

From: [Lori Maarbjerg](#)
To: ["patrick.orth@mail.house.gov"](mailto:patrick.orth@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:44 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: ["jordan.downs@mail.house.gov"](mailto:jordan.downs@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:44 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: "will.hupman@mail.house.gov"
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:43 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: ["sergio.espinosa@mail.house.gov"](mailto:sergio.espinosa@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:43 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: ["michael.calvo@mail.house.gov"](mailto:michael.calvo@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:43 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: "elizabeth.brown@mail.house.gov"
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:43 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: [Sara Morris](#)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:56 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: "kelle.strickland@mail.house.gov"
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:43 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: ["ray.baum@mail.house.gov"](mailto:ray.baum@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:42 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: ["graham.dufault@mail.house.gov"](mailto:graham.dufault@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:42 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: ["greta.joynes@mail.house.gov"](mailto:greta.joynes@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:42 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: ["timothy.robinson@mail.house.gov"](mailto:timothy.robinson@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:42 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: ["diane.rinaldo@mail.house.gov"](mailto:diane.rinaldo@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:42 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: ["Preston.Kerr@mail.house.gov"](mailto:Preston.Kerr@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:42 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: "tiffany.guarascio@mail.house.gov"
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:42 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: ["kyle.victor@mail.house.gov"](mailto:kyle.victor@mail.house.gov)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:41 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: "jan.beukelman@mail.house.gov"
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:41 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Lori Maarbjerg](#)
To: [Kevin Holmes](#)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:57 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Shannon Gilson](#)
To: [Sara Morris](#); [Maria Kirby](#); [Gigi Sohn](#); [Ruth Milkman](#); [Lori Maarbjerg](#)
Cc: [Neil Grace](#); [Mark Wigfield](#)
Subject: FW: Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study
Date: Tuesday, February 25, 2014 12:40:41 PM

(b) (5)

From: Alex Byers [mailto:abyers@politico.com]
Sent: Tuesday, February 25, 2014 12:38 PM
To: Shannon Gilson
Subject: FW: Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

Hey Shannon – This just went out. Do you know if you guys will have comment?

Thanks,
Alex

--

Alex Byers
Tech reporter
POLITICO
202.695.2083
[@byersalex](#)

**please note new number, rings both work and cell phones

From: Energy and Commerce News [mailto:EnergyandCommerceNews@ECREP.housecommunications.gov]
Sent: Tuesday, February 25, 2014 12:32 PM
To: Alex Byers
Subject: Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

Press Release Header



FOR IMMEDIATE RELEASE
February 25, 2014

CONTACT: Press Office
(202) 226-4972

Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

Walden Announces Hearing, Legislation In Works to Ensure FCC Stays Out of the Newsroom and Respects the Freedom of the Press

WASHINGTON, DC – House Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today announced that the Energy and Commerce Committee will pursue legislative solutions to take the Federal Communications Commission's Critical Information Needs (CIN) study off the books. The study, which was first announced last summer, originally included the questioning of journalists and other news professionals regarding their decision-making processes and news philosophy. While Chairman Wheeler has [indicated](#) that the study will be changed, he has yet to adequately answer the questions contained in the committee's [December 10, 2013](#) letter. The Communications and Technology Subcommittee plans to hold a hearing and introduce legislation to stop the study.

"The very existence of this CIN study is an affront to the First Amendment and should have never been proposed in the first place. As someone with a journalism degree, I was alarmed from the moment I saw it, which is why we wrote to Chairman Wheeler in December to urge him to stop the study. To date, Chairman Wheeler has insisted upon only making small tweaks, and what he has proposed to do isn't enough. The study should be eradicated completely," said Walden. "The potential for violation of the First Amendment is exceptionally egregious, but it is also concerning that the commission believes it can prescribe what 'critical information needs' are in communities across the country."

Walden continued, "It took nearly 25 years to get the Fairness Doctrine off the books once it had been 'eliminated' in 1987, and we will do whatever it takes to ensure this study or any other effort by the government to control the output of America's newsrooms never sees the light of day."

In December, full committee Chairman Fred Upton (R-MI), and every Republican member of the Communications and Technology Subcommittee [wrote](#) to Chairman Wheeler urging him to suspend the study. Upon the FCC's response to the December letter, Upton and Walden expressed [concern](#) that the study still left room for First Amendment violations. Members cited similar concerns with respect to the original Fairness Doctrine and committee leaders [urged](#) then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was [eliminated](#) in August 2011.

Additional information about the upcoming hearing will be posted [here](#) as it is available.

[PERMALINK](#)



STAY CONNECTED



SUBSCRIBER SERVICES

[Manage Preferences](#) | [Unsubscribe](#) | [Help](#)

From: [Jim Balaguer](#)
To: [OLA Distribution List](#)
Subject: FW: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection
Date: Thursday, February 20, 2014 10:34:10 AM

FYI – House Energy & Commerce just released this statement regarding the CIN study.

From: Energy and Commerce News [mailto:EnergyandCommerceNews@ECREP.housecommunications.gov]
Sent: Thursday, February 20, 2014 10:32 AM
To: Jim Balaguer
Subject: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

Press Release Header



FOR IMMEDIATE RELEASE
February 20, 2014

CONTACT: Press Office
(202) 226-4972

FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

WASHINGTON, DC – House Energy and Commerce Committee Chairman Fred Upton (R-MI) and Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today commented on the FCC's [response](#) to the committee's December 10, 2013, letter regarding the commission's Critical Information Needs (CIN) study. In December, committee leaders, along with every Republican member of the Communications and Technology Subcommittee, [wrote](#) to FCC Chairman Tom Wheeler urging him to suspend the CIN study which included provisions for FCC funded agents to question the editorial decisions of journalists, producers, and other news professionals.

"We are pleased to see Chairman Wheeler recognizes the gravity of our concerns and has accordingly made progress toward ensuring that First Amendment protections remain in place for journalists," said Upton and Walden. "Before moving forward, however, it is imperative that the FCC ensure that any study, with any agents acting on its behalf, stays out of newsrooms. The courts have rightfully struck down the Fairness Doctrine, and any attempt to revive it, through study or any other means, should not be attempted by the FCC or any other government agency."

Former FCC Commissioner Robert McDowell similarly expressed concern that the CIN study raises questions about government interference in the newsroom. On *Fox News* yesterday, he asked, "How much government coercion might there be with all of this? Is the government trying to ultimately dictate speech and dictate how journalists are supposed to do their jobs? And it doesn't matter what your political stripe might be, that's just not a good idea, especially when you have such a competitive communications landscape." Watch the full interview [here](#).

Robert M. McDowell

[Click to watch](#)

Upton and Walden cited similar free speech concerns with respect to the original Fairness Doctrine in [urging](#) then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was [eliminated](#) in August 2011.

To read the FCC's response, click [here](#).

To read the committee's December 10, 2013 letter click [here](#).

[PERMALINK](#)



STAY CONNECTED



SUBSCRIBER SERVICES

[Manage Preferences](#) | [Unsubscribe](#) | [Help](#)

This email was sent to jim.balaguer@fcc.gov using GovDelivery, on behalf of: House Committee on Energy and Commerce · 2125 Rayburn House Office Building, Washington, DC 20515

From: [Sara Morris](#)
To: [Ruth Milkman](#); [Shannon Gilson](#); [Neil Grace](#); [Lori Maarbjerg](#); [Meribeth McCarrick](#)
Subject: Fw: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection
Date: Thursday, February 20, 2014 12:07:45 PM

Sara W. Morris
Director (Acting)
Office of Legislative Affairs
Federal Communications Commission
(202) 418-0095 (direct)
(202) 418-1900 (main)
(202) 905-9860 (mobile)
sara.morris@fcc.gov

From: Jim Balaguer
Sent: Thursday, February 20, 2014 10:34 AM
To: OLA Distribution List
Subject: FW: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

FYI – House Energy & Commerce just released this statement regarding the CIN study.

From: Energy and Commerce News [<mailto:EnergyandCommerceNews@ECREP.housecommunications.gov>]
Sent: Thursday, February 20, 2014 10:32 AM
To: Jim Balaguer
Subject: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

Press Release Header



FOR IMMEDIATE RELEASE
February 20, 2014

CONTACT: Press Office
(202) 226-4972

FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

WASHINGTON, DC – House Energy and Commerce Committee Chairman Fred Upton (R-MI) and Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today commented on the FCC's [response](#) to the committee's December 10, 2013, letter regarding the commission's Critical Information Needs (CIN) study. In December, committee leaders, along with every Republican member of the Communications and Technology Subcommittee, [wrote](#) to FCC Chairman Tom Wheeler urging him to suspend the CIN study which included provisions for FCC funded agents to question the editorial decisions of journalists, producers, and other news professionals.

"We are pleased to see Chairman Wheeler recognizes the gravity of our concerns and has accordingly made progress toward ensuring that First Amendment protections remain in place for journalists," said Upton and Walden. "Before moving forward, however, it is imperative that the FCC ensure that any study, with any agents acting on its behalf, stays out of newsrooms. The courts have rightfully struck down the Fairness Doctrine, and any attempt to revive it, through study or any other means, should not be attempted by the FCC or any other government agency."

Former FCC Commissioner Robert McDowell similarly expressed concern that the CIN study raises

questions about government interference in the newsroom. On *Fox News* yesterday, he asked, "How much government coercion might there be with all of this? Is the government trying to ultimately dictate speech and dictate how journalists are supposed to do their jobs? And it doesn't matter what your political stripe might be, that's just not a good idea, especially when you have such a competitive communications landscape." Watch the full interview [here](#).

Robert M. McDowell



[Click to watch](#)

Upton and Walden cited similar free speech concerns with respect to the original Fairness Doctrine in [urging](#) then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was [eliminated](#) in August 2011.

To read the FCC's response, click [here](#).

To read the committee's December 10, 2013 letter click [here](#).

[PERMALINK](#)



STAY CONNECTED



SUBSCRIBER SERVICES

[Manage Preferences](#) | [Unsubscribe](#) | [Help](#)

From: [Lori Maarbjerg](#)
To: [Shannon Gilson](#); [Sara Morris](#); [Meribeth McCarrick](#); [Neil Grace](#); [Maria Kirby](#)
Cc: [Jim Balaguer](#)
Subject: FW: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection
Date: Thursday, February 20, 2014 10:35:23 AM

From: Jim Balaguer
Sent: Thursday, February 20, 2014 10:34 AM
To: OLA Distribution List
Subject: FW: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

FYI – House Energy & Commerce just released this statement regarding the CIN study.

From: Energy and Commerce News [<mailto:EnergyandCommerceNews@ECREP.housecommunications.gov>]
Sent: Thursday, February 20, 2014 10:32 AM
To: Jim Balaguer
Subject: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

Press Release Header



FOR IMMEDIATE RELEASE
February 20, 2014

CONTACT: Press Office
(202) 226-4972

FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

WASHINGTON, DC – House Energy and Commerce Committee Chairman Fred Upton (R-MI) and Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today commented on the FCC's [response](#) to the committee's December 10, 2013, letter regarding the commission's Critical Information Needs (CIN) study. In December, committee leaders, along with every Republican member of the Communications and Technology Subcommittee, [wrote](#) to FCC Chairman Tom Wheeler urging him to suspend the CIN study which included provisions for FCC funded agents to question the editorial decisions of journalists, producers, and other news professionals.

"We are pleased to see Chairman Wheeler recognizes the gravity of our concerns and has accordingly made progress toward ensuring that First Amendment protections remain in place for journalists," said Upton and Walden. "Before moving forward, however, it is imperative that the FCC ensure that any study, with any agents acting on its behalf, stays out of newsrooms. The courts have rightfully struck down the Fairness Doctrine, and any attempt to revive it, through study or any other means, should not be attempted by the FCC or any other government agency."

Former FCC Commissioner Robert McDowell similarly expressed concern that the CIN study raises questions about government interference in the newsroom. On *Fox News* yesterday, he asked, "How much government coercion might there be with all of this? Is the government trying to ultimately dictate speech and dictate how journalists are supposed to do their jobs? And it doesn't matter what your political stripe might be, that's just not a good idea, especially when you have such a competitive communications landscape." Watch the full interview [here](#).

Robert M. McDowell



[Click to watch](#)

Upton and Walden cited similar free speech concerns with respect to the original Fairness Doctrine in [urging](#) then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was [eliminated](#) in August 2011.

To read the FCC's response, click [here](#).

To read the committee's December 10, 2013 letter click [here](#).

[PERMALINK](#)



STAY CONNECTED



SUBSCRIBER SERVICES

[Manage Preferences](#) | [Unsubscribe](#) | [Help](#)

From: [Jim Balaguer](#)
To: [OLA Distribution List](#)
Subject: FW: Keeping Big Brother Out of the Nation's Newsrooms
Date: Friday, February 21, 2014 6:18:53 PM

FYI – More on CIN. (Blackburn & Ellmers)

From: Energy and Commerce News [mailto:EnergyandCommerceNews@ECREP.housecommunications.gov]
Sent: Friday, February 21, 2014 2:33 PM
To: Jim Balaguer
Subject: Keeping Big Brother Out of the Nation's Newsrooms

In Case You Missed It



FOR IMMEDIATE RELEASE
[ENTER DATE]

CONTACT: Press Office
(202) 226-4972

Committee Continues Fight to Keep Big Brother Out of Nation's Newsrooms

Energy and Commerce Committee leaders first [sounded the alarm last December](#) on the Federal Communications Commission's intention to conduct a study in newsrooms across the country. Despite the ongoing concern, Commission Chairman Tom Wheeler last week [responded](#) to the committee's December 10, 2013, [letter](#), reiterating that the "Critical Information Needs" (CIN) study, with slight modifications, would move forward. Without scrapping the study, however, there is no evidence that Constitutionally guaranteed First Amendment protections will be left in place. Energy and Commerce Committee [Vice Chairman Marsha Blackburn](#) (R-TN) and [Rep. Renee Ellmers](#) (R-NC) took to the airwaves to discuss this breach of the public trust and its implications for freedom of the press. [FCC Commissioner Ajit Pai](#), who joined committee Republicans in raising the issue with a *Wall Street Journal* [column](#) last week, appeared on Fox News' On the Record with Greta Van Susteren just prior to Rep. Ellmers.

Blackburn



[Click to Watch](#)

Ellmers

[Click to Watch](#)

The Examiner



February 20, 2014

Byron York: New Obama initiative tramples First Amendment protections

The First Amendment says "Congress shall make no law...abridging the freedom of speech, or of the press..." But under the Obama administration, the Federal Communications Commission is planning to send government contractors into the nation's newsrooms to determine whether journalists are producing articles, television reports, Internet content, and commentary that meets the public's "critical information needs." Those "needs" will be defined by the administration, and news outlets that do not comply with the government's standards could face an uncertain future. It's hard to imagine a project more at odds with the First Amendment.

The initiative, known around the agency as "the CIN Study" (pronounced "sin"), is a bit of a mystery even to insiders. "This has never been put to an FCC vote, it was just announced," says Ajit Pai, one of the FCC's five commissioners (and one of its two Republicans). "I've never had any input into the process," adds Pai, who brought the story to the public's attention in a Wall Street Journal column last week. ...

The study identified eight "critical needs": information about emergencies and risks; health and welfare; education; transportation; economic opportunities; the environment; civic information; and political information.

It's not difficult to see those topics quickly becoming vehicles for political intimidation. In fact, it's difficult to imagine that they wouldn't. For example, might the FCC standards that journalists must meet on the environment look something like the Obama administration's environmental agenda? Might standards on economic opportunity resemble the president's inequality agenda? The same could hold true for the categories of health and welfare and "civic information" -- and pretty much everything else.

"An enterprising regulator could run wild with a lot of these topics," says Pai. "The implicit message to the newsroom is they need to start covering these eight categories in a certain way or otherwise the FCC will go after them." ...

