Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
2006 Quadrennial 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. 06-121
	)	
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	)	MM Docket No. 01-235
	)	
Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets	)	MM Docket No. 01-317
	)	
Definition of Radio Markets	)	MM Docket No. 00-244

REPLY COMMENTS ON FCC RESEARCH STUDIES ON MEDIA OWNERSHIP

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November 1, 2007

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SUMMARY

The initial comments on the 10 peer-reviewed FCC studies do not offer any reason to question the reliability and conclusions of the FCC studies related to cross-ownership. Those studies support repeal of the newspaper/broadcast cross-ownership rule (the "1975 Ban") and offer no reasons to limit that repeal to only certain markets.

While the initial comments on the studies filed by various public interest groups (the "Reregulatory Parties") clamor that the FCC studies provide further reason for retention of the 1975 Ban, their latest submissions ignore that the FCC and the reviewing appellate court have already decided that the 1975 Ban must be repealed. The Reregulatory Parties' arguments for retention of the rule in any form fail to note the high legal threshold that must be met for retention. Section 202(h) and administrative law precedent establish both that retention must be shown to be "necessary in the public interest as the result of competition" and that a premise or problem -- here, never anything more than a "hoped for" gain in diversity -- requires retention. Their comments on the FCC studies do not present any valid legal argument for retaining the 1975 Ban.

Indeed, as shown in the second section of these reply comments and the attached Econometric Review, the Reregulatory Parties' own "studies," their attempt to discredit the FCC's studies, are riddled with definitional, methodological, and other econometric infirmities. The peer reviews of the FCC studies found the studies relevant to cross-ownership to be reliable, and the Reregulatory Parties' "studies" do not discredit the overall factual conclusions in those FCC studies or peer reviews.

Reregulatory Parties' concerns over the FCC's compliance with the Data Quality Act ("DQA"), which are addressed in the third section of these reply comments, ignore that the DQA's standards are inapplicable to this rulemaking under the FCC's own guidelines. Further,

they ignore that those guidelines provide, and court interpretations of the DQA have found, that the DQA does not create rights in third parties trying to challenge agency action.

In the fourth section of these reply comments, Media General notes that FCC Study No. 1, a Nielsen survey of consumer media preferences, is not a reliable vehicle upon which to base FCC conclusions in this proceeding. As Media General has argued in the past, supported by reviews by Dr. Jerry Hausman of MIT, such surveys suffer from inherent biases and flaws that make them much less reliable than revealed preference studies. If, however, the FCC chooses to overlook these infirmities, it should take into account, contrary to the claims of Reregulatory Parties, that the study shows the Internet to be an established source of local news; over one-fifth of respondents in FCC Study No. 1 cited it as their first or second most important source for local news. Respondents also reported strong preferences for the Internet and cable channels as their sources for breaking news and in-depth information.

In the final section of these reply comments, Media General addresses Reregulatory Parties' overly narrow and biased approach to what constitutes a "local news" website in Tampa, Florida. Based on this flawed approach, the Reregulatory Parties grossly undercount local sites available and used in the community. The Internet is a vibrant source of information. The Supreme Court recognized that fact over 10 years ago, Media General and others have documented it repeatedly in this record, and only Luddites would argue to the contrary.

With the latest iteration of studies, the FCC has again received evidence of the increased news benefits of cross-ownership and the corresponding lack of any correlation between cross-ownership and harm to viewpoint diversity. Reregulatory Parties' attempt to argue that cross-ownership leads to less news is unreliable, as shown in the extensive Econometric Review attached to these reply comments. The record remains solidly in support of repeal of the 1975 Ban in all markets.

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REPLY COMMENTS ON FCC RESEARCH STUDIES ON MEDIA OWNERSHIP

Media General, Inc. ("Media General"), by its attorneys, hereby submits its reply comments in response to the initial comments on the 10 Commission studies examining various aspects of the current media marketplace, which were filed by the October 22, 2007 deadline.[1] Nothing submitted in those initial comments, despite very strident attacks by several public interest parties ("Reregulatory Parties"), offers any reason to question the reliability and conclusions of FCC Studies 2, 3, 4.1, and 6. As Media General and other

[1] FCC Public Notice, "FCC Seeks Comment on Research Studies on Media Ownership," DA 07-3470, released July 31, 2007. The FCC extended the deadline for the filing of reply comments until today. *Order*, DA 07-4097, released September 28, 2007.

industry parties showed in their initial comments, these studies demonstrate that nationwide repeal of the newspaper/broadcast cross-ownership rule (the "1975 Ban") is long overdue.[2]

In their initial comments, the Reregulatory Parties clamor that retention of the 1975 Ban is essential for competition, diversity, and localism. As shown in the first section below, this argument ignores not only conclusions that have already been rendered by the FCC and the United States Court of Appeals for the Third Circuit, but the high legal hurdle proponents of retention face under Section 202(h) of the Communications Act and general administrative law principles. Second, Reregulatory Parties' attempts at empirical criticism of the FCC's studies are, as discussed below and shown in the attached Econometric Review, totally unreliable. Reregulatory Parties' call for retention of the rule is not supported by the evidence, and their submissions fall far short of meeting the high legal hurdle for the 1975 Ban's retention. Third, not only are the Reregulatory Parties' "studies" unreliable, but their claims that the Data Quality Act requires a change in the FCC's process for its own studies is mistaken. As discussed in the fourth and final sections below, Reregulatory Parties' interpretation of consumer preference data and their analysis of the Tampa media market are equally troubled.

Both in specifics and in overall themes, the Reregulatory Parties have failed to show that the FCC's latest studies do anything but wholly support nationwide repeal of the 1975 Ban. Their attempt to relititgate already concluded issues and seek further procedural delays are intended merely to complicate a proceeding that they seem to want never to end.

[2] The rule is set forth at 47 C.F.R. § 73.3555(d) (2002).

I. THE LAW REQUIRES DEMONSTRATED NECESSITY FOR RETENTION OF THE 1975 BAN, AND REREGULATORY PARTIES FAIL TO UNDERCUT THE FCC STUDIES' RESULTS AND THE RECORD'S PROOF OF THE 1975 BAN'S TOTAL LACK OF ANY UTILITY, NO LESS NECESSITY

The legal standard for review of retention of the 1975 Ban is clear. The Reregulatory Parties' attack on the FCC's studies and their attempt to resurrect new "harms" or problems fall far short -- particularly given the unreliability of the Reregulatory Parties' own empirical work -- of countering the clear mandate for nationwide repeal that is compelled by the relevant legal standards and found in the record. Under previous agency and court determinations, Reregulatory Parties face a stringent test in arguing for retention of the 1975 Ban, a test they have not met.

The FCC already has found, and the Third Circuit has agreed, that the 1975 Ban is not necessary to fulfill the FCC's interest in promoting competition, localism, or viewpoint diversity, and that the 1975 Ban counterproductively harms localism. The FCC found repeal mandated by Section 202(h) of the 1996 Telecommunications Act, and the court agreed.[3]

The *Prometheus* court "sum[med] up" the standard of review that it would apply in any future review of the FCC's actions: "In a periodic review under § 202(h), the Commission is required to determine whether its then-extant rules remain useful in the public interest; if no longer useful, they must be repealed or modified."[4] Now that review is quadrennial, the FCC's statutory burden to ensure that its rules keep pace with marketplace realities -- or that they remain "useful" -- is that much stronger. No party to

[3] *Prometheus* at 398-400, *citing 2003 Report and Order*, 18 FCC Rcd at 13749, 13754, 13764-66.

[4] *Id.* at 395.

this proceeding has dared contend, nor could they, that industry trends suggest a future decrease in abundance that somehow warrants four more years of regulation or that the American consumer will change course and begin to become less platform agnostic.

Long-established administrative law precedents similarly require total repeal and make it difficult for Reregulatory Parties to demonstrate that retention is warranted. The FCC itself acknowledged in 1975 that there was no evidence of a competitive harm that mandated regulation of newspaper/broadcast cross-ownership; the 1975 Ban's adoption was premised only on a "hoped-for" gain in diversity.[5] Given that this link has never materialized -- the FCC's latest studies, for instance, show a lack of any correlation between the rule and a harm to diversity -- the agency thus has no choice but to repeal the 1975 Ban. A regulation reasonable in the face of a perceived problem becomes highly capricious when the problem is shown not to exist.[6] Even a statute, the validity of which depends on a premise supported at the time of enactment, becomes invalid subsequently if the predicate disappears.[7]

In fact, changing course at this point by acceding to the wishes of Reregulatory Parties and doing anything short of repealing the 1975 Ban would similarly violate administrative law precedent. Any change would require clear and compelling evidentiary

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[5] Amendment of Section 73.34 [sic], 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations, *Second Report and Order*, 50 FCC 2d 1046, 1078, *recon.* 53 FCC 2d 589 (1975) ("*1975 Second Report and Order*"), *modified by Nat'l Citizens Committee for Broad. v. FCC,* 555 F.2d 938 (D.C. Cir. 1977), *aff'd in part and rev'd in part, FCC v. Nat'l Citizens Committee for Broad.*, 436 U.S. 775 (1978) ("*NCCB*").

[6] *Home Box Office, Inc. v. FCC*, 567 F.2d 9, 36 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 829 (1977). *See Bechtel v. FCC*, 957 F.2d 873, 881 (D.C. Cir. 1992), *cert. denied* 506 U.S. 816 (1992). *See also Bechtel v. FCC*, 10 F3d 875 (D.C.Cir. 1993).

[7] *Geller v. FCC*, 610 F.2d 973, 980 (D.C. Cir. 1979).

support and a detailed and persuasive explanation for altering the direction laid out in 2003.[8] Reregulatory Parties thus face a high bar in trying to argue that the 1975 Ban should be retained. As shown below, their latest comments on the FCC studies do not advance their goal.

II. REREGULATORY PARTIES' "STUDIES" ARE RIDDLED WITH EMPIRICAL AND ECONOMETRIC MISTAKES THAT UNDERMINE THEIR RELIABILITY AND RENDER THEM USELESS IN PETITIONERS' ATTEMPT TO REFUTE THE FCC'S PEER REVIEWED STUDIES

The centerpiece of the Reregulatory Parties' attack on the FCC's studies is a 321-page opus with over 2,000 pages of printouts from regression analyses.[9] Despite the great length and the public fanfare these materials have received, they offer no reason for the FCC to do anything but repeal the 1975 Ban.

In the comments that Media General and other industry parties filed on October 22, 2007, in support of FCC Studies 3, 4.1, and 6, they discussed how those studies demonstrate that the rule harms localism because of the correlation that they show between cross-ownership and a greater quantity and better quality of news and informational programming and the lack of any correlation between cross-ownership and "viewpoint diversity."[10] In comments filed the same day, Reregulatory Parties labeled those studies

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[8] *Greater Boston Television Corp. v. FCC*, 444 F.2d 841, 852 (D.C. Cir. 1970).

[9] Further Comments of Consumers Union, Consumer Federation of America and Free Press in MB Docket No. 06-121 (Oct. 22, 2007) ("CU Comments"). While echoing some of the same broad themes, the comments of other Reregulatory Parties fail to present any empirical information or empirical analysis akin to that set forth in the CU Comments. *See, e.g.* Comments of Office of Communication of United Church of Christ, Inc., National Organization for Women, Media Alliance, Common Cause, and Benton Foundation in MB Docket. No. 06-121 (Oct. 22, 2007) ("UCC Comments") at 12-27 (asserting critiques of the studies that overlap in places those in the CU Comments).

[10] Further Comments of Tribune Company on Research Studies on Media Ownership in MB Docket No. 06-121 (Oct. 22, 2007) ("Tribune Comments") at 3-8; Comments of the

"junk science" and offered what they claimed were their own "studies" filed in the CU Comments to support their point. As the econometric report attached as Appendix A shows, however, the Reregulatory Parties' "studies" are the ones that actually deserve that pejorative appellation.[11]

The attached Econometric Review concentrates on Chapters IV, VII, and VIII of the CU Comments, which bear the following titles:

Chapter IV --	Market Level and Station-Levels [sic] Analysis with Properly Defined Variables and Statistical Models
Chapter VII --	Station Revenue and News Production in Small Markets
Chapter VIII --	Assessing the Methodologies and Robustness of the Official Cross-Ownership Studies

While these chapters each address somewhat different aspects of the cross-ownership debate, the Econometric Review shows that they all share a number of fundamental economic and econometric mistakes that undermine their reliability. These mistakes include the following:

1. Reregulatory Parties incompletely discuss and review the comments of the peer reviewers of the FCC studies;
2. Reregulatory Parties assail, but do not refute, the statistical results of the peer reviewed FCC studies;
3. Regulatory Parties misstate basic statistical terminology;
4. Reregulatory Parties inappropriately distinguish between grandfathered and other cross-ownerships in their regression analyses;

Newspaper Association of America on Media Ownership Research Studies in MB Docket No. 06-121 (Oct. 22, 2007) ("NAA Comments") at 4-18; Comment on Research Studies on Media Ownership of Media General in MB Docket No. 06-121 (Oct. 22, 2007) ("Media General Comments") at 6-12.

[11] Statement of Dr. Harold W. Furchtgott-Roth ("Econometric Review"), attached as Appendix A.

5. Reregulatory Parties' approach does not establish causation with respect to cross-ownership; and

6. Reregulatory Parties run regressions with undefined variables and without transparent data.[12]

As the Econometric Review notes, "[i]ndividually, these shortcomings limit the analytical techniques employed in the Further Comments. Collectively, they substantially limit the reliability of the findings of the Further Comments."[13] The Econometric Review then presents separate discussions of the failures in each of CU's Chapters IV, VII, and VIII.

On the subject of the peer reviews, in particular, the Econometric Review points out the selective manner in which the Reregulatory Parties quote from the fifteen peer reviews of the FCC studies, failing to note in the case of FCC Studies 3, 4.1, and 6 that the peer reviewers, despite minor flaws they had flagged, endorsed the finding of those studies on an overall basis.[14] The Econometric Review also notes that the Reregulatory Parties do little to refute the statistical analyses and reliability of the FCC studies:

> Indeed, although in some instances Consumer Commenters transform existing information, add new variables, and suggest new specifications these alterations at most provide alternative explanations of the underlying data rather than render the FCC studies unreliable. Fifteen independent peer reviewers were unable to conclude that the results of the FCC studies were unreliable; the Consumer Commenters' Further Comments do not provide specific analyses that render the results of the FCC studies unreliable.[15]

While Reregulatory Parties claim that the FCC's studies improperly focused on station-level, rather than market-level data, the Econometric Review explains that aggregation in applied econometrics frequently leads to bias and masks the specific characteristics of

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[12] *Id.* at 3-15.

[13] *Id.* at 4.

[14] *Id.* at 4-5.

[15] *Id.* at 8 (footnotes omitted).

heterogeneous firms, characteristics which may have substantial effects on the production of news by a firm.[16]

As to Reregulatory Parties' keystone claim that their use of the FCC data in their own regressions yielded a decrease in news quantity when cross-ownerships are present, the Econometric Review attributes this result simply to incorrect specification of variables. The result was "an artifact of not directly including [a variable for] the number of stations rather than a reflection on the competition for news in the local market."[17]

In short, the FCC studies' peer reviewers got it right. Their peer reviews failed to detect any significant or fatal errors in Studies 3, 4.1, and 6, errors which might have undercut the studies' results. Instead, the peer reviews found the studies' overall findings to be reliable. The Econometric Review concludes that, despite the Reregulatory Parties' attempts at econometric sophistication, their latest filings fail to show that either the FCC's studies or the peer reviews are wrong.

III. THE DATA QUALITY ACT AND IMPLEMENTING GUIDELINES PROVIDE ABSOLUTELY NO GROUND ON WHICH TO CHALLENGE THE FCC'S MEDIA OWNERSHIP STUDIES

In their latest comments as well as in several pleadings filed prior to October 22, 2007, Reregulatory Parties put forth what they allege are ways in which the FCC's process related to the 10 media ownership studies failed to comply with the Data Quality Act ("DQA") and Office of Management and Budget ("OMB") guidelines implementing the DQA.[18] CU's allegations regarding the DQA, however, must be dismissed as that statute

[16] *Id.* at 17.

[17] *Id.* at 18.

[18] CU Comments at 4-5, 72-76. The DQA was passed as part of the Treasury and Government Appropriations Act for Fiscal Year 2001, Pub. L. No. 106-554, § 515, *codified at* 44 U.S.C. § 3516 Historical and Statutory Notes. *See also* Office of Management and

simply does not provide third parties with any legal right to challenge agencies' discretion in relying on influential scientific information. Moreover, while CU extensively discusses OMB's guidelines regarding scientific information and peer review, those guidelines are basically hortatory. CU fails to even discuss substantively the FCC's own guidelines implementing the DQA. The FCC's guidelines, as discussed below, clearly state that they are not applicable in rulemaking proceedings such as this case.

The DQA does not establish any legal right in third parties to challenge agency actions. The United States Court of Appeals for the Fourth Circuit has made clear that the DQA "does not create any legal right to information or its correctness," and indeed "by its terms…creates no legal rights in any third parties."[19] An alleged failure by an agency to comply with the DQA also cannot support a challenge to the agency's discretion under the Administrative Procedure Act. Because the terms of the DQA are so broadly drawn, it does not establish a "'meaningful standard' against which to evaluate the agency's discretion," and accordingly it is clear that "Congress did not intend the [D]QA to provide a private cause of action."[20] CU simply has no right under the DQA to challenge the Commission's procedures in commissioning the 10 media ownership studies and their peer reviews, nor would it have any legal right under the DQA to challenge the Commission's reliance on the results of those studies.

Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452 (Feb. 22, 2002) ("OMB Guidelines"); Office of Management and Budget Final Information Quality Bulletin for Peer Review, Supplementary Information, 70 Fed. Reg. 2664 (Jan. 14, 2005) ("Peer Review Bulletin").

[19] *Salt Institute v. Leavitt*, 440 F3d 156, 159 (4th Cir. 2006) (emphasis added).

[20] *In Re Operation of the Missouri River System Litigation*, 363 F. Supp. 2d 1145, 1174-1175 (D. Minn. 2004) (citations omitted).

CU also claims that the FCC has failed to comply with OMB pronouncements by failing to follow the procedures suggested by the Peer Review Bulletin.[21] As is true of the DQA itself, however, and for the same reasons, the OMB Guidelines do not provide for legal rights in any third party. Neither the OMB Guidelines nor the Peer Review Bulletin in any way purport to create a private right of action or legal remedies. Moreover, the DQA directs the OMB to issue guidelines that require each Federal agency to which the guidelines apply to in turn issue its own "implementing guidelines."[22]

The guidelines adopted by the FCC to fulfill this directive similarly provide no remedy here. Those guidelines, the FCC Information Quality Guidelines, by their own terms are not applicable in rulemaking proceedings.[23] Section IV.1.b of the FCC Information Quality Guidelines states that "[t]he procedures for filing and resolving complaints set forth in these guidelines, including the timetables set forth herein, *do not apply to information disseminated in rulemaking proceedings*."[24] The FCC's common-sense rationale for this policy is fully applicable in this case:

> Because there are well-established procedural safeguards and rights to address the quality of factual allegations as part of the rulemaking process…these guidelines do not impose any additional requirements on the Commission during rulemaking proceedings and *do not provide parties to such rulemaking proceedings any additional rights of challenge or appeal*.

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[21] CU Comments at 73.

[22] DQA at §(b)(1), OMB Guidelines, 67 FR at 8453.

[23] *See* CU Comments at 72 (alleging FCC disregarded "its own guidelines"). The FCC's guidelines implementing the DQA, although never explicitly cited by CU, may be found at, Implementation of Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Pursuant to Section 515 of Public Law No. 105-554, 17 FCC Rcd 19,890 (2002) ("FCC Information Quality Guidelines")

[24] FCC Information Quality Guidelines, 17 FCC Rcd at 19898 (emphasis added).

> Commenters' concerns will be addressed, as appropriate, in the context of decisions in those proceedings.[25]

In resolving previous complaints under the DQA and the FCC Information Quality Guidelines, the Commission has consistently deferred consideration of the substance of such complaints to the subsequent disposition of the rulemaking proceedings themselves, a course it should follow here as well.[26]

Even if the FCC Information Quality Guidelines were applicable in this rulemaking proceeding, which they clearly are not, those guidelines, like the DQA and the OMB Guidelines, establish no legal rights in third parties. The guidelines provide that "[t]hese guidelines are not rules or regulations. They are not legally enforceable and *do not create any legal rights or impose any legally binding requirements or obligations on the Commission* or the public."[27] In the context of a rulemaking proceeding, parties who disagree with scientific information prepared for or by the Commission may raise those concerns in comments or reply comments. The Data Quality Act, however, were it even to apply, provides absolutely no ground for any party to challenge the information relied on by the Commission in adopting rules or regulations.

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[25] *Id.* (emphasis added).

[26] *See, e.g.*, Letter of Monica Desai, Chief, Media Bureau, to Mr. Jim Tozzi, dated May 31, 2007, available at http://www.fcc.gov/omd/dataquality/requests/2007/cre-media-ownership.pdf (last visited Sept. 21, 2007); Letter of Thomas J. Navin, Chief, Wireline Competition Bureau to Mr. Bruce Kushnick, dated May 4, 2007, available at http://www.fcc.gov/omd/dataquality/requests/2007/teletruth-linecharges.pdf (last visited Sept. 21, 2007).

[27] FCC Information Quality Guidelines at § I.4, 17 FCC Rcd at 19894 (emphasis added).

IV. FCC STUDY NO. 1, TO THE EXTENT THAT IT PROVIDES ANY RELIABLE RESULTS, DEMONSTRATES THAT NEW MEDIA OUTLETS SUCH AS THE INTERNET AND CABLE TELEVISION ARE SIGNIFICANT COMPETITORS AND VOICES

FCC Study No. 1, which presents the results of a telephone survey conducted by Nielsen Media Research, Inc., purports to measure consumers' usage of various media outlets as sources of news and information.[28] In its Comments, CU alleges that the study suffers from serious flaws; nonetheless, CU tries to use its results to suggest that, although consumers use new media outlets such as cable and the Internet as news sources, they are "swamped" by broadcast television and newspapers.[29]

Media General agrees with CU that significant problems exist in FCC Study No. 1, but for different reasons, principally those cited by Dr. Jerry A. Hausman of MIT in a statement filed in 2003 in connection with a similar study prepared by Nielsen Media Research.[30] FCC Study No. 1 suffers from many of the same serious methodological flaws that Dr. Hausman identified in the earlier Nielsen survey. For this reason, the Commission should not rely on the results of FCC Study No. 1 in formulating its media ownership rules. Even if the FCC decides to overlook these flaws, it should rely on the study for the proposition that new media sources such as the Internet and cable have become significant competitors to other media outlets in their provision of local news. Consumers, platform agnostic as they are, increasingly rely on these new sources for news and information,

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[28] Nielsen Media Research, Inc., "How People Get News and Information: Federal Communications Commission Telephone Survey," DA 07-3470A2 ("FCC Study No. 1").

[29] CU Comments at 110.

[30] "Statement of Professor Jerry A. Hausman," attached to Media General, Inc. Notification of Ex Parte Communication in MB Docket Nos. 02-277, 01-235, 96-197, 01-317, and 00-244 (May 28, 2003) ("Hausman Statement"), critiquing Nielsen Media Research, "Consumer Survey on Media Usage," prepared for the Media Ownership Working Group of the Federal Communications Commission, September 2002.

creating a media marketplace far more competitive than was ever contemplated when the 1975 Ban was imposed because of a "hoped for" gain in diversity. As shown in the record, that diversity has clearly materialized, but for reasons that have nothing to do with, and are in no way advanced by, the 1975 Ban.

A. FCC Study No. 1's flaws and resulting unreliability mean it offers no support for retention of the 1975 Ban

The most serious flaw of FCC Study No. 1 is its reliance on participants' reported usage of, and preferences for, various types of media. As Dr. Hausman reported in his review of the earlier Nielsen survey, economists have "long been skeptical about the meaning and reliability of responses to survey questions."[31] Biases inherent in respondents' answers to survey questions, caused by difficulties in recalling behavior, privacy concerns, and a desire to appease the questioner, can cause the results of such surveys to be unreliable.[32] Much more reliable and useful than the self-reported behaviors of consumers are their revealed preferences, uncovered by studying their actual behavior.[33] FCC Study No. 1 is premised only on reported behaviors, undermining the reliability of its results.

Besides its reliance on reported rather than revealed preferences, FCC Study No. 1 suffers from other methodological flaws. As was true of the earlier Nielsen survey, not one of the questions in FCC Study No. 1 addresses the ownership of media sources, diversity of

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[31] Hausman Statement at ¶ 7.

[32] *Id.* at ¶ 7. *See also* Letter from John B. Horrigan, Ph. D, Associate Director for Research, Pew Internet & American Life Project, to Michelle Connolly, Chief Economist, FCC (Aug. 31, 2007), *available at* http://www.fcc.gov/mb/peer_review/prstudy1.pdf (last visited Oct. 29, 2007) ("FCC Study No. 1 Peer Review").

[33] Hausman Statement at ¶ 7.

viewpoint, or format.[34] Dr. Hausman's observation that the earlier Nielsen survey did not allow for the construction of "a test of a hypothesis related to the newspaper/broadcast cross-ownership rule" is equally true of this latest study. The questions included in FCC Study No. 1 also do not in any way address market size, a failure which makes it entirely impossible to utilize the results to draw any conclusions regarding potential differences in the use of various media in different markets and the possible impact of any ownership regulations in markets of varying size.[35] Thus, even if the FCC were to overlook problems in the overall design of the study, its failure to address issues at the heart of this rulemaking render it useless and unreliable as a tool for evaluating retention of the 1975 Ban, either nationwide or in a subset of markets.

Design issues aside, FCC Study No. 1 also suffers from problems related to its response rate, which are compounded by its completion rate. As was noted in the peer review, FCC Study No. 1 had a response rate of only 2.2 percent, well below that typically found in such surveys.[36] In addition to the low total response rate, FCC Study No. 1 suffers from a high rate of non-completion; many households began the survey but did not finish it.[37] The lengthy nature of the survey, as well as the detailed introductory questions it

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[34] *See id.* at ¶ 10.

[35] *See id.* at ¶ 13.

[36] FCC Study No. 1 Peer Review at 1 (noting studies finding average response rates around 25% to 30%). *See also* Hausman Statement at ¶ 6.

[37] *See* FCC Study No. 1 Peer Review at 3 (noting non-completion to completion ratio of 6 to 1). The peer review notes that Nielsen's completion reporting is somewhat different from conventional methods, but finds that even using conventional means, an "upper-end" response rate for FCC Study No. 1 would be 12.1%, still well below average. *Id.* *See also* Hausman Statement at ¶ 9 (reporting a non-completion rate of approximately 50 percent for the 2002 Nielsen Survey).

included, may have had a significant impact on the completion rate.[38] In addition, the survey's length could have affected the reliability of responses, as its length taxed respondent's attention spans and diminished the care they devoted to the accuracy of their responses.

B. Even if the FCC overlooks the flaws in FCC Study No. 1, the study validates designation of the Internet and cable channels as "voices"

Even if the FCC overlooks the flaws in FCC Study No. 1, CU's characterization of those results is simply wrong. Contrary to CU's assertions, the results of FCC Study No. 1 demonstrate that consumers, although they still utilize traditional media sources, also now get their news and information from a wide range of sources that increasingly include more non-traditional outlets such as the Internet and cable television.[39] Despite CU's efforts to portray FCC Study No. 1 as demonstrating the alleged "dominance" of traditional media, many of the study's results support the emergence of new, alternative voices that deserve to be considered in this regulatory review.

For instance, simple addition of the percent of respondents identifying the Internet as either their single or second most important source of local news totaled over one-fifth (20.7 percent) of all respondents.[40] This reliance on the Internet becomes even more pronounced in the responses to FCC Study No. 1's questions about the importance of media outlets as sources of breaking news and in-depth information. When asked which

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[38] FCC Study No. 1 Peer Review at 3. *See also* Hausman Statement at ¶ 9.

[39] Internet users are also increasingly using broadband connections to access the full panoply of information available online. As NAB reported in its Comments, FCC Study No. 1 indicates that 76.7 percent of Internet users have broadband cable or DSL service. *See* Comments of the National Association of Broadcasters in MB Docket No. 06-121 (Oct. 22, 2007) at 31-32 (citing FCC Study No. 1 at Table 010) ("NAB Comments").

[40] FCC Study No. 1 at Tables 035, 036.

outlet was the *single most important* source of breaking news -- a question which did not distinguish between local and non-local breaking news but presumably would not yield widely varying responses even if focused only on local news[41] -- 16.4 percent of all respondents listed the Internet.[42] When this total is combined with viewers in similar situations who utilize cable, another source CU would discount, the total rises to 51.5 percent or over half of all respondents.[43] More respondents identified cable (35.1 percent) than identified any other media outlet, and more than three times as many respondents identified the Internet (16.4 percent) as the most important source of breaking news than identified local newspapers (5.1 percent).[44]

For "in-depth information on specific news and current affairs topics" -- again, a question which could have been reformed to distinguish between local and non-local issues -- the Internet and cable television channels were the two sources identified as the most important more often than any other sources. Cable television channels were identified by 30.1 percent of respondents as the most important source of in-depth information, and the Internet was identified by 23.5 percent as the most important source, both ahead of broadcast television stations (20.1 percent) and local newspapers (9.8 percent).[45] As NAB reported in its comments, Americans also increasingly rely on the Internet as a source of political news and discourse, with 31 percent of all Americans reporting use of the Internet and e-mail to explore and discuss issues during the 2006

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[41] When hit with news of a possible crisis, most consumers do not deliberate on its local or national nature before reaching for their favored source of news in an emergency.

[42] FCC Study No. 1 at Table 031.

[43] *Id.*

[44] *Id.*

[45] *Id.* at 33.

elections.[46] This represents a quantum leap from only four years before, when just seven percent reported using the Internet during the 2002 elections.[47]

These results all lead to one unavoidable conclusion -- new and largely unregulated media outlets, such as cable television channels and the Internet, which did not even exist at the time the 1975 Ban was adopted, now serve as significant competitors to local newspapers and broadcast television stations. Although Media General in the first instance believes that the results of FCC Study No. 1 are methodologically flawed and of questionable reliability, if the FCC decides to rely on those results, it should recognize that they reinforce that there has been a great increase in competitive local news and information sources in recent years, and a virtual explosion when compared to the media landscape of 1975.

V. CONTRARY TO THE CLAIMS OF REREGULATORY PARTIES, LOCAL INTERNET SITES OFFER SIGNIFICANT ALTERNATIVE VOICES, EFFECTIVELY PROVIDING LOCAL NEWS AND INFORMATION

In its prior submissions, Media General has established that local Internet sites offer a wealth of local content that significantly undermine any possible justification for the continuation of the 1975 Ban.[48] These prior submissions have demonstrated, among other things, that:

- the Internet plays a vital role in Americans' receipt of news;[49]

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[46] NAB Comments at 32, *citing* Lee Rainie and John Horrigan, Pew Internet & American Life Project, "Election 2006 Online" at ii (Jan 17, 2007).

[47] *Id.*

[48] *See, e.g.* Comments of Media General in MB Docket No 06-121 (Oct. 23, 2006) at 42-62 and Appendices 9-14 ("Media General 2006 Comments").

[49] Media General 2006 Comments at 51-52. The Internet has also served to help "disintermediate" readers from the traditional gatekeepers of news. *See, e.g.*, Bruce A. Williams and Michael X. Delli Carpini, "Monica and Bill All the Time and Everywhere: The Collapse of Gatekeeping and Agenda Setting in the New Media Environment," 47

- Internet penetration has risen dramatically;[50]
- Internet content has now become influential in the political and civic discourse of Americans;[51]
- user-generated content, such as on "blogs," provides an easy and inexpensive way for individuals to make their voices heard without any concern over economies of scale;[52] and
- many websites provide a basis for the exchange of ideas, discourse on current political issues, or other means of civic engagement.[53]

In detailed analyses of the Tampa market, in particular, Media General's submissions have done the following:

- collected and categorized scores of local websites available in the Tampa market; [54]
- established that these websites offer a wealth of information about local communities on many of the same topics one might find in a local newspaper, such as news of past events, notices about future events, classified ads, streaming audio and video, and a variety of other material of local interest;[55] and

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American Behavioral Scientist 1208 (2004); and Project for Excellence in Journalism, "The Latest News Headlines – Your Vote Counts;" both as attached to Notification of Ex Parte Communication of Media General, Inc. in MB Docket No. 06-121 (Oct. 22, 2007).

[50] *See* Media General 2006 Comments at 50-51.

[51] Media General 2006 Comments at 52; Reply Comments of Media General in MB Docket No. 06-121 (Jan. 16, 2007) at 16-18. *See also* NAB Comments at 32.

[52] The website http://tampa.creativeloafing.com, for example, includes regular columns, discussion of events, food reviews, podcasts, and a variety of other content regarding sports, politics, food and drink, music, and tourism. Users can post replies to any of the content for free. The site also hosts multiple blogs produced by Tampa-area residents.

[53] Since Media General prepared a survey of Tampa websites in the fall of 2006, there has been a dramatic increase in government websites utilizing streaming audio or video to provide direct access to civic life. Approximately one-third of the government websites identified in Appendix 9 to the Media General 2006 Comments now provide some online video or audio access, including live and archived video of council meetings, and simulcasts of government produced PEG channels.

[54] Media General 2006 Comments at 53 and Appendix 9.

[55] *Id.* The websites provide information on local news/weather, business, chambers of commerce, classifieds, civics clubs, culture, recreation and sports, education, emergency services, government, home services, food, health, libraries, political parties, political candidates, religion, style and society, tourism, transportation and infrastructure, and miscellaneous.

- demonstrated that websites established by political parties, specialized interest groups, and political candidates also allow Tampa-area citizens to engage directly in the political process.[56]

Appendix B to these comments provides an updated list of local Internet sites available in the Tampa market, showing that there are almost 100 newly-identified websites that provide regularly-updated local informational content, including a number of sites that serve as independent sources of news, sports, entertainment, and events information, as well as classified advertising.[57]

Unable to directly refute Media General's analysis in the Tampa market, the Reregulatory Parties instead resort to expediently excluding data they do not like by simply defining it away.[58] This approach, evidenced in their review of the Tampa market, is based on flawed and biased definitions, questionable methodology, and a misunderstanding of consumers' interests.

First, CU's qualitative analysis of local websites approaches "local news" in a very limited way. From the beginning, CU excludes a number of new sites that serve as important independent sources of local news in the market. For example, the Independent Media Center, which the United States Court of Appeals for the Third Circuit identified as "a good example of local news on the Internet," hosts a local site for the Tampa area that was omitted from the analysis in the CU Comments.[59] This site alone contributes a new

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[56] Media General 2006 Comments at 53 and Appendix 9.

[57] *See* attached Appendix B. Of course, this list is not exhaustive given time limitations and the constantly changing nature of the Internet, and thus many more Tampa local websites exist and could be added.

[58] CU Comments at 139-145.

[59] *Prometheus*, 373 F.3d at 406, n. 36. *See* http://tampabay.indymedia.org (last visited October 31, 2007). The creation of this and other independent local news sites within the

voice to the divergent viewpoints available in the market. Other independent sites and blogs such as www.stpetersblog.com, lakelandlocal.net, and seminoleheights.blogspot.com also provide new voices for news coverage in Tampa-area communities. CU, however, makes no mention of these sites, which would greatly increase the number of independent news sites in their consideration.

The list of 29 "locals news" websites that CU provides is not based on a clearly articulated definition of "local news." Whatever the definition, it clearly excludes websites that provide valuable local content in news categories delivered by traditional outlets. For example, CU's "local news" website list fails to include websites focusing on sports, education issues, and real estate. Among the independently and locally produced local sports websites that CU excludes are www.tampasportsday.com and team websites like www.buccaneers.com; these provide fans with game reports, commentary, and analysis, all of which surely qualifies as "local news," considering the importance many individuals attach to the sports section of their daily newspapers.[60] Similarly, as shown by Appendix B, a large number of Tampa area school districts and schools now offer websites that provide regularly updated information on institutional policies, class and event schedules, lunch menus, sports results, homework assignments, and even student grading

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last year serves to show the rapidly increasing amount of local news available over the Internet.

[60] "Public survey data show that the sports section remains an important stop for the daily newspaper reader. It ranks second, behind only 'General News' as the section most read by adults." Box Scores and Bylines: A Snapshot of the Newspaper Sports Page, *Project for Excellence in Journalism: Understanding News in an Information Age* (Aug. 22, 2005) at http://journalism.org/node/50. Interestingly, in Exhibit VI-9, CU organizes the content of its narrowly defined website pool with the category of "sports programming" and subcategories of "public notices" and "self-promotion," even though they fail to acknowledge websites that provide exactly these types of local information in the Tampa market are "local news" sites. *See* Appendix B at § 6.

information.[61] CU's contentions to the contrary notwithstanding, real estate websites also mirror the type of information provided by the typical real estate section of a newspaper, offering home listings, property hints and tips, and information about real estate service providers. CU's failure to include such websites and others in their initial list of "local news" sites shows how inappropriately narrow its definition is.[62]

In conducting its "qualitative" analysis, CU next whittles its list of 29 websites to seven and then four news websites. CU never explains, however, which websites survived either arbitrary cut based on its unarticulated definition.

Throughout its qualitative analysis, CU automatically and improperly excludes websites affiliated with existing media from what it is willing to consider as "local news" websites.[63] Most such sites typically provide a substantial amount of original content, separate and deeper than that offered by their companion print or broadcast outlets, content that is often targeted to a different demographic audience and, to be successful, must be tailored to that new demographic. These differences entitle these sites to be counted as "local news" sites in their own right. Moreover, CU labels as derivative of "traditional outlets" certain sites that have been established by existing media outlets that would chafe at being called "traditional." The website tampa.creativeloafing.com, for example, is identified by CU as affiliated with "traditional media."[64] Although this site is affiliated with a print publication, the publication claims to be an alternative weekly newspaper. As is the case with websites launched by other print publications, the Internet site for this

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[61] Appendix B at § 7.

[62] Appendix B at § 4/Real Estate.

[63] CU Comments at 141-142.

[64] *Id.* at 140, 141.

outlet provides far more information and material, such as audio downloads and blog hosting. The site's content is certainly deserving of "local news" status, and CU's exclusion of the site as related to "traditional media" shows not only how narrow, yet at the same time how elastic, its arbitrary definitions can be.

At its core, CU's approach suffers from an inherent content-based bias related to its own conception of what constitutes "hard news."[65] Much of the content of traditional daily newspapers would not survive this approach. Not only does CU exclude weather and, as shown above, sports from this analysis, but it also decides "human interest" stories do not make the cut as "news." For years, traditional media outlets have used weather, sports, and human interest topics to attract readers and build community loyalty. Internet websites are utilizing the same strategy and, as such, qualify no less as "news" outlets.

The second, quantitative portion of CU's analysis of Tampa websites similarly suffers from methodological and definitional flaws. CU attempts to show that "visitor counts" for websites not affiliated with a traditional outlet are insufficiently high to allow the sites to qualify as "voices." CU begins by trying to compare "visitor counts" for daily newspapers' websites with those for the irrationally small number of independent websites that CU deems should "count" based on CU's definition of "hard news."[66] In concocting this assemblage of independent sites, CU has already excluded, as noted above, those that include topics like sports, weather, and classified ads. Rudimentary common sense suggests that readers access the websites of the traditional mass media sites that CU mentions not only for "hard news" stories, but also for information on topics like sports,

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[65] *Id.* at 142.

[66] *Id.* at 144-145.

local weather, and classified ads that CU deems "local news" sites on its "independent" list may not provide. CU's narrow definition of what qualifies as a non-traditional "local news" website, basically sites that are typically niche or the opposite of mass appeal sites by nature, stacks the deck against counting "visitors" to new entrant sites from the beginning. Given this biased approach, the websites of traditional outlets, with their broad array of topics, will almost always attract more visitors who are seeking information of varying stripes and will outdraw alternative, or more niche, sites by a wide margin. CU's quantitative review of website use is thus unreliable.

Further, CU exhibits a misunderstanding of consumer behavior when it speaks dismissively about the lower word counts found in stories written for and published on websites.[67] CU fails to recognize that the younger, Internet-savvy generation of Americans seeks shorter and more direct "news bites."[68] Brevity is today's means of capturing audience.

Marketplace change -- no matter how seismic -- will never be enough for commenters like CU. Instead of seeking to embrace the marketplace realities of a burgeoning Internet, CU's analysis remains mired in the labels and the fairly static and limited media world of 1975. Contrary to this approach, Media General's submissions have presented a wealth of information indicating that consumers in Tampa and its other

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[67] *Id.* at 142.

[68] The American Journalism Review notes, "time is in increasingly short supply, researchers have concluded. So extracting the essence of key stories (and skipping others) is a widely accepted road to capturing youth's wandering eye." Hip – and Happening, *American Journalism Review* (April/May 2005) at http://www.ajr.org/Article.asp?id=3854.

Recognizing this trend, newspaper organizations themselves are turning to "mini-dailies" as a solution to Americans' shortening attention span. Free mini-dailies, such as the *Washington Post Express* or the *Examiner*, provide short stories, briefs, and abundant headlines geared to younger readers.

cross-owned markets have access to an expanding list of news providers that offer significant amounts of local content and information. This content is supplied by users and alternative media outlets, as well as traditional media outlets operating from old and new platforms, with the new platforms providing differentiated content and different viewpoints than are presented on the traditional platforms. No matter the outlet, these new sources of content reach nuanced audiences with targeted messages in an effective manner unseen in the past. As the Supreme Court recognized a decade ago in *Reno v. ACLU*, 521 US. 844, 870 (1997), the Internet, among other new sources, ensures that any concern over the availability of divergent and antagonistic viewpoints is outdated and misplaced, and the issue of "scarcity" is equally outmoded.[69]

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[69] As the Court noted,

> Finally, unlike the conditions that prevailed when Congress first authorized regulation of the broadcast spectrum, the Internet can hardly be considered a "scarce" expressive commodity. It provides relatively unlimited, low-cost capacity for communication of all kinds . . . . This dynamic, multifaceted category of communication includes not only traditional print and news services, but also audio, video, and still images, as well as interactive, real-time dialogue. Through the use of chat rooms, any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox. Through the use of web pages, mail exploders, and newsgroups, the same individual can become a pamphleteer.

521 US at 870.

VI. CONCLUSION

Given the overwhelming evidence in the record, as supplemented most recently by the FCC's peer reviewed studies, and Reregulatory Parties' failure to undercut the reliability of these studies, the FCC should move promptly to repeal the 1975 Ban in all markets.

Respectfully submitted,

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November 1, 2007

Appendix A

ECONOMETRIC REVIEW

By
DR. HAROLD FURCHTGOTT-ROTH
FURCHTGOTT-ROTH ECONOMIC ENTERPRISES
WASHINGTON, DC

NOVEMBER 2007

I. Introduction

A. Qualification

My name is Harold W. Furchtgott-Roth. I am president of Furchtgott-Roth Economic Enterprises, an economic consulting firm. I was a commissioner of the Federal Communications Commission (FCC) from November 1997 through the end of May 2001. My statements as a commissioner at the FCC have been cited by federal courts. I have been a guest speaker at many conferences for the telecommunications industry. I serve on two corporate boards and several non-profit advisory boards.

From June 2001 through March of 2003, I was a visiting fellow at the American Enterprise Institute for Public Policy Research (AEI) in Washington, DC. I have worked for many years as an economist. From 1995 to 1997, I was chief economist of the House Committee on Commerce where one of my responsibilities was to serve as one of the principal staff members helping to draft the Telecommunications Act of 1996.

From 1988 to 1995, I served as a senior economist at Economists Incorporated where I worked on econometric matters in regulatory, antitrust, and commercial litigation cases. These cases included many matters in the broadcast, cable, and telecommunications industries. From 1984 to 1988, I served as a research analyst at the Center for Naval Analyses where I conducted quantitative studies on behalf of the Department of the Navy.

My academic research concerns economics and regulation. I am the author or coauthor of four books: *A Tough Act To Follow: The Telecommunications Act of 1996 and the Separation of Powers* (Washington, DC: American Enterprise Institute) 2006; *Cable TV: Regulation or Competition*, with R.W. Crandall, (Washington, DC: The Brookings Institution), 1996; *Economics of A Disaster: The Exxon Valdez Oil Spill*, with B.M. Owen, D.A. Argue, G.J. Hurdle, and G.R. Mosteller, (Westport, Connecticut: Quorum books), 1995; and *International Trade in Computer Software*, with S.E. Siwek, (Westport, Connecticut: Quorum Books), 1993. I am a frequent commenter on economic matters, and daily newspapers, including the *Wall Street Journal*, have published my opinion pieces. I have a weekly column in the business section of the *New York Sun*. I have testified on many occasions before committees of the U.S. Senate and House of Representatives.

I received my undergraduate training in economics at MIT, and I received a Ph.D. in economics from Stanford University. My resume is attached as Appendix 1.

B. Assignment

I have been asked by Media General, Inc. to review the Further Comments of Consumers Union, Consumer Federation of America, and Free Press (hereinafter, "Consumer Commenters") for economic and econometric reliability. I have also been asked to review the comments filed jointly by the Office of Communications of the

United Church of Christ, National Organization of Women, Media Alliance, Common Cause, and the Benton Foundation (hereinafter, "UCC"). Since the latter comments do not present new empirical analyses, my review focuses on the Further Comments of the Consumer Commenters.

II. Summary of findings

I have reviewed the Further Comments of Consumer Commenters and the Comments of UCC. In focusing on Chapters IV, VII, and VIII of the Consumer Commenters, I reach the following conclusions:

- Consumer Commenters make several economic and econometric mistakes throughout the report that undermine its reliability;
- The Consumer Commenters make several economic and econometric mistakes in Chapter IV that render the chapter results unreliable;
- The Consumer Commenters make several economic and econometric mistakes in Chapter VII that render the chapter results unreliable; and
- The Consumer Commenters make several economic and econometric mistakes in Chapter VIII that render the chapter results unreliable.

III. Consumer Commenters make several economic and econometric mistakes throughout the report that undermine its reliability

Several shortcomings appear throughout the Consumer Commenters' Further Comments. These include the following:

- Consumer Commenters incompletely review the peer review comments;
- Consumer Commenters assail but do not refute the statistical results of the peer-reviewed FCC studies;
- Consumer Commenters misstate statistical terminology;
- The Consumer Commenters inappropriately distinguish between grandfathered and other cross-ownerships in regression analyses;
- Consumer Commenters' approach does not establish causation with respect to cross-ownership; and
- The Consumer Commenters run regressions with undefined variables and without transparent data.

Individually, these shortcomings limit the analytical techniques employed in the Further Comments. Collectively, they substantially limit the reliability of the findings of the Further Comments.

A. Consumer Commenters incompletely review the peer review comments.

Throughout the Further Comments, Consumer Commenters challenge and seek to discredit the findings of the series of research papers on media ownership issued by the FCC.[1] One stumbling block for challenging the FCC papers is that they were prepared by reputable scholars and were peer reviewed by other reputable scholars. Those peer reviews make suggestions and comments but largely support the methods employed and findings reached in the FCC studies.[2]

Nonetheless, the Consumer Commenters' Further Comments attempt to use the peer reviews to discredit the FCC studies. The Further Comments refer to the FCC's "peer review" comments in 80 instances but largely focus on alleged deficiencies in the peer review process.[3] The Consumer Commenters' Further Comments suggest that the peer reviews find that the FCC studies "suffer numerous methodological problems"[4] further listed with page references to the peer review comments in Exhibit III-2.[5] Yet Exhibit III-2 is merely a listing of peer review critical comments primarily for only three of the FCC "output" studies, studies 3, 4.1, and 5.[6] Each comment was addressed to one of the individual FCC studies, but the Consumer Commenters' Further Comments list them in aggregate as if they apply to all studies because, allegedly, "Many of the criticisms offered by the more conscientious reviewers apply to the studies reviewed by the less conscientious reviewers."[7] Yet it is speculative, even irresponsible, to assume that any of the criticisms listed in Exhibit III-2 apply to any matter beyond which the criticism was addressed, much less to all of the FCC studies.

More importantly, the discussion in the Consumer Commenters' Further Comments focuses only on the negative comments with respect to the FCC studies in the peer reviews. Yet each of the peer reviews also had positive comments about the FCC studies that are not mentioned in the Consumer Commenters' Further Comments. Exhibit III-2 focuses on the peer reviews of Professors George, Leslie, and Sweeting. Yet Prof. George in reviewing FCC study 3 states: "Overall, the study considers an interesting question with appropriate data and methods and should ultimately prove useful for policy purposes."[8] Professor Leslie in reviewing Study 4.1 concludes: "Overall, the conclusions of the paper are substantiated by the analysis."[9] Professor Sweeting observes with respect to study 5, "With this caveat (and others I outline below),

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[1] See Source Documents at http://www.fcc.gov/mb/peer_review/peerreview.html.
[2] See Peer Reviews, at http://www.fcc.gov/mb/peer_review/peerreview.html.
[3] Further Comments at 72-76.
[4] Ibid. at 76.
[5] Ibid., at 78.
[6] Ibid. Exhibit III-2 lists Study 6, but no references in the Exhibit are made to the peer review of Study 6 by Matthew Gentzkow. For that review, largely positive about FCC Study 6, see http://www.fcc.gov/mb/peer_review/prstudy6.pdf. In contrast, Exhibit III-2 does not include Study 5 in its header, yet includes the comments of A. Sweeting, a reviewer for FCC study 5.
[7] Ibid, at 77.
[8] See letter from Prof. L. George to M. Connolly, August 30, 2007, http://www.fcc.gov/mb/peer_review/prstudy3.pdf.
[9] P. Leslie, Review of FCC Study 4.1, http://www.fcc.gov/mb/peer_review/prstudy4.pdf.

do these highlighted results reflect a fair reading of the statistical results? I believe that the answer is yes."[10] Similar comments are found in other peer reviews.[11]

The Consumer Commenters' Further Comments selectively present some of the comments of Professor George with respect to Study 3, and Professor Leslie with respect Study 4.1, as guideposts for reassessing the FCC studies but omit and ignore the comments of Professor Gentkow entirely.[12] Although the Further Comments claim to have "conducted the suggested lines of analysis identified by the peer reviewers as necessary,"[13] any adjustments that are actually made are clearly on a selective rather than comprehensive basis.

Despite focusing attention on the peer reviews, most of the adjustments to the empirical analyses by the Consumer Commenters are not based on suggestions from the peer reviews. The Consumer Commenters transform station-level data to market level data,[14] try to distinguish between waived and grandfathered cross-ownership conditions,[15] insert various other new variables,[16] and apply a Heckman estimation technique for a censored dependent variable.[17] These alterations were not suggested by the peer reviews. Indeed, as will be seen below, many of the adjustments made by Consumer Commenters are incorrect.

Although some of the reviews suggest the possibility of examining other specifications, considering other data, and employing other estimation techniques, these comments by themselves do not undermine the reliability of the results presented in the FCC studies. None of the peer reviews concludes that any of the underlying FCC studies is unreliable, or lacking merit, or unworthy of consideration. Although the peer reviews provide important insights into the interpretations and limitations of the FCC studies, they do not provide a basis to undermine the credibility of the FCC studies or their findings.

B. Consumer Commenters assail but do not refute the statistical results of the peer-reviewed FCC studies

Even with the peer reviews supporting the FCC studies, other comments could nonetheless criticize the FCC studies. Such comments, if based on reasonable economic and econometric foundations and if sufficiently raising doubts about the techniques or results of the FCC studies, could potentially undermine the data, techniques, or findings of those studies.

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[10] A. Sweeting, Review of FCC Study 5, http://www.fcc.gov/mb/peer_review/prstudy5.pdf.
[11] See, e.g., the peer review of FCC Study 6 by Matthew Gentzkow, http://www.fcc.gov/mb/peer_review/prstudy6.pdf.
[12] Further Comments at 188-189.
[13] Further Comments at 2.
[14] Ibid., at 87-89.
[15] Ibid., at 89-91.
[16] Ibid., at 91-93.
[17] Ibid., at 204.

Despite claims to the contrary,[18] the Consumer Commenters' Further Comments do little to refute the statistical analyses and reliability of the FCC-sponsored studies. Indeed, although in some instances Consumer Commenters transform existing information, add new variables, and suggest new specifications,[19] these alterations at the very most provide alternative explanations of the underlying data rather than render the FCC studies and their conclusions unreliable. Fifteen independent peer reviewers were unable to conclude that the results of the FCC studies and their conclusions were unreliable;[20] the Consumer Commenters' Further Comments do not provide specific analyses that render the results of the FCC studies unreliable.

Much of the Consumer Commenters' Further Comments focuses on the alleged shortcomings in the *conception* of the FCC studies[21] rather than in detailed refutation of the results. Much of the remainder of the Further Comments then presents alternative analyses of the data—various forms of sensitivity analyses—and bemoans the absence of certain policy considerations such as minority ownership.[22] Little of the report, however, substantially undermines the credibility of the specific techniques, data, or findings of the FCC studies.

C. Consumer Commenters misstate statistical terminology

Throughout their report, Consumer Commenters are not precise in the use of statistical terminology. The imprecise language undermines the credibility of the Further Comments.

1. Reporting the signs of estimated coefficients

Usually, in applied econometric studies, the signs of estimated coefficients are noted when they are significantly different from zero. Throughout their report, Consumer Commenters emphasize the sign of estimated coefficients that are not significantly different from zero. For these estimated coefficients, the estimated standard errors are relatively large. Because in these instances one cannot determine the sign of the underlying coefficient from the estimated parameter, there is little reason to emphasize the sign of the estimated coefficient.

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[18] "In these comments we supply a thoroughgoing critique of the FCC studies based on policy relevant definitions and concepts as well as a rigorous approach to statistical analysis that we have developed and consistently applied throughout this proceeding." Further Comments at 1.
"Consumer Commenters will show that the FCC's official studies in this proceeding are an ad hoc collection of inconsistent, incompetent and incoherent pieces of research cobbled together to prove a foregone conclusion." Further Comments at 1.
[19] See Further Comments at 2.
[20] See http://www.fcc.gov/mb/peer_review/peerreview.html.
[21] See Further Comments at 17-85.
[22] See Further Comments at 86-321.

2. Reporting the parameter estimates for cross-ownership

Some of the parameter estimates in the regression analyses in these studies are for cross-ownership variables that may help explain the dependent variables such as the number of minutes of news programming. A researcher might stipulate, for example, that more news programming is in the public interest, and the researcher could then perform a statistical test on the estimated parameter associated with cross-ownership conditions, holding other factors in the regression analysis constant.

Under this proper statistical approach, a finding that an estimated parameter for cross-ownership is not statistically different from zero means that one can reject the hypothesis that the cross-ownership restriction is necessary in the public interest for that particular set of quantifiable information. A finding that a parameter estimate is insignificant supports repeal of the cross-ownership rule. Implicitly, this is the approach taken in the FCC studies.

The Consumer Commenters' Further Comments present a different—and, by my understanding, legally incorrect—position on statistical testing for cross-ownership rules.[23] The Further Comments shift the statistical test to "Does Cross-ownership increase competition or improve diversity and localism?"[24] Under this improper statistical approach, a finding that an estimated parameter for cross-ownership is not statistically different from zero means that one can reject the hypothesis that the cross-ownership restriction is unnecessary in the public interest for that particular set of quantifiable information. Parsing through the language, this incorrect standard means that a finding of an insignificant coefficient on cross-ownership supports keeping the cross-ownership rule. This is an incorrect statistical burden, and it further means that rules that have no measurable benefit should be kept. Implicitly, this incorrect approach is taken in the Consumer Commenters studies.

3. Both quantifiable and non-quantifiable factors

FCC rules on restrictions on the ownership by broadcast licensees of newspapers are governed by Section 202 of the Telecommunications Act of 1996. Under Section 202(h), the Commission shall "review … all of its ownership rules … 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 the result of competition."[25] For the Commission to retain an ownership rule such as newspaper cross-ownership, the obligation on the Commission is not to determine whether the rule does no harm but rather affirmatively to determine that the rule is "necessary in the public interest as the result of competition."

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[23] See Further Comments at 58-59.
[24] Ibid., at 59.
[25] Pub. L. No. 104-104, § 202(h), 110 Stat. 56, 112 (1996), as amended by Consolidated Appropriations Act of 2004, Pub. L. No. 108-199, § 629, 118 Stat. 3, 99 (2004).

Both quantifiable and non-quantifiable factors may enter into a determination of whether a rule is "necessary in the public interest as the result of competition." The regression analyses presented in both the FCC studies and the Consumer Commenters' Further Comments are based only on quantitative information and present quantitative information on which statistical tests can be conducted. Classical statistical inference allows a researcher to posit a testable hypothesis and then either reject or fail to reject the hypothesis; under classical statistics, one cannot "prove" the positive outcome of a hypothesis such as whether a rule is "necessary in the public interest as the result of competition."

Formal statistical tests cannot be altered to accommodate non-quantifiable information. The Consumer Commenters appear to recognize this impossibility but still suggest altering the statistical tests:

> It is difficult to know how much of an increase in the total news output is worth the loss of a major independent source of news, but there ought to be a substantial increase. Thus, we think the research hypothesis should be a substantial increase [in news]…
>
> To put the matter simply; if cross-ownership does not lead to a substantial increase in the amount of news produced in the market, it cannot promote the public interest because it eliminates an important independent source of news in the market. Even if there is a substantial increase in the amount of news, one might not conclude that cross-ownership is in the public interest because the loss of an independent voice is not worth the increase in the quantity of news. [26]

This articulation of the hypothesis tests is clearly wrong. The regression analyses can reveal the association of cross-ownership with quantities of news, but the regression analyses cannot weigh news with non-quantifiable factors.

D. The Consumer Commenters inappropriately distinguish between grandfathered and other cross-ownerships in regression analyses

The consumer Commenters inappropriately distinguish between cross-ownership situations that are grandfathered and cross-ownership situations created pursuant to temporary waivers. There is no clear theoretical reason for the distinction. In several instances, the Consumer Commenters speculate about economic behavior without any verifiable evidence:

- The Consumer Commenters speculate that there is a difference in behavior between grandfathered cross-ownership operations and those operating pursuant to waivers.[27] Consumer Commenters claim that licensees with waivers are on "good behavior" and therefore air more local news. It is unlikely that econometric tests will provide definitive evidence about motivation, but it is

[26] Ibid., at 88.
[27] At 89-91.

possible to test whether there are statistically different measures of local news. Given the many shortcomings in the econometric analyses of the Consumer Commenters, it would be difficult to construct a proper test with their methods, but the Consumer Commenters do not even attempt such a test. [28]

- The Consumer Commenters speculate that grandfathered operations reflect the "long-term effect of cross-ownership" and the waiver situations do not.[29] Yet many of the waivers have been in place for many years with anticipation of permanent authority, so that many waiver situations also reflect the "long-term effect of cross-ownership." Ultimately, the basis for the distinction is little more than speculation.

Even if there were a reasonable theoretical basis to distinguish between grandfathered newspaper cross-ownership operations and those relying on waivers, the data bases likely do not permit meaningful econometric distinctions. Although there appear to be at least 26 total cross-ownership situations in the data base from FCC Studies 3 and 4,[30] only 8 of those cross-ownership situations involve waivers for the 3 years of data with 207 DMAs.[31] The data base for FCC Study 4 also has only 8 cross-ownership waiver conditions for 4 years of data for 207 DMAs.[32]

The paucity of cross-ownership observations does not limit that station-level analyses in the FCC studies or in Chapters VII and VIII of the Consumer Comments, but the small number of cross-ownership conditions limits the market-level data analyses in Chapter IV of the Consumer Commenters. In those market-level analyses, the cross-ownership dummy variables merely capture the deviations of those DMAs with cross-ownership conditions relative to the sample means. Those deviations may reflect similar cross-ownership conditions but also other unmeasured common traits of the DMAs. The larger number of DMAs with cross-ownership conditions, the more likely cross-ownership is the primary common characteristic. With fewer DMAs with cross-ownership conditions, the more likely other common factors are captured in the dummy variables. In the case of cross-ownership waiver situations, only 8 DMAs are included in the Consumer Commenters' market-level reviews.

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[28] Assuming for argument's sake that the econometric methods of Consumer Commenters were correct, they could have proceeded according to the following discussion. Consumer Commenters have two dummy variables: one for grandfathered licenses and one for waiver licenses; but a formal test of restricting the coefficients on the two variables to be the same, easily performed, is never presented. Alternatively, any other specification would have a dummy variable for all cross-ownership licensees and a separate dummy-variable for either grandfathered or waiver situations. The simple test would be whether the coefficient on the separate dummy variable is zero.

[29] Further Comments at 89.

[30] According to Exhibit IV-3, there are 621 market observations corresponding to the 3 years of FCC study 3 and 840 market observations corresponding to the 4 years of FCC study 4. For the incidence of cross-ownership conditions, see Exhibit IV-10 at 108.

[31] According to Exhibit IV-10, there is 0.0386 incidence for waiver conditions in the study 3 data base, or 24 total, or 8 per year. For the study 4 data base, the incidence is 0.0381, or 32 total over 4 years, or 8 per year. The 207 DMAs can be seen in the regression results presented in the statistical appendix. See, e.g., Part2.pdf at 70-74.

[32] Ibid.

As can be seen in Consumer Commenters' statistical appendices where there are dozens of regression analyses with station-level data and DMA-specific dummy variables, there is substantial variation in news production and other factors across DMAs holding other factors constant. For example, for the regression presented in the fifth column of Exhibit VIII-6,[33] DMA dummy variables were used for 206 of the 207 DMAs with the Study 3 data.[34] The range of DMA effects unrelated to cross-ownership was as follows: -508 (significantly different from zero) in DMA 40 to +197 (not significantly different from zero) in DMA 191. For this regression, the measured effect of cross-ownership is 25.9 (not significantly different from zero).

At the station level, the effect of cross-ownership is small relative to the effect of DMA differences. One would expect to find similar underlying results with market-level data. It would not be surprising to find that differences in DMA characteristics unrelated to cross-ownership will be greater than the effect of cross-ownership in the 8 DMAs with cross-ownership waivers.

E. Consumer Commenters' approach does not establish causation with respect to cross-ownership

In reviews of econometric results, correlation is often confused with causation, something Consumer Commenters recognize.[35] In other instances, Consumer Commenters assert causation without offering any foundation: "Not only does cross-ownership not increase the amount of news available in a market, it actually decreases the amount of news. Allowing cross-ownership reduces both the quantity and diversity of news in the market."[36] There are other instances of claims of causation that simply cannot be supported.[37]

F. The Consumer Commenters run regressions with undefined variables and without transparent data

The Consumer Commenters construct many different variables. Some of these are aggregations of station-level information, which will be discussed in more detail below. Much of the data in Chapter IV appear to be aggregated from data presented in the FCC studies. Ultimately, none of the Consumer Commenters' transformed data or

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[33] Further Comments, at 198.
[34] One DMA is omitted for identification purposes.
[35] "To claim that the behavior of the acquired stations reflects the effects of cross-ownership is simply incorrect – in the form of an error of confusing correlation with causation. Cross-ownership did not create the behavior." Consumer Commenters, Further Comments, at 89.
[36] Ibid., at 88-89.
[37] For example, the following statement is incorrect both in terms of characterizing the actual results of the study and causation: "In fact, the FCC's data show the opposite result. Newspaper-broadcast cross-ownership results in a net loss in the amount of local news that is produced across local markets by broadcast stations." Consumer Commenters at 2. Similar incorrect statements of causation are: "At the market level, cross-ownership results in the loss of an independent voice as well as a decline in marketwide news production." Consumer Commenters at 2; and "Cross-ownership reduces the total amount of local news available in the market," Consumer Commenters at 7. These examples of causation are not exhaustive of those in the Further Comments.

new variables is immediately accessible to the public. Consequently, reviewers must take both the data and the regression results at face value.[38]

IV. The Consumer Commenters make several economic and econometric mistakes in Chapter IV that render the chapter results unreliable

The Consumer Commenters make several mistakes in Chapter IV. Among these are the following:

- Aggregating to market level to examine the effect of cross-ownership is incorrect;
- The specifications chosen by Consumer Commenters are clearly wrong;
- The use and interpretation of "policy variables" are incorrect;
- Consumer Commenters' theory of broadcaster behavior is speculative and not tested;
- The analysis of small markets in chapter IV is undocumented and wrong; and
- The conclusions presented for Chapter IV are inaccurate.

Each of these mistakes undermines the regression analyses and results presented in the chapter. Collectively, they render the results of the chapter unreliable.

A. Aggregating to market level to examine the effect of cross-ownership is incorrect

In response to the several station-level analyses in the FCC studies, including studies of cross-ownership, none of the peer reviews states that the FCC analyses are invalid because they should have been conducted at the market level. Yet Consumer Commenters argue that the proper level of analysis for the effect of cross-ownership is at the market level.[39] Curiously, despite the central importance that they attach to market-level analysis,[40] Consumer Commenters later in their report focus their attention on station-level analyses.[41]

Consumer Commenters suggest that "[t]he policy concern is about the total amount and diversity of news available to citizens in the market."[42] Although Consumer Commenters do not describe, much less provide a data base, of how the news variable used in their market-level regression analyses is constructed in each market, it appears to be based on hours of broadcast television news only. Excluded is news provided by

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[38] Particularly given positions that Consumer Commenters have taken in the past about public accessibility of information, it would be ironic if decision makers were to use the results of the analyses presented in the Further Comments.
[39] Consumer Commenters, Further Comments, at 87-89.
[40] "The most important step is to undertake a **market level analysis**. This is the central policy question, but the three studies that targeted the newspaper-TV ownership limit failed to conduct this type of analysis." Ibid., at 87.
[41] Ibid, e.g,. at 114-216.
[42] Ibid., at 88.

newspapers, radio stations, internet sites, etc.[43] Thus, despite claiming the centrality of total news and diversity of news in a market, Consumer Commenters' revised regressions presented in Chapter IV measure neither.[44]

Without aggregation, one observes the output of news by station. Within the same DMA, variations in news output can be attributed to variations in specific characteristics of the station such as ownership. When data are aggregated, the news output for a DMA reflects only the characteristics of the DMA, with more hours of broadcast news not surprisingly associated with larger DMAs in which there are more stations. Moreover, there are several econometric reasons that analysis of station-level data, where available, is preferable to more aggregated market-level data including the following:

- Aggregation is a common problem in applied econometrics and can lead to bias.[45] Aggregation from firm-level data to the market-level data masks the specific characteristics of heterogeneous firms. Many of those characteristics may have substantial effects on the production of news by the firm. Aggregating data loses this firm-specific information, such as ownership, affiliation, channel location, etc.
- In this specific instance, researchers are attempting to identify firm-level information—increases in news at the station-level—that cannot be identified with market-level data.
- With time-series cross-section data, a market-level aggregation would leave one with observations of news output for a DMA that likely vary little over time, certainly with less annual variation than station-level data. Clustering standard errors on DMAs does not compensate for including three or four observations for each DMA with little variation other than time in either explanatory or dependent variables. Not surprisingly, most of the market-level regression analyses find little significance in time-specific dummy variables.

B. The specification chosen by Consumer Commenters is clearly wrong

Most broadcast stations offer some news.[46] Consequently, in a market-level approach, if the quantity of broadcast news in a market is measured simply as the sum of news offered by each broadcast station in a market, one of the strongest predictors of the quantity of broadcast news in a market would be the number of stations in the market. That single variable, curiously, is omitted in the specifications by Consumer Commenters

[43] It is unclear whether cable local news, included in FCC study 3, is used by the Consumer Commenters in their studies.
[44] Ibid., at 87-109.
[45] The classical discussions of aggregation and aggregation bias are in H. Theil, *Principles of Econometrics*, John Wiley & Sons, Inc., 1971, at 556-570.
[46] See discussion of censored data with respect to Heckman regression techniques in the Consumer Commenters report. Ibid. at 204-07.

in Chapter IV.[47] The omission of that variable means that the regression results are much less precise.

Some of the variables included in the Chapter IV specifications are obvious proxies for the number of stations, but far less precise than would have been achieved directly by including a variable for the number of stations. The variable for DMA homes is a measure both of the size of the DMA and a proxy, although an inadequate substitute, for the number of stations in the DMA. Not surprisingly, as DMA homes increase, Consumer Commenters find the quantity of news and public affairs programming increases.[48]

The HHI for station revenues is not fully explained by the Consumer Commenters in describing their regression analyses.[49] The higher the HHI, the more likely that there are fewer stations and thus less news. Not surprisingly, as HHI increases, Consumer Commenters find the quantity of news and public affairs programming decreases.[50] But this is just an artifact of not directly including the number of stations rather than any reflection on the competition for news in the local market.

The regression factors described in the paragraphs above, together with the constant, are the consistent significant findings in the regression analyses presented in Exhibit IV-3. The regression results would likely have been more precise if, instead of these proxies, the regressions had included one variable: the number of broadcast stations.

C. The use and interpretation of "policy variables" is incorrect

Consumer Commenters examine a series of "policy variables" in Chapter IV with percentages in the regression analyses.[51] Some of these percentages become proxies for the number of commercial stations. For example, the percentage of Big 3 stations among commercial stations has an estimated negative coefficient, meaning that as the percentage of commercial stations that are Big 3 increases, the measured number of minutes of local news decreases.[52] The estimated coefficient is negative because the Big 3 are almost ubiquitously present, and thus the percentage of Big 3 stations is larger where there are fewer commercial stations, and thus there is less total local news in the market given the overall decline in station number.[53] The uninformed interpretation would be that more Big 3 stations lead to less news; this is exactly the opposite of the underlying data.

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[47] Curiously, such variables are included in regressions presented in Chapter VII. See Further Comments at 174-179.
[48] Ibid., Exhibit 3, at 96.
[49] This assumes that the HHI for station revenues is measured correctly. Consumer Commenters at 91 note that they will measure HHI, but there is no precise description of how it is constructed from underlying data.
[50] Consumer Commenters' Further Comments, Exhibit IV-3, at 96.
[51] Ibid., at 91.
[52] Ibid., at Exhibits IV-3, at 96.
[53] Stated slightly differently, the relevant variable, the number of commercial stations, is in the denominator of the variable, and the number of Big 3 stations is in the numerator. News and the number of stations are

A better and more accurate method to measure the contribution of various types of stations to total news would have been to have a dummy variable for each major network or ownership type as was done in FCC Study 3.[54] In that manner, one could more precisely attribute incremental news to different categories of stations.

Consumer Commenters interpret the policy variables and cross-ownership variables presented in Exhibit IV-3 as meaning that cross-ownership leads to less news;[55] this interpretation is incorrect for several reasons. The misinterpretation of causation is described above. Some of the problems with the underlying construction of variables are described above. Most of the estimated coefficients are insignificant. The Consumer Commenters note that some of the estimated coefficients for cross-ownership are negative, but most of these estimated coefficients should not be emphasized because they are still largely insignificant.

D. Consumer Commenters' theory of broadcaster behavior is speculative and not tested

Consumer Commenters postulate a theory of broadcaster behavior in markets with newspaper cross-ownership that has at least three parts:

1. Stations with newspaper cross-ownership possibly may air more news;
2. Other stations in the market will react by offering less news; and
3. The net sum of broadcast news in a market will decline.[56]

The proper test for at least the second part of this theory is not the market-level regression analysis suggested, but never actually run, by Consumer Commenters. Rather, a better test would be based on station-level data with a dummy variable for cross-owned stations and a separate dummy variable for non-cross-owned stations in the same market with cross-owned stations. With a specification similar to that of Crawford, Table 17,[57] one would then test whether the estimated coefficient on non-cross-owned stations in the same market with cross-owned stations is negative and significantly different from zero, or at least less and significantly different from the estimated coefficient for cross-ownership. If one can reject the hypothesis, then one has a foundation to claim that decreases in news market wide, at least as measured,[58] is associated with increases in cross-ownership. If one cannot reject the hypothesis described above for the estimated

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closely and positively related. The estimated coefficient for any variable with number of stations in the denominator will likely be negative.

[54] G.S. Crawford, "Television Station Ownership Structure and the Quantity and Quality of TV Programming," July 2007, FCC Study 3, Tables 17-26.

[55] Consumer Commenters' Further Comments at 95-98.

[56] Consumer Commenters' Further Comments at 88.

[57] Crawford, at 46.

[58] One is still left with the task of measuring overall news or programming in a market. As noted earlier, the Consumer Commenters only appear to include broadcast television programming, omitting all other forms of news such as newspapers, radios, cable, internet, etc.

coefficient on the non-cross-owned station for step 2 above, one need not proceed with constructing a test for step 3, based on the overall market.

E. The analysis of small markets in chapter IV is undocumented and wrong

In Section IV, Consumer Commenters present an analysis of cross-ownership in small markets comparing all markets and small markets both with respect to the minutes of news produced and the number of stations airing news.[59] The regression results for the number of stations airing news do not appear to be presented in the statistical appendices. Moreover, the mean of the number of stations airing news is 7 for all markets and 4.2 for small markets.[60] With dependent variables that are almost entirely single-digit integers, ordinary least squares (OLS) regression analysis, the approach used by Consumer Commenters, is not likely an appropriate estimation technique. A limited dependent variable regression technique would be more appropriate.

Even if the Consumer Commenters had used a more appropriate regression technique, even if the documentation of their analyses were more complete, and even if all of the other errors in Consumer Commenters' econometric analyses described in this report were solved, the splitting of the sample for market level variables is inappropriate for analysis of cross-ownership effects.[61] As described above, there are too few observations of DMAs with cross-owned properties to permit meaningful measurement and distinctions between grandfathered situations and waiver situations in a market-level analysis. To further divide the sample into two parts increasingly diminishes the interpretation of the cross-ownership variables. Fewer observations of cross-ownership in a partitioned data set mean that the DMA-level cross-ownership dummy variables are more likely to capture DMA information unrelated to cross-ownership.

Sample statistics are not even available to determine how many cross-ownership situations fall into large and small markets in this analysis, much less which ones. The further splitting of a small number of cross-ownership DMA observations in small markets into DMAs with separate grandfathered situations and DMAs with cross-ownership operations with waivers almost certainly yields a very small number of observations for each.[62] The resulting estimated coefficients on these variables in the analyses presented by the Consumer Commenters cannot be meaningfully interpreted.

F. The conclusions presented for Chapter IV are inaccurate

Among the conclusions that Consumer Commenters present in Chapter IV with respect to cross-ownership based on their analyses constructed from market-level data are the following:

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[59] Consumer Commenters' Further Comments at 98-101.
[60] Ibid., Exhibit Iv-4 at 100.
[61] Surprisingly, Consumer Commenters provide no formal tests of whether estimated coefficients are the same for the partitioned data set.
[62] Indeed, Consumer Commenters, in a different context with station-level data, note the problems associated with partitioning data into small samples. See Consumer Commenters with respect to WGN at 208.

- Cross ownership in a market reduces the amount of news available in that market.
- Cross ownership in a market does not significantly increase the number of stations providing news.
- Cross ownership in small markets does not significantly increase the number of stations providing news or the quantity of news provided.[63]

The initial conclusion—even if the Consumer Commenter regression analyses were all fundamentally sound and correct, which, as explained above, they are not—is simply incorrect. The results in Consumer Commenters' own Exhibit IV-3 tend to show no significant effect of cross-ownership on levels of news or public affairs programming aired in a market, meaning that a conclusion cannot be drawn one way or the other. These results of no significant effect are at variance with many of the findings in the FCC studies of a significantly positive effect of cross-ownership on news programming.[64]

The next two conclusions of Consumer Commenters with respect to the effect of cross-ownership on the number of stations offering news programming—even assuming the Consumer Commenter methodology is correct which it is not— may or may not be accurate. The results for these analyses summarized in the report are not documented or reflected in the statistical appendix in a manner that can be reviewed and replicated.

The entire separate analysis of small markets is so flawed for so many reasons described above that the results with respect to cross-ownership cannot be meaningfully interpreted.

V. The Consumer Commenters make economic and econometric mistakes in Chapter VII that render the chapter results unreliable

In Chapter VII, the Consumer Commenters make several findings with respect to the factors affecting station revenue.[65] To examine the relationship between station revenues and various factors, the Consumer Commenters perform a series of OLS regression analyses with the results presented in Exhibits VII-9 through VII-14.

Curiously, the specification includes the number of minutes of programming, including local and national news as predictors of station revenue. But, given the high cost of producing news, station revenue is also likely a predictor of the number of minutes of local news that a station produces and the number of minutes of national news that a station implicitly purchases. Moreover, in much of Chapters IV and VIII, the Consumer Commenters go to great lengths to use regression analysis to estimate the

[63] Further Comments at 109. They also include "Ownership matters, as measured by slant in political coverage." I have not reviewed this issue in-depth here.
[64] See Crawford, FCC Study 3.
[65] Ibid., at 174-186.

factors determining the number of minutes of local news programming. The proper approach to models in Chapter VII is to treat them as a simultaneous equations problem, yet the Consumer Commenters choose to estimate their regressions instead with OLS. A description of the resulting coefficient biases and other problems with such estimations can be found in any introductory econometrics text book. The results of the OLS regression analysis are particularly deficient because the estimated coefficients of interest are those associated with the number of minutes of local news.[66] Those estimated coefficients are likely to be biased. The Consumer Commenters in Chapter VII claim to make several findings about station revenues and differences between large and small markets. Those findings are unreliable given that they were estimated with an improper regression technique.

VI. The Consumer Commenters make economic and econometric mistakes in Chapter VIII that render the chapter results unreliable

The Consumer Commenters make several mistakes in constructing Chapter VIII including the following:

- The Consumer Commenters misinterpret the results of FCC study 3 with respect to station-specific effects;
- The Consumer Commenters misinterpret the overwhelming corporate parent-specific fixed effects;
- The Consumer Commenters verify but largely ignore the positive effect of cross-ownership on news in FCC study 4.1;
- The partitioning of the database into smaller subsamples may mask the effects of cross-ownership;
- The Consumer Commenters do not adequately document or explain the Heckman regression analyses; and
- The Consumer Commenters make incorrect conclusions from the analyses in Chapter VIII.

A. The Consumer Commenters misinterpret the results of FCC study 3 with respect to station-specific effects.

The Consumer Commenters misinterpret the results of FCC study 3 and consequently conclude that their regression results are substantially different. In fact, they are quite similar.

The FCC Study 3 by Professor Crawford presents two different sets of regression results for the effects of ownership (including newspaper cross-ownership) on the news production of local broadcast television stations.[67] One set of regression results is based

[66] Ibid., at 177-180.
[67] Crawford Study, at http://fjallfoss.fcc.gov/edocs_public/openAttachment.do?link=DA-07-3470A4.pdf.

on DMA fixed effects presented in Table 17 and finds a significant positive coefficient with newspaper cross-ownership.[68] The other set of regression results is based on station fixed effects as presented in Table 26 and does not find a significant coefficient for newspaper cross-ownership.[69] Both specifications are presented, and Professor Crawford emphasizes that the former rather than the latter represents the "strongest" results.[70] Perhaps that is because the station fixed effects may make it more difficult to identify the varying effect of one station effect, such as cross-ownership. In any event, Professor Crawford was certainly aware of the regression results with station fixed effects.

The Consumer Commenters focus only on the results from Table 17 of the Crawford study and label column 9 as "Study 3's preferred model."[71] When the Consumer Commenters add a few station factors such as age and VHF status, the estimated coefficient on cross-ownership is no longer significantly different from zero, meaning that there is no measurable relationship of cross-ownership to news production.[72] The same result holds for adding station-effects for parent-ownership specific effects in Exhibits VIII-5 and VIII-6.[73]

> But the most damming [sic] result is seen in the addition of the missing station-level control variables. As shown in Exhibits 1 and 2, the results from a linktest for ommited [sic] variables indicates that the model 17-9 does indeed omit important variables. When we add the VHF, station age, and LMA variables, the linktest no longer indicates ommited [sic] variables. Furthermore, the variables for station age and VHF status are highly significant and (in the case of VHF) the effect size is large. When these controls are added the cross-ownership variable no longer remains significant, and the magnitude of the coefficient is cut by two-thirds.[74]

Yet the results that Consumer Commenters find are neither "damming" nor "damning" at all. These results simply reflect the results with station fixed effects already presented by Crawford in Table 26.

Professor Crawford's results for the estimated cross-ownership parameters in Table 17 measure the difference between the news aired by a cross-owned station and non-cross-owned station in the same DMA. That is a meaningful distinction because the threshold question is whether a station is cross-owned or not. As it turns out, holding DMA factors constant, the amount of news aired by a cross-owned station is estimated to be greater than the amount of news aired by a non-cross-owned station. In other words, if a station that is not cross-owned in any market were to be purchased by the unspecified parent of a local newspaper, the expected news aired by the station would *increase* as measured by the single cross-ownership variable.

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[68] Crawford, at 46.
[69] Crawford at 55.
[70] Crawford at 4 and 26.
[71] Consumer Commenters at 191. This is not Crawford's description.
[72] Ibid., at 192-194.
[73] Ibid., at 197-198.
[74] Ibid. at 194.

In contrast, the results in Table 26 with station-specific information, presumably including ownership, yield an entirely different type of estimated cross-ownership coefficient. Those estimated coefficients, similar to those estimated by Consumer Commenters and presented in Exhibit VIII-9 and VIII-10,[75] measure the expected difference between the news aired by a station owned by a specific parent in one DMA and a station owned by the same parent company in the same DMA without cross-ownership. As a specific example, if a station that is not cross-owned in a market were to be purchased by Company A, the expected change in news aired by the station would depend on both the Company A ownership dummy variable and whether Company A owns a newspaper in the DMA.[76] On the other hand, if the same station were to be purchased instead by Company B, the expected change in news aired by the station would depend on both the Company B ownership dummy variable and whether Company B owns a newspaper in the DMA. Based on the regression results underlying Exhibits VIII-9 and VIII-10, the range of the estimated corporate-parent-specific effects is quite large, much larger than the estimated cross-ownership specific effect.[77] Thus, the expected difference in news depends not only on cross-ownership but on the identity of the parent.

Knowledge of parent identities does not discredit the straightforward finding that Professor Crawford presents in Table 17: cross-owned stations holding DMA factors constant air more news. Thus, it is not surprising that Professor Crawford emphasizes the results of Table 17.

B. The Consumer Commenters misinterpret the overwhelming corporate parent-specific fixed effects

Consumer Commenters present regression results for their preferred specifications with the addition of corporate-parent specific effects in Exhibits VIII-5, VIII-6, and VIII-9, and VIII-10.[78] Consumer Commenters observe that the estimated coefficient on cross-ownership becomes negative for grandfathered stations with the addition of the parent corporation dummy variable.[79] A negative coefficient in this case means that a station in a specific DMA with a specific ownership is estimated to have less news output with cross-ownership. All of these other factors have estimated coefficients that are large

[75] Ibid., at 202-203.
[76] The standard error of the combined effect can only be calculated with information from the variance-covariance matrix. Moreover, if one wants to measure the expected difference in news for a specific DMA for a specific transaction, one would also include the DMA-specific factors from the regression analysis.
[77] For example, a review of the parent-specific effects for the regression in the last column in Exhibit VIII-6 reveals an extraordinary range of news outputs depending on the station's parent. (To review the estimated results for this regression, see Consumer Commenters pdf file Part3.pdf at 58-74.) There are 544 ownership variables, only a few of which were dropped for this regression. Although the estimated coefficients for all of these variables were not significant, many were significant. The magnitudes of the estimated coefficients range from approximately -800 to +1,600. These parent-specific effects completely overwhelm the estimated effects of cross-ownership, the estimated coefficients for both of which were much less than 100 and insignificant.
[78] Further Comments, at 197-203.
[79] Ibid., at 198.

relative to the estimates of pure cross-ownership factors presented by Consumer Commenters in Exhibits VIII-9 and VIII-10. A review of these other estimated coefficients suggests that they are likely to overwhelm the pure cross-ownership effect.[80]

To examine the effect of cross-ownership on a specific parent company in a specific market, one must measure the sum of the changes in all relevant variables and measure the standard error based on the variance-covariance matrix. The result leads to a market-specific and company-specific effect of cross-ownership. The challenges of correctly interpreting these results for cross-ownership are discussed above.

Perhaps the most obvious misinterpretation of corporate parent specific effects is with respect to the analyses of data from FCC study 6.[81] The data set contains 312 observations for stations in markets with cross-ownership. Without parent specific effects, the estimated coefficients on newspaper cross-ownership are insignificant.[82] With 44 parent specific dummy variables, the estimated coefficient on cross-ownership is large, negative, and significant different from zero.[83] But for some of these parent companies, the only stations in the sampled markets are cross-owned; for others, none is cross-owned.

The proper interpretation of the estimated cross-ownership variable is again in combination with the estimated parent ownership coefficient. The estimated corporate dummy variables for the regression in the first column of Exhibit VIII-17 range from -385 to +793.[84] If a parent company with a cross-owned paper in a market has an estimated coefficient greater than 259, the net result for a station is *more* news. Thirteen of the 44 parent variables have an estimated coefficient greater than 259.[85] Moreover, one must look at the variance-covariance matrix to determine whether the combination of the effect of cross-ownership and parent ownership leads to an estimated coefficient different from zero. None of this analysis for any cross-owned station is provided in Consumer Commenters' report.

C. The Consumer Commenters verify but largely ignore the positive effect of cross-ownership on news in FCC study 4.1

The Consumer Commenters find positive and significant association of newspaper cross-ownership with news based on the data from FCC study 4.1 as reported in Exhibit VIII-13.[86] Consumer Commenters report the results but discount their importance because: "We think that the lessons from Study 4 on the impact of cross-

[80] For example, a review of the parent-specific effects for the regression in the last column in Exhibit VIII-6 reveals an extraordinary range of news outputs depending on the station's parent. (See Consumer Commenters pdf file Part3.pdf at 58-74.)
[81] Further comments, at 213-215.
[82] Ibid., Exhibit VIII-16 at 214.
[83] Ibid., Exhibit VIII-17 at 215.
[84] To see the estimated results for this regression, see Consumer Commenters pdf file Part4.pdf at 165-167.
[85] Ibid.
[86] Consumer Commenters Further Report, at 208-209.

ownership are limited by the study's lack of observations on local news programming."[87] To the contrary, Study 4.1 provides substantial insights into the effects of cross-ownership on news programming.

D. The partitioning of the database into smaller subsamples may mask the effects of cross-ownership

The Consumer Commenters present in a favorable manner the partitioning of the data set between big-4 stations and other stations.[88] There may be sound econometric reasons to partition the database, but the Consumer Commenters do not present straightforward tests for the partitioning and any testing as to whether one can reject the hypothesis that estimated parameters are the same in each subsample. More importantly, if the purpose of the exercise is to determine the effect of newspaper cross-ownership on broadcast news, there may be good reason not to partition the database. Specifically, there are so few observations of newspaper cross-ownership that their effect becomes more difficult to identify with fewer observations in each subsample. The Consumer Commenters recognize an extreme form of this problem:

> We see that in our full preferred model that grandfathered non-Big 4 stations do air more local news, but this effect disappears when parent fixed effects are included. Indeed, this is precisely because there is only one non-Big 4 grandfathered station in the country, Tribune's WGN in Chicago.[89]

The same problems of partitioning the database apply to the analyses of the data from Study 4.[90]

E. The Consumer Commenters do not adequately document or explain the Heckman regression analyses

The Consumer Commenters correctly observe that there is potentially a statistical censoring issue because some stations produce zero news. The volume of news produced is a two-step process: first, determine whether to produce any news; second, if a station determines to produce news, determine how much to produce. To model this process, Consumer Commenters suggest one type of Heckman regression analysis.[91]

The results of the Heckman regression analyses are presented in Exhibits VIII-11 and VIII-12[92] for the data from FCC study 3 and Exhibit VIII-15 for the data from FCC study 4. Few of the reported estimated coefficients, including those for cross-ownership, are significant. The Consumer Commenters present surprisingly little information about the specification of the Heckman analysis; they do not present the estimates of lambda and other parameters associated with a Heckman analysis. Based on the reported

[87] Ibid., at 208.
[88] Ibid., at 199-204.
[89] Ibid., at 203.
[90] Ibid., at 210-212.
[91] Ibid., at 204-207.
[92] Ibid., at 206-207.

information alone, it is impossible to determine either precisely how the model is specified or whether the analysis has been properly conducted.

F. The Consumer Commenters make incorrect conclusions from the analyses in Chapter VIII.

Consumer Commenters make summary comments for Chapter VIII that are not supported by the analyses.

> In summary, the conclusion from Study 3 that cross-owned stations air more local news simply does not hold up to proper model specification. We have shown that this result is based on omitted variable bias, with the missing variables of VHF status and station age accounting for the result, not cross-ownership. This result is extremely robust to various model specifications. Combined with the result that cross-ownership produces less total news output at the market level and that there is no financial benefit to cross-ownership outside of the largest markets, the path for the Commission is clear: maintain the ban to ensure a diversity of news-producing voices.[93]

The analyses in Chapter VIII merely replicate the findings of Chapter 3 rather than reach different conclusions. There is no statistically significant result that cross-ownership leads to less news at the market level, nor is there any credible evidence that there is no financial benefit to cross-ownership outside the largest markets. Thus, the concluding advice on a "clear" path for the commission is unsupported—and therefore results in the wrong path.

[93] Ibid., at 207-208.

APPENDIX 1

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Business columnist, *New York Sun*, May 2004 – present.
Senior Fellow, Hudson Institute, 2007 – present.

American Enterprise Institute, Visiting Fellow (2001-2003).

Federal Communications Commission, Commissioner (1997-2001).

One of five commissioners responsible for U.S. communications policy, rulemaking, enforcement, and adjudication. Among other responsibilities, reviewed all major mergers in communications sector. For statements, speeches, and other information, see http://www.fcc.gov/commissioners/previouscommish.html

Committee on Commerce, U.S. House of Representatives, Chief Economist, (1995-1997).

One of the principal staff for the Telecommunications Act of 1996, Balanced Budget Act of 1995, and electricity deregulation legislation for the105th Congress.

Economists Incorporated, Senior Economist (1988-1995).

Center for Naval Analyses, Research Analyst, (1984-1988).

Experience (continued)	Stanford University, Research Assistant, and Teaching Assistant for public finance, (1980-1983).
	U.S. Department of Energy, Conservation and Renewable Energy Program, Research Assistantship, (1981-1982).
	Office of Management and Budget, Intern, (Summer 1980).
	Congressional Budget Office, Assistant Analyst, (1978-1979).
	U.S. Department of Labor, Pension and Welfare Benefits Program, Intern, (Summer 1977).
	MIT, Center for Transportation Studies, Research Assistant, (1976-1978).
	U.S. Senate Committee on Appropriations, Internship sponsored by MIT Political Science Department, (Summer 1976).
Education	Ph.D., Stanford University, Economics, 1986
	S.B., Massachusetts Institute of Technology, Economics, 1978.
	University of South Carolina, 1973-1974.
Honors	Awards for FCC achievements from various civic and business groups
	Visiting Fellow, University of Warwick, (Summer 1984).
	Research Fellow, Brookings Institution, (1983-1984).
	National Merit Scholar, MIT, (1974).
Professional Societies	American Economics Association Econometrics Society Federalist Society

Boards

Corporate

MRV Communications
Oneida Communications

Other

Washington Legal Foundation
Legal Policy Advisory Board
Telecommunications Policy Research Conference,
Chairman, 2005-2007
University of Richmond School of Law
Intellectual Property Institute Advisory Board
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Clarification/Reiteration of "Services" Eligible for Discounts to Schools and Libraries. June 11, 1998.

Notice of Proposed Rulemaking and Order 1998 Biennial Regulatory Review – Streamlining of Technical Rules in Parts 73 and 74 of the commission's Rules. June 11, 1998.

Notice of Inquiry 1998 Biennial Regulatory Review – Testing New Technology. June 11, 1998.

1998 Biennial Regulatory Review – Conducted Emissions Limits for Equipment Regulated Under Parts15 and 18 of the Commission's Rules, FCC 98-102. June 8, 1998.

Saluting AT&T. June 1, 1998.

Endorsement of the Decision of USAC to Appoint Cheryl Parrino as its First Chief Executive Officer. May 21, 1998.

FCC Statements (continued)

Application of Nationwide Wireless Network Corporation for a Nationwide Authorization in the Narrowband Personal Communications Service. May 14, 1998.

1998 Biennial Regulatory Review – Amendment of Parts 2, 25, and 68 of the Commission's Rules to Further Streamline the Equipment Authorization Process for Radio Frequency and Telephone Terminal Equipment and to Implement Mutual Recognition Agreements. May 14, 1998.

Proposed Third Quarter 1998 Universal Service Contribution Factors Announced; Common Carrier Bureau Seeks Comment on Proposed Revisions of 1998 Collection Amounts for Schools and Libraries and Rural Health Care Universal Service Support Mechanisms; CC Docket No. 96-45. May 13, 1998.

Universal Service Report to Congress in Response to Senate bill 1768 and Conference Report on HR 3579. May 8, 1998.

1998 Biennial Regulatory Review – "Annual Report of Cable Television System," Form 325, Filed Pursuant to Section 76.403 of the Commission's Rules. April 30, 1998.

Application of Comsat Corporation Petition Pursuant to Section 10(c) of the Communications Act of 1934, as amended, for Forbearance from Dominant Carrier Regulation and for Reclassification as a Non-Dominant Carrier. April 28, 1998.

1998 Biennial Regulatory Review – Part 76 Cable Television Service Pleading and Complaint Rules. April 22, 1998.

Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance, CC Docket No. 98-56. April 16, 1998.

Federal-State Joint Board on Universal Service, Report to Congress, CC Docket No. 96-45. April 10, 1998.

1998 Biennial Regulatory Review – Amendment of Part 18 of the Commission's Rules to Update Regulations for RF Lighting Devices. April 2, 1998.

1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes. April 2, 1998.

Implementation of Section 255 of the Telecommunications Act of 1996 – Access to Telecommunications Service, Telecommunications Equipment, and Customer Premises Equipment by Persons with Disabilities. April 2, 1998.

Toll Free Service Access Codes, CC Docket No. 95-155. March 31, 1998.

Second Quarter 1998 Universal Service Contribution Factors. March 20, 1998.

Southwestern Bell Telephone Company, Tariff F.C.C. No. 73. March 13, 1998.

FCC Statements (continued)

1998 Biennial Regulatory Review: Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Communications Act. March 12, 1998.

Implementation of Section 551 of the Telecommunications Act of 1996: Video Programming Ratings, CS Docket No. 97-55. March 12, 1998.

Proposed Second Quarter 1998 Universal Service Contribution Factors Announced in CC Docket No. 96-45. February 27, 1998.

Broadcast Equal Employment Opportunity Enforcement Policy as to Religious Broadcasters. February 25, 1998.

Policies and Rules for the Direct Broadcast Service – Notice of Proposed Rulemaking. February 19, 1998.

Letter in Response to Representative John D. Dingell's Recent Inquiry Regarding Free Air Time. February 18, 1998.

Advanced Television Systems and their Impact upon the Existing Television Broadcast Service – Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order. February 18, 1998.

Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to Reallocate the 29.5-30.0 GHz Frequency Band, To Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services. Petitions for Further Reconsideration of the Denial of Applications for Waiver of the Commission's Common Carrier Point-to-Point Microwave Radio Service Rules. February 2, 1998.

Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services and 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements. January 29, 1998.

Fourth Annual Report on Competition in Video Markets. January 13, 1998.

Federal-State Joint Board on Universal Service, Access Charge Reform, Price Cap Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge. December 29, 1997.

Application of BellSouth Corporation to Provide In-Region, InterLATA Services in South Carolina. December 24, 1997.

FCC Statements (continued)

Streamlined Auction Rules. December 18, 1997.

Proposals to Improve Program Access Rules. December 18, 1997.

Revision of Universal Service Collection Amounts for 1998. December 16, 1997.

Southwestern Bell Telephone Company, Tariff F.C.C. No. 73. November 14, 1997.

Three Members of Permanent Staff Named. November 12, 1997.

Appendix B

Local Internet Sites
Tampa-St. Petersburg, Florida (2007)[70]

Summary: The sites listed herein all present content regarding the Tampa-St. Petersburg DMA. Those marked with a "+" offer local news and/or information about community events and activities in a variety of ways, including a separate news or newsletter section. For the sites listed in Sections 1 and 4, a "*" indicates that the site is owned by existing media.

The sites have been presented topically to show that, in many ways, they provide much of the same content available in newspapers. In all, 403 sites are listed. Of these 403 sites, more than 40 percent are marked with a "+" sign, as offering updated local content and information.

1. Local News/Weather and Media:

http://www.tampabaystart.com +
http://www.hellotampa.com/MetroNews.Cfm +
http://www.lakeland.net/news.asp +
http://www.topix.net/city/tampa-fl +*
http://www.topix.net/metro/tampa-st-petersburg-clearwater-fl +*
http://theledger.com +*
http://www.wfla.com/ +*
http://www.tampabay.com +*
http://www.bradenton.com/179 +*
http://tampabay.bizjournals.com/tampabay/index.html +*
http://www.sun-herald.com/ +*
http://www.tampatrib.com/ +*
http://tbo.com/ +*
http://www.highlandstoday.com/ +*
http://www.sarasotamagazine.com/ +*
http://www.heraldtribune.com +*
http://www.tampabays10.com +*
http://www.myfoxtampabay.com/myfox/ +*
http://www.abcactionnews.com/default.aspx +*
http://www.baynews9.com/Home.html +*
http://www.tbnweekly.com +*
http://www.970wfla.com +*
http://tampabay.medicalnewsinc.com/ +
http://www.baysoundings.com/ +*
http://www.thetampanews.net/ +
http://theweeklychallenger.com/ +*
http://tampa.creativeloafing.com [71] +*

[70] Sites visited October 2007.

http://www.tampagold.com/ +
http://tampabay.indymedia.org/ +
http://www.wmnf.org/ +*
http://www.usforacle.com/ +*
http://www.citilifemagazine.com/ +
http://www.flsentinel.com/ +*
http://www.pinellas-news.com/ +*
http://www.macdillthunderbolt.com/ +*
http://www.theminaretonline.com/ +*
http://www.tampabaysun.com/ +*
http://www.tropicalbreeze.com/ +*
http://www.creativetampabay.com/newsletter +

1.A User-Supplied Content:

http://saveoursarasota.blogspot.com/ +
http://sticksoffire.com +
http://lakelandlocal.com +
http://seminoleheights.blogspot.com +
http://www.stpetersblog.com +
http://www.tampablab.com +
http://tampamojo.com
http://www.TampaBayMusicScene.com +
http://www.flfoodhound.com/ +
http://www.tampabaywellness.com/ +*
http://bucnews.com +
http://www.draysbay.com +
http://www.bucstats.com +
http://www.bestbucsblog.blogspot.com +
http://www.tampasportsday.com +

2. Business (Retail):

http://www.stpetejeep.com/
http://www.sarasotaford.com/
http://www.amjequipment.com
http://www.tbsaltwater.com/
http://www.lakelandautomall.com/

3. Chambers of Commerce:

http://www.stpete.com/ +
http://www.venicechamber.com/ +
http://www.sarasotachamber.org/ +
http://www.manateechamber.com/ +
http://www.lakelandchamber.com +

[71] This site, operated by an alternative weekly newspaper, hosts multiple blogs, such as “The Political Whore” and “Eat My Florida.”

http://www.beachchamber.com/ +
http://www.tampachamber.com/ +
http://www.tampabaybeaches.com
http://www.southtampachamber.org/ +
http://www.templeterracechamber.com/ +
http://www.northtampachamber.com +
http://www.riverviewchamber.com/ +
http://www.wesleychapelchamber.com/ +
http://www.tampahispanicchamber.com/ +
http://www.brandonchamber.com/ +
http://www.tampabay.org/ +

4. Classifieds:

http://tampa.craigslist.org +
http://tbo.kaango.com/ *
http://sptimes.com/marketplace/ *
http://www.ibmc.com/tbicc/
http://www.webcoast.com/classifieds/
http://newspaperads.bradenton.com/ *
http://tampa4sale.com
http://tampa.oodle.com
http://www.buysellcommunity.com/tampa/
http://tampa.backpage.com/gyrobase/classifieds/index
http://www.tampasuperads.com/
http://www.bestintampa.com

Employment:

http://www.laureloak.com/Default.aspx?p=DynamicModule&pageid=215027&ssid=57547&vnf=1
http://www.southbayhospital.com/CustomPage.asp?guidCustomContentID=89885A0D-3573-4359-9BE6-7E0CF3307535
http://www.snelling.com/sarasota/
http://www.techstaff.com/location_tampa.htm
http://www.stpete.org/employee/employee.htm
http://tampabay.computerwork.com/
http://www.connectionspasco.org/
http://www.jobs.tampabay.com/ *
http://careerseeker.tbo.com/ *
http://tampa4sale.com/employment/tampa-jobs.php
http://www.workforceflorida.com
http://tampabay.jobing.com/
http://www.worktampabay.com/ *
http://www.helpwantedtampa.com
http://www.jobsintampa.com/

Real Estate:
http://www.greyhawklanding.com/
http://www.michaelsaunders.com/
http://www.seasiderealtyflorida.com/
http://www.sptimes.com/homes/ *
http://www2.tbo.com/static/homes/tbo-homes/ *
http://tamparealtysales.com/index.html
http://www.islandtime.com/realestate/
http://www.tampa4u.com/
http://www.barbjordan.com/
http://www.lipplyrealestate.com/
http://www.tamparealestateconsultants.com/
http://www.bethcopenhaver.com/
http://www.sweethometampa.com/

5. Civics Clubs:
http://www.bradentonkiwanis.com/
http://bradentonfllionsclub.lionwap.org/
http://www.brandonbar.org/
http://www.brandonlions.org/
http://www.uwtb.org
http://www.jltampa.org
http://www.tampajaycees.org
http://www.gfwctampajuniors.com/
http://www.tampaexchangeclub.org/
http://www.hynca.com/ +
http://www.greatertampasertoma.com

6. Culture, Recreation & Sports:
http://www.spmoh.org/home.html
http://www.buccaneers.com/
http://tampabay.devilrays.mlb.com
http://lightning.nhl.com
http://www.karnac.com/floridastocks
http://www.welchtennis.com/
http://www.sportsperformance.com/
http://www.stpete.org/bikeped.htm
http://www.americanstage.org +
http://www.splt.info
http://www.mahaffeytheater.com
http://www.stpetearts.com
http://www.stpete.org/recreation/index.htm
http://www.blackwatchsoccer.com
http://www.tampabaysports.org +

7. **Education:**

http://www.usf.edu +
http://www.jesuittampa.org/
http://www.eckerd.edu/news +
http://www.law.stetson.edu/Communications/newsroom.asp +
http://www.sarasota.k12.fl.us/ +
http://www.flsouthern.edu/ +
http://www.webcoast.com/educate.htm +
http://mckeelacademy.com/ +
http://www.saintstephens.org/ +
http://www.pinellas.k12.fl.us/is/fsmenus/home.html
http://www.pcsb.org/news/home.html +
http://www.baypt.pinellas.k12.fl.us/ +
http://www.spcollege.edu/spchs/
http://www.ninaharris.pinellas.k12.fl.us/ +
http://www.hamilton.pinellas.k12.fl.us/
http://www.ptec.pinellas.k12.fl.us/ +
http://www.norwood.pinellas.k12.fl.us/
http://it.pinellas.k12.fl.us/schools/nward-sec
http://www.stpetehigh.com/ +
http://www.northeast-hs.pinellas.k12.fl.us/ +
http://www.lakewood-hs.pinellas.k12.fl.us/
http://www.pinellas.k12.fl.us/choice/high/gibbs.pdf
http://www.bocaciega-hs.pinellas.k12.fl.us/ +
http://www.tyrone-ms.pinellas.k12.fl.us/
http://www.marshall-ms.pinellas.k12.fl.us/
http://www.southside-ms.pinellas.k12.fl.us/news06-07.html +
http://it.pinellas.k12.fl.us/schools/riviera-ms/ +
http://www.meadowlawn-ms.pinellas.k12.fl.us/
http://www.lealman-ms.pinellas.k12.fl.us/
http://www.hopkins-ms.pinellas.k12.fl.us/ +
http://www.baypoint-ms.pinellas.k12.fl.us/events.htm +
http://azaleamiddle.org/
http://www.woodlawn-es.pinellas.k12.fl.us/
http://www.westgate-es.pinellas.k12.fl.us/
http://www.tyrone-es.pinellas.k12.fl.us/tyronecalendar.html +
http://www.shoreacres-es.pinellas.k12.fl.us/ +
http://www.74th-es.pinellas.k12.fl.us/ +
http://www.sawgrass-es.pinellas.k12.fl.us/ +
http://www.riovista-es.pinellas.k12.fl.us/
http://www.perkins-es.pinellas.k12.fl.us/
http://www.pasadena-es.pinellas.k12.fl.us/newsletter.html +
http://www.northwest-es.pinellas.k12.fl.us/
http://www.northshore-es.pinellas.k12.fl.us/ +
http://www.mtvernon-es.pinellas.k12.fl.us/
http://www.melrose-es.pinellas.k12.fl.us/

http://www.maximo-es.pinellas.k12.fl.us/
http://www.lakewood-es.pinellas.k12.fl.us/news.htm +
http://www.lakeview-es.pinellas.k12.fl.us/
http://www.sexton-es.pinellas.k12.fl.us/
http://www.sanderlin-es.pinellas.k12.fl.us/
http://www.fairmount-es.pinellas.k12.fl.us/
http://www.jamerson-es.pinellas.k12.fl.us/news.htm +
http://www.clearview-es.pinellas.k12.fl.us/
http://www.campbell-es.pinellas.k12.fl.us/calendar.htm +
http://www.bearcreek-es.pinellas.k12.fl.us/
http://www.bayvista-es.pinellas.k12.fl.us/newsletter.html +
http://www.azalea-es.pinellas.k12.fl.us/
http://apps1.sdhc.k12.fl.us/ +
http://publicaffairs.mysdhc.org/ +
http://www.educationfoundation.com/ +
http://www.hccfl.edu/
http://www.tampaprep.org/# +
http://www.tampacatholic.org/ +
http://www.holynamestpa.org/podium/default.aspx?t=28764 +
http://www.utampa.edu/ +
http://www.academyatthelakes.org/ +
http://alonso.mysdhc.org/school%20newsletter +
http://armwood.mysdhc.org/events/upcoming/home%20page +
http://bloomingdale.mysdhc.org/ +
http://www.revolutionnewspaper.com/ +
http://my.highschooljournalism.org/fl/tampa/hhs/ +
http://hillsborough.mysdhc.org/ +
http://www1.sdhc.k12.fl.us/~gaither.high/General/News.htm +
http://plant.mysdhc.org/ +
http://benito.mysdhc.org/ +
http://davidsen.mysdhc.org/NEWSLETTERS +
http://madison.mysdhc.org/Podcast/ +
http://mann.mysdhc.org/ +
http://mulrennan.mysdhc.org/newsletter +
http://progressvillage.mysdhc.org/ +
http://wilsonms.mysdhc.org/ +
http://www.spjc.edu/ +

8. Emergency Services:

http://www.stpete.org/fire/index.htm
http://www.stpete.org/police/press_release-current.htm +
http://www.clearwaterpolice.org/
http://www.venicepolice.com/
http://www.lakelandgov.net/lpd/home.html
http://www.lakelandgov.net/lfd/home.html
http://www.tampagov.net/dept_Police/news_and_events/ +

http://www.tampagov.net/dept_Fire_rescue/index.asp
http://www.bayflite.com/index.php
http://www.hcfire.com/ +
http://www.tampaexplorers.com/index.htm
http://www.psfrd.org/
http://www.pcsoweb.com/index.aspx +
http://www.mytreasureisland.org/fire/home.htm
http://www.mytreasureisland.org/police/home.htm
http://www.stpetebeach.org/fire/default.asp

9. Government:

http://www.tampagov.net/ +
http://www.vba.va.gov/ro/south/spete/
http://www.clearwater-fl.com/ +
http://www.co.sarasota.fl.us/ +
http://www.ci.brooksville.fl.us/
http://www.co.hernando.fl.us/ +
http://www.pascocountyfl.net +
http://www.tampaport.com/press.asp +
http://www.manateeclerk.com/
http://www.cityofbelleairbeach.com/citynews.html +
http://www.indian-rocks-beach.org/
http://www.myindianshores.com/Main/index.aspx +
http://www.townofredingtonshores.com/
http://www.townofnorthredingtonbeach.com/news.html +
http://redington-beach.com/
http://www.ci.madeira-beach.fl.us/ +
http://www.mytreasureisland.org/ +
http://www.stpetebeach.org/sub/citynews.html +
http://www.hillsboroughcounty.org/ +
http://www.lakelandgov.net/ +
http://www.polk-county.net/ +
http://www.pinellascounty.org/ +

10. Home Services/Food:

http://www.crabshack.com/
http://www.estelas.com/
http://www.marieskitchen.com/
http://www.columbiarestaurant.com
http://www.wardsseafood.com
http://www.tampamaid.com/
http://www.almafood.com/
http://www.donatellorestaurant.com/
http://bernssteakhouse.com/
http://www.saltrockgrill.com/
http://www.spotositaliangrille.com/index.htm

11. Hospitals and Health:

http://www.allkids.org/
http://www.seniorfriendship.com/
http://www.smh.com/
http://www.blakemedicalcenter.com/
http://www.thehospice.org/
http://www.uch.org/
http://www.northsidehospital.com/
http://www.manateememorial.com/
http://www.southbayhospital.com/
http://www.byrdinstitute.org/
http://www.tgh.org
http://sjbhealth.org
http://www.memorialhospitaltampa.com
http://www.shrinershq.org/Hospitals/Tampa/
http://www.moffitt.usf.edu
http://www.redcrosstbc.org/

12. Libraries:

http://whpl.mywinterhave.com/
http://www.pascolibraries.org/
http://www.pclc.lib.fl.us/
http://www.cclib.org/
http://www.thpl.org/
http://www.clearwater-fl.com/cpl/
http://www.eastlakelibrary.org/elcl/default.htm
http://suncat.co.sarasota.fl.us/
http://www.tblc.org

13. Political Parties:

http://www.gpyr.org/
http://www.hernandorec.org/
http://www.hernandodemocrats.com/
http://www.hcrp.org/
http://www.hcdec.org/
http://www.manateedemocrats.com/
http://www.manateerepublicanparty.com/
http://www.rpof.org/
http://www.pascodemocrats.com/
http://www.pinellasdemocrats.com/
http://rpos.org/
http://www.sarasotadems.org/
http://www.sarasotalp.org/index.cfm/

Candidates:

Governor:
http://www.charliecrist.com/

United States House of Representatives:
http://www.needanewcongress.com/
http://www.johndicksforcongress.com/
http://www.billmitchellforcongress.com/
http://www.mikeforuscongress.com/
http://www.congressmanbillyoung.com/
http://www.voteheller.com/
http://www.sammsimpsonforcongress.com/
http://www.castorforcongress.com/
http://www.timfasano.com/
http://www.putnamforcongress.com/
http://www.conniemack.com/
http://www.byrnesforcongress.com/
http://weldon.org/
http://www.blythe2008.com/
http://thepatriots.us/index.html
http://www.timmahoneyforflorida.com/
http://www.gayleharrell.com/
http://tomrooney.com/
http://www.halvaleche.com/

14. Religious:
http://www.bellshoalsbapt.org/ +
http://www.dioceseofstpete.org/
http://www.fccnpr.com/ +
http://www.carrollwoodbaptist.org/
http://www.centralbaptchurch.org/
http://www.stlawrence.org/
http://www.templeohevshalom.org/index.asp
http://istaba.tripod.com/
http://www.stjamestampa.org +
http://www.icctampa.org
http://www.hillsdalebaptist.org/
http://www.sacredheartfla.org/
http://www.cpcconline.com/
http://unitytampa.org/ +
http://www.58thstreetchurchofchrist.org/
http://www.stgregoriostampa.com/home/tabid/36/default.aspx
http://www.crossingonline.org/
http://www.lifespringtampa.org/
http://www.saintandrewstampa.org/

http://www.rsholom.org/ +
http://www.kolami.org/ +
http://www.mcctampa.com/assets/weekly_news/weekly_news.htm +
http://www.bayshorebaptistchurch.com/newsEvents.html +
http://www.fbcnewtampa.org/default_files/Page616.htm +
http://www.tampabaypresbyterian.org/Resources/Bulletin/bulletin.htm +
http://www.newbeginningscctampa.org/Bulletin.htm +

15. Style and Society:

http://www.flssar.org/host/lakeland/index.htm
http://www.polktheatre.org/
http://www.geocities.com/clwtrdar/
http://www.webcoast.com/events.htm +
http://www.metrotampa.com/Opening.html +
http://www.tampabaymetro.com/style.html *
http://www.accentontampabay.com/ *

16. Tourism:

http://www.bigredballoon.com/
http://www.mosi.org/
http://www.plantmuseum.com/
http://www.flaquarium.net/
http://www.buschgardens.com/BGT/default.aspx
http://www.dinoworld.net/
http://www.stpete-pier.com/
http://www.suncoastoffshore.org/
http://www.cruiseholidaysfla.com/
http://www.1800sailyes.com/
http://www.hubbardsmarina.com/
http://www.salvadordalimuseum.org
http://www.floridamuseum.org
http://www.flholocaustmuseum.org
http://www.greatexplorations.org
http://www.fine-arts.org
http://www.visitpasco.net +
http://www.ringling.org/
http://www.tbauto.org
http://www.gayflorida.com/tampa/ +
http://visittampabay.com/ +
http://www.tampaguide.com/default.asp +

17. Transportation and Infrastructure:

http://www.tampaairport.com/
http://www.srq-airport.com/
http://www.hillsboroughmpo.org/ +
http://www.tbrpc.org/

http://www.gulfcoasttransit.com/GTAboutUs.html
http://www.allaviations.com/
http://www.lockwood-aviation.com/las.php
http://www.tampaport.com/index.asp
http://www.traffic.com/Tampa-Traffic/Tampa-Traffic-Reports.html +

18. Utilities:

http://www.tampagov.net/site_topic.asp?Page=eGov+Utility+Services&Group=site+-+egov+utility+services
http://www.sarasotagov.com/OnlineServices/Content/UtilityPayments/PWOnlineServices.html
http://www.cfgas.com/
http://www.pinellascounty.org/utilities/default.htm
http://www.peoplesgas.com/peoplesgas.cfm
http://www.tampabaywater.org/
http://www.progress-energy.com/

19. Miscellaneous:

http://www.tampaymca.org/
http://www.stpeteymca.org