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April 21, 2003

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Chairman Powell:

RE: Media Ownership Proceeding, MB Docket No. 02-277

Last week, in letters to several legislators, you expressed your intention to bring new media ownership rules to a vote by June 2. You stated that you wanted to avoid drawing a rebuke from Congress or the Court. We would not second guess your judgment.

Senator Snowe and fourteen other senators have made the fair point that it would be desirable if members of the public could see the proposed rules before they go into effect. The same issue recently arose in the EEO proceeding, in which EEO supporters and opponents both favored prefinality disclosure of the rules' text.

We propose that the Commission vote on and release the rules on June 2 or such other date as the Commission finds agreeable -- while providing that the effective date will occur upon the conclusion of proceedings on reconsideration. To avoid delay, the Commission should establish a reasonably tight reconsideration pleading schedule and a date certain for the issuance of a reconsideration decision.

In this way, the Commission would satisfy congressional concerns and still afford itself the flexibility to improve the rules before it applies them. Several weeks of lead time before the effective date would also provide endangered small and minority businesses with a fair opportunity to revise their business plans and raise capital in order to survive under the new rules. Further, the resulting rules, as improved on reconsideration, would be more likely to survive judicial review. That would provide greater certainty for planning, which — again — would substantially benefit small and minority businesses.

Sincerely,


David Honig
Executive Director

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