

1. Introduction

The Federal Communication Commission's Third Biennial Review of media ownership rules stands out ten years later for two reasons: the policy process received an enormous number of publically filed comments, and secondly, the FCC has not resolved any of the issues raised within the policy. The acknowledged ignoring of many individually filed comments along with the partisan vote on the policy created an appearance of a policy process failure.

The goal of this research is to determine what role information plays within decision-making among policy elites during the policymaking process. It continues to be a given that information is vital to the policy process. Daily policy decisions are being made at the local, state, and federal level in a similar manner: information is gathered by policy elites through studies and hearings while for the public information is communicated through the media, and web sites as well as public hearings. A strong trust exists in information; yet, questions exist regarding the use of this information. Do policy elites really use the gathered information in decision-making or are they gathering information to look good to the public? This last question raises the issue of the nature of information; is the information empirical or does it consist of other types of information? Given that the media has the potential to be an information source for the public, is it the same for policy elites? Have new technologies made a difference in information gathering for policy elites and the public alike? These are just some of the myriad questions that can be raised in a post-modern world.

This research illustrates the value of Network Text Analysis (NTA) and Social Network Analysis (SNA) to policy analysis and perhaps policymaking. The strength of

this methodology is its ability to produce both quantitative and qualitative results. The FCC wanted empirical data on which to build the policy; because NTA and SNA are based on mathematical graph theory, the methodology fits within a positivist framework. Additionally, the qualitative data provides insight into the nature of the numbers. When taken together, the results have the potential to bring wholeness to the policy process.

2. Background of the Problem

2.1. Policy Decision-making

The challenge in determining the role that information plays in policy decision-making is tied to the challenge involved in social science research. Social science research has been primarily set in the positivist camp. Judith Innes (1990) details the problems of this approach: 1) it implies that knowledge is produced only by experts; yet, knowledge can be produced by non-experts as well, 2) the process of informing policy is not stepwise, but is much messier, and 3) we need to know ahead of time what kind of policies we want.

Social construction, a response to positivism, is the notion there is no objective reality but rather constructions of reality. Much of this approach flows from critical theory. Jurgen Habermas is credited with much of the development of critical theory; a development that came from his reaction against positivism and to a lesser extent Marxism. While Habermas agrees with Marx that a critique must be given towards social structures, he does not eliminate empirical research to do so but suggests a hermeneutical approach. The understanding or meaning of society is properly understood as a text that must be interpreted. The meanings are found in people's actions, language, daily practices, laws, and worldviews (Habermas, 1984).

Knowledge is important, even within a social constructionist approach. The key then becomes knowledge management: its acquisition and utilization. Both aspects of knowledge management, acquisition and utilization, are influenced by the policy making environment. Doris Graber (1991, 2003) argues that while there are similarities between the public administrative environment and the private sector, there are definitely differences between the two. The differences are related to the reliance on appropriations, public perception of need, legal and formal constraints, and political influence.

Herbert Simon (1997) contributed significantly to the issue of knowledge acquisition by arguing against rational choice and proposing that it is impossible to search for the perfect solution. Rather, people “satisfice”; that is, they acquire knowledge to a point at which they make the best decision at the moment. Simon’s work is consistent with the limitations of a positivist approach to policy and social science.

Positivism assumes that a common scientific methodology will produce the “correct” answer to a given policy problem. A distinction is made between the observer and the observed, and between fact and emotion/values. The reality of the policy process simply does not contain a common methodology or a separation of values from fact.

As far as knowledge utilization, multiple scholars have broken the policy decision-making process into discrete steps (with the assumption that it is not always so neat and organized). These steps generally look at decision-making as including a problem analysis phase, option exploration phase, an actual decision phase, and an evaluation phase. The challenge is to get the right information while balancing competing interests. Again, multiple scholars have suggested varying ways to categorize the types of information required. Required information can be summarized as

technical/factual information, political/strategic information, and symbolic information. Regardless of the type of information, information in the policy process generally comes from four major sources: policy elites in the form of commissioned studies, position papers and public comments, the public in the form of written and spoken feedback, and the media reporting on the policy.

Why the FCC's Third Biennial Review constitutes a helpful case study in looking at the role of information in policy decision-making is best understood by exploring the nature and history of FCC media ownership policy.

