Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
2014 Quadrennial Regulatory 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.14-50
	)	
2010 Quadrennial Regulatory 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. 09-182
	)	
Promoting Diversification of Ownership In the Broadcasting Services	)	MB Docket No. 07-294

JOINT COMMENTS OF
BONNEVILLE INTERNATIONAL CORPORATION
AND THE SCRANTON TIMES, L.P.

Bonneville International Corporation ("Bonneville") and The Scranton Times, L.P. ("Scranton") (collectively "Bonneville/Scranton") hereby submit their comments in the above-referenced proceeding.[1] Although Bonneville/Scranton believes that the record here justifies elimination of the entire newspaper/broadcast cross-ownership ("NBCO") restriction, our comments here – as in the recent past – are limited to one rule: the newspaper/radio cross-

[1] *2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Further Notice of Proposed Rulemaking and Report and Order, 29 FCC Rcd 4371, MB Docket No. 14-50, FCC 14-28 (2014) ("*Further Notice*"). Bonneville owns 12 radio stations and a television station in markets in several states, including stations ultimately commonly owned with a newspaper in Salt Lake City, Utah. Scranton owns seven radio stations and has commonly owned newspaper/radio interests in Scranton, Pennsylvania.

ownership restriction, which bars common ownership of a daily newspaper and radio stations in the same local market.[2]

As the *Further Notice* reflects, Bonneville/Scranton previously submitted comprehensive, analytical comments in the 2010 Quadrennial Review proceeding.[3] Our prior comments are incorporated by reference herein, but a few key points bear repeating.

First, the record overwhelmingly demonstrates that the newspaper/radio restriction serves no tangible public interest purpose. The rule was adopted nearly 40 years ago with the aspirational hope that it would promote viewpoint diversity in local markets, but because few radio stations produce a significant amount of local news, the Commission's prediction has not borne out. In most communities, therefore, consumers look elsewhere for detailed news and information. There simply is no basis under any of the FCC's three policy goals – competition, diversity, or localism – to retain the newspaper/radio rule.[4]

Second, the Commission can no longer fail to act on its consistent and long-standing recognition that newspaper/radio combinations have never been a serious concern of policymakers. To stand pat now would run contrary to reasoned decisionmaking.

Finally, lifting this restriction will yield real benefits in those relatively few communities where radio stations and daily newspapers wish to join forces. Data confirms – and the *Further*

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[2] 47 C.F.R. § 73.3555(d). Bonneville/Scranton submits that, based on the record already before the Commission, the agency should have eliminated the newspaper/radio cross-ownership rule rather than including it for further evaluation in the *Further Notice*. Because the agency has not done so, Bonneville/Scranton files these comments urging elimination of the newspaper/radio restraint.

[3] *See* Joint Comments of Bonneville International Corporation and the Scranton Times, L.P., MB Docket No. 09-182 (submitted March 5, 2012) ("Bonneville/Scranton 2012 Comments").

[4] Given the paucity of data to support retention of the newspaper/radio restriction (and the abundance of data to support its elimination), the FCC is correct to require that that any proponents of retention submit detailed empirical evidence, rather than simple theories, to buttress their claims. *See Further Notice* at ¶ 116 (requiring proponents to "quantify the expected costs or benefits" associated with retaining the rule and to "provide detailed support" for any values provided).

Notice acknowledges – that newspapers still struggle to adapt in the digital era. No one claims that elimination of the newspaper/radio rule will "save" daily newspapers, but by permitting such ownership structures, newspaper/radio combinations can work together to gather local news and/or disseminate it more broadly across multiple platforms. Just as important, as the trend of local newsroom downsizing continues, they can operate from a broader base of financial support.

I. IT IS PAST TIME FOR THE COMMISSION TO ELIMINATE THE NEWSPAPER/RADIO CROSS-OWNERSHIP RULE

Although the 2014 Quadrennial Review has just begun, this rulemaking proceeding is far from new. During the five years in which this docket has been pending, the Commission has pondered the need for retaining the newspaper/radio rule, even while conceding there is no evidence to support it. The *Further Notice* appears to reflect a serious resolve that the FCC will act in accord with the empirical record before it by eliminating the rule. That action is long overdue. The restriction has been on the agency's books for nearly four decades without any empirical data demonstrating that it serves any policy purpose.

