

Campaign for a Commercial-Free Childhood (“CCFC”) respectfully submits this reply comment in response to comments of BusRadio, submitted pursuant to the Federal Communications Commission’s (“FCC” or “Commission”) request for comment regarding “commercial proposals for broadcasting radio or television programs for reception onboard specially-equipped school buses operated by, or under contract with, local public educational agencies.” CCFC is a national coalition of healthcare professionals, educators, advocacy groups, parents and individuals concerned with the effects of commercialism on children.

The record in this proceeding has clearly established that services like those provided by BusRadio do not serve the public interest. The vast majority of commenters in the proceeding oppose the use of BusRadio. Additionally, CCFC reviewed the comments submitted by BusRadio and we were struck both by serious flaws in their argument for the positive value of commercial radio on school buses and by what they omitted from their comments. We also note the FCC’s letter to BusRadio, dated June 26, 2009, which highlights the dearth of critically important information in their comments.¹ As CCFC noted in our original comments, BusRadio’s defense of their product is built on a false premise--the assertion is that the only alternative to BusRadio on school buses is commercial broadcast radio. This is not the case. The alternative to BusRadio on school buses is no radio.

Accordingly, CCFC urges the Commission to report to Congress that commercial radio and television programming designed specifically for students who ride a bus to school each day is not in the public interest.

The “Research” Submitted By BusRadio Is Flawed and Potentially Biased

BusRadio submitted two surveys in support of their arguments. The first is a survey conducted by Edison Media Research of bus drivers in Arlington, Massachusetts, which claims that having radio on school buses makes the buses safer.² (“Bus Driver Survey”) The second is a survey of students purportedly demonstrating how much students enjoy BusRadio Programming. (“Student Survey”) Both surveys are problematic, and neither establishes that BusRadio services are in the public interest.

The Bus Driver survey is flawed for two reasons. First, the study surveyed only ten bus drivers, which is not enough of a sample to draw meaningful conclusions. Second, there are serious questions as to whether the survey is biased as a result of conflicts of interest. The Bus Driver Survey was conducted in 2005 with drivers from the Atlantic Express bus company. At the time, the Director of Operations for the company was a man named

¹ http://fjallfoss.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520223251 Accessed June 26, 2009.

² <http://www.busradio.org/pdfs/EMR12618BusRadioBusDriverSurveyReport.pdf>

Stephen Connolly. In January, 2006, Mr. Connolly left Atlantic Express³ and subsequently was employed by BusRadio.⁴ According to the BusRadio website (www.busradio.net), he is still in the company's employ.⁵

As Director of Operations for Atlantic Express, Mr. Connolly supervised the ten drivers who participated in the survey. If, as their direct superior, he had a vested interest in BusRadio's success it is possible that he could have influenced the drivers' responses which raises serious questions about the objectivity and validity of the survey. In presenting the study and its conclusions, BusRadio does not address Mr. Connolly's employment and the potential conflict of interest issues it raises.

Nor does BusRadio's Student Survey demonstrate that its services are in the public interest. BusRadio's Student Survey purports to show how much students like BusRadio. Although BusRadio styles this "research" as a consumer satisfaction survey, it is in actuality a marketing research study. Half of the substantive questions were about students' recall of BusRadio advertising and are clearly designed to demonstrate the effectiveness of BusRadio advertising: Two common techniques in the evaluation of marketing effectiveness are "unaided recall" and "aided recall." One question in the survey focused on unaided recall of BusRadio commercials. Students were asked to name which commercials they remembered hearing on BusRadio. Three others focused on aided recall. Students were asked if they remembered hearing commercials for specific television programs, channels, movies, and wireless phone services⁶

BusRadio later used some of this data on their web page for advertisers to demonstrate the effectiveness of their advertising:⁷

Virgin Mobile



Virgin Mobile wanted to efficiently reach teens and tweens so they could learn about their unique Pay As You Go Plans.

BusRadio provided Virgin with a captive audience of kids ages 11-18. Virgin ran two ads during the ride to school and two ads during the ride home for six weeks. The trendy ad used a lot of slang and catch phrases to grab the listener's attention.

Virgin Mobile received an Unaided Recall of 28% and an aided recall of 58%. Bus drivers were quoted saying that the kids were reciting catch phrases from the ad such as "Pay-As-You-Go-ism."

BusRadio mentions that they sent permission slips home for parents to sign with students asking if they could participate in the survey. What they do not discuss is whether the

³ On July 28, 2006 CCFC contacted Atlantic Express and were told that the only person who knew anything about Bus Radio was Stephen Connolly but that he left Atlantic Express on January 12, 2006. *Personal communication between Josh Golin and Nancy Kelly at Atlantic Express.* July 28, 2006.

⁴ <http://www.masslive.com/metrowest/republican/index.ssf?base/news-5/1154590934154450.xml&coll=1>

⁵ http://www.busradio.net/contact_rep1.html Accessed June 27, 2009.

⁶ Student Survey, submitted with Bus Radio's comments to the FCC dated June 11, 2009.

