

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

STAMP & RETURN

In re Applications of)
)
)

William Marsh Rice University,
Assignor)

and)

University of Houston System,
Assignee)
)
)

For Consent to Assignment of Licenses)
Stations KTRU(FM), Houston, Texas and)
K218DA, Houston, Texas)
_____)

File Nos. BALED-20101029ACX and
BALFT-20101029ACY

Facility ID Nos. 72685 and 93168

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Federal Communications Commission
Bureau / Office

To: The Media Bureau

REPLY TO OPPOSITIONS TO FRIENDS OF KTRU PETITION TO DENY

**Friends of KTRU
Petitioner**

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December 20, 2010

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Friends of KTRU (“Petitioner”), by its attorneys, as a “party in interest” within the meaning of section 309(d)¹ of the Communications Act of 1934, as amended (the “Act”), hereby respectfully submits this Reply to the Oppositions filed by the University of Houston System (“UHS Opposition”) and Rice University (“Rice Opposition,” collectively with the UHS Opposition, the “Oppositions”) to the Petition to Deny (“Petition”) filed by Petitioner to the above-captioned applications for consent to the assignment of KTRU(FM), Houston, Texas (“KTRU Main Station”) and K218DA, Houston, Texas (“KTRU Translator” and, together with the KTRU Main Station, “KTRU License”) from William Marsh Rice University (“Rice”) to the

¹ 47 U.S.C. § 309(d).

University of Houston System (“UHS” and, together with Rice, the “Applicants”) (the “Applications”). Friends of KTRU herein again respectfully requests that the Federal Communications Commission (“FCC” or “Commission”) deny the above-referenced applications and designate this matter for hearing pursuant to section 309(e) of the Act.² In support thereof, the following is respectfully shown:

I. INTRODUCTION AND SUMMARY

The Oppositions rely on a single flawed premise: that the assignment application at issue in this proceeding represents a mere format change, and that the Commission should rubber stamp its consent to the assignment application under its existing precedent.³ However, this argument illustrates that the Applicants miss the point: the proposed transaction at issue here does not represent a mere format change that can be dismissed under the banner of the Commission’s *Policy Statement*⁴ – rather, it implicates a departure from Commission policies regarding localism and the use of NCE FM licenses. Indeed, the Commission must not view this proposed transaction merely from the lens of a format change. Rather, as noted previously by Petitioner, “the assignment of the KTRU License to UHS will substantially and negatively impact the ability of the station authorization to be used to respond to community needs in the area of informational programming.”⁵ It will also eliminate an important educational tool that has been used to instruct students and potential broadcasters since KTRU’s formation. Thus, Petitioner has established a *prima facie* case that a grant of the Applications would fail the

² 47 U.S.C. § 309(e).

³ UHS Opposition at 5-7; Rice Opposition at 3-6.

⁴ See *Changes in the Entertainment Formats of Broadcast Stations*, 60 FCC 2d 858, 865-66 (1976) (“*Policy Statement*”); recon. denied, 66 FCC 2d 78 (1977), rev’d sub nom., *WNCN Listeners Guild v. FCC*, 610 F.2d 838 (D.C. Cir. 1979), rev’d, 450 U.S. 582 (1981).

⁵ Petition to Deny at 15.

Commission's public interest analysis and is counter to the Commission's policies regarding the use of NCE FM frequencies and broadcast localism.

II. THE PROPOSED ASSIGNMENT UNDERMINES THE EDUCATIONAL PURPOSE AND INTENT OF THE LICENSE

In the Rice Opposition, Rice asserts that Petitioner's educational purpose argument boils down to a format dispute, restating Petitioner's argument that "KTRU's current *programming format* better trains students to become part of the broadcast industry."⁶ However, the crux of Petitioner's argument does not rest on a format change, but rather on Applicants' proposed abandonment of critical Commission policies. Rather, Petitioner argues that a change in the operations of KTRU as proposed here will betray the original intent of the grant of the license: the education of university students and the promotion of student experience in the broadcast industry. Promotion of an educational objective is the reason that the KTRU License was applied for and granted by the FCC to begin with.

A. The Educational Purpose Underlying the Grant of the KTRU License Will be Lost Due to the Proposed Assignment

Moving to a primarily nationally syndicated programming schedule means that students, be they from Rice or UHS, will be deprived of a truly realistic and comprehensive education in professional broadcasting. Indeed, the UHS Opposition repeatedly mentions the professional staff of its existing station, and the full-time nature of such staff.⁷ A studio full of paid reporters does not leave room, or even suggest the potential, for educating students.⁸ Pressing the "play" button on pre-recorded programming or even setting a predetermined playlist does not satisfy the

⁶ Rice Opposition at 7.

