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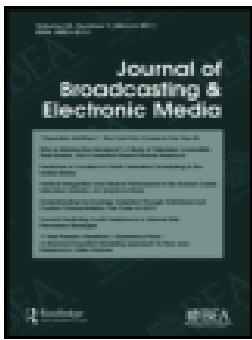
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Controlling Prime-Time: Organizational Concentration and Network Television Programming Strategies

William T. Bielby and Denise D. Bielby

Social scientists have argued that concentration of ownership among media companies reduces diversity in media content, and a similar rationale was used to justify regulations that prohibited television networks from owning the series they broadcast. In this article, we analyze the rhetorical claims used by proponents and opponents of ownership regulation during an era when the FCC was phasing out its Financial Interest and Syndication Rules and assess the impact of deregulation on broadcast networks' reliance upon outside program suppliers for new prime-time series.

In a pioneering study of the production of popular culture, Peterson and Berger (1975, 1996) examined whether industrial concentration among producers of popular music leads to homogeneity in the recordings produced by that industry. Their thesis—that popular culture industries are subject to “cycles of symbol production”—is based on two hypotheses. The first is that long-term trends toward oligopoly in popular culture industries are periodically punctuated by relatively brief periods of competition and innovation. The second is that industrial concentration produces homogeneity of culture products and, conversely, competition fosters diversity. If both hypotheses are correct, then we should observe cyclical trends in the diversity of a popular culture industry's products that follow the cycles of industrial concentration. Peterson and Berger's data from the recording industry for the period from 1948 through 1973 supported both hypotheses. Subsequent research has modified their thesis to take into account new organizational forms in the recording industry. For example, Lopes (1992) and Dowd (1992, in press) document the emergence of a new, hybrid organizational form in which music labels run by semi-autonomous subunits allow media conglomerates to reap the benefits of independent production while maintaining corporate control. Nevertheless, the general finding that market

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structure and organizational strategy shape the diversity and form of popular music remains intact.

Our article is part of a larger project to examine whether the thesis of "cycles of symbol production" applies to the production of network prime-time television programming. In this work, we are examining: (1) trends in concentration among the suppliers of prime-time programming; and (2) whether periods of high concentration among suppliers are associated with greater homogeneity in program content. Although we do not measure program content directly in the results reported here (a formidable task), we do examine how issues of content and quality are invoked in industry debates. Specifically, our focus is on the terms of the debate over market concentration and programming diversity and whether television deregulation has shifted the balance of market power among suppliers of prime-time network programming. We explore these issues at two levels. First, we examine qualitatively the rhetorical claims made by parties with different economic interests about network financial stakes in programming and control over the creative process. Second, we quantitatively analyze trends in the networks' approaches to acquiring new series for the prime-time schedule.

The Fin-Syn Rules

The relationship between concentration and diversity of program content is one that is debated within the television industry itself. An issue in the late 1980s and early 1990s was whether FCC policies known as the Financial Interest and Syndication Rules (or "Fin-Syn") had reduced the level of concentration in the industry and whether elimination of those rules would lead to greater concentration and homogeneity of content. From 1970 to the early 1990s, the Fin-Syn Rules constrained the then three networks (ABC, CBS, and NBC) from producing all but a small amount of the programs they broadcast in prime time and barred them from participating in the syndication of prime-time series.

At the time they were implemented in the early 1970s, the rationale for the Fin-Syn Rules was as follows. Original prime-time programming reached U.S. homes through limited channels of distribution—basically, the three major networks. If the networks, which control distribution, were also allowed to profit from the production of series, then they would have little incentive to look to independent producers for sources of programming. Decisions about what kinds of television series to develop would be made by network executives, and the programming would originate from a small group of affiliated producers. With fewer sources of supply, television would become more homogenized, just as Peterson and Berger argue in the case of popular music. The FCC's Rules were designed explicitly to intervene in the market to promote diversity and competition in the supply of prime-time entertainment programming and to forestall the kind of vertical integration that dominated the film industry during the studio era (Matelski, 2002; Rosenbaum & Williams, 1990).