2.2. FCC Media Ownership Policy

In spite of the ubiquitous nature of broadcast media, FCC policy in general, and media ownership policy specifically, and its formation have flown under the radar for most of the American public. That is, until the FCC decided to change policy regarding ownership of television stations in the spring of 2003. This policy decision regarding media ownership began with the passage of the Telecommunications Act of 1996. A controversial aspect of the Act was to lift ownership restrictions, most significantly, for radio stations. Also part of the Act was a required biennial review of ownership policies that led to the policy change resulting from the Third Biennial review in 2003.

2.3. Formation of the FCC and Ownership Policy

The Telecomm Act of 1996 is best understood as the next step in a long line of policies attempting to regulate media ownership within the context of changing technology. FCC media ownership regulation has almost as long a history as the history of broadcasting. The Radio Act of 1927 established the Federal Radio Commission (FRC) as a congressional regulatory body due to abuses of the radio spectrum within the

electro-magnetic spectrum. In spite of the large amount of information that can be communicated within this spectrum, radio and television broadcasting has a defined and limited bandwidth as set by the FCC. Consequently, the scarcity of the bandwidth has been one of the key reasons regulatory policy has existed.

Another reason for regulatory policy and specifically media ownership policy has been to encourage diversity; that is, a variety of opinions (Einstein, 2004). “The belief that the public should get the greatest number of viewpoints from diverse, competing sources is the basis for the Commission’s rule limiting the number of broadcast stations which a licensee may own.” (U.S. Congress, Birkle, 1980, p. 6). Over time the focus on diversity became focused on source (ownership), viewpoint (variety of voices), and programming (variety of programs) diversity. This desire for diversity is also intended to foster competition (Aufderheide, 1999, Einstein, 2004). The ability to measure ownership diversity empirically correlated to programming diversity has been difficult, if not impossible (U.S. Congress, Birkle, 1980). This is due in large part to the inability of the various stakeholders in defining diversity (Einstein, 2004). In contrast, measuring competition within the context of diversity has been a bit easier (Rogers and Woodbury, 1996, Drushel, 1998, Barry and Waldfogel, 1999).ⁱ While it has been argued that the policy goal of diversity was the primary motivation from the early days of the FCC (Einstein, 2004, Coffey, 1979), the goal of competition has been in constant tension with diversity.

2.4. Ownership Caps and Cross Ownership

According to Mara Einstein (2004), media ownership policy can be categorized by placing ownership rules into two divisions: ownership caps (limiting the number of

stations) and cross ownership (limiting ownership to other media such as newspapers and cable TV). Ownership caps became formalized with the passage of the Rule of Sevens (group ownership rule limiting ownership to 7 AM stations, 7 FM stations, and 7 TV stations; no more than 5 can be VHF) in 1954. This policy lasted for 30 years before changing to the Rule of Twelves in 1984. The first cross-ownership rule, Broadcast-Cable Cross-Ownership Rule, prohibiting the ownership of both a TV station and cable station in the same market, was passed in 1970. The ban on owning both a TV station and a newspaper in the same market was not formalized until 1975, and even then, existing cross-owned TV station and newspapers were grandfathered into the law.

2.5. Deregulation

The deregulatory spirit of the eighties and nineties continued to influence FCC media ownership rules during the same period (Aufderheide, 1999) culminating in the Telecommunication Act of 1996. The Act of 1996 is considered to include the most significant changes since the Act of 1934. Specifically, the Act: 1) removed national radio ownership limits; 2) decided local radio ownership is determined by the size of the market so no one owner can own half the market; 3) set the limit on TV ownership not to exceed 35 percent of the national audience; 4) allowed ownership of more than one TV station or a radio and TV station in the top 50 markets; 5) allowed ownership of a TV station and a cable company in the same market; 6) allowed for the cross-ownership of TV networks and cable companies; and finally, 7) allowed ownership of more than one TV network.

2.6. Third Biennial Review

While television station ownership was mentioned in the Act of 1996, it was

given major focus in the review of 2003. The decisions made in 2003 came as the result of a twenty-month process begun in 2001.

