

**SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, MM Docket No. 00-168; Extension of the Filing Requirement for Children's Television Programming Report, MM Docket No. 00-44, *Report and Order and Further Notice of Proposed Rulemaking*

I am pleased to support this long overdue *Report and Order* to standardize and enhance the disclosure of television broadcasters' efforts to serve the viewing public, particularly in the communities that they are licensed to serve. This proceeding, which deals with the reporting and filing requirements of TV broadcasters, was launched in 2000. While this Order is welcome, I must note that its companion proceeding on the *substantive* public interest obligations of TV broadcasters launched even earlier, in 1999, regrettably still remains unresolved.¹

After more than seven years of ignoring the near unanimous voice of the American people for the Commission to protect their right to a broadcast media that explicitly serves their interests, this Commission has finally mustered the courage to complete an important but much easier side of the public interest equation: the TV broadcasters' obligation to simply disclose and report their programming activities to the public they serve.

Now it is imperative that the Commission turn to the task of clarifying the substantive public interest obligations of broadcasters. The need for such rules is particularly heightened given the recent proposals for relaxing our media ownership rules by facilitating more cross-ownership of newspapers and broadcast outlets in all -- not just the top 20 -- media markets. I ask my colleagues to commit to releasing an order on the substantive public interest obligations of broadcasters before or along with any action on media ownership.

These concerns notwithstanding, I support this *Order* because the collection and reporting of information can empower the American people to determine systematically the extent to which TV broadcasters provide local and national news, local civic and electoral affairs, independently produced programming, programming targeting underserved communities, and paid and unpaid public service announcements. Providing such information to the American people is an important goal. The American people have a right to know how broadcasters -- TV and radio alike -- are using the public's airwaves. This is akin to Wall Street investors receiving quarterly reports on their investments. Lest not forget, the American people are the biggest investors in the broadcasting industry.

¹ See *Public Interest Obligations of TV Broadcast Licensees*, Notice of Inquiry, MM Docket No. 99-360, 14 FCC Rcd 21633 (1999). For the public interest obligations of radio broadcast licensees, see *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio Service*, Second Report and Order, First Order on Reconsideration and Second Further Notice on Proposed Rulemaking, (MM Docket No. 99-325, 22 FCC Rcd 10344, 10391 (2007)).

In today's Order we take modest steps, including requiring TV broadcasters to file a standardized "issues/programs" list form with the Commission on a quarterly basis and to make their public inspection files available on the Internet. I do not believe the adoption of the standardized disclosure form herein implicates any constitutional protections or encourages homogenization of television programming. The FCC has clear legal authority to require broadcasters to disclose information that they are already required to maintain.²

Today's *Order* continues to "provide television broadcasters with increased freedom and flexibility in meeting the continuously changing needs of the communities."³ Broadcasters will continue to be able to diversify their programming, and I strongly encourage them to do so. Additionally, because of the burgeoning use of the Internet by the public and broadcasters, today we enhance the public's ability to access information on a station's performance, while minimizing the costs and burdens placed on each station.

I would like to thank the Office of Communication, Inc. of the United Church of Christ, Alliance for Community Media, Association of Independent Video and Filmmakers, Benton Foundation, National Organization of Women, Consumers Union, Minority Media and Telecommunications Council, National Association of the Deaf, and particularly Angela Campbell, Meredith McGehee, Andy Schwartzman, Mark Lloyd and Charles Benton for their guidance and perseverance.

² See e.g., 47 C.F.R. § 73.3526(e)(11)(i)(requiring broadcasters to prepare and maintain in public file a quarterly list of that stations most significant treatment of community issues).

³ *Revision of Programming and Commercialization Policies, Ascertainment Requirements and Program Log Requirement for Commercial Television Stations*, 98 F.C.C. 2d. 1046, 1107 (1984).