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FEDERAL COMMUNICATIONS COMMISSION

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OFFICE OF
COMMISSIONER
SUSAN NESS
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December 10, 1998

Commissioner Susan Ness
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

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DEC 16 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Commissioner Ness:

Enclosed is a copy of a letter dated November 24, 1998, I sent to Chairman Kennard on the subject of television LMAs. In a conversation with Anita Wallgren, she suggested I send a copy to you.

In addition to the point I attempted to make in the letter, today's (December 9, 1998) copy of *Broadcasting and Cable TV* fax speaks to a letter the FCC has received from Speaker-elect Livingston and other members of Congress urging the Commission to drop a proposal to eliminate local TV marketing agreements because "Most broadcasters who invested the time, money and resources in LMAs will face financial hardships if forced to walk away from their investments".

Based on my experience with LMAs and my knowledge of the content of some of the LMA agreements, no broadcaster I'm aware of will suffer or face financial hardships if the Commission eliminates LMAs. Most LMA agreements cover the issue as to what will happen if, due to regulatory changes, LMAs are no longer permitted. Broadcasters who invested in LMAs will get their capital dollars back and, in most cases, will also share in the proceeds if the station is sold. All that's on top of the money they've been making for the past several years operating the LMA and, rest assured, they are making money - big money!

I realize I'm in the minority as a broadcaster urging the Commission to eliminate LMAs. But, I stand firm in my belief that LMAs do not serve the public interest. They do not create diversity in programming. My experience has been, as I pointed out in my letter to the Chairman, that LMAs simply create a concentration of power in the hands of a few broadcasters who will attempt to move heaven and earth to avoid losing that concentration of power. If the FCC is truly interested in the public's interest being served, and I believe you are, then I urge you and your colleagues to move forward and eliminate LMAs and provide a sunset provision whereby existing LMAs will cease to exist. Such a rule would create diversity in ownership, diversity in programming, diversity in covering local news and local issues, and truly serve the public interest.

Sincerely yours,

Cullie M. Tarleton
VP/Television

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Enclosure