In the *Further Notice*, the Commission again tentatively concludes that the sole policy goal of its NBCO rule is viewpoint diversity (*i.e.*, ensuring that an array of diverse viewpoints is widely available from a number of media outlets).[5] The restraint serves neither competition nor localism, and the *Prometheus* precedent[6] affords the agency no leeway to think otherwise.[7]

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[5] *Id.* at ¶ ¶ 143-4.

[6] *Prometheus Radio Project v. FCC*, 373 F.3d 372 (3d Cir. 2004) ("*Prometheus I*"). The Third Circuit accepted the finding that advertisers do not consider newspapers and broadcast stations to be close substitutes. *Prometheus I*, 373 F.3d at 398. It likewise noted that newspaper/broadcast combinations can benefit the public interest by advancing the agency's localism goal. *Id.* at 398-99.

[7] The Commission concedes that it has "repeatedly" found that the newspaper/radio rule does not promote either its competition or its localism goals. *Further Notice* at ¶ 145. As Bonneville/Scranton discussed at length in its earlier comments, the restraint is either irrelevant with respect to those goals or actually disserves them. Bonneville/Scranton 2012 Comments at 14 (noting that newspapers and broadcast stations do not compete in the same product market) and at 15-18 (noting that

Although the theoretical link between local viewpoint diversity and the newspaper/radio ban has always centered on the production of local news, experience over the decades proves that the newspaper/radio restriction does not foster local news production. The rule therefore cannot advance viewpoint diversity.

The Commission admits that the newspaper/radio rule rests on a weak foundation, noting that the newspaper/television restriction has always been the "crux" of the NBCO ban.[8] This is not a revelation. Over the span of nearly two generations, the Commission has consistently, repeatedly, and openly acknowledged that radio stations do not play a substantial role in the provision of local news. When the rule was adopted back in 1975, the Commission recognized that radio could not be considered the "equal of either the paper or the television station in any sense" when it came to local news production but nonetheless imposed the restraint because it "wish[ed] to encourage still greater diversity."[9] In the following years, the Commission emphasized over and over again that radio was not its primary concern – and not just once or twice, but by our count six times to date, including the *Further Notice* itself.[10]

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newspaper/broadcast combinations can advance the Commission's localism goal by allowing combined entities to pool resources to create more local news and disseminate it more broadly).

[8] *Further Notice* at ¶ 116.

[9] *Id.* at ¶ 147, quoting *Amendment of Sections 73.34, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations*, Second Report and Order, 50 FCC 2d 1046, 1050 ¶ 14 (1975) ("*1975 Second Report and Order")* (internal quotation and citation omitted). This sentiment can be traced even further back to when the rule was first proposed in 1970, where the Commission acknowledged that the "most significant aspect" of the rule was the common control of television stations and newspapers, noting that other broadcast services were "substantially less significant" when it came to local newsgathering. *Amendment of Sections 73.35, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations*, Further Notice of Proposed Rulemaking, 22 FCC 2d 339, 344 ¶ 26 (emphasis added) ("*1970 NPRM*").

[10] In comments submitted in an earlier phase of this proceeding, Bonneville/Scranton traced the Commission's long history of treating the newspaper/radio restraint as an adjunct – at most – to the newspaper/TV restriction. *See* Bonneville/Scranton 2012 Comments at 6-9. For convenience, Bonneville/Scranton resubmits this chronology (updated to include the current proceeding) at Attachment A.

The Commission's record establishes that radio stations do not produce significant amounts of local news. In an earlier phase of this proceeding, the Commission "tentatively concluded that radio stations are not the primary outlets that contribute to viewpoint diversity in local markets and that a substantial amount of news and talk show programming on radio stations is nationally syndicated, rather than locally produced."[11] In the *Further Notice*, it recognizes that "[r]esearch shows that most radio stations do not produce significant amounts of local news and that most consumers do not rely on radio stations as their primary source of local news."[12] In this regard, the Commission's own characterization of the current record is compelling:

