



# NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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## FCC COMMISSIONER COPPS ADDRESSES USC MEDIA OWNERSHIP FORUM

Los Angeles – Commissioner Michael J. Copps told the University of Southern California Media Consolidation Forum today that neither he nor the American people had been given a look at the media ownership program that will be voted on in a little over one month. Copps also discussed some ideas he would like to see included.

It is a major problem, Copps said that just 35 days before the scheduled June 2nd vote, “we don’t know what we will be voting on. We don’t have the details, or even the broad configuration, of what the new system will be.”

Copps further indicated displeasure with the way the process will unfold. “In just over a month, the FCC will have voted on this, changed the rules, reconfigured the media landscape, and told the world that, ‘sorry there’s no opportunity or time for public comment on what has been decided.’” He complained that even when a formal proposal is put before the Commission, “it will be “Eyes Only” not permitted to circulate outside the Commission for comment.” Copps remarked that such an approach was bad policy for so important an issue, and one that, by concealing the details, could cause problems in the courts later on. He said he thought the courts would be “more likely to sustain rules that had been thoroughly vetted and empirically analyzed.”

Commissioner Copps outlined three principles he would like to see included as the Commission moves rapidly toward a vote. First, he said, “let’s start with the premise that this is the people’s property we are dealing with. We’re talking about public airwaves and how they should be utilized to advance the interests of our citizens. Broadcasting is a business, but it’s a very special business with large public purposes.”

Secondly, Copps wants the proceeding to address the broad range of issues laid out by the Commission last September and by the public in its comments. He told his audience that the Commission should consider two things in particular. One is the suggestion to require more independently produced television programming. Proposals, including one to require 25% of prime-time programming to be produced by independent studios, have been presented to the Commission. Copps said that consideration of these proposals should be part of the pending ownership decision because program distribution and program production are so closely intertwined. Copps would also like to see consideration of a “real, honest-to-goodness license renewal process” predicated on the public interest to address increasing media consolidation.

Arguing that the present station license process has been reduced to little more than cursory post-card renewal, Copps said a more thorough vetting would provide for “a comprehensive look at how a station has discharged its public responsibilities over the term of its license. Properly designed, this process would avoid micro-management but still achieve the desired public interest results. I hope we’ll at least talk about it.”

Third, Copps called for additional analysis and at least a brief period for public comment before new rules are implemented. He cited the extensive consolidation of radio that followed the 1996 Telecommunication Act and relaxed FCC rules as an unintended consequence that no one foresaw. Copps said that “before the genie is let out of the bottle, we’d better understand the consequences, because there’s no putting the genie back after we vote.” Copps cited published reports of a “gold rush” of deal-making that would follow the June 2nd vote. Copps said there were many unanswered questions concerning further media consolidation that deserved to be considered, such as its impact on ethnic groups, children, violent and indecent programming, small business, and new broadcasting technology, particularly digital programming. Copps has been arguing that such questions merit at least some consideration before the vote, because they will certainly be affected by the vote’s outcome.

Copps concluded by calling on the media, particularly the large networks which he said have ignored the ownership issues, to begin covering them in the remaining few weeks. “It is their public interest obligation to do so,” he said. “Thus far, their refusal to cover this issue has been just dreadful.”