Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

2022 Quadrennial Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	)))))	MB Docket No. 22-459

COMMENT OF MUSICFIRST COALITION
AND FUTURE OF MUSIC COALITION

via electronic filing

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EXECUTIVE SUMMARY

The musicFIRST Coalition[1] and the Future of Music Coalition ("FMC")[2] respectfully urge the Federal Communications Commission ("FCC" or "Commission") to retain the existing Local Radio Ownership Rule as it applies to commercial FM radio stations. The current FM ownership caps remain necessary to protect the public interest in competition, localism, and viewpoint diversity. While we take no position on whether the Commission should relax AM ownership limits, we strongly oppose any relaxation of current numeric limits on the number of commercial FM stations that can be owned by a single entity per geographic market.

Consolidation of commercial FM ownership following the passage of the Telecommunications Act of 1996 has led to centralized playlist control, significant reductions in local programming staff, as well as diminished opportunities for airplay and promotions for new and local artists. Listener research shows growing dissatisfaction with radio's predictability and repetitive playlists, underscoring the continuing importance of locally programmed, independently owned FM stations as sources of

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[1] The musicFIRST Coalition is a coalition of music creators including recording artists, singers, producers, engineers, music businesses, managers, musicians' unions, record labels and performance rights stakeholders. The musicFIRST Coalition works to ensure that music creators receive fair compensation for their work across all media platforms. The founding members of musicFIRST are SoundExchange, the Recording Academy, the Latin Recording Academy, American Association of Independent Music ("A2IM"), the American Federation of Musicians, the Recording Industry Association of America ("RIAA"), the Screen Actors Guild-American Federation of Television and Radio Artists ("SAG-AFTRA"), the Society of Singers, Inc., the Christian Music Trade Association, the Music Managers Forum, Rhythm and Blues Foundation, and the Vocal Group. The Coalition, MUSICFIRST (2025), https://musicfirstcoalition.org/the-coalition.

[2] Future of Music Coalition is a Washington DC-based nonprofit organization supporting a musical ecosystem where artists flourish and are compensated fairly and transparently for their work. FMC promotes strategies, policies, technologies, and educational initiatives that put artists first while recognizing the role music fans play in shaping the future and works to ensure that diversity, equality, and creativity drive artist engagement with the global music community, and that these values are reflected in laws, licenses, and policies that govern any industry that uses music as raw material for its business. See About FMC, FUTURE OF MUSIC COALITION, http://futureofmusic.org/about (last visited Dec. 4, 2025).

diverse music, viewpoints through both spoken word and music lyrics, and locally-produced programming.

Meaningful competition in radio occurs within local markets among competing AM/FM station owners, not just between the entire AM/FM radio industry on one hand and global digital platforms on the other hand. Increasing FM ownership caps would necessarily result in a reduction in the number of independent owners in local markets. This would weaken intramodal/intragroup competition, and undermine localism and diversity—outcomes directly contrary to longstanding Commission policy recognizing the importance of ownership limits in preventing market domination by a few firms.

Judicial precedent does not compel deregulation. Neither the Third Circuit nor the Eighth Circuit has adopted a stance requiring repeal or relaxation of ownership rules under Section 202(h) of the Telecommunications Act of 1996.[3] Courts have affirmed the Commission's discretion to retain rules found to remain necessary in the public interest. The most recent appellate decisions upheld retention of the Local Radio Ownership Rule, recognizing the unique, free, and local nature of over-the-air radio and the key role of competition between AM/FM radio station owners at local market levels.

Relaxing FM ownership limits would disproportionately harm viewpoint diversity and localism on AM/FM stations, devalue already-struggling AM stations, threaten AM radio's role in public safety, and create barriers to entry, particularly for minority broadcasters and women, whom historically have struggled to obtain capital for purchase of broadcast stations. For these reasons, the Commission must retain the current Local Radio Ownership Rule for FM radio unchanged.

[3] Telecommunications Act of 1996, Pub. L. No. 104-104, § 202(h) 110 Stat. 111-12.

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DISCUSSION

I. CURRENT NUMERIC LIMITS ON LOCAL FM OWNERSHIP REMAIN NECESSARY TO PROMOTE VIEWPOINT DIVERSITY, LOCALISM AND COMPETITION

The musicFIRST Coalition and Future of Music Coalition respectfully submit these comments in the Federal Communications Commission's MB Docket 22-459 with respect to the Local Radio Ownership Rule. The Commission is required to periodically identify whether, under section 202(h) of the Telecommunications Act of 1996 ("Section 202(h)"), the Commission should retain, modify, or eliminate this rule, and the Commission recently asked interested parties to "refresh" the record with comments related to its media ownership rules including the Local Radio Ownership Rule.[4]

The public interest in viewpoint diversity, competition, and localism, as well as Section 202(h), require that in the 2022 Quadrennial Review, the Commission retain current enumerated limits on the number of FM radio stations that one entity can own per geographic market in the United States. As related to the FM band of commercial radio, the Local Radio Ownership Rule is not broken and remains necessary in the public interest. The Local Radio Ownership Rule, as it relates to the limits on the number of FM stations that one entity can own in a given local market, continues to serve the public interest.[5] MusicFIRST and FMC take no position with respect to whether the Commission should relax current limits on the number of commercial AM

[4] *2022 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 90 Fed Reg. 51291 (Nov. 17, 2025).

[5] *See* Letter from The Leadership Conference on Civil and Human Rights to Jessica Rosenworcel, FCC Chair, *Re: MB 22-459, 2022 Quadrennial Regulatory Review*, MB Docket No. 22-459, (Mar. 20, 2023) at 3, https://www.fcc.gov/ecfs/document/1032014172210/1.

stations that a single entity can own in a local market, although we are opposed to the Commission relaxing current limits on the number of commercial FM radio stations that can be owned by a single entity in a local market.

Broadcasters who seek to buy more FM stations in a given U.S. market than allowed by the Local Radio Ownership Rule like to tout the role that AM/FM radio stations play in helping promote recorded music to their fans, but in the years following the passage of the Telecommunications Act of 1996, control of radio playlists consolidated among fewer programmers.[6] Meanwhile, radio conglomerates' severe programming staff cuts present challenges for listeners to be introduced to new artists and, particularly, local artists.[7]

Jacobs Media's Techsurvey 2025 showed that among those listening to AM/FM radio in the last year, 31% said that a main reason why they were listening less was

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[6] Peter DiCola, *False Premises, False Promises: A Quantitative History of Ownership Consolidation in the Radio Industry*, Future of Music Coal., at 12 (Dec. 2006), https://issuelab.org/resources/797/797.pdf; Fred Jacobs, *"No One's Sure What Works Anymore"*, Jacobs Media (Jun. 13, 2025), https://jacobsmedia.com/no-ones-sure-what-works-anymore ("When broadcasters actually started believing their size and scale—fueled by deregulation—would be all they needed, it ushered in the age of hubris and arrogance for some. In fact, it should have been the event that stimulated invention and an urge to compete with the big boys.").

