

million U.S. households (approximately **84%** of the 102 million U.S. television households) and The Discovery Channel and Disney's ESPN each reach 85.2 million.<sup>25</sup> The additional news programming is equally astounding. For example, in 1975 New Yorkers could choose from 97 hours of local and national television news programming on over-the-air and cable channels each week. In 2000, that figure was **1,078.5**.<sup>26</sup> In 2000, Chicagoans could choose from more than 1,097.5 hours of weekly news programming and Los Angelinos from **1,034.5 hours**.<sup>27</sup> The choices in these markets include local and national 24-hour cable news channels such as NY 1, News12, ChicagoLand Television News, CNN, CNNfn, MSNBC, CNBC, Fox NewsChannel and C-SPAN.

The latest media technology, the Internet, is quickly approaching the audience reach of cable. As recently as 1990, slightly more than one million American households were online." By 2001, that number is **62.6** million, and by 2006 it is expected to be 86.3 million or 76% of total U.S. households." For many, the Internet has taken the place of the daily newspaper as the primary source for news. Between 1995 and 2000, consumer time spent with online media increased **2,380%**,<sup>30</sup> compared to a 9% decrease in time spent reading daily newspapers and a 7% decrease in time spent

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number of programming choices. Currently in Chicago, the digital cable service offered by AT&T offers 145 channels, including at least 58 entertainment channels offering mn-stop movies, sitcoms, children's programming, music and other entertainment-related options. See, <http://tvlistings2.zap2it.com/gridallprint.asp>.

<sup>25</sup> NCTA. *Industry Overview*. available at [http://www.ncta.com/industry\\_overview/top20networks.cfm?indOverviewID=59](http://www.ncta.com/industry_overview/top20networks.cfm?indOverviewID=59).

<sup>26</sup> Nielwn Media Research, November 1975 and February 2000 Reports

<sup>27</sup> Nielwn Media Research. November, 1975 and February, 2000 Reports. Other Tribune Markets offer an equally astounding number of choices. Hartford viewers had 924 hours of news programming each week to choow from and South Florida viewers at least 802 hours.

<sup>28</sup> Jupiter Communications. Jupiter Consumer Survey, *US Online Demographics: Fundamentals and Forecasts* (Spring, 2000).

"Jupiter Media Metria. *Market Forecart Report: Portrait of Online Consumers Through 2006*, at I (Nov. 16, 2001).

<sup>30</sup> Veronis. Suhler & Associates, *Communications Industry Forecart*. at 4243 (July, 2001). See also, Clark, Martire and Banolomeo, Inc., *Leveraging Newspaper Assets: A Study of Changing American Media Usage Habits, 2000 Research Report* (2000) (weekday newspaper readership has declined more sharply among those who use the Internet in he part week han among he general public at large).

viewing network-affiliated TV stations.” Of the millions who use the Internet, 66% turn to television first for breaking news, with the Internet as the next most popular first choice.\* Among this growing population, the Internet is tied with newspapers as the second most popular first choice, behind television, for national/international news. By 2005, consumer time online is projected to increase to 16 hours per month, while time spent with a daily newspaper is expected to decline to 12 hours a month.”

Just as the Internet’s e-mail application has revolutionized personal communication, the Internet’s news and entertainment options have revolutionized mass media. The Internet’s vast expanse of views and perspectives has become the first stop for many seeking local news and information. The top Web sites in Chicago, Los Angeles, New York and Miami-Ft. Lauderdale are the sites owned by Yahoo, America Online and Microsoft.<sup>34</sup> These sites include pages that offer local news and entertainment and that compete directly with other local media, especially newspapers, for audience.

Whether on cable, MVPDs or the Internet, today’s news consumers get real-time coverage of the events they used to wait to read about in the afternoon or morning edition of the daily newspaper. Since 1975, national circulation of daily newspapers is down 8%.<sup>35</sup> The once-ubiquitous

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<sup>31</sup> Veronis, Suhler & Associates, *Communications Industry* Forecart. (July, 2001).

<sup>32</sup> Jupiter Media **Metrix**, *Jupiter Consumer Survey Report: Entertainment and Media*, (September, 2001) (survey of consumers who report an ‘average’ amount of Internet use).

<sup>33</sup> Veronis, Suhler & Associates. *Communications Industry* Forecart. (July, 2001).

<sup>34</sup> The Media Audit. **data from studies in local markets**. Research conducted on a schedule around US . markets. For Chicago and New York. **see**, The Media Audit. July-August, 2001: For Los Angeles, **see**, The Media Audit. August-September, 2001; For Miami-Ft. Lauderdale. **see** The Media Audit. June-July, 2001. **See also**, Jupiter Media Meux. *Local Market Audience Ratings*, ai Section II (October, 2001).

<sup>35</sup> Newspaper Association of America. *Facts About Newspapers (2001)* available at [www.naa.org/info/facts01/16\\_usdailycirc/index.html](http://www.naa.org/info/facts01/16_usdailycirc/index.html). Circulation of daily papers. 1975: 60,655,431; Circulation of daily newspapers. 2000: 55,772,847.

evening edition is a rare sight in American cities. Venerable publications such as the *Washington Star*,<sup>36</sup> the *Chicago Daily News*, and the *Miami News* have been shuttered.

Even with the demise of the evening edition and certain local dailies, the print marketplace is experiencing the same audience fragmentation as the broadcast marketplace. National publications like USA Today, The Wall *Street Journal* and The *New York Times* are now available for home delivery in local markets across the nation. Perhaps more importantly, weekly newspapers take on dailies in most major markets and their circulation has exploded since 1975.<sup>37</sup> These newspapers typically feature super-local coverage of a particular community and have independent news staffs and editorial pages. The daily newspaper today remains a relevant voice, but the explosion of voices in the marketplace has exposed the myth that any one voice can dominate public discourse.

**A. Tribune's cross-media markets echo these national trends and illustrate why repeal of the Rule would be in the public interest.**

**1. The New York marketplace.**

New York is the most populous metropolitan area in America, with 21.2 million people according to the 2000 census, and is the largest television DMA. In New York, Tribune publishes *Newsday* on Long Island, and owns and operates WPIX, Channel 11, an affiliate of The WB Network. The New York marketplace tops the nation for media voices. Nearly every major media player is represented. Competition hovers at a near-fever pitch on a daily basis, and being heard above the din is

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<sup>36</sup> *The Washington Star* was one of the newspapers most affected by the adoption of the Rule. For decades, the Star shared common ownership with Washington, D.C., radio and television stations. In the 1970s, the newspaper fell into financial distress and was put up for sale along with the broadcast stations as a package. In 1974 Texan Joe Albritton bought the paper, along with Channel 7, provided he was allowed to keep the television station to help finance the resuscitation of the newspaper. In 1978 *The Star* was sold independently to Time, Inc. and it folded three years later, subtracting a voice from the D.C. marketplace. See e.g., Harry F. Waters, Tom Joyce, Phillip S. Cook, *Perils of the Star*, Newsweek (Aug. 11, 1975), at 81; Howard Kurtz, *A Star is Mourned*, *The Washington Post* (Aug. 6, 1991) at E1.