> "Evidence from the *Information Needs of Communities Report* shows that consumers' reliance on radio news has declined steadily over the past two decades. From 1991 to 2010, the number of people reporting that they listened to some news on the radio dropped from 54 percent to 34 percent. Of the approximately 11,000 commercial radio stations in the country, only 30 are all-news radio stations, a reduction from the mid-1980s when there were 50 such stations. Although a small number of commercial all-news radio stations in the nation's largest markets are very successful, radio stations in most cities do not provide much local journalism. One finding showed that in 2007 more than 40 percent of radio stations carried news programming produced remotely by a commonly owned station outside the local market. Typically, only one employee is involved in news output at a median-sized radio station. Although the news-talk radio format has exploded in popularity, it has done little for traditional local radio news. Eighty-six percent of programming on news-talk stations is nationally syndicated, rather than locally produced."[13]

Recent studies continue to show weak demand for purely local news on radio. Robust studies about radio news are sparse to begin with, which in itself tells a story. For example, this year the Radio TV Digital News Association and Hofstra University ("RTDNA/Hofstra")

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[11] *Further Notice* at ¶ 144, citing *2010 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Notice of Proposed Rulemaking, 26 FCC Rcd 17489, 17529-30, ¶ 112 (2011).

[12] *Further Notice* at ¶ 116.

[13] *Further Notice* at ¶ 146 (citations omitted).

conducted a study soliciting information from radio directors about their local news production. Of the 3,263 radio licensees randomly sampled for this news survey, only 649 responded.[14] Considering that there are more than 15,000 licensed radio stations in the United States, these numbers indicate that local news production is not a major focus for radio outlets.

The substance of the research reports confirms that inference. A Pew Research Center study found that commercial radio news was "mostly relegated to top-of-the-hour news headlines produced by an outside network."[15] In a separate RTDNA survey of 140 radio news directors, many respondents noted that their station (or group of stations) was the only one in the area doing any radio news.[16] RTDNA/Hofstra reported that the median amount of local radio news fell by 10 minutes per weekday last year.[17] The overall percentage of local radio groups reporting that they run local news also dipped.[18] In sum, the record – both past and present – is replete with evidence demonstrating that radio is not a primary source for local news.

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[14] *See* RADIO TELEVISION DIGITAL NEWS ASSOCIATION, More Stations Producing Local News (June 16, 2014), at http://rtdna.org/article/more_stations_producing_local_news#.U6LG67GmWGQ (reporting a slight rise in the number of TV stations producing news but not with respect to radio). RTDNA/Hofstra also "caution[ed]" that the spotty response to its radio news surveys meant that the numbers could be misleadingly optimistic about the actual number of radio stations airing news. *Id*.

[15] *See* PEW RESEARCH CENTER'S PROJECT FOR EXCELLENCE IN JOURNALISM, Audio: Digital Drives Listener Experience (State of the News Media 2013), at http://stateofthemedia.org/2013/audio-digital-drives-listener-experience/.

[16] *See* RADIO TELEVISION DIGITAL NEWS ASSOCIATION, How Broadcasters and News Directors See the Future (April 4, 2014), at http://www.rtdna.org/article/how_broadcasters_and_news_directors_see_the_future.

[17] *See* RADIO TELEVISION DIGITAL NEWS ASSOCIATION, More Stations Producing Local News (June 16, 2014), at http://rtdna.org/article/more_stations_producing_local_news#.U6LG67GmWGQ.

[18] *Id.*

Against this backdrop, the Commission has no sustainable justification for continuing to restrict newspaper/radio combinations.[19] The *Further Notice* already recognizes that "on the record developed in the 2010 Quadrennial Review proceeding, the link between [the newspaper/radio rule] and the Commission's goal of promoting viewpoint diversity appears to be too tenuous to justify retaining the limitations."[20] There is no empirical data to the contrary. The restriction, therefore, is left "without a public interest rationale."[21] Accordingly, a decision to retain the newspaper/radio rule in any form would violate Section 202(h), run counter to the Administrative Procedure Act's prohibition against arbitrary and capricious action, and suffer from serious constitutional infirmities.[22]

II. LIFTING THE NEWSPAPER/RADIO RULE COULD PROVIDE SOME SUPPORT FOR THE STILL-STRUGGLING NEWSPAPER INDUSTRY'S EFFORTS TO ADAPT FOR THE DIGITAL AGE

As Bonneville/Scranton has previously noted, newspaper/broadcast combinations can benefit the public interest by advancing the agency's localism goal.[23] The Commission already has acknowledged that the newspaper industry is undergoing radical and transformative upheaval due to the rise of the Internet.[24] More than 175 papers closed in the period between 2007 and

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[19] Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56, § 202(h), 111-12 (1996) ("1996 Act"). Section 202(h) of the 1996 Act requires the Commission to repeal or modify any media ownership regulations that no longer serve the public interest.

