



PUBLIC NOTICE

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**FCC'S MEDIA BUREAU ADOPTS PROCEDURES FOR PUBLIC ACCESS
TO DATA UNDERLYING MEDIA OWNERSHIP STUDIES AND EXTENDS
COMMENT DEADLINES FOR 2002 BIENNIAL REGULATORY REVIEW
OF COMMISSION'S MEDIA OWNERSHIP RULES**

MB Docket No. 02-277

MM Docket Nos. 01-235, 01-317, 00-244

Comment Date: January 2, 2003

Reply Comment Date: February 3, 2003

The Federal Communications Commission's Media Bureau and the Media Ownership Working Group (MOWG) took three actions today regarding the ongoing biennial review proceeding examining media ownership rules. First, the Bureau issued an order extending the deadline for submitting comments and reply comments. The new comment deadlines are January 2, 2003, for initial comments and February 2, 2003, for reply comments. Second, the MOWG released certain additional information relating to the media studies that the Commission issued on October 1, 2002. Third, the Bureau adopted a protective order establishing procedures to facilitate public review of the proprietary portions of that data.

The Commission initiated its biennial review on September 12, 2002, with its adoption of a Notice of Proposed Rulemaking.¹ As an accommodation to interested parties, the Commission adopted a 60 day comment period and a 30 day reply comment period. As a further accommodation, the Commission delayed commencement of the comment cycle until release of twelve MOWG studies, which occurred on October 1st. Accordingly, comments initially were due December 2, 2002, and reply comments were due January 2, 2003. In view of the six petitions requesting extension of those deadlines, and given the importance of public comment on the issues raised in the NPRM, the Media Bureau today extended the initial comment period through January 2, 2003, and the reply comment period through February 3, 2003.²

¹ *In the Matter of 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*, Notice of Proposed Rulemaking, MM Docket No. 02-277, (rel. Sept. 23, 2002).

² Parties are reminded to follow the filing provisions set forth in paragraphs 169-178 of the Biennial Review NPRM, including the requirement that the Media Bureau's Industry Analysis Division be copied on all filings in this proceeding made electronically or by paper.

Separately, the MOWG also made available additional information pertaining to several of the twelve media studies released on October 1, 2002. This additional information falls into two categories: (1) additional information about the methodology of the studies; and (2) underlying data or source material for the studies. The 12 media ownership studies are listed below along with a description of the additional information being released for eight of the studies. For four of those eight studies, the authors created data sets using proprietary information licensed to the author and/or the author's employer for purposes excluding public dissemination. Interested parties may review and analyze these data sets in the public reference room at the FCC's headquarters (Room CY-A251, 445 12th Street, SW, Washington, D.C.) consistent with the Protective Order adopted today by the Media Bureau. The procedures established in that order track the manner in which public access was permitted to proprietary information in other Commission proceedings. Outside parties also may obtain licenses from any or all licensors of the underlying data to evaluate the results of the studies and/or to develop other studies that will contribute to the record in this proceeding.

In conducting on-site evaluation of the underlying data sets, outside parties are invited to arrange for the study author(s) to be present to facilitate the review of the underlying data sets released today. Parties wishing to make these arrangements should contact Linda Senecal of the Media Bureau at 202-418-7044. Interested parties are encouraged to request these meetings with reasonable advance notice. With respect to the study entitled "Consumer Substitution Among Media," Dr. Joel Waldfogel of the University of Pennsylvania will be available in the Commission's public reference room from 10 a.m. to 3 p.m. on Tuesday, November 19, 2002 to facilitate review and assessment of the data sets underlying his study.

MEDIA OWNERSHIP WORKING GROUP STUDIES

Below is a listing of the MOWG studies released on October 1st and any additional information being released today.

A Comparison of Media Outlets and Owners for Ten Selected Markets: 1960, 1980, 2000, Scott Roberts, Jane Frenette and Dione Stearns, Industry Analysis Division, Media Bureau, Federal Communications Commission.

