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March 5, 2002

Michael Powell, Chairman
Federal Communications Commission
445 12th St. S.W.
Washington DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Mr. Powell:

I am writing to express my concern over the District of Columbia Court of Appeals overturning the rule that had until now prevented a single company from owning both television stations and cable franchises in a single market. The court also ordered that the FCC either justify or rewrite the rule that bars a company from owning television stations reaching more than 35 percent of U.S. households, stating that, as is, the rule is "arbitrary and illegal." Both rulings were in response to a suit filed by Fox, AOL Time Warner, NBC and Viacom.

The court called the 35 percent TV ownership cap arbitrary, saying that the FCC hadn't provided proof that such a restriction was necessary. As for the broadcast-cable cross-ownership rule, the court claimed that the increased number of TV stations today and the competition from the proliferation of new services like satellite TV make the rule outdated and unnecessary to protect the diversity of opinions - including those that oppose the corporate viewpoint.

Oddly enough, Forbes.com pointed out (on 2/20/02), that the idea that the government has been trying to keep media giants down is a myth. The FCC has been granting exemptions from ownership rules for years: "Pundits claimed that the court ruling 'opens the door' for a new wave of mergers among cable television conglomerates and broadcast companies," wrote Forbes, "But when was that door ever closed? Media companies have been merging with abandon for the last decade, rules or no rules."

I support maintaining ownership restrictions. Among broadcast TV markets, one-seventh are monopolies, one-quarter are duopolies, one-half are tight oligopolies, and the rest are moderately concentrated. While the number of TV stations has increased from 952 to 1,678 between 1975 and 2000, the number of station owners has actually declined from 543 to 360 in the same period. This recent ruling will enhance consolidation of corporate ownership of the airwaves and further erode its accessibility to non-corporate viewpoints.

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I feel that if the FCC wants to stand up for the public, the agency should appeal the decision to the Supreme Court. It could also, as the appeals court suggested, muster new evidence to justify the ownership cap. The FCC's response to date, however, suggests that the agency has forsaken its mission of safeguarding the public interest, and is prepared to allow corporations to redraw the media landscape as they please with little or no public debate.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized name with several vertical strokes.

Cc: Senators Clinton and Schumer
Representative McNulty