



## Law firm, Media General at odds over FCC regulations

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BRISTOL, Va. – If a Washington telecom law firm has its way, Media General Inc. could be forced to sell the Bristol Herald Courier or its sister television station, News Channel 11 in Johnson City, Tenn.

The firm's lawyers have filed a petition asking that the Federal Communications Commission deny Richmond-based Media General's request for a waiver that would allow it to continue operating a newspaper and television station in the same media market.

Since the 1970s, the FCC has prohibited one company from owning both types of properties in the same market. A company may purchase both but must sell one or apply for a waiver when the television station's license comes up for renewal.

Media General filed for such a waiver when it applied to renew WJHL-TV's license, which expired Aug. 1.

"Owning the dominant newspaper and dominant television station in one market is more power than any company should have in a democracy," said Andy Schwartzman, an attorney for the nonprofit public-interest law firm Media Access Project.

Until the federal agency rules on the license renewal request, the current license will remain valid, FCC spokeswoman Jennifer Fisher said. She would not speculate on when such a ruling might come down.

Schwartzman said he doesn't expect the issue to be resolved soon. In 2003, the FCC tried to write new rules governing cross-ownership that would have allowed one company to own multiple media outlets in the same market under certain conditions.

Those rules were struck down in September 2003 by an appellate court, and the Supreme Court this year refused to hear an appeal of the ruling.

The FCC has been drafting another new set of rules governing cross-ownership, and Schwartzman said he doesn't expect the commissioners to vote on specific license renewal requests affected by those rules until they've been approved.

That won't be until at least the second quarter of 2006, Schwartzman said.

Cross-ownership limits the number of voices the public hears, he argued.

But James H. Hyatt Jr., regional vice president of Media General papers in Southwest Virginia, said information sharing allows converged newspapers and television stations to offer more to readers and viewers than they could individually.

"This is about the customer," Hyatt said. "The reader, the viewer and the clicker are the winners."

Media Access Project also has filed challenges to waiver requests filed by Media General in two other cross-ownership markets – Pensacola, Fla., and Florence, S.C.

"They have taken a very aggressive posture in requesting waivers," Schwartzman said of Media General. "We've been following Media General around the country filing objections."

In a conference call with stockholders last month, Media General President and Chief Executive Officer Marshall N. Morton said the company would continue to pursue a new ruling on cross-ownership from the FCC.

"In doing so, we will stress that consumers in markets of all sizes should be allowed to benefit from the better local news and content that already has been shown to flow from the common ownership of television stations and newspapers," he said.

The company also plans to continue to look for new markets where it can practice news convergence through cross-ownership, Morton said.

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