Networks' and Program Suppliers' Sources of Profit Under Fin-Syn

During the era when the Fin-Syn Rules were fully in effect, from 1971 to 1990, nearly all prime-time programming (apart from news and sports) was supplied by the television divisions of the major studios and smaller independents who then licensed the networks to broadcast each episode twice during prime time (one original and one re-run). Even after the rules were relaxed in the early 1990s, the networks were producing only a fraction of their prime-time series themselves or through joint ventures with outside suppliers. For the program supplier, the licensing fee paid by the network generally covers only a portion of the production cost (often no more than 80%), and a program supplier typically absorbs millions in deficits on the chance that their investment will be recouped many times over through eventual syndication in the U.S. and around the world. However, to have a chance at syndication, the series must remain on the network schedule long enough to produce the 75 to 100 episodes required to make syndication viable. Thus, the sources of profits for the networks and for program suppliers under the Fin-Syn Rules were quite different.

For program suppliers, profits were earned on the "back end," from the eventual syndication of series appearing first on the broadcast networks. The networks, prohibited from participating in the lucrative syndication market, earned profits solely from advertising revenue. The networks profited when they could deliver the audiences that advertisers most wanted to reach, while program suppliers profited when their series survived long enough on the network prime-time schedule to be viable for potentially lucrative syndication in domestic and foreign markets. A series cancelled by the network after a season or two (as most series are) will not have produced enough episodes to be viable in syndication, and will probably generate substantial losses for the program supplier, (By the mid-1980s, deficits as high as \$300,000 per episode were not uncommon). Of course, a series with a network run of a hundred episodes or more will not necessarily find a large audience in syndication, but by the mid-1990s the most successful series were generating millions of dollars per episode in syndication. For example, it is estimated that each episode of *Friends* generates \$4 million in revenue in syndication, and to date, *Seinfeld* has generated over \$1.5 billion in revenue from domestic syndication (Freeman, 2002).

Debating Fin-Syn: Re-Framing Market Power in Terms of Creativity and Competition

In 1983, the FCC held hearings on the Fin-Syn Rules where staff members presented analyses supporting their recommendation that most aspects of the Rules should be abolished. They argued that the marketplace had changed due to competing technology (e.g., videocassettes, cable television networks) and a proliferation of independent television stations. A successful lobbying effort by the major studios

stopped the FCC's tentative decision to eliminate a majority of the rules, but the issue was raised again in 1990 when the Fox Broadcasting Company sought an exemption for its new network (Pepe, 1994; Rosenbaum & Williams, 1990). To avoid being subject to the rules, Fox limited its programming to 15 hours per week (just below the threshold that defines a network under the FCC rules). Fox argued that the rules were a barrier to its own growth and that of other potential alternatives to the three major networks (Pepe, 1994). Fox's request set in motion a review of the rules and a protracted legal battle that led first to a phasing out of the prohibition against the networks producing or holding a financial stake in prime-time programming and ultimately, by the fall of 1995, to the removal of the last of the regulations on network participation in the syndication market (Blumenthal & Goodenough, 1998, p. 137; Flint, 1993; Littleton, 1996).

With the networks no longer constrained from participating in both production and syndication, the debate has raged on. Moreover, it has heated up in recent years with the acceleration of the merger trend that has resulted in a substantial rearrangement of the network landscape. Two of the three major networks have been absorbed into vertically-integrated media conglomerates (ABC by Disney and CBS by Viacom); the upstart UPN network has become part of CBS's parent company, Viacom; the WB has become part of the AOL/Time-Warner empire; and Fox, part of Murdoch's vast News Corp. holdings, has become a formidable rival to ABC, CBS, and NBC. Moreover, a series of Federal Court decisions in 2002 has opened the door to further deregulatory moves by the FCC that will lead to further consolidation at the distribution end of the business. For example, the FCC is expected to remove regulations that bar media firms from owning local television stations that reach more than 35% of U.S. households and that bar companies from owning both cable television systems and broadcast stations in the same market (McConnell, 2002a, 2002b).

