Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
2018 Quadrennial Regulatory Review –	)	MB Docket No. 18-349
Review of the Commission's Broadcast	)	
Ownership Rules and Other Rules Adopted	)	
Pursuant to Section 202 of the	)	
Telecommunications Act of 1996	)	
	)	

COMMENTS OF FREE PRESS

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Summary

In this proceeding, the Commission contemplates retention, modification, or elimination of three primary rules: the local radio ownership rule, the local television ownership rule, and the dual network rule. The Commission must preserve all three rules to protect the public (including, specifically, Free Press and its members) from the harms of further runaway broadcast media consolidation. There is substantial evidence that media concentration has caused irreparable harm to the public, and Free Press members are still reeling from the harmful impacts of the Commission's most recent deregulatory efforts.

The Commission considers several craftier strategies for deregulation, achieving the same bad ends without fully eliminating these important rules. It proposes to do so specifically by broadening the definition of the relevant markets and elevating certain economic concerns over the traditional public interest standard of protecting competition, localism and diversity. Pursuing either strategy would betray a severe misunderstanding of and willful disregard for broadcast industry dynamics and the interests of the public that still depends overwhelmingly on broadcast media for critical local news and information.

Finally and perhaps most importantly, the Commission cannot move forward with any relaxation of the three ownership rules because it has once again failed to meet the Third Circuit's mandate to study the impacts of agency decisions on ownership by women and people of color. Without such analysis, any further rule modification would be premature and a reversible error too, and it would risk causing further irreparable harm to women owners and owners of color.

I. Relaxation or Elimination of the Commission's Rules Would Harm the Public and Deprive People of News Sources Both Over the Air and Online.

Together the local radio ownership rule, local television ownership rule, and dual network rule represent the last remaining shreds of the Commission's broadcast ownership limitations. Relaxing or eliminating any of these rules would allow further waves of media consolidation and consequently devastate the public, including specifically, Free Press members.

The National Association of Broadcasters' ("NAB") proposal to loosen the local radio ownership rule almost beyond recognition is based on the false premise that increased scale automatically results in increased production quality, wrongly echoed and elevated by the Commission without any supporting evidence.[1] In fact, greater concentration if anything tends to decrease the quality of radio content for communities of color and other marginalized and targeted communities, as consolidation leads to homogenized content and makes it easier for broadcasters to spew hate speech without reproach and without alternatives available to listeners who want to switch off stations that purvey such content.

In any case, allowing one owner to buy up more of a finite medium ensures that there will be fewer owners, and thus less competition and less diverse ownership, and consequently less reason to provide in-depth quality local coverage for listeners with fewer choices. Particularly despicable is NAB's suggestion that the local radio ownership rule should be completely eliminated (rather than, potentially, subject to waiver in markets where diverse ownership is truly

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[1] *See, e.g.*, *2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 18-349, Notice of Proposed Rulemaking, FCC 18-179, ¶ 27 (rel. Dec. 13, 2018) ("*2018 Quadrennial NPRM*") ("Conversely, do they permit sufficient growth to enable radio broadcasters to obtain the additional assets they may need to improve the quality of their service?").

and demonstrably uneconomical) for all markets below the top 75 Nielsen Audio Metro markets: Smaller and rural markets are often the most in need of quality local coverage, as major broadcasters have increasingly consolidated operations and news production in cities far from the localities they claim to serve.[2]

Smaller market viewers are no less deserving of competitive, local and diverse broadcast media that serves the public interest. That's why the prospect of even further deregulation with regard to the already weakened local television ownership rule is equally disturbing as the Commission's radio ownership proposals. The current Commission's elimination of the eight voices test[3] and the relaxation of the top four prohibition into a case-by-case analysis has already spurred a new wave of onerous broadcast consolidation, the full harms of which communities are still awaiting.[4] Abandoning the case-by-case approach, scarcely a year after its invention, to spawn a new bright-line rule greenlighting certain top four combinations would be a baffling

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[2] *See* Justin Fox, "The Geographic Concentration of the Media," *Bloomberg View* (Sept. 8, 2016) ("Geographic Concentration of the Media"), https://www.bloomberg.com/view/articles/2016-09-08/the-geographic-concentration-of-the-media; Justin Blankenship, *What Makes the News? TV's Coverage of Rural Communities*, presented at Thwarting the Emergence of News Deserts Symposium (Mar. 2017) ("*What Makes the News?*") ("[W]hat some may find surprising is the amount of 'national' coverage. It was by far the biggest category, almost more than news coverage of the three largest cities combined . . . residents of more rural communities in North Carolina cannot depend on regional television to provide that information."), http://newspaperownership.com/wp-content/uploads/2017/03/Symposium-Leave-Behind-Web-Final.pdf.