<sup>37</sup> Weekly circulation went from 35,892,409 per week in 1975 to 74,457,621 in 1999. Newspaper Association of America, *Facts About Newspapers*, 2001. Available at [http://www.naa.org/info/facts01/15\\_totalnondaily/index.html](http://www.naa.org/info/facts01/15_totalnondaily/index.html).

Station <sup>38</sup>	Owner	Network affiliation	Household share-1975 <sup>39</sup>	Household share-2001 <sup>40</sup>
WNBC, Channel 4 WNJU, Channel 47 WPXN-TV, Channel 31	NBC/General Electric Telemundo" Paxson <b>Communications</b> <sup>42</sup>	NBC Telemundo Pax	24 < 1 not on air	12 2 1
WABC-TV, Channel 7	ABC/Walt Disney	ABC	18	12
WPIX, Channel 11	Tribune	WB	a	a
WCBS-TV, Channel 2	CBSNiacom	CBS	22	8
WNYW, Channel 5 <sup>43</sup>	Fox/News Corp.	Fox	14	6
<b>WXTV</b> , Channel 41 <b>WHSE-TV</b> , Channel 68	Univision	Univision	< 1 not on air	3 < 1

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entities?' Despite many stations being commonly owned,<sup>52</sup> these stations provide extraordinarily diverse programming. Radio choices in New York include alternative rock, modern rock, Spanish, nostalgia, 80s hits, Christian, album-oriented rock, classical, oldies, urban, soft rock, inspiration, jazz, country, sports/talk, news/talk, Polish, Korean and children's programming. In all, New York offers listeners 29 different formats. And as a result of this diverse menu of programming, the highest-rated radio station in New York, WLTW-FM, garners only a 6.2 share, compared to 7.8 for the 1976 leader, WABC(AM).<sup>53</sup>

c. **Cable/DBS television competition.** Cable television in New York reaches 75% of the households in the DMA, a far cry from the 5% of homes that had cable in 1975.<sup>54</sup> Cablevision reaches 51% of the cable subscribers in the marketplace, Time Warner reaches 28%, and Comcast 14%.<sup>55</sup> Satellite delivery is used by 5.5% of New Yorkers.<sup>56</sup> Combining satellite and cable with other MVPDs, 82.2% of television watchers in New York use something other than over-the-air delivery.<sup>57</sup>

The programming choices these providers offer take ratings and market share from the broadcast networks. In New York today, 33 cable networks register a share of one or greater, including Nickelodeon with a most-recent share of six, Lifetime Network with a share of three, and the Arts & Entertainment Network, TBS, TNT and USA, each with a share of two.<sup>58</sup> Each of these networks

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<sup>51</sup> Duncan's American Radio, *Spring 2001 Ratings Report*, at 221 (September, 2001).

<sup>52</sup> Notably, Clear Channel Communications and Infinity Broadcasting Corp., each own six stations in the market, each of which has a different format.

<sup>53</sup> See, Duncan's American Radio, *Spring 2001 Ratings Report*, at 221 (September, 2001); Duncan's American Radio, *Fall Report 1976*, at 10.

<sup>54</sup> *Broadcasting & Cable Yearbook 2001*, at C-4; Nielxn Media Research, May, 1975.

<sup>55</sup> Nielren Media Research (July, 2001).

<sup>56</sup> Nielsen Media Research (July, 2001).

<sup>57</sup> Nielsen Media Research, *DMA Household Universe Estimates, 2001*, July, 2001.

<sup>58</sup> Comparison of data based on Nielsen Station Index May 2001 Report.

reaches a share of New York households equal to or greater than 11 of New York's over-the-air stations.”

Subscribers to Cablevision, the leading cable provider in the marketplace, can receive 91 channels. Time Warner's New York cable subscribers *can* receive 95 different channels, and Comcast offers 80 channels. With respect to news coverage, New Yorkers can choose from national all-news networks such as CNN, CNNHeadlineNews, MSN, CNBC and FoxNewsChannel, and can get local news from all-news networks NY1 and News12. Sports programming is carried on ESPN, ESPN2 and ESPNClassic, as well as on local networks. MSG and Fox Sports Net New York. The new Yankees Entertainment and Sports cable network debuts in 2002 with even more sports programming.

d. Newspaper competition. New York is the center of the competitive world of newspapers. Consumers choose daily among *The New York Times*, the *New York Post*, *New York Daily News*, *Newsday* and dozens of other daily newspapers in the area.<sup>60</sup> Major publishers compete every day for stories, readers and advertisers. In terms of circulation, *The New York Times* has the largest share, but three other local newspapers have daily circulation in excess of 500,000.<sup>61</sup>

Top Daily Newspapers. <sup>62</sup>	1975	2001
<i>Daily News</i>	1,967,116	734,473
<i>The New York Times</i>	870,510	1,109,371
<i>New York Post</i>	583,892	533,860
<i>Newsday</i>	452,012	577,354

<sup>59</sup> Id.

<sup>60</sup> Editor and Publisher International Yearbook, 2001

<sup>61</sup> See, Audit Bureau of Circulations, *Far-Fax*, at 51 (Sept. 2001). *The Wall Street Journal* circulation in New York also exceeds 400,000.

<sup>62</sup> Audit Bureau of Circulations. *Fas-Fax*, March, 1975 and Sept. 2001 (*Newsday* 1975 numbers are from Audit Bureau of Circulations, *Far-Fax* Sept. 1975). Includes circulation outside a newspaper's designated market area. so that increases in national circulation contribute to a higher number. For example, fully 42% (469,367) of The New York Times current circulation is outside its designated marker area, while a much lower circulation was outside the market in 1975. See Audir Bureau of Circulations. *Fas-Fax*, Sept. 2001, March. 1975.

