

Louis Peraertz

Subject: FW: meeting with Mark Lloyd and a group, CPRN & SSRC
Location: conference room 3

Start: Thu 11/21/2013 3:30 PM
End: Thu 11/21/2013 4:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: (b) (6)

-----Original Appointment-----

From: Drema Johnson **On Behalf Of** (b) (6)
Sent: Wednesday, November 20, 2013 8:57 AM
To: (b) (6); Louis Peraertz; Seth Williams
Subject: meeting with Mark Lloyd and a group, CPRN & SSRC
When: Thursday, November 21, 2013 3:30 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: conference room 3

Friends and Colleagues,

We look forward to seeing you at the FCC on Thursday. Here is the schedule and most recent list of participants.

ml

Meeting Schedule at the FCC:

2:00pm S. Wildman, J. Levy, D. Margolis
3:00pm Chairman Wheeler's Office
3:30pm Commissioner Clyburn

Meeting Participants

Susan Abbott, New America Foundation

Pat Aufderheide, American University

Ed Campos, World Bank Institute

Michael X. Delli Carpini, U Penn ASC

Susan Douglas, University of Michigan

Lewis Friedland, University of Wisconsin

Larry Gross, USC ASCJ

Rod Hart, University of Texas, Austin

Ira Katznelson, Social Science Research Council

Mark Lloyd, New America Foundation

Jonathan VanAntwerpen, Social Science Research Council

Ellen Wartella, Northwestern University

Ernest J. Wilson III, USC ASCJ

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Mark Lloyd
Director - Media Policy Initiative
New America Foundation
Thanks Drema,
We wanted to talk about the Critical Information Needs/Market Entry Barriers (257) research and follow-up on the conversation re an interagency task force regarding research.

ml
CPRN & SSRC
Hi Drema,

I called your number but your mailbox is full and I could not leave a message.

A group of us will be at the Commission on the afternoon of Thursday, Nov. 21. We would very much like to meet with Commissioner Clyburn. At the moment we are scheduled to meet with OCBO and OSP at 2pm, and at Chairman Wheeler's office at 3pm.

Is there anytime that afternoon we could schedule to meet with Commissioner Clyburn?

Current list of participants:

1. Ernest J. Wilson III; USC Annenberg
2. Larry Gross; USC Annenberg
3. Michael X. Delli Carpini ; U Penn Annenberg
4. Susan Douglas; University of Michigan
5. Rod Hart, University of Texas, Austin
6. Barbara O'Keefe, Northwestern University
7. Lew Friedland, Univ. of Wisconsin
8. Pat Aufderheide, American University
9. Mark Lloyd, New America Foundation
10. Dr. Ed Campos, Sr. Manager, World Bank Institute
11. Ira Katznelson, President, Social Science Research Council
12. Jonathan VanAntwerpen, Program Director, SSRC

Please give me at call at (b) (6).

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Mark Lloyd
Director - Media Policy Initiative
New America Foundation

Visiting Professor
Wallis Annenberg Chair of Communication & Journalism
USC-Annenberg

Louis Peraertz

From: Louis Peraertz
Sent: Monday, March 24, 2014 9:54 AM
To: Louis Peraertz
Subject: FW: good to meet you and scheduling time to connect

From: Mark Lloyd [mailto:(b) (6)]
Sent: Tuesday, November 26, 2013 11:27 AM
To: Louis Peraertz
Cc: Adonis Hoffman
Subject: Re: good to meet you and scheduling time to connect

Great, I'll plan on being there at 2:30pm.
ml

On Tue, Nov 26, 2013 at 11:20 AM, Louis Peraertz <Louis.Peraertz@fcc.gov> wrote:

Thanks Mark. Adonis and I just talked. We both are free between 2 and 4 today.

Louis Peraertz

Legal Advisor, Wireless, Public Safety, International

Office of Commissioner Mignon L. Clyburn

Federal Communications Commission

Phone: (202) 418-2100

From: Mark Lloyd [mailto:(b) (6)]
Sent: Tuesday, November 26, 2013 11:19 AM
To: Adonis Hoffman; Louis Peraertz
Subject: good to meet you and scheduling time to connect

Hi Adonis,

It was very good to meet you, if brief, last Thursday when the group of us was in to speak to Commissioner Clyburn. Louis suggested I reach out to you to try to schedule some time when we might have a more comprehensive discussion of the work to improve communications services and increase opportunities to participate in the broad media and telecommunications industries.

Might you have time this afternoon?

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Mark Lloyd

Director - Media Policy Initiative

New America Foundation

202-255-2122

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Mark Lloyd

Director - Media Policy Initiative

New America Foundation

Louis Peraertz

From: Louis Peraertz
Sent: Monday, March 24, 2014 9:53 AM
To: Louis Peraertz
Subject: FW: Quick Follow-up

From: Mark Lloyd [mailto:(b) (6)]
Sent: Monday, November 25, 2013 3:24 PM
To: Jonathan Levy
Cc: Daniel Margolis; Thomas Reed; Louis Peraertz
Subject: Quick Follow-up

Hi Jonathan,

Again, very good to see you last week. And thank you for moving this ball forward. Following up on our discussion of moving the conversation between the FCC and NSF forward, I thought you'd be interested in knowing that the White House Office of Science and Technology Policy has established a subcommittee of the National Science and Technology Council . . . the Interagency Working Group on Language and Communication (IWGLC). See: <http://www.whitehouse.gov/administration/eop/ostp/nstc/committees/cos>

It is a not exactly on point with the research goals of the FCC, but it is very close. May be a resource?

ml

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Mark Lloyd
Director - Media Policy Initiative
New America Foundation

Louis Peraertz

From: Louis Peraertz
Sent: Monday, March 24, 2014 9:53 AM
To: Louis Peraertz
Subject: FW: Mark Lloyd Meeting Nov. 21

From: Adonis Hoffman
Sent: Wednesday, November 20, 2013 4:43 PM
To: Louis Peraertz
Subject: RE: Mark Lloyd Meeting Nov. 21

Thanks

From: Louis Peraertz
Sent: Wednesday, November 20, 2013 1:59 PM
To: Adonis Hoffman
Cc: Seth Williams; Justin Bell
Subject: FW: Mark Lloyd Meeting Nov. 21

Adonis:

Here is the briefing sheet for the meeting with Mark Lloyd tomorrow.

