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MM 94-150



Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. C.A. Dutch Ruppertsberger
Baltimore County Executive
Executive Office, 400 Washington Avenue
Towson, MD 21204

Dear County Executive Ruppertsberger:

Thank you for your letter to Chairman Kennard expressing your concern that we may adopt new broadcast ownership rules that would restrict, limit or otherwise change the existence of television Local Marketing Agreements ("LMAs"). You state your belief that such actions are not in the public interest for Baltimore County. You note that you have witnessed the public interest benefits that have resulted from the television LMA established with WNUV-TV, including increased news and other programming.

At present, the Commission does not attribute television LMAs under its ownership rules. In the Attribution rulemaking (MM Docket Nos. 94-150, 92-51, and 87-154), we proposed to adopt rules that would attribute time brokerage of another television station in the same market for more than fifteen percent of the brokered station's broadcast hours per week and count LMAs that fall in this category toward the brokering TV licensee's ownership limits. At the same time, in the TV Local Ownership rulemaking (MM Docket Nos. 91-221 and 87-8), we also proposed that, in the event that we decide to attribute television LMAs for ownership purposes, we adopt one of several options to grandfather television LMAs that were entered into before November 5, 1996. In addition, we tentatively concluded that television LMAs entered into after that grandfathering date would not be grandfathered and, if in violation of our ownership rules, would be allowed a reasonable period in which to terminate.

Your views regarding the benefits and appropriate treatment of television LMAs, as well as the benefits of relaxing the ownership rules, were echoed by a number of commenters in our TV Local Ownership and Attribution rulemakings. These commenters stated that television LMAs have provided greater competition and diversity in many local markets, helped underperforming stations reach more households, and improved the overall quality of programming in affected areas. Other commenters argued, to the contrary, that allowing such combinations diminishes ownership diversity and may also decrease opportunities for new entrants. Similar arguments have been made by commenters both for and against relaxation of the current broadcast ownership rules. In addition, commenters also expressed sharply divided views on whether permanent grandfathering of television LMAs is appropriate or required by statute. As we address these issues, we will pay close attention to all the relevant legal and policy considerations, as well as the need to avoid undue disruption of existing ownership arrangements.

The Commission will carefully consider your views in the pending broadcast ownership and attribution rulemaking proceedings.

Thank you for your interest in this matter.

Sincerely,

Charles W. Logan
Chief, Policy and Rules Division
Mass Media Bureau

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