Questioning about the CIN Study began last December, when the four top Republicans on the House Energy and Commerce Committee asked the FCC to justify the project. "The Commission has no business probing the news media's editorial judgment and expertise," the GOP lawmakers wrote, "nor does it have any business in prescribing a set diet of 'critical information.'"

If the FCC goes forward, it's not clear what will happen to news organizations that fall short of the new government standards. Perhaps they will be disciplined. Or perhaps the very threat of investigating their methods will nudge them into compliance with the administration's journalistic agenda. What is sure is that it will be a gross violation of constitutional rights.

To read the full column, click [here](#).

[PERMALINK](#)



STAY CONNECTED



SUBSCRIBER SERVICES

[Manage Preferences](#) | [Unsubscribe](#) | [Help](#)

This email was sent to jim.balaguer@fcc.gov using GovDelivery, on behalf of: House Committee on Energy and Commerce · 2125 Rayburn House Office Building, Washington, DC 20515

From: [Lori Maarbjerg](#)
To: [Daniel Margolis](#)
Cc: [Thomas Reed](#)
Subject: Fw: Letter from the Energy and Commerce Committee
Date: Tuesday, December 10, 2013 6:22:41 PM
Attachments: [121013 FCC CIN letter.pdf](#)

This letter just came in. (b) (5)

[REDACTED]

From: Patrick Halley
Sent: Tuesday, December 10, 2013 03:58 PM Eastern Standard Time
To: Alethea Lewis; Connie Chapman
Cc: Lori Maarbjerg; David Toomey; Jill Pender
Subject: FW: Letter from the Energy and Commerce Committee

(b) (5)

[REDACTED]

From: Capiak, Megan [Megan.Capiak@mail.house.gov]
Sent: Tuesday, December 10, 2013 2:46 PM
To: Patrick Halley; Ruth Milkman
Subject: Letter from the Energy and Commerce Committee

Hello,

Please find attached a letter from the Energy and Commerce Committee to the Honorable Wheeler on the topic of the CIN Study.

A copy of the letter was also placed in standard mail.

Please respond "yes" once you have received this e-mail.

Thanks,
Megan

Megan Capiak
House Energy and Commerce Committee
202-225-2927

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927

Minority (202) 225-3641

December 10, 2013

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20515

Dear Chairman Wheeler:

Last Congress, after more than 60 years, the FCC finally removed the “Fairness Doctrine” from the Code of Federal Regulations. Over the course of its time on the books, FCC Chairmen and Commissioners have acknowledged that it was an intrusion by the FCC into the freedoms of speech and the press that could not be supported by law. Given the widespread calls for the Commission to respect the First Amendment and stay out of the editorial decisions of reporters and broadcasters, we were shocked to see that the FCC is putting itself back in the business of attempting to control the political speech of journalists. It is wrong, it is unconstitutional, and we urge you to put a stop to this most recent attempt to engage the FCC as the “news police.”

On November 1, the Federal Communications Commission issued a Public Notice announcing a field test for the Research Design of a “Multi-Market Study of Critical Information Needs” (the “CIN Study”).¹ The proposed design for the CIN Study² shows a startling disregard for not only the bedrock constitutional principles that prevent government intrusion into the press and other news media, but also for the lessons learned by the Commission’s experience with the Fairness Doctrine. Although the Commission’s stated reason for the report is to inform the Commission in taking deregulatory action to lower “market entry barriers for entrepreneurs and other small businesses,”³ it is hard to read this and see it for anything other than what it is: Fairness Doctrine 2.0.

¹ *The Office of Communications Business Opportunities Announces Market for Critical Information Needs Research Field Test*, MB Docket No. 12-30, Public Notice, DA 13-2126, *rel.* Nov. 1, 2013.

² *Office of Communications Business Opportunities Announces Release of Critical Information Needs Research Design*, Public Notice, DA 13-1214, *rel.* May 24, 2013, attaching “Research Design for the Multi-Market Study of Critical Information Needs: Final Research Design,” prepared by Social Solutions International, Inc., Apr. 2013, at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-1214A2.pdf (last checked Nov. 5, 2013) (“CIN Study Design”).

³ 47 U.S.C. § 257.

The study plans to undertake a “Qualitative Analysis of Providers,” which appears to seek information on how all local news outlets – whether regulated by the FCC or not – select and prioritize news coverage. As laid out in the study design, the study intends to “ascertain the process by which stories are selected, station priorities (for content, production quality, and populations served), perceived station bias, perceived percent of news dedicated to each of the eight CINs, and perceived responsiveness to underserved populations.”⁴ Specifically, the study plans to ask journalists, station owners, and corporate media group owners about their news philosophy, what factors influence story selection, and whether and why story ideas are rejected in the newsroom.

The Commission is not a research institution but rather a government entity with authority to regulate some of the targets of the CIN Study. The Commission has no business probing the news media’s editorial judgment and expertise, nor does it have any business in prescribing a set diet of “critical information.” These goals are plainly inappropriate and are at bottom an incursion by the government into the constitutionally protected operations of the professional news media.

Beyond the fact that many of the goals of the study are inappropriate, we are equally concerned by the Commission’s failure to state an adequate statutory basis for its action. The Commission has not offered any legitimate justification for how a study of the “critical information needs” of communities directly contributes to its statutory duties, *i.e.*, to review the impact of law on market entry barriers for entrepreneurs and other small businesses.

Finally, we are also interested in how the Commission reached its determination that the scope of the proposed study should be limited to Columbia, SC. The original scope of the study would have covered multiple markets of varying sizes, but ultimately the FCC decided to focus its initial efforts in just one city. Below, we seek answers as to the Commission’s rationale for this decision.

In order to shed light on how the Commission reached the decision that the CIN Study, at a cost to taxpayers of \$900,000, would be resources well spent,⁵ and also to understand how it furthers the Commission’s statutory goal of “identifying and eliminating... market entry barriers for entrepreneurs and other small businesses” under Section 257, we request that you respond to each of the questions below by January 10th and before proceeding further with any field test of the study design:

1. How does the statutory language of Section 257 support the Commission’s contention that it has authority to question the news media about editorial discretion and the content it chooses to produce?
2. What other purposes or proceedings are the CIN Study designed to serve? If the CIN Study is intended to serve other purposes or proceedings, detail the statutory provisions that authorize such an undertaking and how the study will be used to further them.

⁴ CIN Study Design at 12.

⁵ Make, Jonathan, “FCC, Having Spent \$209,000 on Barriers-to-Entry Preliminaries, May Spend \$918,000 for Research,” *Communications Daily*, May 29, 2013, at 2-3.

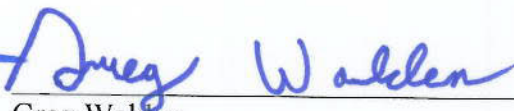
3. What steps are being taken to ensure that the CIN Study respects the First Amendment rights of the news media to speak, and audiences to receive, information unfettered by direct or indirect intrusion by the government?
4. How, if at all, will the CIN Study results be used in the Commission's quadrennial media ownership proceeding?
5. How will the results of the CIN Study be applied practically? Does the Commission expect to offer governmental endorsement of the results and recommendations from the study? Will the results and recommendations for news coverage be further incorporated into regulation of broadcast journalism?
6. The press has reported that the Commission expects to spend north of \$900,000 for the full study. Does that include design and implementation of the field test? If not, how much money has been allocated to the field test, and how will the field test impact the cost of later phases of the full study?
7. How do the changes to the study design respond to the public comments made in May 2013? Detail the considerations that informed the changes to the study design as well as the considerations that drove the selection of Columbia, SC as the appropriate field test site.

The First Amendment to the U.S. Constitution is the beacon of freedom that makes the United States unique among the world's nations. We urge you to take immediate steps to suspend this effort and find ways that are consistent with the Communications Act and the Constitution to serve the Commission's statutory responsibilities. If you have any questions, please contact David Redl or Grace Koh with the Committee on Energy and Commerce at (202) 225-2927.

Sincerely,



Fred Upton
Chairman



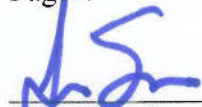
Greg Walden
Chairman
Subcommittee on Communications & Technology



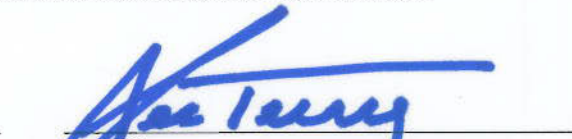
Joe Barton
Chairman Emeritus



Marsha Blackburn
Vice Chair



John Shimkus
Member



Lee Terry
Member




Mike Rogers
Member




Steve Scalise
Member




Bob Latta
Member



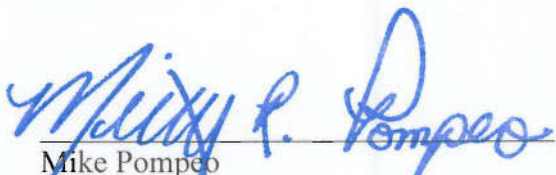
Leonard Lance
Member



Brett Guthrie
Member



Cory Gardner
Member



Mike Pompeo
Member



Adam Kinzinger
Member



Billy Long
Member



Renee Ellmers
Member

- cc: The Honorable Henry A. Waxman, Ranking Member
The Honorable Anna Eshoo, Ranking Member, Subcommittee on Communications & Technology
Commissioner Mignon Clyburn, FCC
Commissioner Jessica Rosenworcel, FCC
Commissioner Ajit Pai, FCC
Commissioner Michael O'Rielly, FCC

From: [Sara Morris](#)
To: [Ruth Milkman](#); [Maria Kirby](#); [Gigi Sohn](#); [Shannon Gilson](#); [Neil Grace](#); [Mark Wigfield](#)
Cc: [Lori Maarbjerg](#)
Subject: Fw: Letter to Chairman Wheeler
Date: Tuesday, February 25, 2014 12:57:45 PM
Attachments: [2014-02-25 Collins Letter to FCC Chairman Wheeler.pdf](#)

Ltr from Senator Collins re CIN study. .

Sara W. Morris
Director
Office of Legislative Affairs
Federal Communications Commission
(202) 418-0095 (direct)
(202) 418-1900 (main)
(202) 905-9860 (mobile)
sara.morris@fcc.gov

From: Netram, Chris (Collins) [mailto:Chris_Netram@collins.senate.gov]
Sent: Tuesday, February 25, 2014 12:07 PM
To: Sara Morris
Subject: Letter to Chairman Wheeler

Sara – as discussed, attached is Sen. Collins’ letter to Chairman Wheeler. We look forward to the Chairman’s response. Please let me know if you have any questions. My direct line is 202-224-8323.

Best Regards,

Chris

Chris Netram
Tax Counsel and Budget Advisor
U.S. Senator Susan Collins

Office: 202-224-2523
Email: chris_netram@collins.senate.gov

This message (including any attachments) may contain material nonpublic information and such information is not intended to be used for private personal gain in securities or commodities transactions. The sender provides this information to facilitate the performance of public duties, with the expectation that this information will not be used to inform trades in securities or commodities.

SUSAN M. COLLINS

MAINE

413 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1904
(202) 224-2523
(202) 224-2693 (FAX)

United States Senate

WASHINGTON, DC 20510-1904

COMMITTEES:
SPECIAL COMMITTEE
ON AGING,
RANKING MEMBER
APPROPRIATIONS
SELECT COMMITTEE
ON INTELLIGENCE

February 25, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington DC, 20554

Dear Chairman Wheeler:

I am writing to express my concern about the Commission's proposed "Multi-Market Study of Critical Information Needs" (CIN). While I am pleased that your office has chosen to temporarily suspend this study, I am deeply troubled that the Commission would even contemplate such actions in the first place.

As I understand it, under the CIN as originally proposed, FCC representatives would have interviewed journalists, anchors, and producers about the stories they choose to cover, and the manner in which those stories were reported. As FCC Commissioner Ajit Pai noted in a recent *Wall Street Journal* article, the FCC would have been engaged in questioning news station personnel about their "news philosophy," and about editorial discretion and decision-making. Given the fact that the FCC is also tasked with evaluating broadcast license applications, it is not a stretch to imagine that newsrooms would seek to choose and present stories in a manner that the Commission deems "appropriate."

I cannot recall a regulatory proposal more offensive to the principles of the First Amendment. A free press is central to American liberties, and allowing the executive branch to attempt to influence the news the public receives is chilling and completely unacceptable.

I recognize that your office has chosen to temporarily suspend the CIN and to revise the survey. I urge the Commission to abandon this approach altogether to ensure the Commission takes no steps to impede the First Amendment rights of news organizations or other Americans under any guise.

Sincerely,



Susan M. Collins
United States Senator

cc: Mignon Clyburn, Commissioner
cc: Jessica Rosenworcel, Commissioner
cc: Ajit Pai, Commissioner
cc: Michael O'Rielly, Commissioner



From: [Sara Morris](#)
To: [Maria Kirby](#); [Ruth Milkman](#); [Gigi Sohn](#); [Shannon Gilson](#); [Diane Cornell](#)
Cc: [Lori Maarbjerg](#)
Subject: FW: Response to Letter Re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:39:59 PM
Attachments: [CIN Study Response - Upton.pdf](#)
[13-1216MI.PDF](#)

Attached is the signed response of TW to Chairman Upton on the Critical Information Needs study.

Identical versions are being transmitted to each of the other signers (including Reps. Walden and the other Republican members of the C&T Subcommittee).

For your convenience, a copy of the incoming is also attached.

Sara

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

December 10, 2013

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20515

Dear Chairman Wheeler:

Last Congress, after more than 60 years, the FCC finally removed the “Fairness Doctrine” from the Code of Federal Regulations. Over the course of its time on the books, FCC Chairmen and Commissioners have acknowledged that it was an intrusion by the FCC into the freedoms of speech and the press that could not be supported by law. Given the widespread calls for the Commission to respect the First Amendment and stay out of the editorial decisions of reporters and broadcasters, we were shocked to see that the FCC is putting itself back in the business of attempting to control the political speech of journalists. It is wrong, it is unconstitutional, and we urge you to put a stop to this most recent attempt to engage the FCC as the “news police.”

On November 1, the Federal Communications Commission issued a Public Notice announcing a field test for the Research Design of a “Multi-Market Study of Critical Information Needs” (the “CIN Study”).¹ The proposed design for the CIN Study² shows a startling disregard for not only the bedrock constitutional principles that prevent government intrusion into the press and other news media, but also for the lessons learned by the Commission’s experience with the Fairness Doctrine. Although the Commission’s stated reason for the report is to inform the Commission in taking deregulatory action to lower “market entry barriers for entrepreneurs and other small businesses,”³ it is hard to read this and see it for anything other than what it is: Fairness Doctrine 2.0.

¹ *The Office of Communications Business Opportunities Announces Market for Critical Information Needs Research Field Test*, MB Docket No. 12-30, Public Notice, DA 13-2126, *rel.* Nov. 1, 2013.

² *Office of Communications Business Opportunities Announces Release of Critical Information Needs Research Design*, Public Notice, DA 13-1214, *rel.* May 24, 2013, attaching “Research Design for the Multi-Market Study of Critical Information Needs: Final Research Design,” prepared by Social Solutions International, Inc., Apr. 2013, at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-1214A2.pdf (last checked Nov. 5, 2013) (“CIN Study Design”).

³ 47 U.S.C. § 257.

The study plans to undertake a “Qualitative Analysis of Providers,” which appears to seek information on how all local news outlets – whether regulated by the FCC or not – select and prioritize news coverage. As laid out in the study design, the study intends to “ascertain the process by which stories are selected, station priorities (for content, production quality, and populations served), perceived station bias, perceived percent of news dedicated to each of the eight CINs, and perceived responsiveness to underserved populations.”⁴ Specifically, the study plans to ask journalists, station owners, and corporate media group owners about their news philosophy, what factors influence story selection, and whether and why story ideas are rejected in the newsroom.

The Commission is not a research institution but rather a government entity with authority to regulate some of the targets of the CIN Study. The Commission has no business probing the news media’s editorial judgment and expertise, nor does it have any business in prescribing a set diet of “critical information.” These goals are plainly inappropriate and are at bottom an incursion by the government into the constitutionally protected operations of the professional news media.