[3] *See 2010/2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Dockets Nos. 14-50, 09-182, Order on Reconsideration, 32 FCC Rcd 9802, ¶ 66 (2017) ("*2010/2014 Quadrennial Review*").

[4] *See* Kevin Tran, "Local TV merger and acquisition activity spiked in 2018," *Business Insider* (Jan. 7, 2019), https://www.businessinsider.com/2018-local-tv-station-merger-acquisition-activity-spiked-2019-1; Harper Neidig, "Nexstar, Tribune announce $6.4 billion merger to create largest local TV company," *The Hill* (Dec. 3, 2018), https://thehill.com/policy/technology/419404-nexstar-tribune-announce-64-billion-merger-to-create-largest-local-tv; Al Tompkins, "Cox to sell majority interest of TV group to Apollo Global Management," *Poynter* (Feb. 15, 2019), https://www.poynter.org/business-work/2019/cox-to-sell-majority-interest-to-apollo-global-management.

choice given the Commission's prior conclusions,[5] unless the Commission merely seeks the most efficient way to provide relief for the broadcast industry rather than to pursue its statutory duty of protecting the public interest.

The dual network rule remains similarly necessary to promote competition, localism and diversity in broadcast television as the industry buckles under the weight of so many mergers enabled by recent rule changes still under appellate review today. The Big Four networks continue to provide a distinct and valuable product, the utility of which would be greatly reduced for consumers were the networks allowed to eat their closest competition.

Each of these rules are critical backstops, and some of the last remaining vestiges of rules promoting diversity of viewpoint and ownership by preventing even more runaway media consolidation and concentration. Any relaxation or elimination of these few remaining ownership protections must inevitably result in more mergers that would redistribute the nation's broadcasting assets into the hands of fewer and fewer owners. Indeed, that is the express purpose of the steps proposed in this proceeding.[6] Yet, as the Commission has rolled back similar media ownership protections over the years, communities have faced waves of massive consolidation

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[5] *See 2010/2014 Quadrennial Review*, ¶¶ 78-82 ("[W]e find that modification of the Top-Four Prohibition to include a case-by-case analysis is appropriate in order to address instances in which the application of the Top-Four Prohibition may not be warranted based on the circumstances in a particular market or with respect to a particular transaction. This hybrid approach will allow for a more refined application of the Local Television Ownership Rule that will help facilitate the public interest benefits associated with common ownership in local markets … Given the variations in local markets and specific transactions, however, we do not believe that applicants would be well served by a rigid set of criteria for our case-by-case analysis.").

[6] *See, e.g., id.* ¶ 18 ("NAB claims that allowing radio station owners to achieve economies of scale and scope would enable them to improve the quality of their informational and entertainment programming.").

with no offsetting benefits in the form of better or more local content that is truly responsive to the needs of communities broadcasters are licensed to serve.[7]

Massive broadcast consolidation has proven to be devastating to the public interest principles of competition, localism, and diversity. Even as digital sources have proliferated, local television broadcast has continued to play a vital role in producing and delivering local news and other civic information to local communities. Local television still outpaces network and cable television options as a frequent news source,[8] and although data shows more people getting their news online,[9] a closer look reveals that many are using digital tools to access traditional broadcast television and radio newscasts.[10] Truly "new" online news outlets are in fact some of the least popular sources for local news – which is hardly surprising when we consider that smaller online operations rarely have the financial or structural assets to engage in resource-intensive original local reporting.[11] Study after study reaffirms that local broadcast news is poised to maintain its leadership in the video news market from an economic perspective, with

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[7] *See* Katerina Eva Matsa, "Buying spree brings more local TV stations to fewer companies," *Pew Research* (May 11, 2017), https://www.pewresearch.org/fact-tank/2017/05/11/buying-spree-brings-more-local-tv-stations-to-fewer-big-companies.

[8] *See* Katerina Eva Matsa, "Fewer Americans rely on TV news; what type they watch varies by who they are," *Pew Research* (Jan. 5, 2018) ("Matsa 2018"), https://www.pewresearch.org/fact-tank/2018/01/05/fewer-americans-rely-on-tv-news-what-type-they-watch-varies-by-who-they-are.