From: Seth Williams
Sent: Wednesday, November 20, 2013 1:21 PM
To: Louis Peraertz
Cc: Justin Bell
Subject: Mark Lloyd Meeting Nov. 21

Louis:

There is a meeting tomorrow with Mark Lloyd and a large group of academics regarding the Critical Information Needs Analysis. Here is the briefing sheet I put together this morning. I am getting ready to leave for the day. Please let Justin know if any additional work is required.

Seth

Louis Peraertz

From: Louis Peraertz
Sent: Monday, March 24, 2014 9:51 AM
To: Louis Peraertz
Subject: FW: Information Needs of Communities
Attachments: Final Annotated Bibliography USC Barriers.pdf; USC Final Literature Review Barriers.pdf; Leadership Conference Literature Review on Information Needs of Communities 7-26-12.pdf

From: Mark Lloyd
Sent: Friday, July 27, 2012 11:05 AM
To: Louis Peraertz
Subject: RE: Information Needs of Communities

Hi Louis,
PDF's of the final report are attached and the links to it are here:

<http://www.fcc.gov/blog/review-literature-regarding-critical-information-needs-american-public>

I am also attaching the letter form LCCR.

ml

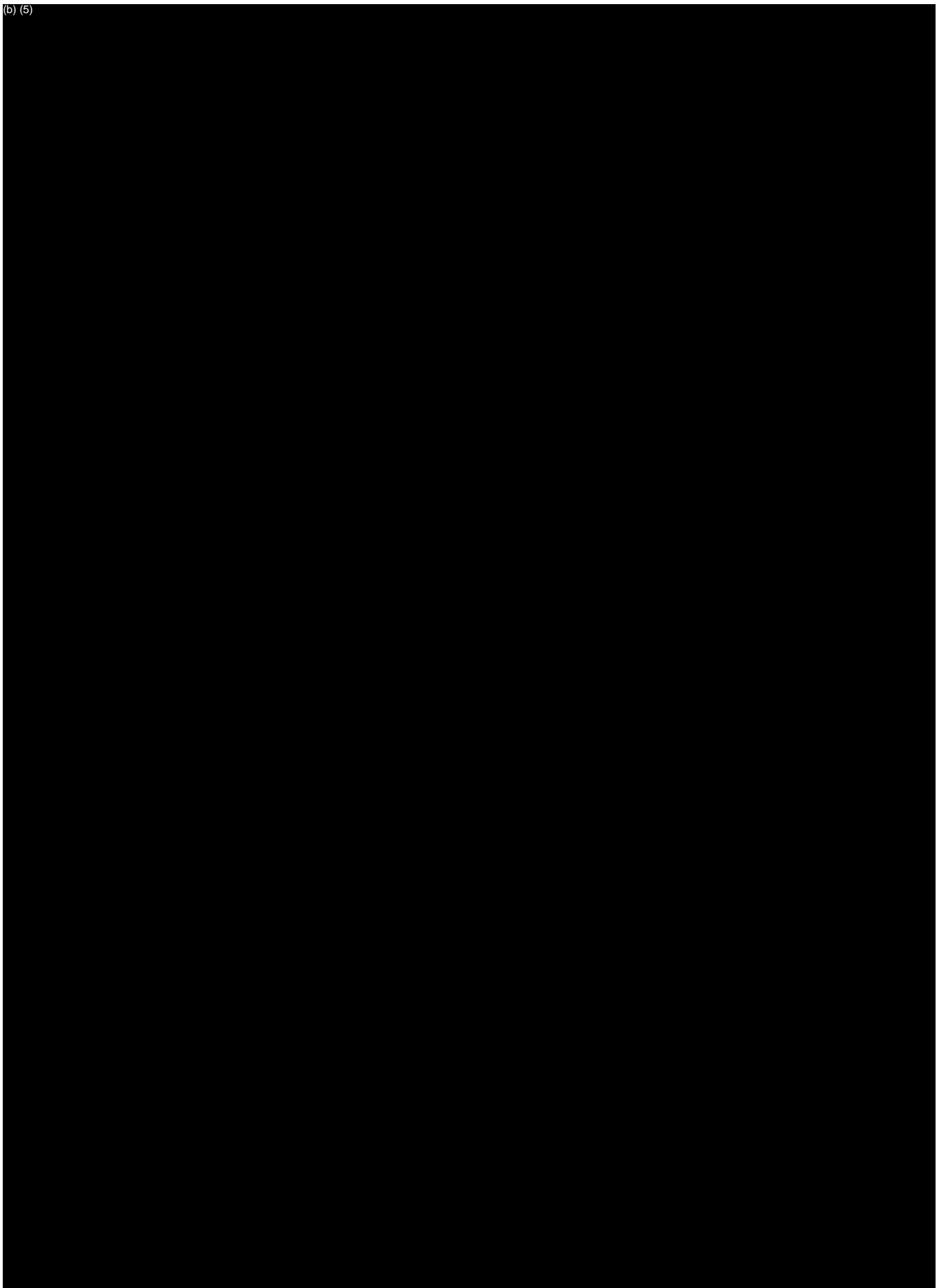
From: Louis Peraertz
Sent: Friday, July 27, 2012 10:41 AM
To: Mark Lloyd
Subject: Information Needs of Communities

Mark:

Can you please send me the electronic version of this report or tell me how I can get it?

Thanks.

Louis, 202-418-1879



From: Tayloe, Monty [<mailto:mtayloe@warren-news.com>]
Sent: Thursday, October 24, 2013 2:35 PM
To: Janice Wise
Subject: RE: FCC Announces Hispanic Television Viewing Study and Next Step in Critical Information Needs Study

Hi Janice,

I got your message, but i missed you again. I have a couple questions about this study and the critical information needs thing. I wanted to know if this study had any kind of NPRM or comment process or associated with it, and what prompted it being announced now. Also, are there any plans to do other studies on other minority groups?. Does this study have any relationship to the ownership proceeding, and the ADARAND studies that many groups have requested?

I'd also like to know what the relationship is between teh Hispanic TV study and the critical information needs testing? On the CIN, can you tell me more about the model that will be tested, and what market that test is in? Any specifics about the test would be welcome. Feel free to call if you want, I'm gonna try real hard to answer.