[7] *See* Amicus Brief of Common Cause, Free Press, Future of Music Coalition, musicFIRST Coalition, NABET-Communications Workers Of America And United Church of Christ Office pf Communication, Inc. as Amici Curiae In Support of Respondents, *Zimmer Radio of Mid-Missouri, Inc. v. FCC*, No. 24-1380 (8th Cir., Sept. 20, 2024) at 21, 22 [hereinafter *Amicus Brief*], https://www.courtlistener.com/docket/68281850/805095573/2/zimmer-radio-of-mid-missouri-inc-v-fcc/; Cameron Coats, *Major Management Cuts Across iHeart In Q4 RIF*, Radio Ink (Nov. 5, 2024), https://radioink.com/2024/11/05/major-management-cuts-across-iheart-in-q4-rif/; Ron Hart, *Radio, Radio: A Loose Report on the State of the Format in 2024*, Rock and Roll Globe (Mar. 19, 2024), https://rockandrollglobe.com/radio/radio-radio-a-loose-report-on-the-state-of-the-format-in-2024; Dan Rys, *The Changing World of Radio Promotion*, Billboard (Mar. 2, 2022), https://www.billboard.com/pro/changing-world-of-radio-promotion; Steve Knopper, *Radio Consolidation May Spell Changes for Label Promo Departments*, Billboard (Jan. 15, 2021), https://www.billboard.com/pro/radio-consolidation-label-promo-departments; *See also* Ken Picard, *WTF: Why Do Local Radio Stations Play the Same Songs Over and Over?*, Seven Days (Feb. 2, 2022), https://www.sevendaysvt.com/arts-culture/wtf-why-do-local-radio-stations-play-the-same-songs-over-and-over-34804301; Lilly Quiroz, *Why don't DJs at some radio stations play a wider variety of music?*, NPR Morning Edition (Sept. 17, 2024), https://www.npr.org/2024/09/17/nx-s1-5037981/why-dont-djs-at-some-radio-stations-play-a-wider-variety-of-music.

because the music is too predictable on radio, while 27% (up from 21% in 2022)[8] said that a main reason why they were listening less was because they don't hear their favorite music on the radio[9] Although music listeners are now exposed to new music through a variety of different platforms, we feel strongly that AM/FM radio *should* remain a means for listeners to hear about local concerts and local bands and viewpoint diversity through varied music lyrics as well as news and information.[10]

AM/FM radio listeners rely on vibrant competitive local radio industries to provide free local information, diverse viewpoints and music.[11] Most local commercial FM radio stations use recorded music to draw audiences and advertisers.[12] Independently-owned local FM stations are usually locally-programmed such that they are key parts of local communities that keep local culture alive by airing locally-originated content.[13]

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[8] *See* Techsurvey 2022, *Radio: A Return To "Normal?"*, Jacobs Media Strategies (2022) (Jacobs Media Strategies' Techsurvey 2022 gathered data from 30,819 respondents in the United States and Canada about commercial AM/FM radio between Jan. 5 - Feb. 7. 2022 via online survey), https://jacobsmedia.com/techsurvey-2022-results.

[9] *See* Techsurvey 2025, *10 Key Takeaways*, Jacobs Media Strategies (2025), https://jacobsmedia.com/wp-content/uploads/2025/04/TS-2025-industry-web-deck.pdf.

[10] *See Amicus Brief*, *supra* note 7 at 22.

[11] *Id.*; *See, e.g.*, Reply Comments of Mount Wilson FM Broadcasters, *In re: 2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 18-349 (May 29, 2019), https://www.fcc.gov/ecfs/document/10529647413248/1; Comments of Urban One, Inc., *In re: 2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules*, MB Docket No. 18-349 (Apr. 29, 2019) [hereinafter *Urban One Comments*], https://www.fcc.gov/ecfs/document/1042900624240/1.

[12] *See Amicus Brief*, *supra* note 7 at 22.

[13] *Id*; *See* Reply Comments of Redrock Broadcasting Inc., *In re: 2022 Quadrennial Review of Broadcast Ownership Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 22-459 at 1 (Mar. 14, 2023), https://www.fcc.gov/ecfs/document/1031480974367/1; *See, e.g.* KXCB-FM 106.5, a country station in Council Bluffs, IA, which airs live and local morning and afternoon drive shows, promotes local country music concerts and airs local news regularly: Julie Hansen, *Local Council Bluffs News with Karla James*, Bluffs Country (Mar. 14, 2024), https://www.bluffscountry.com/2024/03/14/local-council-bluffs-news-with-karla-james; *Shows*, Bluffs Country KXCB 106.5, https://www.bluffscountry.com/show (visited Dec. 5, 2025); *Peggie's Bluffs Country Concert Connection*, Bluffs Country KXCB 106.5, https://www.bluffscountry.com/peggies-bluffs-country-concert-connection (visited Dec. 5, 2025).

Independently-owned local radio stations compete for audience and revenue with larger commonly-owned AM/FM radio clusters in shared local markets.[14] Local competition between AM/FM stations is what the Commission has previously referred to as "intragroup" or "intramodal" competition; this is precisely the kind of competition that pro-deregulatory broadcasters would prefer to ignore. If the Commission increases the number of commercial FM stations that one entity can own in a given market, the resulting ownership consolidation in local markets will literally reduce the number of station owners in affected markets. This would necessarily reduce, rather than increase, competition within local markets. As noted by the Supreme Court of the United States in *FCC v. Prometheus Radio Project*, 592 U.S. 418, 418 (2021), "The FCC has long explained that the ownership rules seek to promote competition, localism, and viewpoint diversity by ensuring that a small number of parties do not dominate a particular media market." The Commission must protect those stations that wish to remain competitive locally (rather than just selling their stations to larger local competitors and exiting the marketplace).[15] Smaller independent stations cannot continue to compete successfully with these larger clusters if the Commission allows even more consolidation at local market levels.[16]

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[14] *See Amicus Brief*, *supra* note 7 at 23.

[15] *See* Reply Comments of musicFIRST Coalition and Future of Music Coalition, *In re: Office of Economics and Analytics Seeks Comment on the State of Competition in the Communications Marketplace*, GN Docket No. 22-203 at 9-10 (Aug. 1, 2022), https://www.fcc.gov/ecfs/document/10802213978451/1.

