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Media Ownership

Former Nixon/Reagan administration official tells FCC to deep-six Localism Study once more

by Matthew Lasar May 4 2007 - 11:44pm **Media Ownership**

Remember that FCC **Localism Study** that United States Senator Barbara Boxer charged had been "deep-sixed" by someone at the Commission? The one that said that locally owned TV stations produce more local news?

• Jim Tozzi's **response to this article** • Read it yourself: **Tozzi vs. the Localism Study**

Well, the FCC should deep-six it again, says a former Nixon and Reagan administration Office of Management and Budget (OMB) official.

The study is a "third-party information submission" that doesn't comply with FCC and OMB standards because it uses "arbitrary and non-replicable methodology," "biased protocol," and fails to reveal its "underlying data." So dump it and maybe even dump all the comments that cite it on the FCC's localism and media-ownership dockets.

These are the recommendations that Jim Tozzi of the **Center for Regulatory Effectiveness** (CRE) filed with the Federal Communications Commission today. Tozzi, who worked for the OMB from the Nixon through the Reagan years, cites the Data Quality Act (DQA), a law he helped get Congress to pass in 2000, as the basis for his claims.

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FCC asks Clear Channel for suggestions on media panel

by Matthew Lasar Apr 14 2007 - 12:35pm **Media Ownership**

A public filing indicates that Federal Communications Commissioner Deborah Taylor Tate asked Clear Channel

Read it yourself: **Clear Channel's suggested professors (at the bottom of the filing)**

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Communications for suggestions for

professors at the University of South Florida for a panel "on younger listening habits."

The FCC has scheduled its next public hearing on its national media ownership rules to take place at the Tampa Bay Performing Arts Center in Florida on April 30th.

The April 12th Clear Channel filing says that on April 6th, Republican Commissioner Tate met with the media giant and a group of Tennessee broadcasters to [discuss their opposition](#) to the proposed XM/Sirius satellite radio merger.

During the conversation, Tate also presented Clear Channel with a request "for contacts at The University of South Florida in Tampa to potentially help set up a panel to discuss younger listening habits," according to the Clear Channel response.

It isn't clear from the filing, but seems likely, that Tate was referring to a potential panel for the media ownership hearing scheduled for Tampa.

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Clear Channel, Tennessee broadcasters lobby FCC against XM/Sirius merger

by Matthew Lasar Apr 14 2007 - 11:03am [Media Ownership](#)

Clear Channel Communications is leading a small battalion of Tennessee area broadcasting groups against Federal Communications Commission approval of a merger between XM and Sirius satellite radio.

Clear Channel says the move will give XM/Sirius an "unfair spectrum advantage." But now the radio giant has to explain why media consolidation is good for the goose but not for the gander. The company has [long protested FCC rules](#) that limit to eight the number of radio stations that it can buy in a designated market.

Clear Channel, in tandem with three other groups, met with the FCC's Deborah Taylor Tate on April 6th to lobby hard against the proposed XM/Sirius union.

"The broadcasters noted their concerns with the XM-Sirius merger and its adverse impact on free radio and listeners," their public filing, dated April 12th, concludes.

Clear Channels' partners in this move include Whit Adamson, President, Tennessee Association of Broadcasters, and radio station owners Bayard "Bud" Walters of the [Cromwell Group](#), and Craig Jacobus, President of [South Central Communications](#).

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Common Cause blitzes FCC with Los Angeles Times/KTLA-TV cross-ownership protests

by Matthew Lasar Apr 11 2007 - 2:06pm [Media Ownership](#)

Over 2,500 supporters of Common Cause have filed comments asking the Federal Communications Commission to deny the Tribune Company the right to own both the Los Angeles Times and local TV station KTLA.

"For more than 30 years, the Federal Communications Commission has had a rule in place that prevents one company from owning both the local newspaper and the local TV station in one community," the Common Cause missive reads. "The reason for the ban on newspaper-broadcast cross-ownership is clear: consolidated media fail to serve the public interest when they reduce the amount of independently produced programming available in a local community."

