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The Leadership Conference

September 30, 2021

Acting Chairwoman Jessica Rosenworcel
Commissioner Brendan Carr
Commissioner Geoffrey Starks
Commissioner Nathan Simington
Federal Communications Commission
45 L St. NE
Washington, DC 20554

RE: MB Docket No. 18-349, 2018 Quadrennial Regulatory Review

Dear Acting Chairwoman Rosenworcel and Commissioners:

On behalf of The Leadership Conference on Civil and Human Rights, we write to update the record in the 2018 Quadrennial Regulatory Review of the Federal Communication Commission's Broadcast Ownership Rules and to urge the commission to take steps to improve media diversity, including by improving its 323 ownership data and conducting studies about the impact of the proposed rule changes on ownership by women and people of color. The Leadership Conference is a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil rights of all persons in the United States. Media diversity has long been a top priority of The Leadership Conference and its members because we understand that meaningful protection of civil rights and advancement of key policy objectives rely in great measure on an accurate, diverse, and independent media that serves our constituencies.

Broadcast media has thrived during the pandemic, when access to reliable, accurate, and timely information is more important than ever. A diverse local media environment is critical to ensuring that all communities are safe, well-informed, and have access to reliable information about voting, health care, government services, and disaster relief, among other critical issues.

The commission released its most recent 323 ownership data, which was collected in 2019, on September 3, after it sought further comment in this docket. The data continue to show dismal levels of ownership diversity and a decline of Asian ownership of full power commercial television stations from 0.7 percent to 0.4 percent.[1] The commission could have released the data at the same time it sought further comment, but instead waited until the middle of the comment cycle to produce two-year-old data. These data, as well as the

[1] *Federal Communications Commission*'s Industry Analysis Division of the Media Bureau. "Fifth Report on Ownership of Commercial Broadcast Stations from FCC Form 323 Ownership Data as of October 1, 2019." September 2021 https://docs.fcc.gov/public/attachments/DA-21-1101A1.pdf.

The Leadership Conference

commission's previously released data, demonstrate the commission's continued failure to address media ownership diversity.[2]

As The Leadership Conference has stated previously, we oppose the commission's proposals to modify or eliminate the Local Radio Ownership Rule, the Local Television Ownership Rule, and the Dual Network Rule (collectively known as the Media Ownership Rules). The Media Ownership Rules serve the public interest in assuring an accurate, diverse, and independent media and are the last bulwark against already abysmally low ownership diversity rates. Given the current low numbers, the FCC must not take any action that will harm race and gender ownership diversity.[3]

A. A competitive and diverse media is essential both during COVID-19 and other emergencies.

The FCC explicitly acknowledges that local broadcasters remain an essential lifeline of information to the public: "[a]lthough local news is becoming more available from other sources, local broadcast television stations remain the most viewed source and the most preferred source for emergency news."[4] As of 2020, the FCC reported that an estimated 16 million households in the United States, representing 13 percent of the total households with television, rely solely on over-the-air reception of broadcast signals.[5]

In large events and natural disasters, when people most need access to real-time local information, mobile and fixed internet and telephone connections are often inadequate for transmitting life-saving information. Broadcast is uniquely situated to serve the public in these circumstances.

The COVID-19 pandemic has reaffirmed the need for competitive media that serves the goals of localism and diversity. As consumers have gravitated to local news outlets to stay informed about the pandemic's impact on their communities,[6] local radio and television ratings have increased significantly.[7] A diverse

[2] The Leadership Conference on Civil and Human Rights, The Abysmal State of Media Ownership Diversity in America, blog (December 10, 2020), https://civilrights.org/blog/the-abysmal-state-of-media- ownership-diversity-in-america/. *See also* Summary of Federal Communications Commission Biennial Commercial Broadcast Ownership Data, 2009-2017 (complied December 2020), http://civilrightsdocs.info/pdf/FCC-v-Prometheus-Charts.pdf

[3] We also reiterate our previous comments that the Commission should not replace any of the Media Ownership Rules with the untried and untested diversity proposals in this docket. Finally, because the disclosure of shared service agreements (SSA) facilitates the Commission's analysis of the broadcast industry and allows the public to analyze ownership diversity in the industry, we urge the FCC to continue to require the public filing of SSAs and conclude that sharing arrangements that circumvent ownership rules be attributed.

