



NEW JERSEY SENATE

COMMISSION ON THE ADEQUACY OF TELEVISION COVERAGE
OF NEW JERSEY

R E P O R T

TO THE

S E N A T E

(PURSUANT TO SENATE RESOLUTION NO. 35 OF 1974
AND SENATE RESOLUTION NO. 3001 OF 1975)

MAY 29, 1975



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State of New Jersey

SENATE COMMISSION ON
ADEQUACY OF TELEVISION COVERAGE OF NEW JERSEY

JOHN M. SKEVIN
CHAIRMAN

ADDRESS REPLY TO

JOSEPH A. MARESSA
VICE CHAIRMAN

LETTER OF TRANSMITTAL

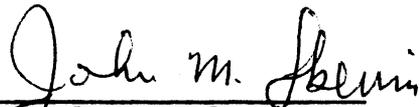
JAMES H. WALLWORK
ANTHONY IMPERIALE

May 29, 1975

The Honorable Frank J. Dodd
President
New Jersey Senate

Dear Mr. President:

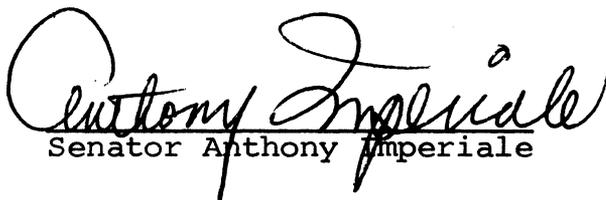
The Senate Commission on the Adequacy of Television Coverage of New Jersey herewith respectfully submits to the Senate its findings and recommendations in fulfillment of the mandate of Senate Resolution No. 35 of 1974 and Senate Resolution No. 3001 of 1975.



Senator John M. Skevin
Chairman



Senator Joseph A. Maressa
Vice-Chairman



Senator Anthony Imperiale

Senator James H. Wallwork

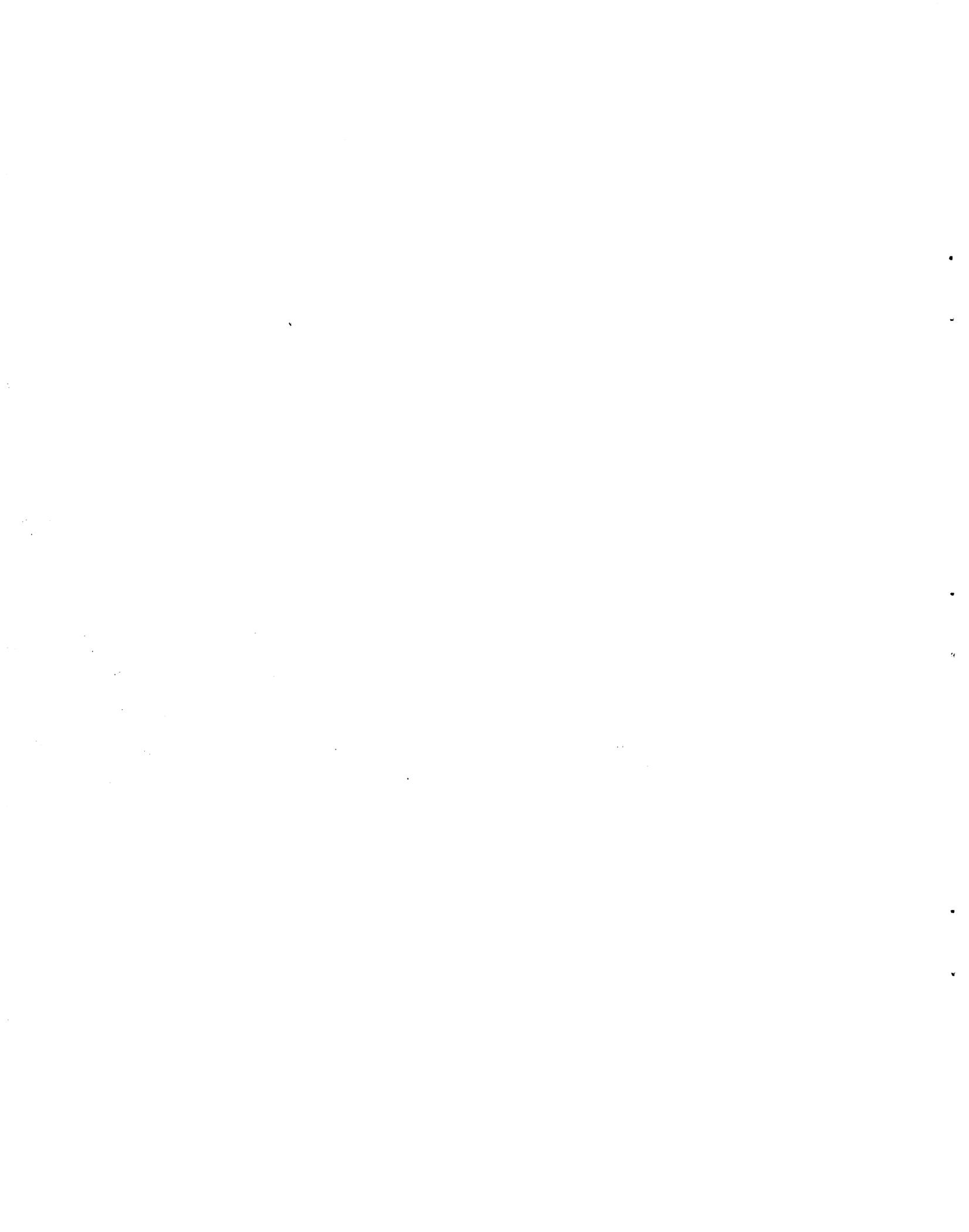
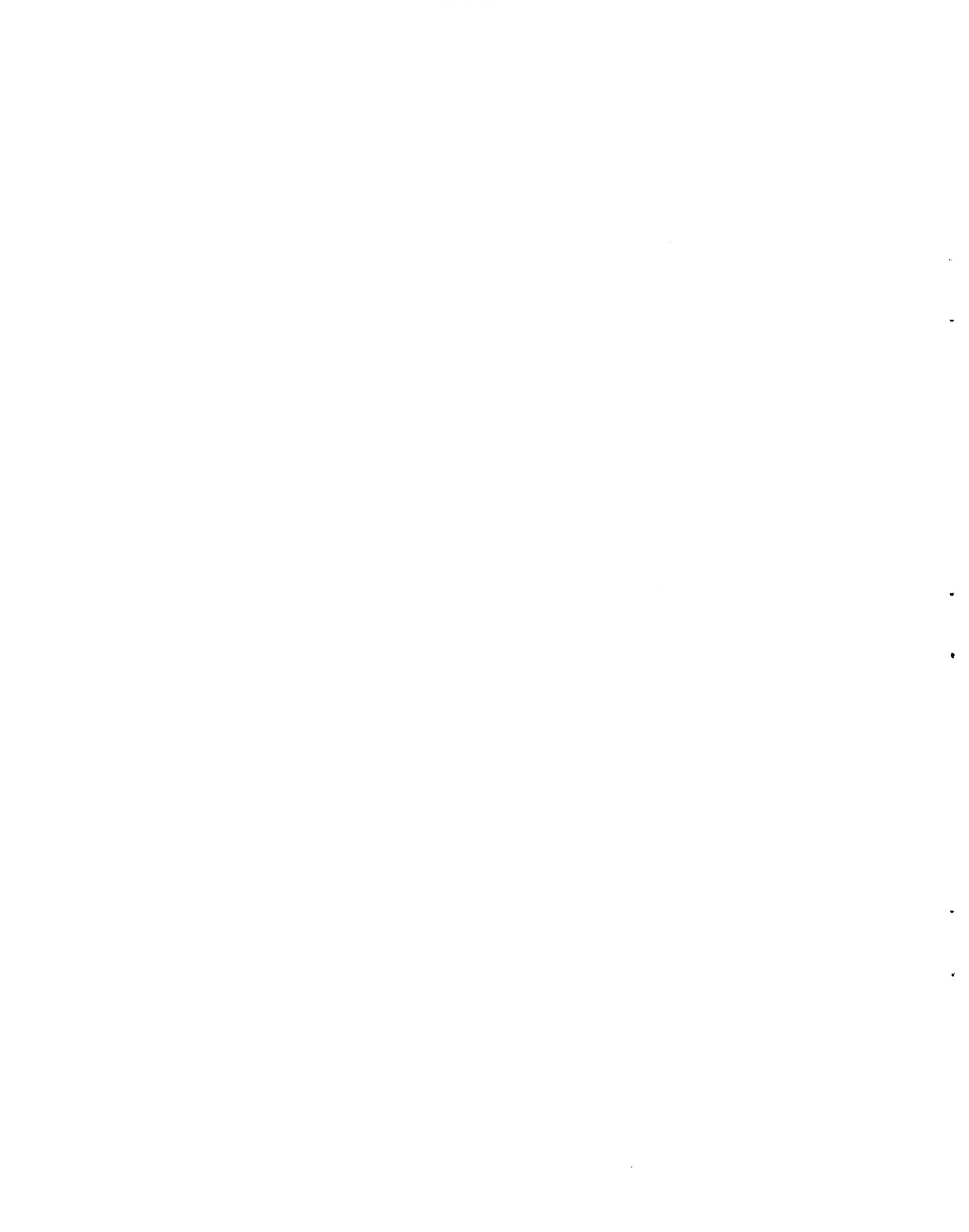


