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The F.C.C. Gets Ready to Roll the Media Dice

By JONATHAN D. GLATER

If all goes according to schedule, the five commissioners of the Federal Communications Commission will vote tomorrow on whether to relax the rules restricting the number, location and kind of media outlets one company may own in the United States. The three Republican commissioners have indicated they will support the changes, so they are expected to pass.

Little else about this matter is clear or certain. "The ability to make predictions in this area is virtually nil," said C. Edwin Baker, a law professor at the University of Pennsylvania.

But many people are willing to try. Depending on who one listens to, those who watch television or read newspapers will pay less for the privilege — unless they pay more. There will be more and more varied sources of information — unless there are fewer. And democracy will be strengthened — unless it is weakened.

On one side are those who believe media companies are like any business, whose main charge is to maximize profits. On the other are those who see the role of media in disseminating information and instigating debate as critical to a vital democracy and hence too important to leave to the mercies of the marketplace.

The current rules, most of which were adopted after World War II, limit how many media outlets one company may own out of a belief that the more diffuse ownership is, the healthier democratic debate is.

"They were thinking that democracy depends on a multiplicity of sources of information," said Robert Pitofsky, a Georgetown University law professor and a former chairman of the Federal Trade Commission. And those sources, it was expected, would have different owners.

Under the new rules, in many areas of the country a single company will be able to own a broadcast station and a newspaper in a single market. One company will able to own up to three television stations in the largest markets. And a single owner of television networks could reach 45 percent of the nation's viewers, up from 35 percent.

These changes concern civil libertarians and others because companies have no obligation to give air time or column-inches to points of view or issues they wish to ignore. They worry that there will be less investigative journalism and more partisan news coverage. "You'll get consolidation of reporting, and consolidation of reporting means fewer people trying to find out information," said Jack M. Balkin, a professor at Yale law school. "Instead of five people covering a particular beat, you'll have one person."

Supporters of the rule changes, on the other hand, argue that they will benefit the public. For example, Gannett has said it would be able to provide better local news because the costs of coverage could be
spread across multiple formats, like newspapers, television stations and online operations. (The Tribune Company, Viacom and The New York Times, among other companies, also support the rule changes.)

But Mr. Balkin said that, while a single company might provide numerous reader and viewer options in a single city, it will offer the same options in every city it serves — a one-size-fits-all kind of diversity.

Eli M. Noam, a professor at Columbia University's School of Business who has studied market concentration in the media, counters that most local television programming already comes from national networks. And he adds that fears of market concentration are ill-founded. "The question that's always asked is, compared to what and compared to when," Mr. Noam said. "The American media environment, just 20 years ago, consisted of three network companies, located in the same three or four blocks of each other in New York; one phone company and one computer company."

Today, of course, there are any number of television channels, competing phones services and nearly infinite number of Internet sites. "There has been a tremendous amount of wolf-crying for a long time," Mr. Noam said. Another risk raised by those concerned by media consolidation is that those who rule the media universe, like the press lords of old, will be under no obligation to ensure that we receive balanced coverage of difficult topics. Indeed, they will have every incentive to reject that obligation.

It would take "an act of superhuman self-restraint" for media moguls of tomorrow to avoid using their reach to influence debate, Mr. Balkin said.

But they will be restrained by other sources of information, argued Jonathan A. Knee, a senior managing director at Evercore Partners, and investment company.

"Everything we know about what's going to happen in the future, namely digital cable and broadband Internet, suggests that it will continue to be more diverse," he said, adding that, in the end, the government has no business trying affect what sort of material people choose to watch.