Thanks,
Monty Tayloe
Associate Editor
Communications Daily
mtayloe@warren-news.com
202-872-9202 X251

From: Janice Wise [<mailto:Janice.Wise@fcc.gov>]
Sent: Thursday, October 24, 2013 12:55 PM
To: press
Subject: FCC Announces Hispanic Television Viewing Study and Next Step in Critical Information Needs Study

FOR IMMEDIATE RELEASE:
October 24, 2013

NEWS MEDIA CONTACT:
Janice Wise (202) 418-8165
Email: janice.wise@fcc.gov

**FCC ANNOUNCES NEW STUDY EXAMINING HISPANIC TELEVISION VIEWING
AS PART OF COMMITMENT TO ENCOURAGE BROADCAST DIVERSITY**

FCC also Announces Next Step in the Critical Information Needs Study

Washington, D.C. – As part of its long-standing examination of broadcast diversity issues, the Federal Communications Commission today announced it will conduct a study of the relationships among Hispanic television station ownership, Hispanic-oriented programming, and Hispanic television viewing. According to 2012 Census data, 17 percent of the total US population – or 53 million people – are of Hispanic origin, representing the largest ethnic/racial minority in the country.

The study will be the Commission's first systematic examination of the Hispanic television market and will be one of the first that will incorporate comprehensive data from the FCC's recently improved 323 ownership form.

With today's announcement, the FCC is further demonstrating its commitment to gather data and fund research and analysis to understand better how the Commission's policies promote the public interest. The Commission has long understood that diverse participation in the broadcast industry and access to diverse sources of information are vital to a robust democracy.

To examine characteristics of television viewing by this important and growing population segment, and to ensure it has better data to inform its policies, the Commission will study, among other things:

- The impact of Hispanic-owned television stations on Hispanic-oriented programming and Hispanic viewership in selected local television markets;
- The extent of Hispanic-oriented programming on US broadcast television; and
- The role of digital multicasting in increasing the amount of Hispanic-oriented programming.

Additionally, the FCC's Office of Communications Business Opportunities (OCBO) has taken the next step in its Multi-Market Study of Critical Information Needs. Incorporating feedback received from its draft Research Design Model released in May 2013, this next phase will field test in a single market the model that could be later applied to markets nationwide in determining whether the critical information needs are being met.

-FCC-

For news and information about the FCC, please visit: www.fcc.gov

You have received this release from the FCC Office of Media Relations.
To view all of the latest FCC headlines go to the <http://www.fcc.gov> .

If you wish to stop receiving releases send a blank email to leave-531984-83816.6475199a00c44f974f2f0aa2a33377f6@info.fcc.gov

Amy Bender

From: Courtney Reinhard
Sent: Wednesday, February 26, 2014 11:46 AM
To: Mike O'Rielly; Erin McGrath
Cc: Amy Bender
Subject: (b) (5)

<http://www.frontpagemag.com/2014/dgreenfield/soros-tied-to-fccs-media-control-project/>

<http://lonelyconservative.com/2014/02/fcc-nixes-plan-to-police-newsrooms-study-has-soros-ties/>

<http://cnsnews.com/mrctv-blog/mike-ciandella/universities-fcc-newsroom-probe-have-close-ties-soros-got-37m-funding>

Courtney Reinhard
Office of Commissioner Mike O'Rielly
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554
(202) 418-2013

Amy Bender

From: Erin McGrath
Sent: Friday, February 21, 2014 5:59 PM
To: Amy Bender; Mike ORIelly; Courtney Reinhard
Subject: RE: Statement on the Draft Study

Pai Statement

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: Amy Bender
Sent: Friday, February 21, 2014 2:43 PM
To: Mike ORIelly; Erin McGrath; Courtney Reinhard
Subject: Statement on the Draft Study

(b) (5)



SETTING THE RECORD STRAIGHT ABOUT THE DRAFT STUDY

Washington, D.C. – FCC Spokesperson Shannon Gilson issued the following statement today:

"By law, the FCC must report to Congress every three years on the barriers that may prevent entrepreneurs and small business from competing in the media marketplace, and pursue policies to eliminate those barriers. To fulfill that obligation in a meaningful way, the FCC's Office of Communications Business Opportunities consulted with academic researchers in 2012 and selected a contractor to design a study which would inform the FCC's report to Congress. Last summer, the proposed study was put out for public comment and one pilot to test the study design in a single marketplace – Columbia, S.C. – was planned.

"However, in the course of FCC review and public comment, concerns were raised that some of the questions may not have been appropriate. Chairman Wheeler agreed that survey questions in the study directed toward media outlet managers, news directors, and reporters overstepped the bounds of what is required. Last week, Chairman Wheeler informed lawmakers that that Commission has no intention of regulating political or other speech of journalists or broadcasters and would be modifying the draft study. Yesterday, the Chairman directed that those questions be removed entirely.

"To be clear, media owners and journalists will no longer be asked to participate in the Columbia, S.C. pilot study. The pilot will not be undertaken until a new study design is final. Any subsequent market studies conducted by the FCC, if determined necessary, will not seek participation from or include questions for media owners, news directors or reporters.

"Any suggestion that the FCC intends to regulate the speech of news media or plans to put monitors in America's newsrooms is false. The FCC looks forward to fulfilling its obligation to Congress to report on barriers to entry into the communications marketplace, and is currently revising its proposed study to achieve that goal."

To read Chairman Wheeler's response to the CIN study: <http://fcc.us/1p2fSOS>

Amy Bender

From: Mike O'Rielly
Sent: Tuesday, March 18, 2014 9:25 AM
To: Courtney Reinhard; Amy Bender; Erin McGrath; Susan Fisenne
Subject: FYI: B&C interview

Washington

The O'Rielly Factor

The newest FCC commissioner's voice could help shape issues from regs to retrans to auction legislation
3/17/2014 09:07:00 PM Eastern



By: John Eggerton

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WHY THIS MATTERS

The interests of a new FCC commissioner offer a view of how communications policy will be molded in a vital time for the industry.

Michael O'Rielly seems younger than a 20-year veteran of the congressional lists, with an earnest manner, a firm handshake and a tendency to look directly at you when he speaks.

And the recently minted FCC commissioner— sworn in last Nov. 4—appears still to be getting his sea legs, boning up on the myriad tough issues before the commission, including the IP transition and spectrum. But he promises to use his bully pulpit to make a difference once he has settled in.

Though he is new to the FCC, O' Rielly is hardly a stranger to telecom policy. He was a House and Senate Republican staffer for most of those two decades and was in the room when the 1996 Telecommunications Act was being hammered out.

