

BROADCAST OWNERSHIP AND CONCENTRATION PRIMER

Post-1934

- radio “duopoly” rule - one per market/same medium

1953

- National Caps: 7-7-7

1960's

- Local Caps
 - duopoly reaffirmed
- TV Duopoly prohibited (1964)
 - market waivers by size

1970

- Cable/Broadcast TV Crossownership banned in same market
- Radio/Cable crossownership allowed

1975

- Newspaper/Broadcast Crossownership banned

1980's

- deregulation: national caps advanced to 12-12-12 (1984)

1988

- waivers to radio in large markets
 - 15 or more stations; may own 2 AM/2 FM (may not reach more than 25% of audience)
 - <15 stations; may own 3 (no more than 2 in same service - AM/FM & no more than 50% of stations in that market)

1994

- national audience cap: advances radio to 20 AM/20 FM
- national TV cap: no more than 25% of national audience

Networks

- pre-1996: 1 per owner

1996 OWNERSHIP RULES

- Radio Caps
 - >44 stations; may own eight
 - 30-44 stations; may own seven
 - 15-29 stations; may own six
 - <15 stations; may own five
 - no holdings may exceed 50% of radio stations in that market

- TV Caps
 - Local duopoly
 - 2 UHF or 1 UHF and 1 VHF
 - National: no more than 35% of national audience
 - Presently: 2004 Special Ownership Rules
 - Omnibus spending bill raises cap to 39%
 - passed in the House in December 2003 and Senate in January 2004

- Broadcast/newspaper cross-ownership ban upheld

- TV/cable cross-ownership ban in same market upheld

- Radio/Cable cross-ownership still allowed

- Network/Cable Crossownership
 - cable outlet may not reach more than 50% homes passed in single market

- Networks
 - 2 networks may be held by a common owner if one is a new network

CABLE CONCENTRATION

- Prior to 2003: MSO's may reach no more than 30% of subscribers nationally
- Time-Warner v. FCC (2003)
 - U.S. Appeals Court dismisses limit and remands back to FCC
- FCC (2007) sets limit back to 30%
- U.S. Appeals Court (2009) dismisses 2007 limits
- Presently: No limits on MSO national ownership