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March 12, 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 Friday, March 8, 2013, I spoke by telephone with Alex Hoehn-Saric, Policy Director for Commissioner Rosenworcel, regarding matters in the above-captioned dockets. The main topic of that discussion was a research study proposal 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 consist of interviews of former and current broadcast station principals and executives. While the primary focus of these 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 completed in eight weeks.

Free Press appreciates the Commission’s overdue acknowledgement, signaled by the Chairman’s willingness to consider this proposal, that the agency 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 remain concerned 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 substitute 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).

Thus, while it may be tempting for some to see this study as a way forward in a long proceeding, the best course of action at present is to do no further harm to diversity of viewpoint and diversity of ownership. The Commission should resist calls simply to “do something” for the sake of doing it, and should instead take the time to assess the impact of any proposed rule changes objectively – as indeed the Third Circuit required. The Commission thus should take a comprehensive view of the effect that local media consolidation has on all small station group owners and single broadcast license holders, the categories into which the few women and people of color that hold broadcast licenses today tend to fall. Moreover, the Commission should not undertake its analysis without considering the impacts of the incentive auction, as that proceeding is by design intended to reduce the number of television licensees and thereby increase the level of concentration in the reconstituted broadcast band.

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

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cc: Alex Hoehn-Saric