He calls it “disgraceful” that the FCC has not concluded its 2010 quadrennial media ownership review and reported back to Congress. And having been there when legislators drafted key provisions of the 1996 law, he also believes the FCC and the courts have gotten it wrong.

In his first Q&A since joining the commission, O’Rielly spoke with *B&C* Washington bureau chief John Eggerton about retrans, cross-ownership and more. An edited transcript follows.

Talk about the quadrennial media ownership review and the joint sales agreement item teed up for a vote at the commission on March 31.

I have deep reservations about the efforts underway to limit JSAs [joint sales agreements]. I have spent a lot of time reading the record, which shows that JSAs have been extremely beneficial to communities. Some broadcasters wouldn’t be able to produce local news and diverse programming without these agreements. And we are going to find a way to harm diversity and local news? It seems like a backward step, and I don’t see why we would spend our time doing this.

What about the other parts of the item, including the retrans proposal and not loosening any ownership regs?

I have to look closer at the retrans proposal [and other elements] and the underlying authority provided to the commission. My first obligation is the statute.

And on not loosening any of the crossownership regs?

I have a deep problem with that because, similar to [Section 706, requiring the FCC to report annually on whether broadband is being deployed to all Americans in a reasonable and timely fashion], I was there for 202(h) negotiations, and 202(h) [which created the biennial—then quadrennial—media ownership rule review] was meant to go one way. We wanted to put some things in statute to make the commission review its media ownership rules to reflect the current media marketplace. And 202(h) was intended to deregulate. But if it plays out this way, there will be new burdens and no relief.

I think the marketplace has changed. I want to be thoughtful about this. I think there is room to modernize our rules to reflect the current marketplace, but do it in a way that doesn’t harm localism, competition, diversity or the public interest. I think the commission can do this. It does require work. The commission here seems not to be doing the part it should be doing, and that is really harmful in my opinion.

You were involved in crafting incentive auction legislation. What would be your definition of a successful auction?

First and foremost, my obligation is to implement the statute correctly, which is trying to entice existing broadcasters to either channel share or give up their license or move from VHF to UHF, so we will free up spectrum for new wireless services. That is success. Can we entice broadcasters to even close an auction? What kind of spectrum are we actually making available so they can increase service?

But it is also to protect broadcasters that decide not to participate, that they are continuing to serve their market and are protected, and their service replicated as the statute requires. And unlike other auctions, this actually has a tie-in to revenue. Under the statute we are obligated to meet certain goals, trying to provide for FirstNet [the interoperable broadband network the Obama administration has budgeted at \$7 billion]; we have deficit reduction numbers that are in the statute, NG911 and other things that are part of the equation for a successful auction. That is important to me. You have a number of members [of Congress] who think FirstNet will be very successful. I hope that’s the case.

We don’t have a great role in that here, but I did spend some time as the statute was being drafted. And so I am really interested in making sure we can try and meet our revenue targets.

OH, REALLY? So, when O’Rielly is not regulating—or more likely, trying to deregulate— TV, what does he watch?

“I watch a wide variety of programming. I was joking with public broadcasters that I don’t watch a lot of public broadcasting, but my fiancée has me watching Rick Steves and his traveling of Europe. I happen to like a lot of programs on FX. I think *Justified* is one of the greatest shows on TV, and *Archer*. But I am also fond of *How I Met Your Mother*—we’re into the last three episodes.”

No *House of Cards*, the cynics’-eye-view of the Hill?

“I am behind on *House of Cards*, but I am about three-quarters through the first season. As someone who has spent a great deal of time in the Capitol and in politics, [I know] they do use their creative license well. There are a lot of things that are really interesting, but we never, ever would have considered [them] in my old job.”

The chairman has just announced his new take on network neutrality rules using 706 authority. What is your take on that approach and, if you could, give us a sense of what you think Congress meant when it gave Congress that authority?

First and foremost, I disagree with the court’s decision on the authority they believe 706 provides the commission.

Why is that?

As someone who was there in the room when the deal was struck on 706, and all the pieces actually—I was much younger and had fewer gray hairs—I have trouble, maybe, with what [recently] happened, but I remember those conversations. They are stuck in my brain because they were so important at the time.

I remember what the language on 706 looked like when it came out of the Senate and how we changed the language [in the House] and what our goals were.

And what were they?

Where I think the court erred, and where the commission erred—and hopefully at some point we will be able to turn back and get to the original intent—is that most people were comfortable with the language being read as congressional findings. It is very favorable language and does the best it can to say nice things about broadband, but gives no regulatory authority to the commission.

At worst, but at maximum, is you could use the language in a deregulatory manner. It would take you in only one direction. You couldn’t go the other direction. The absolute worst outcome is that the commission has gotten to the absolute opposite direction.

You have to put it in the context for when it was drafted. I know the courts don’t have that opportunity and I respect that. I disagree with their outcome, not how they have to analyze the situation. But, it was a Republican House and Republican Senate. We’re talking mid-1995. The hearings were in May and we actually signed it in February 1996. So, you’re talking less than a year after the election.

If people think the commission has broad authority to regulate the Internet in pretty much any manner it wants under an innocuous provision, I just find that hard to believe.

You have said you were concerned about regulatory spillover to edge providers.

I think there is ample evidence that content is king. You see that in other universes. He who has content has something that people want, and that's a good thing, and you can figure out the market relationship for how to pay for that content and be able to service it. So I have always thought that the suggestion that the edge providers are always the weakest is a fallacy. Some of them are very strong companies. And that is good for America's business.

Where I have trouble is when we believe that we need to help Google for some harm that hasn't shown up yet. In very few instances has the commission been able to document something remotely akin to network neutrality violation if there was one. So, we are trying to regulate something we think might happen against providers who in most instances don't need our help. That seems like something that can be addressed in the marketplace.

I'm willing to [see it] proved otherwise, but I haven't seen it yet.

What about the recent linkage some are trying to make between network neutrality issues and Comcast's peering deal with Netflix?

It is relatively new and I have not had a chance to study what the negotiation looked like. But my understanding is it has been portrayed as a paid peering arrangement. That has worked out in the marketplace in a number of settings. I'm interested in seeing how it plays out going forward. The chairman has even said on a case-by-case basis. So we will see what it looks like going forward. I don't see a problem right now.

Should Internet Service Providers be able to block and discriminate?

I think that the question should be, do we believe any of those instances are going to happen. In my conversations, their practices are meant to be in the best interests of the consumer because they maintain revenue and business, so they try to serve consumers. They have no interest in blocking consumer's access to websites. So I don't see a scenario where they have that harm.

