Dear FCC:

Since 1934, the FCC has been required by statute to grant and renew radio licenses and promulgate regulations as the "public convenience, interest, or necessity" require. By the 1940s, the FCC had promoted a policy that the promotion of diversity, competition, and localism in broadcasting was vital to protecting the public interest, and it had adopted rules restricting radio station ownership in order to prevent monopolies.

Over the next few decades, the FCC regulated broadcasting so as to protect the public interest in competition, localism, and several facets of diversity. Among the rules promulgated were caps on the number of radio stations that one entity could own nationally and locally. By the 1970s, the FCC had also banned "cross-ownership," forbidding any entity from owning both a newspaper and a radio or television station in any one market.

In the early 1980s, the FCC's ideology radically shifted; it asserted that regulations restricting broadcasting harmed the public interest. This philosophy was based on the "marketplace theory," under which the marketplace itself is said to determine what is in the public interest

In 1984, the FCC relaxed long-standing rules that capped the number of radio and television stations that one entity could own. The FCC attempted to justify this deregulation by citing evidence that pertained largely to television rather than radio - that evidence was in any case largely based on commercial broadcasting where the listener has control over content only to the degree that the advertisers got the message as to what the listener would choose to audit.

My personal interest lies in non-commercial listener-supported or listener-owned broadcasting. The point is that for such broadcasting stations can not survive except for direct interaction with the audience as to both financial and content matters.

I am aware of no evidence about the application of "marketplace theory," to the general class of educational broadcasting . The determination of what is "in the public interest" may be vague, but the idea that the market place DETERMINES such meaning, in my humble opinion, is an example of sloppiness, a form of casuistry ; "public

interest" is an ill-defined concept in much political philosophy, and its definition in terms of the "market place" is highly circuital.

That is especially true where there's a mandate to support both "localism" and the "public interest" simultaneously.

One way localism is defined is "the extent to which the locality bounds, delimits, or sets apart residents' lives, including their work, personal relations, political involvement and identity" (Claude Fisher, America Calling: A Social History of the Telephone (U Cal, 1992) 1994, page 194).
As to commercial broadcasting - how has the percentage of local ads changed since 1996? Does multiple ownership of stations provide preference for local as opposed to national ads.? Have advertising rates for local merchants increase or decreased relative to the rates for national producers? How has the percentage of local ads aired on a broadcast outlet changed since 1996.

Again, in the commercial context does there exist any work in the case of radio to compare locally and nationally owned radio stations in terms of how they foster local connections and identity?

Consider the situation where a persons, limited in number because restricted to a particular geographical area wish to start broadcasting in order to provide a broadcast service to that same area. On the market side they must find a way to pay for the licenses, broadcasting equipment, buildings, staff, etc., and we have to agree that educational broadcasting licenses are less costly. But where are the measurements to determine whether market forces work to the benefit of of educational broadcasting. That question has nothing to do with the question of whether educational broadcasting is in the public interest.
By the same token there is a need for measurements on the localism fostered by educational broadcasters.

On this matter, I fall back on presentations made before Commissioners Copps and Adelstein at a Seattle hearing by one west coast musician after another - the gist being that in order to have their music aired on nationally owned stations they had to pay. It wasn't enough that an artist had received public acclaim and support

from Seattle or San Francisco. "New" artists are not acceptable to the conglomerate broadcasters unless they provide bribes - that's what those testifying said, one after the other. Was the record of that hearing also buried before the FCC made the decision that it is now revisiting ?
Where local radio has historically been a critical site for emerging musicians, then the decline of localism might indeed have a detrimental effect on which artists gain access to larger national markets. If the problem is framed in this way, then the impact of radio consolidation on localism may well be an issue of public interest and potential policy intervention.

But I don't think there's a valid reason for isolating artistic and cultural expression as a separate dimension of localism. We should be asking if local residents share common artistic or cultural practices. Do they support local artists? Does locally produced artwork have stylistic or intellectual roots which differ from one locality to another? Do local artists and local cultural institutions reinforce and relate to one another or are they mainly dependent on central, non-local approval for their existence?

To me there's an obvious answer - one which points to non-locally owned media as ignoring the existence of local creativity.

Accordingly I oppose further deregulation of the broadcast industry.

What I've seen since the 1980's is that the FCC has quietly changed its mission from that of protecting the public interest to that of protecting the economic interests of owners of multiple media outlets. I've also seen the FCC encouraging consolidation of radio ownership during the 80's at the same time as it ignored Payola to the public's detriment.
What I saw in 1992 was the FCC's further deregulation of radio ownership without justification, despite evidence that the public interest in programming diversity was harmed by radio programmers accepting money, sex, and drugs.

What I've seen since passage of the 1996 Telecommunications Act is that consolidation has resulted in decreased programming diversity at

music-driven radio, that it has encouraged payola-like practices, which are impediments to merit-based music programming to localism and of course to diversity, also that consolidation of media companies has led to anticompetitive programming behaviors at commonly-owned groups of local stations.

All this has been very visible to observant members of the public.

Has the FCC betrayed the public's interest in fair decision-making?

Has the FCC blinded itself by being attached to "marketplace" theories to the point where at least two reports produced by FCC staff were buried -- and therefore ignored by the decision-makers.

Can those reports still be ignored now they've been exhumed , placed in the record of THIS proceeding by Senator Boxer, and accepted for electronic filing on the FCC's web pages.

Why did the FCC wait for Prometheus both to question the absence of any prior FCC justification for deregulation and to demand such justification.
In short, it's my belief there is no such justification possible given the long-held basic decisions that the air-waves belong to the people, that the FCC is an agency of the public accountable to the public for its decisions opposing the mandate to promote diversity and localism that it should not continue deregulation, that it should not remove caps on ownership and that it should explore and develop ways of learning what listeners want of their media.

Respectfully

Michael Papadopoulos Ph.D.