⁷ UHS Opposition at 7-10.

⁸ Indeed, UHS' noncommercial educational Station KUHF began in 1950 as a student volunteer operation, but in 1979, KUHF hired professional staff and became a NPR member station. *See* UHS Opposition at 2.

educational goal of the original grant of the KTRU License. Such use contradicts Commission rules stating that an NCE station shall be licensed only “upon the showing that the station will be used for the advancement of an educational program.”⁹ Further, Commission licensing consideration requires an “emphasis [] placed on proposed station programs which are clearly educational in nature, i.e., actually involve teaching or instruction, whether for formal credit or not.”¹⁰ Through the KTRU License, students currently have an opportunity to create their own shows, to determine airtimes and to manage a staff. Rice’s arguments here clearly show that it has lost touch with the original goals of the KTRU License – goals that are not merely inspirational, but in fact stated Commission policy. Luckily, its students have not.

And, unfortunately, Rice continues by demeaning its own students’ educational experiences at KTRU, calling the student-run operations broadcasting over the KTRU License nothing more “than an extracurricular activity,” while noting that UHS has a broadcast journalism major that will better prepare students for a career in professional broadcasting. The students who have single-handedly run KTRU since its inception would surely disagree with that assertion,¹¹ particularly those UHS students who were unable to obtain hands-on experience at KUHF and found opportunity and open doors at KTRU to gain practical broadcasting experience.¹² Thus, while Rice notes that Rice students will be eligible for internships at UHS, the history of a lack of existing UHS students’ involvement with UHS’ “educational” FM station

⁹ 47 C.F.R. § 73.503(a).

¹⁰ Instructions to FCC Form 314, p. 5, *available at* <http://www.fcc.gov/Forms/Form314/314.pdf>.

¹¹ For a detailed list of descriptions of jobs filled by students at KTRU, please *see* Exhibit B – Excerpt from the KTRU DJ Manual: KTRU Staff Position Descriptions.

¹² Friends of KTRU is aware of dozens of UHS students, including a number of current UHS students, who obtained – or are obtaining – broadcasting experience at KTRU, since the same opportunities were not available to students at the University of Houston's professionally-operated KUHF. *See* Exhibit A – Declaration of Joseph Yang.

demonstrates that both students at Rice and UHS will be out of luck when it comes to experience in the broadcast industry.

Furthermore, the UHS Opposition ignores the important fact that the assignment as proposed effectively eliminates the educational mission of KTRU. Indeed, the UHS Opposition does not even mention the availability of opportunities at UHS for Rice students interested in professional broadcasting experience, which serves to magnify the insignificance that a few required, limited-duration internships will have for the new UHS stations. Needless to say, this sort of proposed operation does not satisfy the Commission's "goals of maximizing diversity of ownership in a community and providing a medium for new speakers, including students, to gain experience in the broadcast field."¹³ As noted above, the UHS petition repeatedly mentions the full-time staff, and paid professional staff that will operate the stations.¹⁴ They neglect to respond at all to Petitioner's argument that the educational mission of the KTRU License – and the reason it was granted to Rice in the first place – will vanish. Indeed, this disappearance of student involvement with the KTRU License demonstrates a significant "basis for concluding that the transfer of the licenses from Rice to UHS will diminish the overall educational opportunity for students interested in radio."¹⁵

On the other hand, the Rice Opposition stresses the fact that a minimal number of student internships will be available for three years following the consummation of the transfer.¹⁶ Notwithstanding the fact that the internships are so lightly regarded by UHS as to not even be mentioned in the UHS Opposition, but what about the Rice freshman class of 2013? By the

¹³ *Creation of Low Power Radio Service*, 15 FCC Rcd 19208, 19241 (2000) (emphasis supplied).

¹⁴ UHS Opposition at 7-10.

¹⁵ Rice Opposition at 7.

¹⁶ *Id.*

beginning of their days at Rice, there will be no opportunities whatsoever for them to enjoy the KTRU broadcast experience that generations of Rice and other students have benefited from. To the dismay of Petitioner, Rice's response to the eliminate of the broadcast element of KTRU is to encourage prospective students not to apply to Rice: "Future students for whom broadcast journalism is a priority will have the opportunity to apply to other schools..."¹⁷ Beyond the oddity of a university turning away droves of potential applicants, surely this attitude does not reflect the educational aspirations set forth in Rice's original application for the KTRU License. There are a limited number of educational, noncommercial stations on the FM dial, and the Commission must not rubber stamp transactions that eliminate educational opportunities in favor of a proposed operation which does not truly serve the educational public interest.

