

June 18, 2020

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: MB Docket Nos. 20-122 and 20-123

Dear Ms. Dortch:

Mijente and Free Press,¹ submit this letter in the above referenced dockets² to oppose both Univision's Petition for Declaratory Ruling requesting that the Commission permit "aggregate foreign ownership up to and including 100% of the company's equity and voting interests,"³ and Univision's applications to transfer broadcast licenses pursuant to such a ruling.⁴

In a year that coincides with both the U.S. Census and a U.S. presidential election, it is critical to ensure that the Latinx community nationwide, and in local markets throughout the country, remains well informed. The need for more local and diverse Spanish-language and Latinx-centered content is far too important for the Commission to simply rubber-stamp these transactions, that would spin a revolving door of private equity owners and further distance corporate control of Univision stations from the local communities they are licensed to serve.

Pursuant to Sections 310(b)(4) and 310(d) of the Communications Act of 1934, the Commission must therefore exercise its discretion and protect the public interest by rejecting the Amended Petition. Allowing Univision to become 100 percent foreign-owned in the manner the broadcaster proposes would result in less competition, diversity and localism and plainly runs afoul of the Commission's public interest standard.

¹ Mijente is a digital and grassroots hub for Latinx and Chicanx organizing and movement building and Free Press is a national, nonpartisan organization working for equitable access to technology, diverse and independent ownership of media platforms, and journalism that serves interests of local communities.

² See *Media Bureau Announces Filing of Petition for Declaratory Ruling by Univision Holdings, Inc.*, Public Notice, MB Docket No. 20-122 (rel. May 5, 2020); *Media Bureau Establishes Pleading Cycle for Applications to Transfer Control of Univision Holdings, Inc., from Shareholders of Univision Holdings, Inc., to Searchlight III UTD, L.P., ForgeLight (United) Investors, LLC, and Grupo Televisa, S.A.B., and Establishes Permit-But-Disclose Ex Parte Status for the Proceedings*, Public Notice, MB Docket No. 20-123 (rel. May 5, 2020).

³ See Univision Holdings, Inc. Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act of 1934, as Amended, MB Docket No. 20-122, at 6 (filed Apr. 22, 2020) ("Amended Petition").

⁴ See *id.* (applications for transfer of license were filed concurrently with the Amended Petition).

In 2016, the Commission departed from the statutorily mandated foreign ownership limits by declining to adopt a standardized review process and replacing it with a “fact-specific, individualized case-by-case review of each application.”⁵ Given the U.S. history of media consolidation, the Commission’s complicity in that consolidation, and its persisting legacy of failure to achieve diverse ownership of broadcast outlets in this country— especially those that produce and distribute content in languages other than English — this transaction is not in the public interest and would harm the Latinx community.

Spanish-language media plays a critical role in informing the opinions of Latinx people in this country. Univision is highly influential with its position as the number one Spanish-language broadcaster reaching an average of 1.3 million people during primetime. Univision and the other applicants in these proceedings also recognize the importance of Univision to the Latinx community in the United States.⁶ With so few available choices of Spanish-language mass media sources, the Commission cannot grant the Amended Petition and associated transfers unless it is certain that the requested waiver and transaction will serve the interests of the Spanish-speaking and Latinx community. Univision’s recent history instills little confidence: several attempts to restructure following several rounds of consolidation have resulted in a series of layoffs directly impacting its ability to produce local content.⁷

Though the Commission claimed it sought to promote diversity by allowing international sources of investment capital to exceed the 25 percent foreign ownership cap,⁸ it has instead opened the door to more corporate consolidation and the global redistribution of U.S. broadcast assets. Univision in particular has gradually increased the percentage of foreign ownership of its company over the last several years,⁹ culminating in the instant petition to permit up to 100 percent foreign ownership.

⁵ *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Report and Order, 31 FCC Rcd 11272, ¶ 8 (2016) (“2016 Foreign Ownership Order”).

⁶ See Amended Petition at 14 (“As a leading Hispanic media company, Univision entertains, informs, and empowers U.S. Hispanic audiences with news, sports, and entertainment content . . . [and] provides valuable programming services to a growing audience[.]”).

⁷ See Daniel Shoer Roth, “Crisis at Univision grows: High profile reporters part of new layoffs,” *Miami Herald* (July 26, 2018); Veronica Villafaña, “Layoffs At Univision Cause Panic As Staffers Told 'Catastrophic' Cuts Are Imminent To Slash \$300M,” *Forbes* (Apr. 13, 2018); “Chasing millennials and profits, Univision restructures and lays off at least 200,” *Wash. Post* (Nov. 16, 2016).

⁸ See *2016 Foreign Ownership Order*. The Commission found that such transactions were in the public interest “unless the Commission finds that the public interest will be served by refusing to permit such foreign ownership.” *Id.* ¶ 5.

