Broadcast LAW BLOG



<u>Comment Deadline of March 5 Established on FCC Proposals</u> for Reform of Multiple Ownership Rules

January 19, 2012 by David Oxenford

The FCC' Notice of Proposed Rulemaking in its Quadrennial Review of the Multiple Ownership Rules was published in the Federal Register today, setting the deadline of March 5 for initial comments in that proceeding. Reply comments are due on April 3. We summarized the FCC's tentative conclusions on changes to the ownership rules when the Commission first released its NPRM in late December. The issues to be considered include changes to the broadcast-newspaper cross ownership restrictions, the possible elimination of rules restricting the ownership of radio and TV in the same market, the potential attribution of TV shared services agreements (i.e. potentially making a shared services agreement "count" as an ownership interest in a multiple ownership analysis), and other possible revisions to the local radio and TV ownership limitations (or exceptions that would allow for waivers of the limits in defined circumstances). The Commission is also looking for suggestions on how these rules can be used to promote the minority ownership of broadcast stations.

As <u>we wrote</u> in December, this is but one more step in a long process before any new rules will be adopted. After the filing of the comments, there are bound to be many groups informally discussing proposed changes with FCC Commissioners and staffs, and much consideration before any final rules are adopted. Even these tentative conclusions took the FCC over a year and a half to produce from the date of the initial <u>Notice of Inquiry</u> in this proceeding. Given the upcoming elections, and the potential for just about anything to become a campaign issue, a decision like this, that may contain controversial elements, will most likely be postponed until some time after election day. And even when decided, these rules are often debated for years afterward, as this NPRM is reviewing issues that <u>Courts have rejected</u> from previous ownership review orders reached in 2003 and <u>2007</u>. Nevertheless, look for much more debate on these issues in the coming months.

Disclaimer

This advisory is a publication of Davis Wright Tremaine LLP. Our purpose in publishing this advisory is to inform our clients and friends of recent legal developments. It is not intended, nor should it be used, as a substitute for specific legal advice as legal counsel may only be given in response to inquiries regarding particular situations.