



July 15, 2016

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of Ex Parte Communication, MB Docket Nos. 14-50, 09-182 and 07-294

Dear Ms. Dortch:

On Wednesday, July 13, the undersigned of the National Association of Broadcasters (NAB) participated in a telephone conference with J. David Grossman, Chief of Staff to Commissioner Mignon Clyburn, to discuss the Commission's broadcast ownership rules.

During our conversation, I reiterated NAB's call for the Commission to eliminate the woefully outdated print newspaper¹ and radio/television cross-ownership rules.² I explained that the rules no longer have a justification in today's news and information landscape—which is no longer dominated by broadcast and print outlets. A very recent Pew Research Center report, for example, shows that digital news sources are now a close second to local television as the most commonly used source of news, while radio and print trail far behind. Specifically, 46% of those surveyed report that they “often” get news from local television, 38% often get news from digital sources, 25% often obtain news from radio, and 20% cited print newspapers.³

¹ 47 C.F.R. §73.3555(d).

² 47 C.F.R. §73.3555(c).

³ Pew Research Center, *State of the News Media 2016* (June 2016), available at <http://www.journalism.org/2016/06/15/state-of-the-news-media-2016/> (“State of the News Media 2016”). Print newspapers also have declined dramatically as sources of political and campaign news specifically, as online sources have grown in importance. See, e.g., J. Gottfried, M. Barthel, E. Shearer and A. Mitchell, Pew Research Center, *The 2016 Presidential Campaign – a News Event That's Hard to Miss*, at 1-2 (Feb. 4, 2016) (reporting that, among those consumers who had learned about the Presidential campaign in the past week, only 3% identified local print newspapers as the most helpful source – tying with late night comedy programs); *State of the News Media 2016* at 45 (documenting the increase from 2012 to 2016 in consumers' reliance on social media and other online outlets as sources of campaign news).

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Historically, some commenters have contended that much of the news accessed on the Internet has a broadcast station or print newspaper as its original source.⁴ However, current data demonstrate that the use of outlets unaffiliated with broadcast or print media is on the rise. For example, a Pew Research Center report examining local media usage in markets of various sizes found as many as 143 separate news sources in Denver, Colorado.⁵ Of the 143 news sources identified, 25 are “digital-only outlets” with no connection to “legacy organizations based in print or television.”⁶ Even in smaller markets such as Macon, GA and Sioux City, IA, the Pew study found as many as 24 and 31 separate news sources, respectively.⁷ Digital-only outlets are experiencing rapid growth, and tend to be local or even hyperlocal.⁸

I observed that a revolution in citizen journalism and user-generated content, together with the ability of consumers to access news and information directly from the source, have obliterated the ability of print and broadcast outlets to act as “gatekeepers” of information.⁹ An intensifying connection with social media also is changing the public’s engagement with important issues both local and national. News stories often arise from a social media post and spread rapidly among millions of people before a traditional news story is ever written or produced—and in fact force traditional news outlets to follow their leads.¹⁰ The Commission

⁴ See, e.g., Comments of Free Press in MB Docket Nos. 14-50, 09-182 and 07-294 (Aug. 6, 2014) at 10-14.

⁵ Pew Research Center, *Local News in a Digital Age* (March 5, 2015), available at: <http://www.journalism.org/2015/03/05/local-news-in-a-digital-age/> (“Local News in a Digital Age”).

⁶ Local News in a Digital Age.

⁷ Local News in a Digital Age. See also Letter from Rick Kaplan of NAB to Marlene H. Dortch in MB Docket Nos. 14-50, 09-182 (Jul. 8, 2016) at Attachment, p. 6 (documenting numerous local news sources in Washington, DC).

⁸ Mark Jurkowitz, Pew Research Center, *Small digital news sites: young, lean and local* (April 2014), available at: <http://www.pewresearch.org/fact-tank/2014/04/10/small-digital-news-sites-young-lean-and-local/> (a survey of 438 smaller digital native news sites showed that more than half focus primarily on local news).