B. The Proposed Assignment Would Continue a Disturbing Trend that Must be Halted by this Commission

There is one reason and one reason only for Rice's proposed abandonment of the original educational purpose of the KTRU License: profit. The current administration has decided to take what was granted to it, for free, for one purpose – for use as a student-run broadcast operation and educational laboratory, and sell it to a willing buyer – regardless of how the FCC believed that the KTRU License would be used when it granted the license, or the resulting effect on the local community. Unfortunately, this is not an isolated incident. The matter is representative of a growing trend that the Commission cannot and should not ignore. The New York Times reported earlier this month that colleges across the country are beginning to turn their backs on their educational endeavors by considering the sale of student-programmed and student-operated stations: "The announcements at Rice and Vanderbilt highlight a stream of college radio station closings in recent years, including KTXT at Texas Tech University in 2008 and Augustana

¹⁷ *Id.*

College's KAUR in South Dakota in 2009."¹⁸ Universities should not be allowed to profit off a public resource that they have been allowed to use in exchange for a covenant with the public to use the license to serve an educational purpose. If such a trend is not addressed by the Commission, the Commission can expect more and more universities to sell their stations for profit, while giving up on the important need to train a fresh generation of broadcast professionals. Indeed, what is happening here is that the underlying mission of the station is changing due to the business interests of two parties acting secretly without regard for the intended purpose of the KTRU License., a situation that is not in the public interest.¹⁹

¹⁸ John Vorwald, *Waning Support for College Radio Sets Off a Debate*, THE NEW YORK TIMES, Dec. 5, 2010, available at <http://www.nytimes.com/2010/12/06/business/media/06stations.html> (attached hereto as Exhibit C).

¹⁹ Petitioner will not repeat here the well-documented fashion in which the sale of the KTRU License was accomplished. However, Petitioner notes that in order to try and have the Commission ignore the way in which this transaction was entered into, UHS makes the false claim that Petitioner's supporters have been soliciting improper *ex parte* contacts to the Commission relating to the Assignment. UHS specifically claims that a constituent of the local Houston area solicited an improper *ex parte* contact. As an initial matter, there is no *ex parte* rule preventing anyone from contacting their congressional representatives to protest a transaction – particularly a transaction such as this one that was conducted in such secrecy. Moreover, the contact in question, made by a constituent who was not a party to the proceeding at the time the contact was made, did not ask the Congressman to go to the Commission – rather, it expressed concern about the way in which UHS/Rice conducted themselves and expressed concern about the loss to the community. In addition, as counsel representing UHS and Rice undoubtedly know, KTRU listeners resident to the Houston area may submit written *ex parte* presentations to the Commission that are exempt from the Commission's *ex parte* rules pursuant to 47 C.F.R. § 1.1204(a)(8). Indeed, the rule states that a “written presentation made by a listener or viewer of a broadcast station who is not a party under 1.1202(d)(1) . . . [relating] to a pending application that has not been designated for hearing . . . for assignment or transfer of control of a broadcast permit or license” would be considered an exempt *ex parte* presentation. See 47 C.F.R. § 1.1204(a)(8). Lastly, Petitioner recognizes that this exemption applies only to a “listener or viewer of a broadcast station who is not a party under §1.1202(d)(1)” and wishes to clarify the status of these listeners with respect to any future *ex parte* communications. Such individual listeners are not members of Friends of KTRU, are not associated with the Petition, and should not be accorded party-in-interest status due to the filing of its Petition.

III. THE OPPOSITIONS GLOSS OVER THE OBLIGATION OF A BROADCAST LICENSEE TO SERVE THE LOCAL COMMUNITY, AND IGNORES THE COMMISSION'S COMMITMENT TO LOCALISM

UHS argues that Petitioner's "real gripe" is not the sale of the Station, "but rather the change of the Station's format."²⁰ Rice similarly contends that Petitioner's argument boils down to a disagreement over formatting.²¹ However, the Applicants once again miss the point. If the existing licensee wished to change the format of the station, in response to the interests of the local community it served, such a change would not, and could not, be opposed. But that is not among the issues that Petitioner raises. Rather, Petitioner contends that the proposed assignment violates the letter and the spirit of the Commission's policies on broadcast localism and the underlying purpose of NCE FM licenses. This assignment would thus fly directly in the face of the Commission's intentions for such licenses; as the Commission has noted, "creating and maintaining a system of radio and television stations that offer programming responsive to the unique needs and issues facing the communities that they are licensed to serve is the centerpiece of the Commission's regulation of the broadcast industry."²²

A. The Proposed Assignment Will Not Serve Houston's Public Interest

In the UHS Opposition, UHS takes great pain to describe the local programming that it broadcasts and will broadcast in the future.²³ As an initial matter, UHS' claims belie its own internal statements. As stated in the Petition to Deny, at a closed-door UHS Board of Regents meeting discussing the possible acquisition of the KTRU License, it was brought to the attention

²⁰ UHS Opposition at 5.