Beyond the fact that many of the goals of the study are inappropriate, we are equally concerned by the Commission’s failure to state an adequate statutory basis for its action. The Commission has not offered any legitimate justification for how a study of the “critical information needs” of communities directly contributes to its statutory duties, *i.e.*, to review the impact of law on market entry barriers for entrepreneurs and other small businesses.

Finally, we are also interested in how the Commission reached its determination that the scope of the proposed study should be limited to Columbia, SC. The original scope of the study would have covered multiple markets of varying sizes, but ultimately the FCC decided to focus its initial efforts in just one city. Below, we seek answers as to the Commission’s rationale for this decision.

In order to shed light on how the Commission reached the decision that the CIN Study, at a cost to taxpayers of \$900,000, would be resources well spent,⁵ and also to understand how it furthers the Commission’s statutory goal of “identifying and eliminating... market entry barriers for entrepreneurs and other small businesses” under Section 257, we request that you respond to each of the questions below by January 10th and before proceeding further with any field test of the study design:

1. How does the statutory language of Section 257 support the Commission’s contention that it has authority to question the news media about editorial discretion and the content it chooses to produce?
2. What other purposes or proceedings are the CIN Study designed to serve? If the CIN Study is intended to serve other purposes or proceedings, detail the statutory provisions that authorize such an undertaking and how the study will be used to further them.

⁴ CIN Study Design at 12.

⁵ Make, Jonathan, “FCC, Having Spent \$209,000 on Barriers-to-Entry Preliminaries, May Spend \$918,000 for Research,” *Communications Daily*, May 29, 2013, at 2-3.

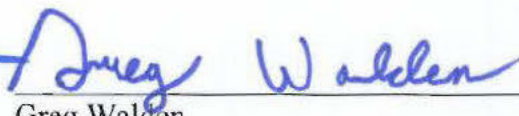
3. What steps are being taken to ensure that the CIN Study respects the First Amendment rights of the news media to speak, and audiences to receive, information unfettered by direct or indirect intrusion by the government?
4. How, if at all, will the CIN Study results be used in the Commission's quadrennial media ownership proceeding?
5. How will the results of the CIN Study be applied practically? Does the Commission expect to offer governmental endorsement of the results and recommendations from the study? Will the results and recommendations for news coverage be further incorporated into regulation of broadcast journalism?
6. The press has reported that the Commission expects to spend north of \$900,000 for the full study. Does that include design and implementation of the field test? If not, how much money has been allocated to the field test, and how will the field test impact the cost of later phases of the full study?
7. How do the changes to the study design respond to the public comments made in May 2013? Detail the considerations that informed the changes to the study design as well as the considerations that drove the selection of Columbia, SC as the appropriate field test site.

The First Amendment to the U.S. Constitution is the beacon of freedom that makes the United States unique among the world's nations. We urge you to take immediate steps to suspend this effort and find ways that are consistent with the Communications Act and the Constitution to serve the Commission's statutory responsibilities. If you have any questions, please contact David Redl or Grace Koh with the Committee on Energy and Commerce at (202) 225-2927.

Sincerely,



Fred Upton
Chairman



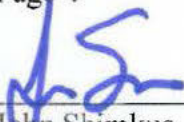
Greg Walden
Chairman
Subcommittee on Communications & Technology



Joe Barton
Chairman Emeritus



Marsha Blackburn
Vice Chair




John Shimkus
Member



Lee Terry
Member




Mike Rogers
Member



Steve Scalise
Member



Bob Latta
Member



Leonard Lance
Member



Brett Guthrie
Member



Cory Gardner
Member



Mike Pompeo
Member



Adam Kinzinger
Member



Billy Long
Member



Renee Ellmers
Member

- cc: The Honorable Henry A. Waxman, Ranking Member
The Honorable Anna Eshoo, Ranking Member, Subcommittee on Communications & Technology
Commissioner Mignon Clyburn, FCC
Commissioner Jessica Rosenworcel, FCC
Commissioner Ajit Pai, FCC
Commissioner Michael O'Rielly, FCC



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler". The signature is fluid and cursive, with a prominent initial "T" and "W".

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner

From: [Meribeth McCarrick](#)
To: [Lori Maarbjerg](#)
Subject: FW: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY
Date: Friday, February 21, 2014 4:01:45 PM

fyi

From: (b) (6)
Sent: Friday, February 21, 2014 3:47 PM
To: Gigi Sohn; Meribeth McCarrick; Daniel Alvarez; Deborah Ridley; Diane Cornell; Jon Wilkins; Jonathan Sallet; Maria Kirby; Mark Wigfield; Neil Grace; Philip Verveer; Renee Gregory; Ruth Milkman; Sagar Doshi; Sara Morris; Shannon Gilson
Subject: RE: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY

(b) (5)




-----Original Message-----

From: Gigi Sohn
Sent: Friday, February 21, 2014 03:34 PM Eastern Standard Time
To: Meribeth McCarrick; Daniel Alvarez; Deborah Ridley; Diane Cornell; Jon Wilkins; Jonathan Sallet; Maria Kirby; Mark Wigfield; Neil Grace; Philip Verveer; Renee Gregory; Ruth Milkman; Sagar Doshi; Sara Morris; Shannon Gilson; (b) (6)
Subject: RE: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY

(b) (5)



From: Meribeth McCarrick
Sent: Friday, February 21, 2014 3:29 PM
To: Daniel Alvarez; Deborah Ridley; Diane Cornell; Gigi Sohn; Jon Wilkins; Jonathan Sallet; Maria Kirby; Mark Wigfield; Neil Grace; Philip Verveer; Renee Gregory; Ruth Milkman; Sagar Doshi; Sara Morris; Shannon Gilson; (b) (6)
Subject: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY

FOR IMMEDIATE RELEASE:
February 21, 2014

NEWS MEDIA CONTACT:
Matthew Berry, 202-418-2005
Email: Matthew.Berry@fcc.gov

**STATEMENT OF COMMISSIONER AJIT PAI
ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY**

I welcome today's announcement that the FCC has suspended its "Multi-Market Study of Critical Information Needs," or CIN study. This study would have thrust the federal government into newsrooms across the country, somewhere it just doesn't belong. The Commission has now recognized that no study by the federal government, now or in the future, should involve asking questions to media owners, news directors, or reporters about their practices. This is an important victory for the First Amendment. And it would not have been possible without the American people making their voices heard. I will remain vigilant that any future initiatives not infringe on our constitutional freedoms.

From: [Meribeth McCarrick](#)
To: [Lori Maarbjerg](#)
Subject: FW: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY
Date: Friday, February 21, 2014 3:29:01 PM

fyi

From: Meribeth McCarrick
Sent: Friday, February 21, 2014 3:29 PM
To: Daniel Alvarez; Deborah Ridley; Diane Cornell; Gigi Sohn; Jon Wilkins; Jonathan Sallet; Maria Kirby; Mark Wigfield; Neil Grace; Philip Verveer; Renee Gregory; Ruth Milkman; Sagar Doshi; Sara Morris; Shannon Gilson; (b) (6)
Subject: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY

FOR IMMEDIATE RELEASE:
February 21, 2014

NEWS MEDIA CONTACT:
Matthew Berry, 202-418-2005
Email: Matthew.Berry@fcc.gov

**STATEMENT OF COMMISSIONER AJIT PAI
ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY**

I welcome today's announcement that the FCC has suspended its "Multi-Market Study of Critical Information Needs," or CIN study. This study would have thrust the federal government into newsrooms across the country, somewhere it just doesn't belong. The Commission has now recognized that no study by the federal government, now or in the future, should involve asking questions to media owners, news directors, or reporters about their practices. This is an important victory for the First Amendment. And it would not have been possible without the American people making their voices heard. I will remain vigilant that any future initiatives not infringe on our constitutional freedoms.

From: [Meribeth McCarrick](#)
To: [Lori Maarbjerg](#)
Subject: FW: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY
Date: Friday, February 21, 2014 4:17:01 PM

(b) (5)

From: Shannon Gilson
Sent: Friday, February 21, 2014 4:05 PM
To: (b) (6) Gigi Sohn; Meribeth McCarrick; Daniel Alvarez; Deborah Ridley; Diane Cornell; Jon Wilkins; Jonathan Sallet; Maria Kirby; Mark Wigfield; Neil Grace; Philip Verveer; Renee Gregory; Ruth Milkman; Sagar Doshi; Sara Morris
Subject: RE: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY

(b) (5)

From: (b) (6)
Sent: Friday, February 21, 2014 3:47 PM
To: Gigi Sohn; Meribeth McCarrick; Daniel Alvarez; Deborah Ridley; Diane Cornell; Jon Wilkins; Jonathan Sallet; Maria Kirby; Mark Wigfield; Neil Grace; Philip Verveer; Renee Gregory; Ruth Milkman; Sagar Doshi; Sara Morris; Shannon Gilson
Subject: RE: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY

(b) (5)

-----Original Message-----

From: Gigi Sohn
Sent: Friday, February 21, 2014 03:34 PM Eastern Standard Time
To: Meribeth McCarrick; Daniel Alvarez; Deborah Ridley; Diane Cornell; Jon Wilkins; Jonathan Sallet; Maria Kirby; Mark Wigfield; Neil Grace; Philip Verveer; Renee Gregory; Ruth Milkman; Sagar Doshi; Sara Morris; Shannon Gilson; (b) (6)
Subject: RE: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY

(b) (5)

From: Meribeth McCarrick

Sent: Friday, February 21, 2014 3:29 PM

To: Daniel Alvarez; Deborah Ridley; Diane Cornell; Gigi Sohn; Jon Wilkins; Jonathan Sallet; Maria Kirby; Mark Wigfield; Neil Grace; Philip Verveer; Renee Gregory; Ruth Milkman; Sagar Doshi; Sara Morris; Shannon Gilson; (b) (5)

Subject: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY

FOR IMMEDIATE RELEASE:

February 21, 2014

NEWS MEDIA CONTACT:

Matthew Berry, 202-418-2005

Email: Matthew.Berry@fcc.gov

**STATEMENT OF COMMISSIONER AJIT PAI
ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY**

I welcome today's announcement that the FCC has suspended its "Multi-Market Study of Critical Information Needs," or CIN study. This study would have thrust the federal government into newsrooms across the country, somewhere it just doesn't belong. The Commission has now recognized that no study by the federal government, now or in the future, should involve asking questions to media owners, news directors, or reporters about their practices. This is an important victory for the First Amendment. And it would not have been possible without the American people making their voices heard. I will remain vigilant that any future initiatives not infringe on our constitutional freedoms.

From: [McCarthy, Margaret](#)
To: [Sara Morris](#); [Lori Maarbjerg](#)
Cc: [Chang, Shawn](#); [Grossman, David \(Eshoo\)](#)
Subject: FYI - majority planning hearing and legislation on CIN study
Date: Tuesday, February 25, 2014 1:09:53 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

February 25, 2014



Walden Announces Hearing, Legislation In Works to Ensure FCC Stays Out of the Newsroom and Respects the Freedom of the Press

WASHINGTON, DC – House Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today announced that the Energy and Commerce Committee will pursue legislative solutions to take the Federal Communications Commission's Critical Information Needs (CIN) study off the books. The study, which was first announced last summer, originally included the questioning of journalists and other news professionals regarding their decision-making processes and news philosophy. While Chairman Wheeler has [indicated](#) that the study will be changed, he has yet to adequately answer the questions contained in the committee's [December 10, 2013](#) letter. The Communications and Technology Subcommittee plans to hold a hearing and introduce legislation to stop the study.

"The very existence of this CIN study is an affront to the First Amendment and should have never been proposed in the first place. As someone with a journalism degree, I was alarmed from the moment I saw it, which is why we wrote to Chairman Wheeler in December to urge him to stop the study. To date, Chairman Wheeler has insisted upon only making small tweaks, and what he has proposed to do isn't enough. The study should be eradicated completely," said Walden. "The potential for violation of the First Amendment is exceptionally egregious, but it is also concerning that the commission believes it can prescribe what 'critical information needs' are in communities across the country."

Walden continued, "It took nearly 25 years to get the Fairness Doctrine off the books once it had been 'eliminated' in 1987, and we will do whatever it takes to ensure this study or any other effort by the government to control the output of America's newsrooms never sees the light of day."

In December, full committee Chairman Fred Upton (R-MI), and every Republican member of the Communications and Technology Subcommittee [wrote](#) to Chairman Wheeler urging him to suspend the study. Upon the FCC's response to the December letter, Upton and Walden expressed [concern](#) that the study still left room for First Amendment violations. Members cited similar concerns with respect to the original Fairness Doctrine and committee leaders [urged](#) then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was [eliminated](#) in August 2011.

Additional information about the upcoming hearing will be posted [here](#) as it is available.

- See more at: <http://energycommerce.house.gov/press-release/committee-working-bill-protect-first-amendment-eradicate-chilling-fcc-study#sthash.DaNsrLi.dpuf>

Margaret McCarthy
Democratic Professional Staff
Subcommittee on Communications and Technology

Committee on Energy and Commerce
U.S. House of Representatives
564 Ford House Office Building
Washington, DC 20515
202.226.3400



From: [Lori Maarbjerg](#)
To: [Koh, Grace \(Grace.Koh@mail.house.gov\)](mailto:Grace.Koh@mail.house.gov)
Subject: Quick Call
Date: Friday, January 10, 2014 3:24:02 PM

Can you give me a quick call about the CIN study letter response? 418-1908. Thanks!

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Connie Chapman](#)
To: [Lori Maarbjerg](#)
Cc: [Alethea Lewis](#); [Sara Morris](#)
Subject: RE: 13-1216M - CIN Letter - Done and Transmitted Via E-mail
Date: Tuesday, February 18, 2014 9:25:35 AM

Thanks Lori. (b) (5)

--Connie

*** Non-Public: For Internal Use Only ***

From: Lori Maarbjerg
Sent: Tuesday, February 18, 2014 8:49 AM
To: Connie Chapman
Cc: Alethea Lewis; Sara Morris
Subject: RE: 13-1216M - CIN Letter - Done and Transmitted Via E-mail

Here's the word version of the mail merge.

From: Lori Maarbjerg
Sent: Friday, February 14, 2014 5:50 PM
To: Connie Chapman
Cc: Alethea Lewis; Sara Morris
Subject: 13-1216M - CIN Letter - Done and Transmitted Via E-mail

We got the Walden/Upton et al CIN letter out today. I've saved a combined file (plus the individual letters) here: [K:\Bureaus-Offices\OLA\Correspondence\CIN Responses](#)

We e-mailed the letters to staff this evening. Hard-copies are in Connie's mailbox.

(b) (5)

From: [Lori Maarbjerg](#)
To: [Connie Chapman](#)
Cc: [Alethea Lewis](#); [Sara Morris](#)
Subject: RE: 13-1216M - CIN Letter - Done and Transmitted Via E-mail
Date: Tuesday, February 18, 2014 8:48:32 AM
Attachments: [CIN Letter Response - 2.14.14.docx](#)

Here's the word version of the mail merge.

From: Lori Maarbjerg
Sent: Friday, February 14, 2014 5:50 PM
To: Connie Chapman
Cc: Alethea Lewis; Sara Morris
Subject: 13-1216M - CIN Letter - Done and Transmitted Via E-mail

We got the Walden/Upton et al CIN letter out today. I've saved a combined file (plus the individual letters) here: <K:\Bureaus-Offices\OLA\Correspondence\CIN Responses>

We e-mailed the letters to staff this evening. Hard-copies are in Connie's mailbox.

