DowLohnes

M. Anne Swanson
D 202.776.2534 E aswanson@dowlohnes.com

July 26, 2006

VIA ELECTRONIC FILING

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

Re: Notification of Ex Parte Communication
MB Docket Nos. 06-121 and 02-277
MM Docket Nos. 01-235, 01-317, and 00-244

Dear Ms. Dortch:

This is to advise you, in accordance with Section 1.1206 of the FCC's rules, that on July 25, 2006, George Mahoney, Vice President, General Counsel, and Secretary of Media General, Inc. ("Media General"), and I met with Aaron Goldberger, Legal Advisor to Commissioner Deborah T. Tate, to provide background on and review the positions Media General has previously taken in the above-referenced dockets that predate this year and to discuss its preparation of comments in MB Docket No. 06-121. At the meeting, Media General provided the enclosed materials.

As required by Section 1.1206(b), as modified by the policies applicable to electronic filings, one electronic copy of this letter is being submitted for each above-referenced docket.

Very truly yours,

M. Anne Swanson

Enclosure
cc w/encl. (by email):
Aaron Goldberger, Esquire

Media General

EXECUTIVE SUMMARY

Newspaper/Broadcast Cross-Ownership Restrictions Must Be Significantly Lessened, If Not Eliminated

- Adopted in 1975, the FCC's newspaper/broadcast cross-ownership rule is the only FCC media ownership rule that has been in effect in its original form for over 30 years despite vast changes in the media marketplace.

- In its July 2003 decision revising its media ownership rules, the FCC relaxed the newspaper/broadcast cross-ownership rule somewhat, permitting newspaper/broadcast cross-ownership in television markets with nine or more stations. For markets with four to eight television stations, the FCC decided to allow only limited cross-ownership. In markets with fewer than four television stations, the FCC retained the wholesale ban on newspaper/broadcast cross-ownership.

  In September 2003, the United States Court of Appeals for the Third Circuit stayed the FCC's new rules. The 1975 ban still remains in effect, following the Third Circuit's June 2004 decision to affirm repeal of the total ban and remand the new, modified rule for further justification. The Supreme Court refused to grant review of that court determination.

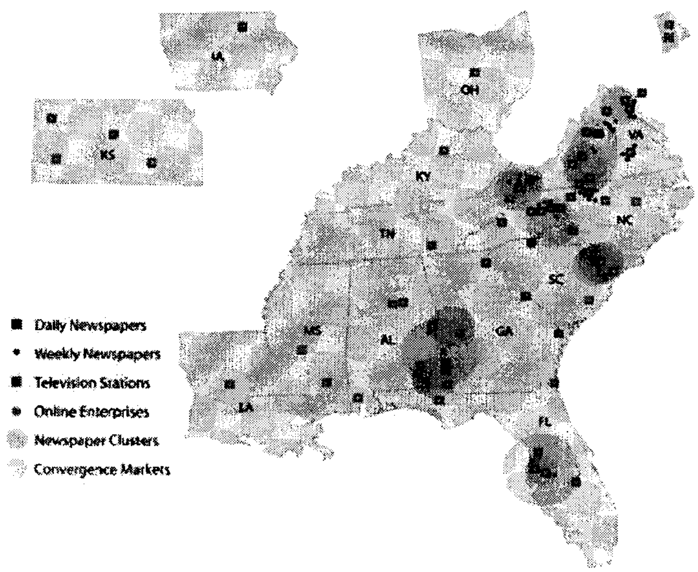
  Last month, the FCC voted to commence a rulemaking to review the newspaper/broadcast cross-ownership rule and its other broadcast ownership rules, as part of both the remand from the Third Circuit and a quadrennial regulatory review required under the 1996 Telecommunications Act, as amended.

- Even if the FCC's new rules had gone into effect, cross-ownership would have been restricted in more than half of the nation's 210 television markets. Over 30 markets had fewer than four television stations, and some 106 markets fell into the "four to eight television station" tier.

- Media General's experience demonstrates that significant relaxation, if not elimination, of the rule will improve and enhance the delivery of local news in communities of all sizes and will not harm competition in local advertising markets. Small market relief is critical.

- Relaxation or elimination of the rule will greatly advance the goal of localism mandated by the Communications Act. Given the profusion of new media sources, repeal of the rule will not endanger diversity or competition.

Media General



Media General is an independent, publicly owned communications company situated primarily in the Southeast with interests in newspapers, television stations, interactive media, and diversified information services. Its corporate mission is to be a leading provider of high-quality news, information, and entertainment in the Southeast by continually building on its position of strength in strategically located markets.

Media General is one of the media industry's leading practitioners of "convergence," the melding of newspaper, television, and on-line resources in the gathering and reporting of local news. Its Tampa News Center is the most advanced convergence laboratory in the nation, and the only one where a newspaper, a television station, and an on-line division are located together under one roof. Further convergence efforts currently are underway in five additional Media General markets, and other collaborative efforts are being initiated in all Media General markets.

Media General's publishing assets have grown from three daily newspapers as recently as 1995 to 25 today; they include *The Tampa Tribune*, the *Richmond Times-Dispatch*, the *Winston-Salem Journal*, and 22 other daily newspapers in Virginia, North Carolina, Florida, Alabama, and South Carolina, as well as nearly 100 weeklies and other periodicals. From a base of three television stations at the beginning of 1997, Media General's 30 network-affiliated television stations today reach more than 33 percent of the television households in the Southeast, and more than 10 percent of those in the United States. (The juxtaposition of Media General's mostly small- and mid-market television stations and many of its daily newspapers can be found on the following page.) Media General's Interactive Media Division also provides online content that includes news, information, and entertainment services at virtually every one of the company's operating locations.

Building on its base in the Southeast, Media General recently closed on its acquisition from NBC of four television stations located in Raleigh-Durham, NC; Birmingham, AL; Columbus, OH; and Providence, RI. To help finance the acquisition and meet regulatory requirements, Media General is in the process of selling its television station in Wichita, KS, and its three satellite stations, as well as television stations in Birmingham, AL; Mason City, IA; and Chattanooga, TN.

Television Stations Owned by Media General, Inc. (2006)

DMA No.	DMA Name	Station	Network	Daily Newspaper
13	*Tampa-St. Petersburg, FL	WFLA-TV	NBC	*The Tampa Tribune* *Highlands Today (Sebring)* *Hernando Today (Brooksville)*
29	Raleigh-Durham (Fayetteville), NC	WNCN(TV)	NBC	
32	Columbus, OH	WCMH-TV	NBC	
35	Spartanburg, SC-Asheville-Anderson, NC	WSPA-TV WYCW(TV) WNEG-TV**	CBS UPN CBS	*The (Marion) McDowell News*
40	Birmingham, AL***	WIAT(TV)	CBS	
40	Birmingham, AL	WVTM-TV	NBC	
51	Providence-New Bedford, RI	WJAR(TV)	NBC	
52	Jacksonville, FL	WCWJ(TV)	WB	
63	Mobile, AL-Pensacola, FL	WKRG-TV	CBS	
64	Lexington, KY	WTVQ-TV	ABC	
66	Wichita-Hutchinson, KS***	KWCH-TV KBSH-TV** KBSD-TV** KBSL-TV**	CBS	
67	*Roanoke-Lynchburg, VA	WSLS-TV	NBC	*The (Lynchburg) News & Advance* *Danville Register & Bee* *The Reidsville Review* *The (Eden) Daily News*
86	Chattanooga, TN***	WDEF-TV	CBS	
89	*Tri-Cities, TN-VA	WJHL-TV	CBS	*Bristol Herald Courier*
91	Jackson, MS	WJTV(TV)	CBS	
98	Savannah, GA	WSAV-TV	NBC	
101	Charleston, SC	WCBD-TV	NBC	
105	Greenville-New Bern-Washington, NC	WNCT-TV	CBS	
108	*Myrtle Beach-Florence, SC	WBTW(TV)	CBS	*(Florence) Morning News*
115	Augusta, GA	WJBF-TV	ABC	
125	*Columbus, GA	WRBL(TV)	CBS	*Opelika-Auburn News*
153	Rochester, MN-Mason City, IA-Austin, MN***	KIMT(TV)	CBS	
160	*Panama City, FL	WMBB(TV)	ABC	*Jackson County Floridan*
168	Hattiesburg-Laurel, MS	WHLT(TV)**	CBS	
176	Alexandria, LA	KALB-TV	NBC	

*	Media General convergence underway
**	Satellite Station
***	Sale announced

Daily Newspapers Owned by Media General, Inc. (2006)

DMA No.	DMA Name	Daily Newspaper
8	Washington, DC	*Culpeper Star-Exponent* *Manassas Journal Messenger* *Potomac (Woodbridge) News*
13	*Tampa- St. Petersburg, FL	*The Tampa Tribune* *Highlands Today (Sebring)* *Hernando Today (Brooksville)*
28	Charlotte, NC	*Hickory Daily Record* *(Concord & Kannapolis) Independent Tribune* *Statesville Record & Landmark* *The (Morgantown) News Herald*
35	Greenville-Spartanburg, SC-Asheville-Anderson, NC	*The (Marion) McDowell News*
48	Greensboro-High Point-Winston Salem, NC	*Winston-Salem Journal* *The (Eden) Daily News* *The Reidsville Review*
61	Richmond-Petersburg, VA	*The Richmond Times-Dispatch*
67	*Roanoke-Lynchburg, VA	*The (Lynchburg) News & Advance* *Danville Register & Bee*
89	*Tri-Cities, TN-VA	*Bristol Herald Courier*
108	*Myrtle Beach-Florence, SC	*(Florence) Morning News*
125	*Columbus, GA	*Opelika-Auburn News*
160	*Panama City, FL	*Jackson County Floridan*
172	Dothan, AL	*Dothan Eagle* *Enterprise Ledger*
181	Harrisonburg, VA	*The (Waynesboro) News Virginian*
185	Charlottesville, VA	*The (Charlottesville) Daily Progress*

* Media General convergence underway

GIVEN THE EXPLOSION IN VIDEO COMPETITION, REPEAL OF THE FCC'S BAN ON NEWSPAPER/BROADCAST CROSS-OWNERSHIP IS NECESSARY TO ENSURE REGULATORY PARITY AND ENHANCE THE PROVISION OF LOCAL NEWS AND PUBLIC AFFAIRS

- **Adopted in 1975, the FCC's newspaper/broadcast cross-ownership rule is the only FCC media ownership rule that has been in effect in its original form for over three decades.**

  - The media marketplace today is vastly different than in 1975. There has been an absolutely explosive growth in media outlets -- and in diversity. Television and radio outlets have more than doubled in this period. Cable and DBS are now the primary sources of video delivery to the home. Low power television, low power radio, weekly newspapers, mobile video, and the Internet have become viable competitors. Only daily newspapers have decreased (both in number and circulation).