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Senate Commission on the Adequacy of Television
Coverage of New Jersey

MEMBERS

Senator John M. Skevin, Chairman
District 38 (Part of Bergen)

Senator Joseph A. Maressa, Vice-Chairman
District 4 (Parts of Camden, Gloucester and Burlington)

Senator James H. Wallwork
District 25 (Parts of Essex, Morris and Passaic)

Senator Anthony Imperiale
District 30 (Parts of Essex and Hudson)

Steven B. Frakt, Research Associate

INTRODUCTION

The Senate Commission on the Adequacy of Television Coverage of New Jersey¹ was established in response to long-standing and continuing public dissatisfaction over the paucity of news and public affairs programming directed to the needs and interests of the 7.4 million citizens of New Jersey by the New York and Philadelphia television stations which dominate broadcast service in our state. The commission was given a mandate to "conduct an inquiry into the adequacy of television coverage of New Jersey news and events by New York and Philadelphia television stations, and to explore ways of improving such coverage, including but not limited to, voluntary agreements with the stations involved, intervention in license renewal proceedings before the Federal Communications Commission, and the location of commercial television stations in North and South Jersey."

Shortly after the establishment of this commission, the Federal Communications Commission (FCC), the independent federal agency responsible for the assignment of television and radio licenses and the regulation of station operations, announced that it was undertaking its own investigation into New Jersey's television needs, and invited comments from in-

¹The commission was created pursuant to Senate Resolution No. 35 of 1974 on January 6, 1975, and was reconstituted for the 1975 legislative session pursuant to Senate Resolution No. 3001 of 1975 on January 20, 1975.

terested parties.² The FCC action came in response to a petition for such an inquiry by the New Jersey Coalition for Fair Broadcasting,³ an alliance of 23 public officials, organizations and institutions formed in 1971 to secure improved television coverage of the state.

The FCC review of television broadcast service in New Jersey represents an important step in the continuing efforts to gain improved programming for the citizens of this state. Additionally, the FCC inquiry has enhanced the significance of the work of this Senate commission, since the commission's hearings and report are being submitted to the FCC for inclusion in the formal record on this matter.

In preparing this report the commission has drawn on the testimony of approximately 50 witnesses who participated in public hearings held on March 17 in Hackensack and March 31 in Atlantic City. The commission received views and recommendations from Governors Meyner and Cahill and from individuals and organizations representing a variety of governmental, business, civic, cultural, religious, social and educational interests. In addition, the management of nine of the eleven (VHF) stations operat-

²Federal Communications Commission, Notice of Inquiry and Notice of Proposed Rule Making (Docket No. 20350, RM-2345), February 6, 1975.

³New Jersey Coalition for Fair Broadcasting, Petition for Inquiry Into the Need for Adequate Television Service for the State of New Jersey, March 4, 1974.

ing from New York and Philadelphia accepted invitations to make presentations at these hearings. The commission is satisfied that these hearings afforded ample opportunity for the expression of a full range of opinion on this subject.

Although any restructuring of television service lies within the province of the Federal Communications Commission, this Senate commission believes that its investigation has served a useful purpose in publicizing and dramatizing the fact that New Jersey has been denied the benefits of a major television presence in the state, and that FCC action is essential to insure the availability of programming specifically designed for the New Jersey audience of more than seven million people.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

FINDINGS

1. New Jersey is one of only two states in the nation that does not have a commercial VHF station assigned to it. As a consequence, it has been denied the valuable benefits which derive from access to the most significant communications media in American life.

2. Existing New Jersey UHF stations provide vital and necessary communications services for the citizens of this state, but cannot fully compensate for the lack of commercial VHF broadcasting, which offers greater programming capabilities, wider audience acceptance and stronger signal penetration.

