



May 16, 2016

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

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

Dear Ms. Dortch:

On May 12, the undersigned and Jerianne Timmerman of the National Association of Broadcasters (NAB) met with Mary Beth Murphy, Brendan Holland, Susan Singer, Benjamin Arden, Chad Guo and Julie Salovaara of the Media Bureau to discuss issues related to the pending quadrennial reviews of the broadcast ownership rules. We reemphasized many of the points made in our previous comments in the above-captioned proceedings as to how unprecedented levels of competition and diversity have transformed the media marketplace since the FCC last reformed any of its ownership restrictions.¹

In particular, NAB discussed the cross-ownership rules and repeated our position that these rules should be eliminated. We pointed to the continuing financial and other challenges facing the newspaper industry, mentioning the hundreds of newspapers that have simply disappeared (and more that have reduced their levels of service) since 1975, when the FCC adopted the newspaper/broadcast cross-ownership ban that remains unchanged today.² Just the week before our meeting, in fact, the Tampa Bay Times purchased and folded the 123-year-old Tampa Tribune.³

NAB also addressed how marketplace and technology changes – above all, the flourishing of digital, online outlets and services – have altered fundamentally how consumers obtain news,

¹ See, e.g., Comments of NAB, MB Docket Nos. 14-50, 09-182, 07-294 and 04-256, at 9-50 (Aug. 6, 2014) (NAB Comments).

² See NAB Comments at 35-37; 70-73.

³ See, e.g. Tamara Lush, *Tampa Bay Times' Paper Buy Latest in Grim News Landscape*, Associated Press (May 6, 2016), <http://www.naplesnews.com/news/state/378374661.xhtml> (also discussing financial and circulation problems of other newspapers and the industry as a whole).

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information and entertainment.⁴ Consumers' reliance on outlets other than or in addition to newspapers and broadcast stations continues to increase, even in the time since the FCC initiated its 2014 quadrennial review. For example, the Pew Research Center, when identifying 15 of its "most striking findings of 2015" among the wide range of topics it analyzes, cited two clearly showing the rapid rise of non-traditional outlets as sources of news and information about politics and government.⁵ This should not come as a surprise, as the Commission, in contexts other than the broadcast ownership rules, has recognized the revolutionary nature of the Internet on competition and diversity.⁶

In light of the record in the above-captioned proceedings and marketplace developments since 2014, NAB again urged the Commission to fulfill its obligations under Section 202(h) of the 1996 Telecommunications Act to repeal or modify its ownership rules as the result of competition. Indeed, we stressed that retaining the cross-ownership rules in today's media market would be arbitrary and capricious.⁷

Respectfully submitted,



Rick Kaplan
General Counsel and Executive Vice President
Legal and Regulatory Affairs

cc: Benjamin Arden, Chad Guo, Brendan Holland, Mary Beth Murphy, Julie Salovaara, Susan Singer

⁴ See NAB Comments at 18-38.

⁵ Specifically, Pew cited its findings that (1) for news about politics and government, social media may be for the millennial generation what local TV is for baby boomers; and (2) reporters for niche outlets and digital start-ups now outnumber journalists who work for daily newspapers in the Senate press gallery. Pew Research Center, *15 striking findings from 2015* (Dec. 22, 2015), <http://www.pewresearch.org/fact-tank/2015/12/22/15-striking-findings-from-2015/>. Other reports have demonstrated that Americans across all age groups are increasingly using Facebook and Twitter as sources of news and that these numbers grew substantially between 2013 and 2015. Pew Research Center, *The Evolving Role of News on Twitter and Facebook* (July 14, 2015), <http://www.journalism.org/files/2015/07/Twitter-and-News-Survey-Report-FINAL2.pdf>

⁶ See, e.g., *Protecting and Promoting the Open Internet*, Notice of Proposed Rulemaking, 29 FCC Rcd 5561, 5563 ¶ 1 (2014).

⁷ See NAB Comments at 70-88. Beyond being unnecessary to promote competition or viewpoint diversity in the digital, online media landscape of 2016, retention of the cross-ownership rules hinders localism. In our previous comments, NAB identified 15 studies showing that TV stations cross-owned with newspapers produced more and/or higher quality news and other non-entertainment programming than non-cross-owned stations, and multiple additional studies showing similar localism benefits from the cross-ownership of newspapers and radio stations and radio and television stations. *Id.* at 74-76; 83 & n. 280-81; 85-86 & n. 290-91.