However, amidst this fierce competition, another trend can be seen. **As** illustrated above, while the competition for newspaper readership remains fierce in New York, there has been a drop-off in combined circulation of the top three newspapers since **1975**. The point is clear: Fewer people turn to the daily newspaper for news coverage. And this is true even while the population of the New York metropolitan area has grown by 2.3 million residents since **1980**.<sup>63</sup> In fact, since **1975**, the New York Post has been on life-support twice, **as** acknowledged by the **Commission** through the permanent waiver of the Rule to permit **Fox's** owner to acquire the Post in **1993**.

Circulation declines can be attributed at least in part to the emergence of real-time coverage offered by cable outlets and the Internet and intense competition from hyper-local weekly newspapers. New Yorkers choose from hundreds of weekly newspapers. These newspapers typically feature super-local coverage of a particular community, have separate news staffs **and** editorial pages. The immense growth in the number of weekly newspapers indicates the **value** readers place on hyper-local **and** special interest coverage. And advertising follows readership.

e. **Internet.** On the Internet, the top reach in the New York market belongs to sites owned by America Online, Microsoft and Yahoo. Each of these sites has local sections designed specifically for the New York market. **These** local sections include news pages on New York news and entertainment, **and** offer search features popular with many users. AOL **leads** the pack, **as** its sites reach **86.4%** of Internet users in the market.<sup>64</sup> Microsoft **has** **72.6%** reach **and** Yahoo **66.9%**. The New York **Times** Web site, despite the tremendous reach of the newspaper compared to other print products, reaches **only 19.4%** of **online** users, which does not even place it in the top **50** sites visited most often

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<sup>63</sup> Population of greater New York metropolitan area 1980 = 18,905,705; 2000 = 21,199,865. U.S. Census Bureau. Census 2000 Redistricting Data (P.L. 94-171) Summary File and 1990 Census.

<sup>64</sup> Jupiter Media Metrix, *Local Market Audience Ratings* (October, 2001)

Station <sup>65</sup>	Owner	Network affiliation	Household share-1975 <sup>69</sup>	Household share-2001 <sup>70</sup>
KNBC, Channel <b>4</b>	NBC/General Electric	NBC	<b>22</b>	<b>12</b>
KVEA, Channel <b>52</b>	Telemundo	Telemundo	<b>&lt;1</b>	3
KPXN, Channel 30	Paxson Communications	Pax	<b>&lt;1</b>	1
KWHY-TV, Channel <b>22</b>	Telemundo	Telemundo	<1	1
KABC-TV, Channel 7	ABC/Walt Disney	ABC	<b>20</b>	<b>11</b>
KCBS-TV, Channel <b>2</b>	CBSNiacom	CBS	<b>21</b>	7
<b>KTTV</b> , Channel 11	Fox/News <b>Corp.</b>	FOX	<b>12</b>	<b>7</b>
KCOP, Channel <b>13</b>		UPN	<b>4</b>	<b>5</b>
KTLA, Channel <b>5</b>	Tribune	<b>WB</b>	<b>9</b>	<b>7</b>
KMEX-TV, Channel 34	Univision	Univision	<1	7
KHSC-TV, Channel <b>46</b>			<1	<1

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	Young	Ind	7	5
KCET, Channel 28	Community TV of So. Cal.	PBS	not on air	3
KTBN-TV, Channel 40	Trinity On air Grp.	TBN	< 1	1
KDOC-TV, Channel 56	Golden Orange	Ind.	not on air	1

Together, Los Angeles over-the-air television stations produce at least **237** hours of local news programming each week. Tribune's KTLA produces **24.5** hours of local news - far more than the five hours it programmed back in **1975.**" As a result of the tremendous amount of local news programming available in the market, no station reaches more than **7.6%** of Los Angeles' households with its evening news programming.

Station <sup>72</sup>	Network Affiliation	Hours of local news per week - 2001	Late evening news rating - 1975 <sup>73</sup>	Late evening news rating - 2001 <sup>74</sup>
KNBC, Channel 4	NBC	37	10	7.6
KVEA, Channel 52	Telemundo	19.5	no late news	1.4
KWHY-TV, Channel 22	Telemundo	12.5	no late news	0.8
KPXN, Channel 30	Pax	2.5	no late news	0.5
KABC-TV, Channel 7	ABC	34	9	7.0
KTLA, Channel 5	WB	24.5	3	5.3
KCBS-TV, Channel 2	CBS	28.5	9	4.5
KTTV, Channel 11	FOX	24.5	5	4.0
KCOP, Channel 13	UPN	6	1	2.2
KMEX-TV, Channel 34	Univision	17	1	3.5
KCAL, Channel 9	Independent	31	2	2.9

b. **Radio competition.** There are **47** commercial and non-commercial AM and FM radio station in the Los Angeles market, owned by **19** separate entities." The diversity in

<sup>71</sup> Nielsen Station Index. May. 1975.

<sup>72</sup> All stations in the market producing original local newscasts in 2001.

<sup>73</sup> Nielsen Station Index. Program Audience Averages. May, 1975. Reflects station existing in 1975. See *supra*, at n. 69 for changed call letters.

<sup>74</sup> Rating numbers are from the May, 2001, Nielsen research, unless otherwise noted.

<sup>75</sup> Duncan's American Radio. *Spring 2001 Rating Repon.* at 175 (September, 2001).

programming includes 17 Spanish-language radio stations and 27 formats in all.<sup>76</sup> As a result of the variety of radio options in Los Angeles, the top-rated station in the market, KROQFM, achieves a 5.1 share, compared to the 6.7 top-rated KABC(AM) earned in 1976.<sup>77</sup>

c. **Cable/DBS television competition.** Nearly 65% of Los Angelinos have access to cable television, with Adelphia having the largest subscriber base.<sup>78</sup> Other MVPDs are used by an additional 12% of the market.<sup>79</sup> Twenty-eight cable networks **gamer** at least a one share in the Los Angeles market, including Nickelodeon with a **4** share and Cartoon Network with a **three**.<sup>80</sup> These cable networks, as well as A&E, Disney, Lifetime, TBS, TNT, **USA** and 20 others **each** have audience shares equal to or greater than **18** of the over-the-air broadcast stations in the market. Cite Adelphia cable offers its subscribers **75** different cable channels, while AT&T offers 88.<sup>81</sup> Local **sports** are seen on regional sports channels **Fox Sports West I and II**, and **Fox Sports West en Espanol**.

d. **Newspaper competition.** Tribune's *Los Angeles Times* joins the *Los Angeles Daily News*, the *Orange County Register*, the (Riverside) *Press-Enterprise* and other daily newspapers vying for consumers' time. As in New York, **the** combined circulation of the leading daily newspapers has fallen since **1975**. **Daily** circulation of the top *three* newspapers is down **5.7%**. even as the population of Los Angeles has grown from **11,497,548** in 1980 to **16,376,645** in 2000. **The** migration of readers to other media for news and entertainment is partly responsible for the cessation of most afternoon editions.

