

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Cross-Ownership of Broadcast Stations and Newspapers)	MM Docket No. 01-235
)	
Newspaper/Radio Cross-Ownership Waiver Policy)	MM Docket No. 96-197
)	

To: The Commission and Chief, Mass Media Bureau:

REQUEST FOR EXTENSION OF TIME TO FILE REPLY COMMENTS

Consumers Union, Consumer Federation of America, Leadership Conference on Civil Rights, Civil Rights Forum on Communications Policy, Center for Digital Democracy, (“CU, *et al.*); Office of Communication, Inc. of United Church of Christ, National Organization for Women, and Media Alliance (“UCC, *et al.*”), and the AFL-CIO (collectively hereinafter “public interest commenters”) respectfully request an extension to file reply comments in the above docket pursuant to part 1.46 of the Commission’s rules, 47 CFR § 1.46. The public interest commenters represented here will be unable, even with maximum effort, to complete our analyses and draft responses by the Commission’s January 7, 2001 deadline. We therefore request the Commission delay the reply comment deadline to February 15, 2002, a 39-day extension.

A short extension of time is critical to allow members of the public to participate fully in this docket. The public interest commenters seeking this extension were virtually the only parties filing in support of the newspaper-broadcast cross ownership rule. We are the only parties dedicating significant resources to filing complex and nuanced materials supporting the rule. Parties opposing retention of the rule filed approximately 1,800 pages of comments. In addition to presenting a significant number of legal arguments, these comments included detailed economic analyses, and

factual presentations about a wide variety of markets. Reviewing and responding to these filings in a comprehensive manner requires significant time and resources. The public interest commenters cannot complete our review the Commission's deadline. Denying the public's ability to challenge assertions made by industry parties with a direct financial stake in the rule's repeal would cripple the Commission's ability to sort through the facts in an era when the Commission is emphasizing its desire to make decisions based on a comprehensive record.

Failing to grant this extension will bias this proceeding. The parties opposing the rule have had ample opportunity to coordinate their filings prior to the Commission's comment deadline. Almost without exception, all commenters opposing the rule belong to two trade organizations that have also filed against the rule—the Newspaper Association of America and the National Association of Broadcasters. Thus, the mere burden of reviewing the record is less for opponents of the rule than it is for the public interest commenters. Moreover, exacerbating this asymmetrical burden by denying this extension request would be particularly egregious when many inside and outside the Commission believe the rule's supporters bear the burden of justifying them.

The public interest organizations undertaking this effort have significant limits on their resources that prevent them from responding by the deadline. The Commission is presently conducting a wide array of media ownership pleadings, all of which are of the utmost concern to a majority of the parties represented here. Many of these parties here will be filing in the Commission's proceedings on cable program access, the national cable ownership cap, WQED's petition to de-reserve its non-commercial channel, the USF service offering proceeding, and the Lifeline/Linkup eligibility proceeding. Each of these have deadlines in late December 2001 and early January 2002. Several other proceedings, including the EEO proceeding initiated today, and the local radio ownership proceeding also require attention. In addition matters outside the

Commission's docket are straining resources—developments in the Microsoft antitrust litigation are occurring during December, for example. Finally, these burdens are made worse because the reply comment filing occurs over the Christmas and New Year holidays, a time when small non-profit organizations are particularly hard-pressed to dedicate an extremely high level of resources.

A short delay of less than a month and a half will not prejudice this proceeding. The Commission itself is responsible for almost 5 years of delay in addressing changes to the waiver policy. The rule has been in place for 25 years. An extra few weeks of time will not prejudice any party and will serve the interests of informed decision-making.

Accordingly, the public interest commenters therefore request that the Commission or the Mass Media Bureau extend the reply comment deadline in the above-captioned dockets to February 15, 2002. In order to adequately plan for our response, we request the Commission make a decision as soon as possible, no later than one week from today, December 18, 2001.

Respectfully submitted,

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