[16] *See* Reply Comments of The Multicultural Media, Telecom and Internet Council; LGBT Tech; NABOB; OCA – Asian Pacific American Advocates; Consumer Action; Multicultural Media Correspondents Association; and The National Consumers League, *In re*: *Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule*, MB Docket No. 17-318 at 3-4 (Aug. 22, 2025), https://www.fcc.gov/ecfs/document/10822063313424/1; *See Amicus Brief* at 23, *supra* note 7 at 22, citing Taxi Productions, Inc., Reply at 2; *Redrock Reply Comments*, *supra* note 13 at 2-5; *Urban One Comments* at 6, 13, *supra* note 11, *See also* Reply Comments of National Association of Broadcast Employees and Technicians - Communications Workers of America (NABET-CWA), et. al., *In re: Delete,*

II. SECTION 202(H) DOES NOT CONTAIN A PRESUMPTION THAT THE COMMISSION'S OWNERSHIP RULES MUST BE LOOSENED OR REPEALED

Pro-deregulatory broadcasters have urged the Commission and Courts to adopt an incorrect interpretation of Section 202(h). Petitioners in *Zimmer Radio of Mid-Missouri, Inc. v. FCC* as well as certain deregulatory broadcasters in this proceeding[17] quote *Fox Television Stations, Inc. v. FCC*¸ 280 F.3d 1027, 1048 (*Fox 1*), *modified on rehearing*, 293 F.3d 537, 540 (D.C. Cir. 2002) (*Fox II*) for the proposition that "Section 202(h) carries with it a proposition in favor of repealing or modifying the ownership rules."[18] As we stated in our Amicus Brief before the Eighth Circuit Court of Appeals in *Zimmer*, this quote is misleading.[19] It fails to acknowledge that this decision was expressly retracted by the D.C. Circuit in *Fox II*. The National Association of Broadcasters ("NAB") falsely stated in its Reply Comments in the *In Re: Delete, Delete, Delete* docket 25-155: "Amici incorrectly claim that the D.C. Circuit 'retracted' its conclusion in *Fox I* that Section 202(h) '"carries with it a presumption in favor of repealing or modifying the ownership rules."' Br. 29 (quoting *Fox I*, 280 F.3d at 1048)."[20]

Delete, Delete, GN Docket No. 25-133 at 4 [hereinafter *NABET-CWA Reply Comments*] (Apr. 28, 2025), https://www.fcc.gov/ecfs/document/1042836182819/1.

[17] *See, e.g.*, Comments of Fox Corporation, NBCUniversal Media, LLC, and Paramount Global, *In re: 2022 Quadrennial Review of Broadcast Ownership Rules*, MB Docket No. 22-459 at 13 (Mar. 3, 2023), https://www.fcc.gov/ecfs/document/103032271310333/1.

[18] *See Amicus Brief*, *supra* note 7 at 30; Petitioner's Brief, *Zimmer Radio of Mid-Missouri, Inc. v. FCC*, No. 24-1380, (8th Cir., July 16, 2024) at 1, https://storage.courtlistener.com/recap/gov.uscourts.ca8.108287/gov.uscourts.ca8.108287.805044006.0.pdf.

[19] *Amicus Brief*, *supra* note 7 at 30.

[20] Reply Comments of the National Association of Broadcasters, *In re: Delete, Delete, Delete*, GN Docket No. 25-133 at 48 [hereinafter *NAB Reply Comments – Delete, Delete, Delete*] (Apr. 28, 2025), https://www.fcc.gov/ecfs/document/10428141909686/1.

According to the Third Circuit Court of Appeals in *Prometheus Radio Project v. FCC*, 373 F.3d 372, 393:

> "[T]he *Cellco* Court [also in D.C. Circuit] rejected suggestions that the Commission's interpretation was inconsistent with its prior decisions in *Sinclair* and *Fox*. As noted above, *Sinclair* did not expressly adopt any particular definition of "necessary" and ***Fox I's*** **suggestion of a heightened standard was expressly retracted by** ***Fox II*****,** 293 F.3d at 540. *Cellco* limited *Fox's* statement that "necessary" implied a presumption in favor of modification or elimination of existing regulations, see 280 F.3d at 1048, to the context in which it was made: discussing whether vacating or remanding the national television ownership rule was the appropriate remedy. *Cellco*, 357 F.3d at 98." (emphasis added).

The Third Circuit's interpretation of Section 202(h) relied on careful analysis of all relevant D.C. Circuit precedent including *Cellco*; the Third Circuit "[did] not accept that the 'repeal or modify in the public interest' instruction must therefore operate only as a one way ratchet."[21] The Third Circuit held that "the statute does not foreclose the possibility of increased regulation under the [Section 202(h)] review if the Commission finds such action in the public interest."[22]

The Eighth Circuit Court of Appeals' decision in *Zimmer* differed with the Third Circuit's decision with respect to the following narrow issue: whether it is permissible for the Commission, when applying Section 202(h) in its quadrennial reviews, to make any of its media ownership rules *more* stringent than before:[23]

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[21] *Prometheus Radio Project v. FCC* [hereinafter *Prometheus I*], 373 F.3d 372 at 394 (3d Cir. 2004), https://scholar.google.com/scholar_case?case=1125887883681144995&q=373+F.3d+372&hl=en&as_sdt=6,39.
[22] *Id*.
[23] *Zimmer Radio of Mid-Missouri, Inc. v. FCC*, 24-1380 at 828, 860, (8th Cir. Jul. 23, 2025) ECF No. 805311839 [hereinafter *Zimmer Radio*], https://ecf.ca8.uscourts.gov/opndir/25/07/241380P.pdf.

> "As to the FCC's authority to modify/tighten a rule under 202(h), the Court said the following: 'Thus, the statute provides for a two-step process. First, the Commission determines whether any of the regulations subject to review are necessary in the public interest as the result of competition. If the rules are no longer necessary, the Commission has two choices: repeal or modify. **If the rules remain necessary in the public interest, however, the inquiry and the FCC's authority end.** To read the language any other way would be to authorize the Commission to tighten a rule that is no longer necessary—an irrational reading.' Further 'Even if we were to reject this two-part framework and assume that the statutory inquiry turns on the meaning of 'modify,' we are not convinced that the FCC's proposed definition wins.'"[24]

The Eighth Circuit went on to hold that the word "modify" in the context of the Telecommunications Act of 1996 that was deregulatory in nature could not be taken to allow existing regulations to be made more stringent, and must mean that only if modifications are to be made to regulations under Section 202(h), that they must be made less stringent than prior to the applicable quadrennial review:

> We recognize that our decision appears to put us in tension with the Third Circuit's decision in *Prometheus I*, 373 F.3d at 394-95, in which the court declined to read the "repeal or modify" provision of Section 202(h) as a "one-way ratchet." But the Third Circuit's brief analysis on this point improperly suggested that such a reading "ignores both 'modify' and the requirement that the Commission act 'in the public interest.'" Id. at 394. The narrow reading of "modify" we adopt does neither. **It still allows the Commission to tweak its regulations so long as it does not tighten them, and it still requires the Commission to act "in the public interest" as it does so.** Finally, we note that our decision today only interprets the FCC's authority under Section 202(h) (emphasis added).[25]

The Eighth Circuit did not hold that Section 202(h) must be used to repeal or make more stringent all media ownership regulations. Rather, the Eighth Circuit simply

[24] *Zimmer Radio*, supra *note 23* at 828, 860 (emphasis added).
[25] *Zimmer Radio*, supra *note 23* at 861-862 (emphasis added).

held that the FCC cannot tighten ownership restrictions under Section 202(h).[26] Only in the event that the Commission finds that certain media ownership rules are no longer necessary in the public interest as the result of competition, then such rules must be either modified in a deregulatory direction or repealed.[27] **The Eighth Circuit did not accept pro-deregulatory Petitioners' arguments that intergroup competition is the overriding factor in analyzing whether a given rule is in the public interest**:[28]

