

COMMISSIONER SIMINGTON ADDRESSES MASSACHUSETTS BROADCASTER ASSOCIATION

Thank you, Steve, for your kind introduction. I'm pleased to be able to join you virtually for this meeting of the Massachusetts Broadcasters Association, and good evening to you all.

Media in America is a big tent. It's wonderful that I can consume media content on my laptop, my phone, a Bluetooth or wifi speaker, or a satellite radio in my car. It's wonderful that I can share and interact with that content through a variety of methods, from texting and calling to commenting or retweeting. And it's wonderful that I can access that content through a variety of broadband transmission pathways, from wired ISPs, to mobile and fixed wireless, to, soon enough, satellite broadband.

Media is a big tent. But broadcast media is the tentpole.

Broadcast media is national. Broadcast media is local. Broadcast media is a lifeline to communities and individuals in crisis. Broadcast media is a steady guide through moments of uncertainty or emergency. Broadcast media is a window into what's happening where we live. Broadcast media is a tether to our civic and cultural identities. Broadcast media is a check against political corruption.

And we must preserve it.

Let's speak plainly: print media, while still important to American life, is nothing like the institution it once was. Print media is now culturally Balkanized and preoccupied with national concerns of political moment. And when it isn't that, it is often clickbait, designed to garner eyeballs and clicks and to stoke outrage, but not to inform us of vital issues. Of course I am not saying that important local print reporting or investigative journalism no longer happens. It does. But, by proportion of print media content, it is some vanishing sliver of what it once was.

I have not made a study of how FCC media cross ownership rules may or may not have impacted print media. Truthfully, I think the explosion of digital media platforms may have had a much larger hand in print media's present, diminished role in American life. But I'm also sure that those same media cross ownership rules reflected, even in the 90s, a world that had by then long receded from view: a world in which people feared, fairly or not, that media magnates would dominate national media by exercising control over many local media markets. A world where there was a reasonable fear of too few voices in the media landscape.

I wonder if we aren't in that world again, actually.

After all, there is a single platform that earns more than the rest of broadcast media, combined, in local ad revenue in connection with its media and information services. There is another platform where more than a third of Americans say they get their daily news. These twin titans control what we see and read, and shape public opinion in a manner beyond the wildest fever dreams of William Randolph Hearst. And, worse: these platforms often serve up content

designed to polarize and sew cultural discord merely for the sake of consumer engagement. We are once again in the era of big media consolidation, and the FCC must act.

Oh, sorry. Let me specify. I am talking about Google and Facebook.

Okay, some of you saw where I was going with that. But I was serious when I said the FCC must act. But what should that look like? Well, maybe nothing. Purposeful nothingness. Let me explain.

When you bake a loaf of bread, what do you do? Well, you know, you put some water, some yeast, some flour, maybe egg or butter or something if it isn't a lean dough, and then you mix it together, and maybe you knead it to develop a gluten structure. And then what? Do you pop it immediately into the oven?

No. You wait for it to rise.

The refreshed 2018 Quadrennial Review is coming up, where the Commission has a look at its media rules, including ownership, and determined what it ought to do.

Here's a thought: how about we let the dough proof a while?

The Pai Commission did yeoman's work in the 2018 Quadrennial Review clearing out outdated media rules in the media modernization proceedings on the one hand, and in liberalizing ownership rules on the other. Prometheus, which related to the most consequential of those liberalization efforts, was only just decided, and so, functionally, the 2018 Quadrennial Review has been held in abeyance for years.

And now, with a new incoming Commission, we risk whipsawing back into the pre-Pai world, or, worse, ratcheting further back in the other direction. We risk taking our dough and baking something that is flat, dense, and all around unappetizing.

That is something we should not do. Not just because, in a vacuum, it is contrary to the public interest to unduly constrain broadcasters along ownership lines and to impose additional restrictions on how they may and may not operate--although it is. But, instead, to torture the analogy a bit, the broadcast industry is like small, local, artisanal bakers making boules in Brockton and sourdoughs in Salem. Well, okay, but Google is like Wonder Bread, and Facebook is like Sara Lee. Broadcast groups whose market caps vanish into a rounding error of big tech media platforms have to be permitted the space and time to compete. To discover business models that differentiate their offerings and grow audiences. To create scale efficiencies that allow them the flexibility to compete with digital-only platforms. To sell their bread.

Let me say two more things about that.

First: the Commission has the promotion of localism as an explicit mandate. Well, to the surprise of perhaps no one in this room, but many in Washington: broadcasters compete *by

doing* localism. Local news drives higher ad CPM. ATSC 3.0 permits hyper-localization of content that makes sure that broadcast markets receive the contextual and relevant content they want. And radio broadcasters have expanded their role to become ombudsmen between local communities and institutions, and this is nowhere more true than it is in communities where the most common language is not English.

And we cannot do without these local broadcasters that mediate between the public and government, or the public and industry. Google and Facebook don't have stringers outside of city hall sniffing out corruption, hurricane evacuation routing, or staffing for informational access to local community resources anywhere in their product development path.

Which leads me to my second point. Communities cannot do without broadcasters. COVID made that plain. Broadcast consumption, particularly in-home radio, increased during COVID. And why? Because broadcasters communicate where to go and what to do in emergencies.

And not only do broadcasters have an irreproducible advantage in local knowledge in moments of emergency, but they have an irreproducible technological advantage as well: broadcasters have durable, hardened communications infrastructure that this country cannot do without.

Let me ask you something. During a really bad storm--a tornado or a hurricane--what would you trust more to give you information on what you need to do or where you need to go: a hand-cranked radio, or a cell phone? Stupid question, right? The radio. And even people not in broadcast know this. Why? Because everyone knows that your cell phone connection is the first thing to be knocked out, and your connection to broadcasters is, well, the last.

That's not to criticize cell phone carriers, of course. That's just the reality of the situation. Broadcasters are not just a media institution that we cannot do without; they are the custodians of infrastructure without which this country is less safe.

We have to be clear-eyed about the incoming, full-strength Commission. I love working with Chairwoman Rosenworcel: we've got a lot done together on a bipartisan basis, and I think we'll get a lot more done. But there's a possibility that our points of view will diverge on what's best to do, or not do, as it relates to broadcast media regulation. I get that. But I hold out hope that I can urge my colleagues on the Commission, and maybe even on Capitol Hill, to take full stock of the realities facing broadcasters. The enormous pressures they are under. And how we must preserve the industry prudentially. While I have no doubt that the full Commission will be animated by a zeal to protect consumer interests, I will ask them to consider whether in 2021, broadcasters really wield the kind of power, whether nationally or in local markets, that justifies forceful application of rules drafted for a completely different competitive media landscape.

Lastly, because I know it's on some of your minds: I don't know whether you can advertise cannabis dispensaries on the air. Probably not, but I don't know. Just wanted to throw that in there. I've been hearing a lot about this issue, and in my mind it typifies the split between

regulation of broadcasters and non-regulation of platforms, with the local community-focused institutions unfairly held back.

Thank you so much for the kind invitation to present to you all today, and my best for a successful meeting.