As a part of the policymaking process, the FCC formed the Media Ownership Working Group (MOWG), commissioned and released twelve studies on differing aspects of current media structure, and conducted at least three public hearings across the country inviting feedback and additional information. The FCC additionally allowed electronic feedback via the Internet and thus received close to a half a million emails commenting on the ruling. A federal court remanded parts of the policy to the FCC a year later, and the FCC opted not to challenge the ruling.

The single issue that unifies the stated policy goals of competition, diversity, and localism is content. The ultimate concern is whether FCC policy can encourage competition while not harming content that is diverse and local.

This particular rule-making process, including the role of the federal court, appears to have been a textbook example. The problem is that the decision is perceived to have been the result of partisan politics with little regard to the information providedⁱⁱ. While information was a part of the process, criticism was targeted at not only how conclusive the information was, but also the validity of the empirical evidence.

Given the connection between the role of information in policymaking and the Third Biennial Review, the following question is being asked: *What is the role of information in the policy process?* This question will be answered by analyzing all the textual information available using NTA and SNA aided by computer software. The analysis will result in cognitive or knowledge maps that come from concepts in close proximity to each other within the text forming a network.

3. Research Design and Methodology

The FCC's Third Biennial Review is an excellent case study to investigate the role of information in the formation of the policy. The literature points to limitations of making policy decisions based on empiricism, especially social science research. The stated policy goals of FCC media ownership policy are localism, diversity, and competition. It may be possible to empirically test the goal of competition, but as the literature shows, attempting to define and measure diversity and localism have proven to be extremely difficult. By employing a methodology in line with social construction holds potential for emerging knowledge.

There is a line of research focusing on hidden cognitive maps by analyzing written text using Network Text Analysis (NTA) (Diesner and Carley, 2004). "Map analysis systematically extracts and analyzes the links between words in a text in order to model the authors 'mental map' as networks of words." (p. 2). By closely reading text, determining meaning, and clustering meaning into concepts, NTA is able to provide analysis similar to social network analysis. Rather than analyzing social relationships, NTA looks at relationships between concepts to discover a network of ideas.

Traditional sociology measurements have looked at the aggregated attributes of individuals often analyzed through a form of multi-variate regression. What is assumed but missing in this measurement are the various forms of relationships that occur between individuals. Relationships between actors can be social, knowledge or information based, limited to events, centered on tasks, or relationships can be defined between organizations. Relationships are important because they can constrain or enable behavior (Carley, 2005a). SNA, based on graph theory, is able to measure and assess how

relationships affect information, knowledge, tasks, events, and organizations. The resulting quantitative measurement provides insight into three key characteristics: centrality (who has the power in a network), groups/sub-groups (cliques or sub-groups within a network), and roles/equivalence (position and role). These measurements are accomplished by looking at the actor, a node and the tie or link between nodes is the relationship referred to as a dyad.

Text has always been analyzed for its content. Network Text Analysis (NTA) begins with the pre-processing of data utilizing AutoMap. For simplicity sake, this process involves multiple reiterative steps of eliminating non-content bearing words (i.e., and, it, also, etc.), and creating a union concept list that will be coded with generalized concepts. The resulting text is that which is ready for analysis.

AutoMap, primarily a text analyzer, looks at the connection between words and converts those words and connections into nodes and links. This information can then be converted into data that can be analyzed using SNA software. The assumption is that “language and knowledge can be modeled as a network of words and the relations between them.” (Carley, Diesner, 2004). AutoMap has the ability to export matrix information to SNA software UCINET 6 to perform network analysis. UCINET 6 is a software tool designed to analyze social network data. It is also integrated with a drawing program to plot the data in a diagram, which aids in analysis.

The strength of SNA techniques is that it provides quantitative analysis for networks of relationships. By producing data and plotting the information graphically, a determination is able to be made as to who is central to the network as well as distance between relations, the density, size of the network to name a few.

3.1. Centrality Measures

The key aspect of this analysis is the various centrality measures. In SNA centrality is considered to be the focus of power. Because the research question is answered by looking at cognitive maps, which reveal the ideological nature of the policy, the central nodes or concepts help to answer the question. The centrality measure providing helpful insights is the Bonacich's Power Centrality. By looking at the connection of nodes connected to other strong nodes, Bonacich's degree centrality provides help in isolating the strongest of the strong, and in so doing, reveals key ideologies at work in the policy texts. Additionally, this measure normalizes the data helpful in comparison across all the data. Consequently, the findings presented will be that of the Bonacich's Power Centrality.