> "By requiring the FCC to determine whether its rules 'are necessary in the public interest as the result of competition,' Congress suggested that 'competition' should be read through the lens of the 'public[-]interest' standard, a standard which provides significant discretion to the Commission. As the Supreme Court has long recognized, the public-interest standard is 'a supple instrument for the exercise of discretion by the expert body which Congress has charged to carry out its legislative policy.' See *FCC v. WNCN Listeners Guild*, 450 U.S. 582, 593 (1981) (citation omitted). Thus, under the broad regulatory authority Congress has given it, the Commission may 'implement its view of the public-interest standard of the Act 'so long as that view is based on consideration of permissible factors and is otherwise reasonable.' Id. at 594 (citation omitted)."[29]

As we pointed out in our Amicus Brief to the Eighth Circuit Court of Appeals in *Zimmer*,[30] while the NAB made the same arguments before the Supreme Court as it did before the Eighth Circuit with respect to intergroup competition being the overriding factor in the public interest analysis under Section 202(h), the Supreme Court's opinion

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[26] *Zimmer Radio*, supra *note 23* at 860.
[27] *Id*.
[28] *Zimmer Radio*, supra *note 23* at 843-849.
[29] *Zimmer Radio*, supra *note 23* at 844.
[30] *See Amicus Brief*, supra note 7 at 32-33 (quoting Opening Brief of Petitioners, *Zimmer Radio of Mid-Missouri, Inc. v. FCC*, 24-1380 at 64 [hereinafter *Petitioner's Brief*] (Jul. 16, 2024), https://www.courtlistener.com/docket/68281850/00805044006/zimmer-radio-of-mid-missouri-inc-v-fcc).

in *Prometheus* repeatedly refers to "competition, localism and diversity" as a trio, never elevating competition above the other two elements.[31]

The Eighth Circuit noted in *Zimmer* that the Commission had pushed back on some of the deregulatory Petitioners' evidence, "noting that '[d]espite declines in radio's popularity[.].... The total number of broadcast radio stations remained fairly steady, and actually increased slightly between 2015 and 2020." (emphasis added by Eighth Circuit)[32] Notably, the total number of full power AM/FM radio stations in the U.S. has also increased between the start of 2023 and September 30, 2025.[33]

The Eighth Circuit noted that the Commission had "determined that while many companies may be moving their advertising dollars, 'at least some advertisers do not view [Internet platforms] as substitutes' to radio.'"[34] Finally, in deferring to the Commission's decision to retain the Local Radio Ownership because it had determined that the rule, as is, was still necessary in the public interest, the Eighth Circuit noted,

> "But more fundamentally, the FCC rejected Petitioners' arguments not because it disagreed with their evidence about the rise of non-broadcast audio media, but because 'free over-the-air broadcast radio maintains a unique place' in which **'radio stations compete primarily with other radio stations for listeners.'** Id. Notably, 'of the various options available in the broader audio marketplace, generally speaking, only terrestrial broadcast radio both is available without a paid subscription and does not require access to Internet service.'" (emphasis added).[35]

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[31] *See Amicus Brief*, *supra* note 7 at 32-33 (quoting *FCC v. Prometheus Radio Project*, 592 U.S. 414 (2021), https://www.supremecourt.gov/opinions/20pdf/19-1231_i425.pdf).
[32] *Zimmer Radio*, supra *note 23* at 848 (citing 2023 Order, 38 FCC Rcd. at 12807).
[33] *See The Total Number Of Radio Stations Grew In Past Year.*, Inside Radio (Jan. 10, 2024), https://www.insideradio.com/free/the-total-number-of-radio-stations-grew-in-past-year/article_372af53e-af9d-11ee-9de7-9bd2fdf01c21.html, showing a total of 15,393 total stations at the end of 2023 and a total of 15,667 as of September 30, 2025; *Broadcast Station Totals as of September 30, 2025*, FCC Public Notice, DA 25-964 (Nov. 25, 2025), https://docs.fcc.gov/public/attachments/DA-25-964A1.pdf.
[34] *Zimmer Radio*, supra *note 23* at 848, (citing 2023 Order, 38 FCC Rcd. at 12800).
[35] *Zimmer Radio*, supra *note 23* at 848, (citing 2023 Order, 38 FCC Rcd. at 12000-01 (emphasis added).

The Eighth Circuit refused deregulatory Petitioners' request to overturn the last Commission's 2023 decision to retain the Local Radio Ownership Rule as is.[36]

So, in the wake of two appellate level decisions reviewing prior Commissions' actions, we have the Local Radio Ownership Rule still intact and a split between the Third and Eighth Circuits on the narrow issue of whether it would be permissible, under Section 202(h), for the Commission to make any of its ownership restrictions even *more stringent* than they are now. However, the musicFIRST Coalition and Future of Music Coalition are not asking the Commission to use Section 202(h) to reduce the number of AM/FM stations that one entity can own in a given geographic market. In its current Quadrennial Review of Media Ownership Rules, the Commission must retain its current limits on local commercial FM ownership, because those limits remain in the public interest.

III. THE LOCAL RADIO OWNERSHIP RULE PROTECTS INDEPENDENT AM/FM RADIO OWNERS WHO COMPETE LOCALLY AGAINST LARGER RADIO CLUSTERS

Pro-deregulatory broadcasters' views of the media marketplace either ignore or mischaracterize two key elements of the Commission's legal mandate: localism and diversity.[37] Pro-deregulatory broadcasters have also long-asserted, falsely, that the

[36] *Zimmer Radio*, supra *note 23* at 848.
[37] *See Amicus Brief*, *supra* note 7 at 24; *NABET-CWA Reply Comments*, supra *note 16* at 2; Reply Comments of National Association of Black Owned Broadcasters, *In re: Delete, Delete, Delete*, GN Docket No. 25-133 at 21 [hereinafter *NABOB Reply Comments*] (Apr. 28, 2025), https://www.fcc.gov/ecfs/document/10429968515571/1; Comment of musicFIRST Coalition and Future of Music Coalition, *In re: 2022 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of*

only kind of competition that matters in AM/FM radio is what the Commission has referred to as "intermodal" or "intergroup" competition between the entire AM/FM industry as a whole and non-broadcast platforms that compete for audience and ad dollars.[38] Neither the Third Circuit nor the Eighth Circuit bought this argument that ignores the severe burdens to independent small broadcasters of intragroup/intramodal competition against large local clusters wielding outsized market shares.[39]

To the extent that pro-deregulation broadcasters have paid attention to the *localism* and *diversity* parts of the Commission's public interest mandate at all, they have consistently asserted that by obtaining cost-savings through economies of scale, broadcasters who are beneficiaries of such cost-cutting (largely as a result of job eliminations)[40] can, and therefore should be trusted to reinvest a meaningful portion of those monies into creating programming that is local in nature and providing diverse viewpoints.[41] However, the NAB and pro-consolidation broadcasters have not met their burden to show that prior beneficiaries of (post-consolidation) economies of scale have

1996. MB Docket No. 22-459 at 3, 16 (Mar. 3, 2023), https://www.fcc.gov/ecfs/document/103041990002836/1.

[38] *See, e.g.*, Reply Comment of musicFIRST Coalition and Future of Music Coalition, *In re: 2022 Quadrennial Regulatory Review*, MB Docket No. 22-459 at 3 [hereinafter *musicFIRST and FMC 2022 QR Comment*] (Mar. 20, 2023), https://www.fcc.gov/ecfs/document/1032100088170/1; *See* Comments of the Nat'l Ass'n of Broadcasters, *In re: 2022 Quadrennial Regulatory Review*, MB Docket No. 22-459 at 3, 26-30 (Mar. 3, 2023), https://www.fcc.gov/ecfs/document/103030440317497/1.

