

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: Promoting Diversification of Ownership in the Broadcasting Services, MB Docket No. 07-294; Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System, MD Docket No. 10-234

In its simplest form, this item appropriately corrects an unnecessary and damaging information collection effort imposed by the previous Commission to supposedly facilitate the identification of attributable interests in non-commercial education (NCE) stations. This mandate was never justified and deserves to be repealed. I must add, however, that the more I look into the issue, my general concern extends to the entire "ownership" data collection from public broadcasters, not just the unique registration number issue.

The underlying justification for the mandate that we effectively undo today has been quite perplexing to me. Based on the facts and logic, it is clear that public broadcast stations' "ownership" is not the same as that for commercial entities. Even if the new registration process perfected the data collected, trying to compare public broadcasters' ownership data to that of commercial broadcasters would be worse than trying to compare apples to oranges; it's more like comparing apples to zebras or oranges to a '57 Chevy. If it is not comparable for analysis purposes, what exact value would come from allegedly more accurate data about attributable interests? No one has been able to provide a sufficient and defensible answer to this question.

One excuse bandied about has been that this more granular data is needed to comply with the Third Circuit Court of Appeals' media ownership decisions. While I have strenuously disagreed with that court's illogical statutory interpretation and irrational media ownership rulings, even it hasn't gone so far as to advocate for the Commission's collection of NCE ownership data. In fact, I can find no portion of those decisions to suggest that its media ownership demands pertain to NCEs. And there would be no reason to do so as the media ownership limitations caught in a perpetual black hole of review by that court do not govern (have no relevance to) public broadcasters. Additionally, given the vastly different organizational and governing structures, there would be no benefit to having such information for purposes of making decisions on rules that affect commercial stations.

At the same time, the record also highlights that real and substantial harm would come to the public broadcasting community from imposing this particular requirement. Specifically, public broadcasters have stated that the differing state governing structures often consist of individuals who would likely rather resign than share such information with the Commission due to privacy and other concerns. Moreover, it is highly likely, according to public broadcasters, that others would refuse to accept positions in the future for similar reasons. Together, the public broadcasting community could lose valuable and diverse viewpoints in its overall decision making. This could also have an influence on the ability of stations to raise private funds, thereby threatening the overall quality of programming and station viability.

Absent any practical reason to impose the collection burden coupled with the overall harm to public broadcasting, I am pleased to support its rejection and appreciate the Chairman bringing this item to the full Commission so quickly. Our action today is also consistent with legislation introduced by Energy and Commerce Committee's Subcommittee on Communications and Technology Chairman Blackburn, and I thank her for her leadership on the matter.