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March 13, 2014

Marlene H. Dortch, Secretary
Federal Communications Commission
455 12th St, SW
Washington, DC 20554

RE: *2010 Quadrennial Regulatory Review*, MB Docket No. 09-182

Diversification of Ownership in the Broadcasting Services, MB
Docket No. 07-294

Attribution of Joint Sales Agreements in Local Television Markets,
MB Docket No. 04-256

Dear Ms. Dortch:

On March 12, 2014, Andrew Jay Schwartzman and Angela Campbell of the Institute for Public Representation, counsel for Prometheus Radio Project, Office of Communication of the United Church of Christ, Inc. (UCC), and Media Council Hawai'i, met with Commissioner Clyburn, her Chief of Staff Senior Legal Advisor, Adonis Hoffman and Legal Intern Stefanie Frank.

In the meeting, Mr. Schwartzman and Ms. Campbell argued that there is ample record evidence upon which the Commission can take final action to address shared services agreements and similar arrangements, and to require immediate online disclosure of such agreements. They discussed the proposal of UCC, *et al.* set forth in their March 5, 2012 comments in Dockets 09-182 and 07-204. In those comments, at pages 15-23, UCC, *et al.* described a bright line attribution test based on seven *per se* criteria and eight variable criteria. The comments can be accessed at <http://apps.fcc.gov/ecfs/document/view?id=7021898383>.

Mr. Schwartzman and Ms. Campbell argued that the Commission's attribution rules should not be twisted to accommodate efforts to evade the Commission's ownership rules. If

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particular arrangements would serve the public interest notwithstanding existing ownership limits, the Commission can and should craft waiver criteria to address those situations. The number of such waiver requests would not be very large, so they could be addressed without significant delay by the Media Bureau. To the extent that it is argued that the finances in particular markets require shared services agreements, the failed station solicitation rule (FSSR). Under the FSSR, vulnerable stations must be offered for sale, so that a diverse group of potential owners have an opportunity to bid on, and purchase, the properties. Use of the FSSR rather than private transactions that result in increased ownership concentration is vastly preferable from a policy standpoint.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Jay Schwartzman". The signature is fluid and cursive, with a large initial "A" and "S".

Andrew Jay Schwartzman

cc. Adonis Hoffman
Stefanie Frank