This report contains a count of the number of broadcast outlets, cable systems, direct broadcast satellite systems and daily newspapers located in ten selected Arbitron radio Metro markets³ for 1960, 1980 and 2000. The report also includes the collective number of unique owners of these outlets in each city.

Compilation of data: All commercial and non-commercial television stations in each Designated Market Area⁴ studied and all commercial and non-commercial radio stations licensed to communities in the radio Metro market were counted. If cable was available within the radio Metro, it counted as one outlet and one owner regardless of the number of separately-owned systems serving a single metropolitan area. Direct Broadcast Satellite was counted as two available outlets and two owners for all ten markets for the year 2000 only. Daily newspapers published in the radio Metro principal city were also tallied. All data were cross-checked for common ownership. The data sources for the outlet measurement are available in the FCC's public reference room.

Following is a list of the ten Arbitron radio Metro markets measured and the counties therein for which the data were compiled. The same counties were used for 1960, 1980, and 2000.

New York: Bronx, NY; Kings, NY; Nassau, NY; New York, NY; Putnam, NY; Queens, NY; Richmond, NY; Rockland, NY; Suffolk, NY; Westchester, NY; Fairfield, CT (partial)

Kansas City: Johnson, KS; Leavenworth, KS; Miami, KS; Wyandotte, KS; Cass, MO; Clay, MO; Jackson, MO; Lafayette, MO; Platte, MO; Ray, MO

Birmingham: Blount, AL, Jefferson, AL; St. Clair, AL; Shelby, AL; Walker, AL.

Little Rock: Faulkner, AR; Lonoke, AR; Pulaski, AR; Saline, AR

Lancaster: Lancaster, PA

³ An Arbitron radio Metro market is a specific geographic area consisting of one or more contiguous counties that generally coincide with a Metropolitan Statistical Area as specified by OMB.

⁴ A Designated Market Area (DMA) is the television market specified by Nielsen Media Research. For this study, we assume all television stations located in the DMA are receivable in the radio market. We did not count low-power television stations.

Burlington, VT-Plattsburg, NY: Clinton, NY; Essex, NY; Addison, VT, Chittenden, VT; Franklin, VT; Grande Isle, VT

Myrtle Beach: Georgetown, SC; Horry, SC

Terre Haute: Clay, IN; Sullivan, IN; Vermillion, IN; Vigo, IN; Clark, IL; Edgar, IL.

Charlottesville: Albemarle, VA; Charlottesville City, VA, Fluvanna, VA; Greene, VA

Altoona: Blair, PA

Viewpoint Diversity in Cross-Owned Newspapers and Television Stations: A Study of News Coverage of the 2000 Presidential Campaign, David Pritchard, Department of Journalism and Mass Communication, University of Wisconsin-Milwaukee.

Source material for four of the markets studied are available for review in the designated reference room at the Commission. These materials include videotapes of the local newscasts and copies of the newspaper articles comprising for four of the markets studied. In addition, spreadsheets showing the coding of the news coverage for those markets is available on the Commission's website at www.fcc.gov/ownership/studies.

Consumer Substitution Among Media, Joel Waldfogel, The Wharton School, University of Pennsylvania.

The data sets for this study rely on proprietary information and will be available for public inspection at the FCC headquarters. Persons complying with the protective order may review and analyze these underlying data sets. To facilitate review and assessment of the data sets, Dr. Waldfogel will be available at the agency on Tuesday, November 19, 2002, from 10 a.m. to 3 p.m. in the public reference room at the FCC's headquarters (445 12th Street, SW, Washington, DC) to assist outside parties in evaluating the data sets and regression analysis. Parties wishing to participate should contact Linda Senecal of the FCC's Media Bureau at 418-7044 in advance of that date.

Consolidation and Advertising Prices in Local Radio Markets, Keith Brown and George Williams, Industry Analysis Division, Media Bureau, Federal Communications Commission.