[39] *See NABOB Reply Comments*, supra *note 37* at 12-21; *musicFIRST and FMC 2022 QR Comment*, supra *note 38* at 19-30.

[40] Cameron Coats, *Broadcast Radio Gets A Glum Outlook From Jacobs Media*, Radio and Television Business Report (Apr. 17, 2025), https://rbr.com/broadcast-radio-gets-a-glum-outlook-from-jacobs-media: "In an era of increasing layoffs, it might behoove companies to notice that a beloved personality or show no longer being on the air is now a top reason why some people are listening less."; "Still, among those who say they're listening to less radio than a year ago, 50% cited increased usage of digital alternatives such as podcasts, music streaming, and satellite radio. Additional factors included lifestyle changes and what Jacobs called "unforced errors" by radio, such as repetitive music, poor programming, and long commercial loads." According to Jacobs Media's Techsurvey 2025 (supra, *note 9*), "Personality Turnover is a Growing Reason For listening Less." 27% of listeners surveyed for Techsurvey 2025 stated that "A personality or show that I enjoyed is no longer on local radio," while just 22% said this in 2024.

[41] *See musicFIRST and FMC 2022 QR Comment*, supra *note 38* at 3, *See, e.g.*, *NAB Reply Comments – Delete, Delete, Delete*, supra *note 20* at 18.

actually reinvested cost savings into programming that better meets the needs of local communities served by applicable radio stations, advancing the public interest.[42] Instead, industry-wide, too often entire air shifts that were once manned by local on-air talent are now represented by remotely produced nationally syndicated programming.[43]

According to iHeart Media's Hartley Adkins, speaking at the FCC's 2019 "Symposium on Current and Future Trends in the Broadcast Radio and Television Industries," "building scale" is no longer a viable solution to radio's competitive woes; he points out that building scale does not constitute the modernization that radio companies need to engage in in order to meet competitive challenges.[44] "As the only person who has the unique perspective of being in 150 markets, it doesn't solve the problem. And as much as I respect the other people on this panel, none of them, if they really wanted scale, they're not in 150 markets; they're not even capped out in the markets they are [already] in, so they can expand their scale should they choose to do so."[45] His point is well taken. A relatively small proportion of AM/FM radio owners are maxed out in their local markets under the current FM caps under the Local Radio Ownership Rule, such that relatively few companies would be beneficiaries of the

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[42] *See, e.g.*, *NAB Reply Comments – Delete, Delete, Delete*, supra *note 20* at 18, 25; Reply Comment of musicFIRST Coalition and Future of Music Coalition, *In re: Delete, Delete, Delete*, GN Docket No. 25-133 at 4-5 (Apr. 28, 2025), https://www.fcc.gov/ecfs/document/1042969406166/1; *musicFIRST and FMC Communications Marketplace Reply Comments*, supra *note 15* at 11-12.
[43] See https://barrettmedia.com/2025/12/02/the-industry-according-to-fred-jacobs-jacobs-media/, in which veteran radio consultant Fred Jacobs explains that the commercial AM/FM radio industry has an on-air talent "pipeline problem" that "stems from the elimination of those shifts that served as training grounds for fledgling talent – nights, overnights, weekends. Our AQ research studies comprised of commercial radio air talent has been especially revealing in quantifying this key point. The best on-air talent today got their starts doing airshifts that for all intents and purposes no longer exist."
[44] Hartley Adkins, iHeartMedia President of Integrated Revenue Strategy, Remarks at FCC Symposium on Current and Future Trends in the Broadcast Radio and Television Industries, at 53:00 [hereinafter *2019 FCC Symposium*] (Nov. 21, 2019), https://www.fcc.gov/news-events/events/2019/11/symposium-current-and-future-trends-broadcast-radio-and-television.
[45] Hartley Adkins, Remarks at *2019 FCC Symposium*, supra *note 44* at 53:00.

economies of scale touted by the NAB and other pro-deregulatory broadcasters.[46] As the Multicultural Media, Telecom, and Internet Council ("MMTC"), has pointed out previously, only those radio station owners who have already been able to acquire enough stations to bump up against the local ownership caps could enjoy economies of scale as a result of loosening or eliminating the Local Radio Ownership Rule.[47] MMTC pointed out, correctly, that any "benefit for those few companies would come entirely at the expense of others who remain but don't consolidate further under newly relaxed ownership limits."[48]

Not only does laying off local staff in order to program stations remotely severely reduce the ability for stations to connect to their communities and respond to their needs, it also can lead to embarrassing mistakes by broadcasters that can frustrate listeners. For example, a recent automation glitch on iHeartMedia Modern AC Cities 97.1 in Minneapolis resulted in the same few seconds of Max McNown's 2024 song "A Lot More Free" repeating over and over for almost two-and-a-half hours before the glitch was corrected.[49] Presumably, no one at the parent company handling programming from thousands of miles away was on call or paying attention on a Tuesday night. Such problems are less likely to happen or remain unaddressed for extended periods of time when stations are staffed locally.[50] Thirty-year industry veteran Lance Venta observed

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[46] *Id*.

[47] *See* Comments of Multicultural Media, Telecom and Internet Council, *In re: 2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules*, MB Docket No. 18-349, at 5-8 [hereinafter *MMTC 2018 QR Comments*] (Apr. 29, 2019), https://www.fcc.gov/ecfs/document/1042987748822/1.

[48] *See MMTC 2018 QR Comments*, supra *note 47* at 6.

[49] Lance Venta, *Cities 97.1 Gets Viral Moment After Automation Glitch*, RadioInsight (Dec. 2, 2025), https://radioinsight.com/headlines/323812/cities-97-1-gets-viral-moment-after-automation-glitch.

