



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 09-2209

Released: October 21, 2009

MEDIA BUREAU ANNOUNCES AGENDA AND PARTICIPANTS FOR INITIAL MEDIA OWNERSHIP WORKSHOPS AND SEEKS COMMENT ON STRUCTURING OF THE 2010 MEDIA OWNERSHIP REVIEW PROCEEDING

MB Docket No. 09-182

Comment Deadline: November 20, 2009

Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its ownership rules every four years and “determine whether any of such rules are necessary in the public interest as the result of competition.” Under Section 202(h), the Commission “shall repeal or modify any regulation it determines to be no longer in the public interest.” Our statutorily required periodic review encompasses five ownership rules: (1) the newspaper/broadcast cross-ownership rule, (2) the radio/television cross-ownership rule, (3) the local television ownership rule, (4) the local radio ownership rule, and (5) the dual network rule.¹

To assist in structuring the 2010 quadrennial review process, the Media Bureau will hold workshops on November 2, 3, and 4 to discuss the scope and methodology of the proceeding and the analytical framework the Commission should use for conducting its review. We will explore these issues during three half-day sessions with: (1) a panel of policy scholars, (2) a panel of public interest groups, and (3) a panel of broadcasters and media trade associations.

The moderator of each workshop will invite the panelists to present their views on questions relating to the scope and analytical framework of the media ownership review process. These questions will include:

General Scope and Framework:

¹ The Commission’s broadcast ownership rules are contained in 47 C.F.R. § 73.3555. For the local television ownership rule, the radio/television cross-ownership rule, and the newspaper/broadcast cross-ownership rule that are currently in effect, see 47 C.F.R. § 73.3555(b)-(d) (2002); for the local radio ownership rule, see 47 C.F.R. § 73.3555(a). The dual network rule is contained in 47 C.F.R. § 73.658(g).

- In addition to the five rules that the Commission is statutorily required to consider in its quadrennial review, are there other rules or issues that the Commission should address in this proceeding?
- The existing rules limit concentration within a single industry and bilateral cross-ownership between two industries. Should the Commission continue to enforce limits of these types, or should it develop an alternative structure, such as determining an ownership limit for all media within a relevant market?
- Should the Commission have bright line rules or a more case-by-case approach guided by a policy statement?

Competition, Diversity, and Localism Goals:

- What is the relationship between the Commission's longstanding policy goals of competition, diversity, and localism and the media ownership rules in the current media marketplace? How should we define them in that context?
- Are there other goals the Commission should consider in its media ownership proceeding? If so, what are they, and why are they important in this context?
- Competition:
 - Is the competition goal best conceptualized as economic competition?
 - If so, what approach should the FCC take to determine the relevant product and geographic markets? Are the relevant geographic markets local, national, both, or something else? Should the rules be analyzed within separate relevant product markets for delivered programming, advertising, and content production and/or something else?
 - What analytical approaches should the Commission employ to determine whether common ownership of multiple media outlets increases or decreases competition in a relevant product market?
 - How should the FCC assess competition in the market for delivered programming, given that there are no direct user fees for broadcast programming? Is the concept of innovation in programming relevant here?
 - How should the FCC's analysis take into account recent changes in the media industry, such as the increased number of channels carried by cable and satellite operators, the transition to digital TV broadcasting, the decline of newspapers, and the increased use of the Internet for news and entertainment?
 - What metric(s) should the Commission use to measure competition?
 - How should the Commission connect those metrics to the structure of media ownership?
- Diversity:
 - How should the FCC define the diversity goal in the modern media marketplace in a manner that is addressable by the media ownership rules?
 - How should the Commission evaluate diversity across media? In particular, in deciding which media should be considered together for purposes of evaluating diversity, should the Commission apply the same substitutability criteria that are used in defining product markets for competition analysis?
 - What metric(s) should the Commission use to measure the extent of diversity and/or its components?
 - How should the Commission connect those metrics to the structure of media ownership?

- Localism:
 - How should the Commission define and measure the localism goal in the modern media marketplace in a manner that is addressable by the media ownership rules?
 - What metric(s) should the Commission use to measure localism? Are traditional measures of localism (the extent of local news and public affairs and other local programming, such as local school sports) still relevant and useful? If so, how do we define local in this context (locally produced, locally oriented, or some other way)?
 - How should the Commission connect those metrics to the structure of media ownership?