In order to complete the analysis required of this study, cognitive maps will be developed from nine sources: the written policy, the NPRM, the FCC Commissioner's comments, the Third Court's opinion, 12 FCC studies, the Capitol Hill Hearing, En Banc, FCC Roundtable, and public comments.

4. Results

As mentioned the policy goals set for the Third Biennial Review are diversity, competition, and localism. Part of discovering the ideological nature of the policy is to start with how these three policy goals surfaced in centrality measures. The following table presents a summary of the top two nodes in each policy text.

	Top Node	Normalized	2 nd Top Node	Normalized
Policy	Legal	9.45	Broadcast media	9.374
NPRM	Competition	9.329	Legal	9.193
Commissioners	Competition	10.288	Legal	9.893

Republican Commish	Competition	11.53	Localism	11.058
Democratic Commish	Competition	10.599	Broadcast media	10.255
Third Court	Legal	10.691	Broadcast media	10.667
Majority	Legal	9.526	Competition	9.496
Dissenting	Competition	10.502	Legal	10.498
FCC Studies	Broadcast media	12.287	Competition	11.882
Capitol Hill Hearing	Reasoned analysis	10.252	Broadcast media	9.9
En Banc	Reasoned analysis	10.8	Competition	10.747
FCC Roundtable	Reasoned analysis	11.944	Competition	10.639
Public Comments	Reasoned analysis	7.545	Policy process	7.518
00-244	Reasoned analysis	7.838	FCC, record, localism, policy process	7.772
01-235	Reasoned analysis	7.327	Policy process, record, FCC	7.287
01-317	Reasoned analysis	7.865	FCC, record, policy process	7.792
02-277	Record	7.382	FCC, localism	7.343

Table 1: Summary of Bonacich Power Centrality Measures

SNA and NTA do not provide positive or negative correlation for the nodes/concepts. In other words, because competition is one of the top nodes in terms of centrality does not mean that within every body of text, the same thing is being said. The same concept could draw positive or negative comments. In some cases, qualitative data will enable values to emerge from the text.

The following table provides the normalized number of the Bonacich power centrality for each of the policy goals. The numbers with asterisks indicate inclusion in the top two nodes for the specific policy text.

	Competition	Localism	Diversity
Policy	9.359	9.271	8.524
NPRM	9.329*	7.836	7.776
Commissioners	10.288*	9.626	7.863
Republican Commish	11.53*	11.058	8.756
Democratic Commish	10.599*	9.289	7.798
Third Court	9.708	9.375	7.703
Majority	9.496*	8.248	8.395
Dissenting	10.502*	8.579	8.162
FCC Studies	11.882*	10.689	9.845
Capitol Hill Hearing	9.711	7.163	7.599
En Banc	10.747*	9.133	7.936

FCC Roundtable	10.639*	9.512	9.881
Ecomments	7.449	7.474	7.449
00-244	7.742	7.772	7.742
01-235	7.261	7.221	7.261
01-317	7.757	7.714	7.757
02-277	7.293	7.343	7.084
MEANⁱⁱⁱ	9.49	8.66	8.09

Table 2: Bonacich Centrality for Competition, Localism, and Diversity

To facilitate the discussion in answering the research question of this paper, the discussion will be organized around the policy goals, and the other top nodes in the policy texts.

4.1. Competition

The concept competition is the result of any verbiage with words such as advertising(ers), concentration, marketplace forces, firm, etc. Competition is the most powerful node in the NPRM, Commissioner’s comments (both Republican and Democratic), and the dissenting position for the Third Court. It is the second most powerful node in the majority position for the Third Court, FCC Studies, En Banc Presentations, and the FCC Roundtable. The following text from the NPRM is fairly typical of text discussing competition.

In analyzing the relationship of the radio/TV cross-ownership rule and our goal of competition, the key issue under our traditional competition framework is the extent to which radio and television stations compete with each other to attract advertising revenue. The stronger the competition between these two outlets, the more relevant a cross-ownership limit may be. Relaxation or elimination of the rule may not harm competition if the record shows that there is weak substitution between radio and television advertising. (¶104)

The highest normalized score for competition comes from the FCC Studies. This is not surprising given that seven of the twelve studies have competition as the primary

focus. At least three more, while focused on other topics, are heavily focused on competition issues like ratings. As was discussed earlier, competition issues have always been a bit easier to measure when compared to localism and diversity.

