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Federal Communications Commission
Office of the Secretary

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

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REVIEW OF FOREIGN OWNERSHIP POLICIES
FOR BROADCAST, COMMON CARRIER AND
AERONAUTICAL RADIO LICENSES

GN Docket No. 15-236

COMMENTS OF WILLIAM J. KIRSCH

The Commission should not proceed with the proposed rule changes. The proposals amount to a unilateral trade concession that may subject the United States to future complaints by trading partners, including the PRC and Russia, at the World Trade Organization. This unilateral concession would also deny U.S. broadcasters an important opportunity provided by the Trade Act of 2015 to expand their operations abroad. U.S. broadcasters have extraordinary expertise that could be shared with our trading partners with the successful conclusion of new trade agreements, for example, with Africa in connection with AGOA or Europe with TTIP. Therefore, rather than the proposed approach, U.S. broadcasters that are interested in greater foreign ownership should participate in the trade advisory committees of the U.S. trade and other agencies to obtain trade agreements under the Trade Act of 2015 that provide for the "same footing as regards privileges" for U.S. broadcasters abroad that the Commission's proposed rules would provide for foreign investors in the United States.

The proposed approach would exacerbate the tragedy of the commons with regard to common carrier services, harm our security and inevitably create enormous problems later that would be a bureaucratic nightmare to correct. A better approach would be to focus on the use of advanced information technology to facilitate easier compliance with existing law and lift the paperwork burden on small and medium sized enterprises. The Commission departure from a successful policy used on a bi-partisan basis for three quarters of a century from the conclusion of the First World War through the Second World War to the end of the Cold War helped create the cybersecurity crisis that is the greatest unresolved threat to our national security. Should the Commission proceed with its unwise and unlawful action the President should revoke the delegation of authority under 47 U.S.C. 34-39.

William J. Kirsch