



August 10, 2016

Office of the Secretary
Federal Communications Commission
The Nielsen Company
The Federal Trade Commission

RE: Total Line Reporting Via USPS & Email

Ladies and Gentlemen:

It was almost exactly three years ago, during its sale to Nielsen when Arbitron decided to eliminate Total Line Reporting.

Many broadcasters, advertising agencies and other interested parties voiced their strong objection, and Nielsen under high scrutiny from a number of agencies that had to approve the merger let the issue quietly not go into effect.

Fast forward 3 years, now Nielsen is going to reinstate the policy of Total Line Reporting.

On August 2, 2016 affected Radio stations and groups received notice of this policy in an email that stated:

“We hope you will consider the many substantial benefits of subscribing to the Nielsen Radio Service. In addition to maintaining Total Line Reporting for your simulcast stations. To prevent a disruption in Total Line Reporting for your station, contact our client services team by September 1.”

In the past I have been very vocal in my opposition to the way Radio stations are counted in specific markets. I have strongly disagreed with the Commissions policy of outsourcing its responsibility for defining Radio markets to two commercial enterprises, Nielsen Ratings and BIA/Kelsey.

Now comes this new Nielsen Policy that states “starting with the fall, 2016 Diary Survey and the October 2016 Week 1 PPM data, non-subscribing radio stations will be reported individually, regardless of simulcast status.

The current system is ripe for abuse and in the past I have pointed out specific examples (see File No. BALH-20130104ABX In the matter of Application of **Centennial Licensing, LLC and Mel Wheeler, Inc.** For Assignment of license **WLNI (FM) Lynchburg, VA, Petition for Reconsideration**)

The latest official count of Radio stations home to the metro continues to be 46.

Despite an official FCC inquiry on the status of WODI the station remains off the air and has been off the air for over a year.

iHeartMedia controls 7 FM stations, (2 in the Aloha Trust) Mel Wheeler Inc. officially owns 5 FM stations (actually six due to a perversion of the Commission’s rules) 2 AM stations and multiple translators.

These entities (iHeartMedia, Mel Wheeler Inc.) controls 62.2% of all market listening **and a whopping 88.5% of the markets revenue.**

The other 32 home to market stations account for 37.2% of the markets reported listening and only 11% of the market’s revenue!

A grand example of the perversion of the rules was pointed out in the aforementioned Petition for Reconsideration where the Media Bureau excluded WVBB even though the trimulcast of the stations garnered an 8.0 share of the 12+ audience. WVBB was only excluded through a manipulation engineered by Mel Wheeler Inc. and Nielsen’s current policy of Total Line Reporting.

In order to compete in the artificial market of Roanoke-Lynchburg (we believe that these are separate SMSA’s and should be considered separate markets), 3 Daughters Media utilizes 3 area FM stations, WIQO and two non-attributable stations (WMNA FM and WBZS FM) to offer News & Talk programs to the DMA. We also program Sports on WGMN AM, WVGM AM and a translator, WBLT AM and WMNA AM with respective listening credit to WIQO FM and WGMN AM. We are able to do this only through the Total Line Reporting policy. Our strategy has at least kept us competitive in this improperly defined market

Under this new Nielsen policy only clients of Nielsen will be able to dictate how many stations an entity can actually own. Subscribers (only iHeartMedia & Mel Wheeler Inc. subscribe) already dictate what counties are home to the metro.

If this proposed new Nielsen rule stands, it seems that the Commission will be required to find a new method of determining how many stations are home to a metro!

I respectfully request that the Commission weigh in on this policy and respectfully request that Nielsen delay implementation of their new policy in order to insure that station counts are accurate, consistent and to avoid unintended consequences of this new policy.

Sincerely,

Gary E. Burns
CEO
3 Daughters Media Inc.

CC: All FCC Commissioners
The Federal Trade Commission
The Nielsen Company
Radio Trade Press