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<sup>76</sup> *Id.* at 175-77.

<sup>77</sup> *Id.* at 175-77; James Duncan, *American Radio Fall Report*. (1976).

<sup>78</sup> *Broadcasting & Cable Yearbook 2001*, at C-4; Nielsen Media Research. July. 2001

<sup>79</sup> Nielsen Media Research. July, 2001.

<sup>80</sup> Nielsen Station Index. May 2001 Report.

<sup>81</sup> *Zap2it TV Listings*, November 19, 2001, available at [www.zap2it.com](http://www.zap2it.com).

Top daily newspapers. <sup>82</sup>	1975	2001
<i>Los Angeles Times</i>	1,000,866	1,001,610
<i>Herald-Examiner</i>	398,421	Not published
<i>Orange County Register</i>	195,385	324,056
<i>L.A. Daily News</i> <sup>83</sup>	not published daily	178,156

With the largest Latino population in the country, Los Angeles also offers strong Spanish-language newspapers, including *La Opinion*, with a daily circulation of **127,576**.<sup>84</sup> Hundreds of weekly newspapers are published in Los Angeles, adding to the chorus of print voices.

e. Internet. On the Internet, sites owned by AOL, Yahoo and Microsoft lead the pack. As they do in New York, each of these sites has a local edition, which includes news pages and comprehensive entertainment information designed specifically for the Los Angeles market. AOL reaches **84.6%** of Internet users in the market.<sup>85</sup> Microsoft has **74.8%** reach and Yahoo 69.2%. Tribune's *latirnes.com*, despite the powerful reach of the print newspaper, reaches only **15.3%** of Los Angeles' online users - less than one-fifth that of AOL - and is visited by Los Angelinos less often than more than 70 other web sites.<sup>86</sup>

### 3. The Chicago Marketplace.

In Chicago, the nation's third-largest metropolitan area and third-largest **DMA**, Tribune owns the *Chicago Tribune*. WGN-TV, Channel 9, an affiliate of The WB network, WGN(AM) radio, and ChicagoLand Television News ("CLTV"), a 24-hour cable news channel. Like New York and Los Angeles, Chicago's landscape is filled with intense competition involving virtually every major media player in the country.

<sup>82</sup> Audit Bureau of Circulations, *Far-For*, September, 1975 and 2001

<sup>83</sup> The L.A. Daily News began seven-day-a-week publication in 1979. Prior to that, it was called the Valley News and Green Sheet. See, L.A. Daily News, *Celebrate Our 90<sup>th</sup> Year*, (Sept. 24, 2001) available at [www.dailynews.com/life/articles/0901/24/90bday.asp](http://www.dailynews.com/life/articles/0901/24/90bday.asp).

<sup>84</sup> Audit Bureau of Circulations, *Fas-Fax*, Sept., 2001. Tribune owns 50% of *La Opinion*.

<sup>85</sup> Jupiter Media Merrix, *Local Market Audience Ratings*, October, 2001

a. Television competition. There are 16 over-the-air broadcast stations in Chicago, exceeding the 10 available in 1975. These 16 stations are owned by 15 distinct owners.<sup>87</sup> Each of the four major networks has an owned and operated station, and Chicago boasts one of America's most-watched public television stations, WTTW. Only two stations attract more than 10% of the television viewers on average. Although WGN-TV is the third-ranked station in the Chicago market, its audience share is just over half what it was in 1975.<sup>88</sup> The competition includes:

Station <sup>89</sup>	Owner	Network affiliation	Household share-1975 <sup>90</sup>	Household share-2001 <sup>91</sup>
WLS-TV, Channel 7	ABC/Walt Disney	ABC	22	15
WMAQ-TV, Channel 5	NBC/General Electric	NBC	26	11
WCPX, Channel 38	Paxson Communications	Pax	not on air	2
WSNS, Channel 44	Telemundo	Telemundo	3	2
WGN-TV, Channel 9	Tribune	WB	17	9
WBBM-TV, Channel 2	CBS/Viacom	CBS	24	7
WFLD, Channel 32	Fox/News Corp.	FOX	5	8
WPWR-TV, Channel 50	Newsweb Corp.	UPN	< 1	5
WTTW, Channel 11	Window to the World Com.	PBS	3	4
WCIU-TV, Channel 26	Weigel Communications	WB Kids	< 1	4
WGBO-TV, Channel 66	Univision	Univision	not on air	4
WEHS-TV, Channel 60			not on air	< 1
WYCC, Channel 20	City Colleges of Chicago	PBS	< 1	1

<sup>86</sup> *Id.*

<sup>87</sup> Nielsen Media Research.

<sup>88</sup> Nielsen Station Index. May, 1975,

<sup>89</sup> Includes all over-the-air stations with a greater than one market share, plus co-owned stations with shares of less than One.

<sup>90</sup> Nielsen Station Index. Day Pan Audience Summary, May, 1975. Reflects stations existing in 1975. Call letter differences as follows: Channel 20, then-WXXW; Channel 50, then-WCAE.

<sup>91</sup> Share numbers are from the Nielsen Station Index May, 2001. Repon unless otherwise noted

Reflecting Chicago's strong tradition for news and reponing, the highest-rated stations in Chicago all have well-established news departments. Together, Chicago over-the-air television stations produce at least 160 hours of local news programming each week. Tribune's **WGN-TV** produces 27 hours of local news - nearly four times the mere seven hours it programmed back in 1975.<sup>92</sup> However, no station has higher than a **14.2** rating for its evening news programming, a significant drop from the 20 rating WLS-TV achieved in 1975.<sup>93</sup>

Station <sup>94</sup>	Network Affiliation	Hours of local news per week- 2001	Late evening news rating- 1975 <sup>95</sup>	Late evening news rating - 2001 <sup>96</sup>
WLS-TV, Channel 7	ABC	30	20	14.2
WMAQ-TV, Channel 5	NBC	29.5	16	10.5
WSNS, Channel 44	Telemundo	5	no late news	0.6
WCPX, Channel 38	Pax	2.5	not on air	1.1
WGN-TV, Channel 9	WB	27.0	9	6.3
WBBM-TV, Channel 2	CBS	23.5	14	4.7
WFLD, Channel 32	FOX	33	no late news	4.3
WGBO-TV, Channel 66	Univision	7	not on air	2.1
WTTW, Channel 11	PBS	2.5	no late news	1.3

b. **Radio competition:** There are 46 separate commercial and non-commercial radio stations in the Chicago market, controlled by 21 different entities.<sup>97</sup> Like residents of New York and Los Angeles, Chicagoans can choose to listen to the gamut of radio formats, 37 in total.<sup>98</sup> Tribune's

<sup>92</sup> Nielsen Station Index, May, 1975.