²¹ See Rice Opposition at 1 ("The Petitioner's chief complaint is that the proposed assignment would result in a format change at KTRU...").

²² *Broadcast Localism*, Report on Localism and Notice of Proposed Rulemaking, 23 FCC Rcd 1234, ¶ 142 (2008) ("*Localism NPRM*").

²³ UHS Opposition at 7-10.

of UHS that a second station seemed unnecessary to certain Regents, as “KUHF currently devotes only a small fraction of its programming to [University of Houston] news and events.”²⁴ The Commission must weigh UHS’ existing lack of locally-oriented programming, along with its proposal to simply supply additional syndicated national and international programs, heavily when making its public interest determination with respect to the Applications.

Moreover, UHS states that it will be “contemplating” regular local news broadcasts, but it fails to make any sort of firm commitment. In fact, the statements in the UHS Opposition contradict the documents submitted by UHS in its Application concerning the current programming of KUHF and the future programming of both KUHF and KUHC. UHS’ Application reveals not one additional program to be added to its stations that is specific to the local Houston area. In fact, only two programs listed directly relate to the local Houston community, and those are already being broadcast on KUHF. Without providing any real specificity, UHS now seems to change its story. Additionally, every single one of the new programs proposed for the UHS stations is syndicated either from NPR or other national or international sources. And, not a single one involves any topics unique to the community of license. This fact distinguishes the case at hand from prior instances in which the Commission has approved the assignment of station licenses in cases where a previously locally-oriented station was being replaced by a station of national character. Here, Friends of KTRU has presented ample specific and credible evidence of the non-local nature of the proposed programming. Indeed, in the WDCU(FM) situation cited in the Rice Opposition,²⁵ it was noted that the Petitioner in question did not supply such ample specific and credible evidence of the type that Petitioner has presented via its comparison of the current and future programming

²⁴ See Petition to Deny at 14.

²⁵ See Rice Opposition at 4.

schedule for KUHF and KUHC. C.f. Letter from Roy J. Stewart, Chief, Mass Media Bureau to Henry Goldberg and Edward Hayes, Jr., 12 FCC Rcd 15242, p. 6-8 (Med. Bur. 1997).

This lack of focus on the local community is further illustrated by UHS' lack of attention to detail with respect to its public file. UHS admits that its public file for KUHF was incomplete with respect to the required biennial ownership reports over the last few years.²⁶ While UHS has since taken remedial action, such omissions can be viewed as a lack of dedication to ensuring that UHS' obligations with respect to its local community are fulfilled. This can be seen as an example that the UHS does not take their local obligations as seriously as they portray in their Opposition.

B. The Commission Should Stand Behind its Stated Localism Principles

Petitioner further takes issue with the Applicants' understanding of what it means to serve the public interest of the local Houston community. Petitioner demonstrated in its Petition the importance that the Commission places on broadcast localism.²⁷ In the Rice Opposition, Rice claims that "it is difficult to understand how shows that focus on 'music from the Indian subcontinent' or 'music from the African diaspora,' for example, count as local content."²⁸ Such a claim ignores the importance of minority programming, as well as demonstrates a bit of ignorance regarding the demographics of Houston. More than 20 percent of Houston residents were born in other countries.²⁹ Indeed, the Nigerian ex-patriot population in Houston alone

²⁶ UHS Opposition at 11.

²⁷ See Petition at 9-15.

²⁸ Rice Opposition at 6.

²⁹ Charles W. Corey, *Houston Looking to Expand "Natural" Relationship with Africa*, THE WASHINGTON FILE, Bureau of International Information Programs, U.S. Department of State, Nov. 21, 2003, available at <http://web.archive.org/web/20060809124347/http://usinfo.state.gov/xarchives/display.html?p=wasfile-english&y=2003&m=November&x=20031121162843yeroc9.750003e-02>.

totals more than 80,000, and more than 20 percent of those foreign-born Houstonians are of Asian origin.³⁰ The Commission repeatedly has discussed the importance of a local focus on minority programming, and the removal of this type of local focus will be detrimental to the Houston community.³¹

Rice President David Leebron has stressed the importance of increased engagement with the city of Houston:

We must fully engage with the city of Houston—learning from it and contributing to it—as a successful partnership with our home city is an essential part of our future. We should do so by continuing to integrate Houston into the educational experience of our students, by emphasizing selective areas of research especially important to the city (notably energy and urban studies), by making tangible contributions to improve our city (particularly K–12 education and environmental quality), and by continuing to provide innovative educational and cultural resources to the broader Houston population.³²

By selling off the “asset” of the KTRU License, Rice is doing just the opposite, and is turning its back on the needs and wants of the local Houston community.