[50] *See* Eric Rhoads, Chairman, Radio Ink Magazine, Remarks at *2019 FCC Symposium*, supra *note 44* at 49:17 and 100:00.

with this episode, "Many of the [listener] comments leaned into what the station was as opposed to what the station is now. Hopefully these listeners are given something to warrant coming back again and again."[51] Here, building scale coincided with a failure to adequately invest in local programming and monitoring, resulting in a suboptimal local listener experience. At least in this instance, the failure by a conglomerate to monitor its airwaves didn't coincide with a local emergency of any kind. As pointed out by Eric Rhoads, Chairman or Radio Ink and Radio & Television Business Report, as well as by the current Commission in its Brief for Respondents to the Eighth Circuit Court of Appeals in *Zimmer*, in some instances, a lack of personnel at local physical studios of AM/FM stations has even caused some stations to fail to warn or report to their listeners of emergencies or natural disasters.[52] As Rhoads has explained at the FCC's 2019 Symposium, when debt-ridden radio companies become too heavily leveraged and cut costs drastically as a result:

> "Service becomes really poor. We have radio stations who, in their local markets, are on top of it, they're communicating with their communities; they're out there [in their local communities]. We also have companies here who are running automated programming. When the [2018] fires in California were going on, some of those stations were playing the hits and there was no 'Hey, you need to get out of this neighborhood now' kind of communication. We have so many stories– and some of these are old stories– of floods going on in a community where one station is talking to that community and saying 'Hey, avoid this area,' you know, 'grab this out of your house,' and the other is still playing the hits, not acknowledging it. I think that one of the problems that we have to acknowledge is that we don't have any form of guaranteed localism in some markets. There are markets in America that if there was a disaster, there would be no one to come in and do a

[51] *Id*.

[52] *See, e.g.*, Brief for Respondents, *Zimmer Radio v. FCC*, No. 24-1380 at 35-36 (8th Cir. Sept. 13, 2024) [hereinafter *Respondent's' Brief*, *Zimmer Radio v. FCC*], https://docs.fcc.gov/public/attachments/DOC-407434A1.pdf; *See also* Eric Rhoads, Chairman, Radio Ink Magazine, Remarks at *2019 FCC Symposium*, supra *note 44* at 100:00.

> news report or talk to people [locally]. And this is a huge problem, and that's going to be amplified when we get into financial difficulties."[53]

Alfred Liggins III, CEO of Urban One, Inc., explained at the Symposium what really motivates radio station owners when it comes to mergers and acquisitions:

> "What does matter, in this [FCC] building, when you get a bunch of big companies that are coming through for mergers, and by the way, everything they want to do is <u>all</u> to create more shareholder value and more wealth. I know everybody dresses it up as 'it's going to help the people and we're going to expand this and expand that, but the only reason they really want to do it is to create more shareholder value."[54]

Liggins continued: "If the people in charge in this building tell these folks that 'minority ownership is important to us and we'd like to see you do something; we'd like to see you expand more distribution for the minority programming services [and] we'd like to see you sell radio stations or television stations to minority owners,' they will do it."[55]

Diversity, particularly viewpoint diversity, is served when multiple owners compete against each other economically and journalistically.[56] We are acutely aware of the difficulties that small broadcasters in particular face with respect to finding resources with which to provide programming that is responsive to local needs, despite the National Association of Broadcasters' false and entirely unsupported assertions to

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[53] Note that KJLH-FM Los Angeles was the only independent radio station present at the symposium, with General Manager Karen Slade speaking on KJLH's behalf. The other panelists at the radio portion of the Symposium were Hartley Adkins of iHeart Media, Caroline Beasley of Beasley Media Group, Mark Fratrik, BIA Advisory Services, Alfred C. Liggins, III, Urban One, and Jeff Warshaw, Connoisseur Media, LLC.

[54] *See 2019 FCC Symposium*, supra *note 44* at 1:32:00 - 1:33:00 (emphasis added).

[55] *Id*.

[56] *See Amicus Brief*, supra *note 7* at 24 (citing *2018 Quadrennial Regulatory Review,* Report & Order, MB Docket No. 18-349, FCC 23-117 at 12-13 (rel. Dec. 26, 2023), https://docs.fcc.gov/public/attachments/FCC-23-117A1.pdf.

the contrary.[57] It is precisely these small independent broadcasters who are competing in both intragroup competition against clusters of up to five FM stations in their own local markets, as well as competing in intergroup competition with other global audio and audiovisual platforms, whom we have spoken to for years in order to understand their plights and support them as they fight for local audiences and ad dollars.[58] The NAB could always talk to Saul Levine at KKGO-FM Los Angeles, Karen Slade at KJLH Los Angeles, Jim Winston at NABOB, and G. Craig Hanson at Redrock Media in Saint George, Utah, and ask how they feel about:

1). The NAB's definition of competition; and

2). Whether they have seen their post-consolidation local competitors reinvesting in localism and viewpoint diversity.

According to independent commercial FM broadcaster Redrock Media, based in St. George/Cedar City, Utah, eliminating the local FM ownership cap would, in his experience, reduce "the actual number of diverse voices within a market and community," and would prevent "new, smaller, single owner entries into a market," while causing local job losses and remote programming from far away locations.[59]

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[57] *See NAB Reply Comments – Delete, Delete, Delete*, supra *note 20* at 26.
[58] *See* Mt. Wilson FM Broadcasting, Inc., Addendum To Mt. Wilson Reply Comments In Response To NAB Reply Comments Pertaining To Local Radio Ownership Limits, *In re: 2010 Quadrennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules*, MB Docket No. 09-182 at 14, https://www.fcc.gov/ecfs/document/10425289246404/3; Reply Comments of Taxi Productions, Inc., *In re: 2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules*, MB Docket No. 18-349, https://docs.google.com/document/d/1PeCc9pmdEi-cJQK-AkL-VBFGA1aXUiRFIQmEhfHI89Q/edit?tab=t.0; *Redrock Reply Comments*, supra *note 13*; *NABOB Reply Comments*, supra *note 37*.
[59] *See Redrock Reply Comments*, supra *note 13*.

IV. RELAXATION OR REPEAL OF LOCAL FM OWNERSHIP CAPS WOULD NEGATIVELY IMPACT AM RADIO STATION OWNERS

Significant relaxation or elimination of the Local Radio Ownership Rule to allow ownership of eight or ten FM stations in a market would be detrimental to the entire AM radio industry.[60] Some observers wonder whether AM radio is obsolete in today's digital age such that the FCC has no obligation to protect it against competitive harms. However, about 47 million people in the U.S. listen to AM radio each week.[61] AM radio is vital to American listeners, especially older listeners, at times of natural disasters.[62] According to Hartley Adkins, President of Revenue Strategy for iHeart Media, a company that has invested heavily in AM ownership in reliance on the AM/FM subcaps, "If we loosen ownership restrictions on FM, what you are going to see is that a lot more of content that you can currently only get on AM is going to move to FM, which is going to be the death knell of AM radio." Adkins points out that some of the best content in America currently comes through the AM band. AM radio also tends to be where conservative political commentary finds its broadcast radio distribution opportunities and audiences.[63] As radio host and commentator Hugh Hewitt has pointed out, those

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[60] *See* National Association of Black Owned Broadcasters, Notice of *Ex Parte* Communication, *In re: Delete, Delete, Delete*, GN Docket No. 25-133, Meeting with Anna Gomez (Sept. 23, 2025) at 1, https://www.fcc.gov/ecfs/document/109231094329600/1; Meeting with Olivia Trusty (Sept. 23, 2025) at 1,https://www.fcc.gov/ecfs/document/1092324179793/1 at 1. *See* Hartley Adkins, Remarks at *2019 FCC Symposium*, supra *note 44* at 1:21:00 - 1:23:00; Notice of *Ex Parte* Communication, CRC Broadcasting Corp., Inc., *In re*; 2018 Quadrennial Regulatory Review, MB Docket No. 18-349 (May 14, 2019), https://www.fcc.gov/ecfs/document/10514277823862/1; Reply Comments of Mount Wilson FM Broadcasters in 2018 QR, supra *note 11*; *MMTC 2018 QR Comments*, supra *note 47* at 3-5.