<sup>93</sup> Nielsen Station Index, May, 1975; Nielsen Media Research, May, 2001

<sup>94</sup> All stations in the market producing original local newscasts in 2001.

<sup>95</sup> May, 1975. Nielsen Station Index. Reflects station existing in 1975. See *supra* at n. 90 for changed call letters.

<sup>96</sup> Rating numbers are from Nielsen Station Index, May, 2001 **Repon.** unless otherwise noted.

<sup>97</sup> Duncan's American Radio. *Spring 2001 Ratings Repon.* at 61-63 (September, 2001), available at www.duncanradio.com.

<sup>98</sup> *Id.* at 61.

WGN(AM) is the highest-rated station in the market, but reaches only a 7 share, a distant echo of the 13 share it earned in 1976.<sup>99</sup>

c. **Cable/DBS** television competition: AT&T today controls an astounding 95% of the DMA's cable subscribers - more than 1.6 million television households.<sup>100</sup> Cable penetration in Chicago is 65%.<sup>101</sup> Other MVPDs reach an additional 8% of **Chicagoans**.<sup>102</sup> On the content side, **28** cable networks earn at least a one share of total-day, total-television household viewing in the Chicago DMA. These 28 networks equal or out-perform seven of the commercial UHF stations in the **DMA**.<sup>103</sup> AT&T's Chicago cable subscribers have 80 channels available. with **as many as 262** available on AT&T's digital **services**.<sup>104</sup> As discussed more fully below in Section IV.B.2.. Tribune-owned ChicagoLand Television News, a 24-hour local cable news network, was launched in 1993 as a direct result of Tribune's cross-ownership in Chicago.

d. **Newspaper** competition. The Chicago market also features intense newspaper competition that includes two large-circulation dailies and several successful suburban daily newspapers. Following the trend in other major cities, overall weekday circulation of the top three daily newspapers is down 27.5% since 1975.

Top Daily Newspapers. <sup>105</sup>	1975	2001
<i>Chicago Tribune</i>	806,083	675,847
<i>Chicago Sun-Times</i>	567,780	480,920
<i>Chicago Daily News</i>	425,220	not published
<i>Daily Herald</i> <sup>106</sup>	11,717	148,375

<sup>99</sup> See, *id* at 61; James Duncan, *American Radio Fall Report* (1976).

<sup>100</sup> Nielsen Media Research. (February, 2001).

<sup>101</sup> *Broadcasting and Cable Yearbook 2001*, at C-2.

Nielsen Media Research, July, 2001.

<sup>103</sup> Nielsen Media Research, *Total Activity Report*. May. 2W1

<sup>104</sup> *Zap2it TV Listings*, November 19, 2001, available at [www.zap2it.com](http://www.zap2it.com)

<sup>105</sup> Audit Bureau of Circulations. *Far-Fax*. Sept. 2001, March 1975.

As in most other major markets, afternoon editions of the major daily newspapers have been shuttered since 1975. The venerable *Chicago Daily News* ceased publication entirely. Also taking readership from the daily newspapers are hundreds of weekly newspapers, many of which have been launched since 1975. The leader in this category is Pioneer Press, a subsidiary of Hollinger International, Inc., owner of the *Chicago Sun-Limes*. Pioneer publishes 48 separate weekly papers in communities around Chicago and claims a combined weekly circulation of 196,622.<sup>107</sup>

e. Internet. On the Internet, sites owned by America Online, Microsoft and Yahoo once again lead the market, and each has local sections designed specifically for Chicagoans. AOL reaches 78.8% of the online community in the market.<sup>108</sup> Microsoft has 72.8% reach and Yahoo 65.7%. Chicagotribune.com reaches a mere 18.2% of Chicago's online community.<sup>109</sup>

#### 4. The South Florida marketplace.

South Florida boasts one of the most competitive media markets in the country, with a diversity of voices second to none.<sup>110</sup> The Miami-Ft. Lauderdale DMA is the 15<sup>th</sup> largest in the country, and the West Palm Beach DMA immediately to the north is the 43<sup>rd</sup> largest.<sup>111</sup> Tribune publishes the South *Florida Sun-Sentinel* and, pursuant to a temporary waiver of the Rule, owns WBZL. Channel 39.

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<sup>106</sup> Reflects predecessor, *Arlington Heights Herald* in 1975.

<sup>107</sup> See, *Pioneer Press*, available at [www.pioneerlocal.com/cgi-bin-ppo-about](http://www.pioneerlocal.com/cgi-bin-ppo-about).

<sup>108</sup> Jupiter Media Metrix, *Local Market Audience Ratings*, October, 2001.

<sup>109</sup> *Id.*

<sup>110</sup> "South Florida" as used herein includes the Census Bureau's MSA/CMSA for both Miami-Ft. Lauderdale and West Palm Beach, immediately to its north.

<sup>111</sup> Nielren Media Research, 2001-02, UE.

Station <sup>112</sup>	Owner	Network affiliation	Household share-1975 <sup>113</sup>	Household share - 2001 <sup>114</sup>
WLTN, Channel 23 WAMI, Channel <b>69</b>	Univision	Univision Ind.	2 not on air	11 2
WPLG, Channel 10	Post-Newsweek	ABC	21	10
WFOR-TV, Channel 4 WBFS-TV, Channel 33	CBS/Niacom	CBS UPN	35 not on air	9 6
WTVJ, Channel 6 WSCV, Channel 51 WPXM, Channel <b>35</b>	NBC/General Electric Telemundo Paxson Communications	NBC Telemundo Pax	9 < 1 not on air	<b>9</b> <b>7</b> 1

<sup>112</sup> Review of the Prime Time Access Rule, Section 73.658(k) of the Commission's Rules, 11 FCC Rcd. 546 at Table D-1 (1995) ("PTAR Report & Order") The Herfindahl-Hirschman Index ("HHI") is used by the Dept. of Justice and the Federal Trade Commission to measure concentration in the market.

<sup>113</sup> *Broadcasting & Cable Yearbook 1975*, at B43, B-72.

<sup>114</sup> Includes all over-the-air stations with a greater than one market share, plus co-owned stations with shares of less than one.

