

ALERT

Senator Rockefeller Asks GAO to Study JSAs and SSAs

May 15, 2013

In a letter dated Monday, May 13, 2013, Senator Jay Rockefeller (D-WV), Chairman of the Senate Commerce Committee, formally requested that the United States Government Accountability Office (GAO) conduct a study regarding television joint sales agreements (JSAs), shared services agreements (SSAs) and other "coordination arrangements."

The Federal Communications Commission (FCC or Commission) currently is considering how JSAs, SSAs and other "sharing agreements" should be attributed as part of the 2010 Quadrennial Review of its media ownership rules. In his letter, Chairman Rockefeller stated that commenters in the ownership proceeding have raised "serious questions" about the effects of JSAs, SSAs and other coordination agreements—including whether they artificially inflate retransmission consent rates or drive up subscription fees for pay television customers. He warned the Commission not to "make changes to the media ownership rules unless the agency can demonstrate clearly that localism, independence, and diversity of views will be advanced" by the changes.

Chairman Rockefeller directed the GAO to consider seven specific questions:

1. What is the general nature of the JSAs, SSAs and other coordination arrangements, and how are they used by the broadcast industry?
2. How many broadcasters are parties to JSAs, SSAs or coordination arrangements?

Authors

Kathleen A. Kirby
Partner
202.719.3360
kkirby@wiley.law

Eve Klindera Reed
Partner
202.719.7404
ereed@wiley.law

Ari Meltzer
Partner
202.719.7467
ameltzer@wiley.law

Practice Areas

Media
Telecom, Media & Technology

3. To what extent are these JSAs, SSAs or coordination arrangements between top four stations in a particular Nielsen DMA?
4. What are the competitive impacts that result from the use of JSAs, SSAs or coordination arrangements by broadcasters?
5. What are the consumer impacts that result from the use of JSAs, SSAs or coordination arrangements by broadcasters?
6. Can the FCC require that television stations file and publicly disclose copies of all JSAs, SSAs and other evidence of coordination arrangements?
7. Should certain aspects of JSAs, SSAs or coordination arrangements be regulated, and would such regulation be consistent with the public interest obligations of broadcast TV station licensees?

For more information about Chairman Rockefeller's letter or the FCC's media ownership regulations, please contact the one of the attorneys listed below or the Wiley Rein attorney who regularly handles your FCC matters.