

**SEPARATE STATEMENT
OF COMMISSIONER KEVIN J. MARTIN**

Re: Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, Notice of Proposed Rule Making, MM Docket No. 01-317; Definition of Radio Markets, Further Notice of Proposed Rule Making, MM Docket No. 00-244

It is with some hesitation that I support today's item, which both opens a rulemaking to determine how to address radio ownership and establishes interim rules regarding how we will process and evaluate pending radio license transfer applications.

I commend the Chairman for making this issue a priority and for reducing the backlog of pending radio licenses transfer applications considerably since he assumed his position in January. I am troubled, however, by the number of applications that remain pending before the Commission. I am even more concerned by the length of time that some of these applications have been pending—at times, for several years. I believe that the parties have a right to a timely decision on their applications, and I regret that the Commission at times has not acted in a more responsible fashion.

I find this situation particularly troubling because these radio license transfers are subject to structural ownership limits. These limits on local radio ownership are not merely the result of our own determination, but rather were expressly mandated by Congress. Such statutory limits should provide, at a minimum, a guide for any public interest analysis and should help make our review easier, not more complicated.

Today's notice solicits comment on this issue of the interplay among statute, structural rule, and the public interest. Specifically, when we have structural ownership rules, whether they be the result of a rulemaking or explicit statutory directive, does an application's compliance with these rules mean that granting the application is in the public interest? If not, how should these rules impact our analysis? These are difficult questions, and ones that will be critical to determining the appropriate process by which we should grant or designate for hearing any proposed license transfer applications. I look forward to reviewing the record and resolving this matter.

In light of the questions surrounding our evaluation of these radio license transfer applications, I would have preferred to grant conditionally at least those applications that have been pending for several years. These grants could have been conditioned on the requirement that the applicants come into compliance with whatever rules and/or competitive analyses arise out of today's NPRM.

Nevertheless, I support the interim policy we adopt today because it establishes a time line that should enable prompt resolution of license transfer applications. I thank my colleagues for agreeing to incorporate these timelines into the new policy. While I have some concerns with how this policy may be implemented, I am optimistic that we soon will be able to vote on, at least, the oldest pending applications.