(b) (5)



February 14, 2014

The Honorable Joe Barton
Chairman Emeritus
Committee on Energy and Commerce
U.S. House of Representatives
2107 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Emeritus Barton:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Marsha Blackburn
Vice Chairman
Committee on Energy and Commerce
U.S. House of Representatives
217 Cannon House Office Building
Washington, D.C. 20515

Dear Vice Chairman Blackburn:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Renee Ellmers
Congresswoman
U.S. House of Representatives
426 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Ellmers:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Cory Gardner
U.S. House of Representatives
213 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Gardner:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Brett Guthrie
U.S. House of Representatives
308 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Guthrie:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Adam Kinzinger
U.S. House of Representatives
1221 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Kinzinger:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Leonard Lance
U.S. House of Representatives
133 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Robert Latta
Vice Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2448 Rayburn House Office Building
Washington, D.C. 20515

Dear Vice Chairman Latta:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Billy Long
U.S. House of Representatives
1541 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Long:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Mike Pompeo
U.S. House of Representatives
107 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Pompeo:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Mike Rogers
U.S. House of Representatives
2112 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Rogers:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Steve Scalise
U.S. House of Representatives
2338 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Scalise:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable John Shimkus
U.S. House of Representatives
2452 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Shimkus:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Lee Terry
U.S. House of Representatives
2266 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Terry:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC*; *Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

February 14, 2014

The Honorable Greg Walden
Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Walden:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner

From: [Sara Morris](#)
To: [Lori Maarbjerg](#); [Connie Chapman](#)
Cc: [Alethea Lewis](#)
Subject: RE: 13-1216M - CIN Letter - Done and Transmitted Via E-mail
Date: Friday, February 14, 2014 6:31:36 PM

Thank you, Lori!!

From: Lori Maarbjerg
Sent: Friday, February 14, 2014 5:50 PM
To: Connie Chapman
Cc: Alethea Lewis; Sara Morris
Subject: 13-1216M - CIN Letter - Done and Transmitted Via E-mail

We got the Walden/Upton et al CIN letter out today. I've saved a combined file (plus the individual letters) here: [K:\Bureaus-Offices\OLA\Correspondence\CIN Responses](#)

We e-mailed the letters to staff this evening. Hard-copies are in Connie's mailbox.

(b) (5)



From: [Lori Maarbjerg](#)
To: [Connie Chapman](#)
Cc: [Alethea Lewis](#); [Sara Morris](#)
Subject: RE: 13-1216M - CIN Letter - Done and Transmitted Via E-mail
Date: Tuesday, February 18, 2014 9:30:53 AM

Yea! (b) (5)

From: Connie Chapman
Sent: Tuesday, February 18, 2014 9:26 AM
To: Lori Maarbjerg
Cc: Alethea Lewis; Sara Morris
Subject: RE: 13-1216M - CIN Letter - Done and Transmitted Via E-mail

Thanks Lori. (b) (5)

--Connie

*** Non-Public: For Internal Use Only ***

From: Lori Maarbjerg
Sent: Tuesday, February 18, 2014 8:49 AM
To: Connie Chapman
Cc: Alethea Lewis; Sara Morris
Subject: RE: 13-1216M - CIN Letter - Done and Transmitted Via E-mail

Here's the word version of the mail merge.

From: Lori Maarbjerg
Sent: Friday, February 14, 2014 5:50 PM
To: Connie Chapman
Cc: Alethea Lewis; Sara Morris
Subject: 13-1216M - CIN Letter - Done and Transmitted Via E-mail

We got the Walden/Upton et al CIN letter out today. I've saved a combined file (plus the individual letters) here: [K:\Bureaus-Offices\OLA\Correspondence\CIN Responses](#)

We e-mailed the letters to staff this evening. Hard-copies are in Connie's mailbox.

(b) (5)

From: [Lori Maarbjerg](#)
To: "carol.berger@mail.house.gov"
Subject: RE: Critical Information Needs Study Letter
Date: Friday, February 21, 2014 4:07:57 PM

I wanted to make sure you saw today's statement from FCC Spokesperson Shannon Gilson regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

From: Lori Maarbjerg
Sent: Thursday, February 20, 2014 2:56 PM
To: 'carol.berger@mail.house.gov'
Subject: Critical Information Needs Study Letter

Carol: As discussed, here is a copy of the letter Chairman Wheeler sent to Chairman Upton (and other Republican members of the House Energy and Commerce CT Subcommittee). Please let me know if you have any questions.

Lori

From: [Berger, Carol](#)
To: [Lori Maarbjerg](#)
Subject: RE: Critical Information Needs Study Letter
Date: Friday, February 21, 2014 4:23:10 PM

Thanks!

From: Lori Maarbjerg [mailto:Lori.Maarbjeg@fcc.gov]
Sent: Friday, February 21, 2014 3:08 PM
To: Berger, Carol
Subject: RE: Critical Information Needs Study Letter

I wanted to make sure you saw today's statement from FCC Spokesperson Shannon Gilson regarding the Study of Critical Information Needs (CIN Study). Link:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

From: Lori Maarbjerg
Sent: Thursday, February 20, 2014 2:56 PM
To: 'carol.berger@mail.house.gov'
Subject: Critical Information Needs Study Letter

Carol: As discussed, here is a copy of the letter Chairman Wheeler sent to Chairman Upton (and other Republican members of the House Energy and Commerce CT Subcommittee). Please let me know if you have any questions.

Lori

From: [Lori Maarbjerg](#)
To: "Curtis, Ann Waller"
Subject: RE: Critical Information Needs Study
Date: Friday, February 21, 2014 3:59:34 PM

I just wanted to make sure that you saw this statement from FCC Spokesperson Shannon Gilson regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

From: Curtis, Ann Waller [mailto:AnnWaller.Curtis@mail.house.gov]
Sent: Thursday, February 20, 2014 12:57 PM
To: Lori Maarbjerg
Subject: Critical Information Needs Study

Hi Lori,

We are hearing from a number of constituents with concerns about this proposed study and I was hoping you might be able to advise on how to respond. Would appreciate and details or further information you might have about the study.

Thanks,
Ann Waller Curtis

Ann Waller Curtis
Rep. Jim Cooper (TN-05)
(202) 225-4311

From: [Curtis, Ann Waller](#)
To: [Lori Maarbjerg](#)
Subject: RE: Critical Information Needs Study
Date: Friday, February 21, 2014 4:00:29 PM

Great – thank you!

From: Lori Maarbjerg [mailto:Lori.Maarbjerg@fcc.gov]
Sent: Friday, February 21, 2014 4:00 PM
To: Curtis, Ann Waller
Subject: RE: Critical Information Needs Study

I just wanted to make sure that you saw this statement from FCC Spokesperson Shannon Gilson regarding the Study of Critical Information Needs (CIN Study). Link:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

From: Curtis, Ann Waller [mailto:AnnWaller.Curtis@mail.house.gov]
Sent: Thursday, February 20, 2014 12:57 PM
To: Lori Maarbjerg
Subject: Critical Information Needs Study

Hi Lori,

We are hearing from a number of constituents with concerns about this proposed study and I was hoping you might be able to advise on how to respond. Would appreciate and details or further information you might have about the study.

Thanks,
Ann Waller Curtis

Ann Waller Curtis
Rep. Jim Cooper (TN-05)
(202) 225-4311

From: [Koh, Grace](#)
To: [Lori Maarbjerg](#)
Subject: RE: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 2:17:55 PM

Thanks, Lori, and this is good to know. The first thing I will be asked is how hard the FCC is pushing to revise the study design? What kind of resources are being expended?

Thanks for your help!

Grace

From: Lori Maarbjerg [mailto:Lori.Maarbjerg@fcc.gov]
Sent: Friday, February 21, 2014 2:00 PM
To: Koh, Grace
Subject: FCC OLA NEWS: Statement on CIN Study

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbje@fcc.gov

From: [Sara Morris](#)
To: [Ruth Milkman](#); [Shannon Gilson](#); [Neil Grace](#); [Lori Maarbjerg](#); [Meribeth McCarrick](#); [Mark Wigfield](#); [Maria Kirby](#)
Subject: Re: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection
Date: Thursday, February 20, 2014 12:08:12 PM

Sara W. Morris
Director (Acting)
Office of Legislative Affairs
Federal Communications Commission
(202) 418-0095 (direct)
(202) 418-1900 (main)
(202) 905-9860 (mobile)
sara.morris@fcc.gov

From: Sara Morris
Sent: Thursday, February 20, 2014 12:07 PM
To: Ruth Milkman; Shannon Gilson; Neil Grace; Lori Maarbjerg; Meribeth McCarrick
Subject: Fw: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

Sara W. Morris
Director (Acting)
Office of Legislative Affairs
Federal Communications Commission
(202) 418-0095 (direct)
(202) 418-1900 (main)
(202) 905-9860 (mobile)
sara.morris@fcc.gov

From: Jim Balaguer
Sent: Thursday, February 20, 2014 10:34 AM
To: OLA Distribution List
Subject: FW: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

FYI – House Energy & Commerce just released this statement regarding the CIN study.

From: Energy and Commerce News [<mailto:EnergyandCommerceNews@ECREP.housecommunications.gov>]
Sent: Thursday, February 20, 2014 10:32 AM
To: Jim Balaguer
Subject: FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

Press Release Header



FCC Responds to Committee Questions on Fairness Doctrine; Upton, Walden Push for More First Amendment Protection

WASHINGTON, DC – House Energy and Commerce Committee Chairman Fred Upton (R-MI) and Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today commented on the FCC's [response](#) to the committee's December 10, 2013, letter regarding the commission's Critical Information Needs (CIN) study. In December, committee leaders, along with every Republican member of the Communications and Technology Subcommittee, [wrote](#) to FCC Chairman Tom Wheeler urging him to suspend the CIN study which included provisions for FCC funded agents to question the editorial decisions of journalists, producers, and other news professionals.

"We are pleased to see Chairman Wheeler recognizes the gravity of our concerns and has accordingly made progress toward ensuring that First Amendment protections remain in place for journalists," said Upton and Walden. "Before moving forward, however, it is imperative that the FCC ensure that any study, with any agents acting on its behalf, stays out of newsrooms. The courts have rightfully struck down the Fairness Doctrine, and any attempt to revive it, through study or any other means, should not be attempted by the FCC or any other government agency."

Former FCC Commissioner Robert McDowell similarly expressed concern that the CIN study raises questions about government interference in the newsroom. On *Fox News* yesterday, he asked, "How much government coercion might there be with all of this? Is the government trying to ultimately dictate speech and dictate how journalists are supposed to do their jobs? And it doesn't matter what your political stripe might be, that's just not a good idea, especially when you have such a competitive communications landscape." Watch the full interview [here](#).

[Robert M. McDowell](#)



[Click to watch](#)

Upton and Walden cited similar free speech concerns with respect to the original Fairness Doctrine in [urging](#) then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was [eliminated](#) in August 2011.

To read the FCC's response, click [here](#).

To read the committee's December 10, 2013 letter click [here](#).

[PERMALINK](#)



STAY CONNECTED



SUBSCRIBER SERVICES

[Manage Preferences](#) | [Unsubscribe](#) | [Help](#)

This email was sent to jim.balaguer@fcc.gov using GovDelivery, on behalf of: House Committee on Energy and Commerce · 2125 Rayburn House Office Building, Washington, DC 20515

From: [McCarthy, Margaret](#)
To: [Sara Morris](#); [Lori Maarbjerg](#)
Cc: [Chang, Shawn](#); [Grossman, David \(Eshoo\)](#)
Subject: RE: FYI - majority planning hearing and legislation on CIN study
Date: Tuesday, February 25, 2014 1:13:31 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

No details yet but will keep you posted.

From: Sara Morris [<mailto:Sara.Morris@fcc.gov>]
Sent: Tuesday, February 25, 2014 1:12 PM
To: McCarthy, Margaret; Lori Maarbjerg
Cc: Chang, Shawn; Grossman, David (Eshoo)
Subject: RE: FYI - majority planning hearing and legislation on CIN study

Thanks. Just saw. Also got a letter from Sen. Collins (attached). Any idea of dates? Witnesses?

From: McCarthy, Margaret [<mailto:Margaret.McCarthy@mail.house.gov>]
Sent: Tuesday, February 25, 2014 1:10 PM
To: Sara Morris; Lori Maarbjerg
Cc: Chang, Shawn; Grossman, David (Eshoo)
Subject: FYI - majority planning hearing and legislation on CIN study

Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

February 25, 2014



Walden Announces Hearing, Legislation In Works to Ensure FCC Stays Out of the Newsroom and Respects the Freedom of the Press

WASHINGTON, DC – House Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today announced that the Energy and Commerce Committee will pursue legislative solutions to take the Federal Communications Commission's Critical Information Needs (CIN) study off the books. The study, which was first announced last summer, originally included the questioning of journalists and other news professionals regarding their decision-making processes and news philosophy. While Chairman Wheeler has [indicated](#) that the study will be changed, he has yet to adequately answer the questions contained in the committee's [December 10, 2013](#) letter. The Communications and Technology Subcommittee plans to hold a hearing and introduce legislation to stop the study.

"The very existence of this CIN study is an affront to the First Amendment and should have never been proposed in the first place. As someone with a journalism degree, I was alarmed from the moment I saw it, which is why we wrote to Chairman Wheeler in December to urge him to stop the study. To date, Chairman Wheeler has insisted upon only making small tweaks, and what he has proposed to do isn't enough. The study should be eradicated completely," said Walden. "The potential for violation of the First Amendment is exceptionally egregious, but it is also concerning that the commission believes it can prescribe what 'critical information needs' are in communities across the country."

Walden continued, "It took nearly 25 years to get the Fairness Doctrine off the books once it had been 'eliminated'

in 1987, and we will do whatever it takes to ensure this study or any other effort by the government to control the output of America's newsrooms never sees the light of day.”

In December, full committee Chairman Fred Upton (R-MI), and every Republican member of the Communications and Technology Subcommittee [wrote](#) to Chairman Wheeler urging him to suspend the study. Upon the FCC's response to the December letter, Upton and Walden expressed [concern](#) that the study still left room for First Amendment violations. Members cited similar concerns with respect to the original Fairness Doctrine and committee leaders [urged](#) then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was [eliminated](#) in August 2011.

Additional information about the upcoming hearing will be posted [here](#) as it is available.

- See more at: <http://energycommerce.house.gov/press-release/committee-working-bill-protect-first-amendment-eradicate-chilling-fcc-study#sthash.DaNsrblLi.dpuf>

Margaret McCarthy
Democratic Professional Staff
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
564 Ford House Office Building
Washington, DC 20515
202.226.3400



From: [Lori Maarbjerg](#)
To: "Choate, Nick (McCaskill)"
Subject: RE: More info?
Date: Friday, February 21, 2014 11:10:38 AM
Attachments: [CIN Study Response - Upton.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Just your luck, this is my issue anyway. Here's the letter that Chairman Wheeler sent to Chairman Upton (attached). Two main points to respond to constituents: (1) FCC is not regulating political or other speech of journalists/broadcasters; (2) FCC is adapting the study in response to the concerns.

Call me at 418-1908 and I can provide additional background if you want.

From: Choate, Nick (McCaskill) [mailto:Nick_Choate@mccaskill.senate.gov]
Sent: Friday, February 21, 2014 11:08 AM
To: Lori Maarbjerg
Subject: FW: More info?

Lori – Got Sara Morris and Dave Toomey's out-of-office replies and wanted to see if you could help with this. Thanks in advance.

From: Choate, Nick (McCaskill)
Sent: Friday, February 21, 2014 10:01 AM
To: 'sara.morris@fcc.gov'
Subject: FW: More info?

Sara – Got Toomey's out of office reply and wanted to see if you can be any help with this. Thanks in advance.

Nick

Nick Choate

Senior Legislative Assistant
Senator Claire McCaskill (MO)
direct: 202-228-3781
blackberry: 202-525-0200

nick_choate@mccaskill.senate.gov

CONNECT with CLAIRE at MCCASKILL.SENATE.GOV



From: Choate, Nick (McCaskill)
Sent: Friday, February 21, 2014 9:59 AM
To: david.toomey@fcc.gov
Subject: More info?