3. New Jersey residents must rely primarily on New York City and Philadelphia commercial VHF stations for the bulk of their news and public affairs programming. In general, these stations have not provided this state with adequate and proper service in accordance with their legal obligation to be attentive to the needs and interests of communities in their broadcast area, and commensurate with the share of their audience represented by New Jersey citizens.

4. The inequitable distribution of licenses by the Federal Communications Commission and the inadequate performance by New York and Philadelphia stations has resulted in detrimental consequences for New Jersey's social, cultural, economic and political life.

5. The Federal Communications Commission has a clear responsibility to remedy New Jersey's impoverished broadcast situation and to insure that New Jersey, as the eighth most populous state, and as a separate governmental entity with unique community needs and interests, receives access to television programming specifically directed to its particular problems and concerns.

RECOMMENDATIONS

1. The Federal Communications Commission should provide for the allocation of one or more commercial VHF television stations to New Jersey locations. Implementation of this recommendation could involve the relocation of existing New York and Philadelphia outlets to New Jersey and/or the creation of a new VHF channel to serve New Jersey by reducing FCC distance requirements for station allocations, if technically feasible.

2. In addition to providing New Jersey with its own VHF outlets, the FCC should require one or more existing New York and Philadelphia stations to serve specific regions or communities within New Jersey as well as their particular city of license. A station, for example, might be licensed to New York-North Jersey or Philadelphia-Camden.

3. The FCC should take appropriate steps to insure that New York and Philadelphia broadcasters are fulfilling their obligation to provide relevant service to that portion of their audience residing in New Jersey. The FCC should require such stations to indicate as a condition of their license renewals the particular measures they have instituted or will institute to meet their commitment to New Jersey. For example, the FCC should require each station to file with its application for license renewal descriptions of such matters as:

- a. the nature and extent of the station's past, present and proposed programming directed to meeting New Jersey's specific needs and interests;
- b. the operating and technical procedures, including the location of facilities and assignment of personnel within New Jersey, which the station utilizes in providing timely, comprehensive and knowledgeable coverage of New Jersey news events and public affairs.
- c. the station's efforts to remain aware of significant developments and emerging trends in New Jersey's social, cultural, economic and political life, including its continuing contacts with public officials, community and business leaders, and public and private organizations and institutions representative of the state's diverse needs, interests and aspirations.

OVERVIEW

"New Jersey has been virtually bypassed by the Age of Television."

New Jersey Coalition For
Fair Broadcasting,
Newsletter, May, 1974

The fundamental reason for the widespread discontent over existing television service for New Jersey can be succinctly summarized by the observation that no commercial VHF station is located within this state.¹ Only one other of the fifty states -- Delaware -- has been left so completely deficient in commercial VHF facilities by the station allocation practices of the Federal Communications Commission. For comparison, even the state of Rhode Island, with one-seventh the population of New Jersey, is the home of two such stations. New Jersey's television problems have been further aggravated by the fact that the one and only commercial VHF outlet ever located in the state (channel 13, Newark) received FCC permission to relocate to New York City in 1961 and to convert to non-commercial operations. Though Newark is still technically its city of license, the station (WNET) is for all practical purposes a New York operation.

¹VHF (Very-High-Frequency) stations occupy channels 2 through 13. UHF (Ultra-High-Frequency) refers to channels 14 through 83.

As a result of the lack of any commercial VHF presence in New Jersey, our citizens must rely almost entirely on New York and Philadelphia stations for broadcast service, an arrangement which by its very nature insures that the state's needs and interests will receive neither adequate nor appropriate representation. Given this inequitable distribution of licenses, and considering the performance records of these stations as developed in much of the testimony presented to this commission, the quotation heading this section seems most apt. Of particularly grave concern to this commission, moreover, is the compelling argument that this situation has been, and continues to be, fraught with detrimental consequences for the vitality of the social, cultural, economic and political life of the eighth most populous state in the nation.

It should be noted at the outset that the subject matter of this commission's study, and similarly the issue currently before the FCC, deals with the availability of commercial VHF service. This interest is meant neither to ignore the operations of the eight New Jersey-based UHF stations, nor to minimize their vital role in meeting certain communications needs at the state and local level, but merely to reflect the fact that VHF broadcasting offers greater programming capabilities, wider audience acceptance and stronger signal penetration than UHF broadcasting. Likewise, notwithstanding their acknowledged virtues, non-

commercial stations, whether on the VHF or UHF band, can provide only partial broadcast service. In addition to operating with the disadvantages of smaller audiences and limited financial resources, non-commercial facilities are legally prohibited from accepting advertising, broadcasting editorial positions or endorsing political candidates.

In stressing the general lack of New Jersey-oriented programming by the existing commercial VHF stations, the commission is not unmindful of good faith efforts by certain of these broadcasters to meet our state's needs. In fact, many of the station representatives who appeared at our hearings expressed genuine interest in expanding the scope of their service to our state (although all defended the adequacy of their present coverage).

The commission believes, however, that even with the best intentions of these broadcasters, New Jersey will not receive first-rate television service as long as the present geographical allocation of licenses is unchanged and as long as the structure of news operations at these stations continues in its present form. Considering that numerous television executives have presented to this commission an impressive array of historical, technical, financial and logistical factors which in one way or another limit their ability to cover New Jersey, is it reasonable to assume that these same executives will voluntarily undertake those extra efforts which are necessary to overcome such limitations? This commission thinks not, and that is why our

recommendations call for the FCC to provide New Jersey with its own commercial VHF service, and to establish certain operational requirements pertaining to the coverage of New Jersey by the New York and Philadelphia stations. Only by such action, we believe, will this state finally receive effective, efficient and equitable television service.

The following sections will explore in greater detail the themes touched upon in this overview. The commission believes this report will effectively demonstrate that the existing levels of television service available to New Jersey are not sufficient to meet its needs; that the state is clearly deserving of a "home-based" commercial VHF presence; and that the Federal Communications Commission has the obligation and authority to provide relief for New Jersey's impoverished broadcast situation.

EXISTING TELEVISION SERVICE IN NEW JERSEY

"I'm sure Governor Hughes and Governor Meyner and now Governor Byrne would confirm that in our day we had to travel to Philadelphia and travel to New York if we wanted to do any kind of a television show."

Governor William T. Cahill,
in testimony to the commission on
March 17, 1975

If a determination as to the adequacy of television service for New Jersey were merely a matter of counting the number of stations which could be received on television sets located between the Hudson and Delaware Rivers, one might reasonably conclude that the State enjoyed an overabundance of such service. The fact is that no fewer than 24 VHF and UHF stations broadcast from locations within the New York City - New Jersey - Philadelphia corridor.¹ Such a conclusion would be erroneous, however, for it would overlook fundamental distinctions as to the status, orientation and operational procedures of each station.

The primary distinction to be made, of course, is between VHF and UHF stations. To the vast majority of the public, the

¹The New York City Stations are: Channels 2 (WCBS), 4 (WNBC), 5 (WNEW), 7 (WABC), 9 (WOR), 11 (WPIX), 25 (WNYE) and 31 (WNYC).

The New Jersey Stations are: Channels 13 (WNET), 23 (WNJS), 40 (WCMC), 41 (WXTV), 47 (WNJU), 48 (WKBS), 50 (WNJM), 52 (WNJT) and 58 (WNJB).

The Philadelphia Stations are: Channels 3 (KYW), 6 (WPVI), 10 (WCAU), 12 (WHYY), 17 (WPHL), 19 (WTAF), and 35 (WUHY).

television medium is represented by the programming offered on channels 2 through 13. These are the channels which have existed since the inception of television. The viewer has become comfortable with them: he or she can readily recall their numbers, easily locate them on the main "click-stop" dial, and quickly receive a well-defined picture without having to adjust the aerial. And perhaps most importantly, the programming which draws millions of viewers -- the popular entertainment, sports and news presentations of the national networks -- is usually broadcast over VHF affiliates. Even the non-affiliated VHF stations benefit from this presence of network programming, since many viewers who initially tune to network shows undoubtedly also dial to other channels on the VHF band. Overall, VHF broadcasting generally offers a greater variety of programming, wider audience acceptance and stronger signal penetration than UHF broadcasting.

Due to the limited availability of VHF outlets, the FCC fostered the development of UHF broadcasting as a means to provide additional access to communications services at the local level. Unfortunately, due to a combination of historical, technical and economic reasons, the promise of UHF broadcasting has gone largely unfulfilled. Introduced and half-heartedly promoted long after the established VHF stations had already cultivated a large and faithful audience, UHF television has been considered by the public to be more a novelty than a significant source of news and entertain-

ment. Perhaps the greatest obstacle to its acceptance has been the cumbersome two-step dialing procedure necessary to tune UHF stations. One must first switch the VHF dial to "U" and then fine-tune the desired station on a continuously-rotating dial whose design makes station identification extremely difficult. New television sets are being equipped with click-stop UHF dials, but many years will pass before the old-style tuning system is completely phased out. In fact, there are still many older television sets in operation that do not have the capacity to receive UHF broadcasts. The potential size of the UHF audience has been further limited as a result of the comparatively weaker signals transmitted by UHF stations. Few, if any, outlets can afford to match the signal strength of the major VHF facilities.

Convincing evidence of the disinterest most New Jersey viewers exhibit with respect to UHF broadcasting is provided by a recent survey which found that only 39% of the state's adult residents had ever watched a UHF telecast.²

Thus, although 13 of the 24 New Jersey, New York City and Philadelphia stations are on the UHF spectrum, their combined capacity and ability to adequately fulfill all the broadcast needs of our state clearly leaves something to be desired. Further, of these 13 stations, the operations of the five New York and Philadelphia UHF outlets are not even germane to this study. In accordance with the FCC policy to

²Fourteenth New Jersey Poll, Eagleton Institute of Politics, Rutgers University, January, 1975.

utilize UHF for local community service, the orientation of these particular facilities is directed quite properly to their respective cities of license, and this commission neither expects nor suggests that they be attentive to New Jersey issues. (A clear demonstration of the specialized local role given to UHF broadcasting by the FCC is provided by the fact that the two New York UHF stations are licensed to the City of New York (WNYC) and to its Board of Education (WNYE)).

The eight New Jersey UHF stations do provide certain valuable and essential state and local communications services, but a realistic assessment of their scope, size and viewership reveals that they play a limited role in fulfilling the entire range of New Jersey's broadcast needs. Two of these stations are Spanish-language outlets (channel 41, Paterson and channel 47, Linden). Another (channel 40, Wildwood) is located at the extreme southern tip of the state. Wildwood's population is less than 5,000; indeed, all of Cape May County includes only about 60,000 inhabitants. A fourth New Jersey UHF outlet is actually identified in part as a Philadelphia station (channel 48, Burlington - Philadelphia).

The four remaining UHF facilities (channel 23, Camden; channel 50, Montclair; channel 52, Trenton; channel 58, New Brunswick) constitute the network of the New Jersey Public Broadcasting Authority, a state agency created by the Legislature in 1969 to engage in the "production and dis-

semination of public and community affairs, educational, cultural and instructional information to the public at large within the State."³ The commission strongly supports the distinguished efforts of the authority to promote an awareness of the state's issues, interests and aspirations and to provide our residents with the opportunity to sample New Jersey's artistic, cultural, educational and athletic achievements. The Public Broadcasting Authority has made great strides in attracting viewers, but the constraints of operation on the UHF band, plus the financial and legal limitations imposed by its status as a governmental, non-commercial network, have combined to depress the size of its audience. Only 18.4% of New Jersey adults indicated that they had watched one of the NJPBA channels during the month preceding a recent viewer survey.⁴ It should be noted that the executive director of the New Jersey Public Broadcasting Authority, Dr. Lawrence T. Frymire, in testimony before the commission, supported the work of this commission and the efforts of the New Jersey Coalition for Fair Broadcasting to secure improved VHF commercial coverage of our state.

A second important factor which distinguishes among television stations concerns their status as either commercial or non-commercial outlets. Financial and legal limita-

³Chapter 405, Laws of 1968, (C.48:23-2)

⁴Fourteenth New Jersey Poll, op. cit.

tions preclude non-commercial stations from providing the depth, scope and range of services offered by commercial stations. Non-commercial stations cannot accept advertising, and are entirely dependent on governmental sources and private contributions for operating funds. They obviously cannot match the technical resources or numbers of personnel of commercial stations. In addition, they are prohibited by law from broadcasting editorials or endorsing political candidates. This impedes their ability to stimulate awareness and interest in state and local affairs.

Non-commercial television is not a replacement for commercial television. Commercial and non-commercial broadcasters are not in competition with one another in the traditional sense, but rather fulfill complementary purposes. Non-commercial stations attempt to serve viewer interests and community needs which are not generally represented on commercial channels. Commercial stations direct the bulk of their programming to satisfying the tastes of mass audiences and, as a result, draw millions of viewers. In fact, their news productions have attained such a sophisticated level of production that commercial television has become the premier source of current events for most Americans.

