

**Before the
Federal Communications Commission
Washington, D.C. 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
)	
Rules and Policies Concerning Attribution of Joint Sales Agreements In Local Television Markets)	MB Docket No. 04-256
)	

**COMMENTS OF THE SCREEN ACTORS GUILD-AMERICAN FEDERATION OF
TELEVISION AND RADIO ARTISTS (SAG-AFTRA)**

We submit these Comments on behalf of the Screen Actors Guild-American Federation of Television and Radio Artists, AFL-CIO (SAG-AFTRA). SAG-AFTRA is a national labor organization with a membership of over 165,000 actors, announcers, journalists, news writers, news editors, program hosts and other media professionals. On behalf of its members, SAG-AFTRA submits these comments in response to the Commission’s Further Notice of Proposed Rulemaking (“FNPRM”) and Report and Order (“Order”), released together on April 15, 2014. In its FNPRM and Order, the Commission (1) ordered that many television station joint sales agreements (“JSAs”) be attributable for media ownership rule purposes; (2) sought comments on a new rule requiring disclosure of all shared service agreements (“SSAs”) between commercial television stations; and (3) sought comment on the proposed elimination of two cross-ownership rules.

It is vital that the Commission preserve or strengthen its media ownership rules in order to further the three goals set by the Commission in promulgating those rules: strengthening competition in the media marketplace, promoting diversity in ownership and content, and increasing responsiveness to local concerns. Our members share the public's interest in seeing that those goals are met. More ownership concentration means fewer jobs for media professionals, which results in fewer independent news sources and editorial perspectives in news coverage. With that joint interest in mind, we write (1) to express our support for the Commission's Order making many JSAs attributable, and to advocate for attribution of all SSAs; (2) to advocate for the disclosure of *all* SSAs (whether in commercial television or radio); and (3) to oppose the proposed repeal of two Commission cross-ownership rules.

Firstly, we write in support of the Commission's Order making many television JSAs attributable in assessing compliance with media ownership rules. We believe that SSAs (of which JSAs are just one type) all have the potential to undermine the Commission's ownership rules, by allowing media owners to exert ownership control over a brokered entity, even if they might not be permitted to do so through an outright property purchase. The Commission recognizes this fact in its Order, by recognizing that selling another television station's advertising time (via JSAs) creates the same ownership-equivalent interest as local marketing agreements ("LMAs"), one type of agreement the Commission already classifies as creating attributable interests, in both television and radio transactions.¹ Moreover, the Commission *already* treats JSAs as attributable—in the radio industry—further indicating that SSAs indicate ownership-like control, no matter the context.

While we welcome the Commission's more consistent approach, we encourage it to go further, by requiring attribution without regard to the type of SSA. The Commission has noted how SSAs are often part of broad agreements involving multiple types of sharing arrangements, including local news

¹ FCC Notice of Proposed Rulemaking and Report and Order, *In the Matter of 2014 Quadrennial Regulatory Review* at 342, MB Docket No. 14-50 (rel. Apr. 15, 2014). LMAs involve the ability of a brokering party to sell discrete blocks of airtime including both programming and advertising. *Id.*

sharing (“LNS”) agreements.² LNS agreements result in centralized news gathering and editorial control, the very effects of consolidation that the media ownership rules are meant to address. Yet, under the current regulatory scheme, LMAs (and now, JSAs) are attributable, while LNS agreements (and other SSAs) are not. A more consistent and proactive approach toward SSA attribution would ensure that media owners cannot further thwart the Commission’s important goals.

Accordingly, we also write in support of the Commission’s proposed rule requiring disclosure of SSAs in commercial television. Further, we advocate that the disclosure requirement extend to commercial radio stations. The Commission itself has acknowledged that because FCC records “do not contain comprehensive data or information about the breadth, content, or prevalence of sharing agreements ... [we] have no way of knowing how many of these agreements exist or what they cover.”³ As the Commission seems to recognize, it is impossible to effectively promote competition, diversity and localism when the Commission does not have a full picture of the media ownership landscape, of which SSAs are now an undeniably significant part. Importantly, that need for disclosure exists in both commercial radio and television. Requiring disclosure imposes a relatively small burden on media owners, as with the requirement of disclosing the terms of SSAs in a public file. The benefit to the public, however, is substantial, as it provides the information that allows for better-tailored and more effective regulations. For these same reasons, it is important that the Commission use as broad a definition of SSAs as possible when requiring disclosure. The Commission should make particularly clear that the proposed definition of SSAs includes disclosure of LNS agreements. Doing so will go the furthest toward ensuring that the Commission is able to accurately assess the responsiveness of media owners to our communities’ information needs.

Finally, we urge the Commission to reconsider its FNPRM proposals that would repeal the newspaper-broadcast cross-ownership rule (NBCOR) and would repeal the radio-television station cross-ownership rule (RTCOR). The growing concentration in media ownership shows the need to

² *Id.* at 342, n.1046.

³ *Id.* at 327.

strengthen the Commission's rules, not weaken them. Even with the cross-ownership rules in place, media ownership consolidation has increased dramatically. For radio, between the passage of the 1996 Act and 2010, the number of commercial station owners decreased by about 40 percent.⁴ The number of commercial television station owners fell by 33 percent during the same period.⁵ It is this consolidation in the media marketplace that has resulted in the aforementioned harm to our members and to communities. Moreover, it is particularly dangerous to repeal the NBCOR and RTCOR when the Commission is only now gaining a comprehensive view of the pernicious impact of SSAs. The harms that led the Commission to regulate LMAs and JSAs have only compounded the effects of cross-ownership. With that growing harm in mind, the Commission should review existing rules considering the information new disclosure and attribution rules will bring to light.

Ever greater consolidation in media ownership continues to erode competition, diversity, and localism in the media landscape, particularly given the prevalence of SSAs between media owners. Given that trend, we urge the Commission to take every possible step to stem the tide toward media ownership consolidation. While the Commission should require attribution of all SSAs, doing so as to television JSAs is a step in the right direction. Requiring disclosure of SSAs in both commercial television and radio will ensure that owners are not evading those new and existing attribution rules. The Commission risks erasing its progress, however, by repealing the NBCOR and RTCOR. Retaining those existing rules while promulgating new rules on SSAs will leave our members best suited to use their expertise to the benefit of the public.

⁴FCC Notice of Inquiry, *In the Matter of 2010 Quadrennial Regulatory Review* at 4, MB Docket No. 09-182 (rel. May 25, 2010).

⁵ *Id.*

Respectfully Submitted,

**SCREEN ACTORS GUILD-AMERICAN
FEDERATION OF TELEVISION AND
RADIO ARTISTS (SAG-AFTRA)**

By: /s/ Mary Cavallaro

Chief Broadcast Officer, SAG-AFTRA

1900 Broadway, 5th Floor
New York, NY 10023
Phone: (212) 944-1030

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