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The Hill Room

United States Senate

WASHINGTON, DC 20510

January 30, 2019

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The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Dear Chairman Pai:

As the Federal Communications Commission (FCC or Commission) launches its Quadrennial Review of broadcast ownership rules, we urge the agency to use this opportunity to take a holistic look at the state of broadcasting in the country. This proceeding gives the FCC a chance to rethink steps it has taken over the past two years that we believe have undermined the special relationship the Nation's broadcast TV stations must maintain with their local viewers. In particular, we strongly believe the FCC should use this proceeding to reinstate the Main Studio Rule, which required broadcast stations to maintain a physical studio in their community of license. In addition, we urge you once again to give special consideration as to how the Commission's broadcast TV rules as a whole truly serve the public interest, particularly in states like New Jersey that lack their own home television markets.

As you know, if the densely populated state of New Jersey had its own broadcast television market, it would be the fourth-largest market in the country. However, due to its position between New York City and Philadelphia, the state is split between two designated market areas, neither of which originate in New Jersey. As a result, our state is home to a paltry few TV stations, with WWOR-TV as the most well-known by my constituents and the one that has special obligations to serve northern New Jersey's many residents. Carrying out a law passed in 1982, the FCC stipulated that any license holder for WWOR "devote itself to meeting the special needs of its new community (and the needs of the Northern New Jersey area in general)." And these special obligations to serve North Jersey have been reconfirmed by the FCC many times. Yet concerns about WWOR-TV's failure to live up to its broadcasting obligations in New Jersey have endured for over a decade and have been voiced to the FCC many times.

WWOR-TV's failure to provide local news coverage goes back several years. In 2009, WWOR-TV reduced its news coverage by more than half. At that time WWOR-TV broadcast 8.8% as much news programming as its peer group.¹ Six years later, WWOR-TV's news programming remained stagnant at 3 hours/week, while its peer stations increased their average news coverage to 56 hours/week.² This difference is simply startling.

We believe that the FCC's rubber-stamping of WWOR's license renewal last year portends the end of rigorous review of whether a licensee has met the public interest standard for TV licensee

¹ "Petition to Deny Renewal, Filed by Voice for New Jersey, Before the Federal Communications Commission: File No. BRCDT-20150202ACT." FCC.gov. May 1, 2015. Accessed December 19, 2017. http://licensing.fcc.gov/cgi-bin/prod/cdbs/forms/prod/getimportletter_exh.cgi?import_letter_id=64062.

² *Id.*

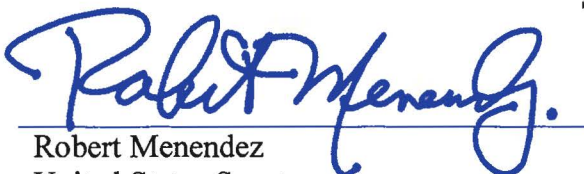
holders as set forth in the Communications Act.³ It is time for the FCC to adopt clear guidelines for how it will judge whether stations are meeting their responsibilities to Americans, especially for stations like WWOR who have particularized responsibilities pursuant to their TV licenses. Citizens in New Jersey must have confidence that the FCC will make sure that these stations are living up to their commitment to their local communities and the public trust placed in them as holders of broadcast TV licenses. Our constituents also deserve assurances that the FCC will revoke a station's license for failure to meet its responsibilities.

We also believe your move to revoke the Main Studio Rule was a mistake. As you know, the main studio rule "require[d] each AM radio, FM radio, and television broadcast station to have a main studio located in or near its local community. The rule was implemented to facilitate input from community members and the station's participation in community activities."⁴ In justifying the rules elimination, the FCC noted substantial cost-saving benefits for broadcasters "toward such things as programming, equipment upgrades, newsgathering, and other services that benefit consumers."⁵

Less than a year after the FCC eliminated the main studio rule, WWOR sold its Secaucus location for \$4 million.⁶ Unfortunately, WWOR has not upgraded its newsgathering to provide serious content for New Jerseyans. Instead, WWOR continues to neglect its special obligations under Section 331 of the Communications Act. As you know, as part of the Quadrennial Review the FCC is statutorily mandated to review its rules and modify them if it concludes that its rules are not in the public interest.⁷ Now you have an opportunity to hold WWOR (and other TV stations) accountable by reinstating the main studio rule. It is clearly not in the public interest for the people of New Jersey to go without meaningful, dedicated local news coverage – a situation that we believe is now made worse by the fact that WWOR has no physical studio in New Jersey. Nor is it in the public interest broadly for stations to lack a physical presence in their home community of license.

The FCC is charged with "implementing and enforcing America's communications law and regulations,"⁸ a task that can only be accomplished if the agency uses its enforcement prerogative. Now that we have witnessed the consequences of rolling back agency rules, it is time to reinstate such rules for the good of the public. Thank you in advance for your prompt attention to this matter, and we look forward to your response.

Sincerely,



Robert Menendez
United States Senator



Cory A. Booker
United States Senator

³ <https://www.fcc.gov/document/fcc-affirms-license-renewal-application-grant-wwor-tv>

⁴ <https://www.fcc.gov/document/fcc-eliminates-main-studio-rule>

⁵ *Id.*

⁶ <https://jerseydigs.com/secaucus-news-studio-sells-4-million/>

⁷ <https://www.broadcastingcable.com/news/fcc-launches-quadrennial-review;>
<https://docs.fcc.gov/public/attachments/DOC-355529A1.pdf>

⁸ <https://www.fcc.gov/about/overview>



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 1, 2019

The Honorable Cory Booker
United States Senate
359 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Booker:

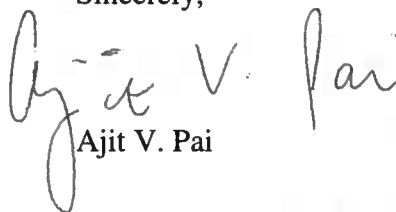
Thank you for your letter regarding the Commission's quadrennial review of the broadcast ownership rules in light of the recent unanimous decision of the Commission to renew the license of WWOR-TV. The Commission's thorough 27-page order regarding that renewal explains why under federal law and our Constitution the agency reached this decision. Among other things, the order exhaustively reviewed the evidence provided by WWOR-TV showing that it had met its legal obligations. Even the evidence presented by those seeking denial of the license renewal ultimately supported the finding that WWOR-TV significantly covered New-Jersey-centric issues, including New Jersey politics.

As you know, the Commission's role in reviewing license renewals, including that of WWOR-TV, and in overseeing the broadcasting segment of the media marketplace is limited—and appropriately so. Under the First Amendment, the Commission cannot and should not dictate to stations what programming they should air or what they should cover. The Federal Communications Commission has no business putting itself in the newsroom to second-guess the editorial decisions of journalists.

Instead, and especially given that competition for viewers is more fierce than ever before, our role is to establish a framework that will allow local journalists and broadcasters to thrive and serve their communities to the best of their abilities. That means eliminating rules like the 80-year-old main-studio rule that imposed unnecessary and unduly burdensome costs on broadcasters with little public benefit. And that means exploring, as required by the Telecommunications Act of 1996, whether any existing broadcast ownership regulations should be eliminated because they no longer remain "necessary in the public interest as a result of competition." The quadrennial review we have commenced is intended to do just that.

Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 1, 2019

The Honorable Robert Menendez
United States Senate
528 Hart Senate Office Building
Washington, D.C. 20510

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Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai".

Ajit V. Pai