Not only are non-commercial stations a supplement to, rather than a substitute for, commercial operations, but the circumstances surrounding the licensing of the two VHF stations which broadcast into this state further com-

pound New Jersey's television problems. WHYY is a non-commercial station operating out of Philadelphia. But it is actually licensed to Wilmington, Delaware, and it maintains facilities in that city as well as in Philadelphia. Most of the station's resources are devoted to serving the needs of these two cities, according to the testimony of its Executive Vice-President, Warren Kraetzer. Mr. Kraetzer further offered his belief that the New Jersey Public Broadcasting Authority is the appropriate vehicle for providing non-commercial programming for southern New Jersey. Under these circumstances, the commission understands and accepts WHYY's orientation to Delaware and Philadelphia. Indeed, the commission is pleased that WHYY views service to Delaware as its primary responsibility, since it is that state's only VHF station. A comparable situation exists in New Jersey: our only VHF outlet (channel 13, WNET) is non-commercial and operates from a location outside the state. The similarity ends, however, when WNET's commitment to New Jersey is compared with WHYY's concern for Delaware.

WNET is licensed to Newark, but operates from New York City. It served as the state's only commercial VHF station until 1961 when, under new management, it was permitted to move to facilities in New York and to adopt a non-commercial status. In an out-of-court settlement of a suit brought by then Governor Meyner to prevent the loss of the state's only station, the management of WNET agreed to provide certain broadcast services to Newark and the state, in-

cluding the maintenance of a studio in Newark. In a document submitted to the FCC outlining the terms of the settlement, the station management noted that it "recognizes that the community needs of its listeners residing in the New Jersey area cannot be adequately served without specialized attention by the licensee to the airing, on Channel 13, of public information and matters of an educational nature regarding the State of New Jersey, Newark, and its surrounding communities." The statement contained a pledge that "A minimum of approximately one hour each broadcast day will be devoted to this programming."⁵

Considerable evidence has been presented to this commission to indicate that these promises by WNET have for the most part gone unfulfilled. Although the station has just opened new quarters in Newark and initiated a new weekly half-hour series on our state ("Dateline: New Jersey"), Channel 13 appears to have made minimal use, if any, of its former studio space in Newark and to have abandoned its original plans for a daily New Jersey news program. The commission does not deny that WNET, in its role as a non-commercial outlet serving the entire New York metropolitan area, has provided, in the words of its President, John J. Iselin, "information, enrichment and enlightenment in a wide variety of fields and disciplines." What is at issue is its service to New Jersey. In reflecting on his 1961 agreement with WNET, Governor Meyner, now a member of the station's board of directors,

⁵Letter submitted to the FCC by Educational Television for the Metropolitan Area, Inc., Dec. 4, 1961.

told the commission that he is still imploring his fellow directors to "live up to this one hour each day devoted to New Jersey....I still pound the table from time to time and say, 'You have to devote more time to New Jersey.'" While the primary concern of this commission is commercial VHF broadcasting services, the members of this body certainly concur with the sentiments expressed by Governor Meyner. Despite its preeminence as a cultural resource for the entire metropolitan area, Channel 13 does have a special obligation to be attentive to issues concerning its city and state of license.

This brief survey has demonstrated that UHF and non-commercial stations offer neither the range of services nor the popular following of commercial facilities. The remaining nine television stations out of the two dozen mentioned at the beginning of this section represent the main focus of this commission's inquiry -- the New York and Philadelphia commercial VHF outlets which constitute our citizens' major source of news and public affairs programming. The six New York stations serve a potential audience of approximately five million viewers in the northern portion of the state, while the three Philadelphia facilities can reach about two million residents in the southern counties. (In certain central locations, including Trenton, the state capital, all nine can be received.) The next section will explore the performance of these stations in responding to the needs and interests of their New Jersey audiences.

THE INADEQUACY OF COMMERCIAL VHF SERVICE

"New Jersey is not the sixth borough of New York City. It is a sovereign entity and is entitled to consideration as such."

Robert Nesoff,
North Jersey Press Association,
in testimony to the commission on
March 17, 1975

The Federal Communications Commission requires that television stations "make a diligent, positive, and continuing effort to discover and fulfill the problems, needs, and interests of the communities they serve."¹ The absence of any commercial VHF station in New Jersey serves to underscore the wisdom, necessity and significance of this policy: wise, because it seeks to insure the delivery of broadcast services to areas that are under-represented by station allocations; necessary, because it recognizes that much of the public's awareness and knowledge of events is derived from television; and significant, because it reminds broadcasters that they do not own the airwaves, but rather are licensed to operate in the "public interest."

New York and Philadelphia stations, therefore, are legally obligated to be attentive to New Jersey affairs. The fact that our state lacks any indigenous commercial VHF programming imposes an additional civic responsibility on these broadcasters to provide adequate and proper coverage of state events. Further, the simple demographic consideration that New Jersey

¹Federal Communications Commission, The Public and Broadcasting: A Procedure Manual.

residents constitute one-quarter to one-third of the audience of these stations in and of itself implies that for purely practical reasons each station would mount a substantial effort to service the needs and interests of its millions of New Jersey viewers.

In spite of these factors, legal and otherwise, which argue for substantial New Jersey coverage, the preponderance of evidence presented to this commission indicates that the state has been, at best, slighted and, at worst, ignored by most of these stations. The commission finds that, in general, they have not provided this state with adequate and proper service in accordance with their legal obligation to be attentive to the needs and interests of communities in their broadcast area, and commensurate with the share of their audience represented by New Jersey citizens.

The commission wishes to emphasize at this juncture that this finding represents a summary statement of general trends in programming by New York and Philadelphia broadcasters, rather than an assessment of the practices of any particular station. The focus of this commission's efforts lies in exploring and describing the cumulative effects of years of dependence on out-of-state television, and not in monitoring and assaying the performance of each and every channel. Although this report will offer selected extracts from the testimony of various station executives who appeared voluntarily before the commission, these statements are used for illustrative purposes in order to portray some of the reasons for

our state's dissatisfaction with the generally prevailing attitudes and actions of New York and Philadelphia stations.

The commission is aware that the hearing record reflects certain commendable efforts by many stations to provide service to New Jersey and that, even as this report is being prepared, agreements are being reached between some stations and the Coalition for Fair Broadcasting concerning the future performance of these stations with regard to our state. But occasional instances of New Jersey-oriented programming can not fully satisfy our state's needs. And promises of future attentiveness to New Jersey actually support the contention that past efforts have been inadequate. Moreover, since the primary responsibility of a television station is to its city of license, even the best intentions of New York and Philadelphia broadcasters can not compensate for the lack of a commercial VHF station licensed to serve New Jersey.

The commission also must acknowledge at this point that generalizations as to the level of broadcast coverage for the state necessarily mask certain distinctions between the situation in the northern and southern portions of the state, as well as among individual stations in the same market area. From all accounts, including monitoring data from the Coalition for Fair Broadcasting, personal appraisals from New Jersey witnesses and the experience of members of this commission, Philadelphia stations have shown themselves to be somewhat more responsive to this state's broadcast

needs than New York outlets. In particular, KYW (channel 3, Philadelphia) seems to have made a conscientious, good-faith effort to serve the New Jersey audience. This is not to imply, however, that southern New Jersey is receiving optimal television service. While giving credit where it is due, the commission's findings and recommendations still relate to the overall structure of television service as it exists throughout the entire state.

It is admittedly not an easy task to assess whether a television station is making the "diligent, positive and continuing effort" called for by the FCC in servicing their viewers' needs. The major approach taken by the Coalition for Fair Broadcasting has been to monitor the daily local news programs of the New York and Philadelphia stations and to compute the percentage of news time, exclusive of weather, sports and commercials, devoted to items concerning New Jersey. The Coalition's Executive Director, Robert G. Ottenhoff, testified that these calculations for July, 1973, show that New York stations devoted only about five percent and Philadelphia stations only 13 percent of their news time to New Jersey stories. Mr. Ottenhoff said that more recent monitorings have shown a "slight increase" in these percentages. The conclusion to be drawn, of course, is that this is far below what might be expected when one considers that 25 to 33% of their audience resides in New Jersey, and that these large numbers of New Jersey viewers considerably enhance the stations' advertising revenues.

The television stations have taken issue with the methods, findings and philosophical implications of the Coalition's monitoring. They maintain that items of public interest do not necessarily lend themselves to this type of analysis, since many reports on general topics are of concern to viewers irrespective of geographical location. As Robert L. Hosking, Vice President and General Manager of WCAU (channel 10, Philadelphia) stated, "we find it impossible to identify which of our news and informational broadcasts are not of service to New Jersey residents." They point out that the amount of time available for purely "local" news is limited and to accede to demands by many regions and interest groups for coverage would "balkanize the broadcast day," in the words of the Vice President and General Manager of WCBS (channel 2, New York), Thomas F. Leahy. Most importantly, the station executives argue that the determination of what appears on the air must be based on the judgment of professional news personnel, and can not be tied to a quota system. To quote Mr. Leahy, "on any given occasion there may be nothing truly newsworthy occurring in a particular community when considered in light of the press of events in the region, the nation, or the world."

The commission understands, and we think the Coalition would agree, that there are certain limitations to be kept in mind when utilizing this data. The same would apply in the case of other monitoring studies presented to the commission by the New Jersey Public Interest Research Group

(NJPIRG), which also charges that these stations have been neglectful of New Jersey. Furthermore, in the light of a strong objection which has been lodged with this commission by KYW (channel 3, Philadelphia) regarding statistics unfavorable to KYW presented by Robert Culleton of NJPIRG, the commission wishes to state for the record that it has not analyzed any monitoring data, and it neither accepts nor rejects the validity of the precise statistical claims made by either the monitoring groups or by the stations. The commission is nevertheless persuaded by the general tenor of the data that out-of-state broadcasters provide less than adequate coverage of New Jersey news and events.

The commission agrees with broadcasters that the choice of news must be left to the judgement of news editors; that programming should not be offered merely to meet a quota system; and that there is no magic "fair share" time allotment which would conclusively demonstrate that New Jersey's interests are being well-served. Notwithstanding these qualifications, the commission believes that critical appraisals of programming can and must be offered. Broadcasters have a duty to serve the public interest, and it is fitting and proper that their performance in this regard be carefully scrutinized. If our state is receiving as little attention as is suggested by these surveys and the many witnesses appearing before the commission, one must question the commitment of these stations to New Jersey. This commission can not accept as an explanation for this low

level of coverage the fact that few "newsworthy" events take place in a state of 7.4 million inhabitants. Rather, the commission believes that more fundamental factors account for the stations' inattentiveness to New Jersey, including their lack of appreciation of New Jersey as a separate and independent cultural, social and political entity and the minimal news-gathering efforts they employ in following and reporting New Jersey happenings.

Illustrative of the view which many broadcasters hold of New Jersey is the general theme presented by the stations that it is impractical for them to respond to the demands of every region or group for comprehensive coverage. Thomas F. Leahy, of WCBS (channel 2, New York) told the commission of demands for more recognition from Brooklyn, New York's City Hall, Albany, and Nassau, Rockland and Fairfield Counties. Similarly, the Senior Vice-President of WPIX (channel 11, New York), Richard N. Hughes, wondered whether a claim for more coverage could be reasonably put forward by the City of Yonkers, with a population of 225,000. Reference to "the increasingly frequent demands of groups with particular interests to secure a certain percentage of coverage" was made by Robert L. Hosking, Vice-President and General Manager of WCAU (channel 10, Philadelphia).

The commission appreciates the problems facing television journalism in this regard and realizes that, due to the limited number of stations and the size of broadcast areas, television can not serve all segments of the public in the same manner as

a local radio station or local newspaper might. However, the commission takes strong exception to any stated or implied comparison of New Jersey's situation with that of these boroughs, counties and cities. New Jersey is not a subsidiary unit of any other state. It is not an appendage of New York City or Philadelphia. Whether or not the City of Yonkers or Rockland County is getting proper representation on television, at least these governmental units are subdivisions of a state which receives plentiful commercial VHF coverage, and the citizens of these localities can find personal relevance in much of the programming concerning New York State which is offered by the New York City stations. New Jersey deserves coverage specifically responsive to its unique features, problems, interests and aspirations. The commission believes that the broadcasters' overall perception of this state as a mere geographical extension of our two neighboring metropolises explains a great deal about the reasons for the inadequacy of their service.

Also contributing to the general under-representation of New Jersey news events on telecasts from New York and Philadelphia is the relatively meager scope of the stations' efforts in gathering and reporting information in our state. None of the nine commercial VHF stations operates studio facilities in New Jersey, and only one (WCAU, channel 10, Philadelphia) even maintains an office here. Personnel and equipment must be sent in from New York or Philadelphia each time a station chooses

to cover a New Jersey story. Not only does such an arrangement pose serious logistical problems for the provision of meaningful coverage of this state, but it virtually insures that the reporters, researchers and other staff will have a less than adequate working knowledge of New Jersey affairs. It also leaves our public officials, the business community, civic leaders and private citizens bereft of direct-in-state access to the broadcasters responsible for the bulk of programming viewed in New Jersey. They must travel out of state to appear on television and to communicate their assessment of New Jersey's broadcasting needs.

