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

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).

SEPARATE STATEMENT OF COMMISSIONER KATHLEEN ABERNATHY

In re: Transfer of Control of Broadcast Licenses Held By Subsidiaries of Chris-Craft Industries Inc. to Fox Television Stations Inc, File nos. BALCT-20000918ABB, et al (rel. July 25, 2001).

I support today's decision to grant the applications of Fox and Chris-Craft to transfer certain broadcasting authorizations. I write separately to briefly express my views on a few aspects of today's decision.

The issues presented by this transaction were by no means frivolous. Indeed the transfer, absent the conditions imposed today, would run afoul of our existing national ownership cap, local television ownership rules, and the television/newspaper cross-ownership rule. While some have expressed significant doubts about the continued utility of some of these rules, an adjudication is not the appropriate venue for revisiting these rules. When that day comes, I have no doubt all interested parties will whole-heartedly engage in the debate. In the interim, we have an obligation to enforce our rules as written.

Today's item does enforce our rules, while also balancing the business needs of the parties to have an orderly transition for the new company. In this regard, I believe the size and scope of today's marketplace demands the flexibility afforded by temporary waivers of our rules that allows companies a grace period to come into compliance post-closing. Any other approach would needlessly require parties to engage in fire sales prior to closing in hopes that their government will ultimately approve the transaction. Having been on all sides of these transactions – as an FCC employee, a businesswoman, and a private attorney – I do not believe a forced restructuring prior to government approval best serves the public interest.

As the dissenters note, this transaction also presented issues regarding the nature of the foreign ownership structure of Fox under Section 310 of the Act. The Commission initially approved the ownership structure of Fox in *Fox Television Stations Inc.*, 10 FCC Rcd. 8452 (1995). I believe the Fox ownership structure set forth in today's item is consistent with that decision.

The Commission's 1995 precedent does not require that every element of the exact structure of Fox remain set in stone for eternity in order for additional stations to be added. That approach ignores the reality of today's changing marketplace and would unnecessarily tie the hands of this robust and relatively new competitor. Since the structure of Fox after this transaction is consistent with the essential elements of our 1995 Fox decision, it is not necessary to revisit that analysis here.

I also write separately to emphasize the importance of the Commission acting on these types of applications quickly. Today's marketplace is extremely dynamic – delays of ten months simply will not do. Such a delay means ten months of uncertainty, delayed investment, and untold transaction costs. The American people and the parties to this transaction deserve better service from their government. Regardless of the outcome, the Commission owes it to its customers to provide prompt and clear answers to regulatory questions – regardless of how difficult. I look forward to working with my colleagues to ensure that future applications move through the Commission with considerably more dispatch.

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