Hey, our phones are apparently ringing off the hook on this. Do you all have any information you can share that might be helpful in refuting the Fox News stories?

GOP SEIZES ON FCC’S MEDIA STUDY — Plans for an FCC study on media market conditions and “critical information needs” have landed as a new lightning rod for conservatives concerned about overreach from the Obama administration. House Republicans raised eyebrows last December that the study could be used to chill First Amendment freedoms, since plans indicated researchers would quiz editorial departments on how they decide what stories to run — but the issue’s hit the mainstream this month in the wake of an Op-Ed from Republican Commissioner Ajit Pai. Stories on the subject sat atop the Drudge Report Thursday evening and were the subject of multiple Fox News segments this week as well. Agency Chairman Tom Wheeler, for his part, wrote to House GOP-ers Thursday that the FCC has “no intention of regulating political or other speech of journalists or broadcasters”. (<http://1.usa.gov/1oYuM8U>)

Nick Choate
Senior Legislative Assistant
Senator Claire McCaskill (MO)
phone: 202-224-6154
nick_choate@mccaskill.senate.gov

CONNECT with CLAIRE at MCCASKILL.SENATE.GOV



From: [Sara Morris](#)
To: [Lori Maarbjerg](#); [David Toomey](#)
Subject: Re: More info?
Date: Friday, February 21, 2014 1:50:45 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

(b) (5)

Sara W. Morris
Director (Acting)
Office of Legislative Affairs
Federal Communications Commission
(202) 418-0095 (direct)
(202) 418-1900 (main)
(202) 905-9860 (mobile)
sara.morris@fcc.gov

From: Lori Maarbjerg
Sent: Friday, February 21, 2014 01:26 PM
To: Sara Morris; David Toomey
Subject: RE: More info?

(b) (5)

From: Sara Morris
Sent: Friday, February 21, 2014 1:26 PM
To: Lori Maarbjerg; David Toomey
Subject: Re: More info?

(b) (5)

Sara W. Morris
Director (Acting)
Office of Legislative Affairs
Federal Communications Commission
(202) 418-0095 (direct)
(202) 418-1900 (main)
(202) 905-9860 (mobile)
sara.morris@fcc.gov

From: Lori Maarbjerg
Sent: Friday, February 21, 2014 11:12 AM

To: Sara Morris; David Toomey
Subject: FW: More info?

(b) (5)

From: Choate, Nick (McCaskill) [mailto:Nick_Choate@mccaskill.senate.gov]
Sent: Friday, February 21, 2014 11:08 AM
To: Lori Maarbjerg
Subject: FW: More info?

(b) (5)

From: Choate, Nick (McCaskill)
Sent: Friday, February 21, 2014 10:01 AM
To: 'sara.morris@fcc.gov'
Subject: FW: More info?

(b) (5)

Nick Choate
Senior Legislative Assistant
Senator Claire McCaskill (MO)
direct: 202-228-3781
blackberry: 202-525-0200
nick_choate@mccaskill.senate.gov

CONNECT with CLAIRE at MCCASKILL.SENATE.GOV



From: Choate, Nick (McCaskill)
Sent: Friday, February 21, 2014 9:59 AM
To: david.toomey@fcc.gov
Subject: More info?

(b) (5)

GOP SEIZES ON FCC'S MEDIA STUDY — Plans for an FCC study on media market

conditions and “critical information needs” have landed as a new lightning rod for conservatives concerned about overreach from the Obama administration. House Republicans raised eyebrows last December that the study could be used to chill First Amendment freedoms, since plans indicated researchers would quiz editorial departments on how they decide what stories to run — but the issue’s hit the mainstream this month in the wake of an Op-Ed from Republican Commissioner Ajit Pai. Stories on the subject sat atop the Drudge Report Thursday evening and were the subject of multiple Fox News segments this week as well. Agency Chairman Tom Wheeler, for his part, wrote to House GOP-ers Thursday that the FCC has “no intention of regulating political or other speech of journalists or broadcasters”. (<http://1.usa.gov/1oYuM8U>)

Nick Choate

Senior Legislative Assistant
Senator Claire McCaskill (MO)
phone: 202-224-6154

nick_choate@mccaskill.senate.gov

CONNECT with CLAIRE at MCCASKILL.SENATE.GOV



From: [Lori Maarbjerg](#)
To: "[Koh, Grace](#)"
Subject: RE: Quick Call
Date: Monday, January 13, 2014 9:01:40 AM

Sara talked to Dave Friday afternoon, but feel free to ring at your convenience and I'll fill you in.

-----Original Message-----

From: Koh, Grace [<mailto:Grace.Koh@mail.house.gov>]
Sent: Friday, January 10, 2014 6:45 PM
To: Lori Maarbjerg
Subject: RE: Quick Call

Sorry I missed you today. I'm out of the office, but I'll call first thing on Monday. Or if you need to, my cell is (b) (6).

Thanks!
Grace

From: Lori Maarbjerg [Lori.Maarbje@fcc.gov]
Sent: Friday, January 10, 2014 3:24 PM
To: Koh, Grace
Subject: Quick Call

Can you give me a quick call about the CIN study letter response? 418-1908. Thanks!

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: "McNeely, Chance"
Cc: [Weger, Kristina](#)
Subject: RE: Rep. Luetkemeyer
Date: Friday, February 21, 2014 3:58:39 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

I wanted to make sure that you saw this statement from FCC Spokesperson Shannon Gilson regarding the Study of Critical Information Needs (CIN Study). Link:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

From: McNeely, Chance [mailto:Chance.McNeely@mail.house.gov]
Sent: Friday, February 21, 2014 12:09 PM
To: Lori Maarbjerg
Cc: Weger, Kristina
Subject: RE: Rep. Luetkemeyer

Thank you!

From: Lori Maarbjerg [mailto:Lori.Maarbje@fcc.gov]
Sent: Friday, February 21, 2014 11:07 AM
To: McNeely, Chance
Cc: Weger, Kristina
Subject: RE: Rep. Luetkemeyer

Chance: Great to talk to you. Here's the response from Chairman Wheeler to Chairman Upton (and the other Majority members of the E&C CT Subcommittee). As mentioned on the phone, it should provide you with the relevant background, as well as note the two main points: (1) that the Commission is not intending to regulate political or other speech of journalists/broadcasters; and (2) we are adapting the study in response to the concerns that were raised.

I hope this is helpful. Please let me know if you have any questions.

Lori

From: McNeely, Chance [mailto:Chance.McNeely@mail.house.gov]
Sent: Friday, February 21, 2014 10:53 AM
To: Lori Maarbjerg
Cc: Weger, Kristina
Subject: Rep. Luetkemeyer

Lori – Congressman Luetkemeyer asked me to reach out to you all regarding the reports that FCC is seeking to obtain information from news outlets regarding how they decide which stories they run. The Congressman is troubled by these reports and would like to learn more about the issue. Can

you provide background information on how the survey came about, why FCC is seeking to obtain this information, etc.?

Chance McNeely
Rep. Blaine Luetkemeyer (MO-03)
2440 Rayburn HOB
Washington, D.C. 20515
202-225-2956
luetkemeyer.house.gov





OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler". The signature is fluid and cursive, with a prominent initial "T" and "W".

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner

From: [Shiller, Scott](#)
To: [Lori Maarbjerg](#)
Cc: [Sara Morris](#)
Subject: RE: Response to Letter re: Critical Information Needs (CIN) Study
Date: Tuesday, February 18, 2014 9:46:07 AM

Lori – thank you.

Scott

From: Lori Maarbjerg [mailto:Lori.Maarbj@fcc.gov]
Sent: Friday, February 14, 2014 5:46 PM
To: Shiller, Scott
Cc: Sara Morris
Subject: Response to Letter re: Critical Information Needs (CIN) Study

Attached please find Chairman Wheeler's response to Rep. Long's letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: greta.joynes@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:46:03 PM
Attachments: [CIN Study Response - Shimkus.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Shimkus' letter re: the CIN Study.
Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: natalie.farr@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:45:24 PM
Attachments: [CIN Study Response - Gardner.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Gardner's letter re: the CIN Study.
Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: adam.wood@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:44:50 PM
Attachments: [CIN Study Response - Ellmers.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Ellmers' letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: sean.mclean@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:44:43 PM
Attachments: [CIN Study Response - Blackburn.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Blackburn's letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: Emmanuel.Guillory@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:44:32 PM
Attachments: [CIN Study Response - Barton.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Barton's letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:33:53 PM
Attachments: [CIN Study Response - Walden.pdf](#)

Ray: Attached please find Chairman Wheeler's response to Chairman Walden's letter re: the CIN Study. Please let us know if you have any questions.

From: [Lori Maarbjerg](#)
To: eric.zulkosky@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:45:57 PM
Attachments: [CIN Study Response - Scalise.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Scalise's letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: diane.rinaldo@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:45:52 PM
Attachments: [CIN Study Response - Rogers.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Rogers' letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: ["Preston.Kerr@mail.house.gov"](mailto:Preston.Kerr@mail.house.gov)
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:45:45 PM
Attachments: [CIN Study Response - Pompeo.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Pompeo's letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: scott.shiller@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:45:39 PM
Attachments: [CIN Study Response - Long.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Long's letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: olivia.trusty@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:45:30 PM
Attachments: [CIN Study Response - Latta.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Latta's letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: jon.taets@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:45:25 PM
Attachments: [CIN Study Response - Lance.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Lance's letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: josh.baggett@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:45:24 PM
Attachments: [CIN Study Response - Kinzinger.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Kinzinger's letter re: the CIN Study.
Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: megan.spindel@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:45:24 PM
Attachments: [CIN Study Response - Guthrie.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Guthrie's letter re: the CIN Study.
Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: graham.dufault@mail.house.gov
Cc: [Sara Morris](#)
Subject: Response to Letter re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:46:14 PM
Attachments: [CIN Study Response - Terry.pdf](#)

Attached please find Chairman Wheeler's response to Rep. Terry's letter re: the CIN Study. Please let us know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
202-418-1908 (direct)
202-418-1900 (main)

From: [Lori Maarbjerg](#)
To: [Sara Morris](#)
Subject: Response to Letter Re: Critical Information Needs (CIN) Study
Date: Friday, February 14, 2014 5:33:33 PM
Attachments: [CIN Study Response - Upton.pdf](#)

Dave and Grace: Attached please find Chairman Wheeler's response to Chairman Upton's letter re: the Commission's CIN Study. Please let us know if you have any questions.



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Greg Walden
Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Walden:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler". The signature is fluid and cursive, with a prominent initial "T" and "W".

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler". The signature is fluid and cursive, with a prominent initial "T" and "W".

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Lee Terry
U.S. House of Representatives
2266 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Terry:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler". The signature is fluid and cursive, with a prominent loop at the end.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable John Shimkus
U.S. House of Representatives
2452 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Shimkus:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Steve Scalise
U.S. House of Representatives
2338 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Scalise:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 14, 2014

The Honorable Mike Rogers
U.S. House of Representatives
2112 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Rogers:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Mike Pompeo
U.S. House of Representatives
107 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Pompeo:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

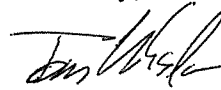
Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 14, 2014

The Honorable Billy Long
U.S. House of Representatives
1541 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Long:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler". The signature is fluid and cursive, with the first name "Tom" being more prominent.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Robert Latta
Vice Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2448 Rayburn House Office Building
Washington, D.C. 20515

Dear Vice Chairman Latta:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler". The signature is fluid and cursive, written in a professional style.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 14, 2014

The Honorable Leonard Lance
U.S. House of Representatives
133 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Adam Kinzinger
U.S. House of Representatives
1221 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Kinzinger:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 14, 2014

The Honorable Brett Guthrie
U.S. House of Representatives
308 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Guthrie:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC*; *Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 14, 2014

The Honorable Cory Gardner
U.S. House of Representatives
213 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Gardner:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC; and the FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for

public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler". The signature is fluid and cursive, with the first name "Tom" being more prominent than the last name "Wheeler".

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 14, 2014

The Honorable Renee Ellmers
Congresswoman
U.S. House of Representatives
426 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Ellmers:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler". The signature is fluid and cursive, with the first name "Tom" being more prominent than the last name "Wheeler".

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Marsha Blackburn
Vice Chairman
Committee on Energy and Commerce
U.S. House of Representatives
217 Cannon House Office Building
Washington, D.C. 20515

Dear Vice Chairman Blackburn:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

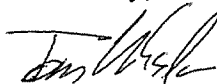
The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC*; and the *FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

February 14, 2014

The Honorable Joe Barton
Chairman Emeritus
Committee on Energy and Commerce
U.S. House of Representatives
2107 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Emeritus Barton:

Thank you for writing with your views regarding the field test of the Research Design for the Commission's Office of Communications Business Opportunities (OCBO) Multi-Market Study of Critical Information Needs (Research Design). I understand this is a matter of importance to you, as it is to me, and appreciate the opportunity to provide additional information about the development and conduct of the Research Design.

The Commission has no intention of regulating political or other speech of journalists or broadcasters by way of this Research Design, any resulting study, or through any other means. The development of the Research Design was intended to aid the Commission in meeting its obligations under Section 257 of the Communications Act. Section 257 directs the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications services and information services." The statutory provision expressly links our obligation to identify market barriers with the responsibility to "promote the policies and purposes of this chapter favoring diversity of media voices." Finally, Section 257 requires the Commission to review and report to Congress on "any regulations prescribed to eliminate barriers within its jurisdiction ... that can be prescribed consistent with the public interest, convenience, and necessity."

Under the statutory reporting requirement of Section 257, the Commission studies market conditions to understand the scope and extent of market entry barriers. Past studies by the Commission pursuant to Section 257, include *History of the Broadcast Licensee Application Process; Utilization Rates, Win Rates, and Disparity Ratios for Broadcast Licenses Awarded by the FCC; Logistic Regression Models of the Broadcast Licensee Award Process for Licenses Awarded by the FCC; and the FCC Econometric Analysis of Potential Discrimination Utilization Ratios for Minority and Women-Owned Companies in FCC Wireless Spectrum Auctions*. The Research Design is a precursor to any formal study. If used in any way, its goal would be similar to those of past reports – seeking to identify whether potential market barriers exist and, if so, whether those barriers affect diversity of media voices.

After the selection of the contractor for the Research Design, the Commission put the design out for comment, inviting input from all stakeholders. Your letter and the opportunity for public review surfaced a number of issues and modification of the Research Design may be necessary. My staff has engaged in a careful and thorough review of the Research Design with the contractor to ensure that the inquiries closely hew to the mandate of Section 257. While the Research Design is a tool intended to help the Commission consider effective, pro-competitive policies that would encourage new entrants, its direction need not go beyond our responsibilities. We continue to work with the contractor to adapt the study in response to these concerns and expect to complete this work in the next few weeks. As the revisions that we may implement likely will require cost reassessments, we will provide you with further details regarding cost and methodology as soon as they are available.

Again, thank you for providing me with your views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler", written in a cursive style.

Tom Wheeler

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner

From: [Sara Morris](#)
To: [\(b\)](#); [Ruth Milkman](#); [Gigi Sohn](#); [Maria Kirby](#); [Shannon Gilson](#); [Neil Grace](#); [Mark Wigfield](#); [Philip Verveer](#); [Jonathan Sallet](#)
Cc: [Lori Maarbjerg](#); [David Toomey](#)
Subject: Senator Blunt Leads Effort With All GOP Senators To Stop FCC From Stifling Free Speech
Date: Tuesday, February 25, 2014 6:24:09 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[Senate Republicans ltr on CIN \(2-25-14\).pdf](#)

More incoming. This one from led by Sen. Blunt and signed by every Republican member of the Senate.

