

Expanding alien ownership and participation in the domestic video marketplace would thus promote the opportunity for new and different voices to be heard over the airwaves, clearly benefiting the Commission's objective of increasing the diversity of video programming and editorial viewpoint.

V.
**In Light Of The Foregoing Public Interest
Considerations, The Commission Should Permit
Expanded Alien Participation In The Broadcast Industry.**

As stated in the OPP Paper, "the Commission should foster development of a marketplace in which all firms can compete on an even basis, unhindered by artificial regulatory handicaps, and all have an opportunity to provide the most highly valued and most efficient service possible."^{37/} While Univisa urges the Commission to recommend that Congress modify Section 310(b) in its entirety, the Commission should, in the interim, consider the public interest benefits associated with expanded alien participation in the U.S. broadcast industry in exercising its discretion under Section 310(b)(4).

As the Commission has recognized, the video marketplace is changing rapidly. Broadening alien participation would not only provide invigorating capital and healthy competition to the domestic video marketplace, it would open many foreign markets to U.S. broadcasters and allow them

^{37/} OPP Paper at 4003.

to expand their customer base. As is, Section 310(b) fails to recognize the global economy that exists today. Moreover, Section 310(b) may well be unconstitutional on First Amendment and equal protection grounds. As stated above, Section 310(b) clearly abridges the rights of aliens and corporations to speak, as well as the right of the public to receive information and ideas from them.

In light of these public interest benefits of broader alien participation, Univisa recommends that the Commission view the international communications market in much the same manner as other types of international trade and business. It would seem appropriate, for example, for the U.S. to permit increased foreign ownership for nationals of countries which give U.S. companies equivalent access to their communications markets. Univisa suggests that the Commission afford special treatment to our most favored trading partners, in much the same manner as the European Community ("EC") has done with its member nations. The EC allows nationals of its member states to have the same degree of ownership of broadcast stations in their countries as their own citizens. Nationals from non-EC countries, however, are still subject to strict ownership limits.

In conjunction with the current negotiations for a North American Free Trade Agreement, Univisa urges the Commission to create its own North American "free trade zone"

for broadcasting whereby U.S., Canadian and Mexican nationals would be afforded more relaxed ownership restrictions than citizens of non-North American countries. In any event, the Commission must recognize the realities of a global communications market, allow the U.S. to assert its competitiveness worldwide, and realize the public interest benefits of a more open broadcast environment by more flexible interpretation of its existing regulatory discretion in this area.

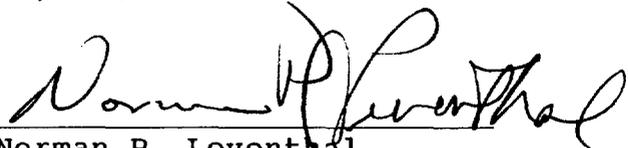
VI.
Conclusion

In light of the foregoing, Univisa urges the Commission to support modification of the alien ownership restrictions, and to exercise its discretion under Section 310(b)(4) to further the interests described herein.

Respectfully submitted,

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