Compounding this situation is the fact that each station assigns, at best, only one reporter to full-time duty in New Jersey. Needless to say, this is a very small allocation of a station's resources. For example, Arthur Watson, Executive-Vice President and General Manager of WNBC (channel 4, New York) testified that his station's local news staff numbered about 20. WNBC'S one full-time New Jersey reporter thus represents a commitment of only about 5% of its news personnel. It is true for WNBC and the other outlets that additional reporters and crews are sent into the state when the news editors deem it appropriate. The commission wonders, however, whether the assignment of larger permanent staffs to New Jersey would generate many more "newsworthy" items than now reach the editors' desks. Furthermore, extra reporters covering New Jersey on an infrequent "spot" basis cannot be as familiar with events, personalities and news sources as reporters who work here on

a regular and continuing assignment.

That these operating procedures raise an impediment to adequate television service for New Jersey was amply demonstrated by the testimony of several witnesses at the commission's hearings. For example, Wayne Kurlinski, Rutgers University Vice-President for University Relations, indicated that New York television crews infrequently cover events on the Rutgers' New Brunswick campus. As he explained, "For a television station to send a film crew of four persons to New Brunswick involves a minimum of three hours of travel and production time, making it a high-expense decision for an assignment editor. And since film from New Jersey has to be processed before 5 p.m. to make that evening's news, only morning events have any chance of coverage."

The time and travel necessary to report a New Jersey story are such that "Practical considerations rather than journalistic news judgments often are the criteria used for covering New Jersey news events," according to David B. Sachsman, Assistant Professor of Urban Communications, Livingston College. Mr. Sachsman compared the stations' practice of centralizing all their personnel and facilities in one location with the usual newspaper operation involving news bureaus in various places, which he said was a concept "so basic to the newsgathering process that newspaper journalists are amazed that broadcasters think they can do without it."

Governor Cahill, who certainly has had as much experience in dealing with the New York and Philadelphia stations as any

public official in this state, pointed out to the commission the frustration of appearing on interview shows with news personnel from these stations: "...the news broadcasters were all New York or Philadelphia oriented. And because they were not within our State, as the working press is every day, and familiar with all of the issues of the State of New Jersey, they really didn't understand New Jersey and they didn't understand the problem, and you found yourself really not answering pertinent questions but more or less explaining to the newscaster where perhaps he was in error in his views on a certain subject."

The commission regards the physical presence of television facilities and personnel in New Jersey as extremely important for the effective, efficient and equitable provision of service to this state. The commission would consider such a step to be a meaningful indication of a station's commitment to New Jersey. From a broadcaster's viewpoint, it would seem to be a very necessary and practical measure, one that would enable a station to remain sufficiently aware of and to adequately respond to newsworthy developments in this state. Only by establishing a New Jersey base of operations -- including studios, reporters, production crews, and equipment -- can a station claim to be capable of providing timely, comprehensive and knowledgeable coverage of New Jersey news events and public affairs. No New York or Philadelphia commercial VHF station can now make such a claim. The detrimental results of this inadequate coverage of New Jersey will be explored in the next section.

NEW JERSEY'S NEED FOR IMPROVED TELEVISION SERVICE

"If New Jersey is ever to gain a sense of itself, a pride in its own identity and accomplishments, and an effective awareness of the trends and events which are molding its future, it will do so only when its achievements and problems are consistently and well reported on television, which is the dominant media of our times."

Wayne Kurlinski,
Vice-President for University
Relations, Rutgers University,
in testimony to the commission
on March 31, 1975

Television is the dominant source of news and information for most of the public. Many witnesses have indicated that perhaps two-thirds to three-quarters of the population derive knowledge of current events primarily from television. When broadcasters overlook, ignore or neglect events concerning New Jersey they are imposing a virtual mass communications blackout on its citizens, a situation which is fraught with detrimental consequences for the vitality of the social, cultural, economic and political life of the nation's eighth most populous state.

A common theme running through the commission's hearings was the image of New Jersey as a state without an identity, a common focus and a true sense of statehood. Speaker after speaker remarked that New Jersey has developed as two states, north and south, each with little awareness or understanding of the other, and the whole being somewhat less than the sum

of its parts. Sandwiched between two of the largest cities in the nation, such development was perhaps inevitable. Improved television coverage, including the location of commercial VHF stations within the state, will not, of course, alter the fundamental geographical, historical and economic factors which account for the state's divided orientation, but it is a basic and necessary element for the promotion of state self-awareness. If nothing else, improved broadcast service will at least better enable us to identify common problems and discuss acceptable solutions than is the case at present.

An informed citizenry is essential for the proper functioning of a democratic society. Yet New Jersey's dependence on New York and Philadelphia stations means that its citizens are often more knowledgeable of events, issues and personalities in these two cities than in their own state. As long ago as 1961, Governor Meyner recognized that removal of the state's only commercial VHF station would deprive New Jersey of a valuable communications resource. Events since then have made it all the more imperative that our 7.4 million residents obtain access to television programming specifically directed to enlightening, educating and informing them as to the daily happenings and long-term trends occurring within their home state.

New Jersey is a complex state. Its communication needs can not be satisfied by the reporting of a handful of news items

on New York and Philadelphia telecasts. It is the eighth most populous state in the nation. It is the most densely populated state. It contains sizeable concentrations of minority and ethnic groups. It is heavily industrialized. It is a leading center for technological and academic research. It boasts many fine cultural attractions. Its resort areas have achieved national prominence. It is a study in microcosm of many of the problems and issues which have or will crop up in other parts of the nation. In recent years, for example, it has seen its state and local governments increase in size and complexity of operations. It has had to deal with such matters as the social and economic concerns of decaying urban areas; the land-use problems of rapid suburban sprawl; the demands of a new consciousness for improved environmental and aesthetic living conditions; the increased needs of its educational institutions; the necessity for improving its highway and mass transportation systems; and the perennial issue of tax reform.

As pointed out by Jerome Aumente, Director of the Urban Communications Teaching and Research Center at Livingston College, the lack of adequate television coverage for a state with such a complex range of needs, problems and interests means that "The most critical public policy issues are made without the benefit of fully informed citizen input and voter concern... It means thousands of public and private organizations...are deprived of a means of transmitting even minimal information about their concerns and activities."

The adverse effects of inadequate television coverage were documented before the commission by witnesses representing a broad array of governmental, business, civic, cultural, religious, social and educational interests. For example, former Governors Meyner and Cahill spoke of the difficulties they encountered in placing their programs before the public. A representative of Common Cause, John Valbert, discussed the "anonymity" of New Jersey public officials and characterized New Jersey government as "invisible." The Chairman of the New Jersey Council on the Arts, Alvin E. Gershen, testified that our State's cultural life was not receiving due recognition from the New York and Philadelphia media. The President of a New Jersey advertising firm, Arthur Tell, pointed out that New Jersey businesses have no in-state vehicle for publicizing their services and products. A firm (or a political candidate, for that matter) which utilizes New York or Philadelphia television to reach New Jersey residents wastes two-thirds of the advertising expense on New York and Pennsylvania audiences.

