

**Before the
Federal Communications Commission
Washington, D.C.20554**

In the Matter of)	
)	
Review of the Commission’s Broadcast Ownership)	MB Docket No. 09-182
Rules and Other Rules Adopted Pursuant to)	MB Docket No. 07-294
Section 202 of the Telecommunications Act of 1996)	
Promoting Diversification of Ownership in the Broadcast)	
Services)	
)	
“The Impact of Cross Media Ownership on)	
Minority/Women Owned Broadcast Stations”)	

Directed to: The Commission

JOINT REPLY COMMENTS

LaSalle County Broadcasting Corp. (“LaSalle County”), WJAG, Inc. (“WJAG”), and West Virginia Radio Corporation (“WV Radio”, and together with LaSalle and WJAG, the “Joint Commenters”), by their attorneys, hereby respectfully submit their Joint Reply Comments in the above-referenced proceeding. These Joint Reply Comments are being filed pursuant to the Commission’s “Public Notice,” *Media Bureau Invites Comments on Study Submitted by the Minority Media and Telecommunications Council in 2010 Quadrennial Review of Broadcast Ownership Rules*, DA 13-1317, released June 7, 2013 (the “Public Notice”). With respect thereto, the Joint Commenters state as follows:

As stated in their initial “Joint Comments,” the Joint Commenters have many years of experience with the co-ownership of daily newspapers and radio stations in the same geographic areas, and their experiences reflect the same reality as reported in the study commissioned by the Minority Media and Telecommunications Council (“MMTC”), Fratrack, Dr. Mark R., “The Impact of Cross Media Ownership on Minority/Women Owed Broadcast Stations” (May 30,

2013) (the “MMTC Study”). In particular, their experiences have been that the presence of radio-newspaper cross-ownership in a market has negligible, if any, impact on competitors, and in particular minority- or female-owned competitors, that would provide support for retention or expansion of current radio/daily newspaper cross-ownership restrictions. As shown in the Joint Comments, preservation of the cross-ownership rule is more likely to be harmful than helpful to diversity and localism.

Free Press is the principal critic of the MMTC Study. But it offers nothing new in the way of survey data or facts of any kind. Instead, it argues that the methodology chosen by MMTC is flawed and, without any opposing facts, questions MMTC’s fact-based conclusions. Free Press is merely piqued that the conclusions drawn from the MMTC Study, which directly address the questions set forth in the *Public Notice*, do not support Free Press’s preconceived notions of the effect of cross ownership on minority and female ownership. Free Press’s efforts to derail this long-overdue piece of deregulation might have some credibility if it had presented original work instead of relying exclusively on self-serving criticism of the MMTC Study.

Thus, the only new (post-*Public Notice*) factual evidence on the impact of cross ownership on minorities and women, aside from that presented by parties such as the Joint Commenters, is that provided by the MMTC Study. While Free Press criticizes the MMTC study for being “neither comprehensive nor dispositive” (Free Press Comments at 4), and offers suggestions as to how it might have done its own study differently, the fact remains that Free Press did not choose to undertake its own study and thus has no empirical evidence to support any conclusions different from those of the MMTC Study. Instead, it is relegated to standing on the sidelines and petulantly throwing rhetorical rocks at what others have done.

The National Association of Black Owned Broadcasters, Inc. (“NABOB”), echoes Free Press’s criticisms but likewise fails to provide any supporting surveys or other data. Moreover, NABOB does not attempt to show that cross-ownership deregulation would have different effects on minorities and women as a class vis-à-vis non-minorities and males. Instead, NABOB merely speculates, based on pre-conceived notions, that large group owners pose a greater competitive threat to minority owners than do licensees of one or two stations. It does not, however, explain why there would be any difference between the competitive impacts of a cross-owned combination on a white, male owner of a single station as opposed to a minority or female owner of a single station. Without explaining the basis for its conclusion that there is such a differential, it cannot be said, as NABOB boldly asserts, that cross ownership of newspapers and broadcast stations has a disparate impact on minorities or women. That is the issue on which the *Public Notice* sought comment; but NABOB skirts it. Further, NABOB’s conclusions are based on faulty assumptions. For instance, it argues that minority owners will program only to minority audiences (NABOB Comments at 4-5). Such suspect assumptions do not stand up well to the empirical evidence in the MMTC Study, which shows that the impact of cross ownership is color blind.

Free Press, NABOB and others point to the fact some of MMTC’s respondents (both minority/female and non-minority/male owners) reported a negative competitive impact by a daily newspaper combination with both radio and television stations. However, the fact that radio-television-newspaper cross-ownership was perceived by smaller broadcasters as threatening does not support Free Press’s and NABOB’s broad condemnations of all newspaper-broadcast combinations, especially those that do not include television stations. Also, as noted above, the fact a radio-television-newspaper combination was mentioned by both

minority/female and non-minority/male owners further demonstrates that the impact on these classes of respondents is race- and gender-neutral. Again, the question at hand is not whether cross-ownership has a general competitive impact but rather there is any significant difference in the effects of cross-ownership on minorities and women as compared to white males. The MMTC Study answers this question with a qualified “no.”

Furthermore, neither Free Press nor NABOB can point to any discernible, salutary results that have flowed from retention of the cross-ownership restriction. That regulation has been in place for nearly 40 years. Nevertheless, as NABOB notes with dismay, the actual level of minority media ownership has fallen over the years, not increased. Thus, while Free Press and NABOB assert that retention of the cross-ownership rule is essential to facilitate minority ownership, the data show that its retention has actually coincided with declining minority participation. Continued repetition of outmoded and unexamined assumptions cannot overcome the empirical data provided by the MMTC Study, which was prepared by credentialed media experts at BIA/Kelsey.

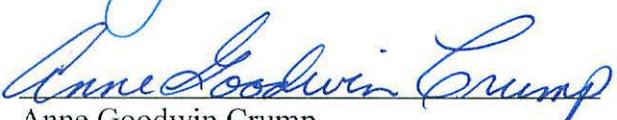
In sum, the Commission should rely upon the empirical evidence provided by the MMTC Study and the long experience of parties such as the Joint Commenters, not the speculations of Free Press, NABOB and others. Stereotypes supported only by the statements of principle of well-meaning organizations do not warrant retention of an outdated and counterproductive rule. While the MMTC Study was not based on a statistically-large sample of owners, the study is to date the only one that relies on actual broadcaster experience and opinions, and is the only one in the record that provides reliable empirical evidence. The Commission should accept the results of the MMTC Study and move forward with elimination of the newspaper/radio cross-ownership rule.

Respectfully submitted,

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