9 there be a series, held weekly, that would  
10 highlight individual Indian people who are  
11 hardworking and respected Indian people.

12 This series would go a long ways in helping  
13 to improve the image of Indian people and also  
14 producing positive role models for our young  
15 people. Thank you.

16 COMMISSIONER ADELSTEIN: Next we have  
17 Maynard Meyer, the President and General Manager  
18 of an FM station in Madison, Minnesota.

19 MR. MEYER: Thank you. We're almost in  
20 South Dakota. It's 15 miles across the border  
21 into southwest Minnesota. Localism in radio I  
22 don't think is dead, but it's in dire need of  
23 resuscitation in many areas. Before I talk  
24 about what I believe went wrong and what can be  
25 done to restore some semblance of localism, I'd

1           like to tell you a little bit about my  
2           experience in local radio.

3           I have been involved in announcing, sales,  
4           engineering, and management for about 36 years,  
5           now followed by experience in communities of  
6           5,000 people or less. At the present time I'm  
7           the President, General Manager, and co-owner of  
8           KLQP FM radio, a 25,000-watt station in Madison,  
9           Minnesota, population 1,767.

10          A boyhood friend and I put the station on  
11          the air in 1983, and we reached a potential  
12          audience of 30,000 people in about a five-county  
13          area. We're on the air 24 hours a day with  
14          staff of three full-time people, including my  
15          partner, myself, and about six part-time people.  
16          We're an independently owned mom-and-pop radio  
17          station.

18          If you listen to Q-92, as it's called,  
19          you'll hear six local newscasts daily, all of  
20          which include the local obituaries. If you lose  
21          your dog, your cat, or car keys, you can give us  
22          a call. We'll put it on and help you find them.  
23          If you're having a bake sale, bridal shower, or  
24          a meeting of your organization, we'll put it on  
25          the air for you.

1           Once or twice a week you'll hear a broadcast  
2           of local high school sporting events. If you've  
3           found something in your attic you'd like to buy  
4           or sell, we'll put it on our "Rummage Report"  
5           free. If you are the local police chief or  
6           public health nurse, you have something  
7           important to say, come on in, we'll put you on  
8           the air right away in short order. No  
9           appointment needed.

10           Last year we helped the local veterans  
11           organization raise several thousand dollars  
12           during a very emotional on-the-air phonathon in  
13           which Veterans appeared live on the radio, told  
14           their experiences about the various wars and  
15           conflicts. And many of them hadn't talked about  
16           these experiences before.

17           That, ladies and gentlemen, is local radio  
18           as I think local radio is meant to be. We run a  
19           completely accessible station which has become  
20           the heart and soul of the area when it comes to  
21           daily local media service. We have no daily  
22           newspapers. We work and personally live in the  
23           community we serve, so we know the issues, we  
24           address them in our programming and we've done  
25           that for the past 21 years.

1           A few years ago many stations operated that  
2 way, but much of that has changed for what I  
3 think are a variety of reasons. I think the  
4 beginning of the end of local broadcast service  
5 became -- it was about the 1980s when the FCC  
6 approved Docket 80-90 which reduced the  
7 separation between stations and mileage and  
8 allowed for the creation of hundreds of new FM  
9 stations across the country.

10           The intent was to open up several new local  
11 radio markets and that was, in turn, supposed to  
12 increase local service to communities. In  
13 theory, not a bad idea. But the Commission also  
14 relaxed the rules regarding operation from  
15 within a station's actual city of license. As a  
16 result, many small communities were assigned  
17 frequencies, licenses were granted, but the  
18 residents of those communities don't even know  
19 they have radio stations.

20           On paper, Paynesville, Minnesota has a  
21 station. All programming originates from St.  
22 Cloud, 30 miles away. Clear Lake, South Dakota  
23 has a radio station and license. All  
24 programming originates from Brookings, 34 miles  
25 away.



1           I helped some people in Pelican Rapids put a  
2           station on a few years ago. Once they had a  
3           studio. It's been sold and all programming now  
4           originates from Detroit Lakes, 20 miles away.  
5           The people in these communities don't even know  
6           they have a station.

7           I don't think that's the best way to promote  
8           local radio service. What I've seen from my  
9           personal experience, as soon as a hometown  
10          studio is closed and relocated, the local  
11          service is relocated as well.

12          Some of my counterparts argue that  
13          centralization allows for increased efficiency  
14          and the ability to provide better local service,  
15          but I haven't seen that happen. Generally  
16          centralization is for the purpose of saving a  
17          buck or two with little of those savings being  
18          reinvested in local service.

19          I'd like to see changes in the main studio  
20          rule, requiring at least some minimal program  
21          origination from the city of license. I think  
22          there should be a requirement for a physical  
23          presence in the form of an actual studio or  
24          office in the city of license and at least a minimal  
25          staff with predictable office hours.

1           The Commission believes that formalized  
2           procedures to ascertain community needs are  
3           unduly burdensome and unnecessary, and I  
4           disagree. When we worked on the license  
5           application for our station, we were required to  
6           conduct an ascertainment of the community needs  
7           by personally interviewing representatives from  
8           city government, service organizations, youth  
9           groups, religious organizations and others.

10           This was a very rewarding experience and  
11           allowed us to get a real handle on the type of  
12           community service that's really needed out  
13           there. Perhaps this could replace the "Issues  
14           and Programs List" requirement and could be done  
15           every couple years. That way we could be sure  
16           the licensee has actually set foot in the city  
17           of license. I'm not so sure some licensees  
18           these days can even find that city, let alone  
19           know what its needs are.

20           Finally, the system of auctioning off  
21           frequencies to the highest bidder must come to  
22           an end. Since when did the applicant with the  
23           deepest pockets become the most suitable  
24           applicant for serving the public interest.

25           If that system had been in place 21 years

1           ago, our station, KLQP-FM would not exist today  
2           because we would never have been able to compete  
3           monetarily. However, I have no doubt that we  
4           were and still are the applicants best able to  
5           serve the public. Some form of comparative  
6           hearings for determining applicants needs to be  
7           restored. Thanks for the opportunity to  
8           participate in the hearings, and I look forward to  
9           future discussions on the topic.

10                        COMMISSIONER ADELSTEIN: Thank you,  
11           Maynard. Next, we hear from Tim Sughrue, who's the  
12           Chief Operating Officer of the Rapid City  
13           Regional Hospital.

14                        MR. SUGHRUE: Commissioners,  
15           distinguished guests, members of the press,  
16           citizens of Rapid City and South Dakota and  
17           surrounding states. My name is Tim Sughrue.  
18           I'm the Chief Operating Officer for Rapid City  
19           Regional Hospital. I welcome the opportunity to  
20           share with you my thoughts concerning the  
21           Federal Communications Commission's role in  
22           preserving localism in broadcasting.

23                        By way of reference, Rapid City Regional  
24           Hospital is a not-for-profit, community-based  
25           organization committed to preserving and

1           strengthening health care for people in this  
2           region. The organization is led by a board of  
3           trustees who serves without commission --  
4           without compensation.

5           The hospital has grown to a network of  
6           communities within a 250-mile radius of  
7           Rapid City, which includes more than 40 health  
8           care facilities in western South Dakota, eastern  
9           Wyoming, and northern Nebraska.

10          In Western South Dakota we're fortunate to  
11          have three local television stations and  
12          numerous radio stations. Local ownership has,  
13          in my opinion, fostered a true commitment to the  
14          community. In Rapid City there is an emphasis  
15          on localizing health care news.

16          The Regional Hospital family of health care  
17          facilities has had a positive experience with  
18          the local news media. When we call the  
19          broadcast media to attend our news conferences  
20          they usually make concerted attempts to attend  
21          such events.

22          When we send them news releases about  
23          pressing health care issues or new technology at  
24          our facilities they tend to report on such  
25          subjects. Overall it is my assessment localism

1 is still alive in Rapid City and in our region.  
2 Our stations should be commended for their  
3 commitment to the community.

4 There are, however, concerns about the  
5 trajectory of the broadcast industry. The  
6 fulcrum of which broadcasting localism turns  
7 seems to be a complex confluence of competing  
8 needs and interests.

9 The fundamental issues appear to be control  
10 of a scarce and potentially profitable resource;  
11 concentration of media ownership in various  
12 markets; inelasticity of supply; economic  
13 efficiencies; barriers to entry; redistributive  
14 effects; and an informed citizenry and public  
15 good.

16 Time does not permit a full discussion of  
17 all of these core issues. What can be said,  
18 however, is that economic efficiency in  
19 production requires station managers and owners  
20 and media conglomerates to use knowledge of  
21 managerial productivity of their inputs to  
22 produce outputs at a minimal cost.

23 Cost minimization in itself is desirable  
24 both for the producer and the consumer. Cost  
25 minimization and profit maximization behavior

1 predicts the electronic media will increase  
2 their prices if demand increases or becomes more  
3 inelastic or if the prices of their input  
4 increases. It would seem the price of input has  
5 become less as media outlets, particularly radio  
6 stations for economic efficiency, increasingly  
7 rely on a more standardized information. This  
8 increase in economic efficiency could be at the  
9 expense of localism.

10 Furthermore, with barriers of entry  
11 established by the licensing process, increasing  
12 market concentration and program control, there  
13 is the prospect of increasing advertisement  
14 costs, which are ultimately borne by the consumer  
15 and do not necessarily reflect the cost of  
16 production with a reasonable profit margin.

17 There is also the distinct possibility of  
18 demand creation whereby media conglomerates have  
19 a financial stake in influencing many aspects of  
20 the entertainment industry. The issue of  
21 redistributive effects could also be detrimental  
22 to a community or region's wealth because local  
23 radio stations and television stations impact  
24 upon their local economies.

25 The counter argument to these concerns is

1 the degree of substitute available to consumers.  
2 Which is to say, the ultimate success of a  
3 broadcaster hinges on the ability of the media  
4 outlet to attract and retain market share. It  
5 is for this reason that broadcasters must  
6 carefully calculate the value of economic  
7 efficiency versus risk of abandoning or  
8 minimizing local coverage.

9 In conclusion, the broadcast industry is  
10 more than a marketplace commodity. While  
11 meeting specific economic goals, it is hoped  
12 that all radio and television stations remain  
13 dedicated to addressing local issues with the  
14 intent of maintaining an informed citizenry that  
15 can actively participate in establishing public  
16 policy and societal objectives. Thank you.

17 COMMISSIONER ADELSTEIN: For our final  
18 witness, Melanie Janis from KILI radio could not  
19 make it, but we are very fortunate to have with  
20 us Tom Casey, who's the program director at KILI  
21 Radio. Thank you for coming.

22 MR. CASEY: Thank you very much. I  
23 thank you very much, Commissioners, for  
24 coming to Rapid City. We welcome you to Western  
25 South Dakota. My name is Tom Casey. I'm a

1 single parent with three children. I've lived  
2 on Pine Ridge Reservation since 1970.

3 In February of 1985 I had the opportunity to  
4 start a radio show, On the Road with Oglala  
5 Lakota College. It aired Sunday nights from  
6 8:00 to midnight. In addition to the weekly  
7 show, I became a volunteer at KILI doing  
8 interviews, covering elections, broadcasting  
9 sports events. And in 1989 I became a full-time  
10 employee of KILI after working at Oglala Lakota  
11 College for 14 years.

12 Over the last 15 years I've worked at KILI  
13 serving in different times as development  
14 director, station manager, DJ, sports  
15 broadcaster, business manager, and all-around  
16 utility.

17 This past February, KILI radio celebrated  
18 their 21st anniversary. That anniversary marked  
19 its 21 years as the voice of the Lakota Nation.  
20 KILI is an independent 100,000-watt FM public  
21 noncommercial radio station located on Porcupine  
22 Butte on Pine Ridge Reservation.

23 The station is really a community radio  
24 station with the community spread over  
25 Pine Ridge, Rosebud, Cheyenne River Reservation,



1           the panhandle of Nebraska, the Southern Black  
2           Hills, and Rapid City, the second largest city  
3           in South Dakota.

4           KILI's community is roughly made up of about  
5           150,000 people spread out over 30,000 square  
6           miles in western South Dakota and northwestern  
7           Nebraska. KILI's programming includes news and  
8           information, cultural celebrations, sports,  
9           public affairs, and a variety of music programs  
10          including traditional Lakota, other tribal  
11          music, Indian contemporary, country, rock, blues  
12          and jazz, and some hip-hop and rap.

13          A group of community people and members of  
14          the American Indian Movement came together in  
15          the fall of 1979 to work on the lack of  
16          communication on Pine Ridge Reservation.  
17          Pine Ridge was 100 miles by 50 miles. There was  
18          no local newspaper covering this area as their  
19          community. There was no radio station or  
20          television station covering Pine Ridge as their  
21          community.

22          The people came together. It took three and  
23          a half years, but the result was an independent  
24          FM radio station broadcasting 18 hours a day,  
25          seven days a week.

1           No one took this group seriously. Not at all.  
2           No one really thought that they could get it  
3           done. And in fact, the tribal official advised,  
4           maybe you ought to work on something like a gas  
5           station, not a radio station.

6           When the reservation was first established  
7           in the late 1800s, there was a concerted effort  
8           to assimilate Lakota people into the mainstream  
9           of American society as rapidly as possible. The  
10          federal government, working in conjunction with  
11          schools and churches, worked to basically  
12          eradicate the Lakota language.

13          In 1983 when KILI radio first went on the  
14          air, the first DJ, Calvin Two Lance spoke in  
15          both the Lakota language and in English. It was  
16          historic. It was monumental. It was beautiful.

17          KILI has continued to celebrate the Lakota  
18          culture each day through language, music,  
19          stories and history of the Lakota people. KILI  
20          promotes itself as a voice of the Lakota Nation.  
21          That voice though is made up of a thousand  
22          voices that have gone on the radio over the past  
23          21 years.

24          KILI is staffed by five full-time employees  
25          and 15 to 25 volunteers from the community who

1 help with programming and add their voices to  
2 the mix. Other voices include the elderly who  
3 come on each week for the Gray Eagle show, high  
4 school students from four local high schools who  
5 do weekly shows, and the men and women who do  
6 weekly shows on parenting, health education,  
7 treaty rights, land and water issues, children,  
8 traditional government, alcohol and drug abuse,  
9 education, diabetes, youth opportunities,  
10 domestic violence, Lakota language, and  
11 business.

12 KILI, in trying to meet the needs of the  
13 community, does a variety of public affairs  
14 programming including live broadcasts of the  
15 Oglala Sioux Tribal Council meetings, public  
16 meetings on treaty rights, social issues, land  
17 and water issues, and a variety of public field  
18 hearings, including tonight. This hearing of the  
19 Federal Communications Commission is being  
20 broadcast live on KILI radio 88.3 here in  
21 Rapid City and 90.1 FM across Pine Ridge  
22 Reservation and our other broadcast areas. I  
23 guess my time is up.

24 KILI is one of 30 native stations across  
25 this country that struggle for enough resources.

1           There are only three community radio stations in  
2           South Dakota, just three: One on Pine Ridge,  
3           one on Standing Rock, and one on Rosebud.

4           Why are there only three community radio  
5           stations and where is there such a struggle for  
6           community stations to rub two nickels together  
7           every week to keep going, keep broadcasting,  
8           keep trained personnel, and stay on the air.

9           I thank you very much for your time. It is  
10          really good to be here.

11          COMMISSIONER ADELSTEIN: Well, thank  
12          you all. This has been an excellent, excellent  
13          panel. One of the issues in the FCC that we've  
14          struggled with so much this last year has been  
15          the media ownership rules, whether or not we  
16          should allow additional concentration of  
17          ownership.

18          One of the questions I've always had is what  
19          effect would that have on smaller communities  
20          like Rapid City. What would be the effect on  
21          localism? There's arguments on both sides  
22          whether or not it would or wouldn't affect  
23          localism. But what's so interesting about a lot  
24          of panelists that we heard from today is that  
25          you are owners who live in the communities you

1           serve to a person.

2           The question I have for you, if you could  
3           just answer briefly, would be -- and to all the  
4           broadcasters and the others who can comment on  
5           what their impression would be, do you think if  
6           your broadcast outlets were sold off to a major  
7           national media conglomerate from far away, out  
8           of the state, do you think there would be the  
9           same level of localism, the same level of  
10          commitment to issues that you have? And to  
11          those of you who are -- who are also talking  
12          about whether or not your issues are getting  
13          covered, and to the extent they are, whether  
14          they would be covered as well or not as well as  
15          they are being covered today.

16                 MS. ST. JOHN: No, I don't think so.  
17          Because when I sold my FM station, I was --  
18          there was several larger media groups that came  
19          after me and were continually offering, making  
20          offers and so.

21                 And I ended up selling it to a smaller group  
22          locally owned in my market that did promise to  
23          maintain the level of localism that I had  
24          achieved and set the mark for.

25                 Because I was one of those 80-90 Dockets. I

1 was a female, minority, Native American. And I  
2 acquired a license as they were being given out  
3 for that purpose, to allow minorities to enter  
4 broadcasting. And I -- so I acquired one.

5 And in three years -- in three months, first  
6 of all, I was in the black. I was able to  
7 outprogram my competitors who had been in it for  
8 years. Then three years later I was recognized  
9 as the only station still in the La Crosse  
10 market that acquired a National Association of  
11 Broadcasters Crystal Award for localism. And I  
12 could have done it sooner but I wanted to get  
13 all the proper documentation.

14 COMMISSIONER ADELSTEIN: Bill?

15 MR. DUHAMEL: Jonathan, I believe that  
16 we have examples right here in South Dakota of  
17 broadcast stations that are owned by out of  
18 state. KELO, Mark Antonitis is here. KELO has  
19 always been owned, majority owned even when  
20 MidContinent owned it was owned in Minnesota.  
21 Right now it's Young Broadcasting out of New  
22 York.

23 The president of Young Broadcasting grew up  
24 in Brookings. Mark Antonitis is here, and  
25 hopefully he'll have an opportunity to comment.

1 But he's lived in the community, he's deeply  
2 involved in the community. KEVN, Cindy McNeill  
3 is here. She grew up in Sioux Falls. She's the  
4 manager. That's owned out of California.

5 So I mean, I don't think the ownership is  
6 the question. It's whether they have management  
7 that are in the community, involved in the  
8 community on a daily basis. And there's  
9 examples right here in South Dakota.

10 MR. MEYER: I agree. I've seen it go  
11 both ways, and stations that have been sold in  
12 our area, there are some that have been  
13 purchased and they're run totally outside the  
14 community with no local management. Ones that  
15 have left the local management, local people in  
16 place, left the local people running it are  
17 still fine even though they are owned by someone  
18 else. But it can go either way, depending on  
19 the road they choose to travel.

20 MR. DUHAMEL: That's true.

21 MR. HARRIS: Commissioner, if you're  
22 asking me whether somebody else can come into my  
23 community and do a better job than me? Of  
24 course not. Seriously. The folks sitting out  
25 there are the ones that make the decision. It's

1 not where the owner happens to be from.

2 And if an absentee owner came into our  
3 community and didn't provide the service to that  
4 community, those people there, with their nods  
5 and their ears would see to it that they fail.  
6 If they come in there and do the localism job  
7 they are supposed to do, they are going to be as  
8 successful as the local stations in providing  
9 what they are supposed to.

10 I'm not sure that I need to make that  
11 decision because these are the people I serve.  
12 I'm not sure that anybody else needs to make the  
13 decision, because obviously these are the people  
14 you serve. I think these folks are very good at  
15 deciding who stays and who goes based on the  
16 kind of service they get.

17 MR. SUGHRUE: That's assuming there's a  
18 choice.

19 MR. SHORT BULL: I guess I'd like to  
20 make a comment and that is, you know, I travel,  
21 so I don't think it would make a difference  
22 whether or not who owns the stations. The  
23 concern I have is just lazy reporting. In  
24 regards to when I go to D.C., I turn on the  
25 television, invariably there's a reporting about



1           someone being shot in the black community.  If  
2           you go to the Southwest, Hispanic person  
3           shooting someone or a crime committed.  And it's  
4           easier to report those type of crimes rather  
5           than to do the hard work, to do positive reports  
6           about minorities.  And so unless that changes, I  
7           don't see where it would make a difference in  
8           ownership in this country.

9                       MR. CASEY:  I asked the question  
10           earlier, there are three community stations in  
11           South Dakota.  Why are there not more?  
12           Rapid City is a beautiful community.  It doesn't  
13           have a community station.  South Dakota Public  
14           Radio covers the entire state.  Are there  
15           opportunities for groups, whether additional  
16           tribal groups or community groups, to have  
17           access to the media and access to the airwaves?

18                      COMMISSIONER ADELSTEIN:  Seems, Bill,  
19           do you want to get back in there?

20                      MR. DUHAMEL:  Well, actually I've lost  
21           my train of thought.  It was something I was  
22           going to agree with or disagree with there, but  
23           I can't remember.

24                      COMMISSIONER ADELSTEIN:  Do you have  
25           another -- you were going to get back in there.

1                   MS. ST. JOHN: There -- it does take  
2                   effort to find the positives in a community,  
3                   especially when you're thinking about situations  
4                   in northern Illinois right now. They have some  
5                   crisis going on that is affecting the real  
6                   community. But I don't think we're going to  
7                   find a half-hour dedicated to the crew that is  
8                   filling the sandbags and people feeding them,  
9                   and all of that reporting is not going to come  
10                  out until later on, two years from now in a  
11                  documentary.

12                  MR. DUHAMEL: Okay. But Tom had  
13                  mentioned about lazy reporters and  
14                  sensationalism. In South Dakota there are very  
15                  few murders. There really -- I mean, we do not  
16                  have bad news because there isn't a lot of bad  
17                  news going on. There's economic news that is  
18                  poor. But I'm telling you that most of the  
19                  things that we're talking about are not murders  
20                  and crimes. And that's not just us, it's all  
21                  the stations. This is just -- it is not  
22                  Washington, D.C.

23                  COMMISSIONER ADELSTEIN: One of the  
24                  other issues that we wanted to highlight in  
25                  today's hearing was the state of the Emergency

1 Alert System in this country. We found in  
2 Washington, in our homeland security efforts at  
3 the FCC that it's in a shambles in many parts of  
4 the country. And broadcasters are doing what  
5 they can to bring it back into better shape, but  
6 this maybe is an issue for Park Owens. It's one  
7 of those models that we talked about in this  
8 community.

9 We had, of course, the hard experience of  
10 the flood in 1972 that made us think really hard  
11 about how we need to make sure that we have an  
12 Emergency Alert System second to none. But we  
13 think about here in this area, many of you might  
14 have heard this story about Minot, North Dakota  
15 where there was a derailment of a train which  
16 was carrying toxic fertilizer.

17 When it derailed this cloud moved towards  
18 the city, a toxic cloud. And they tried to  
19 contact the broadcasters. The sheriff was there  
20 on the spot, almost immediately tried to contact  
21 the broadcasters.

22 The Emergency Alert System failed on both  
23 ends. They called the broadcasters. It turned  
24 out that most of the stations, I think six of  
25 the seven, were owned by one company, Clear

1 Channel, out of state, and there was nobody  
2 there to answer the phone at night.

3 So for quite a period of time, the public  
4 wasn't alerted to the presence of this cloud.  
5 There was a siren that went off. Everybody  
6 turned on their radio to try to hear what was  
7 going on, and there was nothing on the radio but  
8 oldies or country music. Nothing about what was  
9 happening, the threat that was coming to their  
10 community.

11 We have exactly the same kind of cargo going  
12 right through our own city here. And I think  
13 that as a result of your efforts and the  
14 collaboration, the partnership you talked about  
15 with broadcasters, that wouldn't happen here.

16 I wanted to know, first of all, do you think  
17 we are prepared for something like that much  
18 better than Minot was? And secondly, could that  
19 kind of collaboration that you talked about  
20 happen in a larger market? Could this be a  
21 model for others.

22 Because I've heard that it's very difficult  
23 to get that kind of easy collaboration in a  
24 larger market that might not want to give the  
25 power to somebody like an emergency response

1           personnel like you to shut off their station in  
2           the middle of lucrative broadcasting time.

3                       MR. OWENS:  Since one of my bosses is  
4           sitting in the audience, absolutely it couldn't  
5           happen here.  You know, we have plans.  In fact,  
6           I was fortunate enough to represent the  
7           emergency management community along with the  
8           State Association of Broadcasters and the  
9           National Weather Service in drafting the EAS  
10          plan which turned out sort of as the local plan,  
11          and then is the model that has been accepted by  
12          the FCC as the state plan as far as an Emergency  
13          Alert System plan.

14                      But the impetus for us to have the equipment  
15          that we have now came out of the '72 flood and  
16          some of Mayor Shaw's experience there and other  
17          leaders' experiences in their inability to  
18          communicate with people, again, our customers.

19                      The emergency public information absolutely  
20          has to be there right now.  You can't call and  
21          get an unmanned station.  You can't call and get  
22          an automated station.

23                      We have some here, but our automated  
24          stations are programmed to automatically accept  
25          certain codes from the EAS system so there is no

1           delay, including CEM. So that type of  
2           information that we would broadcast from the EOC  
3           would go out along with the National Weather  
4           Service information.

5                        COMMISSIONER ADELSTEIN: And people  
6           might not realize that's not required by  
7           broadcasters.

8                        MR. OWENS: No. The only requirement  
9           is they carry presidential directives. You  
10          know, but we have not had -- in fact, our cable  
11          companies do the same thing. We've not had them  
12          not agree that it is in the public interest to  
13          warn people in the community of a flash flood,  
14          of a tornado, of a hazardous material spill, or  
15          some other civil emergency message, wildfire  
16          that might require their action on their part.

17                      Because we've trained the public well. Turn  
18          on your radio and television. If you get a  
19          NOAA weather alert radio tone, if you hear a  
20          siren, whatever it may be, turn on. We want  
21          something there and they want something there  
22          when we direct them to do that.

23                      COMMISSIONER ADELSTEIN: You think that  
24          kind of cooperation could happen in a larger  
25          media market?

1                   MR. OWENS: Yes. I don't say that  
2                   without complete reservation. I think they have  
3                   to work on it a little bit. I think in a larger  
4                   media market they have other competing concerns.  
5                   And we're blessed here because, you know, we're  
6                   not competing with a lot of other folks for the  
7                   airwaves.

8                   We're also a judicious user. We don't  
9                   willy-nilly transmit CAMs and take the airwaves  
10                  away from local broadcasters. But yes, I think  
11                  it could in fact work if they would purchase the  
12                  equipment, become collaborative, form that  
13                  partnership, you know, meet with the  
14                  broadcasters so they know who they are and they  
15                  know who the emergency management folks are.

16                  COMMISSIONER ADELSTEIN: Well, this is  
17                  a model that we're going to encourage at the FCC  
18                  in small and large communities across the  
19                  country.

20                  MR. OWENS: And the equipment is not  
21                  that expensive to be able to do that kind of  
22                  thing. Now, I -- and Bill went out of his way  
23                  and authorized -- or his bookkeeper did. They  
24                  had to buy the equipment to receive my signal  
25                  from the EOC. They had a spare cavity in their

1 safety equipment for their EAS, put in the  
2 receive card and it goes out just like it was a  
3 NOAA weather radio card or LP1 card or whatever  
4 it happened to be that they are monitoring at  
5 that time. Comes in their equipment, we  
6 transmit it on their carrier waves.

7 COMMISSIONER ADELSTEIN: We appreciate  
8 your leadership on this and the cooperation of  
9 the broadcasters in this community to protect  
10 their citizens.

11 MR. OWENS: I'd like to take full  
12 credit, but it's my bosses and the partners in  
13 the broadcast community that have made all this  
14 possible.

15 MR. DUHAMEL: One of the things we did  
16 learn was the tragic '72 flood. Because in the  
17 '72 flood, you know, we've found some things  
18 that did break down, and we learned a lot about  
19 emergency preparation and that's carried over in  
20 this community.

21 I know there were several years I went  
22 around to the radio and television news director  
23 annual meetings, and explained to them the  
24 things that we learned that we didn't know until  
25 after you have an emergency.



1           But so, we're benefiting a little bit from  
2           that tragedy, from the lessons learned. But,  
3           you know, I think I agree with Park. With some  
4           reservations, I think it could work in bigger  
5           communities. But they've got to be convinced  
6           that, you know, when a tragedy occurs, you need  
7           to be there.

8           COMMISSIONER ADELSTEIN: They can learn  
9           something from what happened here. They need to  
10          do that before the emergency happens, before the  
11          tragedy. Commissioner Copps.

12          COMMISSIONER COPPS: Thank you to all  
13          the panelists for your statements. Thank you,  
14          too, to those stations who are carrying this  
15          hearing. I think it's a real public service.  
16          We've heard a lot of good things about local  
17          coverage, local news.

18          But I was reading something the other day  
19          and maybe you could comment on this. Last  
20          October the Alliance For Better Campaigns  
21          released a study that showed that local news  
22          coverage, local information wasn't faring very  
23          well.

24          And they went specifically to the six  
25          cities, including Rapid City, where the FCC was

1 planning to hold these localism hearings, and  
2 examined programming in 45 local stations for  
3 the week of October 5th through October 11th and  
4 they found there was a near blackout of local  
5 public affairs.

6 They found really that there were more reruns  
7 of Seinfeld than there were of local news  
8 broadcasts. Of the 7550 hours of programming  
9 analyzed, less than one half of one percent, 13  
10 hours, were devoted to local public affairs  
11 shows.