The terms of the debate that has unfolded over the past decade are relatively straightforward. On one side is an argument put forward about art versus commerce by those who see corporate control stifling innovation and creativity and limiting the diversity of voices represented in U.S. media products. Program suppliers have argued that deregulation inevitably leads to a dramatic increase in the networks' ownership of the prime-time entertainment series they broadcast. They predicted that the networks would be less likely to enter into development deals with independent producers, and in selecting series for the prime-time schedule the networks would favor series they developed "in-house" or in joint ventures with outside production companies over series in which they had no ownership stake. On the other side has been an argument about outdated regulations interfering with the operation of free markets, reducing competition and impeding the expansion of media products in the "500-channel universe." Network executives have argued that market competition creates an incentive to seek series from outside suppliers and that a deregulated marketplace creates even more opportunities. By their account, favoring series that they owned (either fully or in part) would not be in their self-interest.

Of course, no one expected the networks to refrain from developing their own

prime-time series once they were no longer restricted from doing so, and it is now widely recognized that since the mid-1990s the networks have increasingly relied on series they developed and own outright or in which they have an ownership stake. Descriptive statistics reported below document the emergence and acceleration of this trend. Less clear is whether deregulation resulted in the networks favoring series they own in deciding which series to select for the prime-time schedule from among pilots produced by both in-house and independent suppliers. Our first hypothesis, explored with qualitative data, is that the business strategies of the networks changed over the period from 1990 to 2002. In the earlier part of this period, with the FCC scheduled in late 1995 to consider repeal of the remaining Fin-Syn Rules, the networks had an incentive *not* to signal to the FCC and to the industry that deregulation would lead to substantial consolidation. At that time, demonstrating a strong preference for programming they owned might have given support to opponents of deregulation, who had successfully lobbied once before, during the Reagan era, to forestall elimination of the Rules. However, after the Fin-Syn Rules were eliminated in 1995, the networks no longer faced that constraint, and our qualitative analysis assesses whether the networks began articulating a different rhetoric, aimed towards reconciling increased concentration of ownership of prime-time programming with the public interest.

Besides affecting the rhetoric of the debate, deregulation should also affect actual network programming strategies. We have designed a quantitative analysis to assess whether network programming strategies changed after deregulation in 1995. Specifically, we hypothesize that after 1995, in choosing among pilots developed for prime time, the networks began favoring series they owned (fully or in part) over series provided by suppliers not aligned with a network. Finally, data on the level of concentration in the employment of television writers allows us to assess a secondary impact of deregulation. If deregulation in fact expands the marketplace and allows new sources of program supply to flourish in order to meet the demands of the "500-channel universe," then over time the proportion of writers' employment accounted for by the networks and major studios should decline. On the other hand, if deregulation contributed to enhanced market power of the networks and the surviving major studios, then the proportion of employment of writers accounted for by these large firms should increase over the 1990s. Our hypothesis, consistent with "production of culture" theorizing about industrial concentration, is that the share of writers' employment attributable to the industry's largest firms increased following the deregulation of the Fin-Syn Rules.

Method and Data Analysis

There are three parts to the analysis reported here. First, we analyze the rhetorical strategies used by the parties to the debate over media concentration and deregulation, showing how both program suppliers and network executives invoke the logic of a market concentration model to argue their positions. The data for this analysis

are qualitative, taken from industry trade publications such as *Broadcasting & Cable*, *Electronic Media*, *The Hollywood Reporter*, and *Daily Variety*, and from entertainment industry coverage from major national newspapers, including the *New York Times*, *Los Angeles Times*, and *Wall Street Journal*. We identified relevant articles by searching the Lexis-Nexis entertainment news data base for all articles containing the term "fin-syn" or the phrase "financial interest and syndication rules." That search produced a population of 277 articles from January 1, 1993 to October 1, 2002. From that population, we selected articles that included direct quotes of statements made by members of major constituencies participating in the Fin-Syn debate: network executives, television writers and producers, television critics, and government officials. Analyzing those quotes, we inductively developed a classification of common themes that characterized the public positions taken by the parties to the Fin-Syn debate.