[9] *See* Jeffrey Gottfried & Elisa Shearer, "Americans' online news use is closing in on TV news use," *Pew Research* (Sept. 7, 2017), https://www.pewresearch.org/fact-tank/2017/09/07/americans-online-news-use-vs-tv-news-use.

[10] *See* Pew Research Center, "For Local News, Americans Embrace Digital but Still Want Strong Community Connection" (Mar. 26, 2019)("Pew 2019"), https://www.journalism.org/2019/03/26/for-local-news- americans-embrace-digital-but-still-want-strong-community-connection.

[11] *See* Knight Foundation, *Local TV News and the New Media Landscape: Part 3: The Future of Local News Video*, at 3 (Apr. 5, 2018) (concluding that "[t]raditional broadcasters are responsible for a significant portion of the news video published on social media, especially on Facebook"), https://knightfoundation.org/reports/local-tv-news-and-the-new-media-landscape.

rising retransmission fees and advertising revenue.[12] Local broadcast news also remains the public's most trusted news source, with 76 percent of Americans reporting a "great deal" or "fair amount" of trust in local television news.[13]

For communities of color and low-income households, local broadcast news is even more critical. 41 percent of nonwhite adults often get their news from local television, compared to only 35 percent of white adults. 46 percent of adults making less than $30,000 annually often watch local television news, compared to only 28 percent of adults making more than $75,000 who report that they watch it often. These racial and economic disparities shrink or disappear entirely for network or cable television news, suggesting that free over-the-air local broadcast news is particularly attractive to price-sensitive and marginalized viewers.[14] This conclusion is supported by industry surveys finding that "racial minorities" made up 41 percent of broadcast-only homes in 2013.[15]

Consequently, all injuries triggered by greater broadcast media consolidation will seriously harm the viewing public at large, and acutely impact poor families and people of color who rely disproportionately on local broadcast news for its unique service – and evidence suggests that such injuries are legion. In a report analyzing Sinclair Broadcast as a case study, the

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[12] *See* Kevin Mott, "Local TV News Industry Trends: Revenue Increasing, Employment Steady, Viewership Robust," *Stanton Foundation & RTDNA* (Dec. 18, 2018) ("Local TV News Industry Trends"), http://www.rtdna.org/article/local_tv_news_industry_trends_revenue_increasing_employment_steady_viewership_robust.

[13] *See* John Eggerton, "Poynter: Local TV News is Most Trusted," *Broadcasting & Cable* (Aug. 24, 2018), https://www.broadcastingcable.com/news/poynter-local-tv-news-is-most-trusted.

[14] *See* Matsa 2018.

[15] *See* John Lawson, "Minority, public TV viewers face greatest threat in FCC auction," *Current* (Aug. 31, 2015), https://current.org/2015/08/minority-public-tv-viewers-face-greatest-threat-in-fcc-auction/?wallit_nosession=1.

results suggest that as big broadcasters grow even bigger, national political coverage increases at the expense of local coverage.[16] Unrestrained market forces and media ownership consolidation have contributed to the depletion of ownership diversity and of women and people of color owning broadcast stations.[17] Localism and ownership diversity have suffered greatly as a result, leaving a world where marginalized groups and local communities are often under- and flat-out mis-represented by the local outlets obligated to serve them.

Contrary to the Commission's false assumption that industry scale will result in greater news production, media consolidation has actually resulted in fewer and fewer stations originating local news.[18] While the number of news hours continues to grow, those hours have become increasingly duplicative. A local community that used to receive 10 hours of local news from one independent station and another 8 hours of local news from a second independent station will see a net loss in news coverage if the two stations are consolidated and collectively produce 12 hours of news that is merely repeated on both channels. In this example, the total number of news hours in the market has increased from 18 to 24, but the number of hours of <u>original</u> news has actually declined from 18 to 12. Newsrooms' worth of local reporters have also lost their jobs as their owners shift toward jointly operated stations airing the same newscast across several channels, and a growing number of stations are producing no news at all.[19]

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[16] *See* Gregory J. Martin & Joshua McCrain, *Local News and National Politics*, Emory University (Apr. 4, 2018), http://joshuamccrain.com/localnews.pdf.

