

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

OFFICE OF COMMISSIONER
JAMES H. QUELLO

June 4, 1992

PERSONAL

Mrs. Terry Rakolta
Americans for Responsible TV
P.O. Box 627
Bloomfield Hills, MI 48303

Dear Mrs. Rakolta,

Good news from the U.S. Senate!

The Americans for Responsible TV and other major allied groups are to be congratulated for their successful efforts resulting in the Senate's overwhelming vote yesterday for a pre-midnight ban on indecent programming.

As president of ART, you personally deserve special credit for your longstanding, untiring efforts.

I'm aware that initially your efforts have been principally through citizen action rather than government intervention through legislation or regulation. Nevertheless, your personal advocacy the past two years on TV, radio and in newspapers, has played a major role in increasing public and congressional awareness of this serious problem. Also, your recent congressional contact played a vital role.

Enclosed are some initial clips of the Senate action.

The Senate action is most impressive. It now goes to the House and eventually the courts.

Best wishes for continued achievement.

Sincerely,

Jim Quello
James H. Quello

Enclosures

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INSIDE RADIO

Edited by Tom Taylor

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TV NEWS CATCHES BANK LOCKING OUT WMAD STAFF.

Viewers watch everybody from jocks to the GM carting out their stuff in cardboard boxes Tuesday afternoon. WMAD-AM/FM, Madison's been in financial distress. But the Bank of Sun Prairie suddenly walks in the door and pulls the plug. Quick-thinking tipster calls a local TV station. Crew arrives in time to film the exodus of the staff. With the locksmith's truck in the background. Then the locksmith doing his thing at the station door. Great TV. But at least one of WMAD's employees found out they were unemployed watching the evening news. Grim local humor: Bank of Sun Prairie subsidiary's named DPC. Joke is that stands for "Death Prior to Closing." For now both stations are dark. WMAD-AM was a CNN affiliate. WMAD-FM once a dominant rocker. May have been crowded out by growing number of stations in Madison. Up 4.0 to 4.4 12+ in Winter Arbitron. *From the INSIDE RADIO Hotline: 609 H-O-T-L-I-N-E.*

FCC PRESSURED TO JUNK AUDIENCE SHARE REQUIREMENT.

That's about the only thing everybody agrees on in latest filings on the new ownership rules. The feeling's unanimous: Using Arbitron or other audience research is a lousy idea. Ratings too prone to fluctuations. Too tempting to play games with the numbers. And the FCC will drown itself issuing clarifications about how to plug in ratings to meet the 25% audience share cap in markets with more than 15 stations. Other than that the comments are all over the lot. From the NAB board's suggestions of 25 AM/25 FM limits with additional stations for minority owners. To Osborn's plea not to delay implementation past August 3. Some insiders say the FCC staff was unpleasantly surprised by the NAB board's comments. That they're actually pretty ticked off because they think they got sandbagged. Will the FCC's reconsideration be done by August 3? One observer gives it only an "outside chance." Growing possibility the rules of the game could change after they become effective.

BROADCAST INDECENCY BAN SAILS THROUGH SENATE.

Only three votes against when it reached the floor yesterday afternoon. While 93 senators went for it. Who's going to risk being tarred and feathered in negative political ads for "defending" sex, violence and bad language? Among those voting no: Senator Tim Wirth. He's retiring and won't face a fight in November. Senator Robert Byrd has prime-time TV in his sights. But bill also affects radio. Ends the current "safe harbor" of mid and late evening. Restricts broadcast indecency to after midnight. No position yet from the NAB. But if Byrd's bill passes the House and gets Bush's signature — look for a quick court challenge. Bill's almost certainly unconstitutional.

