

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
2006 Quadrennial Regulatory Review - Review)	MB Docket No. 06-121
of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996)	
)	
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)	MB Docket No. 02-277
)	
Cross-Ownership of Broadcast Stations and Newspapers)	MB Docket No. 01-235
)	
Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets)	MB Docket No. 01-317
)	
Definition of Radio Markets)	MM Docket No. 00-244

COALITION REQUEST FOR UNDERLYING DATA

The Smaller Market Broadcasters Coalition, an alliance of station groups representing 111 local television stations in smaller markets that have joined to participate in the current media ownership proceeding, requests that the Commission take certain action regarding a study undertaken by two University of Michigan communications studies scholars, Dr. Michael Zhaoxu Yan and Yong Pin Park, entitled “Duopoly ownership and local informational programming on television: An empirical analysis” (the “Michigan Study” or “Study”). The Michigan Study was relied upon heavily in the initial comments of (1) Consumers Union, Consumer Federation of America and Free Press and (2) the Office of Communication of the United Church of Christ, National Organization for Women, Media Alliance, Common Cause,

and the Benton Foundation (“Consumers Union et al.”). The Coalition requests that the Michigan Study, which to our knowledge has not itself been submitted to the Commission, should not be given any consideration until the underlying data are placed on the record and the public has had an opportunity to evaluate those data and comment on the Study. There is reason to believe that the underlying data do not support the conclusions drawn from it by Consumers Union et al. and that the Study is otherwise flawed.

For example, Consumers Union et al. assert that the Michigan Study shows that duopolies have no effect on the amount of local news programming broadcast by local stations. As Consumers Union et al. acknowledge, this conclusion is contrary to the FCC’s prior finding -- a finding upheld by the *Prometheus* court¹ -- that duopolies, by allowing stations to enjoy efficiencies that lead to more and better coverage of local issues, generally serve the public policy objective of localism.

Specifically, page 12 of the Michigan Study states that “[o]ne strong argument for the relaxation of the television multiple ownership rules is that joint ownership can benefit the weaker station in a combination disproportionately, improving its programming and overall strength ... The results are summarized in Table 2A. As shown, the significant increases in local news programming experienced by the three types of stations were all attributable to the major stations.” However, Table 2A of the Study seems to indicate something else -- that the so-called “weaker” stations in duopolies did *better* than either weaker stations in duopoly markets or weaker stations in markets where duopolies were not allowed at retaining their local news programming. According to the table, weaker stations in duopolies actually increased their

¹ See *Prometheus Radio Project v. FCC*, 373 F.3d 372, 415 (3d Cir. 2004).

broadcast of local news *by more than 16%* over the seven-year period from 1997 to 2003 (from 5.5 hours per two-week period to 6.4 hours per two-week period), while broadcast of local news by weaker stations in markets where duopolies were allowed that were not part of duopolies *declined* by 1% over the same period (from 8.1 hours per period to 8.0 hours per period). Similarly, weak stations in markets where no duopolies were allowed also *decreased* their local news programming by 9% during the same period (from 6.4 hours per period to 5.8 hours per period). In other words, weaker stations in duopolies were the *only* weaker stations that increased their local news programming over the period. If anything, the data supports the conclusion that duopolies help weaker stations to provide more local news.

Page 13 of the Michigan Study reaches a similar conclusion with respect to local public affairs programming on weaker stations -- that the statistics don't support the claim that duopolies bolster local service. But the statistics summarized in Table 3A show a different picture. They show that the weaker of the two duopoly stations cut local affairs programming by 33% between 1997 and 2003, but non-duopoly stations in duopoly markets cut local public affairs programming by a far greater 88%. As for non-duopoly stations in non-duopoly markets, they were shown to have reduced local public affairs programming by only 1.5%. But curiously, the number of stations shown in the 1997 sample for this last category was 8 and the number in 2003 was 13. Clearly at least 40% of the 2003 sample differed from the 1997 sample, and the difference may have been higher if the 2003 sample did not include all of the original 8 stations in 1997 in the subsequent list of 13 stations for 2003. Was this therefore an apples-to-oranges comparison because different stations were being compared, and, accordingly, the comparison was meaningless? And are the comparisons used for local news programming open to similar

questions? Analysis of the now-unavailable underlying data may bear importantly on these issues.