  - In the same period, Congress, the FCC, and the courts have eliminated the national cap on radio ownership, liberalized the national television cap, allowed ownership of television duopolies and multiple radio stations per market, relaxed restrictions on common ownership of radio and television stations in the same market, and completely removed the ban on television/cable cross-ownership.

  - The newspaper/broadcast cross-ownership rule is the only FCC ownership restriction that has not been modified in the last 30 years. Similarly, it is the only FCC ownership restriction that directly affects the actions of, and valuations in, an industry that is not within its statutory jurisdiction, the newspaper industry.

- **Media General's experience demonstrates that significant relaxation, if not elimination, of the rule will improve and enhance the delivery of local news to communities, large and small, across America.**

  - Convergence melds all the advantages of print, broadcast, and on-line operations to provide multiple channels and streams of useful information when, where, and how consumers want it.

  - Convergence enhances the coverage and dissemination of local news, sports, and other events by newspapers and broadcast stations, which, as a result of common ownership, are best able to pool their resources for news gathering and production in ways that Media General's experience in Tampa and five other markets is demonstrating. In Media General's case, this has meant a quantitative increase in local television news and, almost always, an increase in news staffs. In short, convergence allows Media General and other media owners to deliver better, faster, and deeper local news.

  - Better coverage of local news generally leads to larger audiences and, therefore, strengthened demand for local broadcast stations and newspapers. More effective competition will help reverse the decline in newspaper circulation and slow the steady loss of television viewers.

- Local news is extremely expensive to produce, and network compensation to stations is being reduced dramatically -- and even eliminated in many cases. The impact of these facts is greatest in smaller markets. In the last few years, over 45 local TV newscasts have been cancelled or curtailed. (*See* Attachment 1.) Elimination of newspaper/broadcast cross-ownership restrictions will allow newspapers to strengthen and reinvigorate local TV news operations and improve the quality and breadth of local news.

- In the end, convergence strengthens localism and local communities. It also strengthens local media outlets vis-à-vis larger media conglomerates which deliver a national and undifferentiated news product across all markets.

LEGAL ANALYSIS

➢ **Broadcast "spectrum scarcity" no longer exists and cannot justify a cross-ownership rule.**

- The FCC's retention of newspaper/broadcast cross-ownership restrictions is no longer constitutionally justified. In 1975, the FCC adopted the newspaper/broadcast cross-ownership rule to obtain a "hoped for" increase in local diversity by preventing further common ownership of daily newspapers and broadcast outlets.[1] Even in 1975, the justification for the prohibition was tenuous at best.

  -- In adopting the ownership ban, the FCC cited *no* evidence of harm from common ownership. Indeed, one FCC staff study in the record showed that newspaper-owned television stations delivered greater quantities of public interest programming than other stations. In that proceeding, the FCC incorrectly focused on "diversity" as an issue only for viewers and listeners rather than on the First Amendment rights of speakers -- that is, newspaper publishers and television station owners.

  -- In affirming the ownership ban in 1978, the U.S. Supreme Court relied upon two cases from the early days of broadcasting, *NBC v. United States*, 319 U.S. 190 (1943), and *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367 (1969). From these decisions, the Court concluded that broadcast spectrum remained sufficiently scarce to justify a less rigorous First Amendment analysis of the ownership ban: "The physical limitations of the broadcast spectrum are well known. . . . In light of this physical scarcity, Government allocation and regulation of broadcast frequencies are essential. . . ."[2]

- Regardless of the legitimacy of the spectrum scarcity rationale in 1943, or even 1975, it is clear today that, due to increased competition and technological advances, the scarcity doctrine has become an anachronistic relic.

  -- In 1969, the year of the *Red Lion* decision, there were 6,647 radio stations and 857 television stations. As of March 31, 2006, there were 13,748 radio stations, 1,752 television stations, and 2,745 Class A and low power television stations, not to mention over 8,598 television and radio translators and boosters.

---

[1] *Multiple Ownership of Standard, FM, and Television Broadcast Stations, Second Report and Order,* 50 FCC 2d 1046, 1074-75 (1975), *recon.*, 53 FCC 2d 589 (1975), *aff'd sub nom., FCC v. National Citizens Committee for Broadcasting*, 436 U.S. 775 (1978). Ninety-six of the 112 then-existing daily newspaper/ broadcast combinations were grandfathered because the Commission found that "stability and continuity of ownership do serve important public purposes." *Id.* at 1078.

[2] *FCC v. National Citizens Committee for Broadcasting*, 436 U.S. at 799.

-- Comparable -- and equally dramatic -- increases in subscription video services have taken place. When the FCC adopted the newspaper/broadcast cross-ownership ban, television broadcasters' only competition came from cable television systems, to which just 13 percent of the nation's households subscribed at that time. Today, only 14 percent of American TV households rely on over-the-air television for their video programming. The remaining 86 percent subscribe to cable (almost 70 percent of households), direct broadcast satellite (roughly 16 percent of households), and wireless cable (less than one percent).

-- The number of programming options has also increased. In 1969, programming was launched by the three television networks -- ABC, CBS, and NBC. Today, consumers have access to at least 10 television networks and a variety of sources of news and entertainment that could not have been imagined in 1969: hundreds of cable and other non-broadcast programming networks, VCRs, DVDs, and personal video recorders.

-- Numerous other providers are inaugurating additional new competitive video services. Local exchange carriers (local telephone companies) are implementing or have announced plans to offer video service via fiber (*e.g.,* Verizon's FiOS), asymmetric digital subscriber lines (ADSL), or very high-speed digital subscriber lines (VDSL). Various private and governmentally-owned utilities are beginning to provide video and other services over other fixed networks.

-- Wireless providers (such as Verizon's V-cast) already offer video services to mobile phone subscribers, providing original content as well as programming from television networks, cable operators, and other video suppliers. Video-on-the-go has proven immensely popular, as witnessed by the subscribers in this country who took advantage of mobile transmission of the 2006 World Cup games.

-- Traditional video and independent content suppliers are also providing streaming and downloadable video content on their Internet web pages.

-- The following comparison of various media services in 1943, 1969, 1978, and 2006 dispositively shows the demise of scarcity and, with it, the demise of the premise for the Commission's cross-ownership ban.

Growth in the Media Marketplace

	1943	**1969**	**1978**	**2006**
Daily Newspapers	1,772	1,748	1,745	1,452
AM Radio Stations	931	4,254	4,538	4,759
FM Radio Stations	59	2,393	4,069	8,989
Full Power TV Stations	6	857	988	1,752
Low Power TV Stations	0	0	0	2,157
Cable Subscribers	14,000	3 million	13.7 million	65.4 million
DBS Subscribers	0	0	0	26.1 million

Growth in the Media Marketplace	1943	1969	1978	2006
MMDS, OVS, BSP, PCO, HSD Subscribers	0	0	0	2.7 million
Internet Subscribers	0	0	0	70.3 million
Broadcast Networks	3	3	3	7 English 3 Spanish
Cable Networks	0	0	28	306
54+ Channel Cable Systems	0	0	0	2,360

-- In each of Media General's television markets, there are numerous competing media voices. Attachment 2 details the media in each of Media General's television markets.

➢ **Courts and constitutional scholars no longer accept the scarcity doctrine.**

- Constitutional analysis is not a static enterprise. The justification of First Amendment burdens must be re-evaluated in light of the sweeping technological and market changes that have occurred since 1943, 1969, and 1978. As the Supreme Court cautioned over 30 years ago, "[b]ecause the broadcast industry is dynamic in terms of technological change, solutions adequate a decade ago are not necessarily so now, and those acceptable today may well be outmoded 10 years hence."[3]

- More particularly, the Supreme Court has confirmed that changing competitive market conditions could undermine the scarcity rationale, thus requiring a critical review of the *Red Lion* decision. In 1984, the Supreme Court noted:

> "The prevailing rationale for broadcast regulation based upon spectrum scarcity has come under increasing criticism in recent years . . . . We are not prepared, however, to reconsider our longstanding approach without some signal from Congress or the FCC that technological developments have advanced so far that some revision of the system of broadcast regulation may be required."[4]

- Congress has provided clear signals that the competitive landscape has changed so dramatically from 1969 that the scarcity rationale for broadcast regulation no longer is viable. The FCC, at various times, has echoed these signals.

  -- Congress has ordered the FCC to grant initial broadcast construction permits through competitive bidding, thus stripping the FCC of the need to evaluate the comparative merits of would-be licensees.

[3] *See CBS v. Democratic Nat'l Comm'n*, 412 U.S. 94, 102 (1973).
[4] *FCC v. League of Women Voters of Calif.*, 468 U.S. 364, 376-77 n.11 (1984).

- In a 1987 review of the scarcity doctrine, the FCC concluded, "[t]he scarcity rationale developed in the *Red Lion* decision and successive cases no longer justifies a different standard of First Amendment review for the electronic press."[5]

- As two former FCC Commissioners observed, "The long and short of it is this: as matters now stand, the Commission has unequivocally repudiated spectrum scarcity as a factual matter."[6]

• The United States Court of Appeals for the District of Columbia Circuit also noted the infirmity of the scarcity rationale in its 1998 remand of *Tribune Co. v. FCC*, 133 F.3d 61, 68 (D.C. Cir. 1998). More importantly, the court indicated that, if the FCC were to receive a rulemaking petition calling for the elimination of the newspaper/broadcast rule, the agency would be "arbitrary and capricious if it refused to consider [the rule] in light of persuasive evidence that the scarcity rationale is no longer tenable."

• The United States Court of Appeals for the District of Columbia Circuit in both *Fox* and *Sinclair* again implicitly invited the FCC to decide the spectrum scarcity issue once and for all:

- *Fox*: "[T]his court is not in a position to reject the scarcity rationale even if we agree that it no longer makes sense." (*Fox Television Stations, Inc. v. FCC*, 280 F.3d 1027, 1046, *rehearing in part,* 293 F.3d 537 (D.C. Cir. 2002.)

