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February 5, 2015

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

RE: MB Docket 07-294
MB Docket 09-182
MB Docket 14-50

Dear Ms. Dortch:

On February 3, 2015, Professor Angela Campbell, Andrew Jay Schwartzman and Eric Null of the Institute for Public Representation (IPR), on behalf of the Office of Communication of the United Church of Christ, *et al.* (UCC, *et al.*), met with members of the Media Bureau Staff: Kalpak Gude, Associate Bureau Chief, Hillary DiNigro, Chief, Industry Analysis Division, Brendan Holland, Deputy Chief, Industry Analysis Division, and Benjamin Arden and Julissa Marenco, Assistant Division Chiefs, Industry Analysis Division. The topics discussed related to the above-shown dockets.

During the meeting, IPR explained that it is difficult to assess the value and importance of the Commission's broadcast ownership rules because the Commission staff has tolerated widespread evasion of the rules through shared services agreements (SSAs) and other mechanisms that have yet to be fully addressed by the full

*Admitted to the Washington bar only;
DC bar membership pending. Practice supervised by members of the DC bar.

Commission. They noted that the Bureau's processing guidelines are a positive development, but that they do not address existing SSAs and new ones in which the licensees do not file assignment or transfer applications with the Commission. Indeed, they said, it is troubling that the Commission still does not have full knowledge of how many SSAs are in existence, much less their terms. In this regard, IPR reiterated UCC, *et al.*'s, call for immediate action to require that all SSAs be disclosed in public files and to the Commission; this is an issue which was fully noticed and briefed in the 2010 Quadrennial Review proceeding, and there is no sound basis for further delay. IPR also said that the Commission can and should address the larger issue quickly, by making plain the circumstances when SSAs create attributable ownership interests. IPR emphasized that SSAs were particularly problematic when they allowed a single entity to produce the news for multiple television stations in the same market.

IPR then turned to the question of what UCC, *et al.* believe is the Commission's failure to comply with the terms of the Third Circuit's remand in the *Prometheus II* case. That decision called for the Commission to take action to consider the impact of its rules on minority and female ownership during the 2010 Quadrennial Review, and if the Commission determined that the record was inadequate, the Commission should take the necessary steps to develop an adequate record. Thus, IPR said, the Commission's call in the 2014 Quadrennial Review FNPRM for outside parties to provide additional information falls short of what the Court required. IPR said the Commission needs to address this shortcoming promptly, and not wait until 2016 to assess whether it has an adequate record.

IPR next addressed the inadequacies of the Commission's ownership data. IPR noted that the Commission still has not acted on several pending proposals to improve the accuracy and completeness of the data. Moreover, merely collecting the data would not be enough to comply with the remand. Rather, the Commission needed to analyze how the ownership rules and any proposed changes would affect station ownership by women and minorities. IPR said that it is particularly troublesome that the Commission has not proposed additional steps to facilitate diversity in ownership. It is not possible, and certainly not necessary, to predict if particular steps will be effective, but that is not a reason for the Commission to take action. IPR also said that the forthcoming incentive auction will likely exacerbate the lack of ownership diversity; it reiterated that UCC, *et al.* have argued that the Commission should not grandfather local TV combinations in markets where the incentive auction results in leaving fewer than eight independent voices in those markets.

Finally, IPR reaffirmed the position in its comments that the Commission should retain the radio cross-ownership rules, noting that their elimination would reduce the already small number of stations owned by women and minorities and make new entry even more difficult.

IPR also provided Mr. Gude with a courtesy copy of IPR's February 4, 2015 letter to the Chairman which was filed as a written ex parte notice in the above dockets. However, IPR did not discuss the contents of that letter during the meeting

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Andrew Jay Schwartzman". The signature is fluid and cursive, with the first name "Andrew" being the most prominent.

Andrew Jay Schwartzman

cc (via email): Kalpak Gude
Hillary DiNigro
Brendan Holland
Julissa Marengo
Benjamin Arden