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Martin known as consensus builder

By Paul Davidson, USA TODAY

On his high school football team, Kevin Martin memorized not just his own blocking instructions but also those of his forgetful fellow linemen.



"We prefer markets over regulation," FCC Chairman Kevin Martin says.

By Paul Sakuma, AP file

"There may have been guards that were physically stronger and bigger," says Arthur Baines, a teammate and longtime friend. "But Kevin understood how he could make a difference."

Now, as chairman of the Federal Communications Commission, Martin, 38, still knows everyone's plays. Those of his FCC colleagues. Lawmakers. Industry players. Critics.

About Kevin Martin

Age: 38.

Hometown: Waxhaw, N.C.

Education: Bachelor's in political science, UNC-Chapel Hill; master's in public policy, Duke University; law degree, Harvard University.

Previous experience: FCC commissioner; special assistant to the president for economic policy; deputy general counsel to George W. Bush's presidential campaign; adviser to former FCC commissioner Harold Furchtgott-Roth; associate to independent counsel Kenneth Starr in the Whitewater investigation; lawyer, Wiley Rein & Fielding, a communications law firm.

Personal: Married to Catherine Martin, deputy assistant to President Bush. The two, who met at Harvard Law School, are expecting their first child in November.

Hobbies: Golf.

Favorite TV shows: News programs.

Since taking the helm at the FCC in March, Martin has deployed his gifts as a consensus builder to win a string of bipartisan 4-0 votes. He's also calmed an agency that was sharply polarized under its previous chairman, Michael Powell.

His latest victory could come as early as today, when the FCC could approve two mergers that will reshape the telecommunications industry: SBC's purchase of AT&T and Verizon's acquisition of MCI. Over the weekend, Martin sought unanimous backing for the deals from a panel that's evenly split between Republicans and Democrats, with a fifth seat vacant.

It hasn't been easy. Martin's first plan called for approving the deals without forcing any concessions from the

merger partners. The Democratic commissioners sought requirements to protect competition. Sunday night, Martin was on the verge of brokering pacts to appease the companies and the Democrats, say people with direct knowledge of the matter.

"Most of the time, people are raising legitimate issues, and if you can find a way to incorporate those, it only makes the ultimate decision stronger," Martin, a seasoned Washington lawyer with close ties to the White House, told USA TODAY.

Says Bruce Mehlman, who worked with Martin when both were young lawyers, "Kevin's a master of finding ways to structure deals that have everyone feeling satisfied."

Still, some public-interest advocates remain wary of Martin's leadership, fearful of a pro-business agenda that could limit choice and price competition for phone and Internet services. Mark Cooper of the Consumer Federation of America says he worries that Martin's political agility could gain bipartisan support for rulings that only appear consumer-friendly.

"Powell managed to irritate people and was an easier target," Cooper says. "The fact that (Martin) is more astute politically is going to make our job harder."

Moving at a faster pace

But no one disputes this: Martin is racing his agenda through an FCC that once moved at a glacial pace and often split on partisan lines. He's done so with a pragmatic streak, a shrewd political antenna and sharp intelligence, all cloaked in a disarming personal style.

"He's very gentlemanly and low-key, which belies a very keen mind," says Richard Wiley, a lawyer who lobbies Martin on behalf of big telecom and media companies. "Underestimate him at your peril."

Martin's knack for consensus building will be tested more rigorously in coming months, as the phone, cable and media industries increasingly overlap and compete. His challenges include steering the nation's transition to digital TV; reforming the shrinking subsidy system that keeps phone service affordable in rural areas; and maybe passing rules that could expand the reach of big media companies.

He's also expected to be even tougher on broadcasters that violate indecency rules than was Powell, whose FCC socked TV and radio stations with a record \$7.7 million in fines last year.

Tough issues ahead for Martin

Media ownership

An appeals court struck down predecessor Michael Powell's plan to let media conglomerates snap up more outlets. So Kevin Martin must modify the plan. Public-interest advocates are sure to warn of the perils of allowing a few giant companies to control the airwaves. Martin could submit a scaled-down plan that would allow a company to both own a newspaper and some broadcast stations in the same market.

"When we try to tee the issues up in bite-size chunks," Martin says, "we're more likely to continue to make progress."

One option, he says: to confine the looser ownership caps to large markets with the most media outlets. Martin says the agency could also target some small markets where mergers would "increase the amount of news coverage or maintain failing stations or newspapers."

Martin concedes he might not win Democratic support. "The issue is very complex and very contentious," he says.

Indecency

Martin dissented from several of Powell's indecency rulings; Martin said the FCC wasn't being strict enough. He's urged cable companies to build a tier of family-friendly programming. And he's said he wants to rule simultaneously on a big backlog of indecency complaints; he'd like to quell criticism that the FCC's line between indecent and acceptable content is fuzzy. "We both need to provide clearer direction of where we're headed but be sensitive that we're not chilling speech," he says.

Broadcasters, meanwhile, might sue to overturn several indecency rulings.

Digital TV

Martin favors reclaiming broadcasters' analog channels soon so they can be used to boost public-safety radio communication. But he's broken with fellow commissioners in saying cable companies should have to carry broadcasters' multiple new digital channels. Examples: all-weather or all-news stations. "What local broadcasters provide in terms of local news and information to the community is really important," he says.

Universal service fund

The \$6 billion fund helps keep phone service affordable in rural areas. It's financed by a 10% surcharge on all long-distance bills.

But the fund is shrinking fast. That's because consumers are shifting to wireless calling, e-mail and Internet-based phone services. Those services contribute less, or nothing, to universal service. Other FCC officials have called for imposing universal service fees on all broadband services. Martin has opposed such broadband regulation. Instead, he wants to impose a similar charge on all services that use a phone number — including wireless and Internet-based phone services. "We know how many telephones are out there, we have data on that, and it would be easier from an administrative perspective," Martin says.

