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March 14, 2012

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

Via Electronic Filing

Re: MB Docket 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; MM Docket. 00-168, Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations

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 proceedings.

On March 12, 2012, Matt Wood, Policy Director, and Corie Wright, Senior Policy Counsel, of Free Press, met with Dave Grimaldi, Chief of Staff to Commissioner Mignon Clyburn, to discuss the Commission’s current Quadrennial Media Ownership Review and Enhanced Disclosure proceedings.

With regard to media ownership, Free Press explained that the FCC’s Notice of Proposed Rulemaking (NPRM) fails to respond to a 2011 judicial remand directing the FCC to assess and address low levels of broadcast ownership diversity prior to the completion of the 2010 Review. Instead the NPRM states that the Commission will postpone such actions until the 2014 Review.¹ In *Prometheus II*, the U.S. Court of Appeals for the Third Circuit affirmed that “ownership diversity is an important aspect of the overall media ownership regulatory framework,” and actions to promote and assess broadcast ownership levels among underrepresented groups “should be completed within the course of the Commission’s 2010 Quadrennial Review of its media ownership rules.”² Free Press emphasized that sound policy making and the *Prometheus II* order require the FCC to evaluate the potential negative impact of further eroding its media ownership limits on ownership opportunities for women and people of color in the context of the current review – not to defer such considerations to the next review.

¹ 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, Notice of Proposed Rulemaking, MB Dkt No. 09-182, FCC 11-186 (Dec. 22, 2011) at ¶158.

² *Prometheus Radio Project v. FCC*, 652 F.3d 431, 472 (3d Cir. 2011) (“Prometheus II”).

Free Press reiterated its opposition to the Commission's proposal to relax its longstanding newspaper broadcast cross-ownership (NBCO). Free Press referenced evidence demonstrating that the NBCO rule remains necessary to promote access to independent and diverse local news sources, and that cross-ownership of local daily newspapers and television stations leads to a curtailment of local news at the market level and does not increase news production at the station level.³ Moreover, over-leveraged debt resulting from consolidation has put a number of otherwise profitable newspaper businesses in a precarious financial position. To service this debt, these companies have cut jobs and reporting; however, many of the short term cost savings generated by these so-called "efficiencies" have been used to temporarily enhance profits, not to generate more or better local news coverage.⁴

Finally, Free Press addressed the Commission's ongoing proceeding to replace television broadcaster's paper public files with an online public file requirement. We explained that recent claims by the National Association of Broadcasters suggesting that the FCC lacks jurisdiction to require broadcasters to place their political files online are without merit.⁵ Congress has afforded the FCC broad recordkeeping authority, particularly with regard to broadcast licensees. The FCC's proposal to put broadcaster public files (including their political files) online is a modernization proposal that is not only consistent with the FCC's statutory mandate, it directly promotes Congress's goal of making publicly accessible important information about how stations are serving the public interest and how they are selling airtime to candidates and issue advocacy groups.⁶

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

Respectfully submitted,

_____/s/_____

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Cc:
Dave Grimaldi

³ See Comments of Free Press filed MB Dkts 09-182, 07-294 (Mar. 5, 2012) at section II(A).

⁴ *Id.*

⁵ See Supplemental Comments of the National Association of Broadcasters, filed MB Dkt 00-168(Mar. 8, 2012).

⁶ See 47 U.S.C. §315(e).