[Please Click Here To View This Press Release Online](#)



For Immediate Release
February 25, 2014

Contact: Press Office, (202) 224-1403



Senator Blunt Leads Effort With All GOP Senators To Stop FCC From Stifling Free Speech

Senators Condemn Serious FCC Overreach, Demand Transparency For American People

WASHINGTON, D.C. – U.S. Senator Roy Blunt (Mo.) led a letter co-signed by all of his Republican Senate colleagues today calling on the Federal Communications Commission (FCC) to explain it's inappropriate attempts to impact the editorial decisions in newsrooms nationwide.

In recent weeks, Americans learned that the FCC was attempting to move forward with a Multi-Market Study of Critical Information Needs (CIN Study), which posed highly inappropriate questions of news editors about how they select stories, station bias, and even about their "news philosophy." After the study received national condemnation, FCC Chairman Tom Wheeler suspended the study last Friday and indicated that the survey would be subsequently "revised."

"It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications," the Senators wrote. "We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse."

To read the entire letter, please see below or [click here](#).

February 25, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We write to express our grave concerns regarding the Federal Communications Commission's (FCC) defunct Multi-Market Study of Critical Information Needs ("CIN Study").

It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications. It is even more troubling that a Commission spokesperson attempted to justify the CIN Study as a report on barriers to entry for entrepreneurs and small businesses in the communications marketplace – particularly when consumers are free to obtain news and information from a vibrant diversity of sources, including multiple broadcast outlets, print media, cable networks, and the Internet.

The CIN Study, as it was originally envisioned, sought to collect information on the process by which stories are selected and even asked about "news philosophy." Such questions are wholly unacceptable and alarming because they invite government intrusion into editorial decisions. While we are relieved the Commission appears to have halted the CIN Study, it is nevertheless troubling the Commission was on schedule to begin using a study that grossly intrudes on the First Amendment as early as this spring. Indeed, it was not until the CIN Study received national headlines and earned broad condemnation that the Commission took steps to remedy a problem that should have never occurred in the first place.

We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse.

#

United States Senate

WASHINGTON, DC 20510

February 25, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We write to express our grave concerns regarding the Federal Communications Commission's (FCC) defunct Multi-Market Study of Critical Information Needs ("CIN Study").

It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications. It is even more troubling that a Commission spokesperson attempted to justify the CIN Study as a report on barriers to entry for entrepreneurs and small businesses in the communications marketplace – particularly when consumers are free to obtain news and information from a vibrant diversity of sources, including multiple broadcast outlets, print media, cable networks, and the Internet.

The CIN Study, as it was originally envisioned, sought to collect information on the process by which stories are selected and even asked about "news philosophy." Such questions are wholly unacceptable and alarming because they invite government intrusion into editorial decisions. While we are relieved the Commission appears to have halted the CIN Study, it is nevertheless troubling the Commission was on schedule to begin using a study that grossly intrudes on the First Amendment as early as this spring. Indeed, it was not until the CIN Study received national headlines and earned broad condemnation that the Commission took steps to remedy a problem that should have never occurred in the first place.

We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse.

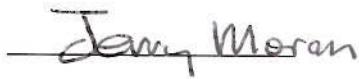
Sincerely,



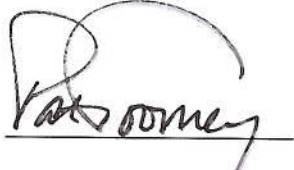
Roy Blunt



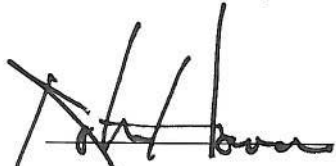
John Cornyn



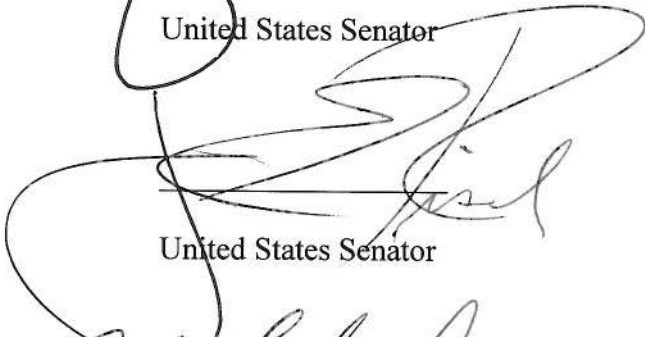
United States Senator



United States Senator



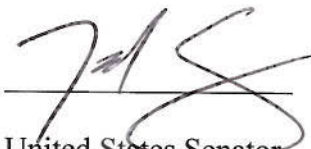
United States Senator



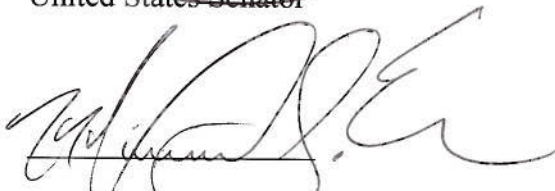
United States Senator



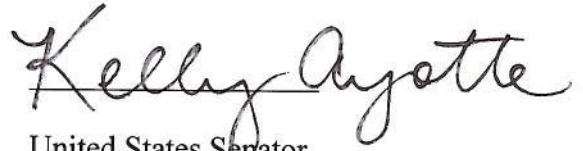
United States Senator



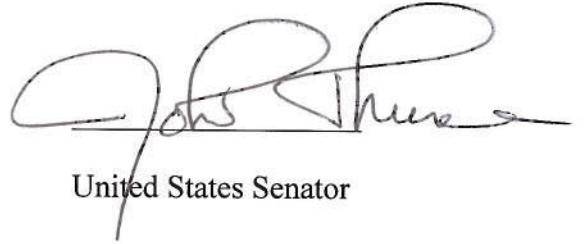
United States Senator



United States Senator



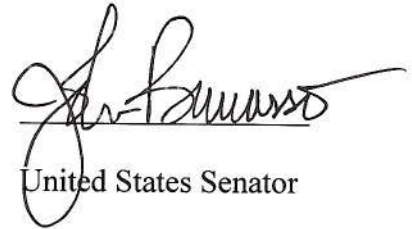
United States Senator



United States Senator



United States Senator



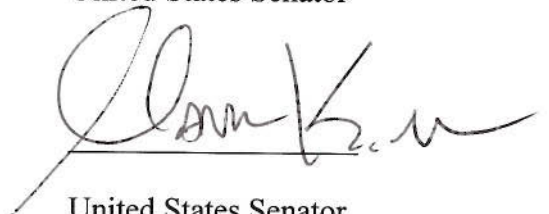
United States Senator



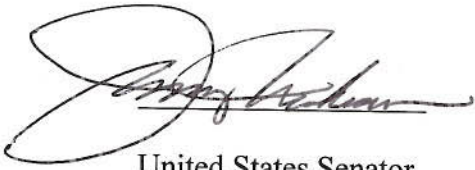
United States Senator



United States Senator



United States Senator



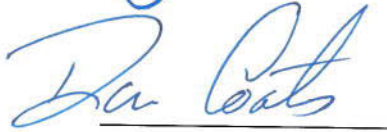
United States Senator



United States Senator



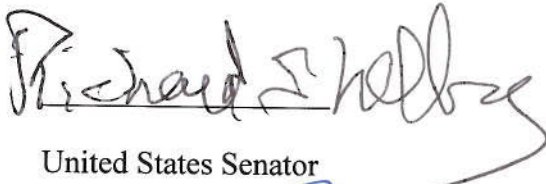
United States Senator



United States Senator



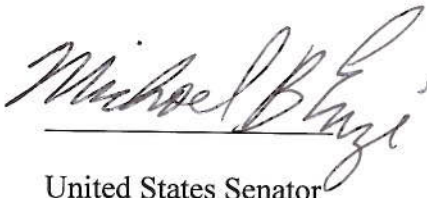
United States Senator



United States Senator



United States Senator



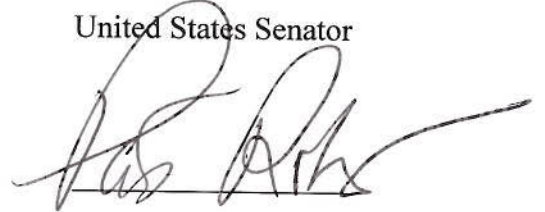
United States Senator



United States Senator



United States Senator



United States Senator



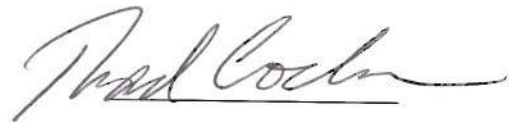
United States Senator



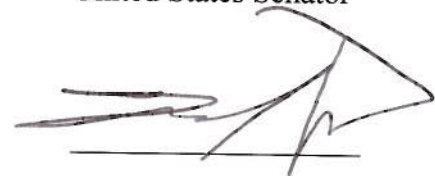
United States Senator



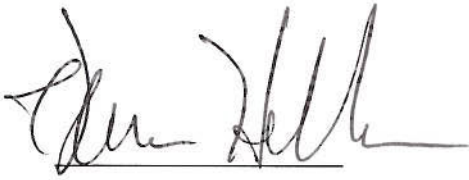
United States Senator



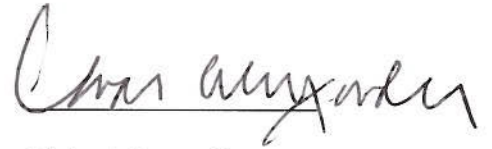
United States Senator



United States Senator



United States Senator




United States Senator



United States Senator



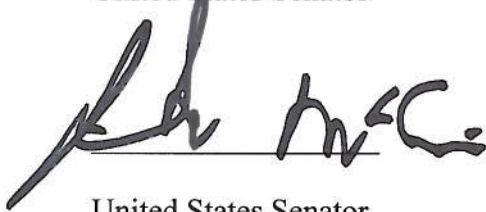
United States Senator



United States Senator



United States Senator



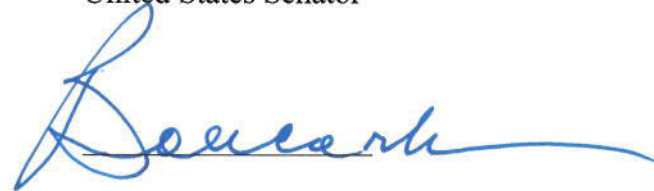
United States Senator



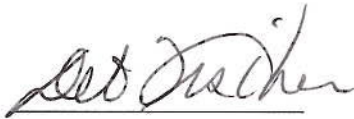
United States Senator



United States Senator



United States Senator



United States Senator



United States Senator



United States Senator

From: [Lori Maarbjerg](#)
To: [Sara Morris](#)
Subject: Sending CIN Response to Redl and other staff
Date: Friday, February 14, 2014 5:27:41 PM

From: [Lori Maarbjerg](#)
To: ["raaed.haddad@mail.house.gov"](mailto:raaed.haddad@mail.house.gov)
Subject: Statement on CIN Study
Date: Wednesday, February 26, 2014 3:51:16 PM

Raaed: Here's the link to the statement from Friday from FCC Spokesperson Shannon Gilson regarding the Study of Critical Information Needs (CIN Study). Link:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Redl, David](#)
To: [Sara Morris](#)
Subject: Called to give a heads up
Date: Tuesday, February 25, 2014 1:24:14 PM

On the CIN stuff I alluded to yesterday. Give a ring if you have any questions.

David

From: [Kim Mattos](#)
To: [Ruth Milkman](#); [Sara Morris](#); [Gigi Sohn](#); [Shannon Gilson](#); [Maria Kirby](#); [Jonathan Sallet](#)
Cc: [Sharina Smith](#)
Subject: CIN (RM) SM,GS,SG,MK,JS
Start: Wednesday, February 26, 2014 4:00:00 PM
End: Wednesday, February 26, 2014 4:30:00 PM
Location: Ruth's office

2/26-

Updated to add Jon, per Ruth's request. Thank you. -k

Per Ruth's request. This time appears to be free for everyone, except for Shannon. Thank you. -k

(Hi Shannon- Would this time work for you? The meeting scheduler says "no free/busy information could be retrieved.")

From: [Grossman, David \(Eshoo\)](#)
To: [Sara Morris](#)
Subject: Dear Colleague
Date: Thursday, February 27, 2014 5:20:42 PM

Did you see this? Completely crazy stuff.

Protect the First Amendment and freedom of the press

From: The Honorable Vicky Hartzler
Sent By: alex.hutkin@mail.house.gov
Date: 2/26/2014

Dear Colleague,

As you may have heard, an FCC program recently came to light that would have placed government monitors in our newsrooms. These monitors would have been in newsrooms, television, and radio stations across the country to question the decisions of how news stories are chosen. This type of government intrusion into a free press is deplorable.

This program would have allowed government researchers to question staff not just on the content of stories, but also to question the decision-making process behind story selection. These researchers would have determined whether news stories met eight Critical Information Needs (CIN's), as determined by the Obama Administration. These eight CIN's are: emergencies and risks, health and welfare, the environment, education, transportation, economic opportunities, civic information, and political information. They would also study perceived bias, percent of news dedicated to each of the CIN's, and responsiveness to under-served populations.

This type of government intrusion is unacceptable. While FCC Chairman Tom Wheeler announced on February 20 that the FCC would not pursue this program, the FCC would still have the option to pursue it in the future.

I urge you to sign on to a letter to the Financial Services and General Government Subcommittee, requesting that they insert language into the FY 2015 appropriations bill blocking the FCC from spending taxpayer dollars on any such program in the future. If you have any questions or would like to become a cosigner, please contact Alex Hutkin (alex.hutkin@mail.house.gov, x5-2876) in my office.

I appreciate your consideration on this very important issue.

Sincerely,

Vicky Hartzler

From: [Lori Maarbjerg](#)
To: [Sara Morris](#)
Subject: FCC OLA NEWS: Statement on CIN Study
Date: Friday, February 21, 2014 1:59:56 PM

Today FCC Spokesperson Shannon Gilson released a statement regarding the Study of Critical Information Needs (CIN Study). Link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-325722A1.pdf

Please let me know if you have any questions.

Lori

Lori Holy Maarbjerg
Senior Attorney-Advisor
Office of Legislative Affairs
Federal Communications Commission
Direct: 202-418-1908
E-mail: lori.maarbjerger@fcc.gov

From: [Shannon Gilson](#)
To: [Sara Morris](#); [Maria Kirby](#); [Gigi Sohn](#); [Ruth Milkman](#); [Lori Maarbjerg](#)
Cc: [Neil Grace](#); [Mark Wigfield](#)
Subject: FW: Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study
Date: Tuesday, February 25, 2014 12:40:41 PM

(b) (5)

From: Alex Byers [mailto:abyers@politico.com]
Sent: Tuesday, February 25, 2014 12:38 PM
To: Shannon Gilson
Subject: FW: Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

Hey Shannon – This just went out. Do you know if you guys will have comment?

Thanks,
Alex

--

Alex Byers
Tech reporter
POLITICO
202.695.2083
[@byersalex](#)

**please note new number, rings both work and cell phones

From: Energy and Commerce News [mailto:EnergyandCommerceNews@ECREP.housecommunications.gov]
Sent: Tuesday, February 25, 2014 12:32 PM
To: Alex Byers
Subject: Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

Press Release Header



FOR IMMEDIATE RELEASE
February 25, 2014

CONTACT: Press Office
(202) 226-4972

Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

Walden Announces Hearing, Legislation In Works to Ensure FCC Stays Out of the Newsroom and Respects the Freedom of the Press

WASHINGTON, DC – House Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today announced that the Energy and Commerce Committee will pursue legislative solutions to take the Federal Communications Commission's Critical Information Needs (CIN) study off the books. The study, which was first announced last summer, originally included the questioning of journalists and other news professionals regarding their decision-making processes and news philosophy. While Chairman Wheeler has [indicated](#) that the study will be changed, he has yet to adequately answer the questions contained in the committee's [December 10, 2013](#) letter. The Communications and Technology Subcommittee plans to hold a hearing and introduce legislation to stop the study.