It is not surprising that the public record, in addition to reasoned analysis, has competition as a central node. The Capitol Hill hearing, the En Banc, and FCC Roundtable had as the presenters a number of people representing ownership and management of broadcasting companies. The primary concern for business owners is that the policies would allow them to own more stations in order to be more competitive. At the Capitol Hill hearing, Mr. L. Lowry Mays, chairman and CEO of Clear Channel Communications testified in favor of the policy in order to improve competition.

All of that began to change with deregulation. With the ability to own more stations both locally and nationally, stations could cut costs and compete more effectively for media advertising dollars. Owners can reinvest more in their stations, improving their facilities, increasing the quantity and quality of their programming and hiring better on-air talent. (U.S. Congress, Media Ownership, p. 15, January 2003)

In contrast, Ms. Jenny Toomey, Executive Director, Future of Music Coalition, also speaking about competition, but against the argument that competition creates diversity of programming.

But this misses the fundamental logic of the value of a station group. The primary goals of a radio station group are, one, to attract the largest number of listeners in the most attractive demographics, and two, to ensure that if a listener changes the station they will change to another station owned by the parent company. The economic incentive is not to provide diversity of programming, rather radio companies seek to assemble overlapping and economically lucrative audiences that will generate the most revenue. (U.S. Congress, Media Ownership, January p. 25, 2003)

The Commissioner's comments also have competition as the top node. The highest score for competition among the commissioner's text is the republican

commissioners with an 11.53 as opposed to the democratic commissioners with a 10.599.

The statement from republican commissioner Kevin Martin reveals his view of competition.

The media marketplace is not stagnant. Factors such as rapidly improving technology and innovation have contributed to a media environment that is continually evolving—and considerably different from the one when most of the broadcast ownership rules were first adopted. . . . I am particularly pleased that, for the first time in 28 years, the Order we adopt today finally concludes a review of the newspaper/broadcast cross-ownership rule. Adopted in an era with little cable penetration, no local cable news channels, few broadcast stations, and no Internet, the rule was based on a market structure that bears almost no resemblance to the current environment. Indeed, because of these marketplace changes, we have revised all our other media rules at least once since the ban's adoption. As a result, newspapers have been the only media entities prohibited from owning a broadcast station in the markets they serve, regardless of how large the market was or how many newspapers or broadcast stations were present. . . . Today we correct this imbalance, finally giving newspapers the same opportunities other media entities enjoy in medium and large markets. In so doing, we recognize that newspaper/ broadcast combinations may result in a significant increase in the production of local news and current affairs, as well as an improvement in the quality of programming provided to their communities. (FCC, Martin, p.1, 2003).

In contrast, democratic commissioner Michael J. Copps is not opposed to competition; he simply does not see this policy as promoting competition.

This decision further allows the already massive television networks to buy up even more local TV stations, so that they control up to an unbelievable 80 or 90 percent of the national television audience. Where are the blessings of localism, diversity and competition here? I see centralization, not localism; I see uniformity, not diversity; I see monopoly and oligopoly, not competition. (FCC, Copps, p. 3, 2003)

Copps includes discussion of the three policy goals – localism, diversity, and competition – yet, it is the republican commissioners that have localism as the second node. FCC Chairman Michael Powell defends how the new policy promotes localism.

We again affirm the goal of promoting localism through limits on ownership of broadcast outlets. We sought to promote localism to the greatest extent possible through broadcast ownership limits that are aligned with stations' incentives to serve the needs and interests of their local communities. To analyze localism in broadcasting markets, we relied on two measures; local stations' selection of programming that is responsive to local needs and interests, and local news quantity and quality. (FCC, Powell, p. 6, 2003)

Powell is arguing his point on the benefits of competition to localism based on one study – study number seven: *The Measurement of Local Television News and Public Affairs Programs* (FCC, MOWG, Spavins, Denison, Roberts, and Frenette, 2001).

