



Of those that addressed the newspaper/broadcast cross-ownership ban in their comments, the vast majority, including Gannett, advocated complete repeal.<sup>1</sup> The Commission's fact-gathering with respect to the newspaper/broadcast cross-ownership rule has been far-reaching and comprehensive, and the record now includes not only the results of the Commission's economic studies ("Studies"), but also extensive evidence from 31 existing newspaper/broadcast combinations that demonstrates that newspaper/broadcast cross-ownership has no negative impact on diversity, competition, and localism.<sup>2</sup>

The record establishes that newspaper/broadcast cross-ownership does not harm viewpoint, outlet, source, or program diversity. It demonstrates that even as media consolidate to counter the effects of fragmentation, they rarely achieve the market shares that single media or smaller groups of media achieved in the past. The record shows that by permitting newspapers and broadcasters to combine resources and take advantage of efficiencies, cross-ownership overwhelmingly tends to enhance both the quality and quantity of local news available to local

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<sup>1</sup> See Comments of Belo Corp. in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003) ("Belo Comments"); Comments of Block Communications in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003) ("Block Communications Comments"); Comments of Bonneville International Corp. in MM Docket Nos. 02-277, 01-235, at 6 (filed January 2, 2003) ("Bonneville International Comments"); Comments of CanWest Global Communications Corp. in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003); Comments of Cox Enterprises in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003); Comments of Dispatch Broadcast Group in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003) ("Dispatch Broadcast Comments"); Comments of FOX Entertainment Group, Inc. and FOX Television Stations, Inc., National Broadcasting Company, Inc. and Telemundo Communications Group, Inc., and Viacom in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003) ("Joint Network Comments"); Comments of Gannett Co., Inc. in MM Docket Nos. 02-277, 01-235, at i, 3, 18-20 (filed January 2, 2003) ("Gannett Comments"); Comments of Hearst-Argyle Television, Inc. in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003) ("Heart-Argyle Comments"); Comments of Hearst Corp. in MM Docket Nos. 02-277, 01-235, at 6-7, 10 (filed January 2, 2003); Comments of Media General, Inc. in MM Docket Nos. 02-277, 01-235, at 5, 13, 66-67 (filed January 2, 2003) ("Media General Comments"); Comments of Morris Communications Corp. in MM Docket Nos. 02-277, 01-235, at 5, 7, 9 (filed January 2, 2003) ("Morris Comments"); Comments of The National Association of Broadcasters in MM Docket Nos. 02-277, 01-235, at 55-56 (filed January 2, 2003) ("NAB Comments"); Comments of Paxson Communications in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003); Comments of Tribune Co. in MM Docket Nos. 02-277, 01-235, at 3, 14, 31 (filed January 2, 2003) ("Tribune Comments"); Comments of Amy Tucci and Elizabeth Strott in MM Docket Nos. 02-277, 01-235, at 55-56 (filed January 2, 2003) ("NAB Comments"); Comments of West Virginia Media Holdings, LLC in MM Docket Nos. 02-277, 01-235 at 4-6, 19 (filed January 2, 2003) ("West Virginia Media Comments").

<sup>2</sup> See Hearst-Argyle Comments at 1-2; Hearst-Argyle Reply Comments (filed February 15, 2002) at Table 1.

audiences.<sup>3</sup> It contains numerous and specific examples of how co-ownership of newspapers and broadcast stations allows companies to increase service to local communities.

Despite the extensive record evidence justifying repeal of the rule, there are those (as Chairman Powell has noted), who continue to substitute their own “personal ideology and opinion for the facts.”<sup>4</sup> The few who promote retention of the cross-ownership restriction offer speculative assumptions about the impact of common media ownership, but provide no empirical evidence to support their conclusions.<sup>5</sup> While these parties criticize the Commission’s Studies and make broad-brushed arguments about the “horrors” of media consolidation, they fail to demonstrate how repeal of the newspaper/broadcast cross-ownership ban would in fact diminish diversity or inhibit competition. Many of the arguments presented in favor of preserving the newspaper/broadcast cross-ownership rule rely on anecdotes and *presume* that consolidation results in less news offerings for consumers. The record, however, is replete with evidence that the opposite is true— additional news offerings accrue when newspaper publishers and broadcasters utilize their combined resources to expand and diversify print and broadcast offerings and create new and additional services. Those parties that advocate retention of the

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<sup>3</sup> See NAA Comments at Section III(A); NAA 2001 Comments at Section IV(A). See also Belo Comments at i, 2, 6; Block Communications Comments at 4; Bonneville International Comments at 6; Dispatch Broadcast Group Comments at 5, 8–9; Gannett Comments at i, 3, 18-20; Hearst Corp. Comments at 6-7, 10; Media General Comments at 5, 13, 66-67; Morris Comments at 5, 7, 9; Tribune Comments at 3, 14, 31; West Virginia Media Comments at 4-6, 19.

<sup>4</sup> Michael Powell, *Should limits on broadcast ownership change?* USA TODAY at 11A (January 22, 2003).

<sup>5</sup> See Comments of American Federation of Television and Radio Artists in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003) (“AFTRA Comments”); Comments of American Federation of Labor-Congress of Industrial Organizations Comments in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003) (“AFL-CIO Comments”); Comments of Communications Workers of America in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003) (“CWA Comments”); Comments of Consumer Federation of America, *et al.* in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003) (“CFA Comments”). See also Comments of The Office of Communication, Inc. of the United Church of Christ, *et al.* in MM Docket Nos. 02-277, 01-235 (filed January 2, 2003) (“UCC Comments”); Comments of Sandra M. Ortiz in MM Docket Nos. 02-277, 01-235, at 19 (filed January 2, 2003) (“Ortiz Comments”).

outdated cross-ownership ban have placed not a single item in the record to establish that retention of the rule would have a positive impact on competition or diversity.

*Fox* and *Sinclair* establish an exacting standard for Commission review of media ownership rules.<sup>6</sup> The D.C. Circuit has insisted that the Commission recognize that the media landscape has changed dramatically since most of the broadcast ownership rules (particularly the newspaper/broadcast cross-ownership rule) were first enacted, and that the Commission must sufficiently justify any broadcast ownership policy it crafts. The Commission must operate under the assumption that the newspaper/broadcast cross-ownership rule is no longer necessary in the public interest unless there is evidence that proves otherwise. Under this standard of review, given that the record in this proceeding is devoid of empirical evidence that demonstrates that the rule is necessary to preserve diversity or competition, the Commission must eliminate the newspaper/broadcast cross-ownership ban.

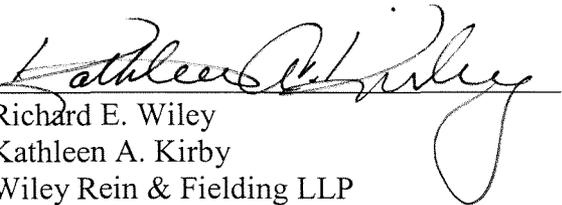
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<sup>6</sup> *Fox Televisions Stations v. FCC*, 280 F.3d 1027 (D.C. Cir. 2002); *Sinclair Broadcast Group v. FCC*, 284 F.3d 148 (D.C. Cir. 2002).

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February 3, 2003