Data and Study Questions:

- What specific study questions/topics should the FCC pursue to inform its decisionmaking?
- What types of data should the FCC collect to support its analysis?
- Are there particularly useful existing, public or proprietary datasets that the FCC should obtain?
- Are there particularly useful ongoing studies or projects?

These initial workshops will be open to the public but will not provide an opportunity for audience participation. Subsequent workshops or hearings will feature audience participation. To afford the general public an opportunity to comment on the topics discussed at this workshop, all interested parties are hereby invited to submit written comments on those topics on or before November 20, 2009. The written comments, as well as the transcripts of these workshops, will be included in the public record of this 2010 Quadrennial Review Proceeding.

We request that panelists and those submitting written comments at this stage in the proceeding focus primarily on the issues described above, and that written comments be brief. Subsequent stages of the proceeding will provide opportunities to submit views on all relevant issues, including the appropriate outcome of the proceeding.

For those who cannot attend the workshops in person, audio/video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live web page at www.fcc.gov/live. A recording of each workshop will be included in the public record of the media ownership proceeding.

AGENDA

The workshops will be held from 9:00 a.m. – 12:00 p.m. each day in the Commission Meeting Room, 445 12th Street, SW, Washington, D.C. 20554.

Monday, November 2, 2009

Moderator: **Paul de Sa**, Chief, Office of Strategic Planning and Policy Analysis, FCC

Policy Scholars' Panel

C. Edwin Baker, Nicholas F. Gallicchio Professor of Law and Professor of Communication, University of Pennsylvania School of Law

Harold Furchtgott-Roth, President, Furchtgott-Roth Economic Enterprises, former FCC Commissioner

Catherine Sandoval, Professor, Santa Clara University, School of Law.

Joel Waldfoegel, Ehrenkranz Family Professor in the Department of Business and Public Policy, at the Wharton School of the University of Pennsylvania

Steven Wildman, James H. Quello Endowed Chair of Telecommunication Studies and Director of the James H. and Mary B. Quello Center for Telecommunication Management and Law, Michigan State University

Simon Wilkie, Professor of Economics, University of Southern California, former Chief Economist, FCC

Tuesday, November 3, 2009

Moderator: **Colin Crowell**, Senior Counsel, Office of Chairman Genachowski

Public Interest Group Panel

Ken Ferree, Senior Fellow, The Progress and Freedom Foundation

Cheryl Leanza, Policy Director, The Office of Communication of the United Church of Christ, Inc.

Andy Schwartzman, President and CEO, Media Access Project, on behalf of Prometheus Radio Project

Kristin Thomson, Education Director, Future of Music Coalition

S. Derek Turner, Research Director, Free Press

Wednesday, November 4, 2009

Moderator: **William T. Lake**, Chief, Media Bureau, FCC

Broadcasters and Industry Panel

Jane Mago, Executive Vice President and General Counsel, National Association of Broadcasters

George Mahoney, Vice President, General Counsel, and Secretary, Media General

James L. Winston, Executive Director and General Counsel, National Association of Black Owned Broadcasters

[Others not yet confirmed]

All written comments should refer to MB Docket No. 09-182. Comments may be filed using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) paper copies.² The Commission's ECFS filing interface is located at the following Internet address: <http://www.fcc.gov/cgb/ecfs/>. The Federal Government's eRulemaking Portal is at <http://www.regulations.gov>.³ Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties who choose to file by paper must file an original and four copies of each filing.

Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

In order to facilitate free communication during this phase of the proceeding, we will treat it as exempt for purposes of the ex parte rules. *See* 47 C.F.R. §§ 1.1200(a) (staff discretion to classify

² *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

³ The Federal Government eRulemaking Portal website contains instructions for submitting comments on that site.

proceedings). Thus, presentations during this phase of the proceeding may be freely made and need not be disclosed.

Open captioning will be provided for the workshops. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need. Also include a way we can contact you if we need more information. Last-minute requests will be accepted, but may not be possible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information about this Public Notice, please contact Mania Baghdadi or Amy Brett, Industry Analysis Division, (202) 418-2330. Press inquiries should be directed to Janice Wise, (202) 418-8165.

-FCC-