



# NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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**FOR IMMEDIATE RELEASE**  
February 21, 2001

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## **PRESS STATEMENT OF FCC COMMISSIONER GLORIA TRISTANI**

*Re: Application for Radio License Transfer  
from Titus Broadcasting to Clear Channel Broadcasting in Binghamton, NY*

The Mass Media Bureau has granted a license transfer that will permit two radio station group owners to control 91.2% of the radio advertising revenues in the Binghamton, New York Arbitron market. I doubt this level of concentration of revenues, which indicates corresponding control of the public airwaves in Binghamton, serves the public interest.

Unlike some cases, in which the Bureau has approved license transfers involving levels of revenue concentration comparable to this case because they involved only the transfer of existing radio station group combinations from one owner to another, this transfer creates *new* concentration to the market. This increased concentration makes it even less likely that a third competitor could enter the Binghamton market. Instead, as a result of this approval, Binghamton will likely be relegated to a duopoly. Duopolies like this make it significantly more likely that there will be no real competition for advertising revenue. Instead, businesses and listeners will face the increasing likelihood that the two dominant owners will engage in advertising price discrimination and other collusive behavior that contravenes the public interest.

Instead of simply granting the license transfer, I would have considered other options -- e.g., a showing that the Binghamton market cannot support three competitors, so the license transfer to Clear Channel was the only realistic option. Or consider whether the station at issue was financially unlikely to survive, and whether the current owner attempted to find other buyers? To my knowledge, such questions were never asked. As a result, we may never know if the cementing of a duopoly in Binghamton was inevitable, or simply another case of regulatory malfeasance by the FCC.

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