DATE: June 3, 2011

TO: Professor David Layton

FROM: Jonathan Levy, Deputy Chief Economist; Federal Communications Commission

SUBJECT: Peer Review of Influential Scientific Information in the Commission’s 2010 Quadrennial Review of Media Ownership Rules Proceeding

The Commission is currently undertaking a comprehensive review of its broadcast ownership policies in its rulemaking proceeding in MB Docket No. 09-182. In connection with the proceeding, the Media Bureau (Bureau) has commissioned nine economic studies, which were conducted by outside researchers. Additional studies are being conducted by Commission staff. The studies examine a range of issues that impact diversity, competition, and localism, three important policy goals of those rules.

The Office of Management and Budget (OMB) requires that influential scientific information on which a Federal Agency relies in a rulemaking proceeding be subject to peer review to enhance the quality and credibility of the government’s scientific information. The nine outside studies and the studies conducted internally by Commission staff constitute influential scientific information under OMB’s definition, and thus the Commission is conducting peer review of the studies. OMB further requires Federal Agencies to provide peer reviewers with “instructions regarding the objective of the peer review and the specific advice sought.”

The Bureau requests that you perform a peer review of Study 2 of the FCC Media Ownership Studies, titled Consumer Valuation of Media As A Function of Local Market Structure, which was conducted by Professors Scott Savage and Donald Waldman of the University of Colorado.

In performing this peer review, we ask that you evaluate and comment on the theoretical and empirical merit of the information. You should consider, among other things, whether: (1) the methodology and assumptions employed are reasonable and technically correct; (2) whether the methodology and assumptions are consistent with accepted theory and empirical (e.g., econometric) practices; (3) whether the data used are reasonable and of sufficient quality for purposes of the analysis; and (4) whether the conclusions, if any, follow from the analysis. Please note that the standards for evaluation are not necessarily the same as those one might apply in evaluating studies for publication in a professional journal. For example, it is not necessary that the study present new or novel theoretical results or empirical techniques. Consistent with the requirements of the OMB Bulletin, we are not asking you to “provide advice on policy” or to evaluate the policy implications of the study.

2 Id., at 2668.
3 The OMB Bulletin states in relevant part: "Peer reviewers can make an important contribution by distinguishing scientific facts from professional judgments. Furthermore, where appropriate, reviewers should be asked to provide advice on the reasonableness of judgments made from the scientific evidence. However, the charge should make clear that the reviewers are not to provide advice on the policy..." OMB Bulletin, 70 Fed. Reg. at 2669.
Finally, you should be aware of two other aspects of the peer review process. First, the peer review will not be anonymous. Rather, you will be identified and your review will be placed in the public record. Second, the OMB Bulletin requires us to assess whether potential peer reviewers have any potential conflicts of interest. To assist you in determining whether there are any potential conflicts, I am attaching a list of parties who have participated in the proceeding.

I ask that you provide a written report of your review, findings, and recommendations with regard to this influential scientific information by July 1, 2011. Please submit your written report in either Word or pdf format to Jessica Almond (Jessica.almond@fcc.gov) with a copy to Jonathan Levy (jonathan.levy@fcc.gov). Questions about the peer review process should be directed to Jonathan Levy.

Thank for your assistance in this matter.

