

HONOLULU COMMUNITY-MEDIA COUNCIL

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September 4, 2002

W. Kenneth Ferree
Chief, Media Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Dear Mr. Ferree:

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*Founding Member

We request the FCC to rescind the continued waiver of the "duopoly rule" allowing Emmis Communications (Emmis) to own two of the top TV stations in Hawai'i. In Hawai'i, this loss of an independent broadcast news source is having a chilling effect on the diversity of voices and points of view that are expressed in local news broadcasts. As ownership of local TV channels is concentrated in few hands, the opportunity for opposing views to be expressed has been reduced. There are reduced employment opportunities for journalists and news producers.

As the broadcast licenses currently held by Emmis indicate, the designated market area of Honolulu includes the entire State of Hawai'i. It follows, therefore, that the whole population of Hawai'i is adversely affected by allowing this concentration of media ownership to continue.

Representations made by Emmis regarding diversity of media voices in Hawai'i are misleading. The FCC should carefully review this entire docket. For example:

"Temporary waiver in this case, Emmis argues, would not unduly affect diversity and competition in the Honolulu market given the multiplicity of media voices. Emmis notes that 21 commercial television stations, 4 noncommercial educational television stations, 74 commercial and noncommercial radio stations, 11 low power television stations, 21 ITFS stations, 24 MDS stations, 11 cable systems having 88% market penetration, and 6 daily newspapers serve the Honolulu market."

[From FCC's DA 00-2199, Memorandum Opinion and Order adopted September 25, 2000.]

Emmis' tally misleads, for example, by stating that there are six daily newspapers serving the Honolulu market when all but two, the Honolulu Advertiser and the Honolulu Star-Bulletin, serve a much smaller population located on the neighbor islands and do not serve the Honolulu market.

Concerned citizens and the State of Hawai'i, in concert with other organizations, including the Honolulu Community-Media Council, succeeded in preventing the closure of one of the two Honolulu dailies for very much the same reason we ask the FCC now to rescind the waiver of the duopoly rule.

Similarly, Emmis fails to distinguish between other systems, such as noncommercial stations and cable systems, that cover the entire state and those that only cover single islands. Indeed, there is only one noncommercial station (Hawai'i Public TV) for the State and only one cable system operator (Times Warner) statewide. (There is also one public access station that purports to reach 80% of the State.) Further, there are far fewer independent news organizations in the state than Emmis' figures would suggest.

Recently, Emmis has changed the basis of their pleadings before the FCC and now, rather than requesting an extension while concluding a sale, Emmis seeks a waiver pending reconsideration of the entire duopoly rule. Further, Emmis questions the legitimacy of the rule they earlier promised to meet.

Recent actions by Emmis to consolidate operations of the two stations further contradict their commitments made prior to the Commission's initial waiver nearly two years ago. Emmis has subsequently appointed a single executive to serve as senior vice president and general manager of both stations. Emmis has also begun to consolidate newsrooms staff, who were told that KHON and KGMB -- whose news programs are rated first and third in Honolulu, respectively -- must share a photographer for select news stories.

Local TV journalism in Hawai'i is now suffering due to Emmis' continued ownership of both KHON-Fox and KGMB-CBS. Allowed to continue, this duopoly will eventually silence one of the four major independent news organizations in Hawai'i's limited marketplace of ideas. The viewing public in Hawai'i will continue to suffer due to the reduction and eventual loss of that independent voice.

The consolidation of news operations under this continuing duopoly contradicts the FCC's stated goal of preserving competition and diversity of voices in local broadcast media. It also contradicts promises made by Emmis to sell one station when they applied to the Commission for duopoly waiver extensions.

Further, we note that the public has not had a formal opportunity to comment, nor adequate notice, nor information made publicly available to participate in this important policy deliberation. On December 20, 2001 a member of our organization visited KGMB-TV, requested public files relating to the duopoly waiver, and was told that none were available at the station's offices in Honolulu. This incident was reported on a Hawai'i Public Radio program aired live on that date.

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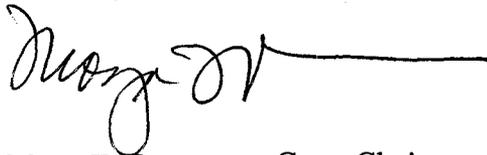
Hawai'i's unique cultural landscape and geographic isolation create a special need for diverse and independent broadcast voices. Hawai'i's lamentable record among the lowest voting percentages in the Nation may never be improved if the sources of news are further concentrated in the hands of a few.

Our free society will suffer in profound ways if the FCC does not fulfill its traditional mission of preserving competition and diversity on the public's airwaves.

For all these reasons, we urge the commission to rescind its waiver of the "duopoly rule" as it applies to Emmis, and require that ownership of KHON-TV and KGMB-TV be maintained separate and independent.

Thank you for your attention to our concerns.

Sincerely,



Moya T. Davenport Gray, Chair



Richard S. Miller, Vice Chair and past Chair

cc: US Senator Daniel Inouye
US Senator Daniel Akaka
US Representative Neil Abercrombie
US Representative Patsy Mink
Hawai'i Governor Benjamin Cayetano

The Honolulu Community-Media Council -- composed of individuals from the media and the community -- is a nonpartisan, non-governmental, independent group. It seeks to promote accurate and fair journalism in Hawai'i, broaden public understanding of the role of the media, foster discussion of media issues, strengthen public support for First Amendment rights and freedoms, and improve public access to information.