As the public interest literature (Perry, 2000) details it has been difficult to balance the public interest with private interests in large part because for the most part what benefits the private interests of business owners and shareholders does in the long run benefit the public interest. The disagreement over competition evident in the policy texts is in fact, a disagreement over economic interest versus social welfare (Aufderheide, 1999).

4.2. Localism

Similar to competition, no one is opposed to localism. The debate is whether lifting ownership restrictions helps or hurts localism. The following from Commissioner Adelstein's statement argues against the policy serving the local market.

As big media companies get bigger, they may chase the bottom dollar ahead of serving the local needs of the community. They're likely to broadcast even more homogenized programming that increasingly appeals to the lowest common denominator. (U.S. FCC, Statement of Commissioner Adelstein, June, 2003).

The concept of localism is also used a great deal as an adjective. It is used this way in Media Ownership Working Group study three: *Consumer Substitution Among Media* (Waldfoegel, 2001). This is fairly common throughout the policy corpus.

It is well documented in a variety of studies that there are more local media outlets (and programming) in larger markets.

There is throughout the literature and the corpus of the texts studied for this research, the overwhelming sense that anything local is superior to national. There is also the implied belief that local means locally owned and thus locally programmed. During the Capitol Hill Hearing, Senator Ron Wyden (D-OR) talks about how consolidation has harmed localism.

I think Congress ought to take a careful look at what the canary has to tell us and I will tell you that I am very reluctant to allow this train of consolidation that is going forward down at the Federal Communications Commission to go forward unchecked because I think it would allow the repeat of an experiment that was begun by the Congress in 1996 which has caused problems for competition, which has caused problems for localism, and the Congress should be reluctant to allow it to continue. (U.S. Congress, Media Ownership, p. 13, January 2003).

The problem is that he does not address how localism has been harmed.

4.3. Diversity

Diversity does not show up as a top or second highest centrality node. Diversity does show up in the top ten nodes in many centrality measures; it simply does not have as high centrality as competition and localism. The following comment submitted by an individual summarizes the argument for source diversity and how it is related to consolidation.

I'm an unaligned member of the public pressing to keep the ownership rules intact. I fear that lifting them would aid additional corporate consolidation that would diminish economic and creative opportunities for artists and create a sameness among media outlets. I understand that many of the large media companies provide different types of contents/channels, but I fear that the message, news and opinions from each one of those contents/channels will be the same. I want opinions from a variety of sources!

The FCC Roundtable texts produced the highest normalized diversity score with 9.881. The FCC Studies produced the second highest diversity normalized score with 9.845. Part of the reason diversity had its highest score in the FCC Roundtable can be explained by quoting the opening statement from Ken Ferree, Chief, Cable Services Bureau, FCC.

In addition, we hope to have a lively and provocative debate in the second panel today on the meaning of diversity in this context and the relationship of diversity concerns to media ownership limits, as well as the extent to which outlet diversity actually produces source or viewpoint diversity. (U.S. FCC, Roundtable Discussion, p. 3, October 2001).

Perhaps what is significant is that the FCC specifically purposed to discuss diversity.

4.4. Legal

The node/concept of legal resulted from words like: anti-trust, bright line, First Amendment, Fox-Sinclair, 284f (Sinclair), 280f (Fox), judicial review, legal framework, special disclosure rules, statutory mandate, 202(h), and rational basis test.

The first usage of the concept of legal is straightforward. The following sentences are typical of legal language within the policy.

We conduct this biennial ownership review within the framework established by Section 202(h) of the 1996 Act . . . Two aspects of this statutory language are particularly noteworthy. First, as the court recognized in both Fox Television and Sinclair, “Section 202(h) carries with a presumption in favor of repealing or modifying ownership rules.” That is, Section 202(h) appears to upend the traditional administrative law principle requiring an affirmative justification for the modification or elimination of a rule. ¶10, 11.

This policy is the result of a legal mandate and is also a legal document. Consequently, there is a legal reasoning that has been utilized within the policy.

Related to its legal mandate, another concern reflected in the node/concept legal is that the policy must pass judicial review.

These comments contain many creative proposals to advance minority and female ownership. Clearly, a more thorough exploration of these issues, which will allow us to craft specifically tailored rules that will withstand judicial scrutiny, is warranted. Therefore, we will issue a Notice of Proposed Rulemaking to address these issues and incorporate comments on these issues received in this proceeding into that proceeding. ¶50.

