



PUBLIC NOTICE

Federal Communications Commission
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**FCC SEEKS COMMENT ON OWNERSHIP STUDIES
RELEASED BY MEDIA OWNERSHIP WORKING GROUP
AND ESTABLISHES COMMENT DEADLINES FOR
2002 BIENNIAL REGULATORY REVIEW
OF COMMISSION'S OWNERSHIP RULES**

MB Docket 02-277
MM Docket Nos. 01-235, 01-317, 00-244

Comment Date: December 2, 2002
Reply Comment Date: January 2, 2003

The Federal Communications Commission's Media Ownership Working Group ("MOWG") today released twelve (12) studies intended to inform the Commission's comprehensive review of its broadcast ownership policies undertaken in its *2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 ("2002 Biennial Ownership NPRM")*.¹ The studies, which were conducted by outside researchers and by Commission staff, examine a range of issues that impact diversity, competition and localism, three important policy goals of the structural ownership rules. The studies will be incorporated into the record of the biennial review proceeding in MB Docket No. 02-277 and are available on the Commission's website at <http://www.fcc.gov/ownership/studies.htm>.

In releasing the *2002 Biennial Ownership NPRM*, the Commission indicated that parties should address these studies in their comments and should initiate their own independent analyses of the media marketplace. The Commission intends to use the evidence collected in the studies, as well as the comments, to guide and support its decisions in the ownership proceeding.

¹ *In the Matter of 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Cross-Ownership of Broadcast Stations and Newspapers, Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, Definition of Radio Markets*, FCC 02-249 (MB Docket No. 02-277), released September 24, 2002.

MEDIA OWNERSHIP WORKING GROUP STUDIES

Following is a listing of the MOWG studies released today, their authors and professional affiliations:

Consumer-Oriented Studies

A Comparison of Media Outlets and Owners for Ten Selected Markets: 1960, 1980, 2000, Scott Roberts, Jane Frenette and Dione Stems, Industry Analysis Division, Media Bureau, Federal Communications Commission.

Consumer Substitution Among Media, Joel Waldfogel, The Wharton School, University of Pennsylvania.

Consumer Survey on Media Usage, Nielsen Media Research

The Measurement of Local Television News and Public Affairs Programs, Thomas Spavins, Technical and Public Safety Division, Enforcement Bureau, Federal Communications Commission; Loretta Dennison, Jane Frenette, Scott Roberts, Industry Analysis Division, Media Bureau, Federal Communications Commission.

Viewpoint Diversity in Cross-Owned Newspapers and Television Stations: A Study of News Coverage of the 2000 Presidential Campaign, David Pntchard, Department of Journalism and Mass Communication, University of Wisconsin-Milwaukee.

Program Diversity and the Program Selection Process on Broadcast Network Television, Mara Einstein, Department of Media Studies, Queens College, City University of New York.

Market-Based Studies

Broadcast Television: Survivors in a Sea of Competition (Federal Communications Commission, Office of Policy and Plans Working Paper), Jonathan Levy and Marcelino Ford-Livene, Office of Policy and Plans, Federal Communications Commission; **Anne** Levine, Industry Analysis Division, Media Bureau, Federal Communications Commission.

On the Substitutability of Local Newspaper, Radio and Broadcast Television Advertising in Local Business Sales, C. Anthony Bush, Administrative Law Division, Office of the General Counsel, Federal Communications Commission.

Radio Industry Review 2002: Trends in Ownership, Format and Finance, George Williams and Scott Roberts, Industry **Analysis** Division, Media Bureau, Federal Communications Commission.

Consolidation and Advertising Prices in Local Radio Markets, Keith Brown and George Williams, Industry Analysis Division, Media Bureau, Federal Communications Commission.

Radio Market Structure and **Music** Diversity, George Williams, Keith Brown and **Peter Alexander**, Industry Analysis Division, Media Bureau, Federal Communications Commission.

A Theory of Broadcast Media Concentration and Commercial Advertising, Brendan M. Cunningham, Department of Economics, U.S. Naval Academy, and Peter J. Alexander, Industry Analysis Division, Media Bureau, Federal Communications Commission.

FILING COMMENTS

We hereby solicit comment by December 2, 2002, and reply comment by January 2, 2003, on the issues raised in the **2002** Biennial Ownership *NPRM* and the above-listed MOWG studies. Parties may submit their comments using the Commission's Electronic Comment Filing System ("ECFS") or by filing paper copies.² Comments may be filed as an electronic file via the Internet at <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your e-mail address>." A sample form and directions will be sent in reply. Additional information on ECFS is available at <http://www.fcc.gov/e-file/ecfs.html>.

Filings may also be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Parties who choose to file paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

We also request that parties send two paper copies of each pleading to Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or email at qualexint@aol.com. Parties must also send one electronic copy via email, plus eight paper copies of their filing, to Linda Senecal, Industry Analysis Division, Media Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 2-C438, Washington, D.C. 20554, email lsenecal@fcc.gov.

PROCEDURAL MATTERS

This proceeding (MB Docket No. 02-277) has been designated "permit but disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. *Ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.¹ Parties making oral *ex parte* presentations are directed to the Commission's

² See *Electronic filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

¹ An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. 47 C.F.R. § 1.1201.

statement re-emphasizing the public's responsibility in permit-but-disclose proceedings and **are** reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁴ More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. §1.1206(b)(2).

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⁴ *See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings*, 15 FCC Rcd 19945 (2000).