

REPLY COMMENTS OF THE WRITERS GUILD OF AMERICA
AMPLIFYING THE CALL FOR A FULLER RECORD
REGARDING THE HARMFUL EFFECTS OF CONSOLIDATION IN TELEVISION

Relating To:

CS Docket 98-82: Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992; and

CS Docket 96-85: Implementation of the Cable Act Reform Provisions of the Telecommunications Act of 1996; and

MM Docket 92-264: The Commission's Cable Horizontal and Vertical Ownership Limits and Attribution Rules; and

MM Docket 94-150: Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests; and

MM Docket 92-51: Review of the Commission's Regulations and Policies Affecting Investment In the Broadcast Industry; and

MM Docket 87-154: Reexamination of the Commission's Cross-Interest Policy

Filed By Charles B. Slocum, February 19, 2002

on behalf of

Writers Guild of America, west, Inc.
7000 West Third Street
Los Angeles, CA 90048

and

Writers Guild of America, East, Inc.
555 West 57th Street
New York, NY 10019

Support for Hearings On Consolidation in Television Is Widespread

Since the WGA comments were filed, we have had discussions with a wide range of WGA members and others in the television industry. Many have expressed support for our call for hearings to enable the Commission to fully understand the impact of consolidation throughout the industry.

- We, the undersigned, believe that consolidation in the television industry has adversely affected the Public Interest.
- We believe that a maximum diversity of voices contributing to television and cable is a vital goal for our nation's media policy.
- The consolidation of control and ownership in all the stages of the cable and television industry has resulted in the lack of diversity and has caused creativity to suffer.
- We are concerned that independent production is becoming a thing of the past in television, and that this has deprived the American public of access to a great variety of opinions and sensibilities.
- We urge you to hold hearings to establish the consequences of past and potential FCC decisions.
- We join in inviting you to listen to those of us affected by your actions

Current WGAw Board Members

Ron Bass
Writer, "Entrapment," "Snow
Falling on Cedars," "How Stella Got
Her Groove Back"

Terry Curtis Fox
Writer/Producer, "Diagnosis
Murder," "Stargate SG1"

Dennis Feldman

Carl Gottlieb
Writer, "Jaws," "The Jerk"

Charles Holland
WGAw Vice President
Writer, "Murder One," "Profiler,"
"JAG"

Elizabeth Hunter
Writer/Producer, "ER"

Irma Kalish
Writer, "All In The Family"
Writer/Executive Producer,
"The Facts of Life," "Good Times,"
"227," "The Hogan Family"

Callie Khouri
Writer, "Divine Secrets of the Ya-Ya
Sisterhood," "Thelma & Louise,"
"Something to Talk About"

Philip LaZebnik
Writer, "Pocahontas," "Mulan"
"Prince of Egypt"

Peter Lefcourt
Writer/Producer, "Beggars &
Choosers," "Cagney & Lacey"

Brenda Lilly
Executive Producer/Co-Creator,
"State of Grace"

Ann Marcus
Co-creator of 5 on-air series
including "Mary Hartman, Mary
Hartman"

Jeff Melvoin
Writer/Producer, "Northern Exposure," "Picket Fences," "Hill Street Blues," "Early Edition," "Remington Steele"

David W. Rintels
Writer/Producer: "Andersonville," "World War II: When Lions Roared;" Writer, "Nuremberg," "Clarence Darrow," "Sakharov"

Victoria Riskin
WGAw President; Writer, "My Antonia;" Producer, "The Member of the Wedding," "A Town Torn Apart," "The Last Best Year," "World War II: When Lions Roared"

Melissa Rosenberg
Writer/Producer, "Party of Five," "Ally McBeal" and "The Agency"

Patric Verrone
WGAw Secretary-Treasurer
Writer/Producer: "Futurama," "The Tonight Show," "The Critic"

Bryce Zabel
Chairman, Academy of Television Arts & Sciences
Writer, "Mortal Kombat: Annihilation," "Lois & Clark: The New Adventures"

WGAw Television Council

Steven Bochco
Writer/Producer, "Philly," "NYPD Blue," "LA Law," "Hill Street Blues"

Yvette Lee Bowser
Writer, "For Your Love," "Living Single," "A Different World"