By Paul Davidson

Martin is unapologetic about a deregulatory stance that favors easing constraints on big phone, cable and media firms. "We prefer markets over regulation," he says in an interview in his bright corner office.

At the same time, Martin has been willing to subtly bend his free-market principles to satisfy FCC Democrats. "I'll try to identify what seems like a fair way to reach a compromise, but I'll base it on some standard."

Though Martin and Powell share many similar views, their styles clash. Powell was a charismatic, expansive chairman who expressed a free-market ethos in eloquent bursts of rhetoric. Yet his plans to deregulate the regional phone giants and big media companies were largely derailed by fellow commissioners, the courts or Congress. Powell drew criticism that he failed to anticipate political resistance to his proposals and made scant effort to build coalitions at the FCC.

Martin is a mild-mannered, self-effacing Southerner whose boyish looks and round, wire-rimmed glasses remind some of a grown-up Harry Potter. He favors dark pinstripe suits and speaks in soft tones. His sentences are often broken by long pauses as he weighs his words. And Martin revels in consensus building.

"It's like a Rubik's Cube, where you're trying to look at all different sides," he says.

Powell set the stage for the deregulation of the traditional phone industry and the emergence of Internet-based phone and wireless broadband alternatives. But many view Martin as better suited to the trench work needed to complete that transition.

"People share the view that he's a far more effective politician and tactician than Michael Powell," says Andrew Schwartzman of the Media Access Project, which has fought deregulatory efforts.

Among Martin's victories:

- He drew unanimous FCC support to require Internet-based phone services to offer full-featured 911 service. To defuse potential opposition from industry players, he humanized the issue. He invited families who'd had trouble reaching an emergency operator — including a mother who says her infant died because of the delay — to speak at the FCC meeting.

"There was no chance that anybody would have anything negative to say," says Robert Quinn, a vice president at AT&T, which offers an Internet-based phone service. "He got the job done."

- Martin took quick action after Hurricane Katrina, granting permits so makeshift communications and broadcast systems could get up and running.

- He won a unanimous vote in August to free the regional phone companies' broadband DSL networks of requirements that they share their lines with competing Internet service providers.

The two Democrats on the FCC had opposed that move. They said it would harm consumer choice. But Martin knew he could pass the item quickly by bargaining with the Democrats, who, in turn, knew they could strike a better deal before the FCC's current vacancy is filled by a third Republican.

Martin addressed the Democrats' fears that phone companies would use their broadband lines to block consumers from accessing Internet-based phone services or rival websites. He crafted a policy statement encouraging phone and cable companies to provide unfettered access to all parts of the Web. Democrats could claim a partial victory.

"He threaded the needle," says Jonathan Adelstein, a Democratic FCC commissioner, who adds, "We're communicating better, we're going back and forth."

Yet, some consumer advocates say the policy statement contains little substance. "It's not enforceable," says Cooper, director of the Consumer Federation of America. "It's almost embarrassing."

Roots in North Carolina

The fourth of five children, Martin grew up in Waxhaw, N.C., outside Charlotte. He says he inherited his consensus-building talents from his mother, "a great listener," and his deregulatory bent from his father, who owned an insurance firm and tried not to "burden small businesses with red tape."

Afflicted with asthma as a child, Martin says he had to "stay inside and spend a lot of time reading and interacting with adults while all the other kids were out playing." His ailment also made him work harder at his studies, and, later, high school sports.

He got his first whiff of politics at the University of North Carolina, where he was elected student body president by running on cafeteria and parking concerns even as the campus was rocked by racial issues. "All politics is local in the end," he says.

After Harvard Law School and stints at a Washington law firm and as an adviser to an FCC commissioner, Martin joined Texas Gov. George W. Bush's presidential campaign. With Florida's vote in dispute, Martin helped oversee the legal battle. He could be seen on TV, peering over ballot counters.

Some tension with Powell

Martin, whom Bush appointed an FCC commissioner in 2001, broke ranks with Powell on some key issues, sparking tension between the two men. Notably, Martin backed the Democrats to help kill Powell's plan to free the regional phone giants from having to lease their local networks to rivals. "I tried to do ... the right thing on the merits," Martin says.

So far, Martin has managed to draw praise from diverse factions. "I think there might be some areas where we can work with him," says Consumers Union's Gene Kimmelman. "He's a straight shooter."

Martin often "will try to disarm you by asking what seems a dumb question, but 10 minutes later, you (realize) he knows all about this thing," says SBC Senior Vice President Jim Smith. "If he doesn't agree with you, he gives you a chance to change his mind."

Martin met recently in his office with Earl Comstock, head of CompTel, which represents small phone rivals that opposed the two big telecom mergers. For several minutes, Comstock argued that the FCC should cap the prices the big phone companies could charge customers who lease their lines — even if regulators force them to sell some lines to aid competition.

Martin listened to the argument intently, legs crossed, head cupped firmly in hand. Finally, he asked: "If there's some kind of (sales), doesn't that obviate the need for a cap on pricing? What I'm asking is — I'm not sure how you can argue for both."

Later, Comstock noted, "He's good at drilling to the heart of a matter, as he sees it, in a very pleasant way."


Outside the office, Martin and his wife, Catherine, a deputy assistant to President Bush, are expecting their first child in November. A UNC basketball fan, he's also made a hobby of arguing sports and politics. He and Baines have had a 20-year debate about free agency in baseball: Baines is for it; Martin has criticized it as harmful to fan loyalty. And Martin's taken up golf.

"He doesn't hit it real long," says Justin Lilley, a friend. "But it's pretty much down the middle."

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