Although most commenters signed off on the public interest lobby Web form's suggested remarks, some added their own.

"I was working at KTLA when Chicago Tribune bought it," wrote Sumi Sevilla Haru, a labor organizer in Los Angeles. "As a result, the station did away with most of its public affairs programs and hosts, including me."

The Tribune Company owns KTLA thanks to a waiver on the FCC's ban on an entity owning a newspaper and a TV station in the same market. Tribune acquired the Los Angeles Times in 2000. The FCC permitted the company to cross-own the southern California print and TV outlets until KTLA's license renewal deadline of December 1, 2006.

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FCC media ownership debate getting snarly

by Matthew Lasar Mar 25 2007 - 9:06pm [Media Ownership](#)

Judging from the latest filed comments, the gloves have come off on the Federal Communications Commission's media ownership proceeding.

"Every FCC member voting for media consolidation should be fired and removed for cause immediately," begins one recent submission from an attorney in Chappaqua, New York.

"GO TO HELL," the message concludes.

It has been over five years since the FCC issued its Third Biennial Review of its broadcast ownership rules, limits on how many radio, TV stations, and newspapers a single entity can own in the United States. After a long, tumultuous debate, the FCC in 2003 issued an *Order* relaxing many of those rules, only to see

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the decision struck down by the courts a year later.

Now a new proceeding on the same issue has passed its seventh month. Hearings have been held across the country, with more in the offing. New studies on the problem have been promised, with controversies over suppressed studies still raging.

Not surprisingly, public patience has worn a bit thin.

"I beseech you to roll back all media ownership rules to pre-1996 levels," concludes another missive. ". . . Anything else, is criminal conduct and would only be engaged in by criminally perverted minds that lust after profits over our once grand democracy."

The pathology angle seems to be popular among filed remarks.

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Former Nixon/Reagan administration official tells FCC to deep-six Localism Study once more

by Matthew Lasar May 4 2007 - 11:44pm **Media Ownership**

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Barbara Boxer charged had been "deep-sixed" by someone at the Commission? The one that said that locally owned TV stations produce more local news?

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These are the recommendations that Jim Tozzi of the **Center for Regulatory Effectiveness** (CRE) filed with the Federal Communications Commission today. Tozzi, who worked for the OMB from the Nixon through the Reagan years, cites the Data Quality Act (DQA), a law he helped get Congress to pass in 2000, as the basis for his claims.

The DQA was a two sentence rider added to a Congressional appropriations bill. Its eye-glazing language requires the OMB to issue "guidelines providing policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by Federal agencies."

That's in theory. In practice, say critics, the DQA has allowed the Bush administration and industry lobbyists to **second guess and even block** necessary environmental and product safety regulations.

Deep Background

The study that Jim Tozzi says must die die die was uncovered by someone at the

- Jim Tozzi's **response to this article**
- Read it yourself: **Tozzi vs. the Localism Study**

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Boxer gave Martin [hell for it](#). Written by Keith Brown and Peter Alexander of the FCC's Media Bureau in 2004, it found that local ownership of a TV station "adds almost five and one-half minutes of local news and over three minutes of local on-location news."

The rediscovery of the report gave a boost to defenders of the FCC rules preventing media consolidation—rules that Martin voted to scotch in 2003, only to see a Federal Court insist that they mostly stay put.

It also raised questions about how the study disappeared in the first place, questions posed as the FCC launched a new proceeding on its localism and media ownership rules.

University of Michigan law professor Adam Candeub, who worked for the FCC in 2004, subsequently told reporters that pressure came from above to suppress the study.

"The initial results were very compelling, and it was just stopped in its tracks because it was not the way the agency wanted to go," Candeub told the *Los Angeles Times*. But evidently, it's also not the way that Jim Tozzi wants things to go.

Tozzi's case against the Localism Study

Tozzi cites a host of objections to the study. Here are four:

The FCC did not initiate the study: ". . . there is no indication that the document is a 'Commission-initiated or sponsored distribution of information intended for the public' or went through the Commission's Pre-Dissemination Information Review and Substantiation Process," Tozzi writes.