Our second analysis is a quantitative study of trends over time in the share of network pilots and new series owned by the networks, either fully or as a coventure with an outside production company. Each year, the "Big Four" networks, ABC, CBS, NBC, and Fox, evaluate thousands of concepts for new series and purchase approximately 600 pilot scripts. A pilot script is the teleplay for a sample episode of the new series. From these scripts, the networks select about 20% to be produced as pilot episodes at the networks' expense. About a third of the series for which pilot episodes are produced eventually appear on the prime-time schedule. We have compiled data on 1,425 series pilots developed for ABC, CBS, NBC, and Fox during the years 1990 through 2002. Attributes of the pilot series are coded from promotional "program development" brochures distributed annually by each of the networks in March. These brochures contain brief synopses of the series in development at a network, along with the production company and executive producers supplying each pilot.¹ For each pilot, we have coded the network, genre (situation comedy, drama, or other), production company, and whether it was selected to become a series on the prime-time schedule, either in the fall or as a mid-season replacement. Information on whether the series is selected for the network prime-time schedule is obtained from the annual *Hollywood Reporter* Prime Time Season Preview issue that appears each September.²

Our third analysis assesses trends during the period from 1987 through 1997 in the percentage of television writers employed by the networks and the television divisions of the major studios. The underlying data are from the employment and membership records of the Writers Guild of America, West (WGAW). Each quarter, Guild members report their earnings from all employment covered by the WGAW's major collective bargaining agreement with producers. Because the overwhelming majority of producers are signatory to the agreement, these data pertain to almost all those writing for television in Hollywood, including movies made for television, writing for cable and first-run syndication, and other nonprime-time productions. However, network prime time accounts for most employment of television writers, and to the extent our data include productions for other markets, which rely more

heavily on small, independent producers, our computations understate the level of concentration in prime time.³

Framing the Debate: Diversity, Creativity, and Business Realities

The Suppliers' Story

The imagery of market concentration and homogeneity of cultural products is central to the rhetorical strategies of independent producers. For example, in November 1998, Landsburg Co. producer Alan Landsburg was quoted in the *Los Angeles Times*, taking a position that could have been lifted directly from sociological theory and research on the mass production of popular culture. Reacting to apparent increased network control over production, Landsburg explained:

Any time you layer the process with salaried, staff employees, you run the risk of homogenizing product. It comes down to that funnel, and that funnel is very narrow. Its prejudices are hard and in place. . . . Finally, every show begins to look alike (Lowry, 1998, p. F1).

The "funnel" imagery is repeated in comments submitted by the Writers Guild of America to the FCC, describing the harmful effects of vertical and horizontal integration in the entertainment industry:

When everything is squeezed through one or two or three narrow funnels, when profit and ratings and other corporate goals enter strongly into the mix, and the voice of the creators is forced to take a back seat, when the writer has to do it their way or be replaced, of course creativity suffers. Of course diversity suffers. Of course excellence and individuality suffer (Writers Guild of America, West, 2002, p. 6).⁴

Similar themes are voiced in arguments put forth by lobbying groups for program suppliers. Speaking at a Writers Guild forum in February 2002, Jerry Isenberg, chairman of the Caucus for Television Producers, Writers & Directors, a lobbying group for prominent independent program suppliers, argued the "art versus commerce" perspective as follows:

The nature of the creative process has always been entrepreneurial and risk taking. If you want to do a project that has no precedent, it is very hard to get a new breakthrough project through an organization where everyone is responsible to someone who is responsible to a business plan. You have organizations now that are essentially bureaucratic in the way they are constructed, so the essential nature of the industry, both television and movies, has moved from an entrepreneurial to a bureaucratic environment (Kiefer, 2002b, p. 1).

The argument being advanced here is that the increase in in-house production

following the demise of the Fin-Syn Rules creates a conflict of interest as business executives from the networks are placed in a position to meddle in the creative process. Under the Fin-Syn Rules, it is argued, independent producers and those affiliated with the major studios were insulated from this kind of interference. Television producer Leonard Hill put it as follows at the WGA forum:

The issue here is not size; the issue here is competition. I believe we are in a cycle of conflicts of interest that is expanding at a near-exponential rate, and it threatens to overtake the competitive vitality of our industry (Kiefer, 2002b, p. 1).