- *Sinclair:* "Sinclair fails to acknowledge that the scarcity rationale adopted by the Supreme Court in *National Broadcasting Co. v. FCC*, . . . *Red Lion Broadcasting Co. v. FCC*, . . . is both at issue in television broadcasting and binding on this court . . . . In *FCC v. League of Women Voters*, . . . the Supreme Court stated: 'We are not prepared . . . to reconsider our long-standing [scarcity rationale] without some signal from Congress or the [Commission] that technological developments have advanced so far that some revision of the system of broadcast regulation may be required.' Absent such signals, the Court has refused to abandon the scarcity rationale." (*Sinclair Broadcast Group, Inc. v. FCC*, 284 F.3d 148, 161-62 (D.C. Cir. 2002) (citations omitted).)

• In a lengthy and thorough report released as an FCC "Media Bureau Staff Research Paper" in March 2005, an FCC staff attorney has concluded that the scarcity rationale is no longer valid as a tool of broadcast regulation. *See* John W.

[5] *Syracuse Peace Council*, 2 FCC Rcd 5043, 5053 (1987).

[6] Joint Statement of Commissioners Furchtgott-Roth and Powell, *Personal Attack and Political Editorial Rules*, FCC Gen. Docket No. 83-484 (rel. June 22, 1998).

Berresford, "The Scarcity Rationale for Regulating Traditional Broadcasting: An Idea Whose Time Has Passed," *FCC Media Bureau Staff Research Paper, 2005-2*, March 2005.

- It is time for the Commission, if not Congress, to acknowledge that market forces and technological advances have overtaken the scarcity doctrine.

➢ **In the face of growing competition and fractionalized audiences, local television broadcasters must also grapple with increased costs of meeting regulatory obligations and other adverse financial changes.**

- Gone are the days when television stations had seemingly limitless resources.

- In 1996, Congress mandated that all television broadcast stations convert from analog to digital transmission. The resulting conversion has been as expensive for television stations in smaller markets as for stations in larger markets, which have greater revenue bases. Media General has complied with the digital mandate at costs that have ranged from $2-4 million per station. Overall, Media General has spent in excess of $65 million to effect the conversion. As required by the FCC, Media General has been broadcasting simultaneously in both analog and digital formats, despite the lack of any return to date on its DTV investment. With the conversion, operating costs in some markets have escalated -- in one case as much as tenfold due to increased transmission power expenses.

- Media General takes its FCC public interest responsibilities very seriously. Over the years, it has incurred extensive costs or foregone revenue to meet not only DTV build-out requirements but additional FCC obligations such as offering reduced rates for political advertising, providing specially developed children's programming, and abiding by limitations on children's advertising. Other non-broadcast video suppliers have been immune from forced digital upgrades and many of these other FCC obligations.

- In addition, Media General, like all licensees in medium and small markets, has seen drastic curtailment, if not elimination, of the compensation that its stations receive from the broadcast networks for retransmission of their programming.

- Meanwhile, given the profusion of new technologies, broadcasters' share of viewing continues to decline while non-broadcast channels' collective audience share continues to grow. For the 2004-2005 television season, broadcast television stations accounted for a combined average 47 share of primetime viewing among all television households, down from a 48 share the previous season; broadcast's all-day (24-hour) viewing share declined to a 41 share, down from a 44 share the previous year. In the same 2004-2005 season, non-broadcast channels accounted for a combined average 53 share of primetime viewing, up from a 52 share of the previous year, and a 59 share of all-day viewing, up from a 56 share in the previous season.

- During the first week of July 2006, the four largest television broadcast networks (ABC, CBS, NBC and Fox) attracted the lowest number of viewers for any week since audience rating services began keeping records.

- At the same time, local television news remains extremely expensive to produce. Given other escalating costs and financial burdens, many stations have found it necessary to cut back on local news production, particularly in smaller markets. As noted above, in the last few years, over 45 local television newscasts have been cancelled or curtailed. (*See* Attachment 1.)

➢ **Equal Protection Considerations Also Require Significant Relaxation, If Not Repeal, of the Cross-Ownership Rule.**

- The Equal Protection Clause of the U.S. Constitution requires a rational basis for the differing treatment of substantially similar groups.[7] In this case, however, there is simply no rational basis to single out broadcasters among the many players in the media industry and deny them the opportunity to own in-market daily newspapers or to single out newspaper publishers and deny them the opportunity to own in-market broadcast stations.

  -- With the profusion of new media, broadcasters no longer are the sole or even the dominant providers of video programming. Other well established players in the video services market, such as cable, DBS, and telephone operators, may own in-market newspapers. Moreover, broadcast television stations are viewed by the public no differently than the providers of other video channels. With the advent of streaming media and new wireless delivery modes, both television and radio face a new competitive threat from ubiquitous Internet sites and programmers transmitting over cellular telephones.

  -- Daily newspaper publishers no longer are the sole providers of local news. Virtually every consumer in the country has access -- for little or no cost -- to weekly newspapers, national newspapers, ethnic and other specialty newspapers, national magazines, numerous 24-hour cable news networks, and countless Internet sites. All of these competitors may own local broadcast stations.

  -- The Commission repeatedly has recognized the public interest benefits of joint ownership of local media outlets, and it correctly has concluded that these benefits "can outweigh any cost to diversity and competition. . . ."[8] For these reasons, the Commission has relaxed its rules to permit television duopolies as well as same-market radio/television combinations.

---

[7] *See, e.g., Police Department of the City of Chicago v. Mosley*, 408 U.S. 92 (1972).
[8] *Review of this Commission's Governing Television Broadcasting; Television Satellite Stations Review of Policy and Rules*, 14 FCC Rcd 12903, 12930 (1999).

- -- In addition, the United States Court of Appeals for the District of Columbia Circuit vacated the FCC's cable/television cross-ownership rule, *Fox Television Stations, Inc. v. FCC*, 280 F.3d at 1052-53, and the FCC chose not to reinstate it.

- -- The Commission has recognized local daily newspapers as independent "media voices" equivalent to local broadcast stations for purposes of its radio/ television cross-ownership rule, while refusing to recognize local newspapers as equivalent to broadcast stations with respect to cross-ownership.

- The sweeping changes that have occurred since the Supreme Court's 1978 consideration of the equal protection implications of the cross-ownership rule undermine the factual basis for the Court's affirmation of the rule, thus requiring significant relaxation, if not total repeal, of the rule on equal protection grounds.

  -- When the Supreme Court looked at the equal protection issue in 1978, it found that the ownership ban "treated newspaper owners in essentially the same fashion as other owners of the major media of mass communications . . . under the Commission's multiple-ownership rules."[9] Finding that owners of radio stations and television stations were similarly limited in their ability to acquire additional in-market broadcast outlets, the Court denied newspaper owners' equal protection claims.

  -- In the 28 years since the Court's decision, however, the FCC's other cross-ownership rules have been eliminated or loosened substantially. Today, daily newspapers and broadcast station owners are completely alone among major information providers in facing an absolute bar to common ownership. The evidentiary basis for rejecting the prior equal protection challenge to the rule, accordingly, has been eliminated.

- The Commission has recognized the unique -- "special" -- role that television stations play in their local markets, while also permitting combinations of these special voices with other same-market television and radio stations. It is therefore indefensible and illogical to permit combinations of broadcast stations as well as broadcast stations and cable systems while refusing to allow newspaper/broadcast combinations.

➢ **The 1996 Telecommunications Act, the extensive rulemaking record the FCC has amassed, and recent D.C. Circuit decisions compel significant relaxation, if not total repeal, of the newspaper/broadcast cross-ownership rule.**

- Congressional intent, as expressed in Section 202(h) of the 1996 Telecommunications Act, is clear:

---

[9] *FCC v. National Citizens Committee for Broadcasting*, 436 U.S. at 801.

"The Commission *shall* review its rules adopted pursuant to this section and all of its ownership rules biennially as part of its regulatory reform review under section 11 of the Communications Act of 1934 and *shall* determine whether any of such rules are necessary in the public interest as a result of competition. The Commission *shall* repeal or modify any regulation that it determines to be no longer in the public interest."

- The United States Court of Appeals for the District of Columbia Circuit has ruled that Section 202(h) establishes a presumption in favor of prompt repeal.

  -- *Fox*: "The Commission's wait-and-see approach cannot be squared with its statutory mandate promptly . . . to 'repeal or modify' any rule that is not 'necessary in the public interest.'" (*Fox Television Stations, Inc. v. FCC*, 280 F.3d at 1042.)

  -- *Sinclair:* "In applying the statute, we have squarely considered and rejected the kind of cautionary approach employed by the FCC. . . ." (*Sinclair Broadcast Group, Inc. v. FCC,* 284 F.3d at 171 (Sentelle, J, partially dissenting).)

  -- These decisions compel the FCC to act on the extensive record it has accumulated -- and significantly relax, if not repeal, the rule.

- The FCC has accumulated a thorough and complete record on the newspaper/broadcast cross-ownership rule over the last 10 years. This record fully supports the prompt and complete elimination of the rule. The rule has come before the agency in the following seven instances:

  -- *1996 NOI.* The FCC's October 1996 *Notice of Inquiry* sought initial and reply comments on adopting a less restrictive policy for waivers of the newspaper/broadcast cross-ownership rule as it applies to radio stations. Despite a record that strongly favored adoption of a liberalized policy, the FCC never acted on the *Notice*.

  -- *First NAA Petition.* On April 27, 1997, the Newspaper Association of America ("NAA") filed a "Petition for Rulemaking," urging the FCC to commence a proceeding to eliminate all restrictions on common ownership of radio and television stations. The FCC did nothing in response to this filing.

  -- *Second NAA Petition.* On August 23, 1999, NAA submitted an "Emergency Petition for Relief," urging repeal particularly in light of the FCC's significant liberalization earlier that month of the television duopoly rule. The FCC did nothing in response to this filing.

-- *1998 Biennial Review.* As required by Section 202(h), the FCC in 1998 commenced a biennial review of its media ownership rules. In the course of this docket, which treated the two NAA petitions as comments, the FCC received overwhelming support for the repeal or modification of the rule. In the report issued at the conclusion of the proceeding in June 2000, the FCC said it would soon initiate a notice of proposed rulemaking seeking comment on repeal of the newspaper/broadcast cross-ownership rule because the rule might not be necessary to achieve its intended public interest benefits in all instances.

