

TOM MARINO

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Congress of the United States

House of Representatives

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FCC Mail Room

The Honorable Tom Wheeler
Chairman, Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Wheeler:

I write to express my concern with the Federal Communications Commission's (FCC) proposal to increase the regulation of broadcast television joint sales agreements (JSAs) without completing a comprehensive review of the video marketplace and without regard for those broadcast stations that have relied on the law as currently written and interpreted.

As you know, JSAs and related business arrangements are contractual tools that permit local broadcasters to more efficiently invest in and produce high quality local broadcast television programming that remains free over the air, and that serves as a critical lifeline in times of severe weather and emergency. In addition, JSAs allow broadcasters to more effectively compete in an increasingly fragmented local advertising market. Simply put, JSAs enhance broadcast localism and enhance the services that broadcasters are able to provide in their communities.

Given these public interest benefits of JSAs as well as the substantial increase in local media competition, I am concerned by the FCC's recent proposal to declare a broadcaster as having an ownership interest in a station if it sells 15% or more of the advertising time for that competing station in the same market. I think it is imperative the FCC first take a more comprehensive review of the local marketplace and update underlying ownership restrictions.

Finally, I strongly urge the FCC, should it continue down this worrisome path, to consider the equitable treatment of those broadcast stations that have operated in good faith under the current rules. Any change in the FCC's rules for JSAs should not trigger broadcast divestitures under outdated ownership regulations. In particular, I would ask that you carefully consider the treatment of pending transactions that may have been awaiting FCC approval for months. On December 20th, 2013, your office approved both the Gannett/Belo and the Tribune/Local TV transactions. Fairness dictates similar pending applications receive similar treatment and that any new rules be only applied prospectively, as opposed to retroactively. Lastly, as you consider new rules that substantially impact future transactions, I ask that you consider the local broadcasters, their employees, and the local viewership they serve.

Thank you for your attention to this matter. I look forward to hearing your response to these concerns.

Sincerely,

Tom Marino

Tom Marino
Member of Congress

cc: Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly