



November 21, 2007

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Ms. Dortch:

RE: Ex Parte Notice. MB Docket No. 06-121. 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.

On November 19, 2007, Linda Foley, President of The Newspaper Guild-CWA, and Debbie Goldman, CWA Research Economist, met with Michelle Carey, Senior Legal Advisor to Chairman Kevin J. Martin to discuss Chairman Martin’s proposed revision to the newspaper/broadcast cross-ownership rule.¹

The CWA representatives noted that while they are still studying Chairman Martin’s proposal, they wanted to provide preliminary thoughts on one aspect of the proposal. Specifically, the Chairman proposes that among the factors the Commission shall consider in determining whether a proposed newspaper/broadcast combination would serve the public interest, convenience, or necessity, is “whether each affected media outlet in the combination will exercise its own independent news judgment.”²

The CWA representatives pointed out that in order to ensure “independent news judgment,” the Commission should require that any commonly owned media outlets maintain separate newsrooms and editorial staff. This language is modeled after the Newspaper Preservation Act, an anti-trust exemption passed by Congress in 1970 to preserve two newspaper voices in a local community where one newspaper is failing. While the Newspaper Preservation Act allows common ownership and joint operation of business and

¹ FCC News Release, “Chairman Kevin J. Martin Proposes Revision to the Newspaper/Broadcast Cross-Ownership Rule”, Nov. 13, 2007.

² *Id.* Proposed Changes, (d)(3)(ii).

printing functions, it requires that “there shall be no merger, combination, or amalgamation of editorial or reportorial staffs, and that editorial policies be independently determined.”³ (A copy of the Newspaper Preservation Act is attached.)

CWA has consistently supported preservation of the newspaper/broadcast cross-ownership rule, but has also noted in our comments in these proceedings that if the Commission determines that under *very proscribed and limited circumstances* some combinations would not harm the public interest, the Commission should require the commonly owned media to maintain separate newsrooms and editorial staff.⁴

The CWA representatives emphasized that consideration of any revisions to the media ownership rules should not short-circuit a process that provides an appropriate public review and comment period. CWA looks forward to providing additional comment on the Chairman’s proposals.

Sincerely,



Debbie Goldman, Research Economist
Research and Development Department

Attachment

cc: Michelle Carey

³ The Newspaper Preservation Act can be found in U.S. Code Title 15. Sec. 1801-1804. Sec. 3(2).

⁴ See Comments of Communications Workers of America, The Newspaper Guild/CWA, National Association of Broadcast Employees and Technicians/CWA, Printing, Publishing, and Media Workers Section/CWA, *In the Matter of 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, Jan. 2, 2003, page 49; Comments of Communications Workers of America, The Newspaper Guild/CWA, National Association of Broadcast Employees and Technicians/CWA, *In the Matter of 2004 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. 06-121, Oct. 23, 2006 (as amended Oct. 25, 2006), page 60.