[61] *See LeGeyt: 47 Million People Listen to AM Radio Every Week*, Radio Ink (Mar. 14, 2023), https://radioink.com/2023/03/14/legeyt-47-million-people-listen-to-am-radio-every-week.

[62] Eric Rhoads, Chairman, Radio Ink Magazine; and Hartley Adkins, iHeartMedia President of Integrated Revenue Strategy, Remarks at *2019 FCC Symposium*, supra *note 44* at 100:00.

[63] *See* Hartley Adkins, Remarks at *2019 FCC Symposium*, supra *note 44* at 1:20:00 - 1:23:00.

companies that chose to invest in AM radio did so while relying on the AM/FM subcaps to help them maintain the value of their AM holdings.[64]

Mt. Wilson Broadcasting, Inc. ("Mt. Wilson") owns both KKGO-FM, the sole local country music station in Los Angeles (known as Go-Country 105.1 FM), as well as K-Mozart 1260 AM, the city's only commercial classical radio station. Mt. Wilson has long argued that loosening local radio ownership limits would be devastating to small independent AM/FM broadcasters. In 2019, Mt. Wilson noted that it agreed with iHeart Media (with whom Mt. Wilson had previously disagreed on other issues)[65] "that doing away with the FM subcaps will cause harm to AM stations, which provide critical service and access to information, news, sports, and weather."[66] Mt. Wilson argues that owners of independent AM properties and FM properties are vulnerable to harms caused by consolidation because of devaluation on the AM side and predatory monopolistic behavior by large clusters on both the AM and FM sides of the equation.[67]

In its Reply Comments in the 2018 Quadrennial Review, Mt. Wilson wrote:

> As technology changes, so must broadcasters evolve to keep up. I started Mount Wilson in 1959 when FM radio was a relatively new technology. My children work in the business with me, and I continue to serve as general manager. Despite the consolidation,

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[64] *See* Hugh Hewitt, Letter to Ajit Pai, FCC Chairman, *Caps on FM Ownership and the Impact on AM Radio*, MB Docket No. 18-349 (July 3, 2018, filed May 16, 2019), https://www.fcc.gov/ecfs/document/10516043172667/2; Salem Media Group, Letter to Ajit Pai, FCC Chairman, MB Docket No. 18-349 (Jun. 29, 2018, filed Dec. 20, 2018), https://www.fcc.gov/ecfs/document/1227062476449/1; Comments of CRC Broadcasting Company, Inc., *In re: 2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules*, MB Docket No. 18-349 at 3 [hereinafter *Comments of CRC Broadcasting Company*] (Feb. 7, 2019), https://www.fcc.gov/ecfs/document/10207178105857/1.

[65] *See, e.g.*, Mt. Wilson FM Broadcasters, Inc., Reply To Comments of Clear Channel Communications, Inc., *In re: 2010 Quadrennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules*, MB Docket No. 09-182 (July 27, 2010), https://www.fcc.gov/ecfs/search/search-filings/filing/6015694877.

[66] Reply Comments of Mount Wilson FM Broadcasters, Inc., *In re: 2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules*, MB Docket No. 18-349 at 2 (May 29, 2019), https://www.fcc.gov/ecfs/document/10529647413248/1.

[67] *See generally,* Reply Comments of Mount Wilson FM Broadcasters in 2018 QR, supra *note 11*.

> Mount Wilson continues to compete in the Los Angeles market as a small operator. We are no strangers to change, and part of our success has been creativity and operating niche formats, including jazz and country music. Just this week, Entercom [now Audacy], which is already at its maximum number of FM stations in Los Angeles, began broadcasting on KCBS-FM HD 2 an out-of-market country station. Imagine the devastating impact if [Audacy] were to have four more FM stations.[68]

Today, Mt. Wilson remains steadfastly against loosening the Local Radio Ownership Rule as it competes with maxed out AM/FM clusters in Los Angeles.[69]

CRC Broadcasting ("CRC") holds two AM licenses in the Phoenix market and has gone on record against loosening the number of FM stations that can be owned per market. They own KFNN-AM "Money Radio," which provides programming about financial literacy as well as some conservative talk shows.[70] They also own KQFN-AM, an all sports station that is the only radio source in Phoenix for coverage of local college and high school sports.[71]

According to CRC Broadcasting, if the Local Radio Ownership Rule gets changed to eliminate or loosen the number of FM stations that one entity can own per geographic market, owners of independent FM stations would be irreparably harmed as local competition is reduced and diversity and localism becomes diminished as a result. Concurrently, such rule changes "would also facilitate the same large group owners to sell their AM holdings in the same markets where they are acquiring FM stations, decimating AM station values and driving many independent AM owners out of

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[68] *See* Reply Comments of Mount Wilson FM Broadcasters in 2018 QR, supra *note 11* at 4.
[69] E-mail from Saul Levine, Founder/Owner, Mount Wilson FM Broadcasters, to Rachel Stilwell (Dec. 16, 2025) (on file with author).
[70] *About Us*, 1580 AM The Fanatic, CRC Broadcasting, LLC. (last visited Dec. 15, 2025), https://www.1580thefanatic.com/about-us.
[71] *Id*.

business, contrary to the stated policy to encourage AM revitalization."[72] This would cause "decimation in value to existing AM broadcasters, along with destruction of capital financing options (since collateralization will be severely diminished)." Furthermore, CRC argues,

> "Larger FM clusters caused by subcap elimination will further erode AM broadcasters' ability to participate in local and national advertising buys. The current disparity in scale causes large radio groups to control up to 99% of all national ad revenue in many large radio markets. Elimination of the FM subcap will only increase the irrelevancy of AM service even further when it comes to advertisers, and divert any traction that AM broadcasters have begun to make through the AM Revitalization proceedings with advertisers by being able to jointly offer an AM signal and an FM translator signal to advertisers."[73]

According to iHeart, CRC, Mt. Wilson, as well as the National Association of Black Owned Broadcasters ("NABOB"), any relaxation of local FM ownership limits would not be in the public interest. They all argue that such actions would cause increased consolidation at local market levels, undermine the valuation of AM radio stations in which broadcasters of all sizes have invested, including minority and female broadcast owners, thus reducing opportunities for independent broadcasters to enter the business or to grow.[74]

According to the Multicultural Media, Telecom, and Internet Council ("MMTC"), when responding to flawed arguments by the National Association of Broadcasters:

> "The NAB has failed to explain why the entirely predictable outcomes of more consolidation – shutting out innovative new entrants, religious, and minority broadcasters; cutting staffs; making small company ownership

[72] *See Comments of CRC Broadcasting Company*, supra *note 64* at 2-3.
[73] *See Comments of CRC Broadcasting Company*, supra *note 64* at 4.
[74] *See* Sara Morris, iHeart Media Senior Director, Government Affairs, Letter to FCC Secretary Marlene H. Dortch, *In re: 2022 Quadrennial Regulatory Review*, MB Docket No. 22-459 at 1 (Oct. 10, 2023), https://www.fcc.gov/ecfs/document/101139541994/1; *NABOB Reply Comments*, supra *note 37*; *Comments of CRC Broadcasting Company*, supra *note 64*.