[4] 2018 Communications Marketplace Report at *36 ¶104 (citations omitted). *See also* KNIGHT FOUNDATION, LOCAL TV NEWS AND THE NEW MEDIA LANDSCAPE: PART 1, THE STATE OF THE INDUS- TRY (Apr. 5, 2018), https://knightfoundation.org/wp-content/up- loads/2020/03/TVNews_bundle-v5.pdf.

[5] 2020 Communications Marketplace Report at 135 ¶ 226.

[6] *In The 'New Normal' of Covid-19, Local TV News Proves to be the Medium of Choice for News and Information*, Nielson: In- sights (Mar. 24, 2020), https://www.nielsen.com/us/en/insights/ article/2020/in-the-new-normal-of-covid-19-local-tv-news-proves-to- be-the-medium-of-choice-for-news-and-information/. *See also* Lillian Rizzo, *Local TV Sees Spike in Viewers, Drop in Ads in Coronavirus Crisis*, Wall St. J. (Apr. 3, 2020), https://www.wsj.com/articles/ local-tv-sees-spike-in-viewers-drop-in-ads-in-coronavirus-crisis- 11585915203.

[7] *Local TV Sees Audience Boost, Reaching Younger and More Diverse Audiences*, Nat'l Assn. of Broads. (Nov. 20, 2020), https://blog. nab.org/2020/11/13/local-tv-sees-audience-boost-reaching-younger- and-more-diverse-audiences/.

The Leadership Conference

local media environment helps fight against disinformation and misinformation, allowing communities to stay well-informed. Communities of color are less likely to be connected to internet services and rely more heavily on local media for information than their white counterparts.[8] The pandemic has decimated communities of color at much higher rates,[9] and thus a diverse array of local media outlets that speak to these communities' needs is critical not to only fighting the pandemic, but also to helping these communities to rebuild.

B. Broadcasting serves a unique role that is not replaced by, or in direct competition with, other media.

The history of broadcast policy in the United States has emphasized local broadcasting; stations are licensed to local communities to facilitate local information and locally responsive content in a country with a wide variety of local cultures, governments, and concerns.[10] Local news and information, including local weather reports, traffic reports, newsflashes about local elections and municipal agency actions, school closings, and town halls, provide great value to communities.[11] As detailed in our initial comments, broadcast stations are uniquely situated to cover local news.[12] Indeed, 77 percent of Americans get most of their local news from broadcast sources, while only 23 percent get their local news from "online only" sources.[13] Moreover, very little local news is created by internet outlets.[14] Instead, since much of what Americans consume online are uploaded videos of television broadcast news,[15] the internet serves to complement broadcast television by extending the reach of traditional media rather than replacing it. Without broadcasters investing in local journalism, local news goes unreported, leaving

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[8] *See* note 2 and Sara Atske and Andrew Perrin, Home broadband adoption, computer ownership vary by race, ethnicity in the U.S., Pew Research Center (July 16, 2021) https://www.pewresearch.org/fact-tank/2021/07/16/home-broadband-adoption-computer-ownership-vary-by-race-ethnicity-in-the-u-s/.
[9] Dan Keating et al., Racial, Ethnic Minorities Reel From Higher COVID-19 Death Rates, Washington Post (November 20, 2020) https://www.washingtonpost.com/graphics/2020/health/covid-race-mortality-rate/.
[10] Congress, the Supreme Court, and the FCC have all proclaimed localism, along with competition and diversity, has been a "cornerstone of broadcast regulation for decades." *See* Federal Communications Commission, Notice of Inquiry In the Matter of Broadcast Localism, MB Docket NO. 04-233 (2004) (citing 47 U.S.C. § 307(b); FCC v. Allentown Broadcasting Corp., 349 U.S. 358, 362 (1955); and the Federal Communications Commission's Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88, 92 ¶ 11 (1982) on recon., 56 Rad. Reg. 2d (P&F) 448 (1984); Amendment of Section 3.606 of the Commission's Rules and Regulations, 41 F.C.C. 148, 167 (1952). See also Pacific Broadcasting of Missouri LLC, 18 FCC Rcd 2291 (2003)
[11] The Commission made a particularly egregious error when it eliminated the Critical Information Needs studies which would have more fully developed and analyzed these concerns; *See* Leadership Conference Comments, 5.
[12] Leadership Conference Comments, 5-7.
[13] "For Local News, Americans Embrace Digital but Still Want Strong Community Connection." Pew Research Center. Mar 26, 2019. Accessible via: https://www.journalism.org/2019/03/26/for-local-news-americans-embrace-digital-but-still-want-strong-community-connection/.
[14] Shan Wang, How much of what local TV stations post to Facebook is actually local? For many, right around half (April 26, 2018) https://www.niemanlab.org/2018/04/how-much-of-what-local-tv-stations-post-to-facebook-is-actually-local-for-many-right-around-half/.
[15] MB Docket No. 18-349, 2018 Quadrennial NPRM at ¶3 citing Nielsen, *Time Flies* (stating that U.S. adults watch five hours and fifty-seven minutes of video per day, including four hours and forty-six minutes of live and time-shifted television, and finding that radio reaches 92 percent of U.S. adults on a weekly basis).