[17] *See* Carolyn M. Byerly, "Behind the Scenes of Women's Broadcast Ownership," 22 *Howard Journal of Communications* 24, 37 (2011); Jeffrey Layne Blevins & Karla Martinez, "A Political Economic History of FCC Policy on Minority Broadcast Ownership," 13 *The Communication Review* 216, 231 (2010).

[18] *See* Bob Papper, "Research: 2018 local news by the numbers," RTDNA/Hofstra University Annual Survey (June 13, 2018), http://www.rtdna.org/article/research_2018_local_news_by_the_numbers.

[19] *See* Derek S. Turner, Free Press, *Cease to Resist: How the FCC's Failure to Enforce its Rules Created a New Wave of Media Consolidation*, at 35 (2014), http://www.freepress.net/sites/default/files/resources/Cease_to_Resist_March_2014_Update.pdf; Katerina Eva Matsa, "5 facts about the state of local news,"

Consolidation therefore results in less local coverage, fewer diverse viewpoints, and fewer stations competing for local communities' attention.

Consolidation has also contributed to an ongoing pattern of big broadcasters transitioning resources away from low-income communities, rural areas, and communities of color, and allocating them predominantly to white, wealthy, and urban areas. Greater proportions of broadcast jobs have been centralized in cities like Los Angeles, New York, and Washington, DC, leaving local communities out in the cold.[20] Even nominally "local" broadcasts increasingly focus news stories on national or regional issues, ignoring news and information important to smaller rural communities.[21]

With the relaxation or elimination of almost all of the Commission's last-standing broadcast ownership rules, Free Press members and the public at large would inevitably be subject to harmful consolidation previously impermissible. This would yet again significantly reduce the quality and quantity of local news in our members' respective communities by reducing competition and viewpoint diversity while also diminishing broadcasters' incentives to invest in robust local news coverage that serves the public interest. Any Commission decision in this proceeding that results in less competition, localism, and diversity – both in terms of

Pew Research (July 23, 2014), http://www.pewresearch.org/fact-tank/2014/07/23/5-facts-about-the-state-of-local-tv-newsrooms/; Bob Papper, *Local news by the numbers*, RTDNA/Hofstra University Annual Survey (June 5, 2017), https://rtdna.org/article/rtdna_research_local_news_by_the_numbers_2017, ("The total keeps going up, but it's doing so because a smaller number of newsrooms are running news on more and more outlets.").

[20] *See* Geographic Concentration of the Media.

[21] *See What Makes the News?*; *Thwarting the Emergence of News Deserts*, Center for Innovation & Sustainability in Local Media, UNC School of Media & Journalism (Mar. 2017), http://newspaperownership.com/wp-content/uploads/2017/03/Symposium-Leave-Behind-Web-Final.pdf; Elizabeth Grieco, "For many rural residents in U.S., local news media mostly don't cover the area where they live," *Pew Research* (Apr. 12, 2019), https://www.pewresearch.org/fact-tank/2019/04/12/for-many-rural-residents-in-u-s-local-news-media-mostly-dont-cover-the-area-where-they-live.

viewpoints and ownership -- plainly runs afoul of the Commission's public interest standard and must be avoided.

II. Broadening the Relevant Market Definitions is Inappropriate and Misguided.

The Commission also considers whether it should expand the definition of the relevant product markets for both broadcast radio and broadcast television to include other sources, including video and audio outlets online – but such an expansion would be wildly inappropriate.

Broadcast media is uniquely free, and accessible to a wider range of audiences than are cable, satellite, or online services. As the NPRM notes, broadcast television and radio stations have remained "important fixtures in local communities" even as digital technologies and sources have proliferated.[22] As discussed above, people of color and low-income people rely disproportionately on broadcast. A 2012 survey found that while only 17.8 percent of all US households relied solely on broadcast television, 28 percent of Asian households, 23 percent of African-American households and 26 percent of Latinx households were broadcast-only, along with 26 percent of households making less than $30,000 annually[23] – and these disparities have persisted.[24] This is unsurprising because lack of affordable broadband disproportionately strands these communities on the wrong side of the digital divide. According to Free Press research using Census data and other sources for 2016, only 49 percent of households with annual family incomes below $20,000 had internet in the home, along with only 70 percent of Hispanics and 68

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[22] *See 2018 Quadrennial NPRM* ¶ 3.