The data sets underlying this study are based on proprietary data. These data sets will be made available for review and inspection who comply with the protective order in this proceeding. Parties wishing to make arrangements to review this data with the assistance of the author should contact Linda Senecal at 202-418-7044. In addition, the authors have corrected several data entry errors since the study was released. The initial results indicated that 3-4% of the 68% increase in real advertising rates between 1996-2001 was attributable to concentration in local radio markets. The revised analysis finds a real advertising rate increase of 60%, and that 3-4% of that 60% is attributable to concentration in local radio markets. The authors have also compiled additional information regarding the methodology employed in this study. This discussion of methodology is available as a separate document on the FCC's website at www.fcc.gov/ownership/studies.

Program Diversity and the Program Selection Process on Broadcast Network Television, Mara Einstein, Department of Media Studies, Queens College, City University of New York.

The study methodologies and underlying data are contained in the study and at the website denoted in the study.

A Theory of Broadcast Media Concentration and Commercial Advertising, Brendan M. Cunningham, Department of Economics, U.S. Naval Academy, and Peter J. Alexander, Industry Analysis Division, Media Bureau, Federal Communications Commission.

The methodology is contained in the published study. The study did not rely on empirical data.

The Measurement of Local Television News and Public Affairs Programs, Thomas Spavins, Technical and Public Safety Division, Enforcement Bureau, Federal Communications Commission; Loretta Dennison (Legal Intern), Jane Frenette, Scott Roberts, Industry Analysis Division, Media Bureau, Federal Communications Commission.

The published study describes the methodologies employed and includes appendices containing the underlying data sets. The authors are now supplementing the published study with an additional appendix identifying those programs that were categorized as public affairs programming in the study. These categorizations relate to the section of the study assessing the quantity of local news and public affairs programming on different types of local television stations. This new appendix is intended to facilitate review of this section of the study by identifying those programs that were categorized as public affairs programs.

Consumer Survey on Media Usage, Nielsen Media Research.

The study methodology and the responses to each of the questions are contained in the published study.

Radio Market Structure and Music Diversity, George Williams, Keith Brown and Peter Alexander, Industry Analysis Division, Media Bureau, Federal Communications Commission.

The data set compiled by the authors for this study is available beginning today on the Commission's website at www.fcc.gov/ownership/studies.

On the Substitutability of Local Newspaper, Radio and Television Advertising in Local Business Sales, C. Anthony Bush, Administrative Law Division, Office of the General Counsel, Federal Communications Commission.

The author of this study has added information about the methodology employed in the text of the paper and in a new appendix to the study. The revised version of the paper is available at www.fcc.gov/ownership/studies. In addition, the author created a dataset for this study based on proprietary data. That data set will be made available for review and inspection by interested parties consistent with the protective order today. Due to the complexity of the software used to run these datasets, parties are encouraged to obtain the assistance of the author in initiating their review of these datasets. Parties wishing to make such arrangements should contact Linda Senecal at 202-418-7044. In addition, two econometric papers by Phoebus Dhrymes that are referred to in this study are now available in the Commission's public reference room.

Radio Industry Review 2002: Trends in Ownership, Format and Finance, George Williams and Scott Roberts, Industry Analysis Division, Media Bureau, Federal Communications Commission.

The authors of this study created a dataset based on proprietary data. That data set will be made available for review and inspection interested parties consistent with the protective order today. Parties wishing to make arrangements to review this data with the assistance of the authors should contact Linda Senecal at 202-418-7044.

Broadcast Television: Survivors in a Sea of Competition (Federal Communications Commission, Office of Policy and Plans Working Paper), Jonathan Levy and Marcelino Ford-Livene, Office of Policy and Plans, Federal Communications Commission; Anne Levine, Industry Analysis Division, Media Bureau, Federal Communications Commission.

The data sources for this study are now available in the FCC's public reference room. A revised version of this study has been posted on the FCC's website at www.fcc.gov/ownership/studies. The revisions correct typographical errors and clarify several of the paper's citations.

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