There can be no doubt that there is a serious and acute need for improved television service for New Jersey. Among other results, the delivery of programming responsive to the state's particular needs, interest, problems and aspirations will, in the words of Mark Chamberlian, President of Glassboro State College, build an awareness of "a community of interests" among our citizens, and will provide Garden State residents with the opportunity to "learn more about ourselves and strengthen

our separate and distinct political and social entity," in the view of the Reverend James Pindar of the Communications Office of the Archdiocese of Newark. The commission's recommendations for action by the Federal Communications Commission to achieve these results are contained in the next section.

RECOMMENDATIONS TO THE FEDERAL COMMUNICATIONS COMMISSION

"The FCC created the situation, of course, by initially allocating only one commercial VHF station to New Jersey and by then effectively taking that station away. Accordingly, the burden is upon the FCC to resolve the quandary which it has created."

Professor Michael Botein,
Rutgers Law School, in
statement submitted to
the commission on March 17,
1975

The Federal Communications Commission has a clear responsibility to remedy New Jersey's impoverished broadcast situation inasmuch as the FCC's own practices and policies are primarily responsible for the inadequacy of the existing service. The FCC has denied this state a commercial VHF presence through its inequitable distribution of broadcast licenses. It has further compounded our problems by failing, despite years of protests by New Jersey officials, to monitor, assess and rectify the lack of coverage given this state by the New York City and Philadelphia outlets.

This commission is pleased to note that several of these stations have recently taken voluntary steps to upgrade their level of service to this state. Some have reached agreements with the Coalition for Fair Broadcasting which detail such matters as the assignment of additional news personnel to New Jersey, the expansion of efforts to remain well-informed as to events and developments in the state, and an increase in the

number of public affairs programs dealing with New Jersey issues and personalities. Through the efforts of Dr. Lawrence T. Frymire, Executive Director of the New Jersey Public Broadcasting Authority, certain stations are now rebroadcasting material produced by the state network. This arrangement offers a dual advantage of strengthening NJPBA's role in promoting awareness and interest in state affairs as well as increasing the state's exposure on the commercial channels.

While this commission applauds and welcomes such action by the broadcasters, it nevertheless believes that formal measures must be taken by the FCC to insure that this state receives the attention and service it clearly deserves. Pledges of improved coverage have been made before, and the results have been disappointing. As stated elsewhere in this report, promises of future responsiveness to the state's needs actually support the contention that past efforts have been less than adequate. Moreover, even the best intentions of New York and Philadelphia broadcasters cannot compensate for the lack of a VHF commercial station licensed to devote primary service to New Jersey.

In offering the following recommendations to the FCC, this commission wishes to note that these proposals certainly do not exhaust the entire range of possible FCC action. Many suggestions were presented at our public hearings, and undoubtedly many more are being made directly to the FCC in response to its call for comments on improving New Jersey's television needs. Further, as Professor Michael Botein of Rutgers Law School has commented in a statement submitted to the commission, "The FCC

has the duty of fashioning an appropriate remedy for New Jersey; the FCC can not merely sit back and demand that New Jersey present a method of undoing the damage which the FCC initially inflicted."

In accordance with this viewpoint, the commission respectfully presents the following recommendations for action by the Federal Communications Commission:

1. The Federal Communications Commission should provide for the allocation of one or more commercial VHF television stations to New Jersey locations. Implementation of this recommendation could involve the relocation of existing New York and Philadelphia outlets to New Jersey and/or the creation of a new VHF channel to serve New Jersey by reducing FCC distance requirements for station allocations, if technically feasible.

The report has amply demonstrated that New Jersey's lack of a commercial VHF outlet and its dependence on New York and Philadelphia channels have deprived this state of the benefit of the dominant communications medium of our time, have left 7.4 million citizens without access to broadcasting fully attentive and responsive to their particular needs, problems, interests and aspirations, and have exacerbated the state's sense of isolation and lack of identity. Among all courses of action open to the FCC for improving television service to New Jersey, the allocation of one or more commercial VHF stations to this state would represent the most equitable, efficient and responsible resolution of this unfortunate situation.

It has been suggested that an entirely new VHF station could be "dropped in" to New Jersey if the FCC were to reduce its minimum distance requirements between stations. Presently,

stations on the same channel must be at least 170 miles apart and those on adjacent channels must be separated by a distance of 60 miles in this region. If it proved technically feasible to "short-space" stations, this would permit the assignment of additional channels to New Jersey. The technical considerations attendant to such a solution are currently under study by the FCC as part of its inquiry into our state's needs.

2. In addition to providing New Jersey with its own VHF outlets, the FCC should require one or more existing New York and Philadelphia stations to serve specific regions or communities within New Jersey as well as their particular city of license. A station, for example, might be licensed to New York-North Jersey or Philadelphia-Camden.

Since a station's primary efforts are oriented to its city and state of license, this approach would necessarily result in a greater emphasis on New Jersey activities. Broadcasters would be required, among other things, to maintain satellite studios in New Jersey. It should be understood that the commission regards hyphenization of licenses as a supplement to, rather than a substitute for, the allocation of station licenses solely to New Jersey.

3. The FCC should take appropriate steps to insure that New York and Philadelphia broadcasters are fulfilling their obligation to provide relevant service to that portion of their audience residing in New Jersey. The FCC should require such stations to indicate as a condition of their license renewals the particular measures they have instituted or will institute to meet their commitment to New Jersey. For example, the FCC should require each station to file with its application for license renewal description of such matters as:

a. the nature and extent of the station's past, present and proposed programming directed to meeting New Jersey's specific needs and interests;

b. the operating and technical procedures, including the location of facilities and assignment of personnel within New Jersey, which the station utilizes in providing timely, comprehensive and knowledgeable coverage of New Jersey news events and public affairs.

c. the station's efforts to remain aware of significant developments and emerging trends in New Jersey's social, cultural, economic and political life, including its continuing contacts with public officials, community and business leaders, and public and private organizations and institutions representative of the state's diverse needs, interests and aspirations.

Any allocation of licenses to New Jersey should not exempt the remaining out-of-state broadcasters from meeting their obligation to provide proper service to their New Jersey audiences. Since the end product of a station -- its programming -- is partly a reflection of its method of operation, and since this report has shown that there are serious shortcomings in the manner in which New Jersey needs are assayed and dealt with, the FCC must establish guidelines for adequate service to this state and must give greater scrutiny to those operations which impact upon the level of their service to New Jersey.

