

Congress of the United States
Washington, DC 20515

March 31, 2014

The Honorable Thomas Wheeler
Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

290

**Re: 2010 Quadrennial Regulatory Review of Broadcast Ownership Rules; Promoting
Diversification of Ownership in the Broadcast Services (MB Docket Numbers 09-182 & 07-294)**

Dear Chairman Wheeler:

We write to strongly urge the Commission to rapidly expand its efforts to focus on improving ownership diversity among minorities and women in broadcasting. As part of the above-referenced dockets and any other applicable proceedings, the Commission should institute an aggressive ownership diversity agenda having the objective of significantly increasing minority and women ownership within critically important and influential communications sectors.¹

We wholly agree with the Commission's assessment that ownership in television and radio by minorities and women is at "dismal" levels.² Over the past decade, the numbers of minority and female owners of full power television and commercial radio stations have fallen precipitously.³ According to the Commission's most recent broadcast ownership data, out of 1,348 full power television stations, only thirty-nine were owned by Hispanics (with almost half located in Puerto Rico), ten by African Americans, and six by Asian Americans.⁴ Women make up 51 percent of the population but only owned 91 full-power television stations, which is but a mere seven percent of the total number of full power stations in the country. And despite making up more than 36 percent of the overall US population, Hispanic Americans, African Americans, Asian Americans, Native Americans, and other ethnic groups combined, only owned about three percent of all the nation's full-power television stations.⁵

¹ While the Quadrennial Review proceeding has not taken diversity ownership of cable systems into consideration, it should. See Section 257 Triennial Report to Congress Identifying and Eliminating Market Entry Barriers for Entrepreneurs and Other Small Businesses, 26 FCC Rcd 2909 (2011) (The Media Bureau develops, recommends, and administers policy and licensing programs relating to electronic media, including cable television, broadcast television, and radio in the US and its territories)(emphasis added).

² Promoting Diversification of Ownership, Report and Order & 4th FNPRM, 24 FCC Rcd 5896, 5997 (2009)

³ In its 2000 report on minority ownership, the National Telecommunications & Information Administration reported that 187 minority broadcasters owned 449 full power commercial radio and television stations, or 3.8 percent of the 11,865 stations that were licensed in the US at that time. From these numbers, it was further reported that 175 minority broadcasters owned 426 commercial radio stations, or four percent of the nation's total number of commercial AM and FM radio stations, and that minorities owned 23 full power commercial television stations, compared to as many as 38 full power TV stations in 1995 and 1996. See, e.g., <http://www.ntia.doc.gov/legacy/opadhome/mtdpweb/01minrept/mtdpexecsum.htm>

⁴ 2010 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules, DA 12-1667 (2012)

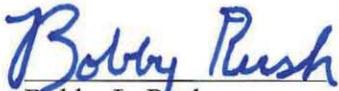
⁵ It is reasonable to presume that current actual ownership percentages are lower due to a sizeable number of missing and incomplete ownership filings that were most recently prosecuted by broadcasters in their biennial ownership reports.

Action this week by the Commission to attribute Joint Sales Agreements that attempt to circumvent the Commission's media ownership rules could be a good first step to reverse concerning media consolidation trends, since the proliferation of these types of arrangements have coincided with the precipitous decline in minority ownership. We are apprehensive, however, that acting on these agreements alone will do much to increase the number of minorities and women who are afforded the opportunity and extended financing and technical wherewithal to purchase and operate one or more of our nation's many commercial broadcast stations and cable systems.

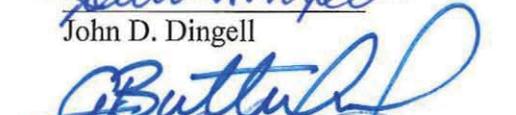
Setting out a clear vision and plan describing what further research and commentary is needed to detect real barriers to ownership diversity and to prescribe effective solutions and policies that will narrow these gross disparities is essential. Of course, any such plan must be in keeping with your statutory directives under sections 202(h) and 257 of the Communications Act and responsive to particular minority and women ownership issues raised by the U.S. Court of Appeals for the Third Circuit most recently in its *Prometheus II* remand decision.⁶

As Chairman, we call on you to provide the necessary leadership to make some challenging and difficult decisions, which will invariably be needed in charting this course forward. Please note our readiness and willingness to assist and collaborate with you on these timely and important matters. Thank you for considering our urgent request.