12 It breaks down -- breaks down these cities.  
13 And I was looking at the local news, Rapid City  
14 actually came out worse than any of the other  
15 five with 4.3 percent. We had drama number one,  
16 14 percent; sports number two, 12 percent; talk  
17 radio, talk shows, 11 percent, number three;  
18 reality shows, 10.4 percent; comedy number five,  
19 8 percent; local news was way down there at 4.3  
20 percent.

21 Is this study misguided or where is the  
22 truth on how we're doing on local news? Bill,  
23 maybe you could comment on that.

24 MR. DUHAMEL: I've not seen the report.  
25 So I would like to see the report, then I could

1 comment in greater detail. But right now we're  
2 carrying 10 percent of our daily broadcast --  
3 weekdays. Now, on the weekend we don't do as  
4 much. I'll concede that. On the weekdays we're  
5 carrying 10 percent local news and public  
6 affairs.

7 So I don't know where those figures are  
8 coming from. And I suspect that they've gotten  
9 some cable channels mixed in there. I really  
10 do. That's why I'd have to see the report.

11 COMMISSIONER COPPS: Well, they have  
12 KCLO, KEVN, KHSD, KIVV, KNBN and KOTA TV.

13 MR. DUHAMEL: Those are satellites,  
14 some of them are. But I'd have to see the  
15 report because I can't comment on them.

16 COMMISSIONER COPPS: I'd like that.  
17 I'll make sure you get a copy of the report.

18 MR. DUHAMEL: I'd appreciate that.

19 COMMISSIONER COPPS: I want to follow  
20 up on that. I wanted to commend Thomas Short  
21 Bull for that statement on diversity coverage.  
22 You know, this is really a huge problem across  
23 this country right now. If this country of ours  
24 is about anything, it is about diversity.

25 Diversity is not a problem to be overcome

1           for the United States of America, it is an  
2           opportunity to be developed. And I think our  
3           media has a responsibility to reflect this  
4           diversity and to nurture this diversity. But I  
5           think we really have to be pushy about it. And  
6           I applaud the idea of maybe having a program  
7           once a week highlighting it.

8                     But you know, I think ownership does matter.  
9           And I think career opportunities for diversity  
10          groups in an industry matter. All the  
11          statistics show that minority ownership is not  
12          faring very well.

13                    Take African Americans, one of the larger  
14          minority groups, I think own maybe 1.4 percent  
15          of all the media assets in the United States of  
16          America.

17                    How we going to expect their interests to be  
18          reflected? Their news interests, their  
19          information interests, even advertising they  
20          might want to see, where is that going to come  
21          from in those stations unless there's some  
22          ownership or some control or some input.

23                    So I would hope that all the diversity  
24          communities could really, really band together  
25          and push on this because it's so important. Do

1           you want to say anything -- anything else on  
2           that?

3                       MR. SHORT BULL: Well, I guess you  
4           know, in regards to, you know, political  
5           campaigns and just an example of the travesty  
6           that occurs that where we get a black eye in the  
7           non-Indian community is we recently had an issue  
8           in this state in regards to supposed voter  
9           fraud.

10                      And you know, it was just a few people that  
11           were improperly registered. But what I see  
12           occurred there, it was a way in which the  
13           Republican Party could send out a signal to  
14           their constituents in this state to say  
15           basically, you know, the Indians are going to  
16           get out there and vote. So there's always these  
17           horror stories that come out around election  
18           time.

19                      When McGovern ran against Pressler, there  
20           was this whole issue that the Indians were  
21           providing dinners after the election. And you  
22           know, it's all of this type of things that, it's  
23           to me, to wake up the Republican people so that  
24           they will get out and vote against the  
25           Democratic candidate. Not to base their vote on

1           who the actual candidate is, but on the basis  
2           that, you know, those Indians are trying to  
3           steal an election. And I think that was a real  
4           travesty that occurred in this state.

5                     And that both the print and the broadcast  
6           media were basically pawns of the Republican  
7           Party in what happened. This was a minor, minor  
8           thing, but it was blown out of proportion.

9                     The legislature passed, so that now we as  
10          Indian people have to show up with a voter ID.  
11          You know, it's ridiculous. I mean, this country  
12          is based on the principle that we all have a  
13          right to get out and vote for people, and yet  
14          here we're almost bringing back, you know, the  
15          practices that happened in the South.

16                    And now we as minorities are going to have  
17          to show up with photo IDs. I think it's just a  
18          clear travesty that happened in this state and  
19          should have never happened.

20                    But it's part of this propaganda that occurs  
21          every election year to paint the issue of the  
22          Indians wanting to get out and vote and that we  
23          have to stop the Indians trying to steal an  
24          election.

25                    MS. ST. JOHN: Commissioner.

1 Commissioner Copps, you have some good comments  
2 and they are very worthwhile. I was introduced  
3 to broadcasting because of the EEO initiative,  
4 and I know that's where it came from, and I had  
5 the interest prior to that but I didn't have the  
6 opportunity. So I appreciate your comments.

7 COMMISSIONER COPPS: I guess the only  
8 comment I'd offer is on the basis of what I've  
9 heard. I think things appear to be relatively  
10 better in this media market than some of the  
11 others. I don't know if it's as good as  
12 everything we heard, but relatively better I  
13 will accept.

14 But I was -- I would just warn against being  
15 complacent about it. There is a rising tide of  
16 consolidation across this country. I've been in  
17 too many places not to know that, and I've seen  
18 the results where newsrooms get closed down,  
19 where people get fired, where national -- the  
20 music play list takes over the local musicians  
21 and the local talent.

22 And I try to go out and talk to a lot of  
23 broadcaster groups. And I was with one last  
24 week and I said well, y'all may feel real good  
25 about where you are right now. But I remember

1 my first day of college, I went in, the  
2 professor said look to your left, look to the  
3 right. One of you three people isn't going to  
4 be here at the end of the semester.

5 I told the broadcasters, too, two, three  
6 years from now in a particular state, some of  
7 you people aren't going to be here. I think  
8 it's something that even if we think diversity  
9 and localism and competitive environment exists,  
10 don't take it for granted.

11 COMMISSIONER ADELSTEIN: Thank you,  
12 Commissioner Copps. That concludes our panel  
13 segment. We are running a little bit behind.  
14 Imagine that, a government operation running not  
15 like clockwork. We'd like to shorten the break  
16 a little bit. Instead of a 15-minute break,  
17 just take a quick five-minute break and we will  
18 reconvene in five minutes.

19 (A brief recess was taken.)

20 COMMISSIONER ADELSTEIN: We're going to  
21 come back to order. The next portion of our  
22 experience here is going to be moderated by  
23 Steve Hemmingsen, who's an experienced mediator  
24 of this, and begin with community perspectives  
25 from the list you have in your program here.



1           And then we're going to open the microphone to  
2           everybody that wants to speak. And all of it  
3           will go on the record. So we'll be here as long  
4           as it takes. Steve.

5                         MR. HEMMINGSEN: Thank you,  
6           Commissioner. I'm Steve Hemmingsen. I anchored  
7           the news at KELO in Sioux Falls before retiring  
8           for, I don't know, 25 years, something like  
9           that. I've been asked to moderate the public  
10          participation segment of tonight's hearing.

11                        This segment consists of two parts. First,  
12          we'll hear briefly from a small group of  
13          additional community leaders, organizational  
14          representatives, and broadcasters. Now each  
15          speaker will have two minutes to deliver their  
16          prepared remarks. We use the light signal and  
17          the cards, just as we did in the first segment  
18          of the hearing, to maintain these time limits.  
19          Now I may interact with a speaker from time to  
20          time to clarify or develop or further their  
21          remarks.

22                        Second, we'll hear from citizens directly  
23          about how their broadcasters serve them. The  
24          FCC has devoted substantial time to the open  
25          microphone session because it's critically

1           important to this hearing. It allows the FCC to  
2           hear from the citizens directly about how their  
3           broadcasters are serving them. I'll provide  
4           more details about the format and procedures for  
5           that session when it begins.

6           And in the meantime, I would like to  
7           emphasize to everybody involved, since we would  
8           all like to see our wives and families again,  
9           let's please stick to the two minutes, if you  
10          would. We're entirely for free speech as long  
11          as you keep it within two minutes.

12          All right. Let's start with the comments  
13          from our additional speakers this evening. And  
14          first let's hear from the Honorable Jim Shaw,  
15          the Mayor of Rapid City.

16                 MAYOR SHAW: Once again, thank you,  
17          Commissioners, and thanks to all of you who are  
18          here from the FCC and elsewhere for coming to  
19          our community. Just wanted to reiterate on  
20          three key items that from my perspective not  
21          only as an elected official but also as a  
22          long-time broadcaster in the Rapid City  
23          community I think need to be emphasized.

24          One is the Emergency Broadcast System and  
25          the manner in which it is operated, as Park

1 Owens indicated and to follow-up on the comment  
2 and question from Commissioner Adelstein.

3 I believe this could be replicated  
4 elsewhere. The cost is relatively  
5 insignificant. If it's used judiciously, which  
6 it is here, it is not a major inconvenience at  
7 all to the broadcasters. In fact, they should  
8 be welcoming it.

9 It's an opportunity, as we discovered here  
10 in Rapid City, long after the Rapid City flood,  
11 we learned that if there would be an emergency  
12 of that sort, it would be nearly impossible for  
13 fast communication to happen from a mayor,  
14 police chief, a fire chief. They'd have to go  
15 through a lot of contortions to be able to get  
16 the message on the air and even then maybe  
17 couldn't get the same message on all media.

18 So this system is, although we have not had  
19 to use it in an emergency situation such as the  
20 flood, nevertheless is very valuable to know  
21 it's there. And the broadcasters have been very  
22 welcoming to have that system in place.

23 Secondly, from the perspective I have as an  
24 elected official, I know how important it is to  
25 get the information out to the community about

1 the election, not just when the election occurs  
2 but beforehand. The broadcasters, again, have  
3 done an outstanding job of providing time in our  
4 community both on radio and TV to make those  
5 issues as well as candidates' positions  
6 well-known.

7 Thirdly, on the issue of undoing racism that  
8 I spoke of before, it's a very important issue  
9 in the Rapid City community. And again, the  
10 media has been, in Rapid City as well as the  
11 native stations, have covered this extensively.  
12 And it is a way to broadcast that information to  
13 a much wider forum than just those who would  
14 appear in person.

15 So again, localism, I believe, especially on  
16 those three perspectives that I have, is not  
17 only alive and well but is flourishing here in  
18 the Rapid City market. Thank you.

19 MR. HEMMINGSEN: Thank you, Mayor Shaw.  
20 Next we call on Phil Bravin. He's the  
21 Technology Research and Development Officer,  
22 Communication Service for the Deaf in Sioux  
23 Falls. Mr. Bravin.

24 MR. BRAVIN: (Through interpreter.) Good  
25 evening. Commissioner Adelstein, welcome home.

1 Commissioner Copps, welcome back. First of all,  
2 I would like to represent the deaf and hard of  
3 hearing community here in South Dakota. First  
4 and foremost of importance is to realize that  
5 deaf people do not have access to the radio at  
6 all. Our only access is to the television  
7 stations.

8 Our local stations are making an effort to  
9 try and communicate information to us, but it is  
10 not perfected as of yet. The best they can do  
11 is with some time -- realtime captioning. Other  
12 times they have scrawls, crawls, which are very  
13 useful until it happens five minutes before the  
14 tornado hits. Then until that five minutes  
15 before the tornado hits, that information is  
16 simply not enough.

17 And we don't know exactly where the tornado  
18 is. All we see is a weather map. And they  
19 expect us to read those crawls without having  
20 access to the voice overtones. Now, those  
21 things can be corrected with realtime  
22 captioning.

23 Another time a chemical explosion happened a  
24 few months ago in Sioux Falls. That information  
25 was not captioned. So my wife was baby sitting

1 my granddaughter and was completely unaware of  
2 what had happened because the voice-overs were  
3 telling people stay inside, do not go outside to  
4 play, do not go outside until the chemical is  
5 out of the air.

6 This is not a fault of the broadcasters.  
7 Sioux Falls and Rapid City are in very small  
8 areas. They are not able to charge the high  
9 advertising dollars that the big cities are able  
10 to. So therefore, they do not have the  
11 mechanisms in place to provide the access  
12 to deaf and hard of hearing people.

13 We also do not have information to the  
14 public issues such as the political debates, the  
15 political addresses. Most of those are not  
16 realtime captioned.

17 So the suggestion is that the FCC looks at  
18 some sort of USF information, the utilities  
19 communication commission, so that they can have  
20 the broadcasting to think about that. And thank  
21 you. I know my time is out. Thank you for the  
22 opportunity.

23 MR. HEMMINGSEN: Thank you, Mr. Bravin.  
24 Next on the agenda is Mark Antonitis, the  
25 President and General Manager of KELO television

1 in Sioux Falls, the owner of my soul. Take all  
2 the time you want, as long as you keep it within  
3 two minutes.

4 MR. ANTONITIS: Thank you very much,  
5 Steve. As Steve said, I am Mark Antonitis. I'm  
6 the President and General Manager of KELO TV. I  
7 have extensive written remarks that we've given  
8 to the secretary.

9 We cover a huge area that we call KELO Land.  
10 Now, you could watch our 5:00 p.m. newscast in  
11 Sioux Falls, turn off your TV, drive four and a  
12 half hours, turn on the TV in Rapid City, and  
13 you could see our 10 o'clock newscast. Localism  
14 for us is a very different thing than it is for  
15 a station in New York.

16 I work for Young Broadcasting. It's a  
17 publicly traded company located in New York.  
18 But like our managers and employees, I'm a  
19 South Dakotan and we live local.

20 Only one South Dakota television station has  
21 ever been awarded a national Emmy, and that was  
22 KELO TV in 2000. And that Emmy was for public  
23 service. We have great broadcasters here and  
24 part of what we do best is we are local and we  
25 live it.

1           KELO TV does many things we view as serving  
2           the community's needs including 24 and a half  
3           hours of local news. Commissioner Copps, I  
4           don't know where they got those figures, but 24  
5           and a half hours is one-seventh of our  
6           broadcasting. Live local sports, a monthly  
7           program about South Dakota politics that runs at  
8           6:30 p.m., hour-long prime time debates for  
9           federal offices and gubernatorial offices, ad  
10          watches on campaign ads, and many other efforts.

11          But since I've got less than a minute left,  
12          let me talk to you about one weather incident.  
13          In this area, weather is critical to the safety  
14          and well-being of our viewers. Because of that  
15          we invested over \$2 million in a Doppler Radar  
16          System. Now, we also have weather sensors,  
17          realtime sensors spread out over the entire  
18          viewing area. Our weather warning systems have  
19          provided -- have proved to be truly life-saving  
20          technology.

21          Now, six years ago a massive tornado  
22          devastated the small rural town of Spencer,  
23          South Dakota. Spencer is located just over 40  
24          miles west of Sioux Falls. Six people were  
25          killed, 150 people injured, and 90 percent of



1 the town destroyed.

2 Our live Doppler radar helped us warn  
3 Spencer viewers of the impending storm 20  
4 minutes before impact. We also preempted three  
5 and a half hours of prime time live programming  
6 to present a telethon to rebuild the town. We  
7 raised three-quarters of a million dollars.  
8 Thank you, Steve.

9 MR. HEMMINGSEN: (Gavel banging.) I  
10 always wanted to do that.

11 MR. ANTONITIS: Commissioners, we love  
12 what we do. We're passionate about television.  
13 All the broadcasters here are.

14 MR. HEMMINGSEN: (Gavel banging.)  
15 Which part of that didn't he get? By the way,  
16 don't leave for home without me.

17 MR. ANTONITIS: Thank you. Give them  
18 these letters later, Steve.

19 COMMISSIONER ADELSTEIN: We'll put  
20 these in the record.

21 MR. HEMMINGSEN: Okay. Let's move on  
22 to Carole Anne Heart, the Executive Director of  
23 the Aberdeen Area Tribal Chairmen's Health  
24 Board. Carole Anne Heart.

25 MS. HEART: Good evening. I'm a fast

1 talker. I'd like to say (speaking in native  
2 language.) Welcome, all of you to the sacred  
3 Black Hills which is the homeland to the Lakota  
4 Nations, and it is the heart of everything that  
5 is to us.

6 And what I would like to speak to, I have  
7 submitted testimony that they are in receipt of,  
8 but I would like to emphasize a couple things  
9 that are very important to us. I know I would  
10 like to also agree with Tom Short Bull on a lot  
11 of his comments that he made.

12 But I would also like to add that I live  
13 here in Rapid City now, and I moved here from  
14 the exciting town of Aberdeen, South Dakota.  
15 And while moving here we moved a whole program  
16 of 60 people that serve the needs of Indian  
17 people in the states of North Dakota,  
18 South Dakota, Nebraska, and Iowa. We serve  
19 200,000 native people in these four states.

20 And we thought that was pretty big news that  
21 a business this large serving the Indian people  
22 of that many moved to the town of Rapid City.  
23 And yet this was not covered by any news media  
24 station other than KOTA. So I would like to  
25 thank them for that.

1           And I think that the reason that they were  
2           able to do this is because they have a native  
3           news reporter working at their station. And I  
4           think if all the stations would hire a native  
5           news reporter that we would get more news  
6           coverage on all fronts, on a lot of different  
7           topics. So I encourage every station to do  
8           that, to hire a native news reporter or someone  
9           that works in your office so that you have a  
10          link to the communities that you serve. And I  
11          think that's a very important thing.

12          (Applause.) Is that part of my minutes?

13                 MR. HEMMINGSEN: You'll know when the  
14          party is over.

15                 MS. HEART: I would like to also  
16          dethrone a couple myths that exist in the media,  
17          which is that casinos are the answer to  
18          everything. And the question I would like to  
19          ask all of you is, what is the difference  
20          between praying in church and praying at the  
21          casino? At the casino you really mean it.

22                 MR. HEMMINGSEN: That was the end.  
23          That was it. Thank you, Carole.

24                 MS. HEART: And so what -- I just want  
25          to say that I hope you conduct a market study on

1 the populations that are served by native people  
2 in the states of North Dakota, South Dakota, and  
3 Nebraska, to find a true picture of the  
4 broadcast of the coverage in this area. Thank  
5 you very much.

6 MR. HEMMINGSEN: Your time is up.  
7 Thank you very much. All right. Where is  
8 Dennis King, Vice Chairman of the Oglala Sioux  
9 Tribe? Dennis? I have him on my agenda. Here  
10 he comes, I believe.

11 MR. DUHAMEL: I don't know Dennis King.

12 MR. KING: Oh, I hope my two minutes  
13 didn't start when I was walking up. First of  
14 all, (speaking in native language.) First of  
15 all, let me translate what I just said in  
16 Czechoslovakian because that's what I am.

17 No, in Sioux. I said: This is Sioux  
18 territory, and I want to welcome all of you  
19 here. This is the first time we have something  
20 like this, news, newspaper, and news media.  
21 There's a lot of things that I want you guys to  
22 enjoy, for you people coming from far away.  
23 Enjoy the Black Hills. The treaty, it still  
24 belongs to the Lakota Nation. Rapid City is  
25 still sitting in Indian country. But the thing

1 I'd like to say is that there's a man from the  
2 Fifth Office that came with me, and he's going  
3 to read a written statement. He's a fast  
4 talker. Harvey White Woman.

5 And one of things that I think he wants to  
6 cover is that part of is the race relations that  
7 I think Mr. Shaw talked about. We need to  
8 improve that greatly.

9 MR. HEMMINGSEN: Will you be able to do this  
10 in a minute?

11 MR. WHITE WOMAN: Commissioner, honored  
12 guests. First of all, I do want to reiterate  
13 again, you have a representative of the tribal  
14 government here, and you gave -- you afforded  
15 the state government, the city government time  
16 to make an opening statement and they were  
17 afforded that time earlier. So I feel as a  
18 federal trust responsibility, the tribal  
19 government should be afforded the same amount of  
20 time.

21 COMMISSIONER ADELSTEIN: Let's start  
22 the clock over at two minutes.

23 MR. WHITE WOMAN: Okay. Thank you.  
24 First of all, I'd like to go ahead again and  
25 welcome you to Lakota country, which we still

1           consider very sacred under the treaties and  
2           supreme law of this land under Article VI. I do  
3           want to read the statement of the Fifth Member  
4           of the Oglala Sioux Tribe, which also is a  
5           statement of the tribe itself, the Oglala Sioux  
6           Tribe.

7           Testimony from the treaty perspective on the  
8           Federal Communications Commission Localism  
9           Hearing. I quote: Set apart for the  
10          undisturbed use and occupation of the Indians  
11          herein named, Article II, 1868 Fort Laramie  
12          Treaty. From time immemorial the Oglala Band of  
13          the great Tetonwan Lakota Nation have held that  
14          treaty territory promised and pledged by the  
15          United States would be used solely for the  
16          building of a sovereign nation that our children  
17          and the coming generations would be proud to  
18          call Lakota country; a territory which would  
19          embrace traditional laws of custom to which to  
20          govern themselves and develop a sustained  
21          economy based upon the usage of the vast  
22          resources held in common for the Lakota people  
23          by the Lakota people.

24          History of this nation has proven otherwise  
25          to the extent that the Oglala Band have become

1           enslaved to a system that to this day remains  
2           totally foreign and goes against traditional  
3           teachings of our ancestors.

4           Although we have been able to adapt to a way  
5           of life that was thrust on our ancestors years  
6           ago, we continue to see the constant use and  
7           depredation of our treaty territory to benefit  
8           economies of non-native communities instead of  
9           the rightful owners of this area by supreme law.

10          The Federal Communications Commission is  
11          gathered here to listen and possibly learn from  
12          common people who share one goal in mind:  
13          Diversity in the airwaves. Today we see the use  
14          of the airwaves and who controls that use of  
15          airwaves can also control how people perceive  
16          other cultures.

17          For years the Native Americans have been  
18          viewed by the media and television in  
19          South Dakota as second class citizens whose  
20          only purpose is to draw people to this area in  
21          its tourist seasons and are perceived that all  
22          Indians wear orange jumpsuits.

23          Non-Indians have been in control of how we  
24          are seen from the days of watching Indians  
25          surround the wagon trains in the television

1 western shows to the takeover of the Bureau of  
2 Indian Affairs building in Washington, D.C. All  
3 very stereotypical in showing that the Indian is  
4 nothing but a heathen savage and radical that  
5 requires total ignorance on the part of  
6 mainstream America.

7 This is what has been shown throughout the  
8 years in front of our children who we try to  
9 raise to be proud of their Lakota heritage.

10 The similarities between the Lakota and  
11 Muslim people is not a coincidence in a sense  
12 that both have been portrayed in movies that are  
13 replayed on television and mainstream media as  
14 cultures to be afraid of because of our views  
15 and the color of our skin.

16 Just as we have seen John Wayne taking care  
17 of the Indian problem in the westerns, we also  
18 see Arnold Schwarzenegger blowing away Middle  
19 Eastern terrorists to save the world.

20 As a consequence of those stereotypical  
21 portrayals of our cultures in mainstream media  
22 and television, Native Americans are subjected  
23 to failing federal Indian policies that continue  
24 to violate our rights as a sovereign nation.  
25 And as for the Muslim people, well one can only



1 look at what is happening in Iraq.

2 The FCC must realize the importance of  
3 diversity in the airwaves whether through radio  
4 or television, to prevent false images of a proud  
5 people, and a balance must be found.

6 MR. HEMMINGSEN: Thank you, sir.

7 MR. WHITE WOMAN: The Federal -- the  
8 Federal Communications Commission agency in  
9 acting for the United States Government has a  
10 fiduciary trust responsibility to assist the  
11 Oglalas in utilizing trust resources for the  
12 benefit of the Lakota people, which includes the  
13 unresolved air space within sovereign  
14 territories as recognized in the 1851 and 1868  
15 Fort Laramie treaties.

16 The airwaves that carry the messages through  
17 the air is viewed as a natural resource to which  
18 the Oglala must assert authority to protect not  
19 only what we see as a sovereign issue, but also  
20 to protect our children's future from  
21 stereotypical images portrayed to America via  
22 radio and television.

23 How we arrived at the statement of asserting  
24 authority over airwaves is vested solely in  
25 agreements made between two sovereign nations

1           called treaties.

2           As the founding fathers of this nation were  
3           interpreting through federal papers the United  
4           States Constitution in the late 1700s support  
5           was given to recognizing Indians as separate  
6           nations and afforded all respect as such by  
7           forging solemn agreements considered supreme law  
8           in Article VI of the U.S. Constitution.

9           Although airwaves is not explicitly written  
10          in the Fort Laramie Treaties of 1851 and 1868,  
11          we reserve unto ourselves the right of senior  
12          ownership of a natural resource within treaty  
13          territory.

14          This right of senior ownership is similar to  
15          water that was also not explicitly expressed in  
16          the treaties but was implied in the 1908 Winters  
17          Doctrine which remains the foundation of  
18          reserved water rights of Indian nations  
19          throughout the United States.

20          Supreme Court canons of treaty construction  
21          support the Oglala Lakota assertion of our  
22          sovereign right to an intangible property that  
23          could be used to benefit our people and to  
24          further the education of our culture, to insure  
25          the survival of a people whose ancestors pledged

1           their honor to maintain peaceful relations  
2           between two nations, a relationship based on a  
3           solemn trust that requires the building of  
4           bridges and understanding between two cultures  
5           who remain steadfast in their beliefs to life,  
6           liberty, and the pursuit of happiness and the  
7           other who believes in a supreme law and of  
8           sovereignty whereas diversity within the  
9           airwaves spectrum via radio and television can  
10          enhance that understanding (speaking in native  
11          language.) Thank you. Johnson Holy Woman.

12                   MR. HEMMINGSEN: Thank you very much.

13                   MR. HOLY WOMAN: I do want to go ahead  
14           and submit this testimony as part of the record  
15           for the Commissioners.

16                   COMMISSIONER ADELSTEIN: It will be  
17           made part of the record.

18                   MR. KING: I want to say one more thing  
19           before I leave. My name is Dennis King, vice  
20           chairman. I approve of that message. Thank  
21           you.

22                   MR. HEMMINGSEN: Next, Sonny Skyhawk,  
23           the Founder of American Indians in Film and  
24           Television. Sonny Skyhawk.

25                   MR. SKYHAWK: Good evening and thank

1           you very much, Mr. Adelstein, for inviting me  
2           and inviting some of our Lakota people and our  
3           local native tribes to this hearing. I'm  
4           somewhat appalled that we're held to this type  
5           of -- time wise. We were told that we were  
6           going to have four to five minutes to be able to  
7           deliver whatever message we had, and yet here we  
8           are again making a farce of this hearing by  
9           cutting people off and so on.

10                 So I'm telling you now I don't appreciate  
11           it. I was going to make some comments. I've  
12           come here all the way from Los Angeles to  
13           deliver this message, but I refuse now because  
14           my people have been disrespected by being held  
15           to this time line that you have. Thank you.

16                         MR. HEMMINGSEN: Thank you,  
17           Mr. Skyhawk.

18                         COMMISSIONER ADELSTEIN: Let me just  
19           respond briefly. We have a lot of people here  
20           that want to be heard tonight. Everybody is  
21           being held to two minutes. We are going to be  
22           here as long as it takes to hear everybody. But  
23           it's only fair to everybody in this room that we  
24           all respect each other and that we keep our time  
25           limited.

1           If you want to continue to go afterwards,  
2           we'd be happy to hear from you. Some of these  
3           people who want to speak came from very far and  
4           they have also important things to say. We  
5           don't want to make them stay here until 2:00 or  
6           3:00 a.m.

7           MR. HEMMINGSEN: And I didn't make the  
8           rules, I'm just enforcing the rules. Next is  
9           Linda Marcus, who's the President of the  
10          South Dakota Broadcasters Association.

11          MS. MARCUS: Good evening and welcome  
12          to South Dakota. I'm the General Manager of  
13          four radio stations in Huron, South Dakota and  
14          I'm also the Chairman of the South Dakota  
15          Broadcasters Association.

16          Tonight I'd like to speak to the variety of  
17          community causes South Dakota Broadcasters radio  
18          and television stations. We are a wealth of  
19          issue-specific awareness announcements on  
20          subjects from health and education to alcohol  
21          abuse prevention and community safety.  
22          South Dakota broadcasters provide important  
23          support for community organizations such as  
24          local hospitals, fire and police departments,  
25          libraries, schools, food banks, the homeless and

1 domestic violence shelters, among many others.

2 Stations also support organized community  
3 events such as blood drives, charity and relay  
4 events, community cleanups, town hall meetings,  
5 health fairs, and many of us also sponsor events  
6 for local races.

7 Where I think our broadcasters really shine  
8 is when Mother Nature takes hold of what happens  
9 in South Dakota, and we're certainly not  
10 unfamiliar with those kind of things. And when  
11 it's time to bring help to the people, the  
12 broadcasters are the only ones that can bring  
13 them that lifesaving message.

14 All of our efforts to cover -- all of our  
15 efforts cover a full range of issues confronting  
16 our communities including all kinds of health  
17 issues, and violence prevention, and poverty and  
18 homeless issues. Our stations do all kinds of  
19 things to help our communities, and it's very  
20 important to us that we stay local.

21 Tonight we're proud to be part of the public  
22 service events that we do in each community, and  
23 we're here to learn. And we're here to learn  
24 what we can do to help others and do a better  
25 job of what we're doing to serve our

1 communities. Thank you.

2 MR. HEMMINGSEN: Next is Dawn  
3 Laskowski, Executive Director of the American  
4 Red Cross, Black Hills Area Chapter of Rapid  
5 City.