Brian Lowry of the *Los Angeles Times*, like most television critics, sympathizes with the position of program suppliers. In 1998, he characterized, approvingly, the position of the Caucus for Producers, Writers & Directors as follows:

A portion of the production community—including several onetime network executives—feel the level of network involvement in creative matters has never been worse. Producers contend the arbitrary exercise of power by network executives over who gets to produce, write, and direct has homogenized programming in assembly-line fashion, inhibiting the development of risk-taking fare broadcasters need to compete in today's environment (Lowry, 1999, p. F1).

Program suppliers, who refer to themselves as “the creative community,” almost always make reference to the way network participation compromises quality and creativity, and occasionally reference the issue of market power and competition. Independent producer Roger Fries, an active member of the Caucus for Producers, Writers & Directors makes the link directly:

As the networks have become more powerful, with more in-house production, the competition between producers and suppliers is not what it once was. Now there are edicts and formats handed down by the networks that eliminate that sort of free competition that may make for a better program (Coe, 1994, p. 42).

Fries made the same point even more forcefully in a June 2002 letter on behalf of the Caucus to FCC Chairman Michael Powell, calling for new regulations on network ownership of the series they broadcast:

The public interest, in a varied array of quality programming, is directly linked to the FCC's willingness to investigate the predatory practices of media conglomerates. Without specific federal constraints, these 400-pound gorillas will stifle creative innovation, infect the pool creatively and financially with the bottom-line fungus of the myopic . . . These vertically integrated behemoths have engaged in a pattern of self-dealing that robs the public of diversity and denies the community of creators the right to freely market their wares (McClintock, 2002, p. 8; Caucus for Television Producers, Writers & Directors, 2002, p. 3).

Congressional opponents of deregulation have adopted this rhetorical stance as well.

For example, Senator Fritz Hollings, in calling for an FCC investigation into the impact of media consolidation on programming, asserted that "the effort to promote diverse voices has been undermined over the last decade by extensive media concentration and changes to FCC rules" (McConnell, 2002a, p. 19, 26).

Producers claim that with the demise of the Fin-Syn Rules, networks have used their enhanced market position in several ways to gain unfair advantage over outside program suppliers. First, they claim that when selecting series for the prime-time schedule and deciding between a series pilot from an outside producer versus one of comparable or even lesser quality produced in-house by the network or by a network joint venture, the network will favor the series in which it has a financial stake. Moreover, many producers perceive that this kind of favoritism has intensified in recent years. Indeed, according to one producer, a network financial stake in a proposed series "practically guarantees" a slot in the prime-time schedule. An unnamed studio executive laments,

Without question, if I know that I'm gonna lose, I just want to know that at the end of the day the shows that beat me out did so because they're better shows, and not just because they're co-owned by the network (Schneider, 1998, p. 26).

The article in *Electronic Media*, in which these quotes appeared, led with the tag line: "The broadcast networks accelerated their prime-time land grab last week, aggressively seizing increased control of their own schedules" (p. 36).

Of even greater concern to these producers than the perceived favoritism towards in-house productions and joint ventures is an increasingly common practice by the networks of commissioning pilots from independent producers and then demanding a financial stake as a condition of picking up the series for the prime-time schedule. In 1997, DreamWorks SKG made news when it refused to capitulate to NBC's demand that it give the network a 50% share of its series, "Nearly Yours," and in 1998 the major studios threatened to boycott NBC because of the practice (Hofmeister, 1997; Lowry, 1998). Since then, the practice has become almost commonplace, although it remains controversial. In 1999, *Advertising Age* editorialized that ABC was "auctioning" its most desirable prime-time time slot to the program supplier willing to give the network a financial stake, part of a trend that is making it "increasingly clear the broadcast networks are more interested in financial deals than putting the best shows they can find on the air" (p. 42). The trade publication warned that the ratings decline experienced by the networks would accelerate if "financial packages rather than program quality determines what gets on the schedule" (*Advertising Age*, May 31, 1999, p. 42).