In a speech that is particularly timely, the importance of localism recently was highlighted by Commissioner Michael Copps, who called on the Commission to pay more attention to the public value of local content and integrate that principle into its consideration of applications for license grants and transfers:

The goal here is more localism in our program diet, more local news and information, and a lot less streamed-in homogenization and monotonous nationalized music at the expense of local and regional talent. Homogenized music and entertainment from huge conglomerates constrains creativity, suppresses local talent, and detracts from the great tapestry of our nation’s cultural diversity. We should be working toward a solution wherein a certain

³⁰ Demographics, GREATER HOUSTON PARTNERSHIP, <http://www.houston.org/economic-development/facts-figures/demographics/index.aspx> (last visited Dec. 16, 2010).

³¹ See, e.g., *Localism NPRM* at ¶ 69 (emphasis added).

³² Engagement with Houston, A Vision for the 2nd Century, RICE UNIVERSITY, <http://www.professor.rice.edu/professor/Houston.asp?SnID=397823256> (last visited Dec. 16, 2010).

percentage of prime-time programming -- I have suggested 25 percent -- is locally or independently-produced. Public Service Announcements should also be more localized and more of them aired in prime-time, too. And PEG channels -- public, educational and government programming -- deserve first-class treatment if we are to have a first-class media.³³

As Commissioner Copps has stated, now is the time for the Commission to draw a line in the sand and stand up for the local listening audiences around the country that depend on radio for local news, local information, and local connectivity. If it does not, the Commission will watch this medium quickly fade and local communities like Houston will lose one more mechanism by which to maintain their individuality and sense of unique identity.

Lastly, as noted in the Petition to Deny, and ignored by Applicants in their Oppositions, Petitioner's objections cannot be dismissed as falling under the Commission's *Policy Statement* regarding programming formats.³⁴ It would be inappropriate to apply this line of cases to Petitioner's objections -- which arise from the localism and educational obligations of NCE FM licensees, and not from the change from any one particular format to another. Indeed, the Supreme Court limited the application of the *Policy Statement* outside of the entertainment context. Importantly, the Supreme Court held that "the Policy Statement only applies to entertainment programming. It does not address the broadcaster's obligation to respond to community needs in the area of informational programming."³⁵ Accordingly, since Petitioner here argues specifically that the assignment of the KTRU License to UHS will substantially and negatively impact the ability of the station authorization to be used "to respond to community

³³ *FCC's Copps Proposes Public Value Test for License Renewal*, Radio Magazine, Dec. 3, 2010, available at <http://radiomagonline.com/fcc/fcc-copps-public-value-test-license-renewal-1203/>.

³⁴ See *Changes in the Entertainment Formats of Broadcast Stations*, 60 FCC 2d 858, 865-66 (1976) ("*Policy Statement*"); recon. denied, 66 FCC 2d 78 (1977), rev'd sub nom., *WNCN Listeners Guild v. FCC*, 610 F.2d 838 (D.C. Cir. 1979), rev'd, 450 U.S. 582 (1981).

³⁵ *WNCN*, 450 U.S. at 604, n. 46 (quoting Tr. of Oral Arg. 81 (remarks of counsel for the Commission)).

needs in the area of informational programming,” such an argument cannot be dismissed under the banner of the *Policy Statement*.

IV. CONCLUSION

As Petitioners have clearly shown through by specific evidence, grant of the Applications will result in the destruction of a station that has served its local broadcast area for more than 40 years. In its place will be syndicated national and international programming that has little connection at all to the Houston community. And, the station broadcasting this “more of the same” type programming will be in the hands of a licensee that has shown a pattern of secretive and deceptive behavior, and has violated important Commission rules and regulations. Moreover, as noted in the UHS Opposition, “[t]he FCC scheme [for processing assignment applications] is set up so that the community has input through the assignment application process, as is happening here.”³⁶ That being the case, with the overwhelming show of support for the original intended purpose of the KTRU License, such a proposed transaction simply cannot be found to be in the public interest.