6 MS. LASKOWSKI: Thank you for giving  
7 me a chance to speak today. As you know, the  
8 American Red Cross provides relief to victims of  
9 disaster, presents health and safety training,  
10 and relays emergency information between active  
11 military and their families. Our services are  
12 available to all people of all ages regardless  
13 of gender, race, or income levels.

14 Without the media we could not accomplish  
15 our mission. They are instrumental in getting  
16 our message out to the public. They inform the  
17 public about what services such as training  
18 courses that we are offering. They assist us in  
19 building community relationships and in relaying  
20 the needs of the Red Cross, including financial  
21 support.

22 We place such a high level of importance on  
23 building and maintaining media relationships  
24 that we make sure we have representation from  
25 each of the media, television, radio, and

1 newspapers, that sit on our board of directors.  
2 Jack Sitch from KEVN, Fox 7, Charlie O'Douglas  
3 from Rushmore Radio, and Marty Kraus from the  
4 Black Hills Pioneer, each currently hold seats  
5 on our board.

6 Their involvement helps to educate us on the  
7 best, most effective way to present information  
8 to the media to assist us in getting our message  
9 picked up. Not only have they helped us to  
10 improve the way that we communicate to the  
11 media, their involvement insures that our  
12 message will get through their outlets.

13 However, we receive active support from our  
14 community and our media overall because of good  
15 solid relationships that we have built with  
16 individual organizations. As a result, they  
17 gain an understanding of our unique needs.

18 For instance, they have been proactive in  
19 taking a PSA on a disaster course that is  
20 scheduled and have developed it into a news  
21 story about the importance of getting the  
22 necessary training today so that when the  
23 wildfire strikes next month, that student will  
24 be capable of helping hundreds of his neighbors  
25 in a day. They have actually come to the class



1           itself to get the necessary video to help  
2           promote the message.

3           This is the benefit of building  
4           relationships to attain the over -- this ongoing  
5           support.

6           MR. HEMMINGSEN: Time is up.

7           MS. LASKOWSKI: Thank you very much  
8           for the time to speak.

9           MR. HEMMINGSEN: Thank you. Our next  
10          speaker is Mark Reed, Actor and Native American  
11          Member of the Equal Employment Opportunity  
12          Committee of the Screen Actors Guild.

13          MR. REED: Before my testimony begins I  
14          would like to take a moment to thank the Creator  
15          for this day. I'd also like to thank the Lakota  
16          people for inviting me onto their land. Also  
17          like to thank the state of South Dakota and Jim  
18          Shaw, Mayor of Rapid City, for hosting the  
19          hearings here. I also was told that four  
20          minutes was our limit. I have a three minute  
21          and ten second speech that I will read complete.

22          I'll begin my testimony: My name is Mark  
23          Reed. I'm an actor representing the Screen  
24          Actors Guild and our 120,000 members. I am of  
25          Mohawk and Apache descendent. I'm a family man

1           and grandfather. But you won't see a Native  
2           American Indian like me on TV or in a movie.  
3           That's not how we're portrayed. If we were  
4           portrayed as we live, we'd be a part of every  
5           community, doctors, mechanics, parents, just  
6           people. We'd be woven into the American fabric  
7           just like you.

8           It's amazing how many Americans seem to  
9           enjoy saying that they are part native, even  
10          down to being fractionally part. Yet these same  
11          people have no exposure to the rich cultures  
12          since the media shuts out that information.

13          That's my point. The media is information,  
14          and information depends on the media. The FCC  
15          oversees our broadcast media. The FCC is our  
16          trustee who we trust to keep our airwaves free  
17          and safe from selfish or malicious control with  
18          free and safe broadcasts so my children and  
19          yours, my grandchildren and yours will have a  
20          chance to see Native Americans in a positive,  
21          truthful way, the way we are.

22          The Screen Actors Guild, SAG, believes  
23          Native Americans deserve the honest portrayal  
24          and deserve access to roles and job  
25          opportunities the media does not allow us. SAG

1           employment data shows that in 2002 only .02  
2           percent -- that's right, only point -- excuse  
3           me, .02 percent of all roles went to Native  
4           Americans. Most of those opportunities were  
5           minor roles in westerns and period pieces.

6                     We're convinced the FCC, by dispersing  
7           ownership and control of media, could help  
8           resolve this problem. We're equally convinced  
9           that the FCC, by supporting vertical integration  
10          of media ownership and control, exacerbates the  
11          problem.

12                    With SAG as a partner, Native Americans are  
13          joining forces with the community and media  
14          watchdogs through the country. Our goals are  
15          fair, our progress is hard fought. As our  
16          employers consolidate to own every arm of the  
17          media, Native American actors representing  
18          native people have lost ground in the battle to  
19          be part of the American media, to be part of the  
20          information stream controlled by the media.

21                    I'm here to say this is no longer  
22          acceptable. The Screen Actors Guild along with  
23          the Directors Guild of America, Writers Guild of  
24          America, and many independent producers filed a  
25          petition with the FCC in December of 2002. We

1           asked for regulations to require the networks to  
2           fill a minimum of 25 percent of all prime time  
3           programming hours with content from independent  
4           producers; not network owned, not owned by other  
5           divisions of the network, but produced and owned  
6           by true independent producers. We believe  
7           beyond a doubt that this will result in  
8           diversity in programming and creative ideas and  
9           diversity in casting.

10                 So many actors get their start in shows  
11           produced by writer/producer Norman Lear, a  
12           perfect example of how unique and  
13           ground-breaking concepts got onto the public  
14           airwaves.

15                 The problem affects not only Native American  
16           Indians, it affects all Americans. It boils  
17           down to this stunning fact: Control information  
18           and you control the nation. No group, no  
19           special interest deserves the power to control  
20           our nation by controlling information.

21                 As a Native American Indian and as a member  
22           of the Screen Actors Guild, I'm proud to speak  
23           out to the FCC. On behalf of all Americans,  
24           keep our airwaves ours. Keep our information  
25           uncontrolled, and we'll keep our liberty secure.

1 I'm Mark Reed. Thank you.

2 MR. HEMMINGSEN: Thank you. Our next  
3 speaker is Jim McKeon, President and CEO of the  
4 Rapid City Area Chamber of Commerce.

5 MR. MCKEON: Are our local broadcasters  
6 serving the community? My general answer  
7 resoundingly is yes. Our chamber which has  
8 1,470 members with more than 30,000 employees  
9 has its fingers in many different parts of the  
10 pie.

11 We create the atmosphere where business can  
12 prosper and expand. We realize business is the  
13 economic engine that lets us have an  
14 outstanding quality of life. So from my  
15 perspective, we get excellent support from our  
16 local business media.

17 We are provided general coverage in the  
18 areas of a standing monthly radio time for  
19 general topics, standing monthly TV time for our  
20 visitor industry, special time when needed, news  
21 conferences, PSAs, event coverage, seminars, TV  
22 coverage of new business openings, and  
23 refurbishments.

24 We also are aware that we have local sports  
25 events, support of charities and nonprofits, and

1 support of the arts. Under the issues portions  
2 we have forums and debates that are covered by  
3 the media very well.

4 They cover our advocacy  
5 things with the air service, highway  
6 acquisitions, Ellsworth Air Force Base  
7 retention, community visiting and planning.

8 Seven years ago they helped us with  
9 Frontiers Forging our Future. They are now  
10 currently helping with Black Hills Vision.

11 Under the factors for consideration, I think  
12 you need to watch news media, news versus  
13 editorial. We see a lot of that slipping in  
14 the localism. It's editorial rather than news.

15 Opportunities decrease for advertising in  
16 the PSAs and all those things that I talked  
17 about as we approach the election advertising  
18 season, which unfortunately is getting longer  
19 and longer. Local management, you've talked  
20 about it itself. We believe that local  
21 management or involvement is important. We have  
22 folks here that are masters of ceremony, attend  
23 meetings and luncheons, join committees, are  
24 partners in our events.

25 We have another aspect of it and that's the

1 advertising budget. This is a twist. Okay.  
2 This is a twist. I'm going to put my business  
3 hat on now from the other side.

4 The number of stations you have in the area  
5 causes our business community to have to figure  
6 out how to allocate their advertising budget.  
7 When they do that, they can't go with all the  
8 stations. They go with some of them. They feel  
9 like they are not getting all the coverage that  
10 they need, depending upon how the various radio  
11 stations are segmented.

12 In closing, the factors for consideration  
13 should not detract from my first answer to the  
14 question. Are our local broadcasters serving  
15 the local community? My answer is yes. If I  
16 had more time I would welcome you.

17 MR. HEMMINGSEN: Thank you. Our next  
18 speaker is supposed to be Patty Pearson,  
19 Director of Kids Voting in South Dakota. I  
20 understand she couldn't be here. If Dr. John  
21 Usera is here and would like to make some  
22 remarks, he's welcome to.

23 He just stepped out of the room. We'll --  
24 well, all right. Dr. John Usera is in the  
25 building.

1                   MR. USERA: Thank you and welcome. I'm  
2                   John Usera, and I represent the Chiesman  
3                   Foundation that houses six projects that works  
4                   on civic education and trying to work on getting  
5                   people to deliberate on different public policy  
6                   issues.

7                   Kids Voting happens to be one of our  
8                   projects that we're really proud of. And what  
9                   it does, it promotes and teaches young people  
10                  from kindergarten to 12th grade about voting and  
11                  the democratic process in the classroom. One of  
12                  the things that we're proud of is the fact that  
13                  the media like KELO and KOTA and so forth, they  
14                  step up and try to get the youth on the news and  
15                  make it part of their programming to report  
16                  about what Kids Voting is happening in the  
17                  classroom.

18                  Kids Voting then is connected through the  
19                  media to the classroom and to the community at  
20                  large. As a result of this connection between  
21                  media and the Kids Voting and curriculum and the  
22                  activities that it does, it makes the youth  
23                  realize how important their voice is in a  
24                  democracy and also how it can be in the future.

25                  It really provides an opportunity for the



1 children to realize that not only is public  
2 policy made because of their voice, but that  
3 they are being heard. Thank you.

4 MR. HEMMINGSEN: Thank you, Doctor.  
5 Before moving on to the open microphone session,  
6 Commissioner Adelstein?

7 COMMISSIONER ADELSTEIN: I just had an  
8 addendum to our agenda. We have a wonderful  
9 addition. Part of our closing this evening when  
10 we wrap up will include a Lakota traditional  
11 honoring song sung by Mr. Tim White Face. If  
12 you can make it to the end, Mr. White Face will  
13 do that for us. He's a member of the Oglala  
14 Sioux Tribe and will help us to commemorate this  
15 hearing in his own respectful way. And we very  
16 much appreciate that honor.

17 MR. HEMMINGSEN: Thank you,  
18 Commissioner. Now we'll begin the open  
19 microphone session. Upon entering the hearing  
20 room, everyone who wishes to speak should have  
21 drawn a card with a group number on it. If you  
22 did not do so and wish to speak, please contact  
23 an FCC staff member in the rear of the room and  
24 they will assist you.

25 Throughout the remainder of the hearing,

1 group numbers will be chosen at random and  
2 displayed on screens at the front of the hearing  
3 room and in the overflow seating area.

4 Now I'd like to ask a volunteer from one of  
5 the back rows to assist us by picking numbers  
6 for the open microphone session. Do we have a  
7 volunteer in the back? A volunteer? We've got  
8 one. All right.

9 Now, our volunteer will provide these  
10 numbers to the FCC staff who will display the  
11 numbers on the monitors at the front of the  
12 hearing room and in the overflow area. When  
13 your group number is displayed, please move to  
14 the check-in area at the back of the room. An  
15 FCC staff member will then direct you to a  
16 microphone at the appropriate time. We'll  
17 alternate between two microphones to maximize  
18 the number of people who can speak.

19 Now, in order to hear from as many people as  
20 possible, all speakers must limit their remarks  
21 to no more than two minutes. We'll use the time  
22 machine to maintain these limits.

23 As a reminder, a yellow card and a yellow  
24 light will be displayed when a speaker has one  
25 minute left. Each speaker should begin at that

1 point to sum up. A red card and the light will  
2 be displayed when the speaker's time is expired,  
3 and each speaker should then conclude their  
4 remarks and leave the microphone. An FCC  
5 staff member will remind speakers who continue  
6 after the red card and light have been displayed  
7 that their time has elapsed. After an FCC staff  
8 member gives the reminder, we will then switch  
9 to the other microphone to give the next person  
10 waiting to speak an opportunity to do so.

11 The Localism Task Force invites those who do  
12 not have an opportunity to speak for as long as  
13 they wish to submit their views in writing to  
14 the FCC, following the instructions at the  
15 Localism Task Force's Web site, which is  
16 [www.fcc.gov.local](http://www.fcc.gov.local) -- or excuse me, slash  
17 localism. I may follow up on a speaker's idea  
18 from time to time. Now let's get started with  
19 the open microphone session.

20 All right. It would also be nice, but it's  
21 not imperative, that you identify yourself so we  
22 have a rough idea who you are speaking on behalf  
23 of, which could be yourself if no one else.  
24 Yes, sir, you appear to be number one.

25 MEMBER OF THE PUBLIC: Evidently. I

1 thought I was number two according to the  
2 screen, but I will go ahead and get started.

3 MR. HEMMINGSEN: We'll sort that out  
4 later.

5 MEMBER OF THE PUBLIC: Commissioners  
6 and distinguished panel, thank you for this  
7 opportunity. I'm Matt Gassen. I'm Executive  
8 Director of the Community Food Banks of  
9 South Dakota. We operate a food bank in Sioux  
10 Falls and we operate a food bank in Rapid City  
11 along with a pantry in both communities.

12 I know that Commissioner Copps didn't really  
13 want us to talk about what the local media does  
14 as far as fundraising for nonprofits. But I  
15 gotta tell you that without the support of the  
16 local media, it would be very difficult for  
17 many, many nonprofits to accomplish the missions  
18 that they accomplish in communities, especially  
19 the small communities.

20 As a food bank, I can tell you we do not  
21 have the luxury of having access to food from  
22 major manufacturers like there would be in a lot  
23 of large metropolitan areas. We have to get all  
24 our food transported in. We have to rely on  
25 donations from major corporations. So without

1 the assistance of the local donors, we wouldn't  
2 be able to accomplish what we accomplish.

3 The media has always supported us for  
4 20-some years, as Bill Duhamel had mentioned,  
5 KOTA Care and Share Food Drive has been  
6 supporting the food bank here in Rapid City.  
7 KELO Land has been supporting the food bank in  
8 Sioux Falls along with all of the other media in  
9 Sioux Falls as well as with many of our  
10 fundraisers.

11 Also, in Rapid City we have the luxury of  
12 all the TV stations that support us when it  
13 comes time for food drives or media events that  
14 we're holding.

15 You know, it comes from those kinds of  
16 things, but more importantly what it does is  
17 allows us the opportunity to provide food to  
18 many of the needy people throughout the state of  
19 South Dakota, to the minorities that we serve,  
20 be that 50 some percent that are minorities that  
21 we serve from our pantry here in Rapid City.

22 But I'd like to thank in the media, in the  
23 local media that has supported us is a guy that  
24 spent 72 hours in the back of a Mayflower  
25 trailer to collect food for Thanksgiving meals,

1 and that is the kind of support that we get  
2 throughout the communities in the state of  
3 South Dakota. And without their support, we  
4 wouldn't be able to accomplish what we do.  
5 Thank you very much.

6 MR. HEMMINGSEN: Thank you, Matt. Next  
7 over here.

8 MEMBER OF THE PUBLIC: Hi, I'm Tim  
9 Henderson, Vice President of Business  
10 Administration here at South Dakota Tech. I  
11 have a slightly different issue I want to  
12 address tonight, and that has to do with the  
13 application process.

14 The South Dakota School of Mines and  
15 Technology is having great difficulty with the  
16 FCC licensing renewal of our own campus radio  
17 station, formerly KTEQ 91.3 FM. Before getting  
18 into the details of the situation, please let me  
19 give you some quick background information about  
20 KTEQ, as we call it. KTEQ was started in 1922  
21 as WCAT on the AM band, the first radio station  
22 in the state of South Dakota. Fifty years  
23 later, 1972, the station became KTEQ 88.1 FM and  
24 later now as it's called 91.3 KTEQ.

25 It has always been a noncommercial station

1 serving SDSU and the community and provides  
2 great management, team working opportunities for  
3 the students here at Tech. Many of the disc  
4 jockeys are from the local community. Many more  
5 are Tech students and faculty.

6 KTEQ went off the air in August of 2000 when  
7 its antenna had to be removed from the space  
8 that was donated by a local commercial radio  
9 station's tower due to technical reasons. It  
10 took some time for the students to raise funds  
11 for a new antenna, but in September of 2001 a  
12 request was sent to the FCC for a special  
13 temporary approval for getting back on the air,  
14 would have allowed KTEQ to do so.

15 However, since KTEQ was not on the air for a  
16 period of slightly greater than one year, the  
17 FCC dismissed the request for an STA and has  
18 muted and revoked our license.

19 It has been more than three years since KTEQ  
20 has been waiting and since we've been on the  
21 air. The FCC has offered no options for a  
22 solution to its problem, and South Dakota Tech  
23 is very interested in accelerating the process  
24 to open a window for noncommercial applications.

25 Further, if a window for processing

1 noncommercial applications isn't opened, we  
2 would like to see other alternatives that  
3 addresses our extenuating circumstances.

4 MR. HEMMINGSEN: Thank you. I believe  
5 that demands a response from Commissioner  
6 Adelstein.

7 COMMISSIONER ADELSTEIN: Yeah. I  
8 really feel terrible about what happened to  
9 KTEQ. I grew up actually listening to that  
10 station, and it provided the kind of diversity  
11 that we're talking about today. I heard all  
12 kinds of great new music there. It was  
13 creative, it was different. It's tragic it went  
14 off. Of course it went off before I got to the  
15 FCC.

16 But unfortunately, the rules were that if  
17 there was no broadcast for one year, that under  
18 our rules it was automatically suspended.

19 The question is how do we get it back on the  
20 air because nobody wants to get it back on the  
21 air more than I do. I know my colleagues would  
22 be concerned as well because of the quality of  
23 it and the important contributions that KTEQ  
24 made to this community and it should be able to  
25 make once again.



1           We do not have an open window at this time  
2           that's open for a number of reasons, which I  
3           could go into in a separate discussion with you,  
4           if you want. But we've been restrained by  
5           ongoing proceedings that we have, including  
6           judicial challenges that we've faced concerning  
7           the Commission's policies for the use of the  
8           broadcast spectrum.

9           When we do have an open window, we want to  
10          work closely with KTEQ as we have in the past  
11          and with the School of Mines to try to make sure  
12          that you do have the opportunity to apply and to  
13          restart that service which was so great for the  
14          community.

15                   MR. HEMMINGSEN: Commissioner Copps,  
16                   anything to add to that?

17                   COMMISSIONER COPPS: I would just  
18                   add -- and I agree with what my colleague said.  
19                   This wasn't a matter of Commission discretion.  
20                   This is Section 312(g) of the Communications  
21                   Act, which specifically says if a broadcasting  
22                   station fails to transmit broadcast signals for  
23                   any consecutive 12-month period, then the  
24                   station license granted for that operation  
25                   expires. So it's not a situation

1 where we have any discretion.

2 MR. HEMMINGSEN: Sir, does that clarify  
3 things for you at all?

4 MEMBER OF THE PUBLIC: Yes. I'm  
5 wondering in predicting the future if there's  
6 any guesstimate as to when that window could  
7 conceivably be opened? The problem is, of  
8 course, our students kind of lose interest as  
9 they don't have that opportunity, and we're very  
10 concerned about that.

11 COMMISSIONER COPPS: I think with some  
12 of the underbrush cleared away that that might  
13 be relatively soon. I would point out, I think  
14 that our staff has been pretty good in trying to  
15 reach out and keep the students apprised of the  
16 process and what they need to do, and we will  
17 continue to try to do that and make sure that  
18 this thing proceeds.

19 MR. HEMMINGSEN: Thank you. Let's go  
20 to this podium. Ma'am.

21 MEMBER OF THE PUBLIC: My name is  
22 Lindsey McLean, and I want to address a subject  
23 that I haven't heard brought up here yet and  
24 that a lot of people are very upset about  
25 including in your FCC changes, and that is



1 the topic of media localism, but just to respond  
2 briefly, we don't want to do anything that  
3 would cause interference to ham radio operators.  
4 We do want to explore the possibility of  
5 broadband over power lines and open a new  
6 pipeline into these homes for broadband.

7 But we are committed to insuring that is  
8 done in a way that does not cause harmful  
9 interference to other users, legitimate users.  
10 We consider ham operators and others to be a  
11 critical part of the communications system of  
12 this country that we are sworn to try to  
13 protect.

14 MEMBER OF THE PUBLIC: I think not.

15 COMMISSIONER ADELSTEIN: We're going to  
16 try.

17 MR. HEMMINGSEN: Thank you. Over here,  
18 ma'am.

19 MEMBER OF THE PUBLIC: My name is Barb  
20 Evenson, and I'm here representing  
21 Blackhillsmusic.com and the Black Hills  
22 Songwriters Invitational. The Black Hills  
23 Songwriters Invitational annually showcases up  
24 to 200 local songwriters in as many as 12 cities  
25 and two states.

1           We have -- we've actually gained a national  
2           reputation as a mecca for songwriters. We've  
3           had songwriters from as many as 20 states and as  
4           far as away as Canada participate.

5           This event -- this is a lively, inspiring,  
6           community-building event, and it is a direct  
7           testimony to the power and the importance of  
8           localism.

9           It has happened for six years. It has a  
10          tremendous ability to draw communities together.  
11          I've seen Hill City bands and Hill City  
12          professional bands and high school students all  
13          participating on the same stage with 200 people  
14          packing a small place.

15          It's a tremendous event. It happened  
16          because Bob Swenson of House Blend on  
17          South Dakota Public Radio said, "I'll record  
18          you. I will come to the Black Hills and I will  
19          turn on my recorder and I will listen to the  
20          people who write music. I'll listen to the  
21          people who write poetry. I'll record them and  
22          I'm playing them on statewide radio."

23          The effect of that on young people, on  
24          40-year-old songwriters, on 60-year-old  
25          songwriters, on people in Hill City, on people

1 in Hot Springs, people in Custer, people in  
2 Deadwood, people in Rapid City, people in  
3 Newcastle, Wyoming and Upton, Wyoming has been  
4 tremendous.

5 After six years I am still amazed at the  
6 quality and the passion of these people. Some  
7 of them have gone on to careers. Last night  
8 Haley Bonar played at One Time Home Time Show.  
9 She's now signed to a record label.

10 We have people like Jill Ann Crossland,  
11 National Fingerpicking Champion, who  
12 participates. It's a lovely event, and it is  
13 solely because Bob Swenson, an individual and  
14 South Dakota Public Broadcasting said yes, we  
15 care about what you do. Thank you.

16 MR. HEMMINGSEN: Thank you very much.  
17 Over here, sir.

18 MEMBER OF THE PUBLIC: I'm Dow McLain,  
19 10-year resident of Lawrence County in the  
20 Northern Hills. And my concern is the waiver  
21 requirement. I'm a 10-year subscriber or about  
22 10-year subscriber to satellite television. I  
23 do not have access to cable. I'm in the rural  
24 area of the Hills, and reception is not that  
25 great.

1           I bought the satellite system in '95 after  
2           experiencing -- or trying to watch local TV on  
3           poor video for over a year. I decided to invest  
4           the money in satellite television and get a  
5           digital quality picture at my location.

6           About a year later, all of a sudden all my  
7           access to the ABC, NBC, and all that was cut  
8           off, and I had to request a waiver to watch NBC  
9           or ABC or CBS or those nationwide broadcast  
10          companies. I was very lucky. KEVN was  
11          very cordial and afforded me a waiver. However,  
12          some of the other companies would not afford me  
13          a waiver.

14          I think it is not in my interest to have to  
15          go out and seek a waiver for something that I'm  
16          paying for and I can receive over the airwaves.  
17          I want to watch local TV. I can still do that.  
18          I have to put up with a poor quality picture,  
19          but I am not ignoring local TV, but I think I'm  
20          afforded a privilege of having a quality picture  
21          and being able to watch a quality picture and a  
22          program of my choice. Thank you.               MR.  
23          HEMMINGSSEN: Thank you. Over here.

24                       MEMBER OF THE PUBLIC: My name is  
25          Marvin Kammerer. I ranch out in Meade County,

1 South Dakota. My granddad walked in here with a  
2 freight train in 1880. From that land, the land  
3 of the Lakota -- I'm a Wasicu living on treaty  
4 land.

5 From that land my grandparents sent two sons  
6 to fight in World War I. Lost one of them there  
7 a few days before the declaration that it ended,  
8 one who even though he received the coeur de  
9 grace, it didn't do him any good. And that  
10 grandma was always looking for him to walk  
11 through the door.

12 Diversity. We have another culture here and  
13 a very honorable culture. I'm asking you  
14 people, you who have this responsibility,  
15 treasure it but treat it with respect: The  
16 culture of the Lakota.

17 The great Chief Crazy Horse who served his  
18 people well, who always thought of his people,  
19 gave his life for his people, a man who was born  
20 in this vicinity, a man whose spirit should be  
21 honored by all of us, because this is treaty  
22 land and the Lakota is a rich culture. The  
23 cowboy and the Indian culture have a lot more in  
24 common than they have in difference, because  
25 we're from the land.



1           There is one thing that I don't like about  
2           the local programming, and mostly I'm dealing  
3           with radio, is that there used to be local talk  
4           shows. Now there is none. When I come in and  
5           turn on the radio, it's like reaching for the  
6           refrigerator to get a cold glass of milk and put  
7           it to your lips and find out it's clabbered,  
8           because I'm picking up syndicated programs that  
9           are directed mostly to the neocon efforts of the  
10          governments in this country. They call it  
11          political agenda. And I find it disrespectful  
12          of my brothers and my family who have served  
13          this country in World War I, World War II, and  
14          the Vietnam War and the Korean War.

15                 MR. HEMMINGSEN: Thank you, sir. I  
16                 think that the Commissioners would like to add  
17                 something to your remarks.

18                 COMMISSIONER ADELSTEIN: I just thought  
19                 that was very insightful. Thank you very much  
20                 for sharing that.

21                 MEMBER OF THE PUBLIC: Thank you. And  
22                 let's not forget: Big television's needs have  
23                 to be -- big radio has to be controlled.  
24                 Remember what happened with Enron.

25                 MR. HEMMINGSEN: Thank you very much,

1           sir. You made your point very eloquently. Over  
2           here, sir.

3                         MEMBER OF THE PUBLIC: I'm Tom Ketel,  
4           self-appointed community gadfly, and I  
5           especially attempt to make us all responsible  
6           for racial relations in this community. I was  
7           born and raised on the Standing Rock Sioux  
8           Reservation. My dad used to say, "Ah, they're  
9           all sons-of-bitches anyway. Do whatever is  
10          right." And by sons-of-bitches he meant generic  
11          public opinion, that you had to stand up even  
12          when there was overwhelming views that were  
13          different.

14                        I've been a resident of Rapid City off and  
15          on since I was at South Dakota School of Mines  
16          and Technology and for the last 16 years  
17          continuously. I especially appreciate  
18          Commissioner Adelstein bringing this here. In  
19          my judgment, he was always the most professional  
20          of a very professional staff. So thank you very  
21          much, Jonathan.

22                        I also feel a personal connection and high  
23          respect for Bill Duhamel. I was a janitor for  
24          his mother when I went to South Dakota School of  
25          Mines. And when Judy Olson and I used to come

1           into the chamber meetings, he'd say, "Here comes  
2           the commie and the Pinko." Well, he married the  
3           Pinko, so maybe there's some help.

4           Five years ago I was asked to be a member of  
5           the statewide forum Future of Media and  
6           Democracy. This was sponsored by the Chiesman  
7           Foundation for Democracy. When the executive  
8           director issued a rosy scenario report not  
9           reflecting what went on in the session and  
10          certainly dissenting views, I filed a report.

11          I have submitted this to both the  
12          Commissioners, and I'm not going to bore you  
13          with a lot of detail, but I just want to put out  
14          one little piece, and this was six years ago.

15          Our major talk radio station in Western  
16          South Dakota has three hours of Rush Limbaugh  
17          followed by three hours of Dr. Laura followed  
18          by gun-nut and ex-con G. Gordon Liddy with two  
19          hours in the evening. Such intensive right-wing  
20          coverage lacks considerable balance.

21          The problem is not just the stations with  
22          the imbalanced right-wing national commentary  
23          but especially the blanket conformity that this  
24          promotes to the 40 percent of us who I still  
25          consider sane out here.

1           This is reinforced by our own people and our  
2           own institutions who are cowed by this  
3           mentality, in this case especially the Chiesman  
4           Foundation for Democracy that refuses to listen  
5           to free speech.

6           In closing, I'd like to say I will continue  
7           to be a gadfly and it's not much fun.

8           MR. HEMMINGSEN: Thank you, sir.

9           MEMBER OF THE PUBLIC: But a lot of the  
10          sons-of-bitches in this audience are my friends.

11          MR. HEMMINGSEN: Thank you, sir. Over  
12          here.

13          MEMBER OF THE PUBLIC: Hi, I'm Renae  
14          Parker. I'm the Executive Director --

15          MR. HEMMINGSEN: I should remind people  
16          that this deals with localism, just in case.  
17          Yes, go ahead.

18          MEMBER OF THE PUBLIC: I'm Renae  
19          Parker, and I'm the Executive Director of United  
20          Way of the Black Hills, and I am here to talk  
21          about localism. Representing United Way of the  
22          Black Hills I suppose that you think that I'm  
23          here to talk to you about how wonderful the  
24          media is in helping us fundraise. And I'm here  
25          to say yes, they are.