Hearst-Argyle contends that its proposal also is likely to survive judicial scrutiny because its 30% hard cap and AMI analysis are both based on antitrust law and analysis. In addition, Hearst-Argyle contends that its proposal avoids several pitfalls of the NAB 10/ 10 proposal. ¶218.

In this second quote from the policy, it becomes apparent even stakeholders understand the legal environment in which the policy must be written. In both cases, there is an understanding that the legal basis must have a process and be grounded. When contrasting these results with the results for ecomments, there is a striking difference. Legal has a normalized value of 7.345 compared to the policy: 9.45, and the Third Court: 10.691. Within ecomments, legal is tied for sixteenth with corporations. Throughout the ecomments, corporations make legal arguments (among others) whereas individuals make an argument like the following:

Dear FCC:

The potential for loss of accountability and competitiveness of ideas via the elimination of "cross-ownership" prohibitions (ownership of both a TV station and a newspaper in the same market) is too great! Don't allow the stage to be set for the control of the communications industry by a powerful few.

Sincerely, Reine Wonite

This individually submitted comment is more reflective of reasoned analysis – that which will be discussed further in the next section.

4.5. The Place of Reason

It is also very interesting that all but one of the public record documents has reasoned analysis as the top node. Reasoned analysis is the concept when coding words like analyze, correlate, modify, eliminate, FCC majority, etc. It is communicating the idea of arguing a point. The results are not necessarily surprising given this explanation. In terms of normalized numbers, the FCC Roundtable has the largest value at 11.944 followed by the Capitol Hill Hearing at 10.252.

At the beginning of the FCC Roundtable, FCC Chair, Michael Powell explains his desire and argument for how the roundtable discussion as well as the formation of the Media Ownership Working Group will assist in good policy.

And it has been my conclusion and those of many of my colleagues here that increasingly the debate over the proper regulatory media foundation is ultimately unsatisfying if there isn't a concomitant effort to build and substantiate through a better record and a better development of an analytical basis for having those debates.

At the En Banc presentation, David Croteau, Ph.D., Associate Professor, Department of Sociology and Anthropology, Virginia Commonwealth University argued consolidation has resulted in negative consequences.

Here in Richmond, this translated into Clear Channel owning six local stations resulting in a loss of competition and the loss of local content in favor of homogenized national programming. For example, WRVA—a Richmond institution long known for its focus on local news and talk—was gutted after the Clear Channel takeover. Nearly every on-air personality was fired or resigned and public outcry filled local newspaper columns. As one local columnist put it, "In its embrace of nationally syndicated personalities, to the exclusion of locals, Clear Channel has made it clear that it has no use for this community's talents, viewpoints and flavor." In short, the deregulation of radio ownership has been a disaster for Richmond and many other communities across the country. This experience should be a cautionary tale in considering any future rule changes.

The majority of the electronically filed comments were from individuals like Nickolaus E. Leggett N3NL Amateur Radio Operator. Mr. Leggett's comments are arguing against the policy on the basis of diversity from his own experience.

The Commission has considered diversity as shown by the aspects of viewpoint diversity, outlet diversity, and source diversity. There is another aspect of diversity which is size diversity. My colleagues and I have noted that small stations are more open-minded than large stations. The small stations are more likely to take a risk on covering unusual topics or providing programming outside of the mainstream. This open-mindedness is an important factor for the health of American democracy. The small station allows the minority viewpoints to be presented to the community in the American marketplace of ideas.

Given Mr. Leggett's reasoned analysis, it is not surprising the FCC ignored comments like this. It lacks an argument based on empiricism or case law. It is merely the opinion of one stakeholder.

In contrast, the following comments were filed on behalf of Media General, Inc. in addressing the cross ownership rule. Not surprisingly, Media General, Inc. owns television stations as well as newspapers.

The empirical work in Professor Waldfogel's paper has such flaws that the quantitative results do not provide a meaningful basis for governmental review of a regulation. Moreover, even if the empirical work had been flawless, the structure of that work would not reveal the underlying measures of substitution, complementarity, or any other useful information to evaluate the economic merit of a regulation. Consequently, the study does not inform the FCC's evaluation of the newspaper cross-ownership rule and, if taken seriously, could even mislead that evaluation. In short, "certainly none of the results provides any support for continuation of the newspaper cross-ownership rule."

