

March 6, 2012

Honorable Julius Genachowski  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington D.C. 20554

In the matter of Quadrennial FCC Media Ownership Review (09-182); Examination of Future of Media Needs in Digital Era (10-25)

## **NAB: FCC Should Allow More Duopolies in More Markets**

### **Association says the newspaper-broadcasting cross-ownership rules should be scrapped**

The National Association of Broadcasters says the FCC's proposed modifications to its media ownership rules do not go nearly far enough.

The FCC has proposed loosening, but not lifting, the newspaper-broadcast cross-ownership ban but leaving local ownership limits in place. It has proposed scrapping the ban on radio-TV cross-ownership, but broadcasters weren't exactly clamoring for that.

In its comments, filed Monday (March 5), in the FCC's quadrennial media ownership review NAB asked for repealing or at least relaxing all the FCC's ownership rules, saying that would promote competition, diversity and localism.

NAB wants the FCC to allow duopolies in more markets, eliminate the eight-voices and top-four stations tests, scrap local radio ownership limits, scrap the newspaper-broadcast cross-ownership rules, not count joint agreements toward ownership caps if it does preserve those rules, and should not increase disclosure requirements.

As for cable operators' suggestion that FCC rules should be tightened to prevent broadcasters from having too much leverage in retrans negotiations, NAB said that the FCC should "refrain from addressing here the impact of sharing arrangements on retransmission consent

negotiations." It called them irrelevant to the quadrennial review, and pointed out that such negotiations are irrelevant to "in any event," are the subject of another pending Commission proceeding.

The FCC has an open rulemaking proposal on tweaking the retrans rules to clarify what constitutes good faith bargaining. It has also suggested it could waive some broadcast exclusivity rules during retrans impasses, but that would be a nuclear option for broadcasters.

But then it took the gloves off. It associated itself with Free Press's comments and added that it was disturbed "to say the least" that the FCC was even asking for comment on "irreparably flawed" waiver criteria it proposed for allowing cross-ownerships.

Media Access Project also said that the FCC has not given the public sufficient notice of license renewals or sales involving waivers. If it fails to do so, said the group, whatever it does or doesn't do otherwise in the proceeding will fail to protect the public interest.

Broadcasters were almost as hard on the FCC proposals Monday as being insufficiently deregulatory, recalling similar complaints about a similar effort under FCC Chairman Kevin Martin that drew lawsuits from both sides.