What about discrimination?

The use of the word discrimination is somewhat misleading and slanted. Network management, something most people would agree broadband companies need to do, is a reasonable and acceptable form of traffic discrimination. Based on my conversations and reviewing industry practices, I don't see evidence that broadband providers discriminate against Internet traffic for competitive reasons, but rather that they do what is necessary to manage their networks to enable the best consumer experience.

Let's talk about mergers for a minute. Let's say, hypothetically, that the FCC agreed to extend conditions from a former merger into the future, and expand them to another company to achieve various public interest goals, even laudable ones.

Well, I never talk about specific mergers. But I will say, in general, that I believe that if any merger should fall into the square boundaries of what is being applied for and when arguments are made that they should reach outside and grab different pieces that are unrelated to the merger, then that raises my red flag. I don't know any particulars, but to the extent there are pieces that are unrelated, that runs into a questionable area.

So you have that challenge flag in your pocket?

You have to take each case as they come. There have been some instances, not in the current chairman's term, but past lives where I have seen some mergers that I thought definitely had conditions that were way unconnected and unrelated to the merger and not helpful to what our job is here, which is what is in the four corners of our authority in the merger itself.

Is the broadband marketplace competitive?

It somewhat depends on how you define the broadband marketplace. Are you talking about residential or business; are you talking about fixed or wireless? That matters. In Washington D.C., and other metropolitan areas you have a number of fixed and wireless providers to choose from. In some parts of America you don't have that. You have wireless in most instances but you don't have a number of fixed wireline providers. In those instances that's where the commission has tried to figure out how we get more broadband to those places where it doesn't exist. We're going to spend Universal Service Fund dollars trying to make that happen.

So, it depends on where you are talking about and what you are talking about.

The FCC has concluded in recent broadband reports that broadband is not being deployed on a reasonable and timely basis. Do you have issues with that conclusion?

I found the whole discussion about 706 very troubling. We already talked about how we got here. But to do a 180 for purposes of trying to find some scrap of a provision so they have authority, I disagree with. So, yes, I have difficulty saying [that] when we have a broadband market that is pretty dynamic and most people in the world envy, that is developing every day and companies are deploying and investing.

When would that [benchmark] be met? If not now, when is it ever going to get to that point? And even if we get to that point, we'll just raise the speed [and say] "not everyone has a gig at their house. Not everyone has a gig to the garage."

The H Block was the first of three auctions. Do you have any issues with the way that was conducted?

I don't want to talk about that auction itself, but I have concerns any time an auction is less than pure in its use of market forces. Here, we've kind of manipulated the outcome for purposes that may be meritorious. They happened before I was here so I can't judge all the details and factors that went into that. But I worry any time the commission manipulates an auction.

You used the phrase "stay strong for freedom" at the end of your nomination hearing and again at the end of your first FCC meeting. It had some people worried it was some kind of secret conservative Republican rallying cry.

It is not intended to be anything more than a simple, benign phrase. It started very innocuously when we were doing the reauthorization on the Internet Tax Freedom Act. There were a bunch of staffers and we were called the Freedom Corp. Part of that was we are moving the Internet Tax Freedom Act and we would always end the conversation with "stay strong for freedom" because freedom was Internet tax freedom. Move forward a little bit and I became legislative director for [former Sen.] John Sununu and I made my signature line on my e-mail to "Live Free or Die." I took a lot of grief for that because it seems a little bit strong in terms of its directive. But it is the motto of New Hampshire and I was working for a New Hampshire member. Well, things being as they are, the 2008 election didn't turn out exactly as I would have liked it or my boss would have liked it or a lot of people would have liked it. I was comfortable with disassociating myself with New Hampshire though I love New Hampshire, but at that time I was a little annoyed. And so I changed it to "stay strong for freedom," or sometimes just "SSFF."

It is not meant to be offensive to anyone or a hidden agenda. It's a very innocuous line. And how could you not be for freedom? It's what our nation was built on.

Justice just said in comments to the Supreme Court that whether a service like Aereo can ultimately get a blanket license to carry TV stations—a separate issue from whether it is now violating copyright—will have to wait for the FCC to define over-the-top providers. Shouldn't the FCC be weighing in?

Truth be told, I haven't had a chance to read the filing from DOJ. But I have spent a lot of time with what people now refer to as over-the-top. We called it IPTV. We called it lots of things through the years since probably 2005. I have spent a lot of time with these issues. I am sensitive to the innovation over-the-top providers might bring. I am excited about what they may be able to offer.

But doesn't the FCC have to decide whether or not to apply MVPD regs to over-the-top since that is where the FCC is pushing video?

I'm not sure the commission is pushing video in any direction. In my time I've spent a lot of time on public safety and 911, so I haven't seen the commission forcing video in that direction. I'm not sure we need to answer that anytime soon, but I'm willing to be convinced otherwise.

What is your view of how the FCC is handling the IP transition trials?

From what I can tell based on the conditions the commission imposed on those that might be interested it is about what I expected. There are not a ton of people applying yet. In the first round you have one and a half bidders. We don't know what we are getting in the second round.

I have expressed my concerns that the conditions the commission imposed would probably deter applicants and we'll see if I'm right.

You are in the minority, but your predecessor, Rob McDowell, was able to use the bully pulpit to stake out issues like the multi-stakeholder model of Internet governance, and getting the fairness doctrine off the FCC books, and Republican commissioner Ajit Pai got plenty of attention put on the Critical Information Needs study.

I congratulate Commissioner Pai and former Commissioner McDowell for their great work. I understand Rob McDowell is still working in that space and I think that's great.

From my perspective, I will be active and aggressively pushing items. Understandably, I spent the first couple months getting my feet underneath me and hiring great staff and getting to meet with everyone and getting what I call a lot of firsts in the job. Meeting a lot of folks internally and externally, a lot of folks want to come and make their case to me. So, I have enjoyed that process. But I will be very aggressive in articulating my views.

The chairman has dropped the Community Information Needs study, but the FCC still has a charge from Congress and the courts to both promote diversity and weigh the impact of its rules on ownership diversity. What was your view of the tabled study and how should it go about gauging diversity?

Let me start with the second question first. I don't see, and no one made a compelling case that the CIN study had anything to do with furthering the needs of the statute—whether the quadrennial review or the Sec. 257 review. [Every three years, the FCC has to gauge the market barriers to entry for small businesses and entrepreneurs.] The argument was that the study was supposed to address both those. I spent a lot of time on the statute working on those provisions and I don't see where this study fit into those goals. I'm not sure of the value-added of that study from the get-go.