[23] *See* National Association of Broadcasters, Press Release, *Over-the-air TV Viewership Soars to 54 Million Americans* (June 18, 2012).

[24] *See* GfK, Press Release, *One-Quarter of US Households Live Without Cable, Satellite TV Reception* (July 13, 2016), http://www.gfk.com/en-us/insights/press-release/one-quarter-of-us-households-live-without-cable-satellite-tv-reception-new-gfk-study/.

percent of Blacks, compared to 81 percent of Whites.[25] Counting digital sources as "competition" ignores the reality that non-broadcast news sources are too often unaffordable and inaccessible for our most marginalized communities.

Broadcast media is also uniquely local, unlike cable, satellite, or online services. Digital outlets typically produce content for a national audience and lack the necessary assets to perform resource-intensive local reporting in our communities. A 2010 study found that digital-only outlets produced only 4 percent of the original reporting packaged in online news sources, while television news accounted for 28 percent and radio news for 7 percent, and broadcast content remains a major source for online local news even today.[26] Most local news coverage is reported and produced by traditional news outlets and then repackaged for digital audiences, which means that even when local coverage makes it online it is often still dependent on local broadcast television and other "offline" sources. Counting any of a relatively few, under-resourced but native digital sources as "competition" to broadcast media ignores the reality that non-broadcast and non-newspaper news sources do not provide adequate local coverage to be substitutes.

The suggestion that the Commission should expand its market definition of the broadcast industry to include outlets beyond broadcast is deeply counterintuitive and plainly misguided. Rising revenues and stable audiences suggest that broadcasters are poised to retain their market

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[25] *See* Derek S. Turner, Free Press, *Digital Denied: The Impact of Systemic Racial Discrimination on Home-Internet Adoption*, at 4 (Dec. 2016), https://www.freepress.net/sites/default/files/legacy-policy/digital_denied_free_press_report_december_2016.pdf.

[26] *See* Ben Fritz, "Most original news reporting comes from traditional sources, study finds," *Los Angeles Times* (Jan. 11, 2010), https://www.latimes.com/archives/la-xpm-2010-jan-11-la-fi-ct-newspapers11-2010jan11-story.html; *see also* Pew 2019.

dominance vis-a-vis newer online news generating outlets,[27] and that these broadcasters' news products remain unsubstitutable in the eyes of the public due to their unique affordability, accessibility, and local focus. The only possible reason to pursue an expansion of the relevant market definitions would be to create the appearance of competition in local news production where none actually exists, and thereby wrongly justify further deregulation and consolidation. Such a move would plainly be arbitrary and capricious. The FCC should abandon this cynical framing and reject the claim put forward by its proponents, whose motivations are cynical and profit-driven rather than in the public interest.

III. The Statutory Public Interest Standard Cannot Be Abandoned for Arbitrary "Tradeoffs."

When considering both radio and television rules, the Commission bizarrely asks if there might be economic benefits that should serve as "tradeoffs" to the traditional public interest standards of competition, localism and diversity.[28] Implementing any such proposal would betray a fundamental misunderstanding of both economics and the public interest.

The Commission posits that certain economic benefits including "increased competition, choice, innovation, or investment in programming" might conflict with "our traditional policy goals of competition, localism, or viewpoint diversity," and seeks comment on how the agency should measure or evaluate such "tradeoffs."[29] Ignoring the inherent inconsistency of assuming that competition could be a tradeoff at the expense of, among other things, competition, this framing still presents a false choice. While viewers and listeners do in fact benefit from

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[27] *See* Local TV News Industry Trends ("Local television news is poised to maintain its position as the de facto leader in local news coverage, thanks to yearly increases in total revenue, stable employment, and relatively robust viewership numbers.").
[28] *See* 2018 Quadrennial NPRM, ¶¶ 39, 76, 92.
[29] *Id.* ¶ 76.

innovation and choice, it is wrong to suggest that these things can exist where competition and diversity do not. Innovation and choice stem from having many diverse voices competing to better serve local communities. The best way to ensure that people receive such benefits is by adhering to the Commission's existing public interest standard, not abandoning it.