The foregoing premises having been duly considered, Friends of KTRU respectfully requests that the Commission deny the proposed assignment and designate for hearing the substantial and material issues raised herein.

³⁶ UHS Opposition at 18.

Respectfully submitted,

Friends of KTRU

By:

A handwritten signature in cursive script that reads "Michael Lazarus".

Michael Lazarus

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December 20, 2010

EXHIBIT A – Declaration of Joseph Yang

Declaration of Joseph Yang

1. My name is Joseph Yang. I am a resident of Houston, Texas. I am a student at William Marsh Rice University, class of 2012, and I am the current student station manager of KTRU(FM). Capitalized terms, to the extent that they are not defined within this Declaration, are to have the meaning ascribed to them in the Reply to the Oppositions to the Friends of KTRU Petition to Deny, to which this Declaration is an exhibit.

2. I reside within the service area of KTRU(FM) and, in both my capacity as the student station manager and in my personal capacity, regularly listen to both this and other local over-the-air broadcast radio stations.

3. I have read the foregoing Reply to the Oppositions to the Friends of KTRU Petition to Deny relating to Station KTRU(FM), Houston, TX and FM Translator Station K218DA, Houston, Texas.

4. I am aware of dozens of UHS students, including a number of current UHS students, who obtained – or are obtaining – broadcasting experience at KTRU, since the same opportunities were not available to students at the University of Houston's professionally-operated KUHF.

5. The facts set forth in the Reply to the Oppositions to the Friends of KTRU Petition to Deny are true and correct to the best of my knowledge, information and belief.

I declare under the law of the United States that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Executed on this 17 day of December, 2010.

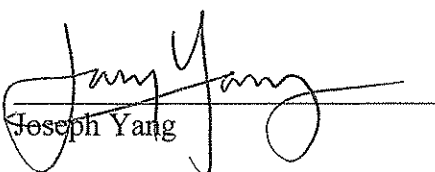
Signature: 
Joseph Yang

EXHIBIT B – Excerpt from the KTRU DJ Manual: KTRU Staff Position Descriptions

Appendix 1: Departments and Staff Positions

KTRU is a student-run organization at Rice University. We are made up of volunteers and elected directors. In 1998, Rice hired a professional General Manager and Assistant to the General Manager to help us with basic radio operations. A Chief Engineer was hired in 2001. Other than these three salaried employees, KTRU is completely run by Rice students and DJ'd by Rice and community volunteers. KTRU has an election every spring for the director positions for the next year. All KTRU directors are required to attend the weekly KTRU staff meeting.

Staff Position Descriptions

General Manager, Chief Engineer & Assistant (paid)

Works with Station Manager, other KTRU directors, and DJs to help achieve long-term programming goals of the station; facilitates enhanced student leadership opportunities in the station by taking care of equipment and FCC responsibilities. GM is responsible for fiscal health and legal compliance, and serves as a liaison between KTRU DJs and University administration.

Station Manager (chosen by the student body in Student Association general elections)

The Station Manager is the highest student official in charge of the station and controls all aspects of station operation; helps develop long-term programming goals and ensure that these goals remain within the boundaries of the KTRU philosophy. The SM relies upon the other directors to keep the station running smoothly. When other directors do not do their job, the SM must step in to complete the job and avert disaster. The SM must provide responses to complaints and official inquiries; must keep in contact with all other staff members to make sure the station is running smoothly; distribute telephone codes; organize KTRU elections; facilitate weekly staff meetings. This position requires five office hours per week.

Operations Manager (elected)

The Operations Manager acts as an assistant to the Station Manager and General Manager. The OM keeps the KTRU equipment inventory up to date; oversees equipment checkout; takes equipment to be repaired. The OM aides the General Manager in the undertaking of new projects, such as improved reception and Internet broadcasts; aids the Station Manager and other directors in any situations or projects that may arise. This position requires three office hours per week.

Program Director (elected)

The Program Director's main duties concern working with the KFC on Special Programming (see page 28) and working with the General Manager to keep KTRU in-line with FCC requirements. The PD must constantly listen to specialty shows to make sure they are positively contributing to KTRU programming; handle new specialty show proposals; distribute funds to specialty shows; make sure that specialty show directors contribute at least one album to playlist per month; orchestrate the BMI logs every month; coordinates sports broadcasts. This position requires three office hours per week.

Assistant Program Director

Assists Program Director in all programming tasks. This position requires two office hours per week.

