



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

In re  
Review of the Prime Time Access  
Rule, Section 73.658(k)  
of the Commission's Rules

MM Docket No. 94-123

Comments of the Staff of  
the Bureau of Economics of  
the Federal Trade Commission(1)

March 7, 1995

I. Introduction

Section 73.658(k) of the Commission's Rules, which requires that a certain percentage of prime time access be provided to certain stations, is an arbitrary and capricious rule. The Commission's failure to provide a rational basis for this rule is a violation of the Administrative Procedure Act, 5 U.S.C. § 551. The Commission's failure to provide a rational basis for this rule is a violation of the Administrative Procedure Act, 5 U.S.C. § 551. The Commission's failure to provide a rational basis for this rule is a violation of the Administrative Procedure Act, 5 U.S.C. § 551.

II. Expertise of the Staff of the Federal Trade Commission

The staff of the Bureau of Economics of the Federal Trade Commission has extensive expertise in the area of antitrust and competition law. The staff has conducted numerous studies and has provided expert testimony in many cases. The staff has also been involved in many public hearings and has provided written comments on many proposed rules and regulations.

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~~ABC~~ [2] + (3)] 71.3 83.7

~~ABC~~ ~~ABC~~ p389- 90.

**Table 2**

**Network Evening Entertainment Programming, by Production Source**

	1957	1968
(1) <del>ABC</del>	21.2	4.1
(2) <del>ABC</del>	35.6	3.8
(3) <del>ABC</del>	43.2	92.1
<del>ABC</del> [2] + (3)]	78.8	95.9
<del>ABC</del> <del>ABC</del> p389- 90.		

**Table 3**

**LEADING NETWORK SUPPLIERS: PRIME TIME, FALL 1994**

SUPPLIER	SHARE OF PROGRAMMING HOURS (%)
ABC <del>ABC</del> <del>ABC</del> <del>ABC</del>	17.59
<del>ABC</del>	14.81
CB <del>ABC</del>	13.89

BC		11.11
	b	11.11
	Dp	5.56
20tCF		4.63
Ct		3.70
	Ab	1.85
	Cp	1.85
	Cp	1.85
	en	1.85
BT		1.85
	en	1.85
	en	1.85
	Ct	.93
	M	.93
EE		.93
	B	.93

De

.93

SD/A80, 1994.

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**Table 4**

**Twenty Leading Network Suppliers: Prime Time, 1977**

Supplier	Share of Programming Hours (%)
b	18.4
W	6.7
SS	6.1
tn	5.4
M	5.3
Ctn	3.6
Q	3.5
tn	3.5
AtB	3.2
ECF	3.2

MDP	2.9
SH	2.9
EM	2.7
H	2.4
U	2.2
CBS	2.0



bl 12.8

CF 7.3

bl 6.4

Clm 6.1

bl 4.5

β	1.7
α	1.7
βd	1.5
β	1.5

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~~11168 page 6~~

~~11168~~

~~11162 page 3~~

~~11164 page 15~~

~~11161, p572.~~

## B. Reducing the Ability of Networks to Dictate Programming Choices

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~~11167~~

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~~guy~~(1) ~~guy~~  
~~guy~~(2) ~~guy~~



## D. Providing Independent Stations With a Competitive Advantage Over Network Affiliates

Agreement, (b) (5) - DPP  
Section 65 A (b) (5) - DPP

Section 65 A (b) (5) - DPP  
Section 65 A (b) (5) - DPP

Section 65 A (b) (5) - DPP  
Section 65 A (b) (5) - DPP

Section 65 A (b) (5) - DPP  
Section 65 A (b) (5) - DPP

Section 65 A (b) (5) - DPP  
Section 65 A (b) (5) - DPP





including \$55  
with \$60  
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(43) ~~Beppolabiffu~~  
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(44) ~~Ungghjabbu~~

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~~Ungghjabbu~~ 1970, 677-68  
~~Ungghjabbu~~ 1993, 137, 168 (1994) ~~Ungghjabbu~~ CC ~~Ungghjabbu~~  
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~~Ungghjabbu~~ 1981, p269-86. ~~Ungghjabbu~~  
~~Ungghjabbu~~ 1976, 435-41.

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-7).

(45) ~~Ungghjabbu~~ "27, 1994, p6.

(46) ~~Ungghjabbu~~

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F ~~1944~~, pl -7. ~~1121~~ ~~140~~ ~~1F~~ ~~1944~~ ~~19~~ Ca  
F ~~195G~~

(69) ~~1944~~ ~~1947~~,  
~~1944~~