Yet the NPRM wrongly suggests not only that the Commission's public interest standard is somehow antithetical to modern economic concerns (vis-a-vis "traditional" policy goals), but that it should perhaps be considered as inferior to those "modern" interests. But even should such a narrow choice exist, the public interest must and should be broader than economic costs and benefits, especially as improperly measured according solely or primarily to the alleged costs experienced by regulated entities alone. Broadcast media is critical for maintaining our democracy, for promoting free speech and ideas, and for serving local communities with the civic information they need. Denigrating these benefits because they are not purely economic in nature would be an abandonment of the Commission's role to protect the public.[30] The Commission lacks legal authority to arbitrarily and capriciously reimagine its role as one of an economic arbiter instead of a public protector.

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[30] *See, e.g.*, 47 U.S.C. § 309(j)(3)(B) (requiring the Commission "to protect the public interest in the use of the spectrum" by "promoting economic opportunity and competition and ensuring that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women.") (emphases added); Telecommunications Act of 1996, Pub. L. No. 104-104, § 202(h), 110 Stat. 56, 111-12 (1996) (1996 Act); Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, § 629, 118 Stat. 3, 99-100 (2004) (Appropriations Act) (amending Sections 202(c) and 202(h) of the 1996 Act). In 2004, Congress revised the then-biennial review requirement to require such reviews quadrennially. *See* Appropriations Act § 629, 118 Stat. at 100.

IV. The NPRM's Proposals Supposedly Related to Diversity Remain Insufficient Without Court-Mandated Analysis of Their Impact.

In 2004, 2011, and 2016, the Third Circuit instructed the Commission to perform the relevant analysis necessary to conduct a thorough and informed review of its ownership diversity policies and the impact from changes thereto.[31] Yet still the Commission has failed to study the impact of its rules on ownership by women and people of color, and now proposes possible further relaxation of its rules without such analysis, flagrantly disregarding the Court's explicit mandate.

The diversity proposals in this NPRM are vague and underdeveloped – but even should they be made more specific, the Commission must not merely guess at their impact and must instead actually study whether or not they would promote ownership by women and by people of color. When considering the proposed broadcast procurement rule, the Commission seeks comment on how this proposal to expand ownership by people of color and women could be modified to be "race- and gender-neutral."[32] This ridiculous hypocrisy is woven throughout the NPRM's consideration of each proposal, undercutting diversity initiatives before they can even begin. To promote ownership by women and people of color, the Commission must conduct the research required to support targeted measures to promote ownership of broadcast stations by women and people of color. Conducting these studies may not be easy, but it will be vastly easier

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[31] *Prometheus Radio Project v. Federal Communications Commission*, 373 F. 3d 372, 420- 421, n. 59 (3d Cir. 2004); *Prometheus Radio Project v. Federal Communications Commission*, 652 F.3d 431, 471 (3d Cir. 2011); *Prometheus Radio Project v. Federal Communications Commission*, 824 F. 3d 33, 54 n. 13 (3d Cir. 2016).

[32] *See* 2018 Quadrennial NPRM ¶ 98.

and more effective than twisting an ownership diversity proposal to wring out all regard for diversity and to effect instead the Commission's contrived sanitization of race and gender.

Moreover, such analysis is absolutely critical not just for the development of these specific diversity proposals, but for proper analysis of any of the rule changes the Commission contemplates in the instant NPRM. As Free Press explained in the 2014 Quadrennial Review, "[t]he prematurity of relaxing the rules in light of this judicial directive, with the potential for jeopardizing existing diversity levels, is by itself a legal and policy reason sufficient to maintain existing limits."[33] The Commission cannot consider relaxing or eliminating any of its remaining rules before performing a thorough analysis assessing the market structures that are more likely to foster ownership by women and people of color and evaluating the potential impact of such rule changes on ownership opportunities. Without studying the impacts such deregulation and subsequent consolidation would have on race and gender ownership diversity, the Commission must resist premature action that would likely only harm women owners and owners of color.

CONCLUSION

The Commission has once again failed to complete the ownership diversity analysis mandated by the Third Circuit, rendering any possible relaxation of ownership rules premature. Ample evidence suggests that broadcast deregulation – whether achieved by explicit modifications of the three remaining rules, expansion of the definition of the relevant product markets, or deprioritizing the public interest in the name of nebulous economic "tradeoffs" – severely harms the public in general and disproportionately harms disadvantaged groups,

[33] *See* Comments of Free Press, *2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 14-50, at 3 (filed Aug. 6, 2014).

including poor communities and people of color. The Commission must retain the existing ownership rules and finally commit to conducting the Court-mandated analysis that would allow it to accurately evaluate and promote media ownership diversity.

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