> untenable, and decimating AM stations – would help the industry or the listening public. The NAB's proposal would shift money from small radio operators to big ones, while doing nothing to shift money from the internet companies to the struggling radio operators that are most in need of additional revenue. At the same time, the NAB's proposal would weaken the very cutting-edge attributes of radio that empower the industry to compete effectively with the large internet companies."[75]

Meanwhile, according to the MMTC, "Elimination of the ownership cap and subcaps would hit minority-owned and other disadvantaged radio companies the hardest." According to NABOB, loosening or eliminating the FM portion of the Local Radio Ownership Rule would have a particularly "detrimental impact on African American and other minority station owners and prospective AM radio owners."[76] NABOB is opposed to loosening the FM portion of the Local Radio Ownership Rule or eliminating the subcaps, in part, because "most Black American broadcast owners are in radio." Since radio stations generally sell for less than television stations, "radio has been, and continues to be, the gateway to station ownership for most minority entrepreneurs. Therefore, any change in the Local Radio Ownership Rule to allow increased consolidation will have a significant negative impact on Black Americans and other minority station owners and entrepreneurs."[77]

Any relaxation of the local FM limits under the Local Radio Ownership Rule would not be in the public interest as it would cause devaluation of AM radio stations, therefore undermining: the role played by AM stations in the United States' national

[75] *See* Reply Comments of Multicultural Media, Telecom and Internet Council, *In re: 2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules*, MB Docket No. 18-349, at 5 (May 28, 2019), https://www.fcc.gov/ecfs/document/10529739909258/1.

[76] *See* National Association of Black Owned Broadcasters, Notice of *Ex Parte* Communication, *In re: Delete, Delete, Delete*, GN Docket No. 25-133, Meeting with Commissioner Anna Gomez at 1 (Sept. 23, 2025), https://www.fcc.gov/ecfs/document/109231094329600/1; Meeting with Commissioner Olivia Trusty at 1 (Sept. 23, 2025), https://www.fcc.gov/ecfs/document/1092324179793/1.

[77] See *NABOB Reply Comments – Delete, Delete, Delete*, supra *note 37* at 2.

security and public safety communications infrastructure,[78] the important place of AM stations as trusted sources of local news and information, particularly to rural and suburban America, and AM radio's availability as an entry point for women and minority broadcast entrepreneurs and their diverse and innovative services to the public.[79]

We agree with NABOB that maintenance of the Local Radio Ownership Rule will provide an opportunity for minority and female-owned stations "to continue as competitors in the industry." We believe that NABOB is correct that repeal or relaxation of the Local Radio Ownership Rule would inevitably "lead to another wave of consolidation, which will create another new set of barriers to entry for new entrepreneurs. Thus, maintaining the existing rule will promote competition, localism and viewpoint diversity, which will maintain existing broadcast voices, and may provide entrepreneurs opportunities to create additional broadcast voices, which will benefit American consumers."[80] Finally, we agree with NABOB that further relaxation of the Commission' s remaining ownership rules would further the ongoing decline in minority broadcast ownership and harm the entire AM radio industry.[81]

Common Frequency, Inc., a 501(c)(3) dedicated to the "advocacy and dissemination of information regarding non-commercial, educational and Low Power FM service," recently provided a unique perspective on proposed changes to the Local Radio Ownership Rule in its Reply Comments in GN Docket 25-133: "[M]ost people would agree that broadcasting is essentially deregulated to the point that the only

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[78] *See NABOB Reply Comments – Delete, Delete, Delete*, supra *note 37;* Eric Rhoads and Hartley Adkins, Remarks at *2019 FCC Symposium*, supra *note 44* at 100:00.
[79] *See NABOB Reply Comments – Delete, Delete, Delete*, supra *note 37* at 19; Sara Morris, iHeart Media Senior Director, Government Affairs, Letter to FCC Secretary Marlene H. Dortch, supra *note 74* at 1.
[80] *See NABOB Reply Comments – Delete, Delete, Delete*, supra *note 37* at 3.
[81] *See generally*, *NABOB Reply Comments – Delete, Delete, Delete*, supra *note 37*.

regulations left are the essential bare-bones public interest reporting, various operating records, and ownership rules that prevent local broadcast monopolies."[82] Common Frequency noted that pro-deregulatory commenters in this proceeding "are basically asking to rip the kitchen sink and plumbing out of the house just because they can. This is not even because it results in much operational savings, but its public disclosure concerning their operations, and the last mile to monopolization has not occurred. Monopolization essentially eliminates the automatic marketplace checks and balances that assures competition -- fair prices for advertising and programming quality. Allowing unfettered ownership without disclosure harkens back to the day of railroad barons and wealthy industrialists owning all the transportation and means of manufacturing, with wealth disparity, price fixing, scandals, and corruption ensuing."[83] Common Frequency then effectively explained the counterproductive and harmful consequences that can result from loosening ownership rules for broadcast radio.[84]

CONCLUSION

We respectfully request that the Commission retain, exactly as is, that portion of the Local Radio Station Ownership Rule that sets numeric maximums on the number of FM radio stations that one entity can own in a given geographic market. Current maximums on local FM radio ownership remain necessary in order to promote diversity, competition, and localism at AM/FM radio in the local communities served by those

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[82] *See* Reply Comment of Common Frequency, Inc., *In re: Delete, Delete, Delete*, GN Docket No. 25-133 at 17 (Apr. 28, 2025), https://www.fcc.gov/ecfs/document/10429808002397/1.
[83] *Id.* at 17-18.
[84] *Id*.

stations. The Commission must not expand its current definition of the relevant product market beyond broadcast radio stations for purposes of analyzing the rule.

The Commission remains obligated to promote viewpoint diversity, localism, and competition within AM/FM radio. The primary concern of the Commission, when determining whether to retain or loosen the FM ownership caps, must be the well-being of AM/FM radio listeners rather than the pocketbooks of media conglomerates seeking to line their own pockets. If local FM ownership is further deregulated, thereby granting even higher local market shares to the largest AM/FM clusters, then independent, locally-owned AM/FM stations may be put out of business as a result, or forced to reduce resources spent on providing quality local programming. Loosening the current caps on FM ownership would result in the devaluation of AM radio stations whose owners invested in AM ownership, in reasonable reliance on the Commission's AM/FM subcaps. The public interest requires full retention of the Local Radio Ownership Rule.

Respectfully Submitted,

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