Chris Carter
Writer/Producer, "The X-Files," "Millennium"

Thomas S. Cook
Writer, "Airwolf," "The China Syndrome," "Streets of Fire"
Past WGAw Board Member

Robert Eisele
Writer, "Resurrection Boulevard," "Vanishing Son," "The Equalizer"

John Furia, Jr.
Writer, "Hotel," "The Waltons," "Dr. Kildare," "Bonanza"

Al Jean
Writer/Producer, "The Simpsons," "Garry Shandling's Show," "Not Necessarily the News"

Jessica Klein
Writer, "Just Deal," "Beverly Hills, 90210," "As the World Turns;"
Past WGAw Board Member

Christopher Lloyd
Writer, "Frasier," "Wings," "The Golden Girls"

Dawn Prestwich
Writer/Producer, "The Education of Max Bickford," "Judging Amy," "Chicago Hope," "Picket Fences"

Shawn Ryan
Writer/Producer, "Angel," "Nash Bridges"

Greg Strangis
Writer/Producer, "Soldier of Fortune," "Falcon Crest," "Eight Is Enough;" Past WGAw Board Member

John Wells, Chair
Writer/Producer, "Third Watch," "ER," "China Beach;" Past WGAw President

John Wirth
Writer/Producer, "The District," "Nash Bridges"

Nicole Yorkin
Writer/Producer, "The Education of Max Bickford," "Judging Amy," "Chicago Hope," "Picket Fences"

WGAw Members

Eric Bogosian
Writer, "SubUrbia," "Talk Radio"

Allan Burns
Co-Creator, "The Mary Tyler Moore Show"

Diane English
Writer/Producer, "Murphy Brown," "My Sister Sam"

Julie Friedgen
Writer, "In the Heat of the Night," "Walker, Texas Ranger"

Larry Gelbart
Writer, "Bedazzled," "Barbarians at the Gate," "M*A*S*H"

Kristin Gore
Writer, "Futurama"

Babs Greyhosky
Past WGAw Board member
Writer, "Sheena," "Magnum, P.I."

Matt Groening
Creator/Executive Producer, "The Simpsons," "Futurama"

Austin Kalish
Writer, "The Facts of Life," "Too Close for Comfort," "Family Affair"

Bruce Kalish
Writer, "The Famous Jett Jackson,"
"The Fall Guy"

Karen Klein
Writer, "Star Trek: Voyager,"
"Simon & Simon"

Jay Kogen
Writer/Producer, "The Simpsons,"
"Frasier"

Norman Lear
Writer/Executive Producer, "All In
The Family;" Executive Producer,
"Good Times," "Maude," "Sanford
and Son"

Frank Pierson
Writer, "Presumed Innocent,"
"Dog Day Afternoon," "Cat Ballou;"
Past WGAw President; President,
Motion Picture Academy

Paris Qualles
Writer, "Tuskegee Airmen," "Rosa
Parks Story," "Color of Friendship"

Jonathan Rintels
Writer, "Snowbound," "Lena: My
Hundred Children"

Willie Thomas
WGAw Black Writers Caucus

Harvey Warren
Chairman, WGAw Media Relations
Committee

Maiya Williams
Writer, "Fresh Prince of Bel Air,"
"The Wayans Brothers," "Roc"

Other Supporters

Stan Brooks
President, Once Upon a Time Films

Marcy Carsey
Executive Producer, "The Cosby
Show," "3rd Rock From the Sun,"
"That '70s Show"

Frank Desiderio, C.S.P.
President, Paulist Productions

Roger Gimbel
Executive Producer, "The Perfect
Mother," "Murder Between
Friends;" Producer, "A Question of
Honor"

Ann Hopkins
Producer, "Miss Rose White,"
"Decoration Day," "Papa's Angels"

Marta Kaufmann
Executive Producer, "Friends,"
"Veronica's Closet" "Jesse"

Dorothea Petrie
Writer/Producer, "Orphan Train;"
Producer, "The Song of the Lark,"
"The Perfect Tribute"

Marian Rees
Executive Producer, "Love is Never
Silent," "In Pursuit of Honor,"
"Ruby Bridges"

Grant Tinker
Co-Founder, MTM Enterprises;
Chairman, NBC, 1981-1986

**The Producers Guild of
America (as an institution)**

An Invitation

The WGA is prepared to assist the Commission in any way possible in holding hearings to establish a record of the likely impact of additional deregulation in television.

