



## MMTC Asks FCC to Start Over

By John Eggerton -- Broadcasting & Cable, 8/24/2006 9:54:00 AM

A group representing minority broadcasters has asked the FCC to withdraw its proposed review of media ownership rules and start again, saying it has failed to specifically address several key issues.

In a filing with the FCC Wednesday, the Minority Media & Telecommunications Council cited three chief problems with the further notice of proposed rulemaking: 1) its "failure" to identify specific minority ownership proposals remanded by the Philadelphia Federal Appeals court; 2) failure to seek comment on what constitutes a socially or economically disadvantaged business; and 3) not spelling out a "central legal basis for minority ownership relief," which MMTC says should be preventing market entry barriers.

MMTC was an intervenor in the successful court challenge (Prometheus Radio Vs. the FCC) to the FCC's deregulatory rule rewrite in 2003.

MMTC said the FCC's first try was not "entirely hostile" to minority ownership, giving it credit for seeking comment on how various deregulatory or regulatory proposals would affect minority ownership, and having a public forum on minority ownership. But it concluded that without MMTC's suggested fixes, "It will be impossible for the commission to adopt--and sustain--any meaningful ownership relief." That means the rules could potentially be remanded again when the wind up back in court for the Third Circuit's OK.

Andrew Schwartzman of Media Access Project, which represented Prometheus, says that the court specifically cited the FCC's failure to consider minority ownership and directed the FCC in the remand to examine the issue. "This motion is, in effect, accusing the FCC of failing to comply with the court's directive," he said.

"The FCC will be facing these arguments in court if it doesn't address them now," says Schwartzman. "We're trying to avoid a problem."

The FCC is seeking comment on at least five areas: the 2006 Quadrennial review of all its rules required by Congress; a similar 2002 review, when it was still biennial; and deregulatory rules remanded by the court dealing with cross-ownership of broadcast stations and newspapers, multiple ownership of radio stations, and the definition of radio markets.

[« Back](#) | [Print](#)

© 2006, Reed Business Information, a division of Reed Elsevier Inc. All Rights Reserved.