-- *2000 Biennial Review.* In the report concluding its 2000 Biennial Review proceeding, which was issued in January 2001, the FCC again said it would be issuing a notice of proposed rulemaking on the newspaper/broadcast cross-ownership rule.

-- *2001-2002 Newspaper/Broadcast NPRM.* In September 2001, the FCC finally released a notice of proposed rulemaking, seeking comment on elimination of the newspaper/broadcast cross-ownership rule. In response, the FCC received virtually unanimous industry support for repealing the rule, and numerous economic and programming studies demonstrated such repeal would be in the public interest. Media General's comments included a study, echoing that prepared by the FCC staff in 1973, which showed that the network affiliated stations in five out of six of Media General's convergence markets aired more non-entertainment programming than the stations in paired control groups of non-convergence markets. Out of the scores of substantive comments, only a handful opposed repeal. Despite compilation of an extensive record, the FCC, concerned over recent appellate court losses criticizing its approach to rulemaking, chose to defer action for yet another rulemaking.

-- *2002 Omnibus NPRM and 2003 Omnibus Report and Order.* In September 2002, the FCC released a notice of proposed rulemaking seeking comment on all its media ownership rules. In the course of the proceeding, the agency released 12 studies it had commissioned. The six studies that bear some tangential relationship to this rule document that its repeal would enhance the public interest. In both the 2001-02 and 2002-03 proceedings, consumer and labor groups opposing repeal failed to support their opinions about the need for the rule's retention with any substantive, empirical studies that meet Section 202(h)'s burden for sustaining the rule.

In July 2003, the FCC released a report and order on all of its media ownership rules.[10] This decision repealed the newspaper/broadcast cross-

[10] *2002 Biennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Report and Order and Notice of Proposed Rulemaking,* 18 FCC Rcd 13620 (2003) ("*2003 Report and Order*"), *aff'd in part and rev'd in part, Prometheus Radio Project v. FCC,* 373 F.3d 372 (3d Cir. 2004), *cert. denied,* 125 S.Ct. 2902 (2005).

ownership ban and replaced it with new "cross-media limits" (CMLs) that retained restrictions on cross-ownership in certain markets. As support for the ban's elimination, the FCC cited an agency-commissioned study which demonstrated "that television broadcast stations affiliated with a major broadcast television network that are 'co-owned with newspapers experience noticeably greater success [in terms of] quality and quantity of local news programming than other network affiliates.'"[11]

Under the new graduated approach, the FCC lifted the ban entirely in markets with nine or more broadcast television stations. In markets with three or fewer broadcast television stations, the FCC retained an absolute ban. In markets with between four and eight broadcast television stations, the FCC allowed a single entity to hold a newspaper and varying, but still very limited, combinations of broadcast television and radio stations. The FCC adopted this approach based on a "diversity index," which it claimed quantified diversity in markets.

On appeal, the United States Court of Appeals for the Third Circuit affirmed repeal of the ban. Relying in part on the FCC study showing quantitative and qualitative improvement in news at cross-owned stations, the court found that "reasoned analysis supports the Commission's determination that the blanket ban on newspaper/broadcast cross-ownership was no longer in the public interest" because "newspaper/broadcast combinations can promote localism," and "a blanket prohibition on newspaper/broadcast combinations is not necessary to protect diversity."[12] The court objected, however, to the FCC's utilization of the "diversity index" to derive the CMLs and remanded for further proceedings, a decision that the United States Supreme Court declined to review.

➢ **Not only is a restriction on newspaper/broadcast cross-ownership not "necessary in the public interest," it actually stifles innovation; the public interest in fact requires significant relaxation, if not the complete elimination, of such restrictions.**

- It is clear from the foregoing that a ban on newspaper/broadcast cross-ownership cannot be justified as "necessary in the public interest." It therefore must be relaxed, if not completely repealed, in accordance with the mandate of the 1996 Telecommunications Act.

- Because the cross-ownership ban threatens convergence, it stifles innovation, and it inhibits the delivery of quality local television news to communities, large and small, across the nation. For this reason, significant relaxation, if not elimination,

---

[11] *2003 Report and Order,* 18 FCC Rcd at 13754.

[12] *Prometheus Radio Project v. FCC*, 373 F.3d at 398-99.

of the restriction on newspaper/broadcast cross-ownership is required in the public interest.

- Such reform will allow companies like Media General to expand their convergence efforts. As Media General's experience has shown, convergence allows more resources to be put into local news coverage, production, and delivery. The result is greater quantities and higher quality of local news and public affairs programming, increases in news staff, and more locally produced non-news programming. Such changes clearly advance the public interest.

ATTACHMENT 1

SELECTED PRESS ACCOUNTS OF CURTAILMENTS IN LOCAL TELEVISION NEWSCASTS

1998 THROUGH 2006

Market	Station	Decision	Source
Anchorage, AK	KTVA (CBS)	Announced in April 2000 that it would eliminate noon newscasts.	7
Augusta, GA	WAGT (NBC)	Cancelled 7:00 p.m. newscast in July 2000.	28
Austin, TX	KEYE-TV (CBS)	Cancelled noon newscast in December 2002 and replaced it with game show.	26
Baltimore, MD	WMPB (EDU)	Cancelled 30-minute program, "Newsnight Maryland," on June 29, 2000 (affects all MPT stations).	29
Boston, MA	WMUR-TV (ABC)	Cancelled 9 a.m. and 4 p.m. newscasts in May 2001, adding 7:30 p.m. news magazine for net loss.	12
Buffalo, NY	WNYO (WB)	Cancelled Sinclair's *News Central* offering at 10:00 p.m. ("WB49 News at Ten") in March 2006; the next month, began airing "2 on NYO 10 at 10" at 10:00 pm, produced by WGRZ-TV (NBC).	30
Buffalo, NY	WPXJ-TV (PAX)	Cancelled 10:00 p.m. newscast, which was produced by WGRZ-TV (NBC), in the early 2000s.	31
Charleston, WV	WHCP-TV (WB/UPN)	Cancelled four-month old 6:00 and 10:00 p.m. newscasts on February 23, 2006.	32
Charlotte, NC	WBTV (CBS)	Cancelled 6:30 p.m. newscast in September 2001.	15
Charlotte, NC	WWWB (WB)	10:00 p.m. newscast, which had been produced by WCNC-TV (NBC), cancelled in spring 2002.	33
Charlotte, NC	WMYT-TV (WB)	In 2002, cancelled two-year old 10:00 p.m. newscast, which was produced by WCNC-TV (NBC).	34
Chattanooga, TN	WDSI (Fox)	Cancelled morning and noon newscasts and added 4 p.m. newscast in January 2001; 4 p.m. newscast subsequently cancelled (based on review of current schedule).	10
Chattanooga, TN	WTVC-TV (ABC)	Cancelled weekend morning newscasts in February 2001.	11

Market	Station	Decision	Source
Chicago, IL	WBBM-TV (CBS)	Cancelled one-hour 6 p.m. newscast in early 1999 and replaced it with a half-hour 4:30 p.m. newscast, which thereafter was cancelled in July 2000.	1, 5
Cleveland, OH	WUAB (UPN)	Cancelled 11:30 a.m. newscast in January 1999.	2
Detroit, MI	WKBD (UPN)	Cancelled local 10 p.m. newscast in November 2002 and replaced with one produced by other station in market; in late 2004/2005, cancelled 10 p.m. newscast completely.	25, 35
Detroit, MI	WWJ-TV (CBS)	Cancelled all local newscasts in November 2002.	25, 35
Detroit, MI	WKBD (UPN)	In late 2004/2005, cancelled 10:00 p.m. newscast, which had been produced by WXYZ-TV (ABC).	35
Duluth, MN	KDLH (CBS)	Cancelled noon newscast in November 1998.	49
Evansville, IN	WEVV (CBS)	Cancelled local newscasts in late 2001.	21
Greensboro/ Winston-Salem/High Point, NC	WXLV-TV (ABC)	Cancelled morning and weekend newscasts in late 2000 and all local newscasts in January 2002; in 2004-2005, rebroadcast late evening newscast of WUPN (UPN) at 11 p.m.; cancelled all local newscasts in August 2005.	8, 19, 36
Greensboro/ Winston-Salem/High Point, NC	WUPN-TV (UPN)	On August 10, 2005, cancelled 10:00 p.m. newscast (which had included Sinclair's "News Central" content), ending all local newscasts at the station.	36
Kingsport, TN	WKPT (ABC)	Announced in February 2002 that it would cancel locally produced weekday newscasts and brief updates and replace them with rebroadcast newscasts from WJHL-TV (CBS).	20
Laredo, TX	KVTV (CBS)	In 2002, cancelled all but noon newscast; cancelled noon newscast in 2004; added late news in 2004; cancelled late news on January 3, 2006.	37
Los Angeles, CA	KCBS (CBS)	Cancelled 4 p.m. newscast in 2001.	14
Miami, FL	WAMI-TV (IND)	Cancelled only newscast and eliminated news department in December 2000.	9
Miami, FL	WPLG (ABC)	Announced will cancel 5:00 p.m. in fall 2006.	38
Milwaukee, WI	WVTV (WB)	Discontinued Sinclair's "News Central" offering at 9:00 p.m. on March 31, 2006.	39