Our goals remain as stated in our earlier comments:

We believe that it is in the public interest for the Commission to retain the 30% cable ownership cap. One or two Multiple System Operators dominating the cable system operation business will create a stranglehold on the distribution of television content that will restrict access even more than it is restricted now.

We believe that it is in the public interest for Echo-Star and DirecTV to be operated separately.

We look at the history of deregulation over the last two decades and see that concentration has resulted. The time is opportune to assess the state of the industry to determine how the measures taken previously by the Commission have worked out. We believe the record will show that greater concentration has occurred and fewer voices are being heard than was expected. A fresh look at the regulatory landscape is warranted.

Almost Six of Ten News Series are Inside Work

The industry database TVTracker.Com released a report on January 4, 2002 that emphasizes the effect of vertical integration of networks and production. Program development in the last two seasons has been 45% in-house and these projects are more likely to get on the air than non-in-house projects, with 56% of new programs on the air coming from in-house production. The study includes all development and on-air premieres of comedy and drama programs during the two seasons cited on ABC, CBS, NBC, Fox, WB and UPN.

Vertically-Integrated Program Development and Production All Comedy and Drama on the Six Broadcast Networks

	2000-2001 Season	2001-2002 Season	Two-Season Total
Number of Scripts Developed	470	482	952
Number Vertically Integrated	208	225	433
Percent Vertically Integrated	44%	47%	45%
Number of New Series On-Air	50	50	100
Number Vertically Integrated	30	26	56
Percent Vertically Integrated	60%	52%	56%

Source: TVTracker.com, Inc.

Concentration of Writers' Earnings Has Increased

Our earlier filing presented the current state of consolidation. Here, we add an earlier year. Virtually all of the companies listed on the 1984 chart but not on the 2000 chart were consolidated into the companies on the 2000 chart or went bankrupt.

COMPANY	PERCENT OF YEAR 2000 WRITERS' EARNINGS
AOL Time Warner	16.4%
Viacom/Paramount/CBS	13.8%
News Corp.	12.5%
Sony	11.1%
Disney/ABC	9.9%
Vivendi-Universal-USA	8.3%
Top 6 Companies Total	72.0%
NBC	3.4%
Dreamworks	2.9%
MGM	1.9%
Top 9 Companies Total	80.2%

COMPANY	PERCENT OF 1984 WRITERS' EARNINGS
Columbia Studios	13.0%
Paramount Studios	10.5%
Warner Bros. Studio	8.1%
Universal Studios	7.8%
20th-Century Fox Studios	6.0%
MGM	4.3%
Top 6 Companies Total	49.7%
Lorimar Television	3.2%
Aaron Spelling Productions	3.2%
ABC Television	3.0%
Top 9 Companies Total	59.1%

MTM	2.8%
CBS Television	2.6%
NBC Television	1.8%
Carson Productions	1.3%
Walt Disney Studios	1.3%
Orion Pictures	1.1%
Stephen J. Cannell Prods.	1.1%
Reeves Entertainment	0.9%
Witt / Thomas / Harris	0.6%
ITC Entertainment	0.5%
The Ladd Co.	0.5%
Taft Entertainment	0.5%
Viacom Productions	0.4%
Comworld	0.4%
Pathe Communications	0.4%
DeLaurentis Entertainment	0.4%
Top 25 Companies Total	75.7%

Source: WGAw Records

Note that only WGAw earnings are reported here and residuals are excluded for this comparison. Also note that due to the delay in data collection, Year 2000 is the latest year for which complete data is available.

A Correction

We reported a story in our earlier filing about the experience of writer-producer Norman Lear and the series *All in the Family*. We want to acknowledge Bud Yorkin as co-creator of that series and report the story according to Mr. Lear's description of the network's reaction. Norman Lear made two pilots for ABC on the revolutionary and trailblazing series *All in the Family* and says "ABC liked it, but was afraid." As we pointed out before, it took two years to say no before Lear was able to take it to CBS where he was allowed to follow his vision and where he created one of the groundbreaking shows of all time. He could do that only because he owned it.
