

**STATEMENT OF COMMISSIONER MICHAEL J. COPPS,
APPROVING IN PART AND CONCURRING IN PART**

Re: *In the Matter of Shareholders of Univision Communications, Inc., and
Broadcasting Media Partners*

Today's item will most likely be remembered because it imposes a \$24 million fine, far and away the Commission's largest ever. And indeed this amount is entirely appropriate; it makes clear that violating the Commission's media regulations cannot simply be dismissed as just another cost of doing business. I applaud the work of watchdog groups like the United Church of Christ and the National Hispanic Media Coalition in setting this important precedent, as well as Chairman Martin for his leadership on this issue.

Univision's attempt to pass off a Spanish-language soap opera as "core" children's programming is wholly indefensible. Given how little the FCC demands of its licensees these days when it comes to serving the public interest, those who fail to meet even our minimal standards deserve to be severely rebuked. Indeed, I hope that the FCC and watchdog groups will continue their work together to examine which programs other licensees claim as "core" children's programming. We need to take every step within our power to make sure that America's children and their parents actually receive the type of quality programming that they are guaranteed by the Children's Television Act. And of course, as I often point out, we wouldn't have to resort to fines or investigations at all if broadcasters were engaging in the self-regulation that is their solemn responsibility as trustees of the public airwaves.

Nevertheless, I concur in part to today's decision because I believe it fails to address—indeed, it conspicuously ignores—two critical aspects of the transaction before us. To begin with, as I noted in my joint dissent with Commissioner Adelstein to the 2003 transaction that greatly expanded Univision's media empire,¹ the Commission has never formally decided whether Spanish-language programming constitutes a separate market segment that must be analyzed in isolation from English-speaking programming. Then and now, I believe that we need to answer this threshold question before we decide important licensing questions concerning Spanish-language stations. So while I recognize that today's decision represents a transfer of control rather than additional consolidation, I still see a need for the Commission to conduct a thorough review of the consequences for Spanish-speaking Americans of the concentration of power that a massive conglomerate like Univision wields.

Secondly, I also think it is quite significant that today's transaction involves the transfer of 114 full-power TV and radio licenses from a public corporation—one whose stock is traded on the New York Stock Exchange and is included in the S&P 500—to five private equity firms. The Commission has never analyzed the consequences of this type of transaction for its ability to ensure that licensees protect, serve and sustain the public

¹ *Applications for Transfer of Control of Certain Subsidiaries of Hispanic Broadcasting Corporation to Univision Communications, Inc.*, FCC 03-218 (2003).

interest. I, for one, have some real questions about how the assumption of massive amounts of debt will affect a media company's stewardship of the airwaves. I also have concerns about how the shift from public to private ownership will affect the Commission's ability to determine which entities have practical control over licensees' editorial decisions and financial strategy. I hope that we will address these questions in a Commission-level report in the coming months. From what I can tell, the flood of private equity into media is just beginning. We need to get a handle—and quickly—on just what this means for the Commission's ability to do its job.