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FCC's Comcast-NBC approval could come any day

MINORITY MEDIA OWNERS BLAST FCC – The National Coalition of African American Owned Media is blasting the FCC for its failure to file its overdue Triennial Media Review prior to vetting the Comcast-NBC merger. The agency has not yet completed its 2009 report.

NCAAOM president Stanley Washington, who has opposed the merger without commitments from Comcast to set aside programming opportunities for minority-owned stations, said the FCC's failure to comply with the law – and to ensure entrepreneurs have access to the market – is “utterly appalling and frustrating.” In a press release, he said, “The FCC had sufficient time to produce the report and their flagrant disregard of their critical obligations to the law is no longer tolerable.”

Federal regulators may give the final green light to the proposed merger of Comcast and NBC Universal as early as this week, allowing the country's largest cable company to come one step closer to taking over one of the nation's largest TV networks.

The five members of Federal Communications Commission could begin casting their votes on the deal in the next few days, industry sources tell POLITICO. An FCC official confirmed that the commissioners hope to reach a decision this week, but a spokesman for Chairman Julius Genachowski declined to comment on the timeline.

The Department of Justice, which also has to sign off on the deal, is expected to complete its review shortly after the FCC issues a decision, sources say. DOJ declined to comment on the merger Friday.

Genachowski first signaled his support for Comcast's bid to acquire NBC in December, when his office released the conditions under which the two companies could combine. Top officials from both Comcast and NBC have since consulted closely with staff of the five commissioners, three of whom need to approve the conditions before the merger can move forward.

Many industry sources predict the FCC's two Republican commissioners are more likely to support Genachowski's proposal than the agency's Democrats, who have said they need to be convinced the deal will not adversely impact consumers by raising cable prices or restricting access to popular TV shows.

But the commissioners have not revealed their official positions, and continuing negotiations could delay a final decision.

The chairman's proposal is not yet public, but sources familiar with it say one condition would ensure competitors can access NBC's video content, while also preventing Comcast from prioritizing its own content on its network.

That condition to ensure certain net neutrality principles would sunset after seven years, sources say. There is still time for the specifics of the conditions to change.

A final order would cap off an FCC review that has lasted more than a year. The FCC collected more than 30,000 written comments from stakeholders as part of its transaction review in 2010.

The merger has also triggered intense debate on Capitol Hill, as lawmakers weigh the deal's impact on diversity, competition, cable rates and programming.

Some members have vocally opposed the merger, including Sens. Al Franken (D-Minn.) and Bernie Sanders (I-Vt.). Others — including Sen. Claire McCaskill (D-Mo.) — have questioned the deal's impact on independent programming and cable rates. A handful of top industry players, such as Bloomberg and the American Cable Association, have called for tougher conditions on the new joint venture in multiple meetings with the agency's commissioners.

But Comcast and NBC received a much-needed political boost earlier this month when 100 House lawmakers from both parties urged the FCC to vote quickly to approve the deal.

“Any further delay in your agency's review process and any further efforts to laden the transaction with formal regulatory requirements could undermine much-needed jobs and investment,” the members wrote. Supporters included Reps. Fred Upton (R-Mich.), the new chairman of the Energy and Commerce Committee, and Greg Walden (R-Ore.), who's now leading the telecom subcommittee.

If three commissioners sign off on the deal, the remainder of the review will then rest in the hands of the Justice Department. Sources close to the process say DOJ has worked closely with the FCC on building a record of information and could soon offer a consent decree that embodies much of what the FCC has proposed.