[20] *Further Notice* at ¶ 6. Even the FCC-commissioned research in the record underscores the point: "Media Ownership Study 5 suggests that eliminating the restriction would be unlikely to affect either radio news variety or listening, given its finding that newspaper/radio cross-ownership is not correlated with either of those metrics." *Id.* at ¶ 148.

[21] *Id.* at ¶ 145.

[22] *See* Bonneville/Scranton 2012 Comments at 9 n.19 (noting that, while the Commission once had more leeway to adopt rules based on predictive judgments, it now must substantiate its decision making with empirical evidence) and 18 n.55 (raising First Amendment arguments).

[23] *Id.* at 15.

[24] STEVE WALDMAN AND THE WORKING GROUP ON INFORMATION NEEDS OF COMMUNITIES, FCC, THE INFORMATION NEEDS OF COMMUNITIES: THE CHANGING MEDIA LANDSCAPE IN A BROADBAND AGE

2010,[25] and more have closed or dropped to three or fewer publication days per week since then.[26] The publicly available data that has emerged since Bonneville/Scranton last commented in this docket confirms that the newspaper industry continues to struggle.[27] Newsrooms have continued to shrink[28] and overall revenue has continued to decline.[29] According to a recent Media Insight Project Survey, only 17 per cent of Americans report that they currently pay for a newspaper subscription.[30] Separately, the Newspaper Association of America reported that total

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349, 39-43 (2011) ("*INC Report*"), *available at* http://transition.fcc.gov/osp/inc-report/The_Information_Needs_of_Communities.pdf.

[25] *INC Report* at 41.

[26] *See* PEW RESEARCH CENTER'S PROJECT FOR EXCELLENCE IN JOURNALISM, Newspapers: Stabilizing, But Still Threatened (State of the News Media 2013), at http://stateofthemedia.org/2013/newspapers-stabilizing-but-still-threatened/; *see also* Katrina M. Mendolera, Navigating Traditional Media Through Social Media and Other Digital Practices, VOCUS STATE OF THE MEDIA REPORT 2014, p.8 (2014) (reporting that 152 newspapers closed in 2012 and 114 newspapers closed in 2013).

[27] Bonneville/Scranton last submitted record evidence on the state of the newspaper industry in 2013, in its comments to the Minority Media and Telecommunications Council study on the impact of cross-media ownership on minority/women owned broadcast stations. *See* Joint Comments of Bonneville International Corporation and the Scranton Times, L.P., MB Docket No. 09-192, MB Docket No. 07-294 (submitted July 22, 2013) ("Bonneville/Scranton 2013 Comments"). There, it cited to numerous studies showing the continuing declines in print advertising revenues and reductions in newsroom staffing, and observed a growing trend of daily newspapers cutting their print editions to three days a week. Bonneville/Scranton 2013 Comments at 7. It noted that the plight of daily newspapers compelled a former proponent of the newspaper/radio rule to reverse course and support its elimination, and observed that former Chairman Reed Hundt, who once favored the NBCO ban, called the restriction "perverse." *Id.*

[28] See MINNPOST, Star Tribune to lose 19 veterans in the newsroom in buyouts triggered by paper's sale (June 8, 2014), at http://www.minnpost.com/political-agenda/2014/07/star-tribune-lose-19-veterans-newsroom-buyouts-triggered-papers-sale (noting that the Star Tribune newsroom has lost more than 125 journalists since 2007, with an additional 19 additional veteran journalists with 586 years of combined experience soon leaving as a result of buyouts triggered by the paper's sale). *See* also PEW RESEARCH JOURNALISM PROJECT, America's Shifting Statehouse Press (July 10, 2014) at http://www.journalism.org/2014/07/10/americas-shifting-statehouse-press/ (noting that ranks of newspaper statehouse journalists have dropped by 35% between 2003 and 2014 – a loss of 164 jobs).

[29] See NEWSPAPER ASSOCIATION OF AMERICA, Business Model Evolving, Circulation Revenue Rising (April 18, 2014), at http://www.naa.org/Trends-and-Numbers/Newspaper-Revenue/Newspaper-Media-Industry-Revenue-Profile-2013.aspx ("NAA Study").