Market	Station	Decision	Source
Minneapolis. MN	KSTC-TV (IND)	Cancelled both weekday morning and 6:30 p.m. newscasts in October 2001.	16
Minneapolis, MN	KSTP (ABC)	Cancelled morning weekend newscasts in October 2001.	16
New York, NY	WCBS-TV (CBS)	Cancelled 4:00 p.m. newscast in January 2002	18
Omaha, NE	KMTV (CBS)	Cancelled 6:00 p.m. newscast in September 2002.	40
Orlando, FL	WESH (NBC)	Eliminated 4:30 p.m. newscast in April 2000.	6
Orlando, FL	WKCF (WB)	Cancelled 10:00 p.m. newscast, which was produced by WESH (NBC), in September 2002.	41
Orlando, FL	WRBW (UPN)	Cancelled 10:00 p.m. newscast, which was produced by WFTV (ABC), in late 1990s.	42
Phoenix, AZ	KPHO-TV	Announced in December 2000 it would cancel 4:30 a.m. newscast.	27
Portland, OR	KPDX (UPN)	Cancelled 10:00 p.m. newscast in 2002.	43
Raleigh/ Durham, NC	WKFT (IND)	Cancelled hourly local news briefs in December 2002.	23
San Antonio, TX	KVDA-TV (Telemundo)	Cancelled morning newscasts in July 2001.	13
Seattle, WA	KSTW(TV) (UPN)	Cancelled all newscasts and eliminated news department in December 1998; brought back news rebroadcast from KIRO-TV (CBS) in 2003, but cancelled news in 2005.	45, 47
St. Louis, MO	KDNL-TV (ABC)	Cancelled all newscasts and eliminated news department in September 2001.	17, 43
Tallahassee, FL	WTWC (NBC)	Cancelled all newscasts and eliminated news department in November 2000.	48
Tampa, FL	WTOG (UPN)	Cancelled 10 p.m. newscast and eliminated news department in 1998.	5, 47
Tampa, FL	WTTA (WB)	Cancelled 10:00 p.m. newscast (which had included Sinclair's "News Central" content) on March 31, 2006.	46
Twin Falls, ID	KMVT (CBS)	Announced in February 2002 that it would cancel 5:00 p.m. newscast	22
Utica, NY	WUTR(TV) (ABC)	Cancelled locally produced morning news show in June 2002 and replaced it with regionally produced morning news show, which has since been replaced by network news.	50

Market	Station	Decision	Source
Watertown, NY	WWTI(TV) (IND)	Cancelled locally produced morning news show in June 2002 and replaced it with regionally produced morning news show, which has since been replaced by network news.	50

KEY TO SOURCES

Source	News Article
1	Dan Trigoboff, "A Day of Rest. WGN Cancels Saturday Morning Newscast," *Broadcasting & Cable*, Dec. 21, 1998 at 28.
2	Roger Brown, "Poor Ratings Sink Channel 43 Midday Newscast," *The Plain Dealer*, Dec. 22, 1998 at 4E.
3	Eric Deggans, "WTTA Might Add Late-Night News," *St. Petersburg Times*, Mar. 18, 1999 at 2B.
4	Cynthia Littleton, "KCOP Dropping Newscast," *Daily Variety*, July 12, 1999 at 5.
5	Phil Rosenthal, "More Bad News for Ch. 2," *Chicago Sun-Times*, Aug. 16, 2000, at 57.
6	"Chatter," *The Stuart News/Port St. Lucie News*, Apr. 16, 2000 at P6.
7	"Inside Alaska Business," *Anchorage Daily News*, Apr. 20, 2000 at 1E.
8	Jeremy Murphy, "Local Media—Los Angeles Radio Stations: ESPN Radio Picks Up Biggest Affiliate," *Mediaweek*, Nov. 27, 2000.
9	Dan Trigoboff, "Station Break," *Broadcasting & Cable*, Dec. 11, 2000 at 33.
10	Barry Courter, "Fox 61 Moves To Be First With News," *Chattanooga Times/Chattanooga Free Press*, Jan. 21, 2001 at B1.
11	Barry Courter, "Public Gives Locher A Boost," *Chattanooga Times/Chattanooga Free Press*, Feb. 9, 2001 at H5.
12	Denis Paiste, "'Chronicle' Coming to WMUR," *The Union Leader (Manchester NH)*, May 30, 2001 at A2.
13	"News roundup," *San Antonio Express-News*, July 4, 2001 at 2B.
14	Dan Trigoboff, "Station Break," *Broadcasting & Cable*, Aug. 6, 2001 at 26.
15	Mark Washburn, "WBTV Replaces News Director to Boost Ratings," *The Charlotte Observer*, Aug. 14, 2001 at 1D.
16	Jeremy Murphy, "Local Media TV Stations," *Mediaweek*, Nov. 5, 2001; interview with station news staff, February 13, 2003.
17	Dan Trigoboff, "KDNL's St. Louis Blues; KDNL Television in St. Louis, Missouri, Axes News Department," *Broadcasting & Cable*, Oct. 8, 2001 at 22.
18	Chris Pursell, "Stations Scrambling to Slot New Strips," *Electronic Media*, Dec. 31, 2001 at 3.
19	Dan Trigoboff, "Station Break," *Broadcasting & Cable*, Jan 7, 2002 at 40.
20	Dan Trigoboff, "Station Break," *Broadcasting & Cable*, Jan. 21, 2002 at 36; interview with station news staff, February 13, 2003.
21	Michael Schneider, "Local Newscasts Fall Victim to Cost Cuts," *Variety*, Jan. 28-Feb. 8, 202 at 21.
22	Lorraine Cavener, "Twin Falls, Idaho, TV Station Drops Early-Evening Newscast," *Times-News*, Feb. 2, 2002.
23	Business North Carolina, "WKFT, Eastern, Eliminates Local News Segment," *Business North Carolina*, March 1, 2002.
24	Kansas City Star, "Station Drops Local News," *Kansas City Star*, April 24, 2002; Dan Trigoboff, "The News Not Out of Topeka," *Broadcasting & Cable*, April 22, 2002.

KEY TO SOURCES

Source	News Article
25	John Smyntek, "Channel 50's Exodus Aids Channel 7's News," *Detroit Free Press*, December 4, 2002; Dan Trigoboff, "CBS Drops News in Detroit," *Broadcasting & Cable*, November 25, 2002.
26	"KEYE drops noon newscast," Austin Business Journal, December 2, 2002, *available at* www.bizjournals.com/austin/stories/2002/12/02/daily8.html (last checked May 23, 2006).
27	"Viewer campaign spurs changes at KPHO-TV 5," The Business Journal, Phoenix, December 29, 2000, *available at* www.bizjournals.com/phoenix/stories/2001/01/01/newscolumn2.html (last checked May 23, 2006).
28	"Channel 26 drops 7 p.m. news," June 24, 2000, http:chronicle.augusta.com/ stories/062400/bus_129-6388.000.shtml
29	"Althage Out at MPT," June 29, 2001, http://www.dcrtv.org/mediaw2i.html
30	"WNYO-TV," www.wikipedia.org/wiki/WNYO-TV, printed May 2, 2006. Also, "Gannett's WGRZ to Produce Newscast for WB's WNYO," Mediaweek.com, April 13, 2006, http://mediaweek.printthis.clickability.com/ pt/cpt?action=cpt&title=Gannett%27s+WGRZ, printed May 10, 2006
31	"WGRZ-TV," http://www.abitabouteverything.com/files/w/wg/wgrz_tv.html, printed May 23, 2006
32	"WHCP-TV, www.wikipedia.org/wiki/WHCP, printed May 2, 2006. Also, "WB's Charleston Newscast Canceled," February 24, 2006, http://www.woktv.com/story.cfm?func=viewstory&storyid=8983&catid=43; "WOWK Canceling Newscast to Make Room for 'Dr. Phil,'" August 5, 2005, http://www.tvjobs.com/cgi-bin/news/archive.cgi?action=display&Article=363.
33	"We're Bad, We're Nationwide," Creative Loafing Charlotte, April 10, 2002, http://charlotte.creativeloafing.com/2002-04-10/news_media.html
34	"WMYT-TV," http://en.wikipedia.org/wiki/WWWB, printed May 3, 2006
35	"WKBD," http://www.answers.com/topic/wkbd-1, printed May 2, 2006. Also "WXYZ-TV," http://en.wikipedia.org/wiki/WXYZ-TV, printed May 10, 2006.
36	"WXLV and WUPN will end newscasts," journalnow.com, July 29, 2005, http://journalnow.com/servlet/Satellite?pagename=WSJ%2FMGArles%2FWSJ _BasicArtic, printed May 3, 2006. Also http://en.wikipedia.org/wiki/WXLV
37	"KVTV," http://en.wikipedia.org/wiki/KVTV-TV, printed May 10, 2006
38	"Channel 10 to add Dr. Phil, drop 5 p.m. news," The Neil Rogers Show, November 2004, http://www.neilrogers.com/news/articles/2004111803.html.
39	"WVTV," www.wikipedia.org/wiki/WVTV, printed May 12, 2006
40	"Further Review," The Pitch, March 13, 2003, http://pitch.com/issues/2003-03-13/couch.html. Also http://en.wikipedia.org/wiki/KMTV, printed May 2, 2006 and The Reader, March 30, 2006, http://www.thereader.com/news.php? subaction-showfull&id=1143756837&archive=&start, printed May 3, 2006
41	"WKCF," http://www.tvwiki.tv/wiki/WKCF, printed May 2, 2006
42	http://www.flnewscenter.com/orlando/wrbw/wrbw.htm, and "WRBW," www.wikipedia.org/wiki/WRBW, printed May 2, 2006,
43	"KPTV," http://www.reference.com/browse/wiki/KPTV," printed May 2, 2006
44	"KDNL," www.wikipedia.org/wiki/KDNL, printed May 2, 2006

KEY TO SOURCES

Source	News Article
45	"KSTW," http://en.askmore.net.KSTW, html, printed May 10, 2006
46	"WTTA," www.wikipedia.org/wiki/WTTA, printed May 12, 2006
47	Dan Trigoboff, "News Not Paramount," *Broadcasting & Cable*, Dec. 7, 1998 at 30
48	Karissa S. Wang, "WB 100+ Starting Its First Newscast," *Electronic Media*, Dec. 18, 2000, at 8.
49	"Benedek Slashes Costs, Staffs," Electronic Media, Nov. 16, 1998 at 1; interview with station news staff, February 13, 2003.
50	William LaRue, "Clear Channel Consolidating Some Staff," The Post-Standard, July 6, 2002.