<sup>115</sup> Nielsen Station Index, May, 1975. Reflects stations existing in 1975. Call letter differences as follows: Channel 4, then-WTVI; Channel 6, then-WCM; Channel 7, then-WCKT; Channel 45, then-WFCB; Channel 51, then-WKID.

<sup>116</sup> Share numbers are from the May, 2001, Nielsen Research Report, unless otherwise noted.

WSVN, Channel 7	<b>Sunbeam Television Corp.</b>	FOX	<b>31</b>	a
WBZL, Channel 39	Tribune	WB	not on air	<b>5</b>
WPBT, Channel 2	Community TV Found. So. Fla.	PBS	2	2
WLRN-TV, Channel 17	Dade County Public Schools	PBS	< 1	1
<b>WHFT-TV, Channel 45</b>	Trinity Broadcasting Network	TBN	< 1	I

Station <sup>117</sup>	Network Affiliation	<b>Hours of local news per week- 2001</b>	Late evening news rating- 1975 <sup>118</sup>	Late evening news rating · 2001 <sup>119</sup>
WTVJ, Channel <b>6</b>	NBC	30	3	<b>7.3</b>
WSCV, Channel 51	Telemundo	14.5	no late news	<b>4.8</b>
WPXM, Channel <b>35</b>	<b>Pax</b>	<b>2.5</b>	<b>no late news</b>	<b>0.5</b>
WFOR-TV, Channel <b>4</b>	CBS	<b>24.5</b>	11	<b>7.1</b>

<sup>117</sup> All stations in the market producing original local newscasts in 2001.

<sup>118</sup> Nielren Station Index. May, 1975. Reflects station existing in 1975. See, *supra* at n. 115 For changed call letters.

<sup>119</sup> Rating numbers are from the May, 2001, Nielsen research. unless otherwise noted.

WBFS-TV, Channel 33 <sup>120</sup>		3.5	not on air	2.9
WPLG, Channel 10	ABC	24	11	6.3
WSVN, Channel 7	FOX	42	16	6.0
WLTW, Channel 23	Univision	12	no late news	5.9
WBZL, Channel 39	WB	3.5	not on air	2.2

b. Radio competition. There are 35 commercial and non-commercial **AM** and FM radio stations available in the Miami-Ft. Lauderdale-Hollywood radio market, controlled by 16 separate entities.<sup>121</sup> Ten of these stations went on the air after the Commission adopted the Rule in 1975. Twelve stations program Spanish-language formats, and in all, 27 formats are available to Miami listeners.<sup>122</sup>

c. Cable/DBS television competition. Cable reaches 74% of households in the Miami-Ft. Lauderdale DMA and can deliver in excess of 75 channels.<sup>123</sup> Like Chicago, the cable marketplace in Miami-Ft. Lauderdale is dominated by AT&T, which controls 75% of the subscribers. MVPDs reach an additional 10% of the market.<sup>124</sup> Combined with cable subscribers, roughly 84% of the Miami-Ft. Lauderdale audience receives video programming from an alternative to over-the-air television.

No fewer than 28 cable channels earned total television household shares of one or higher, equaling or exceeding the shares of five commercial over-the-air stations in the market. Florida news can be found on cable at FNC (the Florida News Channel). Local Sporting events and sporting news is carried on Fox Sports Florida and the Sunshine Network.

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<sup>120</sup> WBFS-TV began its evening newscast in August, 2001. Numbers reflect October, 2001, data.

<sup>121</sup> Duncan's American Radio, *Spring 2001 Ratings Report*, at 195 (September 2001).

<sup>122</sup> *Id.* at 195.

<sup>123</sup> *Broadcasting & Cable Yearbook 2001*, at C4; Nielsen Media Research, July, 2001.

<sup>124</sup> Nielsen Media Research, July, 2001.

d. Newspapers. South Florida residents can read seven local daily newspapers, including two Spanish-language papers. In addition to Tribune, these publishers include the **financed**, national companies, Knight-Ridder and **Cox** Enterprises. Circulation in South Florida is competitive:

Top Daily Newspapers. <sup>125</sup>	1975	2001
<i>Miami Herald</i>	375,745	300,377
<i>Sun-Sentinel</i>	96,616	236,095
<i>Miami News</i>	77,568	not published
<i>El Nuevo Herald</i>	n/a	86,096

South Florida, with its many coastal communities, is **also** a robust market for weekly newspapers. Multitudes of community **and** demographic groups in **South** Florida can point to one or more weekly publications targeted to their geographic community, affiliation or interest. Among the publications are *Le Francophile International*, *Miami New Times*, the *Coral Gables Gazette*, *El Nuevo Patria*, and *Shalom Today*.

e. Internet. **On** the Internet, sites owned by America Online, Microsoft and **Yahoo** once again lead **the** market, and each has local sections designed **specifically** for the Miami-Ft. Lauderdale area. Microsoft's sites lead, reaching **75.6%** of the online users in the market.<sup>126</sup> AOL has **74.4%** reach and **Yahoo** 60.9%. Tribune's **Sun Sentinel** sites finishes **12** *with a reach of merely 11.6%*.

5. The **Hartford/New** Haven marketplace.

The Hartford metropolitan area is the nation's **42<sup>nd</sup>** largest in population,<sup>127</sup> and the Hartford-New Haven **DMA** is the **28<sup>th</sup>** largest in the U.S.<sup>128</sup> Located in the congested East Coast

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<sup>125</sup> Audit Bureau of Circulations. *Far-For* (Sept. 2001).

<sup>126</sup> Jupiter Media Meux. *Local Market Audience Ratings* (October, 2001).

<sup>127</sup> The population of the Hartford CMSA topped one million for the first time in the 2000 census, where it was recorded at 1,183,110. See U.S. Census, 2000.

corridor between **Boston** and New **York**. Hanford residents have access to local television stations from four different states: Connecticut, Massachusetts, New York and Rhode Island. Tribune publishes **The Hartford Courant** and owns and operates WTIC-TV. Channel 61, an affiliate of the **Fox** Network, and **WTXX**, Channel 20, an affiliate of The WB network.

a. **Television competition.** Discussion of the Hanford over-the-air television marketplace is really a hypothetical exercise given that more than 90% of its residents use cable or another MVPD. Cable systems together offer 30 television stations from Hartford-New Haven, New York, Boston, Providence, RI-New Bedford, MA and Springfield, MA, in addition to national cable networks.<sup>129</sup> There are 11 local over-the-air stations available in the Hartford DMA (up from the six stations available in 1975<sup>130</sup>), owned by nine different owners. More importantly, as in the other Tribune markets, no single station commands a dominant household share. The competition for broadcast viewership includes:

<sup>128</sup> Nielsen Media Research, 2001-02, UE.