Legitimate concerns were raised that I agree with and at that point the ship had sailed on the study, and it should have been pulled and the chairman pulled it.

So, what do you do to gauge that interest? The Third Circuit has said the FCC will need to better justify any diversity initiatives, and the FCC has some proposed diversity studies that seem to have disappeared down a black hole.

Again, I don't want to predict what a court is going to do and I don't know how that is going to play out. I have been kind of frustrated by some of the past decisions. I have difficulty with Prometheus [which concerned media ownership rules] because, as I said earlier, the provision is supposed to be one way and the court said otherwise. And I just disagree based on my experience. They believe you can go both ways with it. And if that is the case, then you really haven't done anything with the provision. If the FCC can go both ways, then that is something the FCC can do anytime and the provision is not necessary to be in the statute.

To the other part of your question, I don't know how we meet the court's demands. I don't know how we get above that threshold and finally move forward in the court's eyes. We haven't been able to move forward in our own eyes and act on the 2010 [rules]. We are four years late. I think it is a violation of the statute. I think it is disgraceful. I think it is our obligation to end things as it was intended in the statute.

I don't know how we are going to finish 2014 in 2014. That to me is extremely problematic.

If you could reform any FCC processes, what are the one or two that you think would be most helpful?

Our compliance with items we are obligated to do under the statute—things that we do a very poor job on.

Like what?

Our regulatory flexibility analysis, our cost-benefit analysis and our paperwork reduction analysis. Those things have been given short shrift over a number of years, and I think that is a disgrace. I think we have an obligation to do further study and analysis and more work in those spaces.

Are you at all worried about the process reform report's disclosure proposal that some are interpreting as requiring groups who comment to identify who is funding them?

I am trying to read what the chairman put out. That is certainly one way to look at it. If that is the way it was intended, then I would have deep problems with that and I will articulate that at the right time.

Courtney Reinhard

From: Farrell, Sean (Commerce) <Sean_Farrell@commerce.senate.gov>
Sent: Wednesday, February 12, 2014 4:12 PM
To: Courtney Reinhard
Subject: Fairness Doctrine

Courtney-

I hope you are well. I work on Senate Commerce for Sen. Blunt (and used to work with Commissioner Pai when he worked for Sen. Brownback and I worked for Sen. Roberts).

I saw Commissioner Pai's great op-ed in the WSJ. I know Sen. Blunt strongly agrees with your boss on this.

Please let me know if we can chat about ways the Senator can complement Commissioner Pai's effort on this.

Thank you

-Sean

Courtney Reinhard

From: Mike ORIelly
Sent: Friday, February 21, 2014 2:59 PM
To: Erin McGrath; Courtney Reinhard
Subject: RE: CIN Study

(b) (5)

From: Erin McGrath
Sent: Friday, February 21, 2014 2:43 PM
To: Mike ORIelly; Courtney Reinhard
Subject: CIN Study

Wheeler just released a statement on CIN study. (b) (5)

http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0221/DOC-325722A1.pdf

Courtney Reinhard

From: Harold, Rosemary <RHarold@wbklaw.com>
Sent: Friday, February 21, 2014 3:12 PM
To: Courtney Reinhard
Subject: FCC responds -- even more -- to criticism of the CIN Study
Attachments: House E&C - ltr to FCC re CIN Study (Dec. 2013).pdf; FCC - Response to House Rs re CIN Study (2-14-14).pdf

FYI – In case you haven't seen it, an "FCC Spokesperson" just issued a statement concerning Chairman Wheeler's decision to rein in the Critical Information Needs ("CIN") Study. The statement, titled "Setting the Record Straight About the Draft Study," is available here: [+++DOC-325722A1.pdf+++](#).

Today's FCC statement is much more straightforward than Chairman Wheeler's Feb. 14 response to questions posed in December by House E&C Republicans. (Those two documents are attached.) It appears that Chairman Wheeler has now nixed the idea of asking questions of any journalists or outlet owners re their news philosophy, etc., and the idea of doing a test run of the research design in Columbia, SC has been shelved. Still, the Chairman did not say that the FCC was jettisoning the effort altogether. Among other things, the FCC statement is silent on the issue of whether the Commission will be seeking race and gender data about journalists in any future research effort – a concept that was part of the original research design.

The House Energy & Commerce Committee today weighed in on the controversy as well (for the second time in two days): <http://energycommerce.house.gov/icymi/committee-continues-fight-keep-big-brother-out-nation%E2%80%99s-newsrooms>

Aren't you glad you took on the media beat?!

WILKINSON) BARKER) KNAUER) LLP

ROSEMARY C. HAROLD
PARTNER
2300 N STREET, NW
SUITE 700
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FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

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.

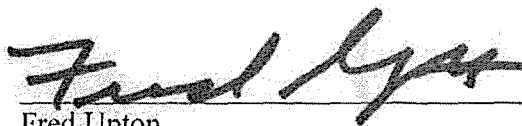
⁴ CIN Study Design at 12.

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.

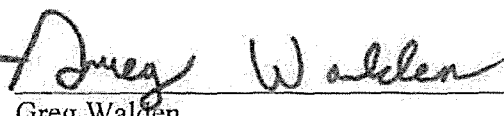
3. What steps are being taken to ensure that the CIN Study respects the First Amendment rights of the news media to speak, and audiences to receive, information unfettered by direct or indirect intrusion by the government?
4. How, if at all, will the CIN Study results be used in the Commission's quadrennial 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



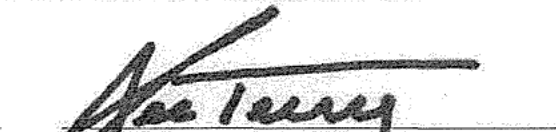
Joe Barton
Chairman Emeritus




Marsha Blackburn
Vice Chair




John Shimkus
Member




Lee Terry
Member




Mike Rogers
Member




Steve Scalise
Member



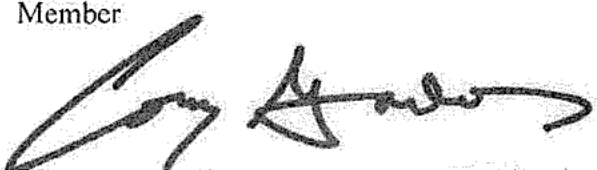
Bob Latta
Member



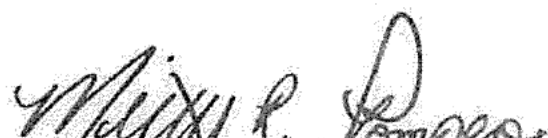
Leonard Lance
Member



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



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

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", 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

Courtney Reinhard

From: Susan Fisenne
Sent: Monday, February 24, 2014 11:15 AM
To: Courtney Reinhard
Subject: FW: Consumer Center Call

I just called Chris Netram in Senator Collins' office back to ask how we could assist him. He wanted to know how the FCC is going to proceed with the CINs study.