DJ Directors (2, elected)

The DJ Directors are in charge of interviewing, hiring, and training new DJs, scheduling all DJ shifts, and firing DJs who miss two shifts in a semester. The DJ Directors act as a liaison between DJs and KTRU directors. The DJ Directors also distribute and collect shift preference forms each semester; work with Office Manager to manage a list of KTRU DJs for the Campus Police; work with Music Librarian to record how many CDs each DJ reviews per semester. The DJ Directors keep the DJ Manual updated and distribute it to DJs; keep DJ set lists; listen to DJ shifts to make sure DJs are operating according to the DJ Manual. This position requires three office hours per week.

Music Directors (2, elected)

Coordinate incoming music and reviewing, and determine the composition of playlist, new bin and swill. The MDs update the playlist weekly and report our Top-35 to music magazines; log and track music sent to the station; talk to record companies; send emails to DJs who do not fulfill their playlist or alternate track requirements; give DJ set lists to the DJ Director; inform Program Director of which specialty show DJs are not submitting to playlist; help Music Librarian record the number of CDs each DJ reviews; conduct weekly Music Department meetings. These positions require four office hours per week.

Assistant Music Directors

Help the Music Directors with all Music Department tasks; talk to record company representatives about music tracking; review CDs for playlist. Assistant MDs must attend all weekly Music Department meetings. These positions require three office hours per week.

Promotions Director (elected)

The Promotions Director is in charge of the Concert Calendar, ticket give-aways, updating the Upcoming Shows box, and the Assistant Promotions Directors. This position requires three office hours per week.

Assistant Promotions Directors

Assist Promotions Directors work with Promotions Director on all aspects of the Promotions Department. These positions require two office hours per week.

Outdoor Show Directors (elected)

These directors plan and execute KTRU's Outdoor Show each spring. They must recruit an Outdoor Show committee; find bands and sponsors for the show; rent equipment for the show; make reservations; get alcohol licensing. These positions require three office hours per week.

News Director (elected)

The News Director coordinates news staff and programming; works with Community Service Director on community events; organizes on-air interviews with personalities and political figures; coordinates KTRU broadcasts of Rice events, such as Baker Institute lectures. This position requires three office hours per week.

Community Service Director (elected)

Updates PSAs; organizes yearly KTRU blood drive; organizes special community service events; oversees new DJ PSA helper. This position requires two office hours per week.

Folio Directors (elected)

The Folio Directors create at least one KTRU Folio per semester (at least 3 per year) and distribute it on- and off-campus. These positions require two office hours per week.

Music Librarian (elected)

Re-alphabetizes music stacks; puts wayward CD reviews with their CDs; maintains Missing Music List; replaces broken CD cases; oversees new DJ music librarians and makes sure the stacks are tidy at least twice a week. The Music Librarian must also record how many CDs each DJ reviews each week and keep a running tally for the semester, which is handed over to the DJ Directors; makes sure CDs are returned by two weeks of checkout. This position requires two office hours per week.

Small Concert Director (elected)

Sets up, organizes, and executes the KTRU Concert Series (a series of small concerts in the Student Center). This position requires two office hours per week.

Computer Nerd (elected)

The Computer Nerd keeps the KTRU web page (<http://www.ktru.org>) updated. Posts current programming schedule and staff listings. This position requires one office hour per week.

Merchandise Manager (elected)

This person sends bumper stickers to those who request them; keeps a file on requests and gives to Folio Director for Folio mailings; puts received letters in Public Inspection File. This position requires 1/2 office hour per week.

Mail Sorter

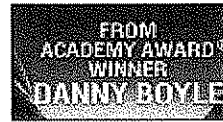
Sorts KTRU's incoming mail; oversees new DJ mail sorters; organizes new DJ mail sorters so mail is sorted every weekday. This position requires one office hour per week. Puts received letters in Public Inspection File.

Socials Director (elected)

The Socials Director plans fun social events for KTRU DJs, such as parties, midnight croquet, bowling, and roller-skating. The SD must plan at least two social events per semester. This position requires 1/2 office hour per week.

EXHIBIT C – Article: *Waning Support for College Radio Sets Off a Debate*

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December 5, 2010

Waning Support for College Radio Sets Off a Debate

By JOHN VORWALD

Like many college radio stations across the country, Rice University's KTRU and Vanderbilt University's WRVU play a broad swath of music — from undiscovered indie bands and obscure blues acts to '60s garage rock and '80s postpunk. It's a mix largely absent from commercial broadcasts, and students active in radio say their stations add distinct voices to their cities' broadcast landscape.

