

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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|---------------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Rules and Policies Concerning |) | MM Docket No. 01-317 |
| Multiple Ownership of Radio Broadcast |) | |
| Stations in Local Markets |) | |
| |) | |
| Definition of Radio Markets |) | MM Docket No. 00-244 |
| |) | |

To: The Commission

**JOINT MOTION FOR EXTENSION OF
COMMENT AND REPLY COMMENT DEADLINES**

Infinity Broadcasting Corporation, Clear Channel Communications, Inc., and Hispanic Broadcasting Corporation (collectively, "Movants") hereby request, pursuant to 47 C.F.R. § 1.46, that the Commission extend by fourteen days each the comment and reply comment filing deadlines in the above-captioned proceeding. The comment and reply comment filing deadline dates are currently set at March 13, 2002 and April 10, 2002, respectively. As discussed below, Movants believe there is good cause for the Commission to provide a brief extension of these deadlines in order to facilitate the development of a full and complete record. Movants respectfully request the adoption of a revised comment filing date of March 27, 2002, and a revised reply comment filing date of April 24, 2002.

In its *Notice of Proposed Rulemaking*, the Commission sought comment on the statutory framework governing the multiple ownership of radio stations in local markets as well as on the contours of its public interest mandate. The Commission also requested extensive empirical evidence and studies on a broad range of issues including the effect of consolidation on diversity

and competition, the existence of any barriers to entry, the efficiencies of consolidation, and the effect of consolidation on advertising rates. The Commission specifically sought evidence concerning these issues for three markets of various sizes throughout the country.

On January 11, 2002, Movants and other commenters requested a 45 day extension of the original comment and reply comment deadlines in order to gather extensive economic and market data and complete empirical studies crucial to the development of a comprehensive record in this proceeding. The Commission recognized the value of such studies to its resolution of this proceeding and granted the January 11 Motion, in part, extending the comment deadlines by 30 days.¹ The new deadlines sought in this Motion are consistent with those requested in the January 11 Motion.

Movants have made every effort to respond meaningfully to the Commission's request for in-depth empirical studies, and to meet the current comment deadline of March 13, 2002. Unfortunately, an analyst whom Movants commissioned to conduct a diversity study, an area of particular importance to the Commission and to Movants, sustained injuries in an accident that continue to delay his analysis and report on the collected data. This researcher had agreed to provide the final report to Movants during the week of February 11, 2002, but has been unable to complete the study as of this date. The researcher anticipates completing the final report by Monday, March 4, 2002, providing Movants with very little time to review the report, analyze its findings, and incorporate the results into their comments. An extension of the comment filing deadlines is needed for this report to be completed and for Movants to have adequate time to prepare comments discussing its conclusions.

Movants also believe that all commenters would benefit from an extension of time to permit a careful review of the February 19 decision of the United States District Court for the

District of Columbia Circuit in *Fox Television Stations, Inc. v. Federal Communications Commission* (“*Fox v. FCC*”). *Fox v. FCC* provides important judicial guidance relating to the Commission’s statutory framework, its public interest concerns, and the First Amendment implications of the multiple ownership rules. These issues constitute the core of the Commission’s request for comment in the *Notice of Proposed Rulemaking*. Interpretation and discussion of the import of the *Fox v. FCC* decision on the Commission’s review of the local radio ownership rule is important to build a meaningful record on which the Commission may base an informed decision. An extension of the comment deadline by fourteen days would provide the time necessary for a thorough discussion of the complex and significant questions this decision raises about the Commission’s review of the local radio ownership rule.

For the foregoing reasons, Movants respectfully request that the Commission extend the comment and reply comment filing deadlines in this proceeding to March 27, 2002 and April 24, 2002, respectively.

Respectfully submitted,

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¹ *Order* in MM Docket Nos. 01-317, 00-244 (rel. Jan. 23, 2001).

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