1           They cover our absolute every event. They  
2           are at our kick-offs, they are introducing all  
3           of our 650 Day of Caring volunteers who go out to  
4           do volunteer service every year. They go out  
5           and cover those events. They bring it back to  
6           the news media, they show it on TV. The next  
7           day, they cover it on radio. But that's just  
8           one thing, and that's not what I'm most proud of  
9           the media about in this community.

10           What I'm most proud of is I frequently get  
11           phone calls from our TV stations, all three of  
12           them. And they'll say, Renae, we really want a  
13           good story. You know you hear a lot about how  
14           they only cover the bad stuff. Well, that  
15           doesn't happen so much here.

16           They are calling saying, Do you have a great  
17           story? I know those United Way videos, you're  
18           always making people cry with those wonderful  
19           stories. Do you have some that you can feed to  
20           us.

21           So I challenge everybody out here in the  
22           audience, if you've got those great stories,  
23           channel them to me, channel them to the TV  
24           stations because I guarantee that in this local  
25           community, they are going to be heard. Thank

1           you.

2                       MR. HEMMINGSEN: Thank you, Renae. And  
3 I can add in my experience of 35 years in KELO  
4 Land what she says is true. They are always  
5 looking for good stories, and there are days  
6 when they are looking for any stories. Over  
7 here.

8                       MEMBER OF THE PUBLIC: Good evening,  
9 Commissioners. I'm First Lieutenant Megan  
10 Schaeffer, Deputy Chief of Public Affairs Office  
11 at the Air Force Base east of Rapid City. In  
12 taking in the Black Hills area climate, one  
13 can't help but see the strong military presence.  
14 At Ellsworth alone we make up approximately  
15 9,000 individuals, that's active duty and their  
16 families, who all have important needs and  
17 issues. And I'm happy to say that the media  
18 does a great job of covering those.

19                      We have a great relationship that exists  
20 with our community and this includes with the  
21 local media. And by no means is this  
22 relationship minor to us but very critical,  
23 critical in the importance of our military to  
24 the area, but even telling the American public.

25                      Additionally, the relationship is important

1 to us in showcasing the wonderful men and women  
2 that proudly serve at Ellsworth and the  
3 equipment that allows us to accomplish our  
4 tasks, all important to educating taxpayers on  
5 how we are effective and efficient in spending  
6 the monetary resources provided to us.

7 Finally, our relationship is also important  
8 because though we as military members are very  
9 often frequently gone, we are also part of the  
10 community and value issues important to us as  
11 military members, coverage of our events and  
12 personnel.

13 Through the media we are able to get this  
14 coverage through coverage of base events,  
15 deployment features on our personnel, and our  
16 mission. And even more importantly inclusion of  
17 us as fellow members of the community, and  
18 especially when we're gone, inclusion of us as  
19 members of the military including our family  
20 members in events and things like that.

21 Bottom line: Good news. The local media  
22 have done an outstanding job communicating  
23 issues that are important to us as military  
24 members and also members of the Rapid City  
25 community. Thank you.

1                   MR. HEMMINGSEN: Thank you very much.  
2                   Over here.

3                   MEMBER OF THE PUBLIC: My name is  
4                   Charlie O'Douglas. I'm Operations Manager for  
5                   Rushmore Radio here in Rapid City. Also serve  
6                   on the Board of Directors of Black Hills Area  
7                   American Red Cross and consider myself a public  
8                   servant.

9                   I would like at this moment -- I'm sorry  
10                  that Mr. Short Bull is not here to hear this or  
11                  at least give me an opinion. Diversity is a  
12                  very important issue as far as I'm concerned. I  
13                  very much appreciate where the Black Hills came  
14                  from and what they have grown into today.

15                 I understand the plight of our Native  
16                 American brothers and I appreciate that. But  
17                 right now I would like to issue on behalf of all  
18                 of Rapid City media, if I may be so bold, a  
19                 challenge to all the Native American community  
20                 leaders and tribal councils to partner with us  
21                 to open a line of communication and to converse  
22                 with us about the needs of your communities.

23                 We right now do not utilize our high  
24                 situation with availability of communication  
25                 through fax, telephone calls, and other types of



1 positive communication to be able to express the  
2 needs and concerns of the Lakota and Native  
3 American population in Rapid City and throughout  
4 Western South Dakota.

5 I reissue this challenge to open up  
6 communities. Do not make it the media's  
7 responsibility to search out your needs and  
8 concerns. But please take every avenue to give  
9 us a voice so that we can hear them. Thank you  
10 very much.

11 MR. HEMMINGSEN: Thank you. Sir.

12 MEMBER OF THE PUBLIC: Good evening.  
13 My name is Mike Farret. As a member of the  
14 South Dakota Peace and Justice Center, the  
15 South Dakota Peace and Justice Center, for week  
16 after week I was part of a peace coalition  
17 trying to persuade our country not to go to a  
18 war in Iraq.

19 And of course we watched the media reports  
20 that we received with great interest, and I was  
21 pleasantly surprised that the media coverage I  
22 thought for the most part was balanced in the  
23 Rapid City area.

24 I'd like to see more in-depth coverage,  
25 however, although I realize the nature of the

1 medium and its limitations. Originally my  
2 question was going to be addressed to Michael  
3 Powell, and quite frankly because it was his  
4 father that helped persuade this country,  
5 rightly or wrongly, to embark on --

6 MEMBER OF THE PUBLIC: Point of order.

7 MEMBER OF THE PUBLIC: Can I finish?

8 MR. HEMMINGSEN: Well, yeah. I'd like  
9 to get to the localism part of this though.

10 MEMBER OF THE PUBLIC: Well, I'd like  
11 to finish my question. My -- while we were out  
12 protesting week after week, Clear Channel  
13 apparently was promoting and producing their own  
14 news coverage, the media conglomerate Clear  
15 Channel. I would like to know if the FCC, if  
16 this charge is substantiated, if they think that  
17 is an appropriate use of an FCC license. That's  
18 how it applies to local coverage. Thanks very  
19 much.

20 MR. HEMMINGSEN: Over here. Ma'am.

21 MEMBER OF THE PUBLIC: Okay. Hello.  
22 Thanks for being here, Commissioners. My name  
23 is Roberta Hilliger and I've been a DJ at KTEQ  
24 for 24 years. If you'll recall the information  
25 Tim Henderson brought up, that's the same

1 station. And it's broadcast from the Tech  
2 campus, noncommercial FM college radio station.  
3 And each DJ gets to program all their own music.

4 Now it's gone. My brother was a student  
5 here at Tech, and I took over his show in 1979  
6 when the students left for the summer. I was  
7 asked to stay due to a great response from  
8 listeners. I played Chicago, R&B, Motown,  
9 world, jazz, and folk. And people called in to  
10 ask what I was playing. Some they had never  
11 heard before. And I never know who listened,  
12 but I always heard from new people local music  
13 stores could tell what I was playing by what  
14 customers were asking for. Our station had  
15 quite a few native DJ shows and managers. Soon  
16 I even had teenagers phoning in to request  
17 Billie Holiday, Frank Sinatra, bagpipes,  
18 Hendrix, gospel, or local music I played.

19 I heard also that a high school creative  
20 writing class listened to the show, which is a  
21 nice -- it was nice since there's not music in  
22 the schools so much. They had KTEQ on the air.

23 It was a good way to connect local art  
24 lovers also. Some DJs were called upon in  
25 approximately 1982 to help start Backroom

1           Productions, a sorely needed local arts outlet  
2           which led to Concerts in the Park that still go  
3           on today.

4           My son-in-law books bands traveling through  
5           the Black Hills, and he says that without KTEQ  
6           on the air, the local music scene is not as  
7           active. I've been interviewed at WGN radio in  
8           Chicago and KTEQ is lauded by them on a regular  
9           basis as free programming like theirs.

10          And I'm on their Web site solely for the  
11          glory of music and radio. And they asked me to  
12          phone in the Sturgis Rally reports and celebrity  
13          sightings.

14          MR. HEMMINGSEN: All right. Thank you,  
15          ma'am. I believe the Commissioner has something  
16          he wants to say.

17          COMMISSIONER ADELSTEIN: Just real  
18          quick. That really is what localism is about  
19          and it's tragic KTEQ isn't being heard. I  
20          probably heard you when I came back from  
21          college, and that is the kind of thing we like  
22          to hear.

23          But Congress passed a law that we are just  
24          implementing that says that if you don't  
25          broadcast for 12 months, you're cut off. We

1           have no choice or no discretion in the matter.  
2           We will make every effort when a new window  
3           opens to do that quickly and to insure you are  
4           aware of it and that you have every opportunity  
5           to apply and get your license reinstated.

6                         MEMBER OF THE PUBLIC: Great. Thanks.

7                         MR. HEMMINGSEN: Thank you. Yes, sir.

8                         MEMBER OF THE PUBLIC: Good evening.

9           My name is Dean Kinney. I'm the general manager  
10          of KBHB radio in Sturgis. Commissioner  
11          Adelstein, Commissioner Copps, we appreciate you  
12          coming. To the distinguished panel, I have just  
13          a couple of short remarks.

14                        One is that at KBHB we are committed to  
15          localism. We're committed to local news. We do  
16          operate with a full-time news department and a  
17          full-time news director. We have a long-time  
18          commitment to the farm and ranch community to  
19          which we serve. We have a wide variety of  
20          programming that includes local cowboy artists.  
21          It includes a weekly Sunday morning program, The  
22          Lakota Gospel Hour, which has aired for I  
23          believe about 20 years on KBHB each Sunday  
24          morning.

25                        We're local to the core, and we think that

1           it's the secret to our success today. It's a  
2           long-time tradition started by the late State  
3           Senator Les Cleavin and his wife, State  
4           Senator Marguerite Cleavin who, I believe, here  
5           in the audience tonight.

6           But my point is, we are not locally owned.  
7           Today we are owned by Triad Broadcasting Company  
8           out of Monterey, California. My staff and I are  
9           very proud to work for Triad. It's a company  
10          that has invested more capital into our radio  
11          station than the previous owners combined.  
12          They've made a strong commitment to our radio  
13          station, to its people, to this area, and they  
14          support our localism in every way.

15          We have an obligation to them to provide a  
16          return. We have an obligation to our employees  
17          to provide a return. We have an obligation to  
18          our audience to provide localism, and those  
19          things are not in conflict, and in fact, can  
20          work together.

21          So I would ask the Commission in the future  
22          ask not who owns it or if it's a large group  
23          that owns it, but instead ask what is the  
24          integrity of the company that owns it, and what  
25          is the commitment of that company to localism.

1           And to Triad Broadcasting, that commitment is  
2           high. Thank you.

3                       MR. HEMMINGSEN: Thank you. Over here.

4                       MEMBER OF THE PUBLIC: Hi. Yes. My  
5           name is Mike Temme. I'm a graduate student here  
6           at the School of Mines. And I'm very glad that  
7           the FCC came to such a small and remote  
8           community or remote city such as Rapid City.  
9           But the fact is, all over America is currently  
10          suffering a mass exodus. Many of us in this  
11          room have grown up and still live in small-town  
12          America. This is the Heartland of America, this  
13          is the bread basket of the world. Yet, when  
14          small-town residents turn on the radio and TV  
15          and they are constantly flashed images of  
16          Hollywood, it engenders a sense of alienation  
17          from the broader commercial society which is  
18          becoming an increasingly generic, materialistic,  
19          and shallow society.

20                      It feeds the desire to leave their  
21          community. But if you allow them to see the  
22          images of a unified agrarian community and all  
23          that it has to offer, it can instill a sense of  
24          pride in small-town America. Preserve localism  
25          and you can preserve the traditional fabric of

1           America. Thank you.

2                       MR. HEMMINGSEN: Thank you.

3                       MEMBER OF THE PUBLIC: Hello, my name  
4           is Patt Haugen. I'm speaking on behalf of a  
5           small group of Rapid Citians lobbying for a PEG,  
6           which stands for Public Education Government  
7           community channel here in Rapid City.

8                       We're also petitioning the city council for  
9           a city wide 211 phone system as currently exists  
10          in Sioux Falls and elsewhere throughout the  
11          nation.

12                      A 211 phone system is similar to 911 in that  
13          it is reserved nationwide so that a person can  
14          call and make an inquiry as to any social  
15          service provided within a community, whether  
16          governmental or private, and speak with a highly  
17          trained person knowledgeable in detail with all  
18          services available within a community in  
19          conjunction with specially developed software.

20                      We would like to suggest that the FCC push  
21          for cable companies to set aside cable  
22          television channel 111 nationwide for use by our  
23          own and other communities as a dedicated social  
24          services channel. This would clearly work very  
25          synergetically with promoting the 211 telephone



1 number.

2 Studies have shown that the runaround and  
3 social awkwardness and discomfort associated  
4 with such inquiries often prevent such inquiries  
5 from ever occurring to get help. By far video  
6 is the most powerful and most effective  
7 communication medium and reaches into everyone's  
8 living rooms.

9 A nationwide 211 channel and phone  
10 combination could act as a nuclear agent to,  
11 one, bring the multi-varied agencies in a  
12 community together in a new way; and two, enable  
13 tracking of and sharing of information in a  
14 community such that prevents a community versus  
15 individual level can be attempted, and the  
16 results meaningfully tracked even while full  
17 anonymity is maintained.

18 My topic, community access cable television  
19 and 211 phone system: True localism.

20 MR. HEMMINGSEN: Thank you.

21 MEMBER OF THE PUBLIC: Welcome,  
22 Commissioner Adelstein and Commissioner Copps.  
23 We're happy to have you here. I'm Mary  
24 Wickler-Peterson. I'm with the Rapid City YMCA.  
25 We serve over 23,000 members of our community.

1 My responsibilities at the Y are try to get the  
2 word out about the YMCA through publicity.

3 I have a lot of friends here in this room.  
4 The local radio stations and particularly the  
5 television stations have been very, very good to  
6 us. They've helped us in putting out PSAs on  
7 several different subjects. It could be general  
8 information on the YMCA or perhaps an  
9 announcement about a community street dance that  
10 we open up to the public every year.

11 Another thing that we do every year is a  
12 kids sponsorship campaign, and the television  
13 stations have been very wonderful to us in  
14 helping us get out the word about our mission in  
15 that we don't turn anyone away from the YMCA  
16 because of financial assistance.

17 Our campaign is asking the public to sponsor  
18 a child to the YMCA. It's also a means of  
19 educating the community about what the YMCA  
20 does.

21 Also, gosh, Don Grant at KOTA radio has us  
22 on every month to talk about the different  
23 things that we have going on at the YMCA. Cindy  
24 McNeill has invited us to be on and send our  
25 PSAs to KEVN. Bobby Marchesso at KNBN has us on

1 every month as well. They've been very, very  
2 good to us.

3 One other thing I wanted to mention is John  
4 Peterson came to us at the YMCA a couple years  
5 ago. We have a preschool there. We serve over  
6 a couple hundred kids in our preschool program.  
7 KOTA was involved in the Great American Toy  
8 Test, and he wanted our preschool kids and their  
9 teachers to try out the toys, and then they  
10 would report on them and do several reports on  
11 the media, and then we would let the toy  
12 companies know what our kids thought.

13 And as a result, we got to keep the toys.  
14 And it was a very, very nice gift actually for  
15 our preschool.

16 MR. HEMMINGSEN: Thank you very much.  
17 The next speaker is Mark Millage of KELO TV. I  
18 hired him and then he kept me around. Mark.

19 MEMBER OF THE PUBLIC: Thank you,  
20 Steve. And good evening and thank you for this  
21 opportunity. As Steve said, I am Mark Millage.  
22 I'm the news director and have been for the past  
23 15 years at KELO television in Sioux Falls. As  
24 Mark Antonitis explained earlier, KELO Land is a  
25 community that encompasses all of South Dakota

1           and many counties in southwest Minnesota,  
2           northwest Iowa and northeast Nebraska.

3                     I'm also the past chairman of the Radio  
4           Television News Directors Association and  
5           currently the treasurer of the Upper Midwest  
6           chapter of the National Television Academy.  As  
7           a result, I've had the opportunity to watch a  
8           lot of television news around the country and  
9           have identified a problem that's not unique to  
10          South Dakota.

11                    As you may or may not realize, and as we see  
12          it, our main and most important public service  
13          is public safety.  And if you have any question  
14          about that, I can't think of any other event  
15          than a tornado warning that would cause us to  
16          interrupt the finale of Survivor, and we did.  
17          We've poured millions of dollars into live  
18          Doppler radars, into weather nets that track  
19          local temperatures from Mission to Marty to  
20          Madison, Minnesota.

21                    And at this point we need your help with  
22          something.  The FCC requires cable operators to  
23          interrupt all channels on the system during  
24          severe weather information.  One of the problems  
25          with that is that during a live local broadcast

1 of severe weather, a slate comes up with a tone  
2 and a computerized voice telling you to turn to  
3 a different channel, at which point you will get  
4 a very slow crawl with very general information  
5 thereby missing what you are getting from the  
6 local broadcaster pinpointing that severe storm  
7 or that tornado down to a city block. That's  
8 what the technology can do.

9 And we've had a number of occasions, even  
10 during that Survivor finale, but also during  
11 local newscasts, during local weathercasts,  
12 where we're providing direct and immediate  
13 weather information and had that system  
14 interrupt our signal along with all local  
15 broadcasters to tell people to change the  
16 channel.

17 So what we're asking is that you simply  
18 review this policy and make a change and exempt  
19 local broadcasters from this requirement. Thank  
20 you.

21 MR. HEMMINGSEN: Thank you.

22 COMMISSIONER ADELSTEIN: Thank you,  
23 Mark. We will explore that. I wish Park Owens  
24 was here to respond as well, because we want to  
25 make sure people get the best information

1 possible. So we'd like to follow up with you on  
2 that.

3 MR. HEMMINGSEN: I think he's catching  
4 a nap under the desk, I think.

5 COMMISSIONER ADELSTEIN: He's  
6 responding to an emergency.

7 MR. HEMMINGSEN: Over here, ma'am.

8 MEMBER OF THE PUBLIC: My name is  
9 Dierdre Monahan. And I have a short story about  
10 why localism in broadcasting matters to me.  
11 June 29th, 2002 the Grizzly Gulch fire broke out  
12 near Deadwood, South Dakota. As with any  
13 disaster that befalls a human family,  
14 communications became paramount. Where your  
15 people are, what is happening to them can become  
16 impossible to figure out and most urgent.

17 The entire town of Deadwood and later some  
18 of Lead was evacuated. Many people had no way  
19 of knowing who was safe, where their families  
20 were, how to reach them, and if anyone needed  
21 anything.

22 The fire started on a Saturday afternoon.  
23 The whole crew of a locally owned and operated  
24 radio station, KDDX, came to the radio station  
25 by nightfall. Residents of the Black Hills

1           began calling in in desperation to see if their  
2           wife or husband was listening, could the DJs  
3           please confirm that they were okay. If their  
4           teenager tried to get home and was stopped,  
5           could they please call Grandma's right away.  
6           Could you please tell the neighbor that I have  
7           her dog and he's fine.

8           It snowballed. For several days and nights  
9           the crew at X-ROCK stayed on the air helping our  
10          community. At one point, someone called in and  
11          over live radio told one of the DJs, Jack, that  
12          his house was burning down. Later one of the  
13          folks live near the fire was able to report  
14          Jack's house was still standing.

15          Other local families were not so lucky.  
16          They lost everything. People immediately  
17          started calling in to get a funded donation  
18          drive started for them. Because of a handful of  
19          people who belonged to this community and  
20          because of a radio station who allowed them to  
21          stay on the air, KDDX became a clearing house of  
22          information for a wounded community.

23          Only a handful of houses were lost in the  
24          fire thanks to the firefighters. But they were  
25          not the only heroes. KDDX and the employees

1           there helped hold our community together in a  
2           way that Clear Channel Radio never could.

3           As Tom Daschle said when he called in to  
4           talk with Jack and Tom on the air, it's kind of  
5           one big neighborhood and you, the radio station,  
6           have helped make it that way. Thank you.

7           MR. HEMMINGSEN: Thank you.

8           MEMBER OF THE PUBLIC: I'm Jim Kindy  
9           with Catholic Social Services. And you know,  
10          just to go along with what many of the other  
11          nonprofits have stated, you know, I don't know  
12          how we would exist without the commitment that  
13          we have from our local radio stations,  
14          television stations. They do extraordinary work  
15          for us.

16          As a small nonprofit we have no fund -- no  
17          kind of media budget. That's not an expense we  
18          can afford. And their willingness to reach out  
19          and not only provide information about programs  
20          or services they might benefit from us, but also  
21          just from time to time when you are trying to  
22          manage an organization and you don't know about  
23          media, and you're trying to figure out how to  
24          communicate about needs of kids and families, to  
25          have local people that work for a media come to



1 us to say, you know, this is a good way for you  
2 to get this message out.

3 Not only donate the time to do that, but to  
4 help us design something to communicate  
5 realistically about community needs and try and  
6 help educate those of us that are parents, like  
7 myself, of four kids, what the needs are, what  
8 the challenges are of our kids in our  
9 communities and how to go about meeting those.  
10 So my hats are off to the media here.

11 One other just really simple example that I  
12 point out was when we were going through the  
13 blizzards of '97, which had just a devastating  
14 impact in the northern region of our state here.  
15 And we were having cattle -- losing hundreds,  
16 tens of thousands of cattle literally.

17 To have someone like Deb Jensen come up and  
18 say -- you know, in that life-threatening kind  
19 of situation, in the middle of whiteout snow  
20 blizzards, her saying people in Rapid City need  
21 to know about this and was willing to ride and  
22 bounce across in snow and deep snow to try and  
23 communicate that story and its impact to local  
24 citizens in our state is extraordinary.

25 You know, the Sturgis radio station that

1 spoke earlier, took the time to actually get  
2 five minutes of air time every day during that  
3 disaster to local ministers to try and provide  
4 some encouragement and support for families that  
5 we're really economically devastated just very,  
6 very grateful for their commitment to our local  
7 communities, our local families, and our  
8 children. Thank you.

9 MR. HEMMINGSEN: Thank you. Yes, sir.

10 MEMBER OF THE PUBLIC: Thank you.  
11 Commissioners and members of the panel, it's  
12 great to be here tonight. My name is Lyman  
13 Gifford. I'm the director of the Black Hills  
14 Area Council of the Boy Scouts of America. I  
15 want to before I make my comments, I want to  
16 thank your staff who has supported you to make  
17 this possible. I think sometimes we forget how  
18 important the staff is. So I want to thank  
19 them. I'd also like to thank those who are  
20 providing interpreting services for the hearing  
21 impaired so that they can also participate with  
22 us. So thank you for that.

23 We have a strong relationship with both TV  
24 and radio here within the Rapid City area.  
25 We're grateful to the three TV stations KNBN,

1 KOTA and KEVN. We're also grateful to the radio  
2 stations, Rushmore Radio, KKLS, KIMM, KRCS, Hot  
3 93 KFXS, KOUT, excuse me, KKMK and others such  
4 as KSLT, KDSJ, KBHB, and KOTA. I mention all  
5 those because those individuals, those managers,  
6 and those stations are very active in promoting  
7 the scouting program.

8 I heard a comment earlier tonight a couple  
9 times that concerned me. I hope I  
10 misunderstood. You talked about media being  
11 used for fundraising. Well, I would hate to be  
12 able to raise the money that we need to raise to  
13 run our programs without their help.

14 We serve kids where they are, but we raise  
15 the money where the money is. We offer year  
16 round support and promotion to a variety of  
17 functions, not just fundraising. This support  
18 is crucial to any community, but especially in  
19 an area geographically spread as we are.

20 In the past four and a half years we've  
21 worked tirelessly to reach out to the Native  
22 American community. And thanks to our local  
23 media who have played an integral part we have  
24 now reached out to where over four years ago we  
25 served less than 100 kids, we now serve over 180

1 Native American youth. Thank you to the local  
2 media for making that possible.

3 We also want to thank them for our  
4 recognition we received recently from our  
5 national organization: A marketing award. We  
6 brought home two of five marketing awards, and  
7 one of them had to do with their involvement  
8 with us. We thank you for your time and for  
9 your listening.

10 MR. HEMMINGSEN: Thank you, sir.  
11 Ma'am.

12 MEMBER OF THE PUBLIC: My name is Hazel  
13 Bonner, and I'm a sociology professor at Oglala  
14 Lakota College and a freelance writer. I speak  
15 with a little different message. I work with  
16 indigenous and indigent populations in the area,  
17 and I do not believe that the broadcast media  
18 does a good job of covering those issues.

19 My students at Oglala Lakota College have  
20 done some pretty major research projects, and I  
21 have provided news releases and copies of the  
22 research reports to the broadcast and print  
23 media, and it has not gotten printed or  
24 published. The Journal did do a Saturday Forum  
25 article about one of the projects. That was the



1           in 1972 one thing that happened following the  
2           flood was I was working on a flood recovery  
3           effort, and I discovered that low income and  
4           minority flood victims were being discriminated  
5           against. A class action lawsuit was filed and  
6           won by them. There's never been any coverage of  
7           that.

8           At the time I don't recall if there was, but  
9           10-, 20-, and 30-year celebrations have gone by  
10          without any coverage of that.

11           MR. HEMMINGSEN: Thank you. Perhaps  
12          Bill Duhamel would care to respond to that.

13           MR. DUHAMEL: I've never heard that  
14          story.

15           MEMBER OF THE PUBLIC: Okay. It's not  
16          a story.

17           MR. DUHAMEL: No, I've never heard it.  
18          I was very involved with the flood. I was told  
19          by somebody, a prominent Indian woman, that the  
20          majority of the people killed in the flood were  
21          Indian, which is absolutely untrue. But she  
22          told me that and -- but that story I have never  
23          heard before, the discrimination, and I was -- I  
24          was -- every day I was on the air.

25           MEMBER OF THE PUBLIC: I'll get you

1 documentation of that.

2 MR. DUHAMEL: Pardon me?

3 MEMBER OF THE PUBLIC: I'll get you the  
4 documentation of that.

5 MR. DUHAMEL: All right.

6 MR. HEMMINGSEN: Okay. Over here.

7 MEMBER OF THE PUBLIC: Thank you for  
8 having this open forum so we can express our  
9 views. I would like -- I'm here in support of  
10 our local broadcasting stations. My passion and  
11 my job is changing lives for kids. I work at  
12 City/County Alcohol and Drug as a community  
13 prevention specialist, and most people don't  
14 even know what that is.

15 So briefly, it just is that we try to change  
16 community perceptions about the use and the  
17 acceptability of using alcohol and drugs,  
18 particularly with youth. And our stations have  
19 been overwhelmingly supportive of getting the  
20 message out in communities, whether it's a  
21 sporting event that's a drug-free alternative  
22 event at Ellsworth Air Force Base, to the  
23 opening of a youth center in Hill City,  
24 South Dakota, to a drug-free parade in  
25 Rapid City.

1           Not only do they come and provide coverage,  
2           but they also send people to serve on our local  
3           coalitions. So not one person or one agency can  
4           change those kinds of perceptions. So we need  
5           the media, we need other -- lots of people, but  
6           media especially to educate people and to get  
7           the word out.

8           Also in my agency, which is City/County  
9           Alcohol and Drug, and is a treatment center and  
10          a counseling center for people who are suffering  
11          from addiction, we also have positive coverage  
12          when good things are happening with our agency.  
13          Oftentimes we have lots of negative coverage  
14          because we treat sick people who are suffering  
15          from addiction.

16          So in many ways the media has benefited us  
17          and benefited our community. And I think they  
18          are helping us take some of the first steps we  
19          need to change. Thank you.

20                 MR. HEMMINGSEN: Thank you, ma'am. Guy  
21                 over here with a really colorful tie.

22                 MEMBER OF THE PUBLIC: My mother said I  
23                 was way too conservative. She had to give me  
24                 the tie. Thank you, Commissioner Adelstein,  
25                 Commissioner Copps, thank you so much for the



1 privilege of stepping up here to the mike and  
2 supporting our good friends and the local  
3 broadcasters. The local broadcasters truly are  
4 wonderfully supportive of the not-for-profit  
5 community.

6 My name is Roger Gallimore, Director of the  
7 YMCA here in Rapid City. You heard earlier from  
8 Mary. We reach over 23,000 different people  
9 with programs and activities that bring all  
10 sorts of people together in a sense of  
11 community. And really what we're talking about  
12 when we describe localism is community. It is a  
13 sense of community.

14 And whatever tough issues that are out  
15 there, I'm pleased and proud that we have such  
16 wonderful broadcasters who are willing to roll  
17 up their sleeves with the rest of us and pitch  
18 in together to work on these tough issues.

19 Talking about specifically with the YMCA, we  
20 are a not-for-profit, community based  
21 organization that directs whatever funding we  
22 receive right straight into programs. And this  
23 is a lot of programs for a lot of different  
24 people. Simply put, we couldn't reach the  
25 number of people we can without local

1           broadcasters because we just don't have a  
2           marketing-type of budget.

3           I'm honored to report to you, the FCC, that  
4           our local broadcasters -- and I want to  
5           particularly mention KOTA, KEVN, KNBN, KELO, and  
6           the numerous radio stations. And I have to add,  
7           you know, I see Bill up there and I so  
8           appreciate Bill and what you folks do with KOTA  
9           producing and airing our public service  
10          announcements. I'm pleased to report that these  
11          are outstanding members of our community.