His number is (b) (6)

From: Shirl Storm
Sent: Monday, February 24, 2014 11:02 AM
To: Susan Fisenne
Subject: Consumer Center Call

Good Morning,

Chris Netram from Senator Susan Collins office called Friday wanting to speak to someone in Commissioner O'Reilly's Office. They can be reached at (b) (6).

Thank You
Shirl Storm
Consumer and Governmental Affairs Specialist
Consumer and Governmental Affairs Bureau
Gettysburg PA 17325
717-338-2730

Courtney Reinhard

From: Susan Fisenne
Sent: Wednesday, February 26, 2014 4:44 PM
To: Courtney Reinhard
Subject: CIN Study News Release.docx
Attachments: CIN Study News Release.docx



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F.2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE:
February 26, 2014

NEWS MEDIA CONTACT:
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.”

- FCC -

Courtney Reinhard

From: Susan Fisenne
Sent: Wednesday, February 26, 2014 4:47 PM
To: Susan Fisenne
Cc: Susan Fisenne; Courtney Reinhard
Subject: Commissioner O'Rielly's Statement on FCC CIN Study
Attachments: CIN Study News Release.pdf

FYI-

Susan

Susan Fisenne
Confidential Assistant
Office of Commissioner Mike O'Rielly
Federal Communications Commission
Washington, D.C. 20554
(202) 418-2301



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
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FOR IMMEDIATE RELEASE:
February 26, 2014

NEWS MEDIA CONTACT:
Courtney Reinhard, 202-418-2013
E-mail: Courtney.Reinhard@fcc.gov

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Courtney Reinhard

From: Farrell, Sean (Commerce) <Sean_Farrell@commerce.senate.gov>
Sent: Wednesday, February 26, 2014 6:56 PM
To: Courtney Reinhard
Subject: Re: Commissioner O'Rielly's Statement on FCC CIN Study

Thank you!

From: Courtney Reinhard [<mailto:Courtney.Reinhard@fcc.gov>]
Sent: Wednesday, February 26, 2014 06:52 PM Eastern Standard Time
To: Farrell, Sean (Commerce)
Subject: Commissioner O'Rielly's Statement on FCC CIN Study

Sean-

Just wanted you to know that this went out this evening.

-Courtney

Courtney Reinhard
Office of Commissioner Mike O'Rielly
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554
(202) 418-2013

Courtney Reinhard

From: Orlando, Greg (Commerce) <Greg_Orlando@commerce.senate.gov>
Sent: Thursday, February 27, 2014 9:56 AM
To: Courtney Reinhard
Subject: RE: Commissioner O'Rielly's Statement on FCC CIN Study

Thank ya!

From: Courtney Reinhard [<mailto:Courtney.Reinhard@fcc.gov>]
Sent: Wednesday, February 26, 2014 6:54 PM
To: Quinalty, David (Commerce); Rigby, Hap (Commerce); Orlando, Greg (Commerce)
Subject: FW: Commissioner O'Rielly's Statement on FCC CIN Study
Importance: High

Hey Guys,

Heads up that this statement went out this afternoon.

-Courtney

From: Susan Fisenne
Sent: Wednesday, February 26, 2014 4:47 PM
To: Susan Fisenne
Cc: Susan Fisenne; Courtney Reinhard
Subject: Commissioner O'Rielly's Statement on FCC CIN Study

FYI-

Susan

Susan Fisenne
Confidential Assistant
Office of Commissioner Mike O'Rielly
Federal Communications Commission
Washington, D.C. 20554
(202) 418-2301

Courtney Reinhard

(b) (5)



From: Wujack, Tracy [<mailto:twujack@wxyz.com>]
Sent: Thursday, February 27, 2014 5:27 PM
To: Courtney Reinhard
Subject: WXYZ News- Detroit RE: Critical Information Needs(CIN) Study

February 27, 2014

Good afternoon Courtney,

I am on the Editorial board at WXYZ 7 Action News in Detroit. Our Editorial Board members are following the developments regarding the Critical Information Needs(CIN) Study. We are interested in any new developments with the revisions.

We understand Commissioner O'Rielly has voiced his concerns with the study. If this study moves forward with revisions, what is the timeline? What is the best option to stay informed on the very latest developments.

We would like to be included on future mailing lists as well.

I appreciate your time!

Thanks in advance,

Tracy Wujack
twujack@wxyz.com
WXYZ -7 Action News
Assignment Editor/Editorial board member
20777 W. 10 Mile Rd.

Southfield, MI 48075
248-827-9407



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Courtney Reinhard

From: Susan Fisenne
Sent: Friday, February 28, 2014 9:32 AM
To: Courtney Reinhard
Subject: RE: WXYZ News- Detroit RE: Critical Information Needs(CIN) Study

Done.
Thanks!

From: Courtney Reinhard
Sent: Thursday, February 27, 2014 6:45 PM
To: Susan Fisenne
Subject: FW: WXYZ News- Detroit RE: Critical Information Needs(CIN) Study

Susan,
Can you add Tracy to our press list?
Thanks,
Courtney

From: Wujack, Tracy [<mailto:twujack@wxyz.com>]
Sent: Thursday, February 27, 2014 5:27 PM
To: Courtney Reinhard
Subject: WXYZ News- Detroit RE: Critical Information Needs(CIN) Study

February 27, 2014

Good afternoon Courtney,

I am on the Editorial board at WXYZ 7 Action News in Detroit. Our Editorial Board members are following the developments regarding the Critical Information Needs(CIN) Study. We are interested in any new developments with the revisions.

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I appreciate your time!

