

FCC MAIL SECTION

DOCKET FILE COPY ORIGINAL

APR 12 8 29 AM '95

Before the
FEDERAL COMMUNICATIONS COMMISSION FCC 95-139
Washington, D.C. 20554

In the Matter of)	
)	
Review of the Commission's)	MM Docket No. 94-150
Regulations Governing Attribution)	
of Broadcast Interests)	
)	
Review of the Commission's)	MM Docket No. 92-51
Regulations and Policies)	
Affecting Investment)	
in the Broadcast Industry)	
)	
Reexamination of the Commission's)	MM Docket No. 87-154
Cross-Interest Policy)	

Order

Adopted: April 3, 1995

Released: April 7, 1995

By the Commission:

1. By this Order, we deny the Motion to Establish an Accelerated Procedural Schedule for the LLC Issue ("Motion"), which the Association of Black Owned Television Stations ("ABOTS") filed in the above-captioned proceeding on January 25, 1995. We leave in place the current filing deadlines in the above-captioned proceeding: April 17, 1995 for comments and May 17, 1995 for reply comments.¹

2. In its Motion, ABOTS urges us to accelerate the comment schedule with respect to Section VII (Limited Liability Companies and Other New Business Forms) of the Notice of Proposed Rule Making ("Notice") in the above-captioned proceeding,² with comments due

¹ We are in receipt of motions to extend the comment filing deadlines in the instant proceeding and in the other two companion proceedings referenced in footnote 3, infra. Those motions are under consideration and will be acted on in a separate order.

² FCC 94-324 (released Jan. 12, 1995).

by February 10, 1995, and reply comments due by February 17, 1995. ABOTS also asks us to accelerate our disposition in the rule making with respect to the issue of Limited Liability Companies ("LLCs"), and to reach a decision by March 3, if possible. ABOTS argues that LLCs should be encouraged, at least to the extent that they provide a vehicle for greater minority ownership in broadcasting. ABOTS notes that minorities face difficulties in attracting and retaining financing and expresses its concern that delay in resolution of the instant rule making could leave in doubt the form of the Commission's ultimate rules for LLCs and "diminish the willingness of nonminorities to invest in minority controlled ventures." ABOTS also argues that a resolution of the LLC issue is not inextricably tied to any of the other issues in the Notice or in the companion Notices of Proposed Rule Making with respect to minority ownership and television station ownership that we issued concurrently.³

3. We do not believe that grant of ABOTS' Motion is warranted. In the Notice, we specifically delineated our interim attribution policy with respect to LLCs so as to avoid delaying processing of pending applications. As we stated, "[s]o that we do not indefinitely delay processing of pending applications, we plan to process them on a case-by-case basis until this rule making is completed, using the tentative proposal delineated in paragraph 69 infra [of the Notice] as our interim policy, including the special exception for minorities discussed therein." Notice, ¶ 64. In paragraph 69 of the Notice, we explained our tentative proposal to treat LLCs as we now treat limited partnerships under our attribution rules. We also discussed applying a case-by-case exception to the tentative proposal to enhance opportunities for broadcast station ownership by minorities. That tentative proposal, as delineated in paragraph 69 of the Notice, is our interim processing policy with respect to LLCs. In light of this explanation, which ABOTS does not discuss in its Motion, we believe that the concerns expressed by ABOTS in its Motion are unfounded.

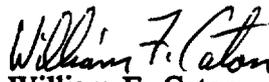
4. Further, accelerating the comment deadlines with respect to LLCs would not serve the public interest. As ABOTS notes, under 47 C.F.R. § 1.415(b) and (c), a reasonable time will be provided for the filing of comments and reply comments. Given the comprehensiveness and complexity of the issues in the Notice, including the novelty and complexity of the LLC issue, and the extensive requests for data made in the Notice, we believe that shortening the filing deadlines as requested by ABOTS would be unreasonable and would not promote reasoned decisionmaking. Moreover, contrary to the arguments made by ABOTS, we believe that our approach with respect to LLCs should not be severed from our approach to other issues raised in the Notice. Indeed, in paragraphs 71, 73 and 74 of the Notice, we invited comment as to how certain possible approaches to other attribution issues raised in the Notice should affect our treatment of LLCs. Severing the issue of LLCs

³ Notice of Proposed Rule Making in MM Docket Nos. 94-149 and 91-140, FCC 94-323 (released Jan. 12, 1995) (minority ownership); Further Notice of Proposed Rule Making in MM Docket No. 91-221, FCC 94-322 (released Jan. 17, 1995) (television station ownership).

from the rest of the issues raised in the Notice would foreclose our consideration of these issues. We decline to limit the range of our decisionmaking by deciding one very significant issue before resolving all the general and specific issues raised in the Notice. Nor should resolution of this very significant attribution issue be separated from our consideration of the minority ownership and television station multiple ownership rule makings. We intentionally set parallel comment filing deadlines in the three companion rulemaking proceedings adopted December 15, 1994,⁴ so that we could review the comments in the three proceedings concurrently "to assure a coordinated approach to the three proceedings." Notice, ¶ 11. ABOTS fails to convince us that our interim policy is insufficient nor that our initial decision to consider related issues together is contrary to the public interest.

5. Accordingly, pursuant to Section 4(j) of the Communications Act, 47 U.S.C. § 154(j), IT IS HEREBY ORDERED that the Motion to Establish an Accelerated Procedural Schedule for the LLC Issue filed by the Association of Black Owned Television Stations is DENIED.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Acting Secretary

⁴ The three proceedings include the instant proceeding, as well as the minority ownership proceeding and the television station ownership proceeding, which are referenced in footnote 3, supra.