

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Promoting Diversification of Ownership In the Broadcasting Services)	MB Docket No. 07-294
)	
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
)	
Ways to Further Section 257 Mandate and To Build on Earlier Studies)	MB Docket No. 04-228
)	

To: The Commission

REPLY COMMENTS OF
AMERICAN WOMEN IN RADIO AND TELEVISION, INC.

AMERICAN WOMEN IN RADIO AND TELEVISION, INC. (“AWRT”) hereby submits these comments in response to the comments filed regarding the Commission’s Third Further Notice of Proposed Rule Making (the “*FNPRM*”), released March 5, 2008,

in the above-referenced proceeding(s).¹ Specifically, AWRP submits these reply comments to underscore the importance of revising the Commission's Ownership Report, FCC Form 323, to obtain more detailed data regarding the race and gender identity of broadcast licensees.

In the *FNPRM*, the Commission sought comment on its data collection practices for ownership information, in particular whether to revise Form 323 to better capture data regarding race and gender, and whether to require biennial reports from sole proprietors and partnerships, which are currently exempt. *See FRPMR* at ¶¶ 93-95. Although most commenters did not address the Commission's proposals for ownership reporting requirements, those that did – AWRP among them – unanimously supported changes to the Form 323 and current reporting procedures.² These parties are in agreement that the Commission should revise Form 323 to more effectively collect and organize data regarding race and gender, and must expand the categories of licensees required to file Form 323 biennially; although NAB and AWRP concur that sole proprietors should continue to be exempt.³

AWRP continues to believe that comprehensive, accurate, easily-referenced data regarding female and minority ownership of broadcast stations is critical if the Commission is to advance ownership opportunities for these historically

¹ *Promoting Diversification of Ownership in the Broadcasting Services, Report and Order and Third Further Notice of Proposed Rule Making*, FCC 07-217, 73 Fed. Reg. 28400 (May 16, 2008); *corrected* 73 Fed. Reg. 38075 (May 29, 2008). On June 16, 2008, the Media Bureau issued an order granting an extension of the comment and reply comment periods, establishing a new comment deadline of July 30, 2008 and a new reply comment deadline of August 29, 2008. *See* DA 08-1359 (rel. June 16, 2008). AWRP filed initial comments on the *FNPRM* on July 30, 2008 (the "*AWRP Comments*").

² *See* Comments of the Office of Communication for the United Church of Christ, *et al.*, at 8-11 (filed July 30, 2008) ("*UCC Comments*"); Initial Comments of the Diversity and Competition Supporters at 17-19 (filed July 30, 2008) ("*DCS Comments*"); Comments of the National Association of Broadcasters at 8-11 (filed July 30, 2008) ("*NAB Comments*").

³ *See NAB Comments* at 8-9; *AWRP Comments* at 5.

underrepresented groups. As DCS notes, the FCC's lack of current, accurate "statistical data and empirical research on media ownership" prevents it from adopting a race-based "socially disadvantaged business" program that could pass constitutional muster. *See DCS Comments* at 2. AWRT concurs in DCS' assessment that the lack of accurate ownership data will continue to impede Commission efforts to advance broadcast ownership opportunities for historically disadvantaged groups such as women and minorities. If the Commission is ever to craft rules targeted to encourage female and minority ownership that are capable of withstanding strict scrutiny (or even intermediate scrutiny), then the Commission must collect and maintain accurate data to establish the extent of these groups' underrepresentation in broadcast ownership.

Moreover, that data must be collected on a regular basis and organized in a manner that permits some ease of analysis, so that the Commission can monitor the effect that its rule changes to date may have on media ownership by women and minorities.⁴ It would be exceedingly difficult to demonstrate that a proposed race or gender-based rule is "narrowly tailored" to advance the government's interest in broadcast diversity if there is no evidence to show whether or not the race and gender-neutral rules already in place are sufficient to advance that interest. More fundamentally, AWRT presumes that the Commission has adopted its "eligible entity" rules with the intention that those rules will indeed increase the opportunities for broadcast ownership by new and diverse entities, including entities owned by women and minorities. Accordingly, unless the flaws that AWRT and so many others have noted in the Commission's records are remedied, the Commission will have no reliable way to assess whether its rules have had their intended effect.

⁴ *See, e.g., UCC Comments* at 8.

Therefore, AWRT requests the Commission to expeditiously adopt the proposed changes to its ownership reporting requirements, including the proposed revisions to FCC Form 323. AWRT further respectfully requests that the Commission adopt rules and policies to promote broadcast diversity, especially gender diversity, in accordance with the *AWRT Comments* and AWRT's previous submissions in the subject proceedings.

Respectfully submitted,

**AMERICAN WOMEN IN RADIO AND
TELEVISION, INC.**



By: _____
Maria Efantis Brennan, CAE
President
American Women in Radio and
Television
1760 Old Meadow Road
Suite 500
McLean, VA 22102
(703) 506-3290

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