"The very existence of this CIN study is an affront to the First Amendment and should have never been proposed in the first place. As someone with a journalism degree, I was alarmed from the moment I saw it, which is why we wrote to Chairman Wheeler in December to urge him to stop the study. To date, Chairman Wheeler has insisted upon only making small tweaks, and what he has proposed to do isn't enough. The study should be eradicated completely," said Walden. "The potential for violation of the First Amendment is exceptionally egregious, but it is also concerning that the commission believes it can prescribe what 'critical information needs' are in communities across the country."

Walden continued, "It took nearly 25 years to get the Fairness Doctrine off the books once it had been 'eliminated' in 1987, and we will do whatever it takes to ensure this study or any other effort by the government to control the output of America's newsrooms never sees the light of day."

In December, full committee Chairman Fred Upton (R-MI), and every Republican member of the Communications and Technology Subcommittee [wrote](#) to Chairman Wheeler urging him to suspend the study. Upon the FCC's response to the December letter, Upton and Walden expressed [concern](#) that the study still left room for First Amendment violations. Members cited similar concerns with respect to the original Fairness Doctrine and committee leaders [urged](#) then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was [eliminated](#) in August 2011.

Additional information about the upcoming hearing will be posted [here](#) as it is available.

[PERMALINK](#)



STAY CONNECTED



SUBSCRIBER SERVICES

[Manage Preferences](#) | [Unsubscribe](#) | [Help](#)

From: [David Toomey](#)
To: [Sara Morris](#)
Subject: FW: FCC-Related Tweets from 3 Congressional Twitter lists
Date: Wednesday, February 26, 2014 4:47:57 PM

FYI

From: Deanna Stephens
Sent: Tuesday, February 25, 2014 1:46 PM
To: David Toomey; Neil Grace
Cc: socialmedia; Shannon Gilson
Subject: FCC-Related Tweets from 3 Congressional Twitter lists

Hi David – sorry I haven't sent an update in a while. Below are the FCC-related tweets from our Twitter lists since about 2/16. Let me know if you have any questions.

Congressional Leadership

John Cornyn [@JohnCornyn](#) Feb 21

The Switch: Conservative backlash kills FCC plan to survey America's newsrooms
[wapo.st/1hD90qp](#)

Speaker John Boehner [@SpeakerBoehner](#) Feb 21

RT if you agree the [#FCC](#) has no business snooping around in our newsrooms.
[j.mp/1hCl23q](#) [#BillofRights](#) [#Constitution](#)

House List

Energy and Commerce [@HouseCommerce](#) 41m

BREAKING: Cmte announces hearing, legislation to protect 1st Amndmt, eradicate chilling
[@FCC](#) study [1.usa.gov/1efWGJo](#) [#FairnessDoctrine](#)

Marsha Blackburn [@MarshaBlackburn](#) 23h

Join me in my fight to protect innovators from FCC overregulation. Become a citizen cosponsor [#HR4070](#) at [cosponsor.gov/details/hr4070...](#)

Marsha Blackburn [@MarshaBlackburn](#) Feb 21

Conservatives rallied&defeated the FCC's overreach into newsrooms.Now it's time to rally for my [#InternetFreedom](#) Act. [blackburn.house.gov/news/documents](#)

Rep. Cory Gardner [@repcorygardner](#) Feb 21

I recently signed a letter w/ my [@EnergyCommerce](#) colleagues calling for CIN suspension. Glad 2 see FCC finally agrees [on.mktw.net/1gSQwiQ](#)

Rep. Cory Gardner [@repcorygardner](#) Feb 21

I'm on [@WVOColumbia](#) at 3:08 MT discussing CIN, govt monitoring of the press that should alarm all Americans [bit.ly/1ebPU6S](#)

Ralph Hall @RalphHallPress Feb 21

1st Amdt protects ALL Americans' freedom of speech. Glad @FCC has backed off proposed News Study censoring news & intimidating journalists.

Rep. Renee Ellmers @RepReneeEllmers Feb 21

VIDEO: My interview re the possible impact of FCC media study that would send researchers into newsrooms @gretawire: foxnews.com/on-air/on-the-...

Energy and Commerce @HouseCommerce Feb 21

Keeping Big Brother out of America's newsrooms --> 1.usa.gov/1jjulj #FirstAmendment

Marsha Blackburn @MarshaBlackburn Feb 21

I won't stop fighting for the First Amendment. youtube.com/watch?v=m_Qt7E...

Marsha Blackburn @MarshaBlackburn Feb 21

Will be joining America's Newsroom this morning at 8:40 Central to talk about what I'm doing to keep the FCC out of the newsroom. Tune in!

Rep. Anna G. Eshoo @RepAnnaEshoo Feb 20

My statement on @FCC action to improve 9-1-1 wireless location accuracy. goo.gl/SWZjFJ

Rep. Renee Ellmers @RepReneeEllmers Feb 20

I'll be on @gretawire tonight to discuss FCC attempts to violate journalists' 1st Amendment rights. TUNE IN at 7 p.m. foxnews.com/on-air/on-the-...

Marsha Blackburn @MarshaBlackburn Feb 20

Joining @SteveMTalk at 3:05 Central. The FCC has no business in the newsroom. Listen here- newsmaxtv.com.

Mike Doyle @USRepMikeDoyle Feb 19

I commend @TomWheelerFCC on acting to reestablish #NetNeutrality rules fcc.us/1c2NLq These rules are essential to the #openInternet

Energy and Commerce @HouseCommerce Feb 19

.@RepFredUpton & @repgregwalden: #netneutrality is "a solution in search of a problem" 1.usa.gov/MAwgHz

Rep. Anna G. Eshoo @RepAnnaEshoo Feb 19

My reaction to @TomWheelerFCC's #netneutrality proposal: goo.gl/GbZ503

John Shimkus @RepShimkus Feb 19

.@FCC again pushing a "solution" to a problem that doesn't exist. on.recode.net/1m9W9up

[Expand](#)

Energy and Commerce @HouseCommerce Feb 18

[#SubCommTech](#) Chairman [@repgregwalden](#): improving [@FCC](#) process is "a [#winning](#) solution." 1.usa.gov/1mrPlf7

Senate List

Senator Mark Pryor [@SenMarkPryor](#) Feb 24

Great piece [@JRosenworcel](#) re 5GHz, WiFi (on.recode.net/MhjJbf) I agree. That's why I sent this letter to FCC. Read: pic.twitter.com/UuTilvDHXM

Kelly Ayotte [@KellyAyotte](#) Feb 21

FCC has no place in the newsroom-shldnt do study that threaten media's 1st amdt rights. [@AjitPaiFCC](#) op-ed online.wsj.com/news/articles/.....

Senator Mark Pryor [@SenMarkPryor](#) Feb 20

Thanks [@JRosenworcel](#) for your help and leadership on the 9-1-1 wireless caller issue. Look forward to teaming up on future consumer issues.

Senator Mark Pryor [@SenMarkPryor](#) Feb 20

Pleased to see FCC heed my call & take positive step forward for wireless 911 callers. Special thx to [@JRosenworcel](#) for her leadership.

Ed Markey [@MarkeyMemo](#) Feb 19

Good news: [@TomWheelerFCC](#) moves to reinstate rules that preserve an [#OpenInternet](#). [#NetNeutrality](#) 1.usa.gov/MAzkDv

From: [Jim Balaguer](#)
To: [OLA Distribution List](#)
Subject: FW: Keeping Big Brother Out of the Nation's Newsrooms
Date: Friday, February 21, 2014 6:18:53 PM

FYI – More on CIN. (Blackburn & Ellmers)

From: Energy and Commerce News [mailto:EnergyandCommerceNews@ECREP.housecommunications.gov]
Sent: Friday, February 21, 2014 2:33 PM
To: Jim Balaguer
Subject: Keeping Big Brother Out of the Nation's Newsrooms

In Case You Missed It



FOR IMMEDIATE RELEASE
[ENTER DATE]

CONTACT: Press Office
(202) 226-4972

Committee Continues Fight to Keep Big Brother Out of Nation's Newsrooms

Energy and Commerce Committee leaders first [sounded the alarm last December](#) on the Federal Communications Commission's intention to conduct a study in newsrooms across the country. Despite the ongoing concern, Commission Chairman Tom Wheeler last week [responded](#) to the committee's December 10, 2013, [letter](#), reiterating that the "Critical Information Needs" (CIN) study, with slight modifications, would move forward. Without scrapping the study, however, there is no evidence that Constitutionally guaranteed First Amendment protections will be left in place. Energy and Commerce Committee [Vice Chairman Marsha Blackburn](#) (R-TN) and [Rep. Renee Ellmers](#) (R-NC) took to the airwaves to discuss this breach of the public trust and its implications for freedom of the press. [FCC Commissioner Ajit Pai](#), who joined committee Republicans in raising the issue with a *Wall Street Journal* [column](#) last week, appeared on Fox News' On the Record with Greta Van Susteren just prior to Rep. Ellmers.

Blackburn



[Click to Watch](#)

Ellmers

[Click to Watch](#)

The Examiner



February 20, 2014

Byron York: New Obama initiative tramples First Amendment protections

The First Amendment says "Congress shall make no law...abridging the freedom of speech, or of the press..." But under the Obama administration, the Federal Communications Commission is planning to send government contractors into the nation's newsrooms to determine whether journalists are producing articles, television reports, Internet content, and commentary that meets the public's "critical information needs." Those "needs" will be defined by the administration, and news outlets that do not comply with the government's standards could face an uncertain future. It's hard to imagine a project more at odds with the First Amendment.

The initiative, known around the agency as "the CIN Study" (pronounced "sin"), is a bit of a mystery even to insiders. "This has never been put to an FCC vote, it was just announced," says Ajit Pai, one of the FCC's five commissioners (and one of its two Republicans). "I've never had any input into the process," adds Pai, who brought the story to the public's attention in a Wall Street Journal column last week. ...

The study identified eight "critical needs": information about emergencies and risks; health and welfare; education; transportation; economic opportunities; the environment; civic information; and political information.

It's not difficult to see those topics quickly becoming vehicles for political intimidation. In fact, it's difficult to imagine that they wouldn't. For example, might the FCC standards that journalists must meet on the environment look something like the Obama administration's environmental agenda? Might standards on economic opportunity resemble the president's inequality agenda? The same could hold true for the categories of health and welfare and "civic information" -- and pretty much everything else.

"An enterprising regulator could run wild with a lot of these topics," says Pai. "The implicit message to the newsroom is they need to start covering these eight categories in a certain way or otherwise the FCC will go after them." ...

Questioning about the CIN Study began last December, when the four top Republicans on the House Energy and Commerce Committee asked the FCC to justify the project. "The Commission has no business probing the news media's editorial judgment and expertise," the GOP lawmakers wrote, "nor does it have any business in prescribing a set diet of 'critical information.'"

If the FCC goes forward, it's not clear what will happen to news organizations that fall short of the new government standards. Perhaps they will be disciplined. Or perhaps the very threat of investigating their methods will nudge them into compliance with the administration's journalistic agenda. What is sure is that it will be a gross violation of constitutional rights.

To read the full column, click [here](#).

[PERMALINK](#)



STAY CONNECTED



SUBSCRIBER SERVICES

[Manage Preferences](#) | [Unsubscribe](#) | [Help](#)

This email was sent to jim.balaguer@fcc.gov using GovDelivery, on behalf of: House Committee on Energy and Commerce · 2125 Rayburn House Office Building, Washington, DC 20515

From: [Quinalty_David \(Commerce\)](#)
To: [Sara Morris](#)
Subject: FW: Senator Blunt Leads Effort With All GOP Senators To Stop FCC From Stifling Free Speech
Date: Tuesday, February 25, 2014 6:18:56 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

FYI

Q

From: Senator Blunt Press Office
Sent: Tuesday, February 25, 2014 02:51 PM
To: Senator Blunt Press Office
Subject: Senator Blunt Leads Effort With All GOP Senators To Stop FCC From Stifling Free Speech

[Please Click Here To View This Press Release Online](#)



For Immediate Release

February 25, 2014

Contact: Press Office, (202) 224-1403



Senator Blunt Leads Effort With All GOP Senators To Stop FCC From Stifling Free Speech

Senators Condemn Serious FCC Overreach, Demand Transparency For American People

WASHINGTON, D.C. – U.S. Senator Roy Blunt (Mo.) led a letter co-signed by all of his Republican Senate colleagues today calling on the Federal Communications Commission (FCC) to explain its inappropriate attempts to impact the editorial decisions in newsrooms nationwide.

In recent weeks, Americans learned that the FCC was attempting to move forward with a Multi-Market Study of Critical Information Needs (CIN Study), which posed highly inappropriate questions of news editors about how they select stories, station bias, and even about their “news philosophy.” After the study received national condemnation, FCC Chairman Tom Wheeler suspended the study last Friday and indicated that the survey would be subsequently “revised.”

“It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications,” the Senators wrote. **“We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse.”**

To read the entire letter, please see below or [click here](#).

February 25, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We write to express our grave concerns regarding the Federal Communications Commission's (FCC) defunct Multi-Market Study of Critical Information Needs ("CIN Study").

It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications. It is even more troubling that a Commission spokesperson attempted to justify the CIN Study as a report on barriers to entry for entrepreneurs and small businesses in the communications marketplace – particularly when consumers are free to obtain news and information from a vibrant diversity of sources, including multiple broadcast outlets, print media, cable networks, and the Internet.

The CIN Study, as it was originally envisioned, sought to collect information on the process by which stories are selected and even asked about "news philosophy." Such questions are wholly unacceptable and alarming because they invite government intrusion into editorial decisions. While we are relieved the Commission appears to have halted the CIN Study, it is nevertheless troubling the Commission was on schedule to begin using a study that grossly intrudes on the First Amendment as early as this spring. Indeed, it was not until the CIN Study received national headlines and earned broad condemnation that the Commission took steps to remedy a problem that should have never occurred in the first place.

We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse.

###

From: [McCarthy, Margaret](#)
To: [Sara Morris](#); [Lori Maarbjerg](#)
Cc: [Chang, Shawn](#); [Grossman, David \(Eshoo\)](#)
Subject: FYI - majority planning hearing and legislation on CIN study
Date: Tuesday, February 25, 2014 1:09:53 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

February 25, 2014



Walden Announces Hearing, Legislation In Works to Ensure FCC Stays Out of the Newsroom and Respects the Freedom of the Press

WASHINGTON, DC – House Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today announced that the Energy and Commerce Committee will pursue legislative solutions to take the Federal Communications Commission's Critical Information Needs (CIN) study off the books. The study, which was first announced last summer, originally included the questioning of journalists and other news professionals regarding their decision-making processes and news philosophy. While Chairman Wheeler has [indicated](#) that the study will be changed, he has yet to adequately answer the questions contained in the committee's [December 10, 2013](#) letter. The Communications and Technology Subcommittee plans to hold a hearing and introduce legislation to stop the study.

"The very existence of this CIN study is an affront to the First Amendment and should have never been proposed in the first place. As someone with a journalism degree, I was alarmed from the moment I saw it, which is why we wrote to Chairman Wheeler in December to urge him to stop the study. To date, Chairman Wheeler has insisted upon only making small tweaks, and what he has proposed to do isn't enough. The study should be eradicated completely," said Walden. "The potential for violation of the First Amendment is exceptionally egregious, but it is also concerning that the commission believes it can prescribe what 'critical information needs' are in communities across the country."

Walden continued, "It took nearly 25 years to get the Fairness Doctrine off the books once it had been 'eliminated' in 1987, and we will do whatever it takes to ensure this study or any other effort by the government to control the output of America's newsrooms never sees the light of day."

In December, full committee Chairman Fred Upton (R-MI), and every Republican member of the Communications and Technology Subcommittee [wrote](#) to Chairman Wheeler urging him to suspend the study. Upon the FCC's response to the December letter, Upton and Walden expressed [concern](#) that the study still left room for First Amendment violations. Members cited similar concerns with respect to the original Fairness Doctrine and committee leaders [urged](#) then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was [eliminated](#) in August 2011.

