

The New York Times

THE NEW YORK TIMES OP-ED SATURDAY, JUNE 2, 2007

The Price of Free Airwaves

By Michael J. Copps

AS a member of the Federal Communications Commission, I often hear how fed up Americans are with the news media. Too much "if it bleeds it leads" on the evening news and not enough real coverage of local issues. Too little high-quality entertainment and too many people eating bugs.

It doesn't have to be this way. America lets radio and TV broadcasters use public airwaves worth more than half a trillion dollars for free. In return, we require that broadcasters serve the public interest: devoting at least some airtime for worthy programs that inform voters, support local arts and culture and educate our children — in other words, that aspire to something beyond just minimizing costs and maximizing revenue.

Using the public airwaves is a privilege — a lucrative one — not a right, and I fear the F.C.C. has not done enough to stand up for the public interest. Our policies should reward broadcasters that honor their pledge to serve that interest and penalize those that don't.

The F.C.C. already has powerful leverage to hold broadcasters to their end of the bargain. Every eight years, broadcasters must prove that they have served the public interest in order to get license renewal. If they can't, the license goes to someone else who will. It's a tough but fair system — if the commission does its job.

The problem is that, under pressure from media conglomerates, previous commissions have eviscerated the renewal process. Now we have what big broadcasters lovingly call "postcard renewal" — the agency typically rubber-stamps an application without any substantive review. Denials on public interest grounds are extraordinarily rare.

Just recently, the F.C.C. made news because it fined the Spanish-language

broadcaster Univision a record-breaking \$24 million. Univision claimed that its stations offered three hours of children's educational programming per week — one of the few public interest rules still on the books — in part by showing a soap opera involving 11-year-old twins.

That was the right decision. But, viewed closely, it also illustrates just how slipshod our renewal process has become.

The fine was not levied at the ordinary time. In fact, the license term for one of the two stations initially at issue had expired 18 months earlier. This is typical — applications opposed by watchdog groups often languish for years while the broadcaster is permitted to continue business as usual. Then infractions are commonly disposed of with a small fine.

The commission paid attention to the Univision complaint because the station was part of a chain of 114 TV and radio stations being transferred from a public corporation to private equity firms. Without that, it is unclear when, if ever, the violations would have been acted upon. This even though scholars believe that one-fifth of what is billed as children's programming has "little or no educational value" and only one-third can be called "highly educational." Our children deserve better.

It wasn't always like this. Before the 1980s' deregulatory mania — when an F.C.C. chairman described television as a "toaster with pictures" — the commission gave license renewals a hard look every three years, with specific criteria for making a public interest finding. Indeed, broadcasters' respect for the renewal process encouraged them to pay for hard-hitting news operations. That was then.

Nowadays, a lot of people claim that because of the Internet, traditional broadcast outlets are an endangered species and there's no point in worrying about them. That's a mistake.

First, broadcast licenses continue to be very valuable. Univision's assets — many in small markets — were sold for more than \$12 billion. A single

The F.C.C. should compel broadcasters to serve the public.

station in Sacramento, owned by Sinclair Broadcasting, went for \$285 million in 2004. A station, in a megamarket like New York or Los Angeles could easily fetch half a billion dollars or more.

Second, broadcast outlets are still primary, critical sources of information for the American public. Nearly 60 percent of adults watch local TV news each day — it remains the nation's most popular information source. And so it's imperative that broadcasters continue to provide high-quality coverage of local and national issues.

But ensuring they do so means putting teeth back into the renewal process. To begin with, shorten the license term. Eight years is too long to go without an accounting — we ought to return to the three-year model.

Let's also actually review a station's record before renewing its license. Here are just some of the criteria for renewal the F.C.C. considered in the 1990s but never put into place:

- Did the station show programs on local civic affairs (apart from the nightly news), or set aside airtime for local community groups?

- Did it broadcast political conventions, and local as well as national candidate debates? Did it devote at least five minutes each night to covering politics in the month before an election?

- In an era when owners may live thousands of miles from their stations, have they met with local community leaders and the public to receive feedback?

- Is the station's so-called children's programming actually, in the view of experts, educational?

All of this information ought to be available on the Web so people can see how their airwaves are being used.

These issues are even more pressing today: broadcasters are making the transition to digital technology that permits them to send several television and radio channels into our homes instead of the single channel they've had up to now. The F.C.C.'s next step after reforming the licensing process should be to address how this new digital capacity can increase local programs and also improve the generally shoddy coverage of minority and other under-served communities. New benefits for broadcasters should translate into public benefits, too.

If you need convincing that something needs to be done, consider that only about 8 percent of local TV newscasts in the month before the last presidential election contained any coverage whatsoever of local races, including those for the House of Representatives.

This low number is just one example of how poorly stations are serving their viewers. Do stations that make so much money using the public airwaves, but so plainly fail to educate viewers on the issues facing them, really deserve to have their renewals rubber-stamped? □

Michael J. Copps is a commissioner on the Federal Communications Commission.