⁹ See, e.g., *Univision Holdings, Inc. and Grupo Televisa S.A.B. Petition for Declaratory Ruling*, Declaratory Ruling, 34 FCC Rcd 11148 (2019) (permitting 70 percent foreign ownership stake); *Univision Holdings, Inc. and Grupo Televisa S.A.B. Petition for Declaratory Ruling*, Declaratory Ruling, 32 FCC Rcd 6 (2017) (permitting 49 percent foreign ownership stake).

The impact of a lack of diversity and localism in ownership and control of the leading Spanish-language broadcasters is ever present and especially apparent right now.¹⁰ Currently, people of color in our country own or control dismally few broadcast stations. Our media system has been historically plagued by institutional and structural racism,¹¹ and caters to corporations over the needs of local communities. People of color and low-income families rely even more than other demographic groups do on broadcast television, so it is clear that Latinx communities are disproportionately harmed and underserved by rampant broadcast consolidation.

These harms are further compounded by the few choices available to people of color who are Spanish-speakers. The Latinx community in the U.S. has historically opposed foreign ownership of the broadcast stations that serve them in the U.S.,¹² and has a history of speaking out against the detrimental effects of such increases in foreign ownership.¹³ The Commission should reject Univision’s petition and heed these harms articulated by the communities that these broadcast stations are licensed to serve.

This transaction would foreclose opportunities for diverse and local ownership of broadcast stations. Indeed, the post-acquisition Univision would swap one private equity owner for another. While it is too early to fully determine the impact on all licensed services of effectively erasing the foreign ownership limits, it is clear that the Commission has allowed rampant broadcast consolidation to the detriment of local and responsive content, regardless of whether licenses are controlled by distant and giant U.S. conglomerates or multinational ones. Neither type of corporate ownership structure utterly divorced from local community input produces the incentives necessary for content accountable to local communities’ information needs.

Univision and its co-applicants submit that they are “dedicated to continuing Univision’s history of service to its communities and to Hispanic America as a whole” and “expect to support those efforts with investments that will enable the Univision networks and stations to better serve the public.”¹⁴ As examples of current efforts in the public interest the applicants would continue to

¹⁰ See, e.g., Manuel Betancourt, “Mijente Urges Univision & Telemundo to Reject Anti-Black Stereotypes in Protests Coverage,” *Remezcla* (June 15, 2020); Ana Lucia Murillo, “How Univision and Telemundo Are Covering the Protests,” *Latino Rebels* (June 3, 2020).

¹¹ See Joseph Torres, “50 Years After the Landmark Kerner Report Called Out Media Racism, the Power Structure Persists,” *Colorlines* (Feb. 28, 2018).

¹² See John Lippmann, “Hallmark Cards to Sell Univision TV Network,” *L.A. Times* (Apr. 9, 1992) (referring to concerns “in the Los Angeles Latino community, which previously petitioned the FCC to insist that the Hallmark/Univision stations be sold to Latino broadcasters[,]” and by Esther Renteria, chair of the National Hispanic Media Coalition, regarding “the lack of minority ownership in the U.S.” and how bringing “in big money people like [Televisa’s] Azcarraga, then the media will eventually be owned by five people and you will not have any diversity of opinion.”).

¹³ See Mireya Navarro, “Complaint to Spanish TV: Not Enough Americans; Few U.S. Plots for Growing Audience,” *N.Y. Times* (Apr. 1, 2000); Claudia Puig, “Activists Fear Foreign Share in Univision,” *L.A. Times* (Apr. 30, 1992).

¹⁴ Amended Petition at 15.

support, the application lists the launch of voting and Census awareness civic engagement programs and “[k]eeping communities informed during the current coronavirus pandemic . . . by [] [c]reating new local content for TV and radio stations,”¹⁵ among others. However, the application then proposes that future investment in these efforts would take the form of continued support of the deployment of the next generation broadcast standard, ATSC 3.0, and using “Univision’s recent content and programming momentum to accelerate growth and substantially enhance Univision’s digital presence.”¹⁶

These supposed benefits are not dependent on this transaction. Univision can (and should) invest in more voting and Census awareness content even in the absence of the license transfer. But even if these benefits were transaction-specific, they would not outweigh the harms to localism and diversity in Spanish-language content outlined above.

At a time when this nation grapples with the legacy and institutionalization of white supremacy and anti-blackness, we must ensure that communities can take greater control and ownership of their media. This is hardly a radical idea: it’s enshrined, however imperfectly enforced, in the Commission’s mandate to promote localism, competition, and diversity in broadcasting. Our broadcast stations must be responsive to the information needs of the communities they serve. Therefore, given Univision’s past and the impact that further consolidation would have on local communities, the Commission must deny this petition and license transfer applications.

Respectfully submitted,

/s/
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¹⁵ *Id.* at 14.

¹⁶ *Id.* at 15.