

**Congress of the United States**  
**Washington, DC 20515**

May 22, 2003

Chairman Michael K. Powell  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Chairman Powell:

We oppose any effort to raise the national broadcast audience reach cap. We are increasingly concerned that the Commission appears headed in the wrong direction on its media ownership review, particularly with respect to rules designed to protect and enhance the public interest.

Diversity and localism are two key principles that have been a part of telecommunications policymaking for decades. We are committed to ensuring that even as technology evolves and markets become incrementally more competitive, that smaller and less powerful voices are not stifled or muted. We believe that the voices of local television broadcast stations must remain vibrant and fully able to serve their local communities, especially as the industry transitions to digital technology, and the 35% network audience reach limit is critical to maintaining this important public policy goal.

We stress to you and your fellow Commissioners that the 35% limit is also the audience reach ceiling that the national legislature chose in 1996, after duly considering both higher and lower limits. Congress set the cap at that level because elected representatives in the House and Senate desired, in part, to ensure that television programming decisions remained in the hands of local broadcasters who had sufficient independence and collective weight to challenge national TV network decisions made in New York and Los Angeles. Maintaining this delicate balance in our national media mix is healthy for competition and fosters diversity and localism.

We note that in recent public statements you have placed great emphasis upon the need for the FCC to sustain its rules in court proceedings by ensuring that such rules are supported by the record before the Commission. The record before the Commission contains numerous filings supporting 35% for the national audience reach. The large television networks, who oppose the 35% limit, have not submitted any information, data, or support for any other numerical limit, arguing instead that the rule be eliminated altogether.

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The record before the Commission, therefore, does not contain support for a 40%, 45%, 50%, or any higher percentage cap for national audience reach. There is support in the record for the existing 35% cap -- or for no limit at all. If the Commission is inclined to keep the rule, we suggest that the Commission keep the percentage consistent with the record built in this proceeding supporting 35% - a percentage that has the additional benefit of being the specific mark chosen by Congress in 1996.

We ask that you make this letter a part of the pending proceeding record. Thank you for your time and attention in considering our views.

Sincerely,

Ed Mackey

David Price

Ken Overman

Paul Super

Hilda L. Solis

Ted Strickland

Jim Leaky

John A. Argen

Rich Boudin

Peter Jacob

Karen McCarthy

Jo Ann

Albert R. Allen

Steve Barr