[30] *See* AMERICAN PRESS INSTITUTE, THE PERSONAL NEWS CYCLE: HOW AMERICANS CHOOSE TO GET THEIR NEWS 22 (2014), *available at* http://www.americanpressinstitute.org/wp-

revenue for the multi-platform newspaper media business in 2013 dropped 2.6 per cent from the previous year, with advertising revenue from print sales dropping a significant 8.6 per cent. While circulation for both digital and bundled print/digital publications saw an uptick, the revenue generated by these increases was not enough to offset the loss of revenue once generated by advertising sales for print media.[31] Notably, circulation revenue from print-only circulation (home delivery and single-copy sales) dropped 20 percent.[32]

Bonneville/Scranton has never contended that elimination of the newspaper/radio rule will fully address all of the newspaper industry's challenges. But, as we have previously stated, retaining the restraint indisputably limits the flexibility that newspaper publishers would otherwise have to fund their ongoing operations as the industry struggles to adapt to a new media environment. Conversely, allowing these media combinations would yield public interest benefits in at least two respects. First, newspaper/radio combinations can provide news gatherers a broader, more stable economic platform from which to operate – at a minimum, the enterprise can pool back-office operations, thereby generating costs savings. Second, combined radio/newspaper outlets may result in the broader dissemination of local news. Combined outlets can work together cooperatively to serve local news across more platforms, including their various websites, social media pages, and on the radio station itself.

III. CONCLUSION

Throughout the course of the newspaper/radio rule's now middle-aged lifespan, the Commission has always treated the restraint as a regulatory afterthought. No data demonstrates

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content/uploads/2014/03/The_Media_Insight_Project_The_Personal_News_Cycle_Final.pdf (reporting that just under two-thirds of the 26% of Americans who pay for any news service subscribe to a newspaper).

[31] *See* NAA Study. Historically, traditional print advertising made up over 70 percent of the total revenue; it is now less than half of total revenue.

[32] *Id.*

that the rule serves its intended policy purpose of promoting viewpoint diversity, and theoretical arguments alone cannot sustain the regulation. Conversely, eliminating the rule would yield public interest benefits by better supporting local newsgathering operations in the relatively few markets where radio station/newspaper exist now or may form in the future. The time has come for the Commission to bring its regulatory actions into line with its own objective observations – as well as the empirical evidence in the docket – and eliminate the newspaper/radio cross-ownership restriction altogether.

Respectfully submitted,

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Dated: August 6, 2014

ATTACHMENT A

COMMISSION COMMENTS ON NEWSPAPER/RADIO COMBINATIONS

1970 – The Notice of Proposed Rulemaking that led to adoption of the NBCO rule stated that "[i]t has now become clear that the most significant aspect of the problem is the common control of television stations and newspapers of general circulation. For, the studies presented in this record and otherwise available are in full agreement that the public looks primarily to these two sources for its news and information on public affairs. Other broadcast services and other printed publications are *substantially less significant* in this respect."[33]

1975 – Even as it imposed NBCO restraints on newspaper/radio combinations, the Commission noted that "[r]ealistically, a radio station cannot be considered the equal of either the paper or the television station in any sense, least of all in terms of being a source for news or being the medium turned to for discussion of matters of local concern."[34] While recognizing the argument that "the larger number of radio facilities means there already is more diversity than in television," the agency nevertheless imposed the new restraint because "the fact is that we wish to encourage still greater diversity. This to us is a worthwhile goal which does not depend on its being urgent to be justified."[35] Still, at the same time the Commission conceded that only in communities unserved by any local TV station would a newspaper/radio combination pose the same policy concern as a newspaper/television combination.[36]

1996 – Responding to debate in a transactional proceeding that predated the 1996 Act, the Commission opened an inquiry to consider easing waiver standards for

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[33] *Amendment of Sections 73.35, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM and Television Broadcast Stations*, Further Notice of Proposed Rulemaking, 22 FCC 2d 339, 344 ¶ 26 (emphasis added) ("*1970 NPRM*"); *see also id*. at ¶ 27. ("The various groups which have studied the degree of public reliance on various forms of communications – television, radio, newspapers, magazines, other people or sources – are unanimous in the conclusion that television and the daily newspaper of general circulation are preeminent in importance.") . In addition, the *1970 NPRM* noted a substantial drop in the number of people identifying radio as their primary source of local news from 1959 to 1968, *see id*., a time period that coincides with the growth of television newscasts.

