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*Peer Review of FCC Media Ownership Study #3*  
*Television Station Ownership Structure and the Quantity and Quality of TV Programming*

By

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This paper is very ambitious in scope, seeking to explore possible relationships between various dimensions of television ownership structure and the provision of a wide range of types of television programming. This paper is reflective of a growing body of literature seeking to determine the nature of the relationship (if any) between media ownership structures and media content. In this regard, it would have been nice if a bit more of this literature had been reviewed in order to develop a theoretical framework for the ownership--content analyses.

The biggest challenge that this study faces – and one that I’m not sure it successfully overcomes – involves substantial limitations in the availability of the data necessary to conduct the kinds of analyses attempted in this study. As the author makes quite clear at various points, there are a number of analytical compromises that needed to be made to accommodate various idiosyncrasies and gaps in the available data. Many of these arise in the discussion below. That being said, the author has done an impressive job in attempting to aggregate and integrate so many disparate data sources.

One point of concern is the fact that ratings data availability limits the analysis to prime-time and surrounding hours (6:00 PM to 12:00 AM). The author notes that data for 7:00 AM to 11:00 AM also were available, but that the results focus exclusively on the 6:00 PM to 12:00 AM time period (though no reason is given as to why 7:00 – 11:00 AM was not analyzed). I think on the one hand this focus could be justified from the standpoint that these are the

hours when the highest levels of television viewing are taking place – thus this may be the time period of greatest concern to policymakers. On the other hand, there are characteristics of this time period that possess very distinctive characteristics. For instance, the bulk of this time period is ceded by the local network affiliates to the networks (unlike most other hours of the day when the individual stations must program for themselves). This focus makes it difficult to feel comfortable that we're getting any kind of representative sense of the availability of program types that tend to air largely outside of the 6:00 PM to 12:00 AM time window (e.g., children's programming, local news to some extent, public affairs, and religious programming). This being the case of course makes it difficult to have tremendous confidence in the conclusions drawn from the analyses that focus on these particular program types. The author acknowledges this point within the context of his analysis of children's programming.

One more or less unavoidable data problem that the author doesn't really acknowledge has to do with the use of "sweeps" months as the focus of analysis. Unfortunately, as the author notes, most television markets in the U.S. only get thoroughly measured during these sweeps months. Thus, if one wants to analyze market-level audience data across a wide spectrum of markets in the U.S., one must rely on data from the sweeps months. However, it also has been pretty well documented that the sweeps process itself can exert an influence over the type of programming being aired, as programmers seek to boost their audiences during those periods when their audiences are actually being measured.

And so, from the standpoint of measuring television content, a fairly conventional methodological approach has been to not allow sweeps periods to be an over-representative portion of the programming sample. In this case, the sweeps periods represent the *entirety* of the programming sample given the author's desire to simultaneously analyze content and audience behavior (i.e., ratings). This raises some questions about whether the programming sample analyzed is representative of the kind of programming that audience receives over the entirety of the year. It's probably unlikely that the magnitude of the differences in available programming would be all that significant (a quick comparison with a non-sweeps sample of programming would be useful in this regard), but this probably is a characteristic of the programming sample that should be acknowledged in the text at some point.

Perhaps one of the most ambitious aspects of this paper is its effort to investigate the relationship between ownership structure and the "quality" of television programming. As the author acknowledges, the measurement of the quality of media content is a perilous task. In an effort to navigate this difficult terrain, the author employs two different measures of program quality. The first is derived purely from the ratings performance of individual programs. From this approach, the more popular a program, the higher its "quality." There is a reasonably long, if somewhat controversial, history of program quality being conceptualized in this way. Obviously, from a market-oriented perspective this approach provides a measure of quality that prioritizes consumer preferences. It's an approach that is surely reflective of former FCC Chairman Mark Fowler's argument that the public interest is whatever interests the public. On the other hand, equating quality with popularity is something that many would consider a dramatic oversimplification of the notion of "quality,"

which makes it a bit difficult to embrace a ratings-based measure as something that captures the full range of policymakers' priorities.

