

United States Senate

WASHINGTON, DC 20510

October 22, 2007

Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Martin:

I am writing regarding your proposal to move forward aggressively with modifications to existing media ownership rules. According to press accounts, you intend to present specific changes to existing rules in November with a Commission vote on that proposal – whatever it may be – on December 18, 2007. I believe both the proposed timeline and process are irresponsible.

Minority owned and operated newspapers and radio stations play a critical role in the African American and Latino communities and bring minority issues to the forefront of our national discussion. However, the Commission has failed to further the goals of diversity in the media and promote localism, and as a result, it is in no position to justify allowing for increased consolidation of the market. Moreover, 30 days of public review of a specific proposed change is insufficient to assess the effect that change would have on the media marketplace or the rationale on which any such proposal is based.

While the FCC did commission two studies on minority ownership in the round of 10 studies it ordered at the beginning of 2007, both suffered from the same problem – inadequate data from which to make determinations on the status of minority media ownership or the causes for that status and ways to increase representation.

It is time to put together an independent panel, as Commissioner Adelstein has recommended, to issue a specific proposal for furthering the goal of diversity in media ownership. I object to the agency moving forward to allow greater consolidation in the media market without first fully understanding how that would limit opportunities for minority, small business, and women owned firms.

I also object to the Commission's propensity to vet proposals through leaks to the press and lobbyists. The Government Accountability Office (GAO) issued a report in September 2007 titled, "The FCC Should Take Steps to Ensure Equal Access to Rulemaking Information." In that report, GAO found that: "Situations where some, but not all, stakeholders know what the FCC is considering for an upcoming vote undermine fairness and transparency of the process and constitute a violation of the FCC's rules." The report went on to state: "This imbalance of information is not the intended result of the Communications Act and it runs contrary to the

principles of transparency and equal opportunity for participation established by law and to the FCC's own rules that govern rulemaking.”

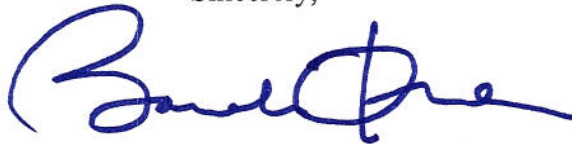
In the wake of that report, I find it disturbing that, according to the *New York Times*, the Commission is considering repealing the newspaper and television cross ownership rules. It is unclear what your intent is on the rest of the media ownership regulations. Repealing the cross ownership rules and retaining the rest of our existing regulations is not a proposal that has been put out for public comment; the proper process for vetting it is not in closed door meetings with lobbyists or in selective leaks to the *New York Times*.

Although such a proposal may pass the muster of a federal court, Congress and the public have the right to review any specific proposal and decide whether or not it constitutes sound policy. And the Commission has the responsibility to defend any new proposal in public discourse and debate.

This is not the first time I have communicated with the agency on this matter. Senator Kerry and I wrote to you on July 20, 2006, stating that the Commission needed to address and complete a proceeding on issues of minority and small business media ownership before taking up the wider media ownership rules. Our request echoed an amendment adopted by the Senate Commerce Committee in June 2006. And last month, at an FCC hearing on media ownership held in Chicago, I requested that the FCC put out any specific changes that would be voted on in a new notice of proposed rulemaking so that the American people have an opportunity to review it.

In closing, I ask you to reconsider your proposed timeline, put out any specific change to the rules for public comment and review, move to establish an independent panel on minority and small business media ownership, and complete a proceeding on the responsibilities that broadcasters have to the communities in which they operate.

Sincerely,



Barack Obama
United States Senator