

July 29, 2016

Chairman Tom Wheeler
Federal Communications Commission
445 Twelfth Street, SW
Washington DC 20554

Re: 2014 Quadrennial Review, MB Docket Nos. 14-50, 09-182, 07-294

Dear Chairman Wheeler:

We write to support, in large part, the Commission's proposed order in the 2014 Quadrennial Review.¹ In our country that prizes freedom of expression, media play a crucial role in fostering civic discourse and informing the electorate. Broadcast television and radio remain the chief sources of critical civic news and information for millions of Americans, and the Commission's media ownership rules safeguard competition, localism and diversity in that medium. Media ownership rules also protect jobs: consolidation leads inevitably to job loss, particularly in journalism. Most important are the media ownership rules' role in preserving the vitality of minority viewpoints in our national and local marketplace of ideas.

For these reasons, we strongly support the Commission's proposals to retain existing ownership rules, particularly when it is virtually certain that the broadcast television industry will be substantially smaller after the close of the ongoing incentive auction. Despite this strong support, we continue to be extremely disappointed that the Commission has done nothing of consequence to further policies that would increase ownership by women and people of color—in particular conducting not a single study that would justify rules to increase ownership diversity.

To augment the filings already made in this docket, we write to specifically address our concern that the Commission not relax any media ownership rule, including the newspaper-broadcast cross ownership rule, without conducting studies to analyze the impact of such a change on ownership by women and people of color.² As the U.S. Court of Appeals for the Third Circuit has made clear on multiple occasions, the Commission must obtain data to analyze the impact of any rule change in light of the Commission's legal obligation to promote ownership by women and people of color.³ If the Commission desires rapid action on the newspaper-broadcast cross ownership rule, it must first rapidly conduct the required studies. Moreover, eliminating the newspaper broadcast rule will aid neither small broadcasters or newspapers, nor such outlets owned by women and people of color. In fact, studies have shown that consolidation causes harm to smaller entities and those owned by women and people of color.⁴ Further, from the fact

¹ This letter, originally filed July 25, is being resubmitted to correct an omission in its signatories.

² See, e.g., Letter from Marc H. Morial, Janet Murguia, Mee Moua, Hilary O. Shelton to Chairman Julius Genachowski, MB Docket No. 09-182 (filed Dec. 6, 2012) (“The Commission should not move ahead with any changes to the NBCO until a credible, objective and data-based analysis of the impact of such changes is completed. We do not believe that that analysis has been completed.”)

³ *Prometheus v. FCC*, No. 15-3863, slip op. at 31 (3d. Cir. May 25, 2016) (citing 47 U.S.C. §§ 309(i), (j)).

⁴ S. Derek Turner, *Out of the Picture*, Free Press (2007) at 4 (“[M]inority-owned stations thrive in more competitive, less concentrated markets. Even if the size of the market is held constant, markets with minority owners are

sheet released by the Commission on June 27, it appears that the Commission has developed a targeted waiver to address situations when a broadcaster or newspaper might fail if it is not purchased by an in-market owner.⁵

We stand behind the Commission's efforts to maintain its media ownership rules, strongly encourage immediate action to increase ownership diversity, and anticipate continued work with you and Commission staff on this important issue. If you have any questions about this matter, please contact Cheryl A. Leanza of the United Church of Christ, OC Inc. at 202-904-2168 or cleanza@alhmail.com or Todd O'Boyle of Common Cause at 302-709-1781 or toboyle@commoncause.org.

Sincerely,

American Civil Liberties Union
Asian Americans Advancing Justice | AAJC
Center for Media Justice
Common Cause
Communications Workers of America
Free Press
Future of Music Coalition
Media Alliance
NAACP
National Association of Broadcast Employees & Technicians/CWA
National Consumer Law Center, on behalf of its low-income clients
National Hispanic Media Coalition
National Urban League
OCA – Asian Pacific American Advocates
The News Guild/CWA
United Church of Christ, OC Inc.

cc: Commissioner Clyburn
Commissioner Rosenworcel
Commissioner Pai
Commissioner O'Reilly

significantly less concentrated than markets without minority owners.”) available at:
<http://www.freepress.net/sites/default/files/fp-legacy/otp2007.pdf>

⁵ Fact Sheet: Updating Media Ownership Rules in the Public Interest at 1 (describing a NBCO exception for failed or failing entities) (rel. June 27, 2016).