In some ways, I think bigger problems arise with the second measure, which equates quality with the amount of commercial time contained within an individual program. From this perspective, the more commercial time contained within a program, the lower its quality, since commercials presumably tend to reduce viewers' enjoyment of a program. My concern with this measure is the extent to which it lends itself to an opposing interpretation. Specifically, I think a compelling case can be made that "quality" programs could very well be the kinds of programs for which viewers are highly loyal or highly engrossed in the content, and therefore more willing to endure commercials – thereby making programmers more willing to increase the commercial load in "quality" programs. Compounding this, "quality" programs may be the kind of programs that produce the kind of viewer engagement (often operationalized in terms of attentiveness to commercials) that advertisers value, thus the demand for advertising in "quality" programs may be higher – leading to more advertisements in "quality" programs.

Ultimately, I fear that these two measures have little, if anything, in common, making it difficult to determine whether they are even tapping at the same concept. It would be nice to know, at least, what kind of correlation is found between the two measures. Some aspects of the results lead me to have concerns that these measures actually run in different directions. For instance, the author notes that the programming on Big 4 affiliates tends to have some of the largest audiences (see Table 5). But, as the author also notes, programming on Big 4 affiliates also tends to have the most commercials (see p. 18). So, according to one measure Big 4 affiliates are providing some of the highest quality programming; while according to the other measure they are providing some of the lowest quality programming. This seems problematic in terms of feeling comfortable with the extent to which either of these measures is tapping at the concept of program quality.

The other key measurement challenges that this paper must deal with involves developing workable measures of eight different categories of programming: Local News; Public Affairs Programming; Minority Programming; Children's Programming; Family Programming; Indecent Programming; Violent Programming; and Religious Programming. In doing this, the author relies heavily on the classification data contained within Tribune Media Services' television program schedule database. I've used this data source a number of times and have found it to be as thorough and reliable a data source available in terms of local television program schedule information.

That being said, I've also found it useful to engage in a basic verification process of the program classifications (via either the program description field in the database or via web-based searching for individual programs, or contacting stations directly), as I've found some tendencies for error in the program type categorizations. Thus, for instance, in a study of local public affairs programming, we once found a local station's program called "10's" listed as Public Affairs, but when we called the station to determine the nature of the program, it was described to us as "our local hot body contest." So, experience has taught me that some sort of verification process to assess the extent to which the programs are being

coded correctly by TMS is useful. Obviously, with a programming sample of the size employed in this paper, this becomes difficult. But even if some sub-sample of the programming were subjected to a verification process to provide an estimate of the overall error level in the dataset, that would be helpful information to have.

The bigger issue, as the author notes, is that the TMS program schedule data need to be analyzed in such a way as to allow the assigning of individual programs to the various program categories outlined above, since TMS does not employ a categorization scheme that maps neatly against the needs of this project. And so, in a number of instances it becomes necessary for the author to make some fairly broad simplifying assumptions. In some instances these assumptions create some problematic distance between what is supposed to be measured and the approach being taken to measuring it.

Perhaps one of the more problematic categories involves the measurement of Indecent Programming, which the study defines as Adult Programming. Adult Programming is defined first as “all programming on a network showing programming with strong sexual content” (outlined in Appendix B). The other component of this definition is programming with NC-17, or TV-MA ratings. Counting all TV-MA programming as indecent strikes me as a bit broad; but what seems particularly ironic (and certainly, a difficult challenge to overcome) is that what actually triggers the FCC’s working definition of “Indecency” need not be any programming that would have been captured under this definition (the Super Bowl of course comes to mind). So the extent to which the conceptualization of Indecent Programming sufficiently corresponds with what Indecency has historically meant from a public policy standpoint seems somewhat problematic. And so, though I don’t know exactly what the Commission’s research needs were in this regard, it seems somewhat doubtful that the approach to the analysis of indecency in this case would have met them.