There are other apparent flaws in or limitations to the Michigan Study:

- Local public affairs programming is a highly questionable measure of localism because stations have since 1997 increasingly incorporated public affairs material in other programs such as news, talk, informational and magazine formats, which reach broader audiences and which appear to be far more effective program vehicles for this material. If examining local public affairs programming remains a viable approach at all, it needs to include these program segments and not just full-length, stand-alone public affairs programs.
- The Michigan Study only measures the *quantity* of local news and local public affairs, which, as the Commission has repeatedly recognized, is merely one of many factors to consider in determining whether local stations serve their communities. In contrast, the FCC's own study on the issue will attempt to consider both the quality *and* the quantity of television programming.

Wholly apart from its incomplete data, methodological flaws, and lack of support for Consumer Union et al.'s position, the Michigan Study's most fundamental problem is that a review of duopolies in existence in 1997 and 2003, which were largely confined to larger markets, does not necessarily bear on the question of whether allowing duopolies in smaller markets where relief is most needed would serve the public interest. A comparison of duopoly and non-duopoly stations can only have been made in the 56 predominantly larger markets out of 210 where duopolies were allowed in the time periods analyzed in the Michigan Study.² There is no evidence that the same results would obtain in the overwhelming majority of smaller markets where duopolies are not allowed and where financial constraints are the most threatening to the public's local television service. In short, the Study and inferences drawn from it by Consumers

² The Study may also include a few smaller markets in which duopolies may have been permitted under failing station waivers.

Union et al. do not refute the conclusion reached by the FCC and the *Prometheus* Court that duopolies, particularly in smaller markets, can serve localism.

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For the reasons described above, the Coalition asks that the Commission give no consideration to the Michigan Study or the conclusions drawn from it until the necessary underlying data are placed in the docket and the public has had an opportunity to evaluate and comment on the Study.

Respectfully submitted,

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WSTM-TV, Syracuse, NY

WACH, Columbia, SC

KGBT-TV, Harlingen, TX

KXRM-TV, Colorado Springs, CO

WPDE-TV/WWMB, Florence, SC

WPBN-TV, Traverse City, MI

WTOM-TV, Cheboygan, MI

WHOI, Peoria, IL
KVII-TV, Amarillo, TX
KRCG, Jefferson City, MO
WFXL, Albany, GA
KHQA-TV, Hannibal, MO
WLUC-TV, Marquette, MI
KTVO, Kirksville, MO

Cordillera Communications

/s/ Terry Hurley

Terry Hurley, President

WLEX-TV, Lexington, KY
KVOA-TV, Tucson, AZ
KOAA-TV, Pueblo, CO
KSBY, San Luis Obispo, CA
KATC, Lafayette, LA
KRIS-TV, Corpus Christi, TX
KPAX-TV, Missoula, MT
KTVQ, Billings, MT
KRTV, Great Falls, MT
KXLF-TV, Butte, MT

Fisher Communications, Inc.

/s/ Joseph L. Lovejoy

Joseph L. Lovejoy, CFA, Vice President, Strategic Planning & Development

KLEW-TV, Lewiston, ID
KBCI-TV, Boise, ID
KVAL-TV, Eugene, OR
KCBY-TV, Coos Bay, OR**
KPIC, Roseburg, OR**
KEPR-TV, Pasco, WA**
KIMA-TV, Yakima, WA
KIDK, Idaho Falls, ID

Freedom Broadcasting, Inc.