Attachments

---

4 The OMB Bulletin considers a conflict of interest to be "any financial or other interest" which could include investments, consulting arrangements, grants or contracts that "could impair the individual's objectivity or could create an unfair competitive advantage for a person or organization." OMB Bulletin, 70 Fed. Reg at 2670.
<table>
<thead>
<tr>
<th>Proceeding Number</th>
<th>Name of Filer</th>
<th>Lawfirm Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>09-182</td>
<td>A. H. Belo Corp.</td>
<td>Wiley Rein LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Alliance for Community Media</td>
<td>Spiegel &amp; McDiarmid LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Alliance for Women in Media</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Alpha Broadcasting, LLC, et al.</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>American Association of Independent Music</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>American Cable Association</td>
<td>Cinnamon Mueller</td>
</tr>
<tr>
<td>09-182</td>
<td>American Federation of Television &amp; Radio Artists</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Arbitron Inc.</td>
<td>Paul, Hastings, Janofsky &amp; Walker LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Arso Radio Corporation</td>
<td>Anthony T. Lepore, Esq., P.A.</td>
</tr>
<tr>
<td>09-182</td>
<td>Azteca International Corporation</td>
<td>Dow Lohnes</td>
</tr>
<tr>
<td>09-182</td>
<td>Belo Corp.</td>
<td>Wiley Rein LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Bluewater Broadcasting, LLC</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Bonneville International Corporation and The Scranton Times, L.P.</td>
<td>Wilkinson Barker Knauer, LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Brian A. Rich</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Carolyn Byerly</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Carolyn M. Byerly, PhD</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Caucus for Producers, Writers &amp; Directors</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>CBS Corporation</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Christopher McLean</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Christopher Reed</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Citizen Petitioners</td>
<td>Media Access Project</td>
</tr>
<tr>
<td>09-182</td>
<td>Clear Channel Communications, Inc.</td>
<td>Wiley Rein LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Coalition of Smaller Market Television Stations</td>
<td>Covington &amp; Burling LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Coalition to Preserve Local TV Broadcasting</td>
<td>Dow Lohnes, PLLC</td>
</tr>
<tr>
<td>09-182</td>
<td>Communications Workers of America</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Congressman Joe Wilson</td>
<td>Covington &amp; Burling</td>
</tr>
<tr>
<td>09-182</td>
<td>Cox Enterprises, Inc.</td>
<td>Dow Lohnes PLLC</td>
</tr>
<tr>
<td>09-182</td>
<td>Danilo Yanich</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Diversity and Competition Supporters</td>
<td>Minority Media and Telecommunications Council</td>
</tr>
<tr>
<td>09-182</td>
<td>Entercom Communications Corp.</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Entercom Communications Corp., Media Venture Partners, LLC and Triad Broadcasting</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Entravision Holdings, LLC</td>
<td>Thompson Hine LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Faith Bautista</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Financial Conditions of the Broadcast Industry</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Fox Entertainment Group, Inc. and Fox Television Stations, Inc.</td>
<td>Skadden, Arps, Slate, Meagher &amp; Flom LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Fredrick W. Birt</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Free Press</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Future of Music Coalition</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Galaxy Communications L.P.</td>
<td>Lerman Senter PLLC</td>
</tr>
<tr>
<td>09-182</td>
<td>Gannett Co., Inc.</td>
<td>Covington &amp; Burling LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Grant Group, Inc.</td>
<td>Wilkinson Barker Knauer, LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Grant Steen</td>
<td></td>
</tr>
<tr>
<td>Party Number</td>
<td>Party Name</td>
<td>Law Firm</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>09-182</td>
<td>Gray Television, Inc.</td>
<td>Wiley Rein LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Hearst Television Inc.</td>
<td>Brooks Pierce et al.</td>
</tr>
<tr>
<td>09-182</td>
<td>Hispanic Information and Telecommunications Network, Inc.</td>
<td>RJGLaw LLC</td>
</tr>
<tr>
<td>09-182</td>
<td>Hubbard Broadcasting, Inc.</td>
<td>Holland &amp; Knight LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Industry Analysis Division</td>
<td>FCC</td>
</tr>
<tr>
<td>09-182</td>
<td>Institute for Public Representation</td>
<td>Institute for Public Representation</td>