Similar issues affect some of the other program type categories, though not to the same degree. Defining Family Programming as any program with an Arts, Educational, or Documentary theme seems quite broad. The definition also includes *all* programming on a “set of cable networks that provide family programming” (listed in Appendix B), which again seems quite broad (the Weather Channel is family programming?).

It also strikes me as odd that the news analysis focuses on *local* news, but the public affairs analysis does not seem to include any similar effort to isolate *local* public affairs programming. It’s not clear why such an inconsistent analytical approach is taken to two categories of programming that tend to be considered hand-in-hand in terms of determining the extent to which stations serve the informational needs of their communities (see Ownership Study #4-1).

In terms of Minority Programming, all programming on what were identified as “minority-targeted” networks was included, as was programming that was clearly identifiable as “Spanish-language.” What isn’t clear is why, when we get to the analyses in Section 6, only Spanish-language programming is analyzed (Table 19). Some explanation as to why the definition was narrowed in this way for the multivariate analysis seems to be in order. Is this

because, when the analysis focused exclusively on broadcast programming (as is the case in Section 6), most of the other types of minority-targeted programming dropped away?

One minor item that I found confusing: on p. 11 the author states that there are 1583 broadcast affiliates in the data set. On p. 8, the data set is described as containing 1583 broadcast stations. Obviously, not every station is an affiliate, and the analyses include independent stations as an independent variable, so I'm assuming that the language on p. 11 is incorrect and there are in fact 1583 *stations* in the data set.

In terms of the analyses, I'll focus my comments on Section 6, as Section 5 seems to contain a lot of descriptive information regarding program type availability and viewership levels – none of which seems to have too clear a linkage to particular policy issues, and certainly doesn't appear to have a strong relationship to the ownership-content issue that the paper's title suggests is its focus. Section 6, however, delves into what I presume is the focal point for this paper – the relationship between ownership structure and programming.

The paper does a good job of emphasizing the importance of an analytical approach that accounts for within-market and within-station variations – hence the use of the DMA and Channel fixed effects models (both employed in Table 26). It would seem, then, that the results of the analysis in Table 26 are of the greatest importance, though the paper seems to highlight findings from all of the different model specifications employed. I found this a bit confusing, given the wide array of independent variables employed, particularly when the author states in the conclusion that “Our strongest findings are for Local News: television stations owned by a parent company that also owns a newspaper in the area offer more local news programming.” It wasn't clear to me what makes this finding stronger than any of the others, particularly since Newspaper-TV cross-ownership is not a significant independent variable when DMA and Channel fixed effects are simultaneously taken into consideration (see Table 26). In any case, I think it would have been helpful had the author gone a bit further in terms of making an assessment as to which specification(s) of the model should receive the greatest weight and orient the discussion of the results accordingly.

Also in terms of the analysis, although I noted above some concerns I have about how program quality is measured in the study, I was a bit surprised that the multivariate analyses focused only on quantity and didn't engage in similar analyses that examined the relationship between ownership structure and the quality of the various types of programming that were the focus of concern. My sense was this was part of the mandate for the study as well, yet the relationship between ownership structure and program quality is only analyzed at the station level, and only using one of the quality measures developed for this study (advertising time – Table 24). So questions such as whether certain types of ownership structures lead to higher or lower quality news, public affairs, children's, or family programming are not addressed in this study. This strikes me as a relevant avenue of inquiry.

One other minor note: On p. 20, the author notes that “Big-4 affiliates are more likely to be in *smaller* markets.” This I found confusing, as presumably the Big 4 networks have affiliates in virtually every market in the U.S. (this is, after all, part of what makes the Big 4 the Big 4). Looking at the entirety of this section, perhaps the author was trying to make the point

here that independents are more common in larger markets. In any case, some clarification here would be useful.

A handwritten signature in black ink, appearing to read "Philip Napoli". The signature is written in a cursive, flowing style.

Philip M. Napoli