Attachment 2: Independent Voices in Media General Television Markets

	Nielsen Designated Market Area	Media General Television Station	Media in Market					
			Independent Owners Per 47 C.F.R. § 73.3555(c)(3)			Penetration/Use Rates		
			TV[1]	Radio[2]	Newspaper[3]	Total Cable[4]	Total ADS[4]	Internet[5]
12	*Tampa, FL	WFLA-TV	14	22	6	89.3	17.2	57.70
29	Raleigh-Durham, NC	WNCN(TV)	8	24	8	85.9	25.4	55.10
32	Columbus, OH	WCMH-TV	7	25	7	85.5	17.1	58.60
35	Greenville-Spartanburg, SC/ Asheville-Anderson, NC	WSPA-TV WNEG-TV** WYCW(TV)	8	25	9	86.0	34.7	55.10-NC 52.40-SC 56.25-GA
40	Birmingham, AL	WIAT(TV)/ WVTM(TV)	9	22	6	90.3	32.8	53.15
51	Providence, RI-New Bedford, MA	WJAR(TV)	8	31	6	90.8	8.5	57.80-RI 62.45-MA
52	Jacksonville, FL	WCWJ(TV)	8	22	4	88.7	22.9	57.70
62	Mobile, AL – Pensacola, FL	WKRG-TV	13	27	3	90.0	24.6	53.15-AL 57.70-FL
63	Lexington, KY	WTVQ-TV	7	14	4	90.2	33.9	56.60
67	Wichita-Hutchinson, KS	KWCH-TV KBSH-TV** KBSD-TV** KBSL-TV**	8	17	11	85.5	21.1	63.75-KS 64.75-NE
68	*Roanoke-Lynchburg, VA	WSLS-TV	7	18	5	87.4	36.1	63.60-VA 51.50-WV
86	Chattanooga, TN	WDEF-TV	8	19	4	88.8	25.9	55.80-TN 56.25-GA
89	Jackson, MS	WJTV(TV)	7	19	5	87.5	38.8	42.60
91	*Tri-Cities, TN-VA	WJHL-TV	6	25	4	91.6	24.5	63.60-VA 55.80-TN
97	Savannah, GA	WSAV-TV	7	12	3	92.0	28.0	56.25-GA 52.40-SC
101	Charleston, SC	WCBD-TV	6	15	1	86.7	19.9	52.40
105	Greenville-New Bern, Washington, NC	WNCT-TV	6	20	3	87.0	28.1	55.10
108	*Myrtle Beach-Florence, SC	WBTW(TV)	7	20	4	88.6	20.4	52.40-SC 55.10-NC
115	Augusta, GA	WJBF-TV	6	15	2	86.4	21.9	56.25-GA 52.40-SC
127	*Columbus, GA	WRBL(TV)	7	6	4	90.7	17.4	56.25-GA 53.15-AL
152	Rochester, MN-Mason City, IA-Austin, MN	KIMT(TV)	6	14	4	84.0	17.8	63.50-IA 68.95-MN
157	*Panama City, FL	WMBB(TV)	6	7	2	89.9	25.3	57.70
167	Hattiesburg-Laurel, MS	WHLT(TV)**	2	12	2	86.8	36.5	42.60
176	Alexandria, LA	KALB-TV	4	15	2	90.1	27.1	49.95

* Convergence Markets   ** Satellite Station

1 *Broadcasting and Cable Yearbook 2006; BIA Investing in Television Market Report 2006.*
2 *Broadcasting and Cable Yearbook 2006*; BIA Investing in Radio database.
3 *2006 Editor and Publisher International Yearbook; SDRS Circulation 2006.*
4 Television Bureau of Advertising Cable and ADS Penetration by DMA (citing Nielsen, DMA Household Universe Estimates, May 2006, Cable & Cable Plus ADS Households and Alternate Delivery System & Satellite Households) *available at* www.tvb.org/rcentral/markettrack/Cable_and_ADS_Penetration_by_DMA.asp.
5 A Nation Online: Entering the Broadband Age, National Telecommunications and Information Administration, September 2004, Appendix Table 3, Internet Use by Percent of State Population (figures are the mid-point of reported range).

Current Issue

Utne Web Watch

May 30, 2003 Issue

57 Channels and Nothing On

By Anne Geske

On June 2 the Federal Communications Commission will rule on whether to relax current media ownership rules. Under the leadership of Michael Powell, the FCC appears determined to grant the TV and radio broadcast industries their dearest wishes, paving the way for even greater consolidation in a media market already dominated by a handful of major players. "Federal Communications Commission officials have been showered with nearly $2.8 million in travel and entertainment over the past eight years, most of it from the telecommunications and broadcast industries the agency regulates," the Center for Public Integrity reports, revealing the close relationship between the industries and the FCC—the commission established to defend the public interest.

Disparate organizations from both the right and left, such as the National Rifle Association, the U.S. Conference of Catholic Bishops, and Code Pink find themselves on the same side opposing the new ruling, which would make it possible for a single media monopoly to control virtually all information disseminated in a given market—or multiple markets. It's a no-brainer that abuses of power could easily occur when information provided to voters is controlled by an industry that is demonstrably in bed with its governmental counterpart.

In response, the Center for Public Integrity has launched a repository of information on its website, an "unprecedented examination of the telecommunications industry, the centerpiece of which is a first-of-its-kind, 65,000 record, searchable database containing ownership information on virtually every radio station, television station, cable television system and telephone company in America." With a few keystrokes, this user friendly database, culled through months of painstaking data mining of FCC records and other sources, yields a colorful pie chart and listing of telephone, cable, TV and radio station owners within a 40-mile radius of any zip code or city.

But there's more. You'll find a listing of the top holding companies for radio TV, phone, cable and satellite companies; the six broadcast ownership rules up for review; and contact information for members

of the House and Senate Committees that oversee the FCC, as well as the five FCC Commissioners.
—Anne Geske

Go there>> Center for Public Integrity's broadcast ownership database

Related Links:

- The Center for Public Integrity
- US PIRG consumer alert opposing FCC rule change

Newsflash: TV Coverage of War Was 'Dumbed Down'

By Ron Martz

During the recent war on Iraq, a much larger percentage of Americans turned to television than newspapers to learn about U.S. military advances. On the off chance that they turned to multiple news sources covering the war, many couldn't help but notice some dissonance between the rosy picture painted by the TV networks and the stories being told from the front lines by embedded newspaper reporters. "The war they saw, or thought they saw, on TV was meticulously planned, flawlessly executed—and not a single member of the armed forces has a complaint or a problem," says Ron Martz, military-affairs reporter for the *Atlanta Journal-Constitution*, in a recent essay for *Editor & Publisher*. Some readers were upset to read Martz writing about bloody street fighting in parts of Baghdad, while they were watching jubilant Iraqis celebrate the fall of Saddam on Fox News. As Martz, an ex-Marine, filed reports about the realities of what he saw on the ground—"a war that was confusing and chaotic, as are all wars"—angry emails poured in questioning his patriotism, his ancestry, even his sexuality. One reader suggested he get a job with Al-Jazeera. Another suggested he "start watching more Fox TV to get an unbiased view of the war." Martz says a friend recently suggested that TV has dumbed down American news audiences, lowering the collective IQ. He's beginning to believe she's right. "What they seemed to want from this war was for the coverage to fit their own biases and preconceived notions. No other views were tolerated. And TV seems in large part to have given them exactly what they wanted."
—Nick Garafola

Go there>> Embed Catches Heat

Undue Influence?

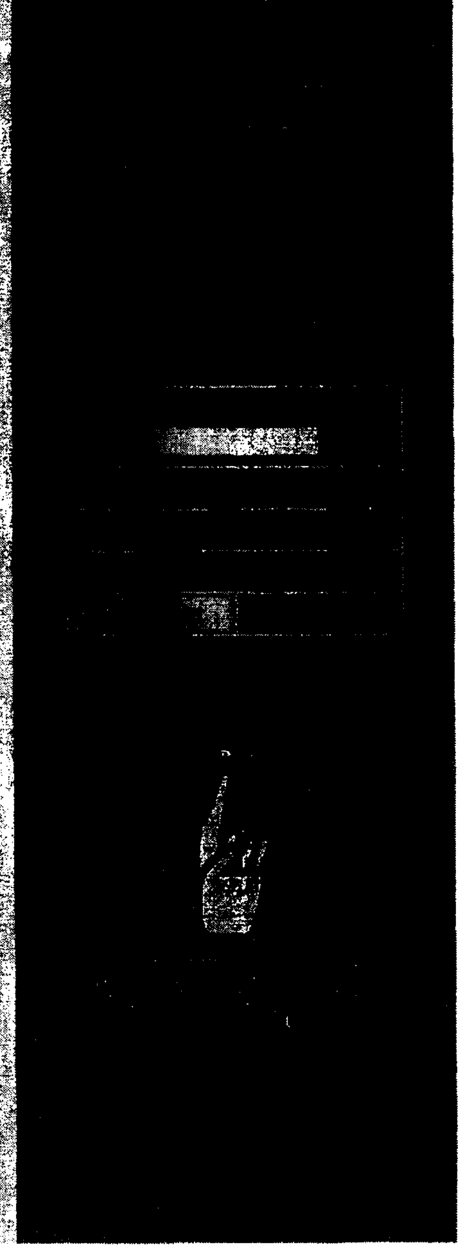
By Matt Wells

In jolly old England, protocol dictates that newspaper proprietors separate their politics from their business operations. Conrad Black, owner of England's *Telegraph* newspapers recently broke form by announcing that his publications "would vigorously campaign for a referendum on the European constitution." Lord Black's announcement has "raised the stakes in the stand-off between the government and the press," writes *Guardian* reporter Matt Wells. While other British newspapers, such as the *Daily Mail* and the *Sun* have also pressed the government to allow the people to vote on whether or not to join the European Union, the *Telegraph* is the only publication so brazenly promoting Lord Black's personal opinion that the EU is "a 'ramshackle structure of alternative influence' to the United States," Wells reports. Black asks, "[Why] is Mr. Blair apparently so keen on an EU constitution in the first place? Indeed, it is only if he makes the wrong decision now that the question of a referendum will arise."
—*Erin Ferdinand*

Go there>> Telegraph Owner Threatens Media War

Browse Web Watch Archives

Home | Subscribe | Advertise | Contact Us



CJR AMERICA'S PREMIER MEDIA MONITOR COLUMBIA JOURNALISM REVIEW

Tripping Up Big Media

One of the strangest Left-Right coalitions in recent memory has challenged a free-market FCC. What's the glue that holds it together?

BY GAL BECKERMAN

The angels of the public interest, with large pink wings and glittering halos, descended on Michael Powell this fall, five years after he had, somewhat sarcastically, first invoked them.

That was back in April 1998, when Powell was speaking to a Las Vegas gathering of lawyers. Only a few months had passed since his appointment to one of the five spots on the Federal Communications Commission, and the new commissioner had been invited to speak about a longstanding and contentious issue: Was it the FCC's responsibility to keep the media working toward the public good?

