



PUBLIC NOTICE

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COMMISSION SEEKS COMMENT ON BROADCAST OWNERSHIP REPORT

MB Docket No. 09-182; MB Docket No. 07-294

Comment Date: December 26, 2012

Reply Comment Date: January 4, 2013

This Public Notice offers an opportunity for additional comment on data contained in the Media Bureau's recently released report on the ownership of commercial broadcast stations ("Ownership Report").¹ The Ownership Report provides detailed information by race, ethnicity, and gender concerning ownership of commercial television, radio, Class A television, and low-power television stations.

As the Commission has long recognized, minorities and women own broadcast stations in disproportionately small numbers.² This fact has been well established in our media ownership docket, including in the 2009 biennial ownership data detailed in the *NPRM* prior to the release of the final Ownership Report.³ The recently released Ownership Report confirms that minority and female ownership numbers remain low and provides more detailed ownership figures. These data are part of the record and have been considered in our current quadrennial review and, along with additional data gathered in subsequent biennial filings, will be considered in our succeeding quadrennial reviews.

¹ See *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, Report on Ownership of Commercial Broadcast Stations, DA 12-1667 (MB, rel. Nov. 14, 2012). The Ownership Report is based on ownership information, as of November 1, 2009 and October 1, 2011, submitted by broadcasters in their biennial Form 323 filings. See FCC Form 323, Ownership Report for Commercial Broadcast Stations, available at <http://transition.fcc.gov/Forms/Form323/323.pdf>; see also 47 C.F.R. § 73.3615.

² See, e.g., *Promoting Diversification of Ownership in the Broadcasting Services*, Report and Order and Third Further Notice of Proposed Rulemaking, MB Docket No. 07-294, 23 FCC Rcd 5922, 5924, ¶1 (2008) (noting that "minority- and women-owned businesses" historically have not been "well-represented in the broadcasting industry"); *Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities*, Notice of Proposed Rulemaking, 10 FCC Rcd 2788, 2789, ¶5 (1995) ("[D]espite the Commission's efforts to increase minority ownership of broadcast and cable facilities, minorities today remain significantly underrepresented among mass media owners.").

³ See *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, Notice of Proposed Rulemaking, 26 FCC Rcd 17489, 17549, ¶ 156 (2011) ("*NPRM*"). Several parties included consideration of that data in their comments in this proceeding. See United Church of Christ, Inc., Media Alliance, National Organization for Women Foundation, Communications Workers of America, Common Cause, Benton Foundation, Media Council Hawaii, Reply Comments at 19-35.

The Ownership Report represents the latest step in the Commission's ongoing efforts to collect and publicly release minority and female ownership data. As explained in the *NPRM*, the Commission has sought actively in recent years to improve its collection and analysis of broadcast ownership information.⁴ These initiatives include improvements to the reliability and utility of the data reported in FCC Form 323.⁵ Although refinements to the collection and assessment of these data are ongoing, the recently released Ownership Report signifies a substantial improvement in minority and female ownership data. We anticipate going forward that these and additional ownership reports will provide useful periodic "snapshots" of minority and female ownership in the broadcast industry. We expect that our continuing efforts to reform and refine our ownership data collection will yield more and better data to support trend analyses in the future.

The Ownership Report was released to the public on November 14, 2012 and parties have submitted material in the record concerning the data.⁶ Several parties have requested an additional, formal opportunity to comment on the Ownership Report.⁷ Thus, while this proceeding has provided numerous opportunities for public input and participation, we will establish a further comment cycle for this limited purpose.⁸ Comments are due December 26, 2012; reply comments are due January 4, 2013.

Procedural Matters

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules.⁹ As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.¹⁰ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies).

Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission

⁴ See *NPRM* at 17548-49, ¶¶ 154-56.

⁵ See *Promoting Diversification of Ownership in the Broadcasting Services*, MB Docket No. 07-294, *et al.*, Report & Order and Fourth Further Notice of Proposed Rulemaking, 24 FCC Rcd 5896 (2009).

⁶ See, e.g., Letter from Angela Campbell, Institute for Public Representation, Georgetown Law, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 09-182 (Nov. 23, 2012).

⁷ See, e.g., Letter from James L. Winston, Executive Director and General Counsel, National Association of Black Owned Broadcasters, to Marlene H. Dortch, Secretary, FCC (Nov. 26, 2012); Letter from The Leadership Conference on Civil and Human Rights, to Chairman Julius Genachowski, Commissioners Robert McDowell, Mignon Clyburn, Jessica Rosenworcel and Ajit Pai (Nov. 20, 2012); Letter from Lauren M. Wilson, Policy Counsel, Free Press, to Marlene H. Dortch, Secretary, FCC (Nov. 19, 2012).

⁸ See, e.g., *Media Bureau Announces Agenda and Panelists for January 27 Minority Media Ownership Workshop*, MB Docket No. 09-182, News Release (rel. Jan. 22, 2010).

⁹ 47 C.F.R. §§ 1.1200, 1.1206.

¹⁰ 47 C.F.R. § 1.1206.

staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). Written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).¹¹

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Hillary DeNigro, Media Bureau, at (202) 418-2330. Press inquiries should be directed to Janice Wise, Media Bureau, at (202) 418-8165.

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¹¹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).