

MASSACHUSETTS
40 main st, suite 301
florence, ma 01062
tel 413.585.1533
fax 413.585.8904

WASHINGTON
1025 connecticut ave. nw, suite 1110
washington, dc 20036
tel 202.265.1490
fax 202.265.1489



March 1, 2013

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

Via Electronic Filing

Re: MB Docket No. 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; MB Docket No. 07-294, Promoting Diversification of Ownership in the Broadcasting Services

Dear Ms. Dortch,

On February 27, 2013, I spoke by telephone with Dave Grimaldi, Chief of Staff and Media Legal Advisor for Commissioner Clyburn, regarding matters in the above-captioned dockets. The topic of our discussion was a research study proposal recently submitted to the Commission by the Minority Media and Telecommunications Council (MMTC).

As reported in its filings in these dockets, MMTC has enlisted broadcast industry research and consulting firm BIA Kelsey to assess “whether, and to what extent, cross-ownership might have a material adverse impact on minority and women ownership.”¹ The study will take the form of interviews of former and current broadcast station principals and executives. While the primary focus of the interviews will be diverse owners’ experiences within the advertising marketplace, the study will also ask whether cross ownership has had an adverse impact on such licensees’ newsgathering capacities. Finally, MMTC has offered that the study will be peer reviewed in accordance with refereed journal standards and will be completed in 8 weeks.

Free Press appreciates the Commission’s overdue acknowledgement that it requires more evidence before going forward with rule changes that might harm ownership by women and people of color. However, due to our understanding of this qualitative study’s methodology, we have serious concerns about its ability to provide the sort of analysis required of the Commission by the Third Circuit Court of Appeals in the *Prometheus II* decision. Furthermore, we contend that a study endorsed by the broadcast and newspaper lobbies, and carried out by an analyst who has on several occasions expressed support for weakening the very rules he seeks now to evaluate, cannot be substituted for independent research and agency action.

¹ Letter from David Honig to Chairman Julius Genachowski, MB Docket Nos. 09-182, 07-294 (filed Feb. 25, 2013).

We file this *ex parte* notice today, pursuant to Section 1.1206(b) of the Commission's rules. If you have any questions regarding this submission, please do not hesitate to contact me.

Respectfully submitted,

/s/ Matthew F. Wood

Matt Wood
Policy Director
Free Press
mwood@freepress.net