

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN
APPROVING IN PART & CONCURRING IN PART**

Re: Shareholders of Univision Communications, Inc. and Broadcasting Media Partners, Inc., Memorandum Opinion and Order.

Today's conditional approval to transfer control of more than 140 broadcast licenses from the shareholders of Univision Communication, Inc., to Broadcasting Media Partners, Inc. (BMPI) has the potential to represent much more than the transfer of ownership from a publicly-held company to private equity firms.¹ It is my hope and expectation that today's approval will mark the beginning of an enhanced commitment by Univision's new management to better serve the public interest and the needs of the Hispanic American community.

The current owners of Univision bear responsibility for a failure to serve the public interest that will result in the largest fine ever assessed in the history of the Commission. The record-setting contribution of 24 million dollars reflects the gravity of the alleged failure to provide sufficient programming specifically designed to serve the educational and informational needs of children pursuant to the Children Television Act of 1990 (CTA). Based on my conversations and knowledge of BMPI, I would certainly not expect to see further breaches on their watch. Indeed, I am heartened by their commitment to serve the Hispanic American community. BMPI now has an historic opportunity to serve this fast-growing community with greater responsiveness than we have seen.

That this alleged violation occurred weekly over a two-year period on 24 stations across this country is indicative of the Commission's own failure to actively enforce broadcasters' public interest and children programming obligations. While I believe that this multi-million dollar contribution and Univision's designation of a corporate compliance officer and creation of an advisory committee are steps in the right direction, the Commission must continue vigorous enforcement to ensure that broadcasters comply with federal law. To date, the Commission has failed to live up to its own obligations to implement and enforce the CTA.

In September 2004, the Commission promised American children and families that it would "issue a Public Notice in the near future seeking comment on whether broadcasters are complying with the letter and intent of the CTA in terms of, among other things, the amount and quality of core children's programming being provided."² The Commission further promised to "conduct a review of broadcaster compliance with CTA

¹ While I dissented from the Commission's September 22, 2003, decision to approve the merger of Hispanic Broadcasting Corporation and Univision Communications, Inc, which created the entity that is being transferred today, I note that today's *Order*, as conditioned, does not result in harmful concentration of media ownership.

² Children's Television Obligations of Digital Television Broadcasters, *Report and Order and Further Notice of Proposed Rule Making*, 19 FCC Rcd 22943, ¶ 67 (2004).

and our rules and to issue a report,” which would provide Commission guidance about which programs would qualify as educational.³ Hitherto, the Commission has failed to release the Public Notice, conduct the compliance review, and issue a report. Significantly, the Commission has even failed to address alleged CTA violations that were filed one year *before* the complaint against Univision.⁴ The Commission needs to enforce its programming rules to protect children much more diligently.

Today’s *Order* also provides BMPI six months after consummation of the underlying transaction to come into compliance with the newspaper/broadcast cross-ownership, the radio/television cross-ownership, and the local radio ownership rules in nine markets. While I concur in our decision to grant these temporary waivers, I am skeptical about Commission enforcement. The Commission historically has failed to enforce the terms of its temporary waivers and, as a result, parties have simply failed to take the step necessary to demonstrate a good faith effort to comply with our ownership limits. In the instant case, the Commission should make clear that we will not grant any extensions absent extraordinary circumstances. I am committed to ensuring that BMPI comes into compliance within the time period allotted by the temporary waivers.

Accordingly, I approve the merger in part and concur in part with today’s decision. I am hopeful that this transfer of control will serve the public interest, particularly the Hispanic community. Furthermore, I applaud the Commission’s effort to enforce our children’s programming requirements and stress that we must be proactive in ensuring that all broadcasters comply with these public interest requirements in the future.

³ Id.

⁴ Petition to Deny the Applications for Renewal of Broadcast Station Licenses for Paxson Washington License, Inc., WPXW, Manassas, VA: File No. BRCT-20040527AGS; Fox Television Stations, Inc., WDCA, Washington, D.C.: File No. BRCT-20040527AKL.