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August 25, 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 23, 2011, Angela Campbell, Blake Reid, and Laura Moy of the Georgetown Institute for Public Representation, Andrew Jay Schwartzman and Chrystiane Pereira of Media Access Project, and Corie Wright of Free Press met with Hilary DeNigro and Sarah Whitesell of the Media Bureau.

The subject of the meeting was the recent U.S. Court of Appeals decision regarding the FCC’s 2006 Quadrennial Media Ownership Review and its impact on the FCC’s pending 2010 Media Ownership Review. *Prometheus Radio Project v. FCC*, Nos. 08-3078 *et al.*, slip op. (3d Cir. July 7, 2011) (“Prometheus II”). In *Prometheus II*, the Third Circuit vacated and remanded the Commission’s 2007 decision to relax its newspaper-broadcast cross ownership rule and provisions of the Commission’s Diversity Order, while affirming the Commission’s decision to retain its other media ownership limits.

The groups emphasized that sound policy making, as well as the directive of the Third Circuit, require the FCC to evaluate the impact of all of its media ownership rules on ownership opportunities for women and people of color, and to make diversity a central focus of its 2010 Review. Increasing ownership by women and people of color would serve the public interest by remedying the dearth of broadcast ownership by women and people of color and by improving service to underserved segments of the community. The groups further explained that media consolidation is one of the key factors hindering station ownership by underrepresented groups. Excess consolidation crowds out female and minority owners, who tend to be single station owners and find it difficult to compete with their big-media counterparts for programming and advertising revenue. The groups expressed disappointment that none of the studies recently released by the FCC explicitly address this problem.

The groups also urged the Commission to examine how “virtual consolidation” among local TV stations through local marketing agreements or shared services agreements impacts the provision of the diverse and independent sources of local news and information programming. These types of arrangements frequently result in the joint production and airing of identical or nearly identical local content across purportedly “competing” broadcast outlets. The groups reiterated their concerns that these joint ventures are being used to skirt the FCC’s local television ownership rules by decreasing competition among local outlets for audience share and local news production, as well as advertising and retransmission consent revenues. The groups urged the FCC to consider the impact of these arrangements in the media ownership proceeding and to develop standards and require increased disclosure for such arrangements to prevent circumvention of media ownership rules.

Finally, the groups expressed support for retaining the newspaper-broadcast cross-ownership rule that was reinstated by the Third Circuit in *Prometheus II*. They advised the Commission to view skeptically any renewed industry claims that further consolidation will “save” the newspaper business. Further consolidation among local newspapers and TV stations is not the solution – indeed, it appears to be part of the problem. Overleveraged debt loads generated by media mergers and acquisitions have placed a number of owners that might otherwise be profitable in grim financial straits.

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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