Thanks in advance,

Tracy Wujack
twujack@wxyz.com

WXYZ -7 Action News
Assignment Editor/Editorial board member
20777 W. 10 Mile Rd.
Southfield, MI 48075
248-827-9407



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Courtney Reinhard

From: Matthew Berry
Sent: Friday, February 28, 2014 7:51 PM
To: Courtney Reinhard
Subject: Re: CIN Study Has Been Cancelled

Yes, it is on the website.

From: Courtney Reinhard
Sent: Friday, February 28, 2014 07:50 PM
To: Matthew Berry
Subject: Re: CIN Study Has Been Cancelled

Are you guys doing a statement?

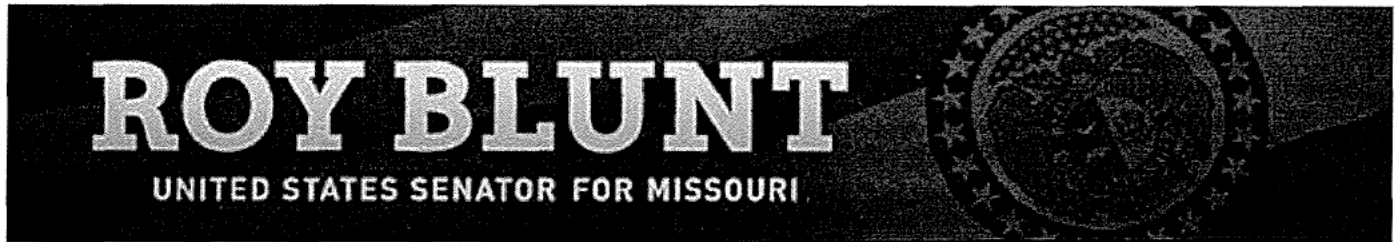
From: Matthew Berry
Sent: Friday, February 28, 2014 05:07 PM
To: Courtney Reinhard
Subject: CIN Study Has Been Cancelled

Courtney Reinhard

From: Farrell, Sean (Commerce) <Sean_Farrell@commerce.senate.gov>
Sent: Friday, February 28, 2014 5:21 PM
To: Courtney Reinhard
Subject: RE: Technology Breaking News

Thank you. See below:

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



For Immediate Release
February 28, 2014

Contact: Press Office, (202) 224-1403



After GOP Senators' United Calls, FCC Pulls The Plug On Controversial Attempts To Investigate Newsrooms' Activities

WASHINGTON, D.C. – Following a concerted effort this week by all Republican Senators to stop the Federal Communications Commission (FCC) from encroaching on newsrooms' editorial decisions, the FCC announced today that it will not move forward with the controversial 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."

The FCC's announcement today comes after U.S. Senator Roy Blunt (Mo.) and all of his Republican Senate colleagues sent a letter to FCC Chairman Tom Wheeler calling on him to explain the FCC's efforts to impact newsrooms' editorial decisions. To read the letter, please see below or [click here](#).

"This study was a blatant intrusion by the government into the editorial decisions in newsrooms across America," said Blunt. **"I'm glad the FCC has backed away from this controversial survey, which would stifle free speech nationwide."**

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: Courtney Reinhard [mailto:Courtney.Reinhard@fcc.gov]
Sent: Friday, February 28, 2014 4:33 PM
To: Farrell, Sean (Commerce)
Subject: FW: Technology Breaking News

FYI

From: POLITICO Pro [mailto:politicoemail@politicopro.com]
Sent: Friday, February 28, 2014 4:30 PM
To: Courtney Reinhard
Subject: Technology Breaking News

The FCC is pulling the plug on a controversial survey that would have delved into newsroom activities, according to an FCC spokesman. "The FCC will not move forward with the Critical Information Needs study. The Commission will reassess the best way to fulfill its obligation to Congress to identify barriers to entry into the communications marketplace faced by entrepreneurs and other small businesses."

To change your alert settings, please go to <https://www.politicopro.com/member/?webaction=viewAlerts>.

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Mike ORIelly

From: Leslie Larson <llarson@nydailynews.com>
Sent: Saturday, February 22, 2014 6:46 PM
To: Mike ORIelly
Subject: Comments to the Commissioner

Leslie Larson (llarson@nydailynews.com) writes:

Hi,
I'm a reporter from the NY Daily News. Since FCC commissioner Ajit Pai has been so vocal about the FCC's "Multi-Market Study of Critical Information Needs" (CIN), was wondering if you had any comment?
Thanks,
Leslie Larson

Leslie Larson
New York Daily News: Politics reporter
(212) 210-1884 ▪ llarson@nydailynews.com ▪ @leslielarson

Server protocol: HTTP/1.1

Remote host: (b) (6)

Remote IP address: (b) (6)

Mike O'Rielly

From: Courtney Reinhard
Sent: Wednesday, February 26, 2014 4:50 PM
To: Mike O'Rielly
Subject: FW: Commissioner O'Rielly's Statement on FCC CIN Study
Attachments: CIN Study News Release.pdf

FYI

From: Susan Fisenne
Sent: Wednesday, February 26, 2014 4:47 PM
To: Susan Fisenne
Cc: Susan Fisenne; Courtney Reinhard
Subject: Commissioner O'Rielly's Statement on FCC CIN Study

FYI-

Susan

Susan Fisenne
Confidential Assistant
Office of Commissioner Mike O'Rielly
Federal Communications Commission
Washington, D.C. 20554
(202) 418-2301



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F.2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE:

February 26, 2014

NEWS MEDIA CONTACT:

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.”

Mike ORIelly

From: Katy Bachman (via Twitter) <notify@twitter.com>
Sent: Wednesday, February 26, 2014 4:53 PM
To: Mike ORIelly
Subject: Katy Bachman (@KatyonthHill) mentioned you on Twitter!



Mike O’Rielly,
You were mentioned in a Tweet!



Katy Bachman @KatyonthHill

.@mikeofcc: "It is probably time to cancel the CIN study for good." @Adweek
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09:53 PM - 26 Feb 14

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Mike ORIelly

From: Phoenix Center (via Twitter) <notify@twitter.com>
Sent: Wednesday, February 26, 2014 5:14 PM
To: Mike ORIelly
Subject: Phoenix Center (@lawandeconomics) mentioned you on Twitter!



Mike O'Rielly,
You were mentioned in a Tweet!



Phoenix Center @lawandeconomics

@mikeofcc: #FCC CIN Study not end of the story. #FCC now wants non-profits & academics to disclose donor lists.
tinyurl.com/nf5bp8l

10:14 PM - 26 Feb 14

← Reply to @lawandeconomics



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