It is this kind of reasoned analysis that carries more weight with the FCC and in fact, carries more weight in society.

It has been stated repeatedly that the problem of a positivist approach to policy decision-making leaves policy work to the experts while ignoring in this case, the consumer.

5. Conclusion

The Third Biennial Review policy review process gathered a great deal of information. The information gathered from public input had the potential to provide an additional perspective not provided by the other sources of information. Public comments provide the possibility of the perspective of consumers of media; a very different target audience with different knowledge. There could be valuable information available to the policymakers even if some of the information may be non-empirical. By employing NTA and SNA, there is the possibility that non-empirical data may surface.

The results are consistent across the various texts indicating that there are definite concepts emphasized throughout. These concepts do provide insight into the most central or powerful concept within the text. Competition surfaces as a powerful ideological knowledge map. Competition appears to be the overwhelming goal of the policy in spite of being one of three stated goals. When studying the history of media ownership rules, there has always been a conflict between the basis for limiting ownership – diversity – and competition. The reality is that even when discussing diversity and localism, these two policy goals are mentioned in light of being competitive. Not a single document within the corpus is against competition. The disagreement is with the nature of competition. The rest of the ideological map is reasoned analysis, legal, policy process.

This research illustrates the value of NTA and SNA to policy analysis and perhaps policymaking. The quantitative aspect of NTA and SNA reveal characteristics of

a body of text that fits within a positivist framework. The data reveals a number of significant and consistent findings: 1) that among the policy goals competition is the most important; 2) legal is the most powerful concept in the policy itself; and 3) the role of argument (reasoned analysis) is important for public comments. Additionally, the qualitative data provides further insight/knowledge into the numbers: 1) While competition is important, there is disagreement as to the nature of competition for broadcasters; 2) concern over judicial review is a boundary throughout the process; and 3) even if an argument is faulty, people have reasons for opposing this policy decision.

Information acquisition did occur in the policy process. The acquisition was done in the traditional avenue of research and was also accomplished using current technologies that provided access to the policy makers. What this study does not reveal is the complexity of that acquisition.

While SNA has the potential to be very helpful within a public administration environment by studying relationships between people, this research does not provide any insight into the FCC and its environment. Ideally, access to the members of the MOWG could provide insight into that environment. This access was unfortunately denied. Previous studies using SNA have provided significant insight into communication and power brokers within a work environment (Krackhardt, 1990).

This study does not provide insight into organizational design. While the FCC does provide information on reporting structure, policy process, and making the electronically filed comments available, NTA and SNA do not provide explicit insight into the communication process and how the design of the organization affects that communication. The amount of information that is available however is consistent with

the problem of knowledge acquisition: bounded rationality. Much of the criticism regarding the policy process was aimed at the limitation of the twelve FCC commissioned studies. Having commissioned only twelve studies does not seem adequate for such a complex issue.

This study provides limited insight into the nature of network structures within the FCC and its environment. While the study does not give an in-depth, explicit look within the FCC, it does reveal the networked nature of the knowledge and the variety of sources of information.

The results of this study are consistent with Feldman and March's (1981) conclusion that information is being used within the policymaking process. Unfortunately, this study does not reveal explicitly how the information was used.

A strength of this methodology is its ability to produce both quantitative and qualitative results. The FCC wanted empirical data on which to build the policy; because NTA and SNA are based on mathematical graph theory, there are quantitative results that cannot be disputed. Additionally, the qualitative data provides insight into the nature of the numbers. When taken together, the results have the potential to bring wholeness to the policy process.

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ⁱ Information, however, such as advertising rates, profit margins, etc. are proprietary. This has made information expensive to purchase and because the information is self-reported, difficult to verify.

ⁱⁱ The vote by the FCC commissioners in favor of the rule was 3-2 along party lines.

ⁱⁱⁱ Running a simple z-test for differences between all three norms indicates that all three differences are statistically significant: at the .05 level between competition and localism, .10 level between localism and diversity, and .00 level between competition and diversity.