

**In the  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

Media Alliance,	)	
	)	
Petitioner,	)	
	)	
v.	)	No.
	)	
Federal Communications Commission)	)	
and United States of America,	)	
	)	
Respondents	)	

**PETITION FOR REVIEW**

Pursuant to 47 U.S.C. §402(a), 28 U.S.C. §§ 2342-2344, and Federal Rule of Appellate Procedure 15(a), Media Alliance hereby petitions the court for review of the Federal Communications Commission’s (“Commission”) Report and Order, *In the Matter of 2002 Biennial Regulatory Review*, FCC 03-127, MB Docket No. 02-277, MM Docket 01-235, MM Docket 01-317, MM Docket 00-244, and MB Docket 03-130, which was adopted June 2, 2003, and released July 2, 2003 (“Order”). A summary of this Order was published in the Federal Register on August 5, 2003, 68 Fed. Reg. 46286, and is attached to this Petition.<sup>1</sup> This Petition

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<sup>1</sup> The complete text of the order and associated documents are available on the FCC’s web site using the links listed below:

Order:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-03-127A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-127A1.pdf)

Appendixes:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-03-127A2.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-127A2.pdf)

Erratum:

for Review has been filed within ten days of the issuance of the agency order, and thus may be subject to the procedures established under 28 U.S.C. §2112(a), should other Petitions for Review be filed in different Courts of Appeals.

Venue in this Court is proper under 28 U.S.C. §2343 because Petitioner has its principal offices in California. Petitioner Media Alliance is a non-profit organization based in San Francisco, California. Media Alliance has served the Bay Area as a training and resource center for media workers for more than twenty-five years. Media Alliance has approximately 1,900 individual dues-paying members, many of whom are professional, freelance journalists, as well as close to fifty organizational members. Media Alliance publishes a Bay Area media review and a comprehensive guide to media outlets and journalists throughout the Bay Area, and trains hundreds of Bay Area community organizations and activists in media skills each year. Media Alliance filed comments in the FCC proceeding leading up to the Order under review. It also co-sponsored a hearing in San Francisco in April 2003 on the subject of the FCC's proposed ownership rules.

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[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-236493A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-236493A1.doc)

Separate statement of Chairman Powell:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-03-127A3.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-127A3.pdf)

Separate Statement of Commissioner Abernathy,;

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-03-127A4.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-127A4.pdf)

Separate Statement of Commissioner Martin:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-03-127A6.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-127A6.pdf)

Dissent of Commissioner Copps:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-03-127A5.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-127A5.pdf)

Dissent of Commissioner Adelstein:

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-03-127A7.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-127A7.pdf)

Under 5 USC § 706(2)(A), a reviewing court shall “hold unlawful and set aside agency action, findings, and conclusions found to be ... arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” The Commission’s Order is arbitrary and capricious in numerous respects. It also violates both the Communications Act and Administrative Procedure Act’s public notice requirements.

Petitioner respectfully requests that the Court reverse and remand the FCC’s Order to the extent that it unlawfully repeals the prior ownership rules and adopts new ownership regulations, reinstate the prior ownership rules, and grant all other relief as may be just and proper.

Respectfully submitted,

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