

REGULATING MEDIA COMPETITION: THE DEVELOPMENT AND IMPLICATIONS OF THE FCC'S NEW BROADCAST OWNERSHIP RULES

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American University Washington College of Law

In 2003, the Federal Communications Commission (FCC) adopted new regulations that relaxed many of its previous ownership restrictions on media companies. The 3-2 vote for the regulations indicated a division that continued after their adoption. Congress expressed its willingness to give the President a bill overruling the changed regulations, but it was preempted by the Third Circuit, which issued a stay on the regulation's implementation.

Supporters of these rules argue that the media landscape has changed greatly and that the advents of cable and satellite television, digital technology, and the Internet have allowed the FCC to relax competition rules without hindering its primary purpose—promoting competition, localism, and diversity in the media.

Opponents claim that the new regulations will lead to a few large media companies that control and severely limit the content of what the public sees, hears, and reads, resulting in the loss of meaningful civil discourse and diversity.

Symposium participants address the development of these regulations, as well as their impact on media outlets, the public, and the diversity of programming and opinions in the media. In addition to these issues, the symposium will address such questions as:

- Will oligopoly and uniformity replace the current principles of competition and diversity?
- Do the new broadcast regulations broadly benefit the public, including minorities and women?
- How will Congress, the Judiciary, and the Executive Branch interpret or alter these new regulations?

WELCOME REMARKS—PROFESSOR STEPHEN J. WERMIEL**Panel I—ECONOMIC EFFICIENCY VS. PUBLIC INTEREST:
WHAT WAS CONSIDERED IN CREATING THE NEW RULES?****Jon Cody** *Federal Communications Commission***William Fishman** *Communications Law Consultant***Cheryl Leanza** *Media Access Project***Margaret Tobey** *Morrison & Foerster***Professor Patricia Aufderheide** *Moderator***Panel II—COMPETITION VS. CONGLOMERATION: HOW WILL THE
NEW RULES AFFECT THE MEDIA LANDSCAPE?****Mark Cooper** *Consumer Federation of America***Kenneth Ferree** *Federal Communications Commission***Ben Scott** *Aide to Congressman Bernie Sanders***Anita Wallgren** *Sidley, Austin, Brown & Wood***Professor Jeffery Lubbers** *Moderator***KEYNOTE ADDRESS—THE HONORABLE SUSAN NESS
FORMER COMMISSIONER
FEDERAL COMMUNICATIONS COMMISSION****Panel III—FEW GATEKEEPERS, MANY VIEWS:
WILL THE NEW RULES COMPROMISE
THE REPRESENTATION OF MARGINALIZED VOICES?****Leonard Baynes** *St. John's University School of Law***Jane Mago** *Federal Communications Commission***Madeleine Plasencia** *University of Tulsa College of Law***W. Curtiss Priest** *Center for Information, Technology & Society***Peter Tannenwald** *Irwin, Campbell & Tannenwald***Professor Victoria A. Phillips** *Moderator*