

Chairman Kevin Martin  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

November 7, 2007

Dear Chairman Martin,

We write to express our grave concern that the proceeding to review the broadcast media ownership limits is headed in the wrong direction. Recent press reports indicate that after pursuing a methodical process over the last several months, the Commission is now on an accelerated time-table to come to a vote before the end of the year. This truncated end to the consideration of a highly controversial issue is clearly not in the public interest. We ask that you:

- Address the substantial gaps in the public record on issues of critical importance such as minority ownership, localism and competition;
- Provide adequate notice of any future public hearings;
- Return to a reasonable process that meaningfully incorporates public comment;

***The Commission cannot move directly to a rule before the end of the year without ignoring serious gaps in the record.*** Inexplicably, the agency has never bothered to tabulate an accurate count of the race, gender, and ethnicity of all broadcast licensees. Without this data set, it is impossible to perform a meaningful analysis of the impact of consolidation on minority ownership. This analysis should be considered a moral obligation for the FCC in addition to a statutory requirement under Section 257 and Section 309 of the Telecommunications Act. There should be no move to a final rule until an accurate count and an in-depth economic analysis have been done to measure the relationship between market concentration and minority ownership levels.

Further, the Commission has not adequately addressed localism in this proceeding. Despite four years of the localism proceeding, the FCC has never addressed the specific issues of localism identified for study by the agency's own economists. Until the Commission has adequately measured the impact of consolidation on such factors as local programming, news coverage, sports, weather, emergency communication, and mechanisms of local public accountability, this proceeding should not come to a final rule.

***FCC must give official notice of scheduled public hearings with sufficient time for the public to attend.*** Official public notice of the localism hearing held in Washington D.C. on October 31<sup>st</sup> was issued by your office on Wednesday, October 24 after 7 pm. Similarly, notice of the Seattle hearing to be held this Friday, November 9<sup>th</sup> was given in less than seven calendar days. Local

residents, community leaders, organizations and businesses that have a stake in the media ownership debate need more advance notice than your office has provided in order for them to make necessary arrangements to participate. Giving the public such little advance notice gives the appearance that your office is discouraging public participation. Holding the hearing during business hours as was the case of the D.C. hearing, when most individuals cannot attend, also discouraged meaningful public participation.

If the FCC intends to hold additional public hearings, we believe it must give ample official notice to ensure public participation.

***The FCC must seriously consider critical public comments.*** Final public comments on the ten studies conducted by the FCC on media ownership were due to the agency by November 1, 2007. Yet we understand that you intend to issue proposed rules just nine working days later, on November 13. After this timeline was announced, serious concerns have been raised over the quality of these studies and submitted to your office in hundreds of pages of written comments, as well as oral comments offered at the October 31<sup>st</sup> hearing. In light of these new concerns, we urge your office to demonstrate a strong commitment to the credibility of the research that may be used to justify significant policy changes by ensuring you allow enough time to seriously review these lengthy, detailed comments before issuing proposed rule changes. Absent that period of serious review, it will be plain that the Commission never intended to consider public comment on these studies.

***The public must be given adequate time to review and comment on specific, proposed rule changes.*** While we welcome the opportunity to review and comment on long-awaited proposed ownership rule changes, we are gravely concerned that the timeline between the issuance of the proposals and the scheduled vote is inadequate. If published reports are accurate, the schedule would allow the public just 35 calendar days – stretching over the Thanksgiving holiday – between the release of the proposals and a vote at the FCC. This rushed timeline does a disservice to the millions of Americans that are deeply concerned by these issues, particularly the thousands that have packed public hearings and testified in opposition to changes that would allow for more consolidation in the media marketplace.

We would like to remind the Commission that testimony at the five public hearings held over the last 18 months clearly demonstrated the public's opposition to increased consolidation. Millions more have submitted similar comments in writing since 2003. A poll released this week by the Media and Democracy Coalition also showed that 70% of individuals believe media consolidation is a problem, and that a majority support keeping in place the newspaper-broadcast cross ownership ban. This poll showed similar levels of concern among political, ethnic and generational divides.

For all of these reasons, we believe the accelerated time-table for consideration of rule changes to media ownership limits is unacceptable. We look forward to working with the Commission to rectify this process and ensure that the ultimate outcome reflect the public interest, convenience, and necessity.

Sincerely,

Anthony Riddle, Executive Director, Alliance for Community Media  
Hal Ponder, Director of Government Relations, American Federation of Musicians  
Craig S. McMullin, Executive Director, Association of Free Community Papers  
Bob Edgar, President and CEO, Common Cause  
Dr. Mark Cooper, Director of Research, Consumer Federation of America  
Gene Kimmelman, Vice President for Federal and International Affairs, Consumers Union  
Jonathan Rintels, Executive Director, Center for Creative Voices in Media  
Jeffrey Chester, Executive Director, Center for Digital Democracy  
Lauren-Glenn Davitian, Executive Director, Center for Media & Democracy  
Karen Sawicz, President, Free Community Papers of New York  
Ben Scott, Policy Director, Free Press  
Michael Bracy, Policy Director, Future of Music Coalition  
Wade Henderson, President and CEO, Leadership Conference on Civil Rights  
Tracy Rosenberg, Managing Director, Media Alliance  
Andrew Jay Schwartzman, President and CEO, Media Access Project  
Robert Christian, President, Mid-Atlantic Community Papers Association  
Brian Gay, Executive Director, Midwest Free Community Papers  
Helen De Michiel, Co-Director, National Alliance for Media Arts & Culture (NAMAC)  
Alex Nogales, President & CEO, National Hispanic Media Coalition  
John Clark, President, National Association of Broadcast Employees and Technicians – CWA  
Linda Foley, President, The Newspaper Guild - CWA  
Cheryl Leanza, Managing Director, Office of Communication Inc. United Church of Christ  
Terri Bragg, Vice President, Pacific Northwest Association of Want Ad Newspapers  
Hannah Sassaman, Program Director, Prometheus Radio Project  
Kimberly Marcus, Exec. Director of Media and Telecommunications, Rainbow PUSH Coalition  
Jonathan Lawson, Executive Director, Reclaim the Media  
Douglas Fry, Executive Director, Southeastern Advertising Publishers Association  
Kim Sipper, Executive Director, Texas Community Newspaper Association  
Ed Mierzwinski, Consumer Program Director, U.S. Public Interest Research Group (U.S.PIRG)  
Janelle M. Anderson, Executive Director, Wisconsin Community Papers  
Malkia A. Cyril, Executive Director, Youth Media Council

CC: Commissioner Jonathan Adelstein  
Commissioner Michael Copps  
Commissioner Robert McDowell  
Commissioner Deborah Taylor Tate