<sup>129</sup> See, *TV Week*, **The Hartford Courant**, Nov. 3, 2001 at 2. Stations available in Hartford DMA include the following (combines all cable system: some channels are not available on all system):

<del>WCBS-TV, New York</del>	<del>WGBH-TV (PBS), Boston</del>	<del>WFSB-TV (CBS), Hartford</del>
<del>WNBC-TV, New York</del>	<del>WBZ-TV (CBS), Boston</del>	<del>WNYW-TV (Fox), New York</del>
<del>WCBS-TV, New York</del>	<del>WGBH-TV (PBS), Boston</del>	<del>WFSB-TV (CBS), Hartford</del>
<del>WNBC-TV, New York</del>	<del>WBZ-TV (CBS), Boston</del>	<del>WNYW-TV (Fox), New York</del>
<del>WCVB-TV (ABC), Boston</del>	<del>WLNE-TV (ABC), New Bedford</del>	<del>WABC-TV, New York</del>
<del>WTNH-TV (ABC), New Haven</del>	<del>WWOR-TV (Ind.), New York</del>	<del>WJAR-TV (NBC), Providence</del>
<del>WPIX-TV (WB), New York</del>	<del>WPRI-TV (CBS), Providence</del>	<del>WNET-TV (PBS), New York</del>
<del>WRDM-LP (Telemundo), Hartford</del>	<del>WUVN-TV (Univision), Hartford</del>	<del>WTXX-TV (WB), Waterbury</del>
<del>WWLP-TV (NBC), Springfield</del>	<del>CPTV (PBS), Hartford</del>	<del>WHPX-TV (PAX), New London</del>
<del>WVIT-TV (NBC), New Britain</del>	<del>WSBE-TV (PBS), Providence</del>	<del>WSBK-TV (UPN), Boston</del>
<del>WGGB-TV (ABC), Springfield</del>	<del>WEDN-TV (PBS), Norwich</del>	<del>WLVI-TV (WB), Boston</del>
<del>WGBY-TV (PBS), Springfield</del>	<del>WCTX-TV (UPN), New Haven</del>	<del>WTIC-TV (Fox), Hartford</del>

<sup>130</sup> *Broadcasting & Cable Yearbook 1975*.

Station <sup>131</sup>	Owner	Network affiliation	Household share-1975 <sup>132</sup>	Household share-2001 <sup>133</sup>
WFSB, Channel 3	Meredith Broadcasting Group	CBS	34	14
WVIT, Channel 30	NBC/General Electric	NBC	15	13
WTNH-TV, Channel 8	LIN Television Corp.	ABC	23	10
WCTX, Channel 59	K-w TV/LMA with LIN	UPN	not on air	2
WTIC-TV, Channel 61	Tribune	FOX	not on air	7
WXXX, Channel 20		WB	< 1	2

Station <sup>135</sup>	Network affiliation	Hours of local news per week - 2001	Late evening news rating - 1975 <sup>136</sup>	Late evening news rating - 2001 <sup>137</sup>
WVIT, Channel 30	NBC	30	4	7.7
WFSB, Channel 3	Pax	5	not on air	0.4
WRDM, Channel 13	Telemundo	2.5	not on air	< 1
WFSB, Channel 3	CBS	33.5	13	6.2
WTNH-TV, Channel 8	ABC	24.5	11	5.1
WCTX, Channel 59	UPN	3.5	not on air	1.4
WTIC-TV, Channel 61	FOX	6.5	not on air	5.1
WXXX, Channel 20	WB	3.5	no late news	1.2

<sup>131</sup> Includes all over-the-air stations with a greater than one market share, plus commonly owned stations with shares of less than one.

<sup>132</sup> Nielsen Station Index, May, 1975. Reflects stations existing in 1975. Call letter differences as follows: Channel 20, then-WATR; Channel 30, then-WHNB.

<sup>133</sup> Share numbers are from the Nielsen Station Index, May, 2001 Report, unless otherwise noted.

<sup>134</sup> A fourth station, WHCT-TV, Channel 18 may also have broadcast a de minimus amount of local news programming in 1975.

<sup>135</sup> All stations in the market producing original local newscasts in 2001

<sup>136</sup> Nielsen Station Index, May, 1975. Reflects station existing in 1975. See, supra at n. 135 for changed call letters

<sup>137</sup> Rating numbers are from the Nielsen Media Research, May, 2001, unless otherwise noted.

b. **Radio** competition. There are **25** commercial and non-commercial AM and FM radio stations available in the Hartford market, owned by 10 separate entities and offering 13 different formats **to** Hartford residents."<sup>138</sup>

c. **Cable/DBS** television competition. Hartford is a unique cable market. Cable reaches 88% of households in the Hartford-New Haven DMA - the second-highest penetration of any top-50 television market."<sup>139</sup> Other MVPDs reach **an additional 2.5%** of the market,"<sup>140</sup> meaning over-the-air distribution of television is little **used** in Hartford. There **are 24** cable systems in the Hartford DMA,<sup>141</sup> and the systems deliver a **minimum of 80** channels. Thirty-six cable networks earn **at least a one share** in the Hartford DMA, equaling or outperforming three of the broadcast stations.

d. Newspaper competition. Daily newspapers published in the Hartford DMA include *The Hartford Courant*, the *New Haven Register* and the (Bridgeport) *Connecticut Post*. *The Boston Globe*, *The New York Times* and other regional newspapers are **also** offered for home delivery.

<i>Top Daily Newspapers.</i> <sup>142</sup>	<b>1975</b>	<b>2001</b>
<i>The Hartford Courant</i>	<b>179,569</b>	<b>198,651</b>
<i>New Haven Register</i>	<b>100,903</b>	<b>100,108</b>
<i>(Bridgeport) Connecticut Post</i> <sup>143</sup>	<b>89,705</b>	<b>76,045</b>

Weekly publications include *The Hartford Business Journal*. four weekly African-American and Hispanic publications, the *Catholic Transcript*, and the *Jewish Ledger*.

<sup>138</sup> Duncan's American Radio, *Spring 2001 Ratings Repon.* at 131 (September, 2001).

<sup>139</sup> *Broadcasting & Cable Yearbook 2001*, at C-3.

<sup>140</sup> Nielsen Media Research. July. 2001.

<sup>141</sup> NCTA, *State Data as of December* (Updated Nov. 23, 2001) available at [http://www.ncta.com/industry\\_overview/indStats.cfm?statID=16](http://www.ncta.com/industry_overview/indStats.cfm?statID=16).