IF YOU COULD BOOST YOUR BILLING IN 7 DAYS, WOULD YOU. . .

invest \$99 to make it happen? We're asking because there's a new sales workbook just out — from the editors of INSIDE RADIO — that describes how to do 100 sales promotion and training ideas that have already resulted in greater billing and more sales production. It's the first in a series of sales aids

material. (P. 2)

NEW ASIAN OPERATORS BUY 3 SATELLITES from Hughes. Satellite Japan acquires 2 HS 601s, APT Satellite one HS 376 for communications applications across wide area of Asia. (P. 4)

NTIA RESISTS MAJOR REASSIGNMENT of federal 1710-1850 MHz to private users, including PCS. Telocator plan draws interest. Markey weighs in. (P. 4)

FIRST DIGITAL VIDEO COMPRESSION TO BE IN MEXICO: Cable programmer signs DigiCipher deal involving that nation immediately, eventually all Latin America. Service to 115 headends to begin this summer. (P. 6)

COMMENTS ATTACK FCC INTEGRATION CREDIT AND POINTS PLAN: Comparative licensing rulemaking proposal for 3-year ownership backed. FCBA calls approach 'vague.' Minority and female preferences backed. (P. 6)

ABC TV AFFILIATES CONCERNED ABOUT FOOTBALL PPV: Subject dominates closed meeting with network executives not present, also is expected to be major topic with network today. Newhi promises no 'surprise on compensation' (P. 8)

Veto Threatened

NEW CURB ON INDECENT TV-RADIO PROGRAMMING MOVED BY SENATE

TV-radio industry faces prospect of new curbs on indecent programming with overwhelming Senate 93-3 passage Wed. of premidnight ban. Proposal was among nearly dozen changes debated in CPB budget reauthorization (S-1504) Tues.-Wed., most of which were adopted by voice vote before Senate defied Bush Administration and beat back, 22-75, Republican proposal to reduce CPB's forward funding sharply. Debate still was proceeding at our deadline, but S-1504 was expected to pass easily.

Indecency proposal calls for curbs on carriage of such programming before midnight by all except public TV (PTV) stations that go off air at midnight. Latter could carry such programs 10 p.m.-signoff. Offered by Sen. Byrd (D-W. Va.) with support of Communications Subcommittee Chmn. Inouye (D-Hawaii), proposal was designed to reduce children's exposure to "the profanity, the vulgarity, the violence and crudeness" of American programming, Byrd said. Proposal falls far short of 24-hour ban that Byrd had said he would prefer, but at least "we can get this corrupting, unfit 'mental junk food' off the air [during those hours] when our children are most likely to be watching and listening."

Byrd amendment was designed as response to recent U.S. Appeals Court, D.C., decision that held that Senate's earlier 24-hour ban was unconstitutional. However, Court had suggested that "safe harbor" approach limiting curb to hours children were most likely to be in TV audience might withstand constitutionality test. "I was surprised and dismayed by the Court's decision," said Sen. Helms (R-N.C.), original ban advocate, in statement prepared for de-

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bate. (Helms is recovering from prostate surgery in N.C.) He endorsed new proposal but promised further legislation if it's overturned by courts. "American TV has gone from bad to worse," he said in contending that Congress has moral obligation to preserve family values and protect children from negative effects of TV: "The networks have converted prime time into sleaze time." Administration position statement Tues. didn't include comment on provision.

PTV's program content also was subject of Senate concern, but at our deadline it was unclear how Republican conservatives would react. Democrats had won amendment by Inouye Tues. to require CPB and new Independent TV Service (ITVS) to maintain files for public access on use of federal funds for national PTV-radio programming that essentially would allow watchdog groups to keep closer eye on sector's spending and program content. Administration supported amendment in principle. Additional rider addressing program objectivity and accountability concerns was expected to be offered after our deadline by Senate Minority Leader Dole (R-Kan.), although details were scarce. However, Dole had indicated before debate that he planned amendment to strip funding for ITVS and give money directly to stations. Latest word from Republican staff was that Dole no longer plans stripping amendment, but no other details were available. He had support in principle from Administration for program-related amendment.