12          Please keep in mind that as a not-for-profit  
13          community based organization, we do represent  
14          the community. We are the community. We are  
15          the heart of giving in the community. So it's  
16          not supporting an organization. We don't exist  
17          for and by ourselves. We're here for the  
18          community. Consequently, whatever support we  
19          receive is really support for the community.  
20          Thank you very much.

21                   MR. HEMMINGSEN: Thank you. Over here.

22                   MEMBER OF THE PUBLIC: Good evening.  
23           Thanks for this opportunity to speak. My name  
24           is John Weidler. I'm an instructor. I teach  
25           writing and American Literature at Concordia

1 University in River Forest, Illinois. I drove  
2 here from Chicago with my partners. So here's  
3 my question.

4 I was concerned to read Chairman Powell's  
5 opinion that media industries connect products  
6 and consumers rather than disseminate  
7 information. This seems plausible on one  
8 limited level, but it remains deeply disturbing.

9 Since media are the very tools with which we  
10 meet one another as subjects and citizens and  
11 aren't merely vehicles for commerce, the design  
12 of our media landscape is of utmost importance.  
13 We look to the shape of our communications to  
14 see what democracy looks like.

15 So insofar as our communication technologies  
16 bring together minds and communities and not  
17 merely our wallets and cash registers, how will  
18 you as members of the FCC work to discourage  
19 this dangerous and specious notion that  
20 communications should be regarded primarily as a  
21 kind of commodity?

22 MR. HEMMINGSEN: Any response,  
23 Commissioners?

24 COMMISSIONER COPPS: Well, I think one  
25 way you do it is tackle the subject of media

1 consolidation that we've talked about. I don't  
2 know about the particular quote that you  
3 mentioned there, but I've got a couple from CEOs  
4 of major corporations, media corporations  
5 saying: We have no obligation to make history,  
6 we have no obligation to make art, we have no  
7 obligation to make a statement. To make money  
8 is our only obligation.

9 And I have another one here that says if  
10 anyone says we're -- I can't even make that out.  
11 If we're -- yeah. If we're -- I'm sorry. I  
12 can't read that one. But it's the same thing,  
13 the same thought. If you think we're in the  
14 business of making news, we're in the business  
15 of making money.

16 I think that's -- that's the folks that  
17 aren't here. That's the part of the problem I'm  
18 talking about. That's the danger that's over  
19 the horizon for this place and every place in  
20 the country if media consolidation continues.

21 It's that ethos. It's oblivious to the  
22 public interest, and it just shows the evolution  
23 of a wonderful industry, a dynamic industry and  
24 a special industry into something that just  
25 becomes another industry marching, as I said

1           before, to the unforgiving expectations of  
2           Madison Avenue and Wall Street. So I think  
3           that's one way you guard against that.

4                     Another way you guard against it is to have  
5           folks like you who take pride in your localism,  
6           to give us the kind of input you're giving  
7           tonight, be active in the license renewal  
8           process.

9                     We're in a great transition now to digital  
10          television in this country. So these stations  
11          that are programming one or two programming  
12          streams into your market are going to be coming  
13          with 6 or 12 or even more in some areas. We  
14          don't really allow them to own three television  
15          stations. What are their public interest  
16          obligations.

17                    We've got 200 of those stations already  
18          around the country that are multicasting  
19          different program streams. How did they  
20          discharge their obligation to children's  
21          television, to covering community events?  
22          Nobody knows.

23                    The American people have a right to know.  
24          The business should know too so they know the  
25          rules of the road. But the American people have

1 a right to know how that spectrum is going to be  
2 used to their advantage. And I think the way we  
3 do that is highlight those issues, push those  
4 issues, and have input from the American people.

5 MR. HEMMINGSEN: Thank you,  
6 Commissioner. Next.

7 MEMBER OF THE PUBLIC: Welcome,  
8 Commissioner Adelstein and Commissioner Copps.  
9 My name is Jason Kahl. I'm an alumnus of this  
10 fine institution we're at here tonight as well  
11 as a nine-year DJ up at KTEQ, KTEQ, the radio  
12 station here on the School of Mines campus.

13 There's one issue I'd like to talk about  
14 tonight and that is radio. As you may well  
15 know, commercial radio has a music director and  
16 play list which results here in Rapid City if  
17 you listen to commercial radio, you hear the  
18 same song every day, day in and day out, over  
19 and over.

20 For those of us with eclectic taste in  
21 music, we're forced to listen to our CDs, our  
22 cassette tapes, and even in the last six months  
23 I've dug out my vinyl and hooked my turntable  
24 back up.

25 Just like we're a college radio station run

1 by the students and there's some of us old  
2 fogies around, including three alumni of the  
3 school who volunteer DJ'd up there. There's 49  
4 time slots in a week. Every three hours the  
5 music format changes. Our only rule as far as  
6 what music is played is that we're not allowed  
7 to play any music that can be heard on any other  
8 radio station or cable TV music channel.

9 So it's a wonderful outlet for alternative  
10 music. I'd just like to please ask you to open  
11 a filing window for noncommercial broadcast  
12 radio licenses. Thank you.

13 MR. HEMMINGSEN: Thank you, sir. Yes,  
14 sir, the man in the blue shirt.

15 MEMBER OF THE PUBLIC: Good evening.  
16 My name is Marshall Michels. I represent the  
17 South Dakota Community for Employers Support of  
18 the Guard and Reserve, part of the Department of  
19 Defense. And we've been fortunate enough to  
20 team up with local radio stations and TV  
21 stations here in South Dakota to get our message  
22 across.

23 Right now with the record number of  
24 deployments that our guard members and  
25 reservists have had, we've been able to activate

1           our guard and reservists in a positive manner  
2           and allow the employers who are making the  
3           ultimate sacrifice also by allowing their guard  
4           member reservist employee go off to war.

5           There's some success stories out there that  
6           the employers have that our local media has been  
7           fortunate enough to cover, and we're very  
8           fortunate to have them provide these messages  
9           out. Several of them, we couldn't do without  
10          them, you know. The public awareness, the  
11          Department of Defense and the employee's part in  
12          the guard reserve is key to this. And we're  
13          fortunate enough to have these local  
14          broadcasters do that.

15          Local broadcasters have formed with the  
16          South Dakota Broadcasters Association to provide  
17          monetary assistance for us to develop a  
18          communication infrastructure for our members  
19          that are deployed to talk through the Internet  
20          back home to South Dakota. A local fibercom was  
21          fortunate enough to provide some computers and  
22          some service to allow our soldiers to call back  
23          to South Dakota free of charge.

24          Without the type of local community support  
25          like that, we wouldn't be fortunate enough to be



1           able to support our troops and soldiers and  
2           recognize those employers out there who have  
3           gone above and beyond the call of duty by hiring  
4           guard members and reservists. Thank you.

5                     MR. HEMMINGSEN: Thank you. Yes, sir.

6                     MEMBER OF THE PUBLIC: Hello, my name  
7           is Greg Johnson. I'm from this community, and  
8           I'd like to introduce to you a special interest  
9           that's near and dear to my heart. This is my  
10          daughter, Laura. Laura recently graduated from  
11          preschool. My daughter Dale is here also.

12                    Thank you for coming and allowing us to  
13          speak. My perspective is that of a citizen and  
14          a parent. The influence of media on our society  
15          and in particular on our children cannot be  
16          disputed. An episode of the program Pokemon  
17          several years ago that aired in Japan sent  
18          several hundred children to the emergency room  
19          in convulsions. Did the media -- does or did  
20          the media play or have a role in tragedies such  
21          as Columbine and others?

22                    The content of commercial programming offers  
23          little to positive family values or role models.  
24          They offer a lot of unhealthy programming,  
25          negative role models, and psychological

1 manipulation. I'll spare you the graphic  
2 examples but there are many.

3 The resources of a large corporate media in  
4 advertising interests devoted to analyzing the  
5 psychology of children for commercial interests  
6 is unconscionable. These commercial interests  
7 know more about these citizens, these citizens,  
8 than most of them will know about themselves.  
9 If you want a lesson in how to boil a frog, sit  
10 down in front of TV on Saturday morning.

11 Concentration and cross-ownership reduces  
12 accountability to the local community. We need  
13 accountability for decency. We need media  
14 literacy for children and parents. We need to  
15 explore other means of communicating the  
16 public's business.

17 The eyes of the world are on us and our  
18 democracy. I am not proud of Hollywood  
19 corporate media and big advertising, how that  
20 has permeated our society and apparently our  
21 democratic process. Who is going to protect the  
22 interests of our children and our future  
23 generations?

24 MR. HEMMINGSEN: Thank you, sir. Yes,  
25 sir.

1                   MEMBER OF THE PUBLIC: Good evening,  
2                   Commissioners and distinguished guests. My name  
3                   is Michael Goodroad. I'm the Director of Sales  
4                   for Rushmore Radio Stations here in Rapid City.  
5                   I've been involved with radio since I was about  
6                   three years old and could turn it on and listen  
7                   to the Lone Ranger and Gunsmoke and those great  
8                   old dramas. And for a while, before I got into  
9                   sales, I did a jazz radio program out here in  
10                  the Black Hills.

11                  The stations that I work for now have such a  
12                  strong commitment to localism and the public  
13                  service, I just wanted to tell you some of the  
14                  things that we do that I think could perhaps be  
15                  models or perhaps other stations around the  
16                  country could do this.

17                  We instead of -- and we do run public  
18                  service announcements, and we get involved with  
19                  our community organizations, but we enter into  
20                  partnerships and sponsorships. For example, at  
21                  Job Fair we were able to run our announcements  
22                  for this Job Fair here in Rapid City on all of  
23                  our radio stations to give strong impact, and it  
24                  was the largest event that they had had of that  
25                  sort here in the past.

1           We are able to use our stations, our morning  
2           drive announcers open their microphones several  
3           times a week to local organizations to come in  
4           and talk about their events, events as diverse  
5           as the Native American Film Festival, the  
6           Children's Miracle Network. We have the duck  
7           race every year that raises nearly \$100,000 I  
8           believe for the community. The Jazz and Blues  
9           Festival, a particular interest of mine, Meals  
10          on Wheels, Big Brothers, Black Hills Pow-wow,  
11          just a number of things.

12          The other thing that we're proud of as well  
13          is we do play local musicians. We actually  
14          include on our pop music station some of the  
15          local hip-hop artists, K.O.D., Big D Wellington,  
16          Cap T&Switch. Some rock and pop groups locally,  
17          Abbey Someone, Setback, Corduroy Vinyl, Jasmine  
18          Cain. We include these musicians and their  
19          music in our regular programming.

20          We feel this is a very strong commitment to  
21          the community and one that we would like to see  
22          replicated around the country. I think that my  
23          time has expired. Thank you very much.

24                   MR. HEMMINGSEN: Thank you.

25                   MEMBER OF THE PUBLIC: Hello, my name

1 is Lisa Sissenstein. It's funny to follow your  
2 boss, but that's how the numbers work. I too  
3 work for Rushmore Radio, which is owned by Triad  
4 out of Monterey, California. I'm going to speak  
5 a little different.

6 Commissioner Copps, you opened up saying  
7 obligation goes beyond blood drives. That's --  
8 that was something that you had mentioned  
9 earlier. And you're correct, it does go beyond  
10 just the blood drives. It also goes beyond  
11 giving back to this community. And I work for a  
12 company that is the only radio station that's  
13 owned outside the market, but it's very, very  
14 local in being involved in the market. And  
15 that's because people like myself believe in  
16 giving back to Rapid City.

17 I want to name a few things: ASAP, Miss  
18 South Dakota, Rapid City Health Coalition, which  
19 is going to be doing the help line 211. We're  
20 already looking into that for the Rapid City and  
21 statewide market. Tobacco-free Rapid City, Big  
22 Brothers Big Sisters, Rapid City Chamber, and I  
23 can go on and on. These are all organizations  
24 that my company allows me to sit on, absolutely  
25 sit on during business hours and be able to be

1           involved to come back.

2           The other thing that I'd like to say is, Big  
3           Brothers Big Sisters, when I sat on that Bowl  
4           For Kids' Sake, the Celebrity Bowl came up as an  
5           idea to bring all networks together. And every  
6           one of them, all, radio and TV, comes to that  
7           Celebrity Bowl and participates for the  
8           community.

9           There is no division. We work together here  
10          as a community and as complete broadcasters.  
11          And I'm on the sales end. So for me to be able  
12          to sit on this and, as they might say, "lose  
13          money for them" I think says a lot for the  
14          company I work for. Thank you for letting me  
15          speak.

16                 MR. HEMMINGSEN: Thank you. The lady  
17          in green.

18                 MEMBER OF THE PUBLIC: Thank you. Good  
19          evening. I'm Cindy McNeill. I'm Vice President  
20          and General Manager of KEVN television here in  
21          Rapid. I'm honored to have you here and to  
22          listen to all the different perspectives  
23          tonight. And I find it very heartwarming that  
24          we get a lot of kudos for the things we do for  
25          the community.

1           And I'm concerned about some of the  
2           perception that we don't do enough, and  
3           especially the portrayal of the Native American  
4           population and the image. And this has caused  
5           me and is causing our station a great deal of  
6           reflection, and we're considering this and some  
7           of the things that we can do to help change that  
8           perception. Perception is reality.

9           I want to talk a little bit. KEVN has been  
10          serving this community for 28 years, Rapid City  
11          and the surrounding region. We currently employ  
12          35 full-time and seven part-time local  
13          television professionals, and I'm very proud of  
14          our staff. And we're very, very committed to  
15          the community.

16          We reach -- we understand the fundamental  
17          purpose to serve a local community. And with a  
18          strong signal -- we have a signal that reaches  
19          out to much of western South Dakota. We have a  
20          very large community to serve. We don't have a  
21          huge staff, so we do the best we can with what  
22          we have and we will continue to do that.

23          One of the -- we are proud to bring  
24          broadcast -- produce and broadcast some local  
25          events such as the Range Day Rodeo in

1 conjunction with the Central States Fair. It's  
2 an important event to the community. We shoot  
3 it, we edit it, and we broadcast it every year,  
4 and we have for the past three years. We're  
5 coming up on the fourth.

6 The Parade of Lights broadcast over the  
7 Christmas holidays, we broadcast that and bring  
8 it to thousands of households that aren't able  
9 to get out and watch that parade on their own.  
10 And it's all volunteerism that puts that parade  
11 on. So it's very community.

12 Most recently KEVN produced and broadcast an  
13 hour-long political discussion between House  
14 candidate Stephanie Herseth and Larry Diedrich.  
15 We're proud to do those things. We will try to  
16 do -- continue to do that and do better even in  
17 the future. Thank you.

18 MR. HEMMINGSEN: Thank you. Your turn.

19 MEMBER OF THE PUBLIC: Good evening,  
20 gentlemen and Ms. St. John. I'm Sheila  
21 Traxell-Schneider and I'm the Executive Director  
22 of the CASA program, Court Appointed Special  
23 Advocates. We recruit and train and supervise  
24 volunteers from the community that advocate in  
25 court for abused and neglected children.



1           As the director of this nonprofit agency for  
2           over 14 years, I have been pleased and continue  
3           to be extremely pleased with the partnering that  
4           happens with our stations, radio and TV, that  
5           enable us in the end to serve the abused and  
6           neglected children in our community.

7           I know that when I send a press release out  
8           that it's not just an exercise in PR but that  
9           those press releases are read and we are  
10          contacted and we do get great coverage.

11          For instance, just a few weeks ago -- and I  
12          agree with Renae Parker who earlier said that  
13          they will call you. Jack Caudill from KEVN  
14          called and said, we'd really love to do a story  
15          on some of your volunteers. It just so happened  
16          a couple had received an award from the Child  
17          Protection Service, and they did a wonderful  
18          story on them.

19          I also agree with Lieutenant Governor Dennis  
20          Daugaard who said our localism extends beyond  
21          Rapid City, it's a state thing. I know in KELO  
22          Land when they play a PSA about what the CASA  
23          program is doing on that side of the state, we  
24          inevitably get phone calls asking about do we  
25          have that program here, can they look into being

1 a volunteer. It really is a rippling effect.

2

3 Fundraising is really important to a  
4 nonprofit, it's our lifeline in many ways. We  
5 wouldn't have a program if we couldn't get this  
6 funding, and the broadcasters do help that. I  
7 know Mr. Duhamel, we reached out to him and said  
8 how do we get a good person from your agency on  
9 our board of directors? And he helped us find  
10 someone who is now our president, Barb Inman,  
11 who has been one of the most dedicated board  
12 members that we've seen.

13 KNBN, all of them are really good. We've  
14 also been with KILI radio, and I'm happy to  
15 report that being with KILI radio we've been  
16 able to really set up for the CASA program to  
17 happen on the Indian reservation. And so again,  
18 I thank the broadcasters, TV and radio, for all  
19 they've done for the abused and neglected  
20 children in our community. Thank you.

21 MR. HEMMINGSEN: Thank you. Yes, sir.

22 MEMBER OF THE PUBLIC: Thank you. My  
23 name is Anthony Fresquez. I'd like to welcome  
24 Commissioner Adelstein and Commissioner Copps,  
25 in that alphabetical order, no pun intended

1           there. Notwithstanding all the eloquent  
2           presentations about commercial television and  
3           big corporate America, the advantages of the  
4           airwaves, I think there's a need for the  
5           Commission to make sure that the disenfranchised --  
6           and everybody knows in this room who the major  
7           disenfranchised group in this area -- has access to  
8           radio waves, for example, low frequency or  
9           low level voltage FM stations, and that that  
10          opportunity is afforded to those people without  
11          competition so that the localism can really be  
12          sincere.

13          Localism certainly is a - you know -- kudos to all  
14          those corporate speakers who say that that's  
15          being done and gave eloquent examples of  
16          all the things they do for localism. Still,  
17          under that overall umbrella, localism really  
18          needs to come from those people that have  
19          responsibility to have control of their lives  
20          and should have that control of their lives and  
21          not be subject to any kind of overriding  
22          authority.

23                 Also, finally I'd like to say that FCC,  
24          since you're here today, I'd like to caution you  
25          in terms of censorship. It seems to be a new

1           thing on the rise, notwithstanding (inaudible)  
2           public exposure. There's still a need I think  
3           for the opportunity for people to be expressive.

4           Even Mr. Ketel used that SOB word here I  
5           heard this evening. So I suppose we could have  
6           censored him a little bit. For all these things  
7           I ask you to consider certainly making the  
8           airwaves available to disenfranchised at no cost  
9           and making rules that allow that to occur with  
10          ease and with frequency. Thank you.

11           MR. HEMMINGSEN: Thank you. Lieutenant  
12          Governor Dennis Daugaard.

13           LIEUTENANT GOVERNOR DAUGAARD: Thank  
14          you. I welcome you tonight as Lieutenant  
15          Governor. But in my other life I'm Executive  
16          Director of Children's Home Society of  
17          South Dakota, a human services organization  
18          serving abused and neglected children and  
19          battered women across the state.

20           I'm not oblivious to the comments made  
21          earlier by both Commissioners that localism is  
22          not defined by public service to nonprofit  
23          organizations alone. At the same time my  
24          experience is with just that kind of localism,  
25          and so that's what I've got to offer. So I'll

1 offer it for what it's worth.

2 In support of our emergency shelter for  
3 battered women in Sioux Falls, for example, in a  
4 one-week period Sioux Falls broadcasters aired  
5 seven free live or taped interviews some as long  
6 as 30 minutes in just seven days. These  
7 broadcasters included KSFY TV, KELO TV, KNWC  
8 radio, three stations within the Results Radio  
9 Group, and KELO radio.

10 In support of our Christmas book fundraiser  
11 to benefit our homes for abused and neglected  
12 children, Black Hills Children's Home and  
13 Sioux Falls Children's Home, which support we  
14 estimate would have cost us \$75,000 statewide,  
15 and these stations participated: KELO, KBLO,  
16 KPLO, KSFY, KABY, KDLT, and PAX TV in  
17 Sioux Falls. In Rapid City: KOTA, KNBN, KEVN,  
18 Fox, WB, PAX TV. Radio in Sioux Falls: KELO FM  
19 and AM, KTWB, KKLS, KIKM, KXRB, KMXC, KLSO,  
20 KYWB, KNWC and it goes on and on, and Peter  
21 piped a peck of pickled peppers.

22 Broadcasters help us make our mission and  
23 our programs known to victims, government child  
24 protection workers, volunteers, and donors.  
25 Broadcasters in Rapid City and Sioux Falls help

1           battered women find our shelter. Public service  
2           announcements help us recruit foster and  
3           adoptive parents. These are critical local  
4           needs and South Dakota broadcasters are meeting  
5           them.

6                       MR. HEMMINGSEN: Thank you, Lieutenant  
7           Governor. Over here, sir.

8                       MEMBER OF THE PUBLIC: Commissioner  
9           Adelstein, Commissioner Copps. I'd like to  
10          welcome you to Rapid City and the Black Hills.  
11          My name is Bobby Rock, and I work for one of the  
12          only two locally owned radio companies in  
13          Rapid City, that would be Haugo Broadcasting.  
14          Now as you heard, everybody in this market truly  
15          believes that localism is very important and  
16          they support localism.

17                      And that's why I would like to respectfully  
18          disagree with Commissioner Copps on corporate  
19          radio on the horizon here in the West River  
20          area. It may be over in East River with Clear  
21          Channel and Cumulus, but I believe the owners  
22          here in this community believe in local radio  
23          and local marketing and being a local radio  
24          station, and I don't believe it'll come because  
25          of all the support you've heard from everybody

1 here. They believe in it and they want to keep  
2 it.

3 Haugo Broadcasting which has KSKY, KIQK, and  
4 KTOQ, the other AM talk radio station in town,  
5 really support localism and public service.  
6 Haugos have supported it ever since they began  
7 in the radio broadcasting industry. I have an  
8 owner that encourages us to be involved in  
9 community activities.

10 We sat down the other day and he encouraged  
11 us how to get involved and volunteer for  
12 different share programs whether it's United  
13 Way, whether its YFS. He sits on boards, he is  
14 an example. He leads by example, which is what  
15 a lot of other owners in town do. And they  
16 don't ask for anything in return. They don't --  
17 they realize that it's not always about the  
18 bottom line because it's not the bottom line,  
19 even though that's what's important. It's being  
20 part of the community, which is what is  
21 important as far as being local in the  
22 community.

23 I believe it, that's why I'm here. I have a  
24 morning show to be to in the morning. My news  
25 director, Brad Anderson, is covering this event

1           this morning. So once again, I'd like to thank  
2           you for coming, and I thank you for the  
3           opportunity.

4                       MR. HEMMINGSEN: Thank you. Ma'am.

5                       MEMBER OF THE PUBLIC: Thank you. My  
6           name is Shirley Marvin. I'm from the Standing  
7           Rock Reservation, McLaughlin, South Dakota. I'm  
8           also the administrator for the Wasicu Sakowin  
9           Treaty Council. Thank you for this opportunity.

10                      Today the broadcasting industry is one of  
11           the most protected and subsidized industries in  
12           the United States. The most valuable subsidy is  
13           free and expanded use of the most valuable bandwidth  
14           of airwaves in the future.

15                      To justify these subsidies, broadcasters  
16           have used their public interest obligations.  
17           This quote is from the New American Freedom,  
18           March 29th, 2004. That's pretty recent.

19                      The reason why I quoted this was you'll find  
20           out from the rest of my statement. The  
21           broadcasting media in South Dakota would like to  
22           forget their public interest obligations to the  
23           Native American community in what can be  
24           identified or determined as a racist blackout.  
25           This blackout relates to the Native American



1 communities by South Dakota Public Radio.

2 This is evident in the article which was  
3 sent to me recently, and I'm going to send this  
4 attachment, too, when I submit my statement.  
5 Investigative reporting disclosed that  
6 South Dakota Public Radio picks bland stories  
7 which will prevent backlash phone calls, e-mails  
8 and faxes rather than report the news from the  
9 Native American communities as it really is.

10 These articles, there were three of them,  
11 one relating to Faith, South Dakota about racism  
12 accusations in regard to school. That was aired  
13 nationally, internationally but never in  
14 South Dakota.

15 Other articles regarding the ex-governor  
16 Bill Janklow, statements made by Native  
17 Americans. They were aired nationally and  
18 internationally in Canada but never in  
19 South Dakota.

20 There's several other articles like this  
21 which we have, like I said, suffered a racist  
22 blackout when it comes to issues which concern  
23 us.

24 MR. HEMMINGSEN: Ma'am, are you close  
25 to the end? Your time has expired.

1                   MEMBER OF THE PUBLIC: Well, I have one  
2 more short statement here.

3                   MR. HEMMINGSEN: Okay.

4                   MEMBER OF THE PUBLIC: The Tetonwan  
5 Sakowin Treaty Council is requesting that the  
6 FCC set up a series of workshops throughout  
7 Indian country here in South Dakota to provide  
8 the great Sioux Nation with basic information  
9 relating to broadcasting.

10                   We need to know about broadband width  
11 spectrums, V chips, digital multicasting, which  
12 must carry rights on cable TV. Why are public  
13 interest obligations neither verifiable nor  
14 enforceable?

15                   MR. HEMMINGSEN: Would either of you  
16 Commissioners care to address her points?

17                   COMMISSIONER ADELSTEIN: We'd really  
18 like to follow up with that and explore that.

19                   MEMBER OF THE PUBLIC: Well, I have one  
20 more here. Why did the government award  
21 broadcasters rights worth billions of dollars in  
22 regard to cable companies and broadcastings free  
23 of charge, digital TV programming. I need to  
24 know all these things as a lot of other people  
25 do. Thank you.

1                   COMMISSIONER ADELSTEIN: We'd like to  
2 follow up. In the same spirit that we're  
3 spending two days here, today and tomorrow, in an  
4 Indian telecommunication initiative where we've  
5 had incredible round table discussion about  
6 matters of concern in telecommunications, and  
7 media is a just another extension of that. So  
8 we'd love to follow up.

9                   MR. HEMMINGSEN: You, sir, you're next.

10                  MEMBER OF THE PUBLIC: Thank you. I'll  
11 try to keep my remarks to 100 seconds, make up  
12 for her time. Welcome, Commissioners. My name  
13 is Randy Ross. I'm a member of the Ponca Tribe  
14 of Nebraska. My family roots are on the Rosebud  
15 Indian Reservation.

16                  I've worked with Benton Foundation doing  
17 some policy work with them in the past. I'm  
18 currently on the board with McGizzy  
19 Communications out of Minneapolis, and I'm a  
20 former nontrustee board member for the National  
21 Museum of the America Indian, which will open up  
22 its newest museum in Washington, D.C. September  
23 21st and it touts the fourth museum which is an  
24 extensive outreach through virtual resources and  
25 tools.

1           I want to bring this back to something I  
2           think that was kind of missed earlier. And I  
3           appreciate that ITI is happening, and I wish my  
4           friend Geoff Blackwell would be here this evening  
5           to share some conversation with my colleagues  
6           here from the reservations. That might have  
7           been helpful, and maybe we can encourage him  
8           next time.

9           I think in terms of the license renewal  
10          process, I know those are being reviewed. But  
11          the thing that I felt was missed was the  
12          consultation with tribes under the  
13          government-to-government, the White House  
14          executive order that was done a few years ago to  
15          try to strengthen and improve communications.

16          I think to include tribes in some meaningful  
17          communications with these license renewals is  
18          probably overdue, something we probably missed  
19          in our processes and I think should be  
20          encouraged.

21          The gentleman earlier challenged the Indian  
22          people to come forward and bring stories or  
23          whatever, whatever it was I heard. But I think  
24          to redirect the challenge is really that there  
25          are opportunities that perhaps the like CLECs

1 and phone companies, that there can be affiliate  
2 low power FM stations that can serve better the  
3 interest of native populations in their  
4 particular market areas. So that's the  
5 challenge back to the media, local media folks  
6 there, to work and partnership.

7 We have a new Governor that has some really  
8 creative, innovative ideas. It seems time that  
9 maybe we can do some things and we can both be  
10 challenged and come to the table and come up  
11 with solutions that bring better programming and  
12 services to Indian reservations.

13 MR. HEMMINGSEN: Thank you.

14 MEMBER OF THE PUBLIC: Thank you.

15 MR. HEMMINGSEN: Yes, sir.

16 MEMBER OF THE PUBLIC: Good evening and  
17 thank you for your time. My name is Donald  
18 Lightner. I raise cattle in rural Alladin,  
19 Wyoming. I love to watch sports on TV. I  
20 especially love football. In fact, I played on  
21 this campus for four years.

22 So on Monday night I'm ready for some  
23 football. The only problem is, I can't watch it  
24 because I can't see it. I've tried to get a  
25 waiver but I'm denied. I've made phone calls,

1 no answer. And I've sent registered letters and  
2 no reply. And I'm wondering, now what do I do?  
3 Why can't I see Monday Night Football?

4 MR. HEMMINGSEN: I believe that was in  
5 the form of a question.

6 MEMBER OF THE PUBLIC: I mean, what do  
7 I do next?

8 COMMISSIONER ADELSTEIN: There are  
9 rules that require broadcasters to insure that  
10 if you can't get the signal over the air that  
11 you have access to that signal. And they should  
12 be processing those waivers. If they don't,  
13 there are rules about it. Congress set up these  
14 rules in the Satellite Home Viewer Act, and we'd  
15 be happy to follow up with you.

16 We have staff here who can explain to you  
17 what your rights are under the rules. We're  
18 having a consumer forum here in Rapid City  
19 tomorrow night. I'll bet we'll be hearing  
20 from some people about this. Anything people  
21 are concerned about, we're welcoming people to  
22 come down at 6 o'clock tomorrow.