Sincerely,

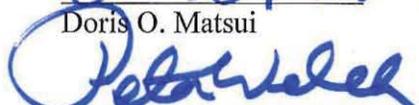

Bobby L. Rush


John D. Dingell


G. K. Butterfield


Mike Doyle


Doris O. Matsui

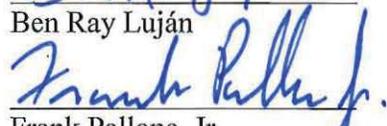

Peter Welch


Henry A. Waxman


Anna G. Eshoo


Donna M. Christensen


Ben Ray Lujan


Frank Pallone, Jr.

cc: Commissioner Clyburn
Commissioner Rosenworcel
Commissioner O'Rielly
Commissioner Pai

⁶ *Prometheus Radio Project v. FCC*, 652 F.3d 431, 472 (3d Cir. 2011)



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 1, 2014

The Honorable Peter Welch
U.S. House of Representatives
2303 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Welch:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

Building on Commissioner Clyburn's initiative on foreign investment to open new sources of capital, and coupled with our recent action on Joint Sales Agreements that will stop circumvention of our ownership rules, we hope to continue to create additional opportunities for diversity of ownership. Our statutory goals of promoting competition, diversity, and localism will be our guide as we work to complete our statutory directives under Section 257 of the Communications Act, as well as begin our 2014 Quadrennial Review, which includes a *Further Notice* on the diversity issues remanded to the Commission by the Third Circuit Court of Appeals.

As you note, what we know for sure is that minority and female ownership statistics are low. We also know that the Commission currently lacks the kind of data necessary to adopt race- or gender-based rules that could withstand the strict or heightened scrutiny judicial review that would apply to such measures. For our part, in recent years the Commission has sought to improve its collection and analysis of broadcast ownership information, and make that data available to others for additional analysis and study. We will continue to refine and improve our data collection efforts in this area to help advance our underlying goals. In addition, we have tentatively concluded in the *Further Notice* adopted recently that reinstating the revenue-based eligible entity definition remanded by the Third Circuit will increase ownership opportunities for new entrants. We are seeking public input on that and other proposals commenters put before the Commission.

I have pledged to establish a special team within the Commission to have recommendations regarding the 2014 Quadrennial Review to the full Commission by June 30, 2016. A necessary and essential part of the team's charter will include our shared goal of improving diversity.

I look forward to working with you as we move forward on these important topics.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", written over a horizontal line.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 1, 2014

The Honorable Frank Pallone
U.S. House of Representatives
237 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Pallone:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

Building on Commissioner Clyburn's initiative on foreign investment to open new sources of capital, and coupled with our recent action on Joint Sales Agreements that will stop circumvention of our ownership rules, we hope to continue to create additional opportunities for diversity of ownership. Our statutory goals of promoting competition, diversity, and localism will be our guide as we work to complete our statutory directives under Section 257 of the Communications Act, as well as begin our 2014 Quadrennial Review, which includes a *Further Notice* on the diversity issues remanded to the Commission by the Third Circuit Court of Appeals.

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Sincerely,

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Tom Wheeler



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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 1, 2014

The Honorable Doris O. Matsui
U.S. House of Representatives
2434 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Matsui:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

Building on Commissioner Clyburn's initiative on foreign investment to open new sources of capital, and coupled with our recent action on Joint Sales Agreements that will stop circumvention of our ownership rules, we hope to continue to create additional opportunities for diversity of ownership. Our statutory goals of promoting competition, diversity, and localism will be our guide as we work to complete our statutory directives under Section 257 of the Communications Act, as well as begin our 2014 Quadrennial Review, which includes a *Further Notice* on the diversity issues remanded to the Commission by the Third Circuit Court of Appeals.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 1, 2014

The Honorable Ben Ray Luján
U.S. House of Representatives
2446 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Luján:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

Building on Commissioner Clyburn's initiative on foreign investment to open new sources of capital, and coupled with our recent action on Joint Sales Agreements that will stop circumvention of our ownership rules, we hope to continue to create additional opportunities for diversity of ownership. Our statutory goals of promoting competition, diversity, and localism will be our guide as we work to complete our statutory directives under Section 257 of the Communications Act, as well as begin our 2014 Quadrennial Review, which includes a *Further Notice* on the diversity issues remanded to the Commission by the Third Circuit Court of Appeals.