Additional information about the upcoming hearing will be posted [here](#) as it is available.

- See more at: <http://energycommerce.house.gov/press-release/committee-working-bill-protect-first-amendment-eradicate-chilling-fcc-study#sthash.DaNsrLi.dpuf>

Margaret McCarthy
Democratic Professional Staff
Subcommittee on Communications and Technology

Committee on Energy and Commerce
U.S. House of Representatives
564 Ford House Office Building
Washington, DC 20515
202.226.3400



From: [Dave Grimaldi](#)
To: [Sara Morris](#)
Subject: RE: Checking in
Date: Wednesday, February 26, 2014 9:17:00 AM

Yes -- would love to discuss. Afternoon is pretty flexible. Thanks Sara

-----Original Message-----

From: Sara Morris
Sent: Wednesday, February 26, 2014 07:05 AM Eastern Standard Time
To: Dave Grimaldi
Subject: Re: Checking in

Hey Dave,

Are you free to meet between 1 and 230 today? ^{(b) (5)}




Sara

Sara W. Morris
Director
Office of Legislative Affairs
Federal Communications Commission
(202) 418-0095 (direct)
(202) 418-1900 (main)
(202) 905-9860 (mobile)
sara.morris@fcc.gov

From: Dave Grimaldi
Sent: Friday, February 21, 2014 11:16 AM
To: Sara Morris
Subject: Checking in

S – I’m sure you’ve everything well in hand since the conf call on Monday, but please reach out for any help. Will stop by & see you soon (I’m in NW corner of OGC). Ext. is 2105.

Thanks!

D

From: [McCarthy, Margaret](#)
To: [Sara Morris](#); [Lori Maarbjerg](#)
Cc: [Chang, Shawn](#); [Grossman, David \(Eshoo\)](#)
Subject: RE: FYI - majority planning hearing and legislation on CIN study
Date: Tuesday, February 25, 2014 1:13:31 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

No details yet but will keep you posted.

From: Sara Morris [<mailto:Sara.Morris@fcc.gov>]
Sent: Tuesday, February 25, 2014 1:12 PM
To: McCarthy, Margaret; Lori Maarbjerg
Cc: Chang, Shawn; Grossman, David (Eshoo)
Subject: RE: FYI - majority planning hearing and legislation on CIN study

Thanks. Just saw. Also got a letter from Sen. Collins (attached). Any idea of dates? Witnesses?

From: McCarthy, Margaret [<mailto:Margaret.McCarthy@mail.house.gov>]
Sent: Tuesday, February 25, 2014 1:10 PM
To: Sara Morris; Lori Maarbjerg
Cc: Chang, Shawn; Grossman, David (Eshoo)
Subject: FYI - majority planning hearing and legislation on CIN study

Committee Working on Bill to Protect the First Amendment, Eradicate Chilling FCC Study

February 25, 2014



Walden Announces Hearing, Legislation In Works to Ensure FCC Stays Out of the Newsroom and Respects the Freedom of the Press

WASHINGTON, DC – House Communications and Technology Subcommittee Chairman Greg Walden (R-OR) today announced that the Energy and Commerce Committee will pursue legislative solutions to take the Federal Communications Commission's Critical Information Needs (CIN) study off the books. The study, which was first announced last summer, originally included the questioning of journalists and other news professionals regarding their decision-making processes and news philosophy. While Chairman Wheeler has [indicated](#) that the study will be changed, he has yet to adequately answer the questions contained in the committee's [December 10, 2013](#) letter. The Communications and Technology Subcommittee plans to hold a hearing and introduce legislation to stop the study.

"The very existence of this CIN study is an affront to the First Amendment and should have never been proposed in the first place. As someone with a journalism degree, I was alarmed from the moment I saw it, which is why we wrote to Chairman Wheeler in December to urge him to stop the study. To date, Chairman Wheeler has insisted upon only making small tweaks, and what he has proposed to do isn't enough. The study should be eradicated completely," said Walden. "The potential for violation of the First Amendment is exceptionally egregious, but it is also concerning that the commission believes it can prescribe what 'critical information needs' are in communities across the country."

Walden continued, "It took nearly 25 years to get the Fairness Doctrine off the books once it had been 'eliminated'

in 1987, and we will do whatever it takes to ensure this study or any other effort by the government to control the output of America's newsrooms never sees the light of day.”

In December, full committee Chairman Fred Upton (R-MI), and every Republican member of the Communications and Technology Subcommittee [wrote](#) to Chairman Wheeler urging him to suspend the study. Upon the FCC's response to the December letter, Upton and Walden expressed [concern](#) that the study still left room for First Amendment violations. Members cited similar concerns with respect to the original Fairness Doctrine and committee leaders [urged](#) then FCC Chairman Julius Genachowski to remove the statute from the Code of Federal Regulations in 2011. The doctrine was [eliminated](#) in August 2011.

Additional information about the upcoming hearing will be posted [here](#) as it is available.

- See more at: <http://energycommerce.house.gov/press-release/committee-working-bill-protect-first-amendment-eradicate-chilling-fcc-study#sthash.DaNsrblLi.dpuf>

Margaret McCarthy
Democratic Professional Staff
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
564 Ford House Office Building
Washington, DC 20515
202.226.3400



From: [Jill Pender](#)
To: [Sara Morris](#); [Ruth Milkman](#); [Maria Kirby](#); [Gigi Sohn](#)
Subject: RE: Rep. Hartzler Dear Colleague on CIN study and appropriations rider
Date: Thursday, February 27, 2014 6:24:49 PM

(b) (5)



From: Sara Morris
Sent: Thursday, February 27, 2014 5:50 PM
To: (b) (5) Ruth Milkman; Maria Kirby; Gigi Sohn; Neil Grace; Mark Wigfield; Jonathan Sallet
Cc: Jill Pender
Subject: Rep. Hartzler Dear Colleague on CIN study and appropriations rider

Rep. Hartzler (R-MO) is circulating a Dear Colleague urging members to sign on to a letter urging our appropriations subcommittee to add a rider prohibiting FY 15 funds from being used to support a study such as CIN.

Haven't seen the letter itself.

Sara

Protect the First Amendment and freedom

of the press

From: The Honorable Vicky Hartzler

Sent By: alex.hutkin@mail.house.gov

Date: 2/26/2014

Dear Colleague,

As you may have heard, an FCC program recently came to light that would have placed government monitors in our newsrooms. These monitors would have been in newsrooms, television, and radio stations across the country to question the decisions of how news stories are chosen. This type of government intrusion into a free press is deplorable.

This program would have allowed government researchers to question staff not just on the content of stories, but also to question the decision-making process behind story selection. These researchers would have determined whether news stories met eight Critical Information Needs (CIN's), as determined by the Obama Administration. These eight CIN's are: emergencies and risks, health and welfare, the environment, education, transportation, economic opportunities, civic information, and political information. They would also study perceived bias, percent of news dedicated to each of the CIN's, and responsiveness to under-served populations.

This type of government intrusion is unacceptable. **While FCC Chairman Tom Wheeler announced on February 20 that the FCC would not pursue this program, the FCC would still have the option to pursue it in the future.**

I urge you to sign on to a letter to the Financial Services and General Government Subcommittee, requesting that they insert language into the FY 2015 appropriations bill blocking the FCC from spending taxpayer dollars on any such program in the future. If you have any questions or would like to become a cosigner, please contact Alex Hutkin (alex.hutkin@mail.house.gov, x5-2876) in my office.

I appreciate your consideration on this very important issue.

Sincerely,

Vicky Hartzler

From: [Adonis Hoffman](#)
To: [Sara Morris](#)
Subject: RE: Senate Republicans, Collins ltrs on CIN
Date: Tuesday, February 25, 2014 6:34:54 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

Thanks

From: Sara Morris
Sent: Tuesday, February 25, 2014 6:31 PM
To: Adonis Hoffman
Subject: Senate Republicans, Collins ltrs on CIN

Adonis,

FYI - more incoming on CIN. One led by Sen. Blunt and signed by every Republican member of the Senate. The other from Sen. Collins.

Sara

[Please Click Here To View This Press Release Online](#)



For Immediate Release
February 25, 2014

Contact: Press Office, (202) 224-1403



Senator Blunt Leads Effort With All GOP Senators To Stop FCC From Stifling Free Speech

Senators Condemn Serious FCC Overreach, Demand Transparency For American People

WASHINGTON, D.C. – U.S. Senator Roy Blunt (Mo.) led a letter co-signed by all of his Republican Senate colleagues today calling on the Federal Communications Commission (FCC) to explain its inappropriate attempts to impact the editorial decisions in newsrooms nationwide.

In recent weeks, Americans learned that the FCC was attempting to move forward with a Multi-Market Study of Critical Information Needs (CIN Study), which posed highly inappropriate questions of news editors about how they select stories, station bias, and even about their “news philosophy.” After the study received national condemnation, FCC Chairman Tom Wheeler suspended the study last Friday and indicated that the survey would be subsequently “revised.”

“It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications,” the Senators wrote.

“We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse.”

To read the entire letter, please see below or [click here](#).

February 25, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We write to express our grave concerns regarding the Federal Communications Commission’s (FCC) defunct Multi-Market Study of Critical Information Needs (“CIN Study”).

It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications. It is even more troubling that a Commission spokesperson attempted to justify the CIN Study as a report on barriers to entry for entrepreneurs and small businesses in the communications marketplace – particularly when consumers are free to obtain news and information from a vibrant diversity of sources, including multiple broadcast outlets, print media, cable networks, and the Internet.

The CIN Study, as it was originally envisioned, sought to collect information on the process by which stories are selected and even asked about “news philosophy.” Such questions are wholly unacceptable and alarming because they invite government intrusion into editorial decisions. While we are relieved the Commission appears to have halted the CIN Study, it is nevertheless troubling the Commission was on schedule to begin using a study that grossly intrudes on the First Amendment as early as this spring. Indeed, it was not until the CIN Study received national headlines and earned broad condemnation that the Commission took steps to remedy a problem that should have never occurred in the first place.

We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse.

#

From: [Chang, Shawn](#)
To: [Sara Morris](#); [McCarthy, Margaret](#); [Patrick Halley](#)
Subject: RE: Senate Republicans, Collins ltrs on CIN
Date: Tuesday, February 25, 2014 6:37:46 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

As I've said before, your problem is now our problem...thanks, keep them coming please.

From: Sara Morris [mailto:Sara.Morris@fcc.gov]
Sent: Tuesday, February 25, 2014 6:32 PM
To: Chang, Shawn; McCarthy, Margaret; Patrick Halley
Subject: FW: Senate Republicans, Collins ltrs on CIN

FYI - more incoming on CIN. One led by Sen. Blunt and signed by every Republican member of the Senate. The other from Sen. Collins.

[Please Click Here To View This Press Release Online](#)



For Immediate Release
February 25, 2014

Contact: Press Office, (202) 224-1403



Senator Blunt Leads Effort With All GOP Senators To Stop FCC From Stifling Free Speech

Senators Condemn Serious FCC Overreach, Demand Transparency For American People

WASHINGTON, D.C. – U.S. Senator Roy Blunt (Mo.) led a letter co-signed by all of his Republican Senate colleagues today calling on the Federal Communications Commission (FCC) to explain its inappropriate attempts to impact the editorial decisions in newsrooms nationwide.

In recent weeks, Americans learned that the FCC was attempting to move forward with a Multi-Market Study of Critical Information Needs (CIN Study), which posed highly inappropriate questions of news editors about how they select stories, station bias, and even about their “news philosophy.” After the study received national condemnation, FCC Chairman Tom Wheeler suspended the study last Friday and indicated that the survey would be subsequently “revised.”

“It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications,” the Senators wrote. “We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs

incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse.”

To read the entire letter, please see below or [click here](#).

February 25, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We write to express our grave concerns regarding the Federal Communications Commission’s (FCC) defunct Multi-Market Study of Critical Information Needs (“CIN Study”).

It is impossible to imagine a rationale for the Commission to consider using the CIN Study under any circumstance given its flagrantly unconstitutional implications. It is even more troubling that a Commission spokesperson attempted to justify the CIN Study as a report on barriers to entry for entrepreneurs and small businesses in the communications marketplace – particularly when consumers are free to obtain news and information from a vibrant diversity of sources, including multiple broadcast outlets, print media, cable networks, and the Internet.

The CIN Study, as it was originally envisioned, sought to collect information on the process by which stories are selected and even asked about “news philosophy.” Such questions are wholly unacceptable and alarming because they invite government intrusion into editorial decisions. While we are relieved the Commission appears to have halted the CIN Study, it is nevertheless troubling the Commission was on schedule to begin using a study that grossly intrudes on the First Amendment as early as this spring. Indeed, it was not until the CIN Study received national headlines and earned broad condemnation that the Commission took steps to remedy a problem that should have never occurred in the first place.

We demand an explanation of how the Commission internally justified the CIN Study as fulfilling its statutory requirement to report on market barriers to entry, as well as the costs incurred by the Commission on this blatantly inappropriate study. We also insist all commissioners be involved in future statutorily required studies in order to guard against the clear potential for abuse.

#

From: [Meribeth McCarrick](#)
To: [Daniel Alvarez](#); [Deborah Ridley](#); [Diane Cornell](#); [Gigi Sohn](#); [Jon Wilkins](#); [Jonathan Sallet](#); [Maria Kirby](#); [Mark Wigfield](#); [Neil Grace](#); [Philip Verveer](#); [Renee Gregory](#); [Ruth Milkman](#); [Sagar Doshi](#); [Sara Morris](#); [Shannon Gilson](#);
Subject: STATEMENT OF COMMISSIONER AJIT PAI ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY
Date: Friday, February 21, 2014 3:28:33 PM

FOR IMMEDIATE RELEASE:
February 21, 2014

NEWS MEDIA CONTACT:
Matthew Berry, 202-418-2005
Email: Matthew.Berry@fcc.gov

**STATEMENT OF COMMISSIONER AJIT PAI
ON THE SUSPENSION OF THE CRITICAL INFORMATION NEEDS STUDY**

I welcome today's announcement that the FCC has suspended its "Multi-Market Study of Critical Information Needs," or CIN study. This study would have thrust the federal government into newsrooms across the country, somewhere it just doesn't belong. The Commission has now recognized that no study by the federal government, now or in the future, should involve asking questions to media owners, news directors, or reporters about their practices. This is an important victory for the First Amendment. And it would not have been possible without the American people making their voices heard. I will remain vigilant that any future initiatives not infringe on our constitutional freedoms.

From: [Meribeth McCarrick](#)
To: [Daniel Alvarez](#); [Deborah Ridley](#); [Diane Cornell](#); [Gigi Sohn](#); [Jon Wilkins](#); [Jonathan Sallet](#); [Maria Kirby](#); [Mark Wigfield](#); [Neil Grace](#); [Philip Verveer](#); [Renee Gregory](#); [Ruth Milkman](#); [Sagar Doshi](#); [Sara Morris](#); [Shannon Gilson](#);
Subject: Statement of FCC Commissioner Michael O’Rielly on the Commission’s Critical Information Needs (CIN) Study
Date: Wednesday, February 26, 2014 5:08:16 PM

FOR IMMEDIATE RELEASE:

NEWS MEDIA CONTACT:

February 26, 2014

Courtney Reinhard, 202-418-2013
E-mail: Courtney.Reinhard@fcc.gov

**Statement of FCC Commissioner Michael O’Rielly on the Commission’s
Critical Information Needs (CIN) Study**

Washington, D.C. – Commissioner Mike O’Rielly issued the following statement today:

“House and Senate Republicans, along with Commissioner Ajit Pai, have voiced their serious concerns about the Commission’s Critical Information Needs (CIN) study. While I was not at the Commission when the study was authorized, I share those concerns. I appreciate the Chairman’s willingness to make revisions, but I am afraid that tweaking it is just not enough. If any value was ever to come from this particular exercise, that ship has sailed. It is probably time to cancel the CIN study for good.”