/s/ Doreen Wade

Doreen Wade, President

WLNE-TV, New Bedford, MA
WRGB, Schenectady, NY
WTVC, Chattanooga, TN
WLAJ, Lansing, MI
KFDM, Beaumont, TX
KTVL, Medford, OR

LIN Television Corp.

/s/ Vincent L. Sadusky

Vincent L. Sadusky, President & Chief Executive Officer

WPRI-TV, Providence, RI
KXAN-TV, Austin, TX
KXAM-TV, Llano, TX
WDTN, Dayton, OH
WALA-TV, Mobile, AL
WBPG, Gulf Shores, AL
WLUK-TV, Green Bay, WI
WUPW, Toledo, OH
WAND, Decatur, IL
WANE-TV, Fort Wayne, IN
WTHI-TV, Terre Haute, IN
WLFI-TV, Lafayette, IN

Morgan Murphy Stations

/s/ Elizabeth Murphy Burns

Elizabeth Murphy Burns, President

KXLY-TV, Spokane, WA
WISC-TV, Madison, WI
KAPP, Yakima, WA
KVEW, Kennewick, WA
WKBT, La Crosse, WI

Quincy Newspapers, Inc.

/s/ Ralph M. Oakley

Ralph M. Oakley, Vice President & Chief Operating Officer

WKOW-TV, Madison, WI
WSJV, Elkhart, IN
KWWL, Waterloo, IA
WXOW-TV, La Crosse, WI
WQOW-TV, Eau Claire, WI**
WREX-TV, Rockford, IL
WAOW-TV, Wausau, WI,
WYOW, Eagle River, WI**
KTIV, Sioux City, IA
WVVA, Bluefield, WV
KTTC, Rochester, MN
WGEM-TV, Quincy, IL

Raycom Media, Inc.

/s/ Paul McTear

Paul McTear, President & Chief Executive Officer

WTNZ, Knoxville, TN
WTVR-TV, Richmond, VA
WTOL, Toledo, OH
KOLD-TV, Tucson, AZ
KHNL, Honolulu, HI
KHBC-TV, Hilo, HI**
KOGG, Wailuku, HI**
KFVE, Honolulu, HI
KFVS-TV, Cape Girardeau, MO
KSLA-TV, Shreveport, LA
WIS, Columbia, SC
WAFF, Huntsville, AL
WLBT, Jackson, MS
WAFB, Baton Rouge, LA
WBXH-CA, Baton Rouge, LA
WTOC-TV, Savannah, GA
WFIE, Evansville, IN
KLTV, Tyler, TX
KTRE, Lufkin, TX**
WSFA, Montgomery, AL
WTVM, Columbus, GA
WECT, Wilmington, NC
KCBD, Lubbock, TX
WALB, Albany, GA
WPGX, Panama City, FL
WLOX, Biloxi, MS
WDAM-TV, Hattiesburg, MS
WDFX-TV, Dothan, AL
KPLC, Lake Charles, LA
KAIT, Jonesboro, AR

Drewry Communications

/s/ Larry Patton

Larry Patton, Senior Vice President of Broadcasting

KXXV, Waco, TX
KFDA-TV, Amarillo, TX
KSWO-TV, Lawton, KS
KWES-TV, Odessa, TX
KWAB-TV, Big Spring, TX**

Schurz Communications, Inc.

/s/ Franklin D. Schurz, Jr.

Franklin D. Schurz, Jr., Chief Executive Officer

WDBJ, Roanoke, VA

KYTV, Springfield, MO
WSBT-TV, South Bend, IN
WAGT, Augusta, GA
KWCH-TV, Wichita-Hutchinson, KS
KBSD-TV, Ensign, KS**
KBSH-TV, Hays, KS**
KBSL-TV, Goodland, KS**

December 7, 2006

* Admitted to practice in North Carolina; not admitted in the District of Columbia and supervised by principals of the firm.

** satellite station