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U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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September 21, 2006

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The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Martin:

Last week, we sent you a letter expressing concern over the intentional suppression of a Federal Communications Commission (FCC) report concluding that media consolidation diminishes the amount of local television news coverage. We were pleased to see your prompt posting of the report on the Commission's website and inclusion in the official record of both the localism and media ownership proceedings. It is encouraging that you appear to recognize the need for full public transparency and seek to remedy problems the Commission has experienced in the past.

Further press reports indicate that FCC staff were ordered by senior managers to destroy all copies and any record of the existence of the report. We understand that you were not the Chairman when the 2004 draft localism report was ordered destroyed. You have stated that as a Commissioner you had never seen – nor were you aware of – that draft report. If, as appears likely, Commission management during the term of your predecessor, former Chairman Michael Powell, destroyed a report because it did not support desired policy outcomes, this raises fundamental questions over the proper procedures and management of the FCC as an independent agency.

In your public comments in June at the start of the current media ownership proceeding, you stressed the importance of conducting an open and transparent process. Moreover, we recognize that the U.S. Court of Appeals for the Third Circuit, in a harsh critique of the 2003 rules in *Prometheus Radio Project vs. FCC*, noted the Commission's "questionable" procedures and advised that any new metrics for measuring diversity and competition in a media market be subject to full public notice and comment before incorporation as a final rule.

In the current media ownership proceeding, you indicated that the Commission will conduct comprehensive studies that will address a variety of issues, including: (1) how people get news and information; (2) competition within types of media and across media platforms; (3) marketplace changes since the Commission last reviewed its ownership rules; (4) localism; (5) minority participation in today's media environment; (6) independent and diverse programming in today's media environment; and (7) the impact of ownership on the production of children's and family-friendly programming. Given the media's vital role in our Nation's public discourse and democracy and given the prior repression of at least one and perhaps more FCC reports on these matters, we trust you agree that a thorough and unbiased review of each of these areas, and additional areas, will be needed to ensure proper consideration of the effect of further changes to the media ownership rules.

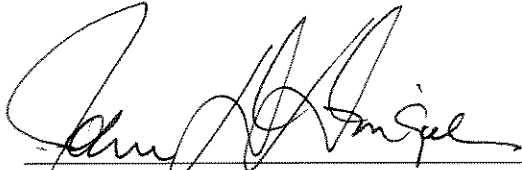
In order to better understand the Commission's current processes, we ask that you provide the following information:

1. Explain the process by which any media ownership or localism studies will be coordinated with and communicated (a) to all the Commissioners and (b) to the public.
2. Provide a description of the subject matter, data points, and methodologies of each of the studies, and indicate for each whether the studies are independent and peer-reviewed.
3. Identify the authors of each study, including any outside third parties that will be involved in or on whose data the study will rely, and how those entities were selected. Indicate the specific role of any outside party and provide copies of any contracts, letters of engagement, and communications with these parties.
4. Indicate whether the public will have a formal opportunity to comment on the methodology, underlying data, and any conclusions of the studies as part of the official record in the media ownership and localism proceedings.
5. Describe the current status of the FCC's localism initiative and the activities that have been conducted to date by the Localism Task Force. Specify whether any localism studies have been commissioned, and provide copies of the contracts, letters of engagement, or communications concerning those studies. Provide copies of any materials that have been produced by the Localism Task Force.

Reports of the prior Commission's biased and outcome-driven suppression of inconvenient facts require the Commission and the Congress to ensure that the current media ownership proceeding is above reproach. We look forward to working with you and the other Commissioners toward that end.

The Honorable Kevin J. Martin
Page 3

Sincerely,



JOHN D. D'ENGELL
RANKING MEMBER
COMMITTEE ON ENERGY AND COMMERCE



EDWARD J. MARKEY
RANKING MEMBER
SUBCOMMITTEE ON TELECOMMUNICATIONS
AND THE INTERNET

cc: The Honorable Joe Barton, Chairman
Committee on Energy and Commerce

The Honorable Fred Upton, Chairman
Subcommittee on Telecommunications and the Internet

Commissioner Michael J. Copps
Federal Communications Commission

Commissioner Jonathan S. Adelstein
Federal Communications Commission

Commissioner Deborah Taylor Tate
Federal Communications Commission

Commissioner Robert M. McDowell
Federal Communications Commission