[34] *Amendment of Sections 73.34, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations*, Second Report and Order, 50 FCC 2d 1046, 1083 ¶ 115 (1975) ("*1975 Second Report and Order")* ("[T]he radio station standing by itself cannot be considered as providing significant diversity or as constituting a meaningful competitor at all").

[35] *Id.* at 1076 ¶ 104. The *1975 Second Report and Order* devoted one paragraph of a 135-paragraph document to the Commission's policy rationale for extending the NBCO rule to radio/newspaper combinations. In contrast, at least 17 paragraphs of the *1975 Second Report and Order* were solely devoted to discussion of newspaper/TV combinations, which included review of studies and hearing testimony.

[36] *Id.* at 1083 ¶ 116.

newspaper/radio combinations. In doing so, the agency noted that "[w]e have previously determined that a television station is, relatively speaking, more a source of news than is a radio station."[37]

1998 – The Commission folded the record of its 1996 inquiry into its first mandated review of the broadcast ownership rules under the 1996 Act. Once again, the Commission duly noted that Americans relied upon radio as a news and information source "to a lesser extent than television and newspapers."[38]

2003 – In its first omnibus review order under the 1996 Act, the Commission found that "broadcast radio generally has less of an impact on local diversity than broadcast television" and so would only have restricted newspaper/radio combinations in "at-risk" markets with three or fewer television stations."[39]

2007 – The agency again determined that "proposed newspaper/radio combinations will generally be less likely to raise concentration concerns than proposed newspaper/television combinations in light of the fact that radio is generally not as influential a voice as is television."[40] Consistent with that view, the Commission expected that its new NBCO rule will "make it less difficult for newspaper/radio combinations to overcome the negative presumption."[41]

2011 – The Commission's consistent recognition of radio's relatively slight contribution to local newsgathering extends to the current quadrennial review. In discussing the NBCO rule, the *2011 NPRM* tentatively concluded that "radio stations are not the primary outlets that contribute to local viewpoint diversity."[42]

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[37] *Newspaper/Radio Cross-Ownership Waiver Policy*, Notice of Inquiry, 11 FCC Rcd 13003, 13010 ¶ 11 (1996); *see also id*. at 13012 ¶ 15.

[38] *1998 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Notice of Inquiry, 13 FCC Rcd 11276, 11289 ¶ 41 (1998) (citing 1997 professional polling data).

[39] *2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 13620, 13800 ¶ 459, 13803–04 ¶ 469 (2003); *rev'd and remanded*, *Prometheus Radio Project v. FCC*, 373 F.3d 372 (3d Cir. 2004).

[40] *2006 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order and Order on Reconsideration, 23 FCC Rcd 2010, 2052 ¶ 73 (2008) (citing FCC-commissioned and commenter studies indicating that "Americans rely on newspapers and television more than radio for local news and information"); *see also id.* at 2044 ¶ 59 n.197, 2057 ¶ 80 n.259. The Commission also anticipated that it would more readily approve newspaper/radio combinations in markets below the top 20 "in light of the fact that radio is generally not as influential a voice as is television." *Id*. at 2052 ¶ 73; *see also id.* at 2049 ¶ 68 n.220.

[41] *Id.* at 2052 ¶ 73.

[42] *See, e.g., 2010 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of*

2014 – In the current proceeding, the FCC notes that the "diverse and antagonistic sources" that the NBCO rule historically has protected are daily newspapers and local television stations.[43] The agency goes on to state that "the newspaper/television restriction has always been the 'crux'" of the NBCO rule.[44] In seeking comment on the elimination of the newspaper/radio cross-ownership restriction, the *Further Notice* acknowledges that the Commission has recognized since at least 1970 that radio does not play a dominant role in promoting viewpoint diversity.[45]

1996, MB Docket No. 09-182, Notice of Proposed Rulemaking, 26 FCC Rcd 17489, ¶¶ 89, 96, 112 (2011) ("*2011 NPRM*").

[43] *2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Further Notice of Proposed Rulemaking and Report and Order, 29 FCC Rcd 4371, MB Docket No. 14-50, FCC 14-28 (2014) ("*Further Notice*") at ¶ 115.

[44] *Id*. at ¶ 116.

[45] *Id*. at ¶ 147.