Actually, there is the minor detail that the study was written by two employees of the Federal Communications Commission, but Tozzi argues that this supposed lack of evidence makes the document a "Third Party Study," as opposed to an "FCC information product."

The published study does not include the data used in the analysis, specifically the news stories considered. No, Brown and Alexander didn't print all the news stories used in the report, but they told the reader where they got them, from a database of 4,078 individual stories compiled by the Project for Excellence in Journalism and kept at the University of Delaware.

The study arbitrarily defines localism. Tozzi claims that the authors' definition of "local" as a story important to "the mean individual residing within the [Designated Market Area]" would exclude "a story about a local resident currently serving away from home in the armed forces . . ." That is, unless the TV station interviewed the resident's family, friends, former employer, teacher, or a dozen other local connections invariably included in such features.

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The study did not define what it meant as a 'mean' individual. "Aside from the lack of specificity as to how the author defined a mean individual is the equally significant problem that the study does not indicate if or how the attributes of the mean individual varied between communities," Tozzi writes.

In fact, Brown and Alexander addressed this exact question in their definition of 'mean.' "For example," they wrote, "Federal budget negotiations in Washington, D.C., take place within that DMA and, given the large population of local interested parties, the mean individual in the Washington, D.C., DMA is likely more interested in the Federal budget negotiations than the mean individual in other DMAs."

Tozzi pads his case against the study with additional objections, including "Failure to Recognize Diversity Between Communities," an "Arbitrary Measurement of Localism," the exclusion of the Fox broadcast network, as well as the exclusion of sports and weather.

But my guess is that Tozzi's biggest objection to the study is that whoever hired his "Center for Regulatory Effectiveness" doesn't like it.

"CRE recognizes that numerous stakeholders have cited the Localism Study in their comments and therefore may have an interest in knowing its status under the DQA," Tozzi writes, as if his filing settles the question.

Tozzi cc'd his list of technical torpedos to the Consumer's Union, the Consumer Federation of America, Free Press, the AFL-CIO, and the Institute for Public Representation, among other parties. Doubtless their replies will appear on the media ownership and localism dockets soon.

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Jim Tozzi responds to this article

admin May 6 2007 - 12:29pm
 Mr. Lasar:

Your doing a very important public service in calling attention to comments such as CRE's on the FCC media ownership rule.

As your article fairly pointed out, the heart of our submission to the FCC is that they can not use the "Localism" study because it fails to meet the requirements of the Data Quality Act.

You, and possibly your readers, might be interested in a recent article on the DQA in Science Magazine,

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http://thecre.com/pdf/20070504_science_DQA.pdf

Respectfully,

Jim Tozzi
Member, Board of Advisors
Center for Regulatory Effectiveness

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Matthew Lasar responds to Jim Tozzi

Matthew Lasar May 6 2007 - 1:53pm

Jim Tozzi's thank you note to my article on his group's attempt to use his Data Quality Act to torpedo the FCC's Localism Study strikes me as disingenuous, to say the least. In previous writings I've suggested that the conclusions of the study were **more complex** than its champions cared to see. But Tozzi's attack on the document looks to me like it took no more than an afternoon to compose, inspired by a rather crude strategy: pile on as many criticisms as you can think of; no matter how flimsy most of them are, hopefully one or two will stick.

Tozzi cites an article suggesting that his Data Quality Act (DQA) has aided the cause of medical marijuana. That's nice. Unfortunately it is no consolation to the many scientists and environmental advocates who have seen the DQA wreak havoc on efforts to further the public interest. "It's a tool to clobber every effort to regulate," environmental law professor Rena Steinzor **told the Los Angeles Times**. "In my view, it amounts to censorship and harassment."

Critics of the Data Quality Act say that it functions as a means not just to question the legitimacy of important scientific and statistical studies, but to strike such studies from the record of important government proceedings. That, indeed, is censorship. Congress should delete this industry inspired gag rule from the Federal code as soon as possible.

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