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Tom Wheeler



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 1, 2014

The Honorable Anna G. Eshoo
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

Building on Commissioner Clyburn's initiative on foreign investment to open new sources of capital, and coupled with our recent action on Joint Sales Agreements that will stop circumvention of our ownership rules, we hope to continue to create additional opportunities for diversity of ownership. Our statutory goals of promoting competition, diversity, and localism will be our guide as we work to complete our statutory directives under Section 257 of the Communications Act, as well as begin our 2014 Quadrennial Review, which includes a *Further Notice* on the diversity issues remanded to the Commission by the Third Circuit Court of Appeals.

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Tom Wheeler



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FEDERAL COMMUNICATIONS COMMISSION
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May 1, 2014

The Honorable Mike Doyle
U.S. House of Representatives
239 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Doyle:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

Building on Commissioner Clyburn's initiative on foreign investment to open new sources of capital, and coupled with our recent action on Joint Sales Agreements that will stop circumvention of our ownership rules, we hope to continue to create additional opportunities for diversity of ownership. Our statutory goals of promoting competition, diversity, and localism will be our guide as we work to complete our statutory directives under Section 257 of the Communications Act, as well as begin our 2014 Quadrennial Review, which includes a *Further Notice* on the diversity issues remanded to the Commission by the Third Circuit Court of Appeals.

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May 1, 2014

The Honorable John D. Dingell
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Dingell:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

Building on Commissioner Clyburn's initiative on foreign investment to open new sources of capital, and coupled with our recent action on Joint Sales Agreements that will stop circumvention of our ownership rules, we hope to continue to create additional opportunities for diversity of ownership. Our statutory goals of promoting competition, diversity, and localism will be our guide as we work to complete our statutory directives under Section 257 of the Communications Act, as well as begin our 2014 Quadrennial Review, which includes a *Further Notice* on the diversity issues remanded to the Commission by the Third Circuit Court of Appeals.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 1, 2014

The Honorable Donna M. Christensen
U.S. House of Representatives
1510 Longworth House Office Building
Washington, D.C. 20515

Dear Congresswoman Christensen:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

Building on Commissioner Clyburn's initiative on foreign investment to open new sources of capital, and coupled with our recent action on Joint Sales Agreements that will stop circumvention of our ownership rules, we hope to continue to create additional opportunities for diversity of ownership. Our statutory goals of promoting competition, diversity, and localism will be our guide as we work to complete our statutory directives under Section 257 of the Communications Act, as well as begin our 2014 Quadrennial Review, which includes a *Further Notice* on the diversity issues remanded to the Commission by the Third Circuit Court of Appeals.

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WASHINGTON

May 1, 2014

The Honorable G.K. Butterfield
U.S. House of Representatives
2305 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Butterfield:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

Building on Commissioner Clyburn's initiative on foreign investment to open new sources of capital, and coupled with our recent action on Joint Sales Agreements that will stop circumvention of our ownership rules, we hope to continue to create additional opportunities for diversity of ownership. Our statutory goals of promoting competition, diversity, and localism will be our guide as we work to complete our statutory directives under Section 257 of the Communications Act, as well as begin our 2014 Quadrennial Review, which includes a *Further Notice* on the diversity issues remanded to the Commission by the Third Circuit Court of Appeals.

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Tom Wheeler



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 1, 2014

The Honorable Henry A. Waxman
U.S. House of Representatives
2204 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Waxman:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

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WASHINGTON

OFFICE OF
THE CHAIRMAN

May 1, 2014

The Honorable Bobby L. Rush
U.S. House of Representatives
2268 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Rush:

Thank you for your letter regarding the Commission's efforts to improve ownership diversity. I appreciate your support and collaboration as the Commission begins to address these issues.

Building on Commissioner Clyburn's initiative on foreign investment to open new sources of capital, and coupled with our recent action on Joint Sales Agreements that will stop circumvention of our ownership rules, we hope to continue to create additional opportunities for diversity of ownership. Our statutory goals of promoting competition, diversity, and localism will be our guide as we work to complete our statutory directives under Section 257 of the Communications Act, as well as begin our 2014 Quadrennial Review, which includes a *Further Notice* on the diversity issues remanded to the Commission by the Third Circuit Court of Appeals.

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