



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202/418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

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. Circ 1974).

FOR IMMEDIATE RELEASE
April 19, 2001

Contact: William J. Friedman
(202) 418-2300

PRESS STATEMENT OF COMMISSIONER GLORIA TRISTANI

Re: Elimination of the Dual Network Rule for Emerging Networks

I dissented from the majority's conclusion that the dual network rule should be modified to permit ABC, CBS, Fox, or NBC to combine with UPN or WB. Despite the lengths to which the majority goes to show viewers are benefited by allowing further consolidation in the broadcast industry, today's decision will only further erode the already tenuous level of diversity on the public airwaves.

Read closely, today's Order states a result that is in search of a rationale. Commenters supporting the modification of this rule say:

"A duopolized UPN is better than a dead UPN."

This, by itself, may be true. But the Commission dresses up the same point with extensive, and pointless, reference to economic literature and ample parroting of Viacom's filings to conclude the benefits from complete elimination of the rule "could accrue" to consumers. I hope rather than believe the majority is correct.

As much as I might be concerned about the rule's impact on UPN, the question I have to answer is not whether the financial difficulties of a party subject to a rule justify eliminating the rule. I can only vote to change the rule if the public interest is served and when the grounds advanced support the change.

Here the best that can be said is that a case for a waiver of the rule's application could be made by UPN and WB. With a waiver request, the Commission would be in a position to:

1. Obtain the necessary detailed financial data to ensure the financial woes of the network are in fact caused by the rule's application;
2. Determine on a complete record whether the financial woes are solved by removal of the rule's constraints.
3. Develop explicit conditions that ensure compliance with the terms of the waiver, and,

4. Protect the public interest by insisting that the alleged efficiencies achieved through the consolidation authorized by the waiver, *actually flow through* to the public in the form of better programming and greater viewpoint diversity.

Wholesale abandonment of well-settled rules is not the way to save a struggling network, or promote the public interest. Decreasing the number of owners of broadcast networks is simply not a means to achieve greater viewpoint diversity. Sadly, the train of consolidation continues to run on time.

- FCC -