⁷ <http://www.obligation.org/busradioarticle.php?recordID=688>, Accessed September 7, 2009

permission slips included the information for parents that the students were participating in market research for BusRadio advertisers. In any event, it is not clear that this study, which was primarily designed to test advertising recall of the students on the bus, offers any reliable evidence establishing that BusRadio service is in the public interest.

BusRadio's Comments Omit Information Demonstrating That Its Service Is Not In the Public Interest

The comments that BusRadio submitted to the FCC are most notable for the information they omit:

- BusRadio asserts that its advertising is age-appropriate, however, it neglects to include a list of its advertisers or a sample of the commercials they run, making it impossible to verify such claims.
- BusRadio does not disclose the advertising on its website, or the fact that it repeatedly promotes its commercial website to children during BusRadio broadcasts.
- BusRadio's comments neglect to mention that it promotes its own exclusive music artists such as Bryant James, who is promoted by BusRadio disc Jockeys and has songs for sale on Amazon and iTunes which list BusRadio as his record label.⁸ The company also does not count the promotion of its own artists as commercial content.
- BusRadio's comments fail to disclose that its disc jockeys engage in "host selling," when commercial content is embedded in their banter but not identified as an embedded ad.⁹

As the record shows, the vast majority of commenters in this proceeding do not believe that services, like those offered by BusRadio, are in the public interest. Nevertheless, several individuals submitted filings in favor of BusRadio. What is notable is that these were submitted by people affiliated with BusRadio -- however, these individuals failed to disclose their relationship with the company in their comments. These include:

- Clint Frost, Senior Account Executive¹⁰
- Gary Warzynski, Vice President of Operations and Finance¹¹
- Robert Davoli, Investor¹²
- David Briere, Vice President of School Operations¹³
- Gerry Smith, Production Director and National Sales Director¹⁴

⁸ http://www.amazon.com/Cruisin-With-My-Lady/dp/B001QT4L0Y/ref=dm_ap_alb1 and http://www.amazon.com/Cruisin-With-My-Lady/dp/B001QT4L0Y/ref=dm_ap_alb1

⁹ See for example: BusRadio's May 4, 2009 elementary school broadcast. Retrieved June 8, 2009 from <http://www.obligation.org/brelemexcitbot2am050409.mp3>.

¹⁰ Accessed June 26, 2009, <http://www.linkedin.com/pub/david-briere/9/b44/779>.

¹¹ Accessed June 26, 2009, http://www.linkedin.com/profile?viewProfile=&key=3118991&authToken=-uUb&authType=NAME_SEARCH&locale=en_US&srchindex=1&pvs=ps&goback=.psr *1 gary+warzynski *1 *1 *1 *1 *1 *1 *1 *1 *1 Y us_10009 *1 *1 *2 *2 *2 Y Y *1 Relevance

¹² Accessed, June 26, <http://www.sigmapartners.com/davoli.php>.

¹³ Accessed June 26, 2009, <http://www.linkedin.com/pub/david-briere/9/b44/779>.

- Matt Venables, Software Engineer¹⁵
- Sonay Luongo, School Coordinator¹⁶
- Melissa-Snow Phillips, Bus Driver and winner of BusRadio's 2008 Bus Driver of the Year Award:¹⁷

- **NEW! May 5th was BusRadio's National Driver Appreciation Day.** As a way to recognize all Bus Drivers and their hard work, BusRadio ran a Bus Driver Appreciation Contest where students had to nominate their bus driver for BusRadio's Bus Driver of the Year. **Melissa Snow-Phillips (Bus T 7) from Taunton, MA** was nominated by many of her students and was chosen as BusRadio's 2008 Bus Driver of the year! Melissa won a \$200 VISA card as well as breakfast for her entire depot! Congratulation to Melissa!



2008 BusRadio Bus Driver of the Year, Melissa Snow-Phillips, Operations Manger for H&L Bloom Co. and BusRadio Operations Manager Gerry Cameron.

Conclusion

For the reasons stated throughout this comment and our original comment, CCFC urges the Commission to report to Congress that commercial programming services targeted to children onboard school buses are not in the public interest. It is not in children's interest to make exposure to advertising compulsory. Further, parents are undermined when there is no way to prevent their children's exposure to harmful media or marketing messages. Moreover, CCFC is extremely concerned about the business practices of BusRadio, Inc., which is currently the only service offering student-targeted commercial broadcasts on school buses. We believe that the flaws in the research they submitted with their comments and the omission of crucial information within their comments serve only to reinforce our concerns.

¹⁴ Accessed June 26, 2009, <http://www.linkedin.com/pub/gerry-smith/6/315/2b4>.

¹⁵ Accessed June 26, 2009,

http://www.linkedin.com/profile?viewProfile=&key=6860107&authToken=NCzq&authType=NAME_SEARCH&locale=en_US&srchindex=2&pvs=ps&goback=.psr_*1_matt+venables_*1_*1_*1_*1_*1_*1_*1_Y_us_10009_*1_*1_*2_*2_*2_Y_Y_*1_Relevance

¹⁶ Accessed June 26, 2009, http://www.busradio.net/contact_rep1.html.

¹⁷ Accessed May 15, 2008, <http://www.busradio.net/drivers.php>

Respectfully submitted,

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