

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
The Commission’s Licensee-Conducted ) RM-11684  
Contests Rule )

**COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS  
IN SUPPORT OF  
PETITION FOR RULEMAKING**

The National Association of Broadcasters (“NAB”)<sup>1</sup> submits these comments in support of the petition filed by Entercom Communications Corp. (“Entercom” or “petitioner”) requesting a rulemaking proceeding to update the disclosure rules with regard to licensee-conducted contests.<sup>2</sup>

Section 73.1216 of the Commission’s rules (“the Contest Rule”) requires that broadcasters fully disclose the material terms of their contests by periodic on air announcements, but does not require that they do so every time a contest is promoted on air.<sup>3</sup> Petitioner Entercom requests that the Commission initiate a rulemaking to update the Contest Rule so that it reflects how the majority of Americans access

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<sup>1</sup> The National Association of Broadcasters is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the Courts.

<sup>2</sup> Petition for Rulemaking, In the Matter of the Commission’s Licensee-Conducted Contests Rule (Jan. 20, 2012) (“Petition”).

<sup>3</sup> 47 C.F.R. § 73.1216, Note 2.

information today, i.e., via the Internet. Entercom argues that revising the rule in this manner would make disclosure of the material terms of broadcaster-conducted contests more usable for potential contest participants and would remove distracting (and often unusable) disclosure terms from broadcast programming.

NAB agrees with petitioner. The Commission should revisit the Contest Rule and consider making “adjustments to better serve the public by recognizing that there are now better ways to communicate detailed contest information and removing from the rules the requirement of counterproductive undesirable program content.” Petition at 5.

The Contest Rule has been unchanged in this respect since 1976. Since that time, communications technology and typical ways of communicating have changed in revolutionary ways. In 1976 there were no FAX machines, no email, no internet, no personal computers, no smart phones and no convenient way to communicate contest terms to broadcast audiences other than on air.

Today, the public expects to be able to access information over the internet via computers, tablets, hand-held devices and smart phones. Communication is expected to be crisp, concise and brief. Consumers have many choices for entertainment, information and news and will flip from one to another if their expectations are not met.

Reading detailed contest terms on air interrupts radio programming and can drive listeners away. It is also unnecessary, given other communication options today. In particular, accessing contest terms via the internet is a more user-friendly way for consumers to read, understand and assess the terms of a contest, rather than trying to catch a fleeting and periodic on air announcement.

The petitioner discusses the differences in the way that Americans expect to access and digest information today. *Id.* at 3. Entercom correctly notes that Americans have become accustomed to using the internet to obtain instantaneous information. A 2012 survey by Arbitron/Edison Research shows that nearly half of all Americans age 12 and over “say the Internet is their most essential media platform”<sup>4</sup> and that 85% of all those surveyed have access to the internet. *Id.* at 3. Similarly, the 2011/2012 Media Audit shows that 82.4% of all adults (18+) actually accessed the internet in a 30 day period.<sup>5</sup>

Because internet accessibility and usage are so widespread, NAB sees no downside to making station websites the key source of information on contest rules. According to BIA data, at least 90% of all AM/FM commercial radio stations in the U.S. have a website.<sup>6</sup> Consumers are quite familiar with the sites and visit them often. Thus, posting the material terms of broadcaster-conducted contests on broadcasters’ websites, with periodic on air directions to those sites, as an alternative way (beyond on air announcements) to make required disclosures would not in any way decrease public awareness, and could well increase it.<sup>7</sup>

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<sup>4</sup> Arbitron/Edison Research, *The Infinite Dial 2012: Navigating Digital Platforms Presentation Companion* (2012) at 7.

<sup>5</sup> International Demographics, Inc., *The Media Audit, 2011/2012 – 80 Market National Aggregate Report*.

<sup>6</sup> See BIA Media Access Pro, December 2012.

<sup>7</sup> The petition also recognizes and makes accommodation for consumers who may lack easy internet access by proposing that, in addition to posting contest terms on its website, a station, upon request, may disclose contest terms in writing via email, facsimile or mail or in person.

For these reasons, NAB agrees with petitioner that it is time for the Commission to reexamine its requirements for disclosing contest terms in light of dramatic changes in communications technologies. The Commission should promptly initiate a rulemaking proceeding to modernize its rules on how to provide consumers with full, accurate and usable terms of broadcaster-conducted contests.

Respectfully submitted,

**NATIONAL ASSOCIATION OF  
BROADCASTERS**

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December 20, 2012

## CERTIFICATE OF SERVICE

I, Patricia Jones, hereby certify that copies of the foregoing "**COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS IN SUPPORT OF PETITION FOR RULEMAKING**" were posted via U.S. mail this 20<sup>th</sup> day of December, 2012 to:

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A handwritten signature in blue ink that reads "Patricia Jones". The signature is written in a cursive style with a large, circular initial "P".

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Patricia Jones