Office of Communication of the United Church of Christ, Inc.
2002 Biennial Regulatory Review MB Dkt. No. 02-277
Commission Meetings
April 29, 2003

I. **The Commission must retain separate rules for different local media to advance its goal of preserving a diversity of viewpoints.**

Duopoly Rule

- Broadcast television is the primary source of local news for the American public.

- Other types of media outlets fail to add a diverse local viewpoint as they often merely duplicate programming already available or use standardized programming.

- Any revision of the duopoly rule to include other voices should be limited to inclusion of broadcast television, radio, newspapers, and cable as in the radio-TV cross-ownership rule. Other outlets such as DBS, national cable news channels, and the Internet do not provide comparable, competing sources of news and information.

Newspaper-Broadcast Cross-Ownership Rule

- Newspapers provide essential in-depth, investigative and competing coverage of local issues.

- Evidence demonstrates that cross-ownership of newspapers-and broadcast television stations undermines journalistic independence.

- Reduction of news staffs resulting from consolidation decreases competition in reporting fair, balanced stories and eliminates local outlets for members of the public.

II. **While the recent proliferation in media outlets may foster the potential for viewpoint diversity, other changes have diminished viewpoint diversity.**

- Today, many stations air no news or public affairs programming. However, until radio and television were deregulated in the early 1980s, broadcast stations were expected to, and the vast majority of stations did, air minimum percentages (6% AM, 8 % FM, and 10% TV) of news, public affairs and other informational programming.

- Today, broadcast stations are free to present only one side of any issue, and many do. Until 1987, the Fairness Doctrine required stations to air programming on controversial issues of public importance and to present both sides of such issues.

- The need for robust, wide-ranging public discourse, and the inclusion of all segments of society, is greater than ever as we have become a more diverse, populous country.

III. **Media ownership rules promote ownership opportunities for minorities, women, and small businesses and advance the Commission's goals of diversity, competition, and localism.**

- The Commission's Form 323 ownership data for 2001 indicates that only 4.34% of stations had majority female ownership and only 3.46% of stations had majority minority ownership.

- Radio consolidation has led to increased station prices, favorable tax treatment for large owners, and consolidation of advertising revenues, which significantly limits the ability of small broadcasters to earn the money necessary to successfully compete and survive.

IV. **Broadcast ownership rules promote the public's paramount First Amendment interest in a diverse marketplace of ideas without impinging on the First Amendment rights of any affected media companies.**

- The ownership rules preserve a multiplicity of local news and information sources, which are essential to an informed electorate in a democratic society.

- Because the unique broadcast spectrum is a scarce resource held in trust for the benefit of the public, the Supreme Court has held that that "there is no 'unabridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish." *FCC v. NCCB*, 436 U.S. 775, 799 (1978).

V. **Both the Commission and the public need data for future biennial reviews.**

- Despite the large number of filings in this proceeding, important factual questions remain unanswered or strongly contested.

- FCC should begin by adopting disclosure requirements as proposed in *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, NPRM, MM Docket No. 00-168 (rel. Oct. 5, 2000).

- To adequately assess continued need for and effectiveness of rules, the FCC should collect basic information about the sources and amount of local and national news and public affairs, and should commission objective research studies to determine if the needs of local communities are being met.