<sup>142</sup> Audit Bureau of Circulations. *Fas-Far*. March. 1975, and Sept. 2001.

<sup>143</sup> Known as Bridgeport Telegram-Post in 1975.

e. Internet. The local channels of national portals and the local newspaper Web sites compete fiercely in the Hartford market. The Hartford *Courant's* ctnow.com has to compete not only with other local newspaper and television sites, but also with breaking news on AOL, MSN, Netscape and Web sites of many other broadcasters and print media. In this market it is hard for any news source to be heard.''

B. The increase in choices has fragmented the marketplace. Market shares for all media have dropped. As a result, no one voice, and no small number of voices, reach more than a fraction of the market, let alone dominate it.

The data make an unmistakable statement: as consumers are offered a growing number of media choices, they divide their time among those choices. No single medium or programmer can dominate the advertising marketplace or the marketplace of voices and ideas. In fact, no two or three voices combined can dominate any given marketplace.

1. Ratings for individual broadcast television stations decline. The abundance of choices for viewers has meant a sharp downturn in ratings and share for broadcasters at the national and local levels. All four major national broadcast networks have experienced substantial ratings declines. CBS has taken the biggest hit, dropping 59% from a total prime time rating of 20.9 in 1975 to 8.6 in 2001.<sup>145</sup>

In local markets, the effect on ratings and share is equally pronounced. In May, 1975, weekly average share for the top-rated station in the New York market, WNBC, was 24. By May, 2001, the top-rated station in New York earned only a 12 share. That is, despite the fact the population in the New York DMA has increased 7% since 1975, there were 660,889 fewer homes watching the top-rated TV station in May, 2001, than in May 1975.''' This fragmentation is consistent across

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<sup>144</sup> See, The Media Audit. August-September, 2001

<sup>145</sup> Nielsen Media Research. 1975.2001.

<sup>146</sup> Nielsen Station Index, May 1975 vs. Nielsen Media Research. May, 2001. There were 6,221,510 households in the New York DMA in 1975; there were 6,935,610 in 2001.

American television markets. In Los Angeles, top-rated KNBC registered a 22 share in May, 1975, but saw that melt to 12 in May, 2001. In Chicago, top-rated WMAQ-TV earned a 26 share of the market in May, 1975, but in May, 2001, top-rated WLS-TV had only a 15 share. In Miami-Ft. Lauderdale, the top-rated station in 1975 was WTVJ with a whopping 35 share. Today's top-rated Miami-Ft. Lauderdale station, WLTV, attracts only an 11 share. In Hartford, top-rated WFSB had a 34 share in May, 1975. It retains the top rating in May, 2001, but had only a 14 share.

Fragmentation is also evident with respect to local evening newscasts. From 1993 to 2000, the number of Americans who say they regularly watch local television news fell from 77% to 56%.<sup>147</sup> In New York, WNBC's late news led the market in May, 1975, with a 13 rating. Today, WNBC leads the market, but has only an 8.2 rating. Local news ratings have dropped in all markets where Tribune owns a newspaper and television station. In Chicago, WLS-TV led among late, local evening newscasts in 1975 with a 20 rating. It still tops the ratings in 2001, but has only a 14.2. In Hartford, WFSB led the late local evening newscasts in 1975 with a 13 rating. In 2001, WVIT tops the market with only a 7.7 rating.

2. **Share for individual radio stations declines.** Radio listener shares have plunged dramatically since 1975 as well. In Hartford, market leader WTIC(AM) had an 11 share in the Spring of 2001.<sup>148</sup> This is only a fraction of the 30.3 share it earned when it led the market in 1976.<sup>149</sup> In Chicago, WGN(AM) led all radio stations in 1976 with a 13 share. It remains atop the list in 2001, but its share has dropped to 7.<sup>150</sup> KROQ-FM is the 2001 leader in the Los Angeles market with a mere

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<sup>147</sup> The Pew Research Center for the People and the Press, *Investors Now Go Online for Quotes, Advice* (2001), available at <http://www.people-press.org/media00rpt.htm>.

<sup>148</sup> Duncan's American Radio, *Spring 2001 Ratings Report*, at 31 (Sept. 2001). Tribune owns WTIC-TV in Hartford, but not WTIC radio.

<sup>149</sup> James Duncan, *American Radio Fall Report*. (1976)

<sup>150</sup> Duncan's American Radio, *Spring 2001 Ratings Report* at 61

5.1 share.'" Even with the consolidation in radio, no radio station - owned by any party - in New York, Los Angeles, Chicago, South Florida or Hartford. earned higher than an 11 share.'"

3. **Number and circulation of daily newspapers decline.** In the face of the fragmenting marketplace, daily newspapers have suffered most. In 1975, there were 1,756 daily newspapers in America. In 1999, there were 1,483.<sup>153</sup> While the U.S. population increased 27.4% during this period, from 215,973,199 to 275,130,000,<sup>154</sup> daily newspaper circulation dropped 8% - from 60,655,431 in 1975 to 55,772,847 by 2000.<sup>155</sup> From 1975 to 2000, total weekday circulation for the top three daily newspapers fell by 29.5% in New York, by 5.7% in Los Angeles, and by 27% in Chicago.<sup>156</sup> But as a reflection of consumer demand for content that is more local, the number of weekly newspapers increased 6.9% from 1975 to 1999, from 7,612 to 8,138.<sup>157</sup> More tellingly, circulation of weekly newspapers has more than doubled from 35,892,409 in 1975 to 74,457,621 in 1999.<sup>158</sup>

4. **Emergence of a true viewpoint gatekeeper.** Today, through efficient clustering of cable systems, single operators control cable distribution to entire metropolitan areas. In Chicago, for instance, 95% of all cable homes take their service from AT&T. The same is true in other metropolitan communities.

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<sup>151</sup> *Id* at 175.

<sup>152</sup> *Id* at 131.

<sup>153</sup> Newspaper Association of America. *Facts About Newspapers*. (2001).

<sup>154</sup> U.S. Census Bureau, Population Estimates Program. 1975 and 2000 estimates.

<sup>155</sup> Audit Bureau of Circulations, 1975 and 2001; Editor & Publisher Year Bk. 1976; Editor & Publisher International Year Book. 2001.

<sup>156</sup> Audit Bureau of Circulations, *Fas-Fax*, 1975 and 2000. Circulation for the market's top three daily newspapers.

<sup>157</sup> Newspaper Association of America. *Facu About Newspapers*. (2001).

<sup>158</sup> Newspaper Association of America. *Facts About Newspapers*. (2001).