23 Bring your phone bills, complaints about  
24 your satellite TV, anything. We're ready to  
25 address it, and we're going to do that with Bob

1           Sahr from the state PUC. Of course, he doesn't  
2           have jurisdiction over this one.

3           But you do have rights under the rules, and  
4           whether or not they are being respected is  
5           something we need to work with you on, and our  
6           staff would be happy to do that. Actually, Bob  
7           Ratcliffe over there will tell you what the  
8           rules are, whether or not what you are doing is  
9           in compliance.

10                   MEMBER OF THE PUBLIC: Thank you.

11                   MR. HEMMINGSEN: Thank you. Yes, sir.

12                   MEMBER OF THE PUBLIC: Good evening.

13           I'm Jack Caudill and I am the news director of  
14           KEVN Fox 7 TV here in Rapid City. I'd like to  
15           thank the Commission for coming here to the  
16           Black Hills to learn about our local  
17           broadcasters and our service to the community.  
18           And I'd like to thank you for giving me my  
19           chance to give my perspective on the situation  
20           here.

21           I've been at KEVN for over 20 years. And  
22           after devoting the last 20 years of my life to  
23           local news, I can honestly say I'm very proud of  
24           how we've been able to serve the Black Hills  
25           community during that time. I'm impressed on a

1           daily basis with the dedication of our staff to  
2           bring a fair and balanced view of the issues  
3           important to the people here to the air.

4           When you take into account the economic  
5           realities of small market television and the  
6           constraints that that puts on the size of  
7           newsroom staffs here, I'm often amazed at the  
8           amount of local coverage that our staff is able  
9           to generate.

10          We make a great attempt to cover both the  
11          positive and negative sides of the community and  
12          the minority community. We've done features on  
13          the publishers of the two Native American  
14          newspapers that are published here in Rapid  
15          City. We profile Native American artists who  
16          are trying to make a go in that area. And one  
17          of our reporters recently won a statewide  
18          reporting award for her coverage of Indian  
19          education. The last Friday of each month we  
20          feature our Fox Hero of the Month, someone who  
21          does outstanding work to make our community a  
22          better place.

23          Politically, earlier this month we ran a  
24          one-hour discussion of the issues with the two  
25          U.S. House candidates, Stephanie Herseth and



1           Larry Diedrich. During the last major election  
2           we offered all of the candidates in the  
3           primaries for governor and U.S. House three  
4           minutes of unedited air time to tell our viewers  
5           why they deserved their vote.

6           During times of emergency we continue to be  
7           there for our viewers. Dan Carlson, our  
8           meteorologist, is relentless in bringing alerts  
9           and warnings to our viewers during EAS bulletins  
10          for 24 counties in five states. There have been  
11          times that required him to stay all night and  
12          he's done that. The bottom line is, if there's  
13          information that needs to get to our community  
14          and our viewers, Dan will be there.

15          Athletically, our sports department covers a  
16          huge amount of local sports from recreational to  
17          high school to college to semi-pro football.  
18          Every Wednesday a local athlete of the week is  
19          honored as our Athlete of the Week.

20          Now, while consolidation is an issue in many  
21          places around the country, all decisions on our  
22          news are made locally with all of our viewers  
23          here in the Black Hills as our main  
24          consideration. That is exactly what we continue  
25          to hope to do in the future. Thank you very

1 much.

2 MR. HEMMINGSEN: Thank you. Over here.

3 MEMBER OF THE PUBLIC: Hello, and thank

4 you. I'm Judy Olson-Duhamel, and I'm speaking

5 as a retired educator. For 18 years I worked in

6 the Rapid City schools doing community education

7 and public information. Community education

8 requires an assessment of the community. It's

9 thinking, it's ideas. Enter the media.

10 Public information does all the things

11 you've heard about. You know that. But I'd

12 like to expand on localism and say that in my

13 work I used the media to help interpret what our

14 community was thinking, what our community's

15 needs were about education, about culture, and

16 about families.

17 That became working kinds of documents,

18 their research, their help, for us to determine

19 the direction that a school district would go.

20 No one individual, not one organization can

21 communicate with an entire community without the

22 help of the media.

23 Speaking as a politician, I work with the

24 South Dakota Democratic Party, and so you know

25 that requires kind of an intense relationship

1 with the media. Now, we're not always delighted  
2 with the spin of a story. But I must say that  
3 if we didn't have access to the media at times  
4 we would feel voiceless.

5 I commend the media for being a conduit  
6 between candidates and citizens. That's how we  
7 get to know our people. That is a public  
8 service.

9 Thirdly, I speak quickly for my son, Jeff  
10 Olson, who had to leave. And his comment he  
11 wrote down is about Sportsmen Against Hunger.  
12 He said that program couldn't exist without the  
13 help of the local media. He has some numbers,  
14 you've heard 240,000 meals. He said programs  
15 like that -- and you've heard a lot of this, so  
16 I won't belabor it. We are eternally grateful  
17 to the help of the community.

18 Thank you, Commissioners, for being here.  
19 It's awfully good to see our homegrown boy at  
20 work.

21 MR. HEMMINGSEN: Over here.

22 MEMBER OF THE PUBLIC: I'd like to  
23 begin by saying that I took the 14-hour trip  
24 here from Chicago and in the process my glasses  
25 were utterly crushed. So if I'm over my time,

1           just throw the gavel at me.

2                       MR. HEMMINGSEN: You can borrow mine.

3                       MEMBER OF THE PUBLIC: As I said, I  
4 traveled 14 hours here to become familiar with  
5 the FCC and the issues for which it bears some  
6 responsibility. I have come to see the face of  
7 activism, to see a relationship between the use  
8 of the people's airwaves and the democracy  
9 safeguarded by the FCC.

10                      And I have seen and learned much. Yet I  
11 would be remiss not -- to pass up the  
12 opportunity to publicly express my apprehensions  
13 concerning the state of the local news media at  
14 large.

15                      I find accounts of patently misleading  
16 pieces in airwave news. Many here might  
17 recognize the now infamous name of Karen Ryan  
18 and the practices of her PR firm. I'll detail  
19 them anyway.

20                      As Danielle Price noted, Nashville's News  
21 Channel 5 offered up their local viewers, quote:  
22 A seemingly innocuous segment touting the many  
23 benefits of the Bush Administration's new  
24 Medicare Prescription Drug Act, end quote.

25                      However, Price points out that the report is

1 not an expression of the original research  
2 produced by the station or an affiliate. The  
3 work is of a PR consultant, Miss Ryan, hired by  
4 the Administration to advertise the Act.

5         Though the framing of the story ends with,  
6 "In Washington, this is Karen Ryan reporting,"  
7 nothing indicates the piece's intention to  
8 beautify rather than report news. This phony  
9 news was passed off in dozens, 40 in fact, of  
10 local program offerings such as we're dealing  
11 with here today.

12         I find similarly disturbing trends issued  
13 from the research of the Project for Excellence  
14 in Journalism as well as Kovach's and  
15 Rosentiel's work, Elements Of Journalism, among  
16 others, academic and otherwise.

17         My assertion then lies in a request or  
18 question to those of the Commission that were  
19 able to show today. Who should stand in a  
20 defense of Americans in the face of what Karen  
21 Ryan and other American PR firms represent? We  
22 cannot blame corporate firms or even the  
23 corporate lobbies here today for pursuing the  
24 end of profit. That's what they do.

25         The better question must be asked: What

1 will the FCC do? What will you do as an agency  
2 clearly in proximity to deal with such threats?  
3 Can you pass the buck as Americans are duped?  
4 And another question is, is a passive reception  
5 of complaints issued by viewers, is that enough?  
6 Is that the limit of your ability? I don't  
7 think it is.

8 MR. HEMMINGSEN: Your time is up.

9 MEMBER OF THE PUBLIC: I'll just finish  
10 then by saying simply, specifically, can the FCC  
11 create or adopt a subcommittee to provide  
12 stronger accountability in such obvious cases of  
13 audience manipulation? Thank you.

14 MR. HEMMINGSEN: Mr. Nyberg.

15 MEMBER OF THE PUBLIC: Thank you,  
16 Steve. I'm Roy Nyberg. I'm retired from the  
17 Nyberg's Ace Hardware in Sioux Falls and  
18 Brookings, and I'm here also because I have been  
19 denied a waiver. We have our home in the Danby  
20 Park area. That's 40 miles from here, seven  
21 miles west of Custer.

22 We're down in a depression, you might say.  
23 We're at 5,900 feet. I think we're in a  
24 development that might be the highest  
25 development in the state of South Dakota. But

1 we're ringed by a -- you might say rims of 6,000  
2 feet.

3 Out in front of us we've got a 6,000-foot  
4 mountain. Bear Mountain is four miles ahead of  
5 us. That's at 7,200. And KOTA, I believe, has  
6 got a tower at Terry Peak which is Channel 11,  
7 which we can't get. And that would be blocked  
8 out right directly with our signal. And then I  
9 think the only thing we get is Channel 3, which  
10 I believe is on Skyline Drive, and that is down  
11 below us.

12 And I was the -- in World War II I was the  
13 Army/Air Force mechanic in radio and in radar,  
14 and I know that the line of sight is important.  
15 What we're getting is rebound. Now, if you want  
16 to see Monday Night Football, there's pictures  
17 of it. This is what we're getting.

18 Last night my wife was watching on a 14-inch  
19 screen The Millionaire, and she was three and a  
20 half feet from the screen and she couldn't read  
21 the question nor the answers.

22 I'm at a TV that's got a 21-inch, I'm about  
23 seven and a half feet back, and I can't read the  
24 answers. Now what I'm saying is, that's not the  
25 case all the time. But it's evident that we're

1 not getting that signal because we're getting  
2 bounced off.

3 Now I had the KELO people up there with  
4 their antennae. They went half a mile south  
5 and half a mile north and they could get a  
6 signal. That was from the mountain to the west  
7 of us, and they told -- they could get the  
8 signal there, but we couldn't get it where we're  
9 at.

10 So I'd like to have somebody understand that  
11 they've got a problem there, and there's many of  
12 us out there that's got the same problem. We're  
13 not getting their signal.

14 MR. HEMMINGSEN: Thank you, Roy. Sir.

15 MEMBER OF THE PUBLIC: Hi. First, I'd  
16 like to thank the Commission very sincerely for  
17 coming here and listening to us. It's not very  
18 often that the government comes and listens to  
19 the people, especially in a state like this.  
20 And I like it very much and it ought to happen  
21 more often.

22 My name is Peter Curtis. I'm the founder of  
23 the Rapid City Chapter of Food Not Bombs, a  
24 group that provides aid and advocacy for our  
25 homeless population. And I think many of the



1 other speakers here have done a very good job of  
2 saying what's right with our local media. So  
3 don't think me unduly negative if I point out  
4 what I think is wrong. I'm not saying there  
5 aren't things that aren't right.

6 There's been a lot of talk about stories  
7 that our local news media do about people in the  
8 community, do about community organizations, do  
9 about minorities, do about people in the  
10 community.

11 However, I think that - I believe that  
12 people in the community should not just be  
13 objects of the news, but they should be subjects  
14 of the news and should be able to make their own  
15 media and tell their own stories. So I believe  
16 that if our local broadcasters really do care  
17 about localism in our community, and I believe  
18 they do, I think they've made that quite clear  
19 during this presentation, then they should take  
20 all possible means to make sure that we have  
21 real public access television in Rapid City,  
22 South Dakota.

23 And that means -- that does not just mean  
24 playing tapes that people make on their home  
25 camcorders at 4:00 a.m. in the morning. That

1 means providing studio resources, providing  
2 cameras, and giving us something back for the  
3 airwaves we've given you for free. And I think  
4 we deserve these services.

5 I think our entire community would benefit  
6 from it. Some of the benefits that would come,  
7 for example, there's been a lot of talk about  
8 how we're being served sufficiently because we  
9 have -- there's been debates between for our --  
10 people being elected to national office.

11 However, starting on June 2nd there will be  
12 people running for city council, there will be  
13 people running for state senate in November, and  
14 there has been essentially no television  
15 coverage of these very important races that are  
16 very important to our communities.

17 Now I don't think it is good enough for the  
18 people of this community to have to learn  
19 everything they need to about their  
20 representatives from direct mailings and  
21 billboards. I think if we -- that's why we have  
22 a media and I would like to hear from the  
23 broadcasters at this table who I know care about  
24 our community, what they are going to do about  
25 putting these resources in our hands. Thank you

1 very much.

2 MR. HEMMINGSEN: Bill? Do you have any  
3 comment?

4 MR. DUHAMEL: Well, the city council  
5 race is next Tuesday, and the state race is  
6 you know, the primaries are next Tuesday and  
7 then the state races are coming up in the fall.

8 MEMBER OF THE PUBLIC: If I didn't say  
9 it, that's what I meant.

10 MR. DUHAMEL: No. I mean, we've had  
11 some coverage but I will admit that we're  
12 concentrating on the federal races because  
13 that's where the biggest interest is. And the  
14 thing is that we tend more on the radio to worry  
15 about the local because the TV goes out beyond  
16 there. But you know, we've mentioned the two.

17 MEMBER OF THE PUBLIC: What about  
18 community access, what about providing these  
19 resources so people can make their own media --

20 MR. DUHAMEL: You know, we've invested  
21 \$4 million in digital television. We're just  
22 lucky to be here. I mean, have you watched  
23 digital television?

24 MEMBER OF THE PUBLIC: What about our  
25 airwaves, what do we get for that?

1 MR. DUHAMEL: We're going to use the  
2 same spectrum space that we're using now. We've  
3 got to transfer. We're in the transition phase.

4 MEMBER OF THE PUBLIC: So you will be  
5 bringing community access television to us then?

6 MR. DUHAMEL: No. No. We've got  
7 digital television now. We've got high  
8 definition television.

9 MEMBER OF THE PUBLIC: That's  
10 wonderful. It has nothing to do with my  
11 question.

12 MR. DUHAMEL: It does. We're putting  
13 our resources there.

14 MEMBER OF THE PUBLIC: So soon the  
15 community will be able to make their own  
16 program?

17 MR. DUHAMEL: No. I'm saying that we  
18 are putting our resources in providing community  
19 service to the public.

20 MEMBER OF THE PUBLIC: But you are not  
21 providing access. You are not allowing the  
22 people to tell their own stories. I guess  
23 that's the answer to my question. Thank you.

24 MR. HEMMINGSEN: Eleanor St. John, you  
25 seem to have a lot of experience with community

1 access in your operation.

2 MS. ST. JOHN: We do. We do make  
3 it -- we make it an effort. It's a priority for  
4 us and it always has been based on my own  
5 personal commitments. We have -- we're  
6 developing now and it's being produced as I'm  
7 sitting here probably, a weekly show and this  
8 will highlight activities that are going on in  
9 the younger crowd, what's the local music, what  
10 the local bands are. It's a commitment that the  
11 owners make.

12 This is something that people have said over  
13 and over again about their stations, whether  
14 it's locally owned or from another entity in  
15 another state. It's a commitment that  
16 management and ownership makes. I made it,  
17 other people can.

18 MR. HEMMINGSEN: Thank you. Over here.

19 MEMBER OF THE PUBLIC: All right.  
20 Hello, my name is Kathy Grigg. And I'm a junior  
21 at Stevens High School. And I also have a lot  
22 of concerns about the local media as a general  
23 thing. Okay. Look, mainstream news is great.  
24 Okay. We all need to know, you know, what's  
25 going on in our world. We all need to know

1           what's happening in North Carolina during the  
2           flood or, you know, whatever or the drought or  
3           whatever is going on.

4           But I also think it's important that we have  
5           something local here, and I'm -- I really,  
6           really love that you spoke up, by the way.  
7           Thank you. Yeah, it's so important that we have  
8           some kind of alternative here. My biggest  
9           concern with the FCC and granted, I'm really  
10          glad that you guys do, you know, take the  
11          airwaves and at least give us something. But my  
12          biggest concern is that if we have one person  
13          controlling everything, what's going to be left  
14          for the little stations?

15          I mean, the Stevens High School wants to  
16          start a radio station, and I know some people  
17          are like, of, you know, you're just a bunch of  
18          dumb kids, blah, blah, blah. But there's so  
19          much evidence against it. I'm serious. You  
20          started Food Not Bombs in high school, right?  
21          Yes. You started Food Not Bombs in high school.

22          Two freshmen started a gay/straight alliance  
23          at Stevens, and it's now a functioning club.  
24          And it took us two years to get to that point.  
25          Two years. Legal threats, et cetera, et cetera.

1           It was great fun, come to think of it.

2           So anyway, look, we need some kind of  
3           alternative, and we need to make this more  
4           available to locals. I mean, maybe Stevens and  
5           Tech need to get together and do -- or Stevens  
6           and the School of Mines needs to get together  
7           and maybe share space or something.

8           But we have got to make room for people who  
9           aren't big enough to own a huge mainstream  
10          station and people who don't have the budget to  
11          do this. Or we could just make them shut up and  
12          go into the corner and, you know, hopefully get  
13          five minutes on the mainstream. But I don't  
14          think that's nearly as practical. Anything?

15          And I'm curious, could you explain the  
16          procedure? What exactly would a group of dumb  
17          little kids need to do to get their radio  
18          station? What would be the procedure? Step  
19          one, step two, step three.

20                 MR. HEMMINGSEN: Is this one for  
21          tonight or is this one for tomorrow?

22                 COMMISSIONER ADELSTEIN: Well, just  
23          real quickly, you have to wait until there's a  
24          window open for noncommercial broadcasters.  
25          Right now there's not a window open. It would

1           be the same process KTEQ is going to have to go  
2           through to get reinstated. We can fill you in  
3           on that as well, if you want. If some of our  
4           staff can educate her about that process.

5                       MR. HEMMINGSEN: All right. Thank you.

6           Yes, sir.

7                       MEMBER OF THE PUBLIC: Good evening.  
8           Thank you very much for being here,  
9           Commissioners and distinguished panel. My name  
10          is Milton Lee. I'm a lifelong South Dakotan.  
11          I'm an enrolled member of the Cheyenne River  
12          Sioux Tribe, and more surprising than anything  
13          else, I'm an actual live, independent producer.  
14          That's right. I produce public radio shows.

15                      The shows that we've produced have been  
16          played all over the world, literally all over  
17          the world: Australian Broadcasting, Radio for  
18          Peace International, Costa Rica has picked it  
19          up. We've had shows played in Belarus. But we  
20          haven't had them played much in South Dakota except  
21          for KILI radio. The reason for that - well, let  
22          me just tell you some of the titles of the things  
23          that we've produced.

24                      A Song for Wounded Knee; The Black Hills, a  
25          Lakota Vision; Does Mother Earth Have AIDS; In



1           His Name: The Carving of Crazy Horse. Now it  
2           would be easy to blame racism for why they are  
3           not being played in Rapid City. But you know,  
4           that really isn't the answer.

5           The answer is what Commissioner Copps said.  
6           There is no diversity in Rapid City radio.  
7           Absolutely none. It does not exist. There's no  
8           community radio stations around except KILI  
9           radio and that comes from Porcupine. I mean,  
10          it's a great, wonderful, amazing station. They  
11          play all kinds of phenomenal things. But it's  
12          not a Rapid City station. There's not a  
13          Rapid City broadcaster who's broadcasting any of  
14          this type of programming.

15          The reality is we get news, weather, sports,  
16          top 40, top 30, top 20 music. That's it.  
17          There's no arts programming, ethnic programming,  
18          cultural programming, documentary programming,  
19          radio drama, interview shows, travel shows,  
20          health shows. None of that in Rapid City.

21          You go to Minneapolis, we could listen to  
22          KFAI. You know, their motto is, "A new radio  
23          station every hour. Our programming is so  
24          varied even we don't like half of it." The  
25          reality is we need true diversity in radio

1 programming right here in Rapid City. That's  
2 what localism is all about.

3 It is unbelievable that there's not a window  
4 open right now for people to even apply to open  
5 a community station here in Rapid City. Shame  
6 on the government.

7 MR. HEMMINGSEN: Thank you, sir.

8 MEMBER OF THE PUBLIC: Thank you,  
9 Steve. I know you from KELO Land news and done  
10 some news contributing to your station. And  
11 Mr. Duhamel knows me. I'm Gary Loudner. I'm  
12 the Founder/President of Black Hills Satellite  
13 Communications News of South Dakota. Our  
14 business would be if it -- once - if it ever  
15 gets to be developed and come out of a stage of  
16 darkness and silentness, we would provide  
17 satellite newsgathering to the Black Hills and  
18 from the Black Hills area, worldwide.

19 And, Mr. Adelstein, I'm sorry, I just wanted  
20 to say that Mr. Adelstein probably has had some  
21 knowledge of what my project has been since the  
22 late 1980s when we worked with Senator Daschle's  
23 office.

24 But there are factions, individuals, and  
25 organizations in Rapid City that hold us -- hold

1 Native American or Indian people back, including  
2 myself, from doing such projects, you know, a  
3 ku-band satellite newsgathering. So I just wanted  
4 to bring this up to the Commission and to -- and  
5 I will provide an affidavit on my comment.  
6 Thank you.

7 MR. HEMMINGSEN: Thanks, Gary.  
8 Charisse?

9 MEMBER OF THE PUBLIC: Thank you,  
10 Steve.

11 MR. HEMMINGSEN: We're down to the  
12 people I know.

13 MEMBER OF THE PUBLIC: Bringing up the  
14 rear here. Commissioner Adelstein, thank you,  
15 Commissioner Copps, and all of the ladies and  
16 gentlemen that are representing broadcasting  
17 here tonight. It's a privilege for me to be  
18 here. My name is Charisse Ohlen. I am the  
19 President and CEO of another minority interest  
20 here, Children with Special Needs.

21 I've been with the organization that serves  
22 the children across the state for the last 16  
23 years, and we serve only 2,500 kids, about 10  
24 percent of children that have special needs,  
25 require services, and assistance.

1           And guess what? Most of the people in the  
2           public don't care. You don't care until your  
3           child gets into a car accident and your child  
4           doesn't get to walk home. You don't care until  
5           your child is born with a disability or with a  
6           permanent physical disability such as cerebral  
7           palsy, muscular dystrophy, Down syndrome. Once  
8           those things happen to the general public, then  
9           people care.

10           The issue that we have and the difficulty we  
11           have with our program promotion is awareness.  
12           And I want to thank the broadcasters for what  
13           they do for our organizations and many other  
14           special interests groups across the state of  
15           South Dakota.

16           I wanted to make a few other points. In  
17           particular I want to commend the leadership, the  
18           local leadership that really serves the  
19           community well. I have the good fortune of  
20           having two public broadcasters, the general  
21           manager of and vice president for KOTA with us  
22           tonight, Mr. Mark Antonitis, and also tonight  
23           Mr. Bill Duhamel, who is the Duhamel  
24           Broadcasting President.

25           Both these individuals give their time to

1           our organization and numerous others. I could  
2           go on with a long resume' for each of these  
3           gentlemen. But they give their time because  
4           they are part of the fabric of the community.

5           They do listen, they are here tonight, they  
6           are concerned about what all of the people in  
7           this room have to say. And I will guarantee  
8           that they will go back to their offices tomorrow  
9           and they will already begin implementing some of  
10          the good words, some of the good suggestions and  
11          recommendations that they have heard.

12          So in terms of the good fortune of  
13          South Dakota, localism is alive and well. We  
14          are very appreciative of all of the work that  
15          you do and we thank you for being here tonight  
16          to listen to all of us with a message to  
17          deliver. Thank you very much.

18                   MR. HEMMINGSEN: Thank you.

19                   MEMBER OF THE PUBLIC: My name is Ted  
20          Huffmann. I'm senior pastor of First  
21          Congregation of the United Church of Christ in  
22          Rapid City, the oldest Christian congregation in  
23          our community. In the 125 years our  
24          congregation has been a part of this region,  
25          we've seen lots of outsiders come and go, but we

1           are relative newcomers compared to our Lakota  
2           brothers and sisters.

3           The 97 Congregations of the United Church of  
4           Christ in South Dakota are serving communities  
5           mostly for more than a century. We are here to  
6           stay. We came to the Dakotas to stay. There  
7           are others, however, who come to this region  
8           temporarily to extract profits from mining,  
9           logging, high interest credit cards, and a lot  
10          of other industries.

11          We know too well the stories of people who  
12          come to the Dakotas for short-term profits and  
13          leave when they've taken what they want.

14          Outside ownership of vital services is not  
15          new to us. In a sense, we've become used to  
16          outsiders coming to our state to take or buy  
17          things that they want. The current House  
18          and Senate races demonstrate how outside  
19          interests are willing to come to South Dakota  
20          and spend a great deal of money in pursuit of  
21          their goals.

22          Although Rapid City is currently well-served  
23          by locally owned television and radio stations,  
24          we know how quickly that can change with the  
25          sale of relatively small businesses. Our

1           experience has taught us that when our resources  
2           are put up to the highest bidder, our resources  
3           go out of state.

4           What we ask of the Commission is that a  
5           percentage of every service controlled by this  
6           Commission be set aside for local programming.  
7           We do not now nor have we ever sought to keep  
8           people from outside of our state from visiting  
9           or sharing their opinions with us. We seek not  
10          to be isolated from the news of our country and  
11          the world. What we are seeking is to maintain a  
12          small slice of the public airwaves and media  
13          services available for our local artists, local  
14          stories local news, weather, and the stories of  
15          our local schools and children. Thank you.

16                   MR. HEMMINGSEN: Thank you, Reverend.  
17           Yes, sir.

18                   MEMBER OF THE PUBLIC: Yes. I am  
19           Donald LeFevre, President of Tepco, a Rapid City  
20           manufacturer of FM radio and television  
21           translators and low-powered radio and TV  
22           transmitters. A translator, for the people in  
23           the audience, is a device that picks up a  
24           distant signal and retransmits it locally.  
25           Translators are an important part of serving

1 nonurban areas where there's insufficient  
2 population to support a larger number of Class A  
3 stations.

4 In this region our translators are used to  
5 distribute South Dakota Public Radio across the  
6 state and South Dakota Public Television and to  
7 extend the coverage of many existing stations,  
8 including retransmitting Dr. Duhamel's KOTA  
9 television into some small communities and also  
10 to retransmit KILI, KDDX, KRCS, and KSLT in  
11 Rapid City.

12 Without the ability to extend these signals  
13 in places where the population density is low,  
14 many stations simply wouldn't be viable or there  
15 would be a lot of people that would have a lot  
16 of empty space on the dial. So translators, I  
17 believe, are an important part in serving low  
18 density population areas.

19 So I'd like to thank the Commission for  
20 opening the filing window last year for FM  
21 translators, and I'd like to just comment that  
22 James Bradshaw of the Mass Media Bureau is  
23 really doing yeoman service trying to issue the  
24 majority 3,000 singleton licenses by this  
25 September with I guess a staff that's the same



1 size that it was previously.

2 As a manufacturer I'd like to note that the  
3 FM translator license freeze that was initiated  
4 in 1997 and continued really until this recent  
5 beginning of license issuing was very hard on  
6 the industry. Several of our competitors went  
7 out of business during this freeze.

8 And although that may seem good for Tepco  
9 because we survived it, I would like to  
10 respectfully ask that the Commission only use  
11 license freezes, these long-term, nationwide  
12 license freezes rarely, since they result in  
13 wild contractions and expansions of the  
14 business.

15 And to highlight sort of the size of this  
16 contraction/expansion that we're seeing, when  
17 Tepco entered the FM translator market in 1978,  
18 there were a few licenses. When the freeze was  
19 initiated almost 20 years later in 1997 there  
20 were roughly 3,400 total FM --

21 MR. HEMMINGSEN: Sir, if you have a  
22 point, your time is up.

23 MEMBER OF THE PUBLIC: -- licenses and  
24 so what we're looking at with these 3,000  
25 singleton licenses and 3,000 more coming out of

1 the MX licenses is what looks like 40 years'  
2 worth of business. So we had a six-year freeze  
3 and then 40 years' worth of business is real  
4 hard for the manufacturers to follow that.

5 MR. HEMMINGSEN: Thank you, sir. Over  
6 here.

7 MEMBER OF THE PUBLIC: I am Tom Heald,  
8 civil rights advocate and alternative press  
9 publisher. With three major broadcast entities  
10 absorbing about 90 percent of the radio  
11 landscape, consolidation of ownership has really  
12 not resulted in competition as much as it has in  
13 homogenized repetition.

14 One trio of stations feeds us country music.  
15 Politically, a conservative viewpoint dominates  
16 two talk stations and a fundamentalist Christian  
17 radio station. And I could probably rattle off  
18 ten stations that play one or another  
19 subcategory of light rock, hard rock, soft rock,  
20 world class rock, good time rock and roll  
21 oldies, and/or the best rock with the best of  
22 the '60s, '70s, '80s, '90s and today, which is  
23 music you grew up with that the whole office can  
24 agree on.

25 In terms of musical differentiation, given

1 the artistic activity in the Black Hills, it's a  
2 drop in the bucket, and that doubles for  
3 cultural participation, be it active Native  
4 American population, gay and lesbian, and most  
5 all of the minority populations in the Black  
6 Hills.

7 And for this I would reemphasize the need  
8 for not just noncommercial college radio, but  
9 also public access radio and public access  
10 television stations which most of us won't be  
11 able to see any until we can save \$4,000 for a  
12 high definition TV.

