

Statement of Commissioner Robert McDowell

Re: Information Needs of Communities, GN Docket No. 10-25

Thank you, Steve, and thanks also to your team for amassing a significant amount of information about the current state of the media and information marketplace. I look forward to reading your voluminous report in greater detail, and to thinking further about how the developments and trends you identify might inform the FCC's own small role in affecting just one corner of the broader media landscape. At the outset, however, I want to applaud you for your guidance of the process that led to the report – and for your own thoughtful and responsive leadership style.

Next, for the sake of those who may not be familiar with how Commission works, I want to stress that this report is simply that: a report which, though generated by a hard-working group of agency staffers, has no binding effect. In other words, this report does not establish new FCC rules. It does not repeal any old rules. It doesn't even formally *propose* adopting new rules or discarding old ones. Rather, the report contains a set of recommendations – only some of which are directed to the Commission – that may, in time, help shape proposals for new rules to come. If and when that happens, of course, the agency will launch proceedings that begin, as the law requires, with notice-and-comment opportunities that afford interested parties an opportunity to weigh in with their own perspectives, facts and analyses before the FCC adopts any new or amended regulations.

As with any 300+ page document, this one contains some statements and assessments with which I agree, and some with which I disagree. The responses I'll share at this point are all preliminary because I have several hours of reading left to do. I would expect that no reasonable person takes issue with the report's characterization of the media and information marketplace as vibrant, competitive, innovative and rapidly evolving. The facts supporting those conclusions have been right in front of us for years, and they should no longer be ignored when it comes to making reality-based public policy. I also share the report's general optimism about the future and welcome its recognition of the government's limited ability, as both a practical and legal matter, to affect either the operation or output of tomorrow's successful media and information platforms. More importantly, the government should keep its heavy hands off of journalism. Journalistic freedom is a primary protection of the Bill of Rights. (Full disclosure: Both of my parents were journalists.)

With respect to the report's specific recommendations, it will come as no surprise to FCC watchers that I agree with several of the suggestions, given my own past statements on media issues. For example, I am pleased that the report urges the elimination of the Enhanced Disclosure form, calling it "overly complex" – which is putting it mildly. I cast the only dissenting vote against the creation of this form in 2007, and anything we can do to hasten its demise would serve the public interest.

I also agree with the report's call for closing the Localism proceeding without further action. Pending proposals in that docket for government-mandated community advisory boards, 24-hour manning of broadcast stations, and detailed accounting of local music content are indeed "overly bureaucratic," "unworkable" and "unnecessarily burdensome," to quote the report. They also are impractical, unneeded and classic examples of regulatory overreach – and those are my words.

And of course I endorse the report's call for eliminating the remnants of the so-called Fairness Doctrine that still litter our rule books. My long-standing opposition to anything resembling that unconstitutional policy is no secret. Accordingly, I call upon the Commission to complete the elimination of the Doctrine by the end of the year.

In that spirit, the Commission by that time also should finish all of the regulatory-elimination proceedings discussed not only in Chairman Genachowski's June 6 letter to Chairman Upton of the House Commerce Committee, but in my May 19 speech as well.

I also would like for the FCC to consider the elimination of the outdated newspaper/broadcast cross-ownership rule in our upcoming quadrennial review of our media ownership regulations. My hypothesis is that the old cross-ownership ban caused the unintended effect of reducing the number of voices – especially newspapers – in scores of American communities.

I have some reservations, however, about other recommendations in the report. For instance, while I appreciate that in calling for a new, online quarterly disclosure report for broadcasters the staff drafters are attempting to craft a more streamlined and useful obligation, I continue to wonder about the need for such a mandate in the first place. After all, it's not exactly as if broadcasters are in the business of trying to hide their on-air content from the public. If the government wants to know what is being broadcast, it can turn on the TV and radio – although the "Big Brother" implications of that also concern me. I'm also not convinced that there is any pressing policy justification for potentially increasing the satellite TV set-aside for noncommercial content from the current level of 4 percent of satellite operators' capacity to some higher percentage.

Many of the report's recommendations, as Steve has highlighted, are not directed at the FCC at all but instead are intended to spark debate and action elsewhere – including among private-sector entrepreneurs, nonprofits and foundations as well as other sectors of government from the federal level to local lawmakers. Passionate debate ignites easily in this arena, and I sense that Steve's first objective in this regard has already been achieved. I will watch with interest to see which embers catch fire beyond our own regulatory realm.

Please keep in mind that the FCC actually has not done anything today. What we have before us is a report with a few recommendations. It's up to the four of us to turn the more constructive recommendations into deregulatory action that better fits a competitive and dynamic marketplace. So let's get going.

Thanks again to Steve and everyone on the report team, including my friend Professor Jay Hamilton of Duke University, for giving us all much to think about.