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August 29, 2003

Via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St, SW
Washington, DC 20554

Re: Proposed Transfer of Control to News Corp of Hughes Electronics from
GM, Docket No. 03-124

Dear Ms. Dortch:

On August 28, 2003, News Corp. and GM/Hughes Electronics sent an ex-parte letter asking the Commission to dismiss the information submitted by the Center for Digital Democracy in several of its ex-parte filings. But the Commission should and cannot ignore the questions raised by CDD if it is to fulfill its legislative public interest mandate in reviewing this proposed transfer of control. We are astonished—but not surprised—that News Corp et al. would implore the FCC not to conduct a serious analysis. As one of the signers of their Aug. 28th letter is a former chair of the agency, they especially should know better than to urge the Commission to ignore the public interest requirements of the Communications Act.

As we expressed in our ex parte Comments, there is ample information in the public record on such matters as News Corp.'s cable investments, retransmission benefits, digital television policy (where News Corp. has demanded affiliates turn over federally-mandated station spectrum, according to several NASA FCC filings), etc. We fully expect the Commission staff to investigate and analyze the market and market relationships as it prepares its recommendations to the Commissioners. Our filings underscored for the Commission that there is a public record that must be identified and analyzed, including a series of legal filings, complaints and other documents related to News Corp. that is directly relevant to this proceeding.

Finally, are the attorneys representing the parties asking the FCC not to engage in meaningful work designed to protect the public interest? Or are they afraid that some independent-thinking members of the staff—let alone Commissioners—might see more than “summer reading” as they call it, but (as we suggest) serious obstacles that prevent approval of this transaction. Are they asking the FCC not to analyze the information available at <http://www.nds.com> or at <http://www.gemstartvguide.com/whatwedo/>?

We wonder whether the parties are truly afraid of serious analysis and public disclosure. We urge the Commission to engage in an objective and in-depth inquiry. Certainly, the recent outpouring of public sentiment on the FCC's media ownership rules suggest that many citizens expect nothing less.

CDD stands ready to help—with additional specific information and analysis.

Sincerely,

Jeffrey A. Chester
Executive Director