13 MR. HEMMINGSEN: Thank you.

14 MEMBER OF THE PUBLIC: Hi, My name is  
15 Jan Stendeger. I was born, raised, left, and  
16 came back to Rapid City, and I'm staying. What  
17 I would like to address is, number one, on the  
18 handout that we were all given, which is how  
19 radio and television is responding to our  
20 community needs and interests, racism and  
21 stereotyping is not an Indian problem, it's a  
22 human problem. And it's a human problem of  
23 enormous proportion in our community.

24 Rapid City is to Indian and white relations  
25 what Selma, Alabama is to black and white

1 relations. Speaking as a member of the white  
2 part of that equation, we white folk have a long  
3 way to go in addressing the racism in ourselves  
4 and then having that reflected publicly with  
5 greater awareness, courage, and accountability.

6 Mr. Duhamel, with all respect, I would like  
7 to use your statements from a couple hours ago  
8 to demonstrate my point of how very often  
9 unintentionally the attitude behind the power  
10 culture can keep true community needs and  
11 interests from being expressed.

12 And what I'm referring to is when earlier  
13 tonight you referred to how Rapid City is not  
14 like Washington, D.C. We don't have murders.  
15 Well, we do. Not in a huge proportion but --  
16 and this brings up my point specifically about  
17 localism.

18 Rapid City in less than a year and a half  
19 has had three killings by police officers. Two  
20 of whom -- the victims, two of whom were Native  
21 American. Now in Washington, D.C. or New York  
22 or a zillion other communities in our country,  
23 three deaths is not newsworthy. But in our  
24 local community, I find that terrifying.

25 MR. HEMMINGSEN: Thank you, ma'am.

1                   MEMBER OF THE PUBLIC: I'd just like to  
2 finish. My request is that white people --

3                   MR. HEMMINGSEN: Ma'am, your time  
4 expired some time ago. Representative Tom  
5 Hennies --

6                   MEMBER OF THE PUBLIC: I'll sum up --

7                   MR. HEMMINGSEN: No. Ma'am, we have  
8 rules here. We're trying to stick by them.

9                   MEMBER OF THE PUBLIC: Thank you.

10                  MR. HEMMINGSEN: Everybody knew it was  
11 two minutes going in, and I've probably been a  
12 little lax in that.

13                  MEMBER OF THE PUBLIC: Thanks, Steve.

14                  MR. HEMMINGSEN: You have two minutes.

15                  MEMBER OF THE PUBLIC: I understand the  
16 rules. Commissioner Adelstein and Commissioner  
17 Copps, I want to thank you and the other members  
18 of the Localism Task Force for choosing Rapid  
19 City as one of the sites to hold your hearings  
20 regarding electronic media. I only wish to make  
21 two points.

22                  First, I believe it's imperative that media  
23 outlets remain independent and locally owned as  
24 much as possible. Although it would be far  
25 better, I think, if the public would get their

1 news and their public information from both the  
2 electronic media and printed matter and would  
3 read some of this, the fact is that most people  
4 get their news only from the electronic media.

5 So if our media is allowed to be swallowed  
6 up by conglomerates, the breadth of that news  
7 information can only become more narrow and  
8 therefore has the potential of becoming more  
9 one-sided.

10 As evidence that locally controlled airwaves  
11 better serve our citizens, I submit the example  
12 of the continued involvement of our local  
13 electronic media. I've been in public service  
14 in Rapid City for nearly 40 years: 35 years as  
15 a police officer and 6 years as a member of the  
16 South Dakota House of Representatives.

17 During that time I've seen the local  
18 electronic media become involved in all manner  
19 of public service. They keep us informed of  
20 local and national news, they join in assisting  
21 those hurt by personal disaster. One can count  
22 on accurate information during emergencies, and  
23 they give us a great amount of air time to the  
24 organizations dealing with the poor and the  
25 homeless and the needy.

1           While I was chief of police, there were  
2 stories which I would have preferred probably  
3 were not made public. But the reporting has  
4 been accurate and balanced on them, so I felt I  
5 really had no complaint. This is far different  
6 than my impression of the national news media,  
7 which is a conglomerate and which seems to have  
8 their own agenda.

9           I would ask that you not allow any greater  
10 expansion of ownership by large organizations  
11 but rather assist the small, locally owned media  
12 to continue their community involvement because  
13 they are part of our community as they  
14 demonstrated here. Thank you.

15           COMMISSIONER ADELSTEIN: Representative  
16 Hennies, you represent the district and the  
17 community that I live in. So I appreciate your  
18 long years of service to this city and to my  
19 district in particular and for your eloquent  
20 statement tonight.

21           MEMBER OF THE PUBLIC: Thank you. Now  
22 I have to take care of your father.

23           MR. HEMMINGSEN: There are people, I  
24 believe the code for it is a 1072. We're going  
25 to take a brief rest room break for some of the

1 people working here tonight. Those of you  
2 people stay in line, we'll be right back.  
3 You'll get your chance. Those of you who have  
4 tickets, join one of the lines and we'll try to  
5 wrap this up.

6 (A brief recess was taken.)

7 MEMBER OF THE PUBLIC: Hello. My name  
8 is Mitchell Schupinckek. I'm an organizer with  
9 the media activist group Chicago Media Action.  
10 I'm a contributor to the radio and TV projects  
11 of the Chicago Independent Media Center,  
12 (inaudible) Media. And I'm a monthly columnist  
13 with the Chicago newspaper, Third Coast Press.  
14 I'm part of that Chicago convoy that spent 14  
15 hours to come here and will drive 14 hours to go  
16 back tomorrow. I have three things to say.

17 One, is a message from a fellow Chicagoan  
18 who couldn't be here but asked me to relay this  
19 message. I quote: I think that media  
20 consolidation, a few giant corporations owning  
21 the access to communications to the public, is a  
22 great threat to democracy in America. Those  
23 making decisions about consolidation should put  
24 the public first before corporate profits, or  
25 they are criminally responsible for the failure



1 of democracy and the future of this country,  
2 unquote.

3 Second thing, from me, regarding localism of  
4 media in Chicago, since that's where I live and  
5 where I work and since this hearing does address  
6 the entire midwest, including Chicago. As I  
7 said in my comments which I submitted yesterday  
8 to the FCC's Web site, the pattern I've seen  
9 regarding TV and radio in Chicago on a local  
10 basis which is responsive to local interests is  
11 that media which are responsive to local  
12 interests will draw in the local community in  
13 aspects of the media in terms of ownership,  
14 management, staff, funding base, and as  
15 providers of content.

16 Therefore, I encourage the FCC to enact  
17 policies which would allow people to be able to  
18 partake in their local media at multiple levels.  
19 The low power FM initiative that the FCC  
20 approved in February is an excellent start.

21 Many comments were offered today with  
22 regards to providing more radio and TV stations  
23 including public access here, which I encourage  
24 and which would provide more outlets for  
25 fostering local participation.

1           Finally, I'd like to address this more to  
2           the audience here and who -- those who can hear  
3           me or see these words. There's been a lot of  
4           popular organizing in Rapid City and nearby for  
5           this hearing. I'd just like to say, don't let  
6           it end with this hearing. I encourage people to  
7           stay involved on media -- on organizing media  
8           issues both in the national level with groups  
9           like Free Press and Fairness and Accuracy in  
10          Reporting, and in forming your own local groups  
11          and local initiatives.

12          Like in Chicago I'm part of a group called  
13          Chicago Media Action. We're online at  
14          Chicagomediaction.org. Or you can call toll  
15          free 1-866-260-7198. As we've seen in the past,  
16          it's made a big difference --

17                 MR. HEMMINGSEN: Sir, your time is up.  
18                 I said I was going stick to time, I am going to.  
19                 Sir, it's your turn.

20                 MEMBER OF THE PUBLIC: First of all,  
21                 thank you to the FCC for coming to South Dakota  
22                 and giving us this opportunity for the forum.  
23                 I'm Wayne Havemoreland, and I work for the  
24                 South Dakota Bureau of Information and  
25                 Telecommunications. I also serve as coordinator

1 for South Dakota's Amber Alert System.

2 I want to speak on behalf of the  
3 South Dakota broadcasters and the excellent role  
4 they've played in supporting the Amber Alert  
5 System in South Dakota not only in the  
6 development and implementation of this important  
7 system but also by working collectively through  
8 the South Dakota Broadcasters Association as  
9 active team members with the state agencies  
10 involved in that organization.

11 South Dakota broadcasters donate to the  
12 Amber Alert in many ways. The obvious way that  
13 most people are aware of is by agreeing to  
14 provide us their air time free of charge in the  
15 event of an Amber Alert. Specifically an Amber  
16 Alert's goal is to help law enforcement recover  
17 an endangered kidnapped child in a timely and  
18 safe manner.

19 But another way the South Dakota  
20 broadcasters donate to that process that is not  
21 as obvious is they also donate daylight air time  
22 once a quarter to us so that South Dakota can  
23 test its Amber Alert communication links.

24 They also send a representative to the  
25 state's post quarterly test review meetings, and

1           it's through their support that we're able to  
2           achieve a true end-to-end review of each and  
3           every quarterly test, which allows us to assure a  
4           continuing high level of readiness in the event  
5           the Amber Alert System is needed.

6           In addition to that, the state South Dakota  
7           broadcasters have also worked with state  
8           agencies and the Department of Justice to  
9           exchange ideas and discuss issues and resolve  
10          issues at both the state level, the regional  
11          level, and the national level.

12          And on behalf of the children that they help  
13          us safeguard and they would help us bring home  
14          if they were endangered and kidnapped, I want to  
15          thank the state South Dakota Broadcasters  
16          Association and the broadcasters involved in  
17          that association for their assistance on Amber  
18          Alert. Thank you.

19                 MR. HEMMINGSEN: Thank you. Many with  
20          the badge.

21                 MEMBER OF THE PUBLIC: Commissioners  
22          Adelstein and Copps and members of the panel, my  
23          name is David Walton. I'm a police officer for  
24          the city of Rapid City. I also have the rank of  
25          lieutenant, and I've been in there for 25 years.

1           And I represent the Rapid City Police  
2           Department on two fronts tonight. One is part  
3           of the group that was here to provide security,  
4           and secondly sent by my chief to support exactly  
5           what Wayne was talking about, the Amber Alert.

6           The Rapid City Police Department, the  
7           Pennington County Sheriff's Department, and the  
8           state Division of Criminal Investigation have  
9           been pleased to be afforded the opportunity to  
10          work cooperatively with the South Dakota  
11          Broadcasters Association on a statewide Amber  
12          Alert plan.

13          The plan utilizes the resources of many  
14          state agencies working in coordination to make  
15          the plan a reality. And without the cooperation,  
16          however, of the state broadcasters and the media  
17          outlets in our state, the plan would not be able  
18          to function with reaching the public and  
19          enlisting their aid searching for endangered,  
20          kidnapped children.

21          The Amber plan is a reality due to the  
22          dedication of our state's broadcasters. They  
23          donate air time and resources to assist law  
24          enforcement with locating endangered children.  
25          The broadcasters association has been a

1 stakeholder in the Amber Alert plan since the  
2 inception, and is a resource that's value cannot  
3 be measured monetarily. But it is priceless to  
4 the families of the endangered children whose  
5 chances of recovery have been increased by the  
6 dedication of the broadcast media. Thank you.

7 MR. HEMMINGSEN: Thank you, sir. Two  
8 minutes, ma'am.

9 MEMBER OF THE PUBLIC: I'm Kate  
10 Redmond. I represent no one but myself. And no  
11 one paid or coerced me to be here tonight to  
12 speak. If you look at the makeup of the panel,  
13 you can find a metaphor for the lack of  
14 diversity in media. Eight out of 11 of the  
15 persons here are white, straight men. This is  
16 the homogeneity, the strip malling of radio and  
17 television.

18 In looking at how you made this event  
19 difficult to participate in with the  
20 pre-ticketing process and the incorrect and/or  
21 confusing information in the Journal and also  
22 spending the hours of 5:30 to 8:00 p.m. tonight  
23 with the self-congratulatory punditry, you are  
24 going to leave here tonight having missed some  
25 very important comments.

1           Conglomerated ownership of the airwaves  
2           define not only information but culture.  
3           Through a steady diet of blood-thirsty racism,  
4           our American culture experienced the first Gulf  
5           War as a video game of smart bombs. With  
6           continued bold-faced propaganda, American  
7           audiences get not the in-depth reporting that  
8           the rest of the world is getting about us, but  
9           uncritical cheerleading for the latest war.

10           If the conglomeration rules are allowed to  
11           remain, our national media in this country, with  
12           the eroding line of big business and government,  
13           will be no more reflective of our communities,  
14           no more democratic, than was Pravda.

15           In other words, Commissioners, open a  
16           window. It's very stuffy in here.

17           MR. HEMMINGSEN: Thank you. Well said.  
18           Yes, sir.

19           MEMBER OF THE PUBLIC: Commissioner  
20           Adelstein, Commissioner Copps, my name is Bill  
21           Honerkamp. I'm from Rapid City. As head of the  
22           Black Hills Badlands and Lakes Association, I  
23           work for about 570 tourist businessmen here in  
24           the tourism-intense Black Hills. My occupation  
25           is tourist promotion. That involves media, paid

1 advertising, also press and public relations.

2 A word about advertising, at least radio  
3 advertising. Due to the proliferation and the  
4 multiplicity of radio stations these days, that  
5 audience is becoming so fractionalized that we  
6 don't buy much radio anymore. It's too complex,  
7 there's too many transactions. Could this be  
8 localism gone too far?

9 It's my assessment that in a small market  
10 like Rapid City, broadcasters here are  
11 conscientious and I think they are civic-minded.  
12 We know them, they know us, we respect each  
13 other as businessmen and as neighbors. They are  
14 not faceless corporations. Their news people  
15 are good about reporting hard news stories that  
16 affect the visitor industry.

17 They report and sometimes they even promote  
18 special events and festivals even beyond the  
19 standard public service announcements. They are  
20 community spirited. Last week, for instance, we  
21 borrowed a local TV news anchor to moderate a  
22 pre-election candidate forum.

23 My only critique of broadcasting locally  
24 involves weekend coverage of fast-moving or  
25 fast-breaking local crises. That's a time when



1 station news crews are short-staffed. Because  
2 sometimes during a wildfire or a blizzard or a  
3 storm it's hard to find local news updates among  
4 the national feeds or the pre-recorded programs.

5 But we like broadcasters who are our friends  
6 and who are our neighbors. They also give us  
7 technical assistance. When we need assistance  
8 to transfer an important news story to the  
9 national level, our local broadcasters are  
10 ready, willing, and able with their equipment  
11 and engineers to send the word up line.

12 MR. HEMMINGSEN: Thank you.

13 MEMBER OF THE PUBLIC: They do it  
14 because they are friends and neighbors.

15 MR. HEMMINGSEN: Thank you. Yes, sir.

16 MEMBER OF THE PUBLIC: Yes, could you  
17 jump up and down with that sign when the time  
18 comes? I don't want to get yelled at. Jump up  
19 and down a little bit, please. I won't notice  
20 you.

21 My name is Mike Serbola. I used to have a  
22 tourism channel here, Channel 79. So I do have  
23 some experience with some of the issues being  
24 discussed here. And I've noticed that first  
25 off, please, support 211 channel or consider it

1           because a lot of communities really don't have  
2           an idea of what like a social service channel  
3           would be. So the FCC mandating such a thing  
4           would actually spur not only the phone system  
5           but a concept of a social services channel to  
6           many communities.

7           Also you will note that many of the people  
8           are talking about localism, but yet it's mostly  
9           organizations. So there is a dichotomy here  
10          between true localism in the sense of the young  
11          man from the high school, for example there  
12          aren't many people here 20 and under, and  
13          localism in the sense of social services,  
14          channel-type organizations.

15          I'm actually a centrist in regards to some  
16          of these issues with the large media, but I'm  
17          also in favor of a free market. The two do  
18          compete, and I think that one of the problems  
19          right now and one of the problems in, for  
20          example, I had here in this community, is there  
21          is a situation where people don't have a concept  
22          of what a community channel or what community  
23          localism -- oh, my God, is -- it can be much  
24          more than 30 seconds on a single station cable.

25          There aren't any cable representations here.

1           There's no reason we can't have 20 percent.  
2           Actually it sounds strange, but 20 percent of  
3           the 800 channels, might be 100 local channels.  
4           We could air everything from local high school  
5           plays to -- to numerous things.

6                     I know that sounds outrageous, but the  
7           problem is it's based on spectrum right now, the  
8           whole philosophy. It's not a matter of spectrum  
9           as much a matter of protecting our right to  
10          communicate, which is actually protected under  
11          the Constitution.

12                    When they said congregate, it wasn't because  
13          they were touchy feely. It was because  
14          congregate meant to be able to talk and  
15          communicate two-way. That is a high  
16          value.

17                    Also there's community health, sense of  
18          community. The Center for Disease Control has  
19          shown that one of the true prophylactics is a  
20          sense of community. It lowers stress and it  
21          provides a significant psychiatric benefit. Oh.  
22          Thank you.

23                    MR. HEMMINGSEN: Thank you.

24                    MEMBER OF THE PUBLIC: Thank you.

25          Thank you for your patience at this late hour.

1 My name is Linda Gray. I'm President of Mass  
2 Media Montana, which owns and operates stations  
3 in Bozeman, Butte, Kalispell, Missoula,  
4 Lewistown and Great Falls, Montana. I'm  
5 actually here at the invitation of one of  
6 Commissioner Adelstein's staff that was extended  
7 through our FCC counsel at a meeting last  
8 Friday.

9 I'm here tonight to emphasize the continued  
10 importance of a certain Commission rule on  
11 competition and localism, specifically the  
12 network territorial exclusivity rule, which is  
13 now framed for review by the Commission in a  
14 request for expedited declaratory ruling filed  
15 by Mass Media in February 2004.

16 The request is now an active proceeding and  
17 comments and reply comments on the request have  
18 been received by the Commission. I've severely  
19 edited this, so excuse me as I jump.

20 It's important that the FCC maintain the  
21 effectiveness of the network territorial  
22 exclusivity rule. Local news service and other  
23 programming which benefits the local community  
24 is structured around a model wherein a base of  
25 highly viewed network programs enables us to

1 sell enough advertising to pay for the things TV  
2 stations do for their local communities like  
3 news and other local programming.

4 The current network territorial exclusivity  
5 rule was adopted by the Commission to insure  
6 that local stations have a fair opportunity to  
7 acquire network programming by limiting the  
8 amount of territorial exclusivity that stations  
9 licensed to other or neighboring communities can  
10 obtain from a television network.

11 Right now our station in Great Falls,  
12 Montana is suffering from the exact kind of  
13 anti-competitive behavior that the network  
14 territorial exclusivity rule was designed to  
15 prohibit. A network affiliated station in  
16 Helena, Montana and in an adjacent market to  
17 Great Falls has bargained with a network  
18 organization to expand its territorial  
19 exclusivity at the expense of the network  
20 affiliation of KTGF, Great Falls, Montana. It  
21 has all been described in detail in our formal  
22 filings with the Commission.

23 Local news service which was very expensive  
24 in markets like Great Falls and Rapid City  
25 because advertising revenues are not as

1           plentiful as in a larger market must have  
2           reliable exclusivity protection if the local  
3           broadcaster is going to remain committed to pay  
4           the cost of true local service. Local news  
5           commitments are not expenses that can be turned  
6           off like a light bulb.

7                       MR. HEMMINGSEN: Ma'am, your time has  
8           elapsed. Thank you.

9                       MEMBER OF THE PUBLIC: Thank you. I  
10          filed an electronic comment. Thank you.

11                      COMMISSIONER ADELSTEIN: We'll see your  
12          whole statement.

13                      MR. HEMMINGSEN: Ma'am.

14                      MEMBER OF THE PUBLIC: Hello, my name  
15          is Elizabeth Cook-Lynn and I'm a member of the  
16          Crow Creek Sioux Tribe. I'm a writer, I'm a  
17          retired professor of Native American studies,  
18          and I'm here representing nobody but myself. We  
19          all know that what we're talking about here is  
20          media monopoly, and I just have a few things to  
21          say. I'll try to keep it short.

22                      When the FCC endorsed those six media  
23          ownership rules changes, we all knew we were in  
24          trouble. And it includes allowing a single  
25          network to control television stations reaching

1           45 percent of all the households. It also  
2           included the idea that one media company could  
3           buy up the daily newspaper, as many as three  
4           television stations, and eight radio stations  
5           and a cable system all in the same market.

6           And we have I guess been in this situation  
7           now for quite some time. I do want to say that  
8           I want you to understand that American Indians  
9           are not minorities. As my tribesmen tried to  
10          get across when you cut them off, we are  
11          indigenous people, not people of color, not  
12          minorities, not multi-cultural, non-diversity  
13          populations. We are indigenous peoples.

14          And so the Indian voice in this part of the  
15          country is the indigenous voice of this country.  
16          It is precious, it is historical, and it does  
17          not deserve the kind of treatment that you have  
18          given it this evening. Thank you.

19                   MR. HEMMINGSEN: Thank you. Ma'am.

20                   MEMBER OF THE PUBLIC: My name is  
21                   Charmaine White Face (speaking in native  
22                   language.) I must say that. That's my Lakota  
23                   name, one of my Lakota names. And on your  
24                   monitor they keep saying that our indigenous  
25                   language is a foreign language. I'm sorry, that

1 indigenou language is from here.

2 Localism and diversity does not mean having  
3 a brown Native American reporter. I was a  
4 television news reporter here in Rapid City for  
5 one of the local stations.

6 I was the one that reported when the Supreme  
7 Court decision came down that the Black Hills  
8 were illegally stolen from the great Sioux  
9 Nation. I used to try to have at least one  
10 story a week on native issues. I was told that  
11 there was too much Indian news on the  
12 television.

13 Localism, we need more local TV stations,  
14 more local radio stations that actually give a  
15 native perspective. It's not just so that we  
16 can maintain our own native culture and our own  
17 native identity, because what I see happening is  
18 the whole United States is becoming the borg.

19 The borg is a fictitious outerspace entity  
20 that gobbles up human beings and turns them into  
21 computers with only one focus. And I see that  
22 happening in the United States. And that focus  
23 is consumerism. And I see the borg trying to  
24 market that to the rest of the world.

25 Without diversity, without your knowing that



1           you are illegally trespassing on our territory,  
2           that you have no authority to even be conducting  
3           this hearing here because it is still the great  
4           Sioux Nation as you took an oath of office to  
5           uphold the U.S. Constitution and within the  
6           U.S. Constitution is Article VI, which says that  
7           treaties are the supreme law of the land.  
8           Without your knowing that, without our being  
9           able to get that word out, which is diversity,  
10          then you also and the nation is missing a great  
11          opportunity to retain and regain your  
12          integrity.

13          There just ended this past Friday a major  
14          meeting at the United Nations called the  
15          Permanent Forum on Indigenous Issues. At that  
16          meeting there were people from throughout the  
17          United States, indigenous people, including  
18          myself, who attended this United Nations  
19          meeting.

20                 But the conglomeration of media under one  
21          big corporation that controls everything and  
22          only want to get one message out did not allow  
23          you or any of the other non-native people,  
24          non-indigenous people in the United States to  
25          know what was going on right in New York City.

1 MR. HEMMINGSEN: Thank you, ma'am.

2 MEMBER OF THE PUBLIC: I'm sorry that  
3 you are missing out on this opportunity to learn  
4 more. Thank you.

5 MR. HEMMINGSEN: Thank you. Yes, sir.

6 MEMBER OF THE PUBLIC: Good evening.  
7 My name is Tim White Face. I'm an Oglala Lakota  
8 from the Pine Ridge Reservation. First of all,  
9 I want to say that I live in two different  
10 worlds. The first is my Lakota traditional  
11 ways, and the other is the modern world of  
12 today.

13 This evening I bring four issues before you  
14 illustrating my two worlds. An important member  
15 of my community was killed in a vehicle accident  
16 with his granddaughter last week and there was  
17 no news coverage of this. Another is a Lakota  
18 soldier from Iraq and also a Yale graduate was at  
19 Little Wound High School graduation, and  
20 there was no news coverage of this. When  
21 severe tornadoes hit Pine Ridge Reservation a  
22 few years ago, we had no prior warnings.

23 These are just a few examples of  
24 inconsistencies in news reporting. Media needs  
25 to be forced with regulations to cover our

1 Native American issues. Otherwise they will not  
2 cover our issues.

3 In closing I would like to ask how many  
4 people employed by the FCC are Native American.  
5 Thank you.

6 MR. HEMMINGSEN: Thank you, sir. I  
7 don't know if that's a...

8 MEMBER OF THE PUBLIC: My name is Chuck  
9 Wagner, and I thank you all for the opportunity  
10 to speak here, although I think perhaps I have  
11 very little to contribute at this point. I'd  
12 especially like to -- or would like to thank the  
13 gentlemen from Washington who, it's probably 2  
14 o'clock your time or something thereabouts, and  
15 I appreciate your coming here and listening and  
16 hearing us out to the very end, even more than  
17 I appreciate your coming out here, because if you  
18 come out here and don't listen. . . (applause).

19 Having said that, I am nobody, absolutely  
20 nobody. And the young lady stole my thunder  
21 when she said she represented nobody. I'm very  
22 poor. I live on a little bit less than \$500 a  
23 month. I have a disability thing. The one thing  
24 that I do do - I have no children, I have no  
25 grandchildren. I have no parents, obviously.

1           And the one thing I do do is I listen, and I  
2           watch television and radio.

3           And I would say -- you know, I even sleep  
4           with the radio on, although my doctor told me  
5           that's not good for me. But I do. I don't have  
6           anything to say -- Thank you.

7                     I don't have anything to say except please,  
8           these radio -- or these airwaves belong to us  
9           people. They are not yours, and I know you're  
10          well aware of this, personally to do with as you  
11          please. They don't exist for the very wealthy  
12          or the very few, what, 20, 30, 50, 100,000  
13          people who make a very lucrative business -- a  
14          very lucrative living in the business. They  
15          belong to us.

16                    And I don't know enough. I feel a little  
17          bit like the -- I don't know what's going on. I  
18          mean, I don't know about the technicalities. I  
19          feel a little bit like the child that died and  
20          went to heaven and God said, "Child, what would  
21          you like to have?" And the child said, "What's  
22          there? What have you got?"

23                    And I don't know what the alternatives and  
24          what the opportunities are that you hold in your  
25          hands and what you can do for us. But I ask you

1 to please act in our best interest. Thank you.

2 MR. HEMMINGSEN: Thank you, sir. Yes,  
3 sir.

4 MEMBER OF THE PUBLIC: Thank you. My  
5 name is Bob Flott. I'm president of A-O  
6 Broadcasting Corporation, KTMN radio,  
7 Cloudcroft, New Mexico. I live in Alamogordo.  
8 We appreciate the Commission being here this  
9 evening. I know it's early in the morning for  
10 you guys, so we do appreciate that.

11 These meetings we feel are a great way for  
12 the Commission to obtain information about how  
13 broadcasters serve our communities and to  
14 identify areas for improvements, and we've heard  
15 some of those this evening.

16 Local radio, gentlemen, is all I know. I  
17 have documented my service to Alamogordo, New  
18 Mexico with a noncommercial station, KUPR, which  
19 is a 100-watt station which went on the air back  
20 on December 6, 2003. And during the first less  
21 than six months of our programming, this is from  
22 my public file on interviews and other local  
23 events we're involved with in the community.  
24 We're serious local broadcasters.

25 In addition to the help I give KUPR, I own

1 KTMN 97.9 in Cloudcroft. I've been trying for  
2 over a year to provide local service to  
3 Cloudcroft and other communities in the  
4 Sacramento Mountains.

5 Unfortunately, I have encountered a serious  
6 obstacle, a lack of respect in the Audio  
7 Division for objects of public service you are  
8 trying to promote. And I'm going to have to cut  
9 this a little bit short.

10 I've had some situations with the  
11 transmitter which have been rectified. We asked  
12 the FCC to go ahead and change the transformer  
13 location to another location, which they finally  
14 approved. But in the time lapse of almost 10  
15 months, we had just less than two months to get  
16 the station on the air.

17 Section 307(c)(3) of the Communication Act  
18 says that when a license application is on  
19 appeal to the full Commission, as mine is, the  
20 station has the automatic right to continue  
21 service while the appeal is being heard.

22 We have repeatedly stressed this statute as  
23 well as the urgent need for KTMN's public  
24 service to the Audio Division. At no time has  
25 the Division even given lip service to Section

1           307(c)(3) much less to the public interest in  
2           allowing KTMN to broadcast to its service area.

3           When I left the studio this morning, we had  
4           -- we have a huge forest fire going on there by  
5           Capitan. Yesterday it was 8,000 acres. This  
6           morning it was over 23,000, consumed 12 homes, a  
7           lot of other cabins. I need to be on the air  
8           now to serve my community. It's local radio.

9           MR. HEMMINGSEN: Thank you, sir.

10          MEMBER OF THE PUBLIC: Thank you. And  
11          I have documentation for you as well. Okay.

12          MR. HEMMINGSEN: Thank you. Yes, sir.

13          MEMBER OF THE PUBLIC: My name is  
14          Curtis Carroll, and I'm from Eagle Butte,  
15          South Dakota. And I also am just speaking for  
16          myself, although I do believe I have some points  
17          of public interest which I'll try to get to.

18          First, I thank you for having this hearing  
19          here and hearing everybody out. And I will say  
20          that I am struck by the fact that virtually  
21          everyone that has spoken has spoken in favor of  
22          expanding or at least sustaining the diversity  
23          that we do have, the localism that we do have.  
24          Most of the speakers want more, not less.  
25          That's almost universal I'm hearing.

