

COMMENT: MCAVOY ON WASHINGTON

## IS FCC'S MARTIN ON THE SENATE AGENDA?

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*He appears to be. Word from Hill is that the Commerce Committee is trying to schedule a confirmation hearing on his reappointment before the planned October adjournment.*

**By Kim McAvoy**

The Senate returns next Tuesday to some unfinished broadcasting-cable-telephone-Internet business, mainly passage of a major telecom reform bill, but also the fate of FCC Chairman Kevin Martin whose FCC term expired June 30.

The president duly re-nominated Martin for another five-year term last April, but before he can be officially reappointed, he must win Senate approval. That, in all likelihood, means a confirmation hearing before the Commerce Committee this month.

The word from the Hill is that the committee is trying to schedule a hearing before the Senate's targeted adjournment on Oct. 6. Failing that, it could hold a hearing during a possible lame-duck session after the elections.

Even if the Senators failed to squeeze Martin onto the calendar this year, rest assured that he will continue to safeguard the airwaves. According to the convoluted rules that govern presidential appointments, Martin may serve to the end of 2007 if the Senate takes no action.

But Martin will be in a much stronger position next year if he is officially reappointed and everybody figures that he'll around as chairman at least until Bush bows out in January 2009. Nobody wants to be a lame duck.

There is another good reason for Martin to push for a confirmation hearing and vote in September. His fellow Republicans are still running the show.

If the November elections go badly for the Republicans and the Democrats take charge of the Senate, Martin may have a much rougher time at his confirmation hearing. Some Democrats are openly hostile to his policies, particularly his drive to loosen media ownership restrictions.

As things are, Martin is apparently taking no chances with the likely September hearing.

The chairman has put the controversial media ownership proceeding on a simmer and is not talking much about it (or much of anything as a matter of fact). Comments are not due until Sept 22; replies not until Nov. 21. Plus, there's been no word yet on when the agency will convene its proposed six public hearings or the studies it plans to conduct.

Keeping media ownership on the back burner also denies Democrats another issue they can use against Republicans in November.

“I wouldn’t be surprised if very little happens [on media ownership] before election day,” says Andrew Schwartzman, president of the Media Access Project.

If, to no one’s surprise, Martin wins Senate approval and is reappointed, the question becomes how long will he hang around the Portals. As I mentioned above, he could continue as chairman until Bush’s last day in office in January 2009. And his tenure could stretch beyond that if Bush is succeeded by another Republican.

But history suggests that he will be long gone by 2009. According to Allbritton Communications’ Jerry Fritz, a former FCC chief of staff who done some research on the matter, the average tenure of an FCC chairman is two years and seven months. If Martin, who was designated chairman in March 2005 goes to the end of Bush’s second term, he will have served three years and 10 months.

My bet is that the ambitious Martin will have an “average” reign. Look for him to do what he can next year and then turn the chairmanship over to fellow Republican commissioner Robert McDowell in early 2008.

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