⁹ See, e.g., Pew Research Center, Project for Excellence in Journalism, *The State of the News Media 2006* at Overview (recognizing a decade ago a “seismic transformation in what and how people learn about the world,” as power moved “away from journalists over what the public knows” and citizens assumed “a more active role as assemblers, editors and even creators of their own news”); Comments of NAB in MB Docket No. 14-50 (Aug. 6, 2014) at 17-33; Comments of Tribune Company in MB Docket No. 09-182, at 28-44 (Mar. 5, 2012); Reply Comments of NAB, MB Docket No. 09-182, at 3-6; 27-28 (Apr. 17, 2012). See also T. Kim, D.J. Atkin, and C.A. Lin, *The Influence of Social Networking Sites on Political Behavior: Modeling Political Involvement via Online and Offline Activity*, 60 J. Broadcasting & Electronic Media 23, 25-26 (Mar. 2016) (surveying the literature on social network services and political involvement, and stating that over the past decade, social networking sites have emerged as a major political campaign message dissemination tool and that social media have become an effective channel for delivering political messages directly to voters and for allowing users to express and access political information in real time).

¹⁰ See, e.g., Hank Stuever, “The News Team of Today Has Three Call Letters,” Washington Post C1 (July 9, 2016); André Natta, “‘Citizen journalists’ have become powerful allies in the fight to afflict the comfortable,” Poynter Institute (July 7, 2016), available at: <http://www.poynter.org/2016/citizen->

need not determine that citizen journalism or direct information sources have replaced traditional journalism to acknowledge that such developments are contributing to the available sources of news and information and to viewpoint diversity.¹¹

I also stated that the incentive auction has no impact whatsoever on the Commission's review of its cross-ownership rules. Even though certain stations may be eliminated as a result of the auction, the fact that there are fewer broadcasters does not change the transformative impact the Internet has had on consumers' access to a wide variety of sources of news and information. Moreover, the outlets most likely to go off the air are the ones least likely to be current producers of local news and information.

Respectfully submitted,



Erin L. Dozier
Senior Vice President and Deputy General Counsel
Legal and Regulatory Affairs

cc: J. David Grossman

[journalists-have-become-powerful-allies-in-the-fight-to-afflict-the-comfortable/420446/](https://www.washingtonpost.com/lifestyle/style/face-it-facebook-youre-in-the-news-business/2016/07/10/cc53cd70-451a-11e6-bc99-7d269f8719b1_story.html); Margaret Sullivan, "Face it, Facebook. You're in the News Business," Washington Post (July 10, 2016), available at: https://www.washingtonpost.com/lifestyle/style/face-it-facebook-youre-in-the-news-business/2016/07/10/cc53cd70-451a-11e6-bc99-7d269f8719b1_story.html ("With the advent of live-streaming options — Facebook Live and Periscope, primarily — their already huge influence in the news universe has taken another stunning leap.").

¹¹ Recent studies have confirmed the growing agenda-setting power of social media, which influences both the traditional media's agenda and the public's agenda. See, e.g., Susan Jacobson, "Does Audience Participation on Facebook Influence the News Agenda? A Case Study of The Rachel Maddow Show," 57 J. Broadcasting & Electronic Media 338, 349-51 (Sept. 2013) (finding a positive correlation between the frequency of topics discussed by the Facebook audience and editorial content subsequently produced by the Rachel Maddow Show, and finding that social media are part of an ecosystem in which both the media and the public build their agendas); D.Y. Wohn and B.J. Bowe, *Micro Agenda Setters: The Effect of Social Media on Young Adults' Exposure to and Attitude Toward News*, Social Media + Society 1, 11 (Jan.-Mar. 2016) (finding that the members of young adults' online social networks operate as "micro agenda setters" affecting those young adults' understanding and opinions about events); T. Kim, D.J. Atkin, and C.A. Lin, *The Influence of Social Networking Sites on Political Behavior: Modeling Political Involvement via Online and Offline Activity*, 60 J. Broadcasting & Electronic Media 23, 34-35 (Mar. 2016) (concluding that using online social networks for political purposes predicts political orientation and political involvement, and that the more people use social networking sites for political purposes, the more they engage in political activities with other people).