1           Now, having my main point that I want to get  
2           to with regard to Eagle Butte -- and I just  
3           wanted to make those general comments first.  
4           What we have in Eagle Butte, we are served by a  
5           station that's actually on Standing Rock. It's  
6           one of the three local stations I believe that  
7           Mr. Casey of KILI referred to and that is KLND.

8           The service that provides locally is  
9           incredibly important, and I don't think it could  
10          be done other than locally. Sometimes this is  
11          emergency things. But sometimes it's things  
12          like funerals, less than emergency still storm  
13          notices that have to do with travel,  
14          cancellations of things particularly in the  
15          wintertime, I don't think that can be done other  
16          than locally. It is a very important local  
17          function. I think it's very important to  
18          preserve that. Thank you.

19                   MR. HEMMINGSEN: Thank you, sir.

20                   MEMBER OF THE PUBLIC: Good evening.  
21           My name is Bob Nesheim, and I'm here to address  
22           three issues. First, as Mr. Duhamel,  
23           Ms. St. John, Mr. Owens, and Mr. Harris have  
24           said, there are positive local elements in  
25           broadcast. Local news, local sports, and EAS



1 are what we expect from local stations.

2 As Mr. Meyer and Mr. Casey demonstrated,  
3 community media can be much more. It can focus  
4 on issues important to the local community  
5 including the public affirmation of the Lakota  
6 language, which enables a broadcast medium to be  
7 a source for the righting of past wrongs.

8 President Short Bull talked of a series  
9 focusing on outstanding native citizens. This  
10 is programming that the FCC should encourage,  
11 not merely public service but public interest  
12 programming that explores the flavor of local  
13 communities.

14 Secondly, looking at the numbers, 50 percent  
15 of the Rapid City radio market is owned by one  
16 out-of-state company, and 33 percent of the  
17 television market is owned by two out-of-state  
18 companies. I cannot imagine that a market which  
19 is primarily owned by out-of-area companies will  
20 provide anywhere near the level of local  
21 programming we receive. This is why I recommend  
22 that the FCC severely limit out-of-area  
23 broadcast ownership.

24 And finally, I feel no need to sell you on  
25 the local benefits of KTEQ, and I am not here to

1 address the loss of license but to ask how long  
2 we have to wait for a window for a noncommercial  
3 educational radio license. As a past manager of  
4 KTEQ and a member of its licensing board, I  
5 implore you to do everything in your power to  
6 make the rumored September licensing window a  
7 reality. Thank you for your time and interest.

8 MR. HEMMINGSEN: Thank you, sir.

9 MEMBER OF THE PUBLIC: Yes, sir. Thank  
10 you, Steve. Welcome and thank you for coming to  
11 South Dakota. My name is Lieutenant Colonel  
12 Tracy Settle. As the retention and recruiting  
13 manager for the South Dakota Army National  
14 Guard, it is a pleasure to inform you of the  
15 tremendous support the TV and the radio stations  
16 across the state provide the South Dakota  
17 National Guard.

18 As a partner in telling the Guard story to  
19 the citizens of South Dakota, the South Dakota  
20 Broadcasters Association and its members have  
21 provided in the past nothing less than  
22 outstanding support in providing air time for  
23 National Guard public service announcements and  
24 providing objective factual news coverage of  
25 National Guard activities.

1           Since January 2003 the 4,500 members of the  
2           South Dakota National Guard have been answering  
3           the call to duty both at home and abroad  
4           supporting operation Noble Eagle, Enduring  
5           Freedom and Iraqi Freedom in a very significant  
6           way.

7           During its numerous activation ceremonies,  
8           pre-mobilization operations, welcome home  
9           ceremonies, and family support functions in over  
10          31 different communities statewide, the  
11          South Dakota Broadcasters Association has gone  
12          above and beyond the call of duty providing  
13          coverage and good news stories to the public.

14          Reporters and videographers have accompanied  
15          troops to training centers, mobilization  
16          stations, and even trips to Bosnia and Kosovo.  
17          This firsthand style of reporting has provided  
18          the residents of South Dakota a view of the  
19          South Dakota National Guard like never before.

20          The newscasters and reporters have always  
21          been professional, objective, educated and  
22          always interested in learning more about how  
23          they can portray the soldiers and airmen of the  
24          guard in the most positive light. We have a  
25          superb military organization in this state, and

1 the media has insured that the heroes are  
2 honored and their stories are told.

3 It is clear that the members of the  
4 South Dakota Broadcasters Association support  
5 the guard family faithfully and will continue to  
6 provide that coverage that South Dakotans have  
7 come to expect.

8 I thank you for tonight's opportunity to  
9 provide you with a strong endorsement for the  
10 South Dakota media community. Thank you.

11 MR. HEMMINGSEN: Thanks, Colonel. Yes,  
12 sir.

13 MEMBER OF THE PUBLIC: Hello, my name  
14 is Mike Reardon. I'm a local musician and  
15 concert promoter. I'm also President of  
16 Backroom Productions. We put on Music in the  
17 Park that you may have heard about earlier.  
18 I've also been a DJ on KTEQ, a local music show,  
19 and I'm also a candidate for State Senate in  
20 District 35. Every now and then I sleep also.

21 I guess I would like to address play lists,  
22 radio play lists, and the music that's on  
23 commercial radio. And I'll sum it up in one  
24 word, and I'll speak for all the people that  
25 feel the same way: Boring. Boring. Not only

1 is very little local music played, very little  
2 local music from around the planet is played.

3 It's the same albums that I've owned since  
4 1972, '73, '76. There's just not much new music  
5 happening on the radio. So to all the radio  
6 station owners I would say, let's hear some new  
7 stuff, local and otherwise. Thank you.

8 MR. HEMMINGSEN: Thank you. Yes, sir.  
9 Man over here.

10 MEMBER OF THE PUBLIC: (Speaking in  
11 native language.) My name is Tim Steckline.  
12 I'm a professor of rhetoric and mass  
13 communication at Black Hills State University.  
14 I'm not here because my boss told me to be here.  
15 I did not have anyone to pick up my ticket for  
16 me as a subordinate this morning, and I am not  
17 testifying for a quid pro quo from a broadcaster  
18 I do business with.

19 I remember as a kid growing up in Colorado I  
20 used to listen late at night to try to pick up  
21 radio stations. And as it got harder as the  
22 evening went on, I found there was the great  
23 station coming out of Oklahoma City called KOMA.  
24 Huh.

25 And KOMA, you can still pick it up in the

1 middle of the night when it out broadcasts  
2 everybody else. It blew them away. And it was  
3 okay in its place. But you know, there was  
4 something fascistic about KOMA, too, because it  
5 blew everyone else off the band.

6 And that's one of my problems with the way  
7 the media are going nowadays. It was an  
8 800-pound gorilla in a china shop. And as long  
9 as it was regulated, it was okay. But when an  
10 800-pound gorilla gets unregulated, we're all in  
11 trouble and it puts other stations into a coma.

12 The small stations within a community are  
13 pretty important. Ever since 1927 supposedly  
14 this group is supposed to protect the airwaves  
15 for us, and the FCC was supposed to be a public  
16 trust. Now it's more like a candy store since  
17 the 1996 Telecommunications Act, I think.

18 They are giving away the store. And ever  
19 since we decided to buy a Powell, I think we're  
20 really in trouble here. It's KOMA everywhere,  
21 every day, every night.

22 I would like -- earlier Alan Harris from  
23 Green River said that localism is enforced by a  
24 listener who switches when they get tired of  
25 what you are saying or if it's not useful to

1           them. But if the other stations are all saying  
2           the same things, there's no point in switching.  
3           All there is is to turn it off or to just listen  
4           to what you are getting.

5           It was not a local owner who decided to  
6           depopulate the Minot station. The tributes  
7           you've been hearing all night are actually  
8           coming from a victim with a knife at its throat.  
9           You have the capacity to give this thing, give  
10          radio a break and to live again. Please, don't  
11          cut its throat. Roll back the  
12          Telecommunications Act, stop media convergence.  
13          Thank you.

14                 MR. HEMMINGSEN: Thank you. I'm old  
15                 enough to remember the old KOMA. You bet. Yes,  
16                 sir.

17                 MEMBER OF THE PUBLIC: Good evening.  
18                 I'm Jay Davis. I live here in Rapid City.  
19                 There's a lot I could say about localism,  
20                 but I actually stayed here this late to read a  
21                 statement from a gentleman from the other side  
22                 of the state, Grant Peterson, from Brookings,  
23                 South Dakota who could not be here tonight. So  
24                 I'm going to read his letter into the record.

25                 My name is Grant E. Peterson. I live at 207

1 Half Moon Road in Brookings, South Dakota. I'm  
2 currently an employee of the Waitt Radio,  
3 namely KJJQ AM, KKQQ FM, and KDBX FM. The first  
4 two licensed from Volga, South Dakota and the  
5 other from Clear Lake, South Dakota.

6 By writing this letter I may jeopardize my  
7 current part-time job as an announcer on KJJQ AM  
8 radio. I do an afternoon entertainment talk  
9 program called South Dakota Great Afternoon  
10 Smorgasbord. I've been in radio in Brookings  
11 since 1963, including a number of years at KBRK  
12 AM and FM, the other two stations in Brookings  
13 now owned by Three Eagles Communications.

14 At this time Three Eagles has made an offer  
15 to buy KJJQ, KKQQ, and KDBX from Waitt Radio  
16 and seeks FCC approval. I would be opposed to  
17 the FCC allowing this to happen. It would mean  
18 all five of the radio stations operating out of  
19 studios in Brookings would be under one single  
20 ownership.

21 That would mean that one philosophy only  
22 would be the influence of all five stations.  
23 That would mean that there would be just one  
24 news departments for all five stations. That  
25 would mean that all sports would be under the



1 influence of just one owner. That would mean  
2 that the rate structure would be under just one  
3 management system.

4 Let me give you just one very recent example  
5 of how this could affect the public service that  
6 a radio station can provide. There's the  
7 Brookings County Historical Society, a small  
8 group of people who have donated time and  
9 dollars over several years. This is a nonprofit  
10 organization that has several buildings in Volga  
11 displaying various artifacts and information.

12 It is open from Memorial Day through Labor  
13 Day each year from noon to 4:00 p.m. It is open  
14 seven days a week. All the hours of the staff  
15 are donated. Absolutely nobody gets any pay.

16 The stations owned by Three Eagles recently  
17 submitted a proposal stating that if the society  
18 spent \$100 in advertising, then they would  
19 receive several bonus announcements.

20 MR. HEMMINGSEN: Sir, time is up. I'm  
21 sorry, but I think the Commission got the drift.

22 MEMBER OF THE PUBLIC: Okay. Well, as  
23 I understand -- I'll read the final two  
24 paragraphs. Just if the approval of the  
25 Brookings station --

1 MR. HEMMINGSEN: Sir. I'm sorry, sir.

2 With all due respect --

3 COMMISSIONER ADELSTEIN: We would like  
4 to see the letter for the record.

5 MEMBER OF THE PUBLIC: I'll put it in  
6 the record.

7 MR. HEMMINGSEN: With all due respects  
8 to my friend, Grant. Yes, sir.

9 MEMBER OF THE PUBLIC: Hi. Thank you.  
10 You are almost done. My name is Hugh Boyle.  
11 I'm here representing the Rapid City Club for  
12 Boys. I'm the President of the Board of  
13 Directors. Our mission at the Rapid City Club  
14 for Boys is to build boys, not mend men.

15 I'd like to thank the local broadcasting  
16 here for the thousands of dollars that they have  
17 given in free public service announcements over  
18 the 40 years of our existence. On behalf of the  
19 1,400 boys, thank you for this gift.

20 You should also be aware of the fact that  
21 the Rapid City Club for Boys approves of this  
22 message.

23 MR. HEMMINGSEN: Thank you. Bob  
24 Newland.

25 MEMBER OF THE PUBLIC: Thank you,

1 Steve. Greetings everyone. I am Bob Newland.  
2 I was raised on a ranch northwest of here, and  
3 I'm currently a freelance publisher, and I've  
4 lived in the Black Hills all my life.

5 I think it's interesting that the local  
6 media outlets sent their sales staff down here  
7 this morning to scarf up a bunch of tickets  
8 which they then apparently distributed to a  
9 seemingly endless group of cheerleaders who get  
10 PSAs from these outlets.

11 The annoying thing about that was that the  
12 testimony of these cheerleaders provided no  
13 argument against restrictions and further  
14 ownership consolidation. But we do treasure the  
15 KOTA footage of the National Guard burning ditch  
16 weed.

17 I have a couple of quick anecdotes. Ten  
18 years ago -- well, I'm a devotee of libertarian  
19 politics and free market solutions. And 10  
20 years ago the first libertarian, the first  
21 alternative party was on the ballot for governor  
22 in South Dakota in 60 years.

23 Nathan Barton had been granted appearances  
24 with the other candidates in other forums across  
25 the state, but a local TV station arranged a

1 debate and would not allow Nathan Barton to be  
2 in it.

3 So I called the anchor woman, and I asked  
4 her why. And she said that, "We found that when  
5 we allow alternative candidates in these  
6 debates, the debates degenerate into an exchange  
7 of ideas."

8 I don't have time to tell my other anecdote.  
9 But I would say that if I were an FCC  
10 commissioner, I would do everything within my  
11 power to prevent further consolidation and to  
12 insure and encourage greater diversity, the  
13 greatest possible diversity in media ownership.  
14 Thanks a lot.

15 MR. HEMMINGSEN: Thanks, Bob. Geez,  
16 that's a great T-shirt.

17 MEMBER OF THE PUBLIC: Thank you. My  
18 name is Tim Martinez. I'm a professor of  
19 political science, and I'm here as a citizen and  
20 not as a consumer. If the FCC is going to serve  
21 its mandate to assure the local public interests  
22 are served in broadcasting, it must represent  
23 the concerns of real citizens and stop catering  
24 to the demands of the money hungry corporate  
25 elite that rule much of broadcasting today.

1           What are the demands of this corporate  
2 elite? The corporations constantly complain of  
3 the cost of any regulation aimed at protecting  
4 the public interest. Despite these complaints,  
5 these media corporations clearly see  
6 broadcasting licenses as a license to print  
7 money.

8           These corporations demand protections that  
9 allow them to use the public's airwaves to  
10 increase their ability to serve as a more  
11 effective audience delivery system for  
12 advertisers. The ability of these corporations  
13 to achieve their demands is clearly evident in  
14 the FCC's willingness to renege on its original  
15 mandate under the guise of free market  
16 deregulation as well as Chairman Powell's  
17 abandoning of these hearings.

18           In sum, to reduce the lifeblood of a  
19 democratic republic to the operation of market  
20 forces is to displace the public's interest with  
21 mere commercial activity. This is the triumph  
22 of corporate commercial interests over the  
23 public's interest in national and local  
24 democratic governance. Thank you.

25           MR. HEMMINGSEN: Thank you. Boy, look

1 at that shirt. That's a great shirt.

2 MEMBER OF THE PUBLIC: Good evening,  
3 and thank you. Commissioner Adelstein and  
4 Commissioner Copps, you are to be commended for  
5 your fortitude and your ability to pay attention  
6 through things like this. As a news reporter at  
7 various times over the last 30 years I've had to  
8 cover long things as well as other more spot  
9 news events like fires that go on and on and on.

10 I'm Ted Langdale. I'm actually visiting the  
11 Black Hills for the first time, out here from  
12 California attending some graduations in  
13 Minneapolis and then up in Spearfish. I've been  
14 enjoying my time here. Coincidentally, you're  
15 here so I'm here as well.

16 I have basically seven or eight pages of  
17 things, stuff I'd winnowed down to what I  
18 thought I could get into four minutes. I'm  
19 going to file it. But in listening to what  
20 people were talking about tonight, what it  
21 really seems to me that the problem is and what  
22 the problem that needs to be solved is the fact  
23 that the FCC doesn't have enough money to get  
24 the staffing that it needs to get rid of the  
25 backlogs so you don't have to keep doing these

1 freeze.

2 If you had the staffing, you could push the  
3 paperwork through in a reasonable amount of  
4 time. The people who need the communications  
5 facilities, whether they are broadcast or  
6 telecommunications of some other kind, would be  
7 able to realize the benefits of those things,  
8 and people wouldn't be up here complaining about  
9 the things they've been complaining to you  
10 tonight.

11 My question I guess is, how much will it  
12 take to do that in terms of dollars? And how  
13 soon can we help you badger Congress to do that?

14 And perhaps lastly, I hadn't intended to  
15 introduce politics into this, but seems to me  
16 that you also need some friends in Congress and  
17 maybe that's an issue to consider during the  
18 elections coming up later this year or next  
19 month for those here in South Dakota. Is that a  
20 question you can answer about how much, how  
21 soon?

22 COMMISSIONER ADELSTEIN: Well, the  
23 issue of -- if you're talking about opening up  
24 the window on noncommercial licenses is that --

25 MEMBER OF THE PUBLIC: Getting money to

1 get the staff to get the backlogs that basically  
2 are the reasons -- are the cause of the freezes.  
3 What would it take to clear all that up?

4 COMMISSIONER ADELSTEIN: If you're  
5 referring to that, actually we're involved in  
6 judicial proceedings having to do with the  
7 interpretation of a Congressional statute that  
8 makes it difficult to move forward more quickly.  
9 It's not an issue of staffing but one of  
10 litigation at this point.

11 MEMBER OF THE PUBLIC: Okay. And how  
12 many lawyers would -- could you throw at it?  
13 How many more lawyers could you throw at it to  
14 help it.

15 COMMISSIONER ADELSTEIN: We've got  
16 hundreds of lawyers trying to get this resolved  
17 right now. Believe me.

18 MEMBER OF THE PUBLIC: Thank you. I do  
19 appreciate it. I see you've got two people  
20 left. Enjoy your trip back to Washington, and  
21 I'll enjoy my trip back to Spearfish, even if it  
22 is in the dark.

23 MR. HEMMINGSEN: Yes, sir.

24 COMMISSIONER ADELSTEIN: There's  
25 another lawyer right here.



1                   MEMBER OF THE PUBLIC: Thank you. I'm  
2                   Jim Leach. I'm here as a citizen, and I admire  
3                   your endurance. I thank you for the opportunity  
4                   to be heard. We have a real problem here in  
5                   South Dakota. In October 2002 we were getting  
6                   ready for an election and we had incessant  
7                   reports of voter fraud, voter fraud, voter  
8                   fraud, voter fraud, voter fraud, incessantly  
9                   from the media in this state.

10                  Well, 99 percent of it was unfounded. The  
11                  election came and went. The attorney general,  
12                  the sheriffs, the auditors all said there was  
13                  nothing to it. No one attempted to vote  
14                  wrongfully let alone actually voted wrongfully.

15                  So why am I standing here talking to you  
16                  about it at 11:30 at night two years later?  
17                  There are three problems it resulted in. Number  
18                  one, it was insulting and discouraging to Native  
19                  Americans from participating in the process, the  
20                  political process, because all the allegations  
21                  were directed at them.

22                  Number two, it resulted in a new voter  
23                  identification law which, as Mr. Duhamel has  
24                  previously stated, will in fact make it more  
25                  difficult for Native Americans on reservations

1 to vote because they don't -- not as many of  
2 them carry ID cards as someone like me does.

3 Number three, it resulted in a problem of  
4 continuing perceptions among non-Indians that  
5 Native Americans who vote in this state are  
6 suspect of engaging in voter fraud.

7 Commissioner Copps, you asked about the  
8 relationship between media concentration and  
9 political participation. In South Dakota our  
10 experience two years ago is a classic textbook  
11 example of the relationship.

12 Commissioner Adelstein, you asked about more  
13 consolidation, was it a good idea or not. I say  
14 we have too much already here. If there is a  
15 model for true localism, it is KILI radio. To  
16 all South Dakota broadcasters I say just one  
17 thing. I mean, it's great you do what you do.  
18 I'm very thankful for it. But we have an  
19 election coming up this year again. We're  
20 already seeing unfounded rumors of Native  
21 American "voter fraud" in the media. Let's not  
22 do the same thing, please, this time around  
23 also.

24 MR. HEMMINGSEN: Thank you, sir. Thank  
25 you.

1                   MEMBER OF THE PUBLIC: Thank you.

2                   MR. HEMMINGSEN: The only people who  
3 remembered are those who are first and those who  
4 are last.

5                   MEMBER OF THE PUBLIC: I'm the last.  
6 That's right. I'm the omega. My name is David  
7 Guttierrez. I'm a local resident, and I'm an  
8 advocate for noncommercial broadcasting in rural  
9 and small community areas. I'm going to use  
10 classical music as a paradigm, but it could be a  
11 multitude of things. A 24-hour, seven-day-a-week  
12 classical musical broadcasting station would be  
13 a desirable component of an FM frequency in any  
14 rural community.

15                   Most citizens in a rural and small community  
16 area would appreciate the availability of such a  
17 station. Realistically this type of station is  
18 not commercially viable outside of a large urban  
19 market. However, through a noncommercial  
20 station, a classical music station could be  
21 introduced and sustained in rural and small  
22 community service areas.

23                   Noncommercial broadcasters in general and  
24 especially in rural and small community service  
25 areas are at a distinct financial and resource

1           disadvantage. This makes such services  
2           difficult if not impossible to provide for the  
3           vast rural and small community areas in this  
4           nation.

5           Licensing policies and requirements could be  
6           developed to foster such broadcasters who would  
7           in turn increase the number of distinct and  
8           varied media resources available, especially to  
9           rural and small community service areas.

10          Because of the limited resources in rural  
11          and small community settings, licenses could be  
12          issued more readily to allow for the use of  
13          technology such as satellite or Internet to  
14          broadcast stations -- to broadcast existing  
15          services to rural and small community service  
16          areas.

17          Also rules of operation could be modified to  
18          realistically match the available personnel and  
19          financial resources for local noncommercial  
20          broadcast stations in rural and small community  
21          areas.

22          Increased issuance of translator licenses to  
23          noncommercial broadcasters would allow for  
24          efficient and economical broadcast of  
25          programming to large, rural, and small community

1 service areas from existing noncommercial  
2 broadcast sources.

3 In conclusion, the federal government  
4 through the REA brought electricity to the  
5 underserved, unprofitable, rural and small  
6 communities of America in the early 20th  
7 Century. Hopefully the FCC will bring the  
8 benefits of many information resources available  
9 to the underserved, unprofitable rural and small  
10 communities of America in the 21st Century.

11 MR. HEMMINGSEN: Thank you, sir.

12 MEMBER OF THE PUBLIC: Thank you for  
13 your time.

14 MR. HEMMINGSEN: Apparently you only  
15 thought you were the last. Ma'am.

16 MEMBER OF THE PUBLIC: Thank you,  
17 Commissioner Adelstein and Commissioner Capps.  
18 A year ago in May I saw the first article about  
19 the media consolidation and I was alarmed. I  
20 contacted -- I sent letters to my three  
21 Representatives in Washington and the President,  
22 and I've watched articles come and go since  
23 then. And my alarm is increasing. And then  
24 when I hear your concern, it's increasing  
25 considerably more.

1           Tom Hennies spoke gracefully on the subject  
2           and the Indian lady who spoke about it,  
3           Elizabeth Cook-Lynn, and Mr. Newland, all three  
4           of them. I just really am concerned about it  
5           because I like -- I like to read my newspaper.  
6           I like to get the news, whether it's the British  
7           news late at night on public television or  
8           Lehrer or whichever station it is. But -- and I  
9           realize, you know, different ones have different  
10          opinions.

11          But if we get the large media consolidation,  
12          we're not going to have, I fear, the  
13          availability of both sides of an issue, and I --  
14          I'm concerned about that. Just wanted to say  
15          that. Thank you very much.

16                 MR. HEMMINGSEN: Thank you. The lines  
17          appear to have ended. Commissioners, I turn the  
18          ship back over to you.

19                 COMMISSIONER ADELSTEIN: That was a  
20          great final word there. Commissioner Copps, do  
21          you have any concluding observations for us?

22                 COMMISSIONER COPPS: I would just thank  
23          everybody. I think that this has been very  
24          helpful. We had a diversity of input. I think  
25          our debate got a little more robust as we got a

1           little further into the evening. I learned that  
2           there are some good things going on out here,  
3           quite a bit of them, quite a lot of them. I  
4           learned that there were some problems out here,  
5           particularly as regards the participation of  
6           the, and the representation of, the Native  
7           Americans, and some feeling that maybe we've got  
8           a little more work to do on diversity.

9           I guess my only advice would be to those who  
10          think things are well with diversity and are  
11          proud of that, keep plugging away and doing what  
12          you can. And to those of us in this audience  
13          who think there is still a ways to go and that  
14          there's a larger threat out there that could be  
15          coming this way, you need to keep plugging away,  
16          too. But it's going to take everybody's efforts  
17          to ward this threat off.

18          I want to thank our Localism Task  
19          Force, Bob and Michele, and everybody  
20          else who I think did a superb job in  
21          putting this together tonight.

22          I thank all of the panelists, all the  
23          participants, and your native son here,  
24          Jonathan, for an outstanding job. It was a  
25          pleasure to be here.

1                   COMMISSIONER ADELSTEIN: Thank you,  
2                   Mike. I think that's an excellent summary of  
3                   what we heard tonight. We really heard a lot of  
4                   eloquence from the people of Rapid City. It's  
5                   incredible what you've done in two minutes.  
6                   You've spoken volumes. You've reminded us of  
7                   how much -- how much pride we have in ourselves  
8                   and how -- why we have such pride.

9                   We've really shown consideration for one  
10                  another in a way that I knew this community  
11                  would. It's not fun to have to say it in just  
12                  two minutes, but the idea is we want everybody  
13                  to be heard and in a reasonable time, if this is  
14                  a reasonable time, and I think it is because  
15                  those of you who are hard core are still here.  
16                  We appreciate it.

17                 We've heard concern about certain issues.  
18                 We've heard good things that can happen here.  
19                 We're going to take this message back to  
20                 Washington. We're going to share it with our  
21                 Chairman and our colleagues, they can look at  
22                 the record of this hearing.

23                 In a minute we're going to hear a wonderful  
24                 Lakota song from Tim White Face, and we very  
25                 much appreciate it. It's a great way to end.



1           But I'd like to just thank some people here.  
2           First, our two sign interpreters really were  
3           going at it for a long time. Our court  
4           reporter's fingers are about to fall off, but  
5           she's still going strong down there. Thank you.  
6           To our wonderful moderator, Steve Hemmingsen, he  
7           didn't realize he was in for an all-night duty  
8           here. But thank you for sticking with us.

9           MR. HEMMINGSEN: Especially since they  
10          flew home without me.

11          COMMISSIONER ADELSTEIN: Of course we  
12          want to thank the School of Mines for hosting us  
13          here, a wonderful facility. We thank, then, all  
14          of our panelists, especially those who hung out  
15          to the bitter end here and listened and heard  
16          what the community had to say to you. They  
17          really wanted you here, and we thank you for  
18          participating.

19          Especially, you know, to our staff. As  
20          Commissioner Copps said, these are dedicated,  
21          wonderful public servants. They've worked so  
22          hard to make this happen.

23          I remember when Commissioner Copps and I kind  
24          of took this on the road early on by ourselves  
25          out of a backpack maybe or the trunk of a

1           rental car. And it's a lot better to have --  
2           you know, drive down the road in the big  
3           Cadillac limo like we have with all the help  
4           we've had from you. You've done an outstanding  
5           job. It's like having a whole RV compared to  
6           what we've been through. And, you know, an  
7           example of that kind of dedication, we have a  
8           lot of wonderful people. Without going through  
9           them all, one of them, Bob Ratcliffe, it's his  
10          birthday today and this is how he spent it, with  
11          us. Thank you, Bob, and happy birthday to you.

12                 So with that, we could -- we'd love to hear  
13          from Mr. White Face of the Oglala Sioux Tribe,  
14          honoring us with a song commemorating this  
15          event. Thank you so much for being with us.

16                         (Mr. White Face performed.)

17                         COMMISSIONER ADELSTEIN: Thank you,  
18          Mr. White Face, for helping us commemorate this  
19          way. The hearing of the FCC is now adjourned.

20                         (The hearing adjourned at 11:45 p.m.)

21

22

23

24

25

1 C E R T I F I C A T E

2

3 STATE OF SOUTH DAKOTA }  
 4 COUNTY OF PENNINGTON } ss:

5

6 I, Jacqueline K. Perli, Shorthand Reporter, a  
 7 notary public in and for the aforesaid county and that  
 8 the testimony in the proceedings was taken by me in  
 9 machine shorthand and was thereafter reduced to  
 10 typewritten form by me or under my direction and  
 11 supervision, that the foregoing transcript is a true  
 12 and accurate record of the testimony given to the best  
 13 of my understanding and ability.

14 I FURTHER CERTIFY that I am neither counsel for,  
 15 related to, nor employed by any of the parties to the  
 16 action in which this proceeding was taken; and,  
 17 further, that I am not a relative or employee of any  
 18 attorney or counsel employed by the parties hereto,  
 19 nor financially interested, or otherwise, in the  
 20 outcome of this action; and that I have no contract  
 21 with the parties, attorneys, or persons with an  
 22 interest in the action that affects or has a  
 23 substantial tendency to affect impartiality, that  
 24 requires me to relinquish control of an original  
 25 deposition transcription or copies of the transcript,  
 or that requires me to provide any service not made  
 available to all parties to the action.

Witness my hand and seal at Rapid City, South  
 Dakota, this 25th day of June, 2004.

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20 \_\_\_\_\_  
 JACQUELINE K. PERLI  
 Shorthand Reporter  
 21 Notary Public

22 My commission expires: May 9, 2007

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