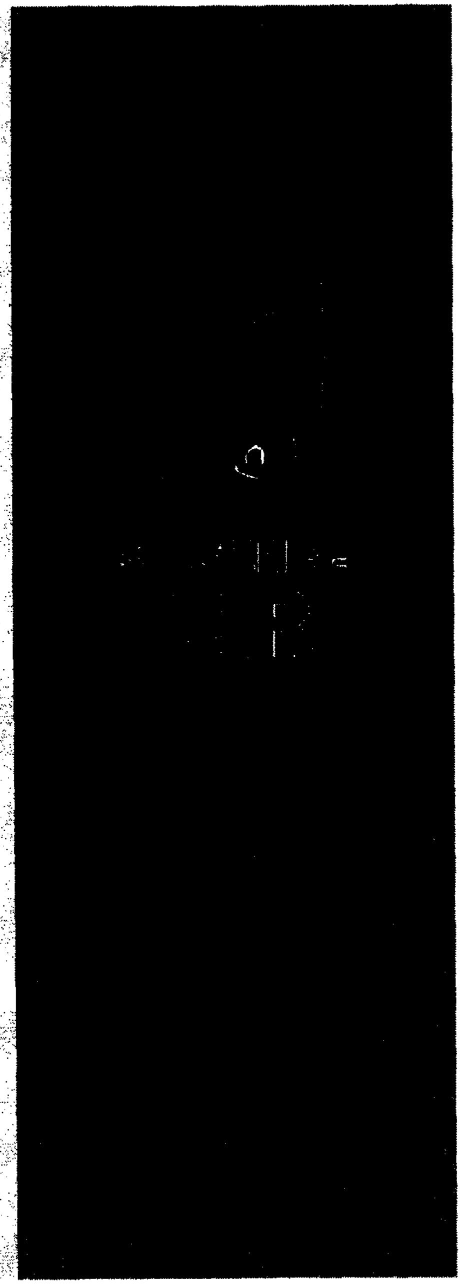
Powell made clear that he placed his faith in the invisible hand of the market: the business of the FCC, he said, was to resolve "matters that predominantly involve the competing interests of industry" and not some vague "public interest." The FCC had no role in deciding whether to give free airtime to presidential candidates, for example, or in forcing television channels to carry educational or children's programming. "Even if what is portrayed on television encourages or perpetuates some societal problem, we must be careful in invoking our regulatory powers," Powell insisted.

To highlight the point, Powell used biblical imagery: "The night after I was sworn in, I waited for a visit from the angel of the public interest," Powell said. "I waited all night but she did not come. And, in fact, five months into this job, I still have had no divine awakening."

The angels of public interest arrived in hot pink and wings, demanding repeal of the new FCC rules.

This September 4 the angels finally arrived.

Fifteen women dressed entirely in fluorescent pink and spreading frilly wings emblazoned with the words "Free Speech" stood on the sidewalk outside the large glass doors of the FCC. They banged on bongos and shouted chants, unfurling a large pink scroll containing their demands: full repeal of the new rules that Michael Powell had just shepherded into existence.



By this time, Powell had become FCC chairman and had overseen the biggest relaxation of media ownership rules in over thirty years (see "Powell's Rules," below). But the day before, a federal appeals court in Philadelphia had granted an emergency stay barring the FCC from putting his new rules into effect. The court gave as one of its reasons "the magnitude of this matter and the public's interest in reaching the proper resolution." So the angels were celebrating, and they were not alone.

The massive public response to the rule changes, in fact, had been unprecedented. For months before and after the new rules were announced on June 2, opposition had been loud, passionate, and active. Hundreds of thousands of comments were sent to the FCC, almost all in opposition. It was the heaviest outpouring of public sentiment the commission had ever experienced.

Even more striking was the makeup of this opposition, what The New York Times called "an unusual alliance of liberal and conservative organizations." Together in the mix, along with Code Pink, the activists in angel wings, were the National Rifle Association, the National Organization for Women, the Parents Television Council (a conservative group focused on indecency in television), every major journalism association, labor groups like the Writers and Screen Actors Guilds, and a collection of liberal nonprofit organizations that had been focused on media issues for decades.

It is not every day that the ideological lines get redrawn over an issue, let alone an issue that had been destined to remain obscure and complex for all but telecommunications experts to debate. What's the glue that has held this unlikely coalition together?

Victoria Cunningham is the twenty-four-year-old national coordinator of Code Pink, a grass-roots women's organization that engages in wacky direct action. Code Pink has sung Christmas carols outside Donald Rumsfeld's home and arrived at Hillary Clinton's Senate office wearing underwear over their clothing to deliver her a "pink slip" of disapproval for her early support of the war in Iraq. I met with her a month after her group's boisterous visit to the FCC. Code Pink's office is little more than a broom closet on the fifth floor of a building a few blocks from the White House. Pink beads and rainbow flags cram the walls. Cunningham was wearing — what else? — a very pink shirt.

Why were her members, who number in the thousands, so interested in this issue? "Our people are informed enough that they understand what happens when there are only one or three or four companies that are controlling the information we get," Cunningham said. "A lot of our people would love to turn on the evening news and see a variety of opinions coming out."

Like everyone I talked to who was involved in the opposition to the FCC rules, Cunningham spoke of the intuitive understanding most people had of an issue that seems complex on the surface. Over and over, as I attempted to understand what it was that was holding together this diverse coalition, I heard the same phrase: "People just get it." And I heard this from groups both left and right. The oddest invitation Cunningham said she had received in the last few months was to appear on Oliver North's conservative radio talk show to debate the FCC issue. "And when we talked about that," she said, "we just couldn't say anything bad to each other."

Next, I made my way to a rather different scene, the headquarters of the United States Conference of Catholic Bishops, to talk with Monsignor Francis J. Maniscalco, its director of communications. No broom closet, the conference's home is in a giant modern Washington building behind a large sculpture of Jesus pointing to the sky.

Monsignor Maniscalco, a clerical collar under his soft, round face, spoke like a weathered telecommunications professional about his opposition to the FCC's new rules. The bishops are concerned about the loss of religious shows, like Catholic mass on television -- but also the loss of a time when, he says, in order for broadcasters to keep their licenses they had to "prove they were being responsive to the local community." The further consolidation of the media that would be spurred by the new FCC rules, he said, would only increase the lack of responsiveness to community needs. "We see the media as being very formational of people, formational of a culture, formational of people's attitudes," he said, "and if certain strains of community life are not on television they are, by that very reason, considered less important, less vital to society."

Even though he and the conference had always opposed media consolidation, Maniscalco said, until recently they felt they were working in a vacuum. When the monsignor began talking about the current effort, though, he visibly brightened. His eyebrows, which are red, lifted, and he rolled forward in his chair. "The consumption of media is a passive consumption, it is a passive act in itself," he said. "And it is a passive audience that has said, 'We just have to take what they give us.' But interestingly enough, this seems to be something that has finally caught people's imagination, that they could make a difference in terms of turning back these rules and saying no, we don't see that as being very helpful to our situation."

Media industry insiders were taken by surprise at how fast these groups managed to come together and exercise political influence. In addition to the emergency stay issued by the Philadelphia federal appeals court on the day before Powell's six new rules were to go into effect, Congress has responded with zeal to their demands. Consider: on July 23, only a month after the rules were approved, the House of Representatives voted 400 to 21 to roll back the ownership cap to 35 percent. Then, on September 16, the coalition had an even greater success. The Senate used a parliamentary procedure, called a resolution of disapproval — used only once before in history — to pass a bill repealing all the new regulations. It passed 55 to 40, and was supported by twelve Republicans, and cosponsored, astonishingly, by none other than Trent Lott. Such quick legislative action has generated excitement, but it is unlikely that the coalition will find such easy victory in the future. The Senate bill must now face House Republican leaders who have vowed to prevent the measure from going to a vote, partly to keep this political hot potato away from the president during an election year. The court case that has

> At countless public hearings over the last half-year, the bishop sat next to the gun lobbyist who sat next to a woman from NOW, all united around some common denominator.

put the new rules on hold, meanwhile, promises a complicated legal contest when it takes place next year.

But these challenges don't take away from what has been achieved. Such ideologically disparate groups rarely find common cause. As Powell himself has pointed out, the reasons behind most of these groups' opposition are parochial and narrow. The unions are worried that more consolidation will lead to fewer jobs; the left-leaning groups are still shivering from what they saw as nationalistic coverage of the war; groups like the Parents Television Council want less Buffy the Vampire Slayer and more Little House on the Prairie. Yet there they were, at countless public hearings over the last half-year, the bishop sitting next to the gun lobbyist sitting next to a woman from NOW, all united around some common denominator.

To get a better idea of what that common denominator might be, I went to visit Andrew Schwartzman, the fifty-seven-year-old president of the Media Access Project, a small public-interest law firm that has been fighting big media and the FCC for more than three decades. Schwartzman was the lead lawyer in the case that led to the September 4 emergency stay.

A week after that triumph, he looked exhausted, his bloodshot eyes contrasting with his white hair and bushy moustache. He looked a little like Mark Twain — a very tired Mark Twain. He spoke slowly and deliberately. "Michael Powell has significantly misunderstood what this is about, to his detriment," Schwartzman said. "He repeatedly says, somewhat disdainfully, that all the disparate organizations are unhappy about what they see on the air. The right-wingers think the media is liberal and the left-wingers think the media is a corporate conspiracy, and they all can't be right. This is a way of dismissing and trivializing their position. For me, what these groups have in common is that they represent people who are within the relatively small group of Americans who choose to be active participants in the political process, the people who exercise their First Amendment rights aggressively. And even where their principal areas of interest may be the Second Amendment or other things, they understand the importance of the electronic mass media in the democratic process. And Michael Powell hasn't understood that."

What unites these groups, he told me, is that they all generally believe that the media are limited, and that this limitation comes from the fact that there is too much control in too few hands. This leads to a lack of diversity of voices, to programming that is out of touch with local concerns, to increasingly commercial and homogenized news and entertainment. And this is what has triggered people's passions. It is not the fear that their own voices won't echo loud enough, he said, but that further consolidation will produce media in which only the powerful few will be heard at all.

But why now? Neither Schwartzman nor anyone else I talked to could explain why, coming from so many different directions, all these groups landed in the same place at the same time. After all, this is not the first time that free-market enthusiasts have smashed up against the defenders of the public interest.

