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August 19, 2011

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Via Electronic Filing

Re: MB Dkt 09-182, 2010 Quadrennial Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996

Dear Ms. Dortch,

Pursuant to section 1.1206(b) of the Commission’s rules, Free Press submits this notice regarding an *ex parte* communication in the above referenced proceeding.

On August 18, 2011, S. Derek Turner, Research Director, and Corie Wright, Policy Counsel, both of Free Press, met with Joshua Cinelli, Media Advisor to Commissioner Michael Copps, and Burcu Baykurt, intern.

The subject of the meeting was the FCC’s 2010 Quadrennial Review media ownership studies released in July. In the meeting, Free Press discussed data and methodological limitations in many of the studies that may compromise their ability to inform the FCC’s policy objectives. In particular, Free Press expressed concern that Commission studies do not address the dearth of broadcast station ownership by women and people of color, a problem that U.S. Court of Appeals for the Third Circuit highlighted in its remand of the FCC’s 2006 Quadrennial Media Ownership Review Order.¹ Free Press emphasized that sound policy making, as well as the directive of the Third Circuit, require the FCC to evaluate the impact of its media ownership rules on ownership opportunities for women and people of color, and to make ownership diversity a focus of the pending 2010 Review. Mr. Turner reiterated the findings of his own research on this subject, which has been submitted previously to the FCC and can be found at the links below.² This research suggests that increased consolidation in local media markets adversely impacts broadcast ownership opportunities for women and people of color. Excess consolidation tends to crowd out minority owners, who are more likely to be single station owners and find it

¹ *Prometheus Radio Project v. FCC*, Nos. 08-3078 *et al.*, slip op. (3d Cir. July 7, 2011) (“Prometheus II”).

² S. Derek Turner, *Out of the Picture: Minority & Female TV Station Ownership in the United States* (2007) available at <http://www.freepress.net/files/otp2007.pdf>; S. Derek Turner, *Off the Dial: Female and Minority Radio Station Ownership in the United States* (2007) available at http://www.freepress.net/files/off_the_dial.pdf.

difficult to compete with their big-media counterparts for programming and advertising revenue.

Ms. Wright underscored that none of the studies examine how “virtual consolidation” of local TV stations through local marketing agreements or shared services agreements impacts the provision of local news and information programming. These types of arrangements, which have grown increasingly prevalent, frequently result in the airing of identical or nearly identical local news content across ostensibly competing broadcast outlets. Over a year ago, in response to the FCC’s public Requests for Quotations (RFQs) on the studies,³ Free Press raised concerns that these joint ventures were being used to circumvent the FCC’s media ownership rules and urged to the FCC to study their impact as part of its media ownership research agenda.⁴ Unfortunately, by failing to account for this phenomenon, a number of the studies provide an unclear and potentially inaccurate picture of local media markets and the viewpoint diversity provided therein.

In accordance with the Commission’s rules this *ex parte* notice is being filed electronically in the above referenced docket. If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully
submitted,

_____/s/_____

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Cc:
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³ See *Media Bureau Announces the Release of Requests for Quotation for Media Ownership Studies and Seeks Suggestions for Additional Studies in Media Ownership Proceeding*, MB Dkt 09-182, DA 10-1084 (June 16, 2010).

⁴ *Free Press Comments in Response to Media Bureau Requests for Quotation for Media Ownership Studies*, MB Dkt 09-182 (filed July 7, 2010) at p. 4, available at <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020515454>. More specifically, in those comments Free Press stated that FCC research “must account for and evaluate the impact of these types of joint ventures on the provision of local news from diverse and independent sources,” and “should (1) initiate an analysis of these different “analysis of these different types of arrangements, and (2) evaluate at the market level whether these joint ventures preserve or increase the amount of news from diverse and competing sources, or whether they result in diminished news product diversity because stations are merely re-airing or re-purposing content produced by a competitor.” *Id.* at 4-5.