millions of Americans without access to pressing news about issues in their own communities.[16] The commission can ensure that local broadcasters can compete by properly defining the market as among broadcasters, upholding its mandate to promote localism and competition at the same time.

C. Cable, satellite, and internet media costs substantially more than local broadcast, and thus do not serve as comparable alternatives to local broadcast.

Broadcasting remains vital for disseminating news and emergency information to those who do not have or cannot afford broadband access, cable, or satellite. Without a cost to the end-user, local broadcast television costs substantially less than video-on-demand content available through cable, satellite, and internet media technologies.[17] While the former is supported by advertisers, the latter requires direct payments by the consumer, who may not be able to afford the monthly payments required by cable and satellite television operators.[18] Although cable and satellite television companies increased their revenue — adjusted for inflation — per subscriber by 73 percent between 1999 and 2019, the average annual inflation adjusted household income has only increased 11 percent over the same 20-year period.[19] Similarly, internet media requires monthly broadband access, which can amount to $62.17 per month for promotional plans and $83.14 per month thereafter.[20] While some internet media is advertiser supported, other media require additional monthly subscriptions.[21] Finally, cable, satellite, and internet media have a high cost of entry that distinguishes these services from over-the-air broadcasts.[22]

A commitment to promoting diverse media ownership is a fundamental component of our nation's communications policy. We further urge the commission to retain and enforce the existing Local Radio Ownership, the Local Television Ownership, the Dual Network Rules, and SSA disclosure rules. If you have any questions about the issues raised in this letter, please feel free to contact Media/Telecommunications Task Force Co-Chair Cheryl Leanza, United Church of Christ, Office of Communication, Inc., at cleanza@alhmail.com; Kate Ruane, American Civil Liberties Union, at

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[16] David Bauder, Facebook says service hindered by lack of local news, Associated Press (March 18, 2019), https://apnews.com/790d194cbec347149be8b598009ad1c4?utm_source=Twitter&utm_medium=AP&utm_campaign=SocialFlow.
[17] Note 9 at 9-10.
[18] The FCC reports that the inflation-adjusted price of multi- channel video programming distribution service primarily from cable and satellite television MVPD video service increased 74%, from an average of $698.30 per year in 2000 to $1,211.58 in 2017. 2018 Communications Marketplace Report at *39 ¶117 (citations omitted).
[19] 2020 Communications Marketplace report at *109 ¶166 (citations omitted). https://docs.fcc.gov/public/attachments/FCC-20-188A1.pdf
[20] *See* Note 9 at 6 *citing* New America Foundation, *Focus on the United States*, THE COST OF CONNECTIVITY 2020 (2020), https://www.newamerica. org/oti/reports/cost-connectivity-2020/focus-on-the-united-states (last visited Dec. 17, 2020). Out-of-pocket monthly broadband payments will increase for many households with multiple occupants. Major national broadband access providers, such as Com- cast, have begun to impose a limit on the amount of content subscribers can use without paying a surcharge. *See, e.g.*, *All Internet Is Powered by Data*, XFINITY, https://www.xfinity.com/learn/ internet-service/data (last visited Dec. 17, 2020). The COVID-19 pandemic, with households participating in work-from-home and remote learning, has increased the need for data and illustrated the impact of data caps.
[21] *See* Note 9 at 5.
[22] *See* Note 9 at 7.

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Sincerely,

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