But as colleges across the country look for ways to tighten budgets amid recession-induced shortfalls, some administrators — most recently in the South — have focused on college radio, leading even well-endowed universities to sell off their FM stations. That trend was felt this summer at Rice and Vanderbilt, among the most prominent of Southern universities, stirring debate about the viability of broadcast radio, the reach of online broadcasting and the value of student broadcast programming.

"We play music that you won't find on any other Houston radio station" said Joey Yang, a junior at Rice and station manager for KTRU. "KTRU's mission is to broadcast exactly what you can't find elsewhere on the dial."

Scott Cardone, a sophomore disk jockey at WRVU with a two-hour electric blues show, pointed to the potential void in Nashville if Vanderbilt's FM signal were to be sold. "The community will lose what probably is the last radio station playing anything other than country, Christian or Top 40 in the whole city," he said. "You can't hear the music that we play anywhere else."

At the center of public discussion are "student habits" — or whether students are actually

tuning in to the universities' FM signals.

In September, Vanderbilt Student Communications, the corporate body that oversees Vanderbilt University media, released a statement announcing it would explore the migration of its student-run radio station to exclusively online programming. The exploration, which was voted on by a board of five at-large students and three faculty members, was a response to "changing student habits and evolving economic challenges," according to a statement by the group.

In August, Rice announced the decision to sell student-founded station KTRU — its 50,000-watt FM frequency, broadcast tower and F.C.C. license — to the University of Houston, for \$9.5 million. In a statement, David W. Leebron, the president of Rice, called the station a "vastly underutilized resource."

The announcements at Rice and Vanderbilt highlight a stream of college radio station closings in recent years, including KTXT at Texas Tech University in 2008 and Augustana College's KAUR in South Dakota in 2009.

While officials at both Rice and Vanderbilt emphasize that the stations will continue to broadcast online, Mr. Yang believes the loss of a terrestrial signal will effectively delegitimize KTRU.

"As a 50,000-watt station that can be heard all across Houston, there's a sense of responsibility to the community," he said. "When you lose a terrestrial footprint in Houston — anyone can put out a signal that's on the Internet — it takes away the legitimacy of what we're trying to do."

Despite obvious parallels between KTRU and WRVU, Chris Carroll, director of student media at Vanderbilt Student Communications, draws a stark contrast between the situations at the two universities. At Vanderbilt, he said, "what's happening, really, is a big public discussion about is this a good idea or not, and there's no conclusion to that yet." Rice, he said, made the decision to sell KTRU behind closed doors — without student input.

Mr. Carroll, who does not vote on the organization's board, contends that students just don't listen to terrestrial radio anymore.

“We will pull a random sample of Vanderbilt undergrads — of 500 or so at a time. And what we’ve found is that these students aren’t listening to radio at all. It’s not just WRVU,” he said. Instead, students are listening on mobile devices like smartphones and laptops, both of which are more readily serviced by the Internet, he said.

Mr. Cardone acknowledges that WRVU’s audience may be thinner on campus than off, but he believes the station justifies its value as one of the only relevant connections between the students and the city. According to Arbitron, a media and marketing research firm that measures local radio audiences, the station reaches just over 30,000 people each week in greater Nashville.

After a tumultuous summer, groups focused on saving the stations have mobilized at both campuses. Both have Web sites — savektru.org and savewrvu.org — and Facebook pages to gather comments and provide updates.

Friends of KTRU, a group opposed to selling the station, retained the Paul Hastings firm to represent it, and on Friday, the group filed a petition to deny with the F.C.C., claiming the sale was not in the public interest.

At Vanderbilt, Mr. Carroll says the WRVU page on vandymedia.org, an umbrella site for the campus student media, has garnered more than 700 comments. He says he will sort them into common themes before the board reviews them early next year.

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

In re Applications of)	
)	
William Marsh Rice University, Assignor)	File Nos. BALED-20101029ACX and
)	BALFT-20101029ACY
and)	
)	Facility ID Nos. 72685 and 93168
University of Houston System, Assignee)	
)	
For Consent to Assignment of Licenses)	
Stations KTRU(FM), Houston, Texas and)	
K218DA, Houston, Texas)	

CERTIFICATE OF SERVICE

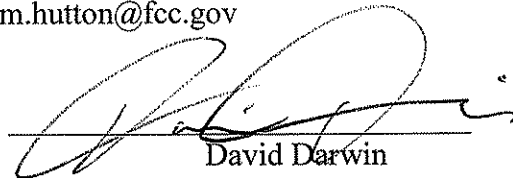
I, David Darwin, hereby certify that I caused a true and correct copy of the foregoing "Reply to Oppositions to Friends of KTRU Petition to Deny" to be delivered this twentieth day of December, 2010, to the individuals on the following list:

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