The 1980s saw a major crack in the idea that the public interest was the top priority for the FCC. President Reagan's FCC chairman, Mark Fowler, presided over the death of the Fairness Doctrine, which required broadcast stations to provide airtime for opposing voices in controversial matters of public importance. Then in 1996 Congress passed, and President Clinton signed, a major overhaul of U.S. telecommunications law, permitting greater media concentration. Radio was significantly deregulated, leading to the growth of companies such as Clear Channel, which now operates more than 1,200 stations in more than 300 markets. It was in that period that the national ownership cap for television stations went from 25 percent to 35 percent.

Such developments happened away from the public eye, in a place where only members of Congress and lobbyists roam. According to Celia Wexler, director and researcher for Common

Cause, the nonpartisan citizens' lobby, those past fights were "very much inside the Beltway. It was very complicated, and there were no groups able to tell the story in a way that really made people understand what was at stake. There were media reformers who understood, who wanted a discussion of the public-interest obligations of broadcasters. But it didn't really catch fire."

At a morning session on media issues at a Common Cause conference, I saw how dramatically the situation had changed. Seats to the event were in hot demand. Next to me an elderly couple sat clutching newspaper clippings, one of which was headlined new fcc rules sap diversity in media owners.

Wexler, a small woman with the air of a librarian, was sitting on stage in a panel that included Gloria Tristani, a former FCC commissioner, who said of Michael Powell at one point: "I think he has lost touch with people or maybe never had touch with people in this country." The star of the morning, though, was John Nichols, a Nation Washington correspondent, who, together with Robert McChesney, another media reformer, this year started an organization called Free Press. Nichols has a professorial air, but he started his talk so dramatically that the couple next to me started nodding furiously.

He contended that, in the wake of September 11 and in the buildup to the war in Iraq, Americans had come to realize how shallow and narrow were their media. "People said maybe I support this war, maybe I oppose it, but I would like to know a little more about who we're going to bomb," Nichols said. "And I would like to know more about what came before and how this works — not just cheerleading. And all of that churned, combined, to have a profound impact."

This was an explanation I had heard from other liberal groups involved in the media movement. But it still didn't explain why conservatives had chosen this particular moment to join this coalition. As with the liberals, there have always been conservative groups that have opposed media deregulation, most notably the Catholic Church, but the message never resonated widely.

That, too, has changed. Take, for example, the Parents Television Council, an organization with 800,000 members that monitors indecency. The group regularly sends letters to the FCC when a show contains what they call "foul language" or racy subject matter. In August, L. Brent Bozell, the council's president, joined Gene Kimmelman of Consumers Union, a longtime advocate of media reform, in an editorial that was published in the New York Daily News, writing that in spite of their ideological differences they "agree that by opening the door to more media and newspaper consolidation, the FCC has endangered something that reaches far beyond traditional politics: It has undermined the community-oriented communications critical to our democracy."

Conservatives see a link between the growth of big media and the amount of blood and skin they see on television. The smaller and more local that media are, the argument goes, the more attuned to community standards of decency. If local stations could preempt what was being fed from New York and Los Angeles, then programming could be more reflective of family values. Here again, the sense is that media have become too large and all-encompassing and lost touch with their audience.

Melissa Caldwell, director of research at the council, points out that the new ownership rules were a way for big media companies to buy up even more local stations. This is worrisome, she explained, because locally owned broadcast affiliates tend to be more responsive to community standards of decency. The council's surveys, Caldwell says, show that network-owned stations almost never preempt network shows, "whereas locally owned and operated stations were more likely to do so. We don't want to see the networks become even less responsive to community concerns than they already are."

By the end of September, with his rules in deep freeze, Powell, speaking to The New York Times, expressed exasperation with the effectiveness of the opposition. "Basically, people ran an outside political campaign against the commission," Powell was quoted as saying. "I've never seen that in six years."

At the core of this "campaign" were four groups — Consumers Union, led by Kimmelman, and the Consumer's Federation of America, represented by Mark Cooper, as well as Andrew Schwartzman's Media Access Project and the Center for Digital Democracy, run by Jeffrey Chester. The four men (who often referred to themselves as the "four Jewish horsemen of the apocalypse") played the central role in translating the growing anger and frustration of the Left and the Right into a cohesive movement.

Early on, these groups realized that to fight the FCC they would need more political power than their dependable but small progressive base could offer. One of their first steps, in addition to beginning a conversation with conservative groups like Parents Television Council, was to call on labor organizations like the Writers Guild and AFTRA, which could provide the resources and the manpower to get the message out.

By the beginning of 2003, a loose coalition was in place. And at that point, Powell's personality, of all things, began to play a galvanizing role. In pronouncement after pronouncement, he trumpeted the importance of these new rules — highlighted by his decision to vote on all of them in one shot. He insisted that their rewriting would be based purely on a scientific examination of the current broadcasting world.

It was true, as Powell claimed, that reexamining the rules was not his idea. The District of Columbia Court of Appeals, interpreting the 1996 Telecommunications Act, had ordered him to conduct a biennial assessment. But Powell had many chances to include the public in this review, and he did not. No public hearings were necessary, he said; the facts would do the talking, and would point to the rightness of his free-market convictions. "Michael Powell deserves a public-interest medal because he practically single-handedly created this enormous opposition," said Jeffrey Chester.

In December, Powell announced a single public hearing, to be held in what one opponent jokingly referred to as "the media capital" of Richmond, Virginia. Soon, groups who had been only peripherally involved in the loose coalition became increasingly angered by Powell's intransigence. One story often invoked to illustrate the unifying power of Powell's stubbornness involves a meeting that took place between members of the Hollywood creative community and labor groups, including producers and writers, and Kenneth Ferree, the chief of the media bureau at the FCC. According to several people present at the gathering, when a request for public hearings was made, Ferree was dismissive and rude, saying he was only interested in "facts," not "footstomping." "The sense of helplessness and anger that he generated by that meeting was enormous," said Mona Mangan, executive director of Writers Guild East.

If Powell's refusal to hold public hearings galvanized the opposition in one direction, the desire of another commissioner, Michael J. Copps, to engage with the public on this issue also played a key role. Copps, one of the two Democrats on the FCC, was unhappy with Powell's insistence on keeping the issue within the Beltway. When Powell finally announced that the number of public hearings would be limited to one, Copps issued a statement that read like the complaints of the growing grass-roots opposition. "At stake in this proceeding are our core values of localism, diversity, competition, and maintaining the multiplicity of voices and choices that undergird our marketplace of ideas and that sustain American democracy," he said.

"The idea that you are changing the basic framework for media ownership and you don't really want to make this a public debate was a reflection of Powell's own sort of arrogant, narrow mind-set," said Chester. "He didn't understand that this is about journalism, this is about media. No matter what the outcome, you have to go the extra mile to encourage a serious national debate."

Through the winter and early spring, Copps organized unofficial hearings around the country in collaboration with groups like the Writers Guild, earning the nickname Paul Revere in some quarters. As media reform groups searched for a wide range of witnesses to speak at these hearings, the coalition grew to include groups like the National Rifle Association and the National Organization for Women. Out of the meetings came the first sense that this issue could resonate.

In the spring, after Powell refused to delay the June vote for further discussion, the FCC was flooded with calls and letters. Petitions were signed with hundreds of thousands of names and comments. Something was happening. Despite the scant press coverage, citizens were responding. The Internet helped to make this response immediate and numerous, mostly through an Internet-based public interest group called MoveOn.org, which had been an organizing force against the Iraq war, capable of turning out thousands upon thousands of signatures and donations in a matter of days. Now it turned its attention to media reform, and the result surprised even its organizers.

"We thought it was just kind of a weird issue because it's this wonky regulatory thing, it's not a typical MoveOn issue like stopping the drilling in the Arctic," said Eli Pariser, MoveOn's young national campaigns director. "After we heard from a critical mass of people we decided to pursue it and see what happened. And when we went out with our petition we got this amazing response."

A few days before the September 16 Senate vote on the resolution of disapproval, I accompanied lobbyists from Consumers Union and Free Press as they delivered a huge MoveOn petition. Lining one of the halls in the Hart Senate Office Building were stacks upon stacks of paper, 340,000 names in all. It was the quickest and largest turnover MoveOn had ever experienced, including its antiwar effort.

As the activists, young and in rumpled, ill-fitting suits, delivered these petitions to Senate aides, everyone was struck by the fact that they were more than just names printed on paper, more than a rubber-stamp petition drive. Many of the statements seemed heartfelt. Sometimes they were only a line, "I want more diversity and freedom of speech," and sometimes long letters, taking up whole pages. People expressed their personal dissatisfaction with what they saw when they turned on the TV. But mostly, they expressed passion. It popped off the page. People in Batesville, Arkansas, and Tekamah, Nebraska, were angry. Media had become a political issue, as deeply felt as the economy, health care, or education. Senate Republicans and Democrats alike understood this. A few days later, they voted to repeal all the new regulations.

When I asked the coalition partners how long their alliance could last beyond the battle over the ownership rules, their answers were uniform: not long. If the Parents Television Council and the Writers Guild ever sat down and tried to figure out rules for TV, the decency monitors would demand stricter limits on sex and violence, and the screenwriters who make up the guild would recoil in horror, shouting about the First Amendment.

But on the question of what these groups' larger and long-term objectives were for the media, I did get some kind of consensus. At the most fundamental level, there is a demand for a forum, for a place where diverse ideas can be heard and contrasted. The ideal seemed to be media that better reflect America, with its diversity, its ideological contentiousness, its multitude of values and standards.

When I asked Monsignor Maniscalco how he would want broadcasters to act in an ideal world, I assumed he would posit some narrow vision of an all-Catholic twenty-four-hour news channel, but he didn't.

"We would like them to take a chance on things that are noncommercial, that are simply not on television," the monsignor said. "Not for the sake of how much money they can make, but because they represent significant aspects of the community. We would really like to see the concept of broadcasting in the public interest be recognized by these people as a legitimate aspect of their work."

When I posed the problem of whether he could eventually agree to share airtime with all the groups in this coalition, groups like NOW with which he had fundamental and deep disagreements, Monsignor Maniscalco had a simple answer: "You could say that the goal is for the media to give us access so we can finally have a space to argue amongst ourselves."

Enjoy this piece? Consider a CJR trial subscription.