</tr>
<tr>
<td>09-182</td>
<td>ION Media Networks</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Ira Warren Patasnik</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Jean Chung</td>
<td>The Greenlining Institute</td>
</tr>
<tr>
<td>09-182</td>
<td>Kansas Association of Broadcasters</td>
<td>Davis Wright Tremaine LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>KTBS, Inc.</td>
<td>Fletcher, Heald &amp; Hildreth, PLC</td>
</tr>
<tr>
<td>09-182</td>
<td>Kurt Wimmer</td>
<td>Covington &amp; Burling</td>
</tr>
<tr>
<td>09-182</td>
<td>LIN Media</td>
<td>Pillsbury Winthrop Shaw Pittman</td>
</tr>
<tr>
<td>09-182</td>
<td>LIN Television Corp</td>
<td>Pillsbury Winthrop Shaw Pittman</td>
</tr>
<tr>
<td>09-182</td>
<td>LIN TELEVISION CORPORATION</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Lisa Wines</td>
<td>Davis Wright Tremaine LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>M. Kent Frandsen</td>
<td>Davis Wright Tremaine LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Maneesh Pangasa</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Martin Kaplan</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Martin L. Stern</td>
<td>K&amp;L Gates</td>
</tr>
<tr>
<td>09-182</td>
<td>Matt Ganssle</td>
<td>Dow Lohnes PLLC</td>
</tr>
<tr>
<td>09-182</td>
<td>Media General, Inc.</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Media Venture Partners</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Michael Geary</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Mid-Atlantic Community Papers Association</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Mid-West Family Stations</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Minority Media and Telecommunications Council</td>
<td>Minority Media and Telecommunications Council</td>
</tr>
<tr>
<td>09-182</td>
<td>Monterey Licenses, LLC</td>
<td>Davis Wright Tremaine LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Morgan Murphy Media</td>
<td>Rini Coran, PC</td>
</tr>
<tr>
<td>09-182</td>
<td>Morris Communications Company, LLC</td>
<td>Wiley Rein LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Mt. Wilson FM Broadcasters, Inc.</td>
<td>Cohn and Marks LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>National Association of Black Owned Broadcasters, Inc.</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>National Association of Broadcasters</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>National Cable &amp; Telecommunications Association</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>National Hispanic Media Coalition</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>NBC Television Affiliates</td>
<td>Covington &amp; Burling LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Newspaper Association of America</td>
<td>Wiley Rein LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Nexstar Broadcasting, Inc.</td>
<td>Drinker Biddle &amp; Reath LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Office of Communication for United Church of Christ</td>
<td>Institute for Public Representation</td>
</tr>
<tr>
<td>09-182</td>
<td>PP 1-218</td>
<td>FCC</td>
</tr>
<tr>
<td>09-182</td>
<td>Public Knowledge</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Rick Dahlgren</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Sainte Sepulveda, Inc.</td>
<td>Womble Carlyle Sandridge &amp; Rice, PLLC</td>
</tr>
<tr>
<td>09-182</td>
<td>simon wilkie</td>
<td></td>
</tr>
<tr>
<td>Case No.</td>
<td>Organization/Individual</td>
<td>Attorney</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>09-182</td>
<td>Sinclair Broadcast Group, Inc.</td>
<td>Pillsbury Winthrop Shaw Pittman LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Spanish Broadcasting System, Inc.</td>
<td>Lerman Senter PLLC</td>
</tr>
<tr>
<td>09-182</td>
<td>Suntrust Robinson Humphrey</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Teresa Shelander</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>The Association for Maximum Service Television - MSTV</td>
<td>Covington &amp; Burling LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>The Honorable Pedro R. Pierluisi</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>The Joint Center for Political and Economic Studies</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Thomas Desmond</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>Time Warner Cable Inc.</td>
<td>Latham &amp; Watkins LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Tribune Company, Debtor-in-Possession</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>TRIBUNE COMPANY, DEBTOR-IN-POSSESSION</td>
<td></td>
</tr>
<tr>
<td>09-182</td>
<td>TTBG LLC</td>
<td>Wiley Rein LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>United Church of Christ, Prometheus Radio Project, Media Alliance, NOW, National Institute for Public Representation</td>
<td>Institute for Public Representation</td>
</tr>
<tr>
<td>09-182</td>
<td>Univision Communications Inc.</td>
<td>Covington &amp; Burling LLP</td>
</tr>
<tr>
<td>09-182</td>
<td>Writers Guild of America, East</td>
<td></td>
</tr>
</tbody>
</table>