The Networks' Story

The rhetorical strategies adopted by network executives and other proponents of deregulation have evolved over the past decade. As the Fin-Syn Rules were being phased out in the mid-1990s, many of those who spoke on behalf of the networks

insisted that to remain competitive, the networks would need to continue seeking new series from diverse sources, and as a result deregulation would have no impact on independent producers. In 1995, one industry analyst predicted that contrary to the predictions of those who opposed deregulation, the prospects for independent producers would improve with the demise of Fin-Syn:

There is the likelihood I think of more production money being funneled from the networks to independent producers. With the end of fin-syn, [networks] will rely on some other independent sources; I can see that evolving over time. The fact that you do have a DreamWorks developing and WB or UPN networks developing implies that there may be a little bit more room for independent thought. Instead of having three major buyers for the product, maybe you have six major buyers, so it opens up more diversity (Peers, 1995, p. F1).

In the same year, Richard Cotton, an NBC vice president and general counsel, was equally optimistic about the future for independent producers:

The fact is that there will be multiple production houses that will get their shot. There will be more product out there for the audience to sample (Brennan, 1995, p. 1).

In a competitive marketplace, the network executives argued, favoring their own series would be bad for business. Such a strategy would be unprofitable, since a mediocre in-house series would generate losses for the network in terms of both production costs (which networks don't incur for independently produced series) and reduced advertising revenues. In the words of Andy Hill of CBS, "It's much cheaper to license failure than to own it" (Schmuckler, Heuton, & Sharkey, 1994, p. 13). Explained an NBC programming executive:

There is one thing so expensive that no one, not even Disney, can afford it—and that's getting your teeth kicked in by running weak programming in prime time. Of course we'd love to supply more of our own stuff and make the back-end money for ourselves. But TV production is a tough business. One hit is sometimes all you get for a dozen tries. But we've got to provide a full schedule of strong shows, and that means we'll be buying a lot of those shows from other companies (Heuton, 1995, p. 16).

Six years later, network executives were still insisting that market forces, not rules and regulations, would ensure a diverse source of new series. Ed Wilson, a division president at NBC, told *Electronic Media*:

We want to be in business with everyone. If you produce hit shows and they work, you're going to be very successful. We're in a business that's driven by hit shows (Hatch, 2001, p. 3).

The Fin-Syn Rules, according to network executives, actually discouraged diversity in the supply of network series. Early on, in comments made to the FCC in 1990,

ABC President Robert Iger used the imagery of the market concentration model to defend the network position. " 'If the rules were repealed and we could flexibly support new creative talent in the same way that studios can today,' he explained, 'the public would benefit through more innovative and diverse programming, programming that could be produced without the big-studio trademark associated with it' " (Lowry, 1998, p. F1). His views were echoed by NBC President Robert Wright: " 'It is in our self-interest to do everything we can to promote a strong independent production community. . . . We believe the natural incentives of the networks are the best guarantee that independent producers will flourish' " (Lowry, 1998, p. F1).

A related theme emphasizes the market changes that came about because of new technologies for delivering television programming. According to deregulation advocates, the Fin-Syn Rules became anachronisms with the emergence of "the 500-channel world" of cable and satellite television. FCC Chairman and deregulation advocate, Michael Powell, has been widely quoted for his assertion that the media are "more diverse today than at any time in their history" because of the proliferation of cable channels, the Internet, and other new media (Lowry, 2001, p. F1). It was precisely that argument that persuaded the courts and the FCC to eliminate the Fin-Syn Rules. Television executives adopt the same rhetoric to counter criticism of the recent consolidations in the industry. Former Viacom executive Frank Biondi Sr. explained it this way at a WGA forum in 2002:

I am personally not a big subscriber to the predicate that there are fewer voices. Today you have an awful lot of choices in entertainment, news and sports. And you may not like them all, and you may correctly say there are 500 channels and there is still nothing on, but it is not three channels. (Kiefer, 2002b, p. 1).

Increasingly, network executives are willing to admit that in today's deregulated environment, they seek greater control over their schedules by having a financial stake in more of the series they broadcast and that the market for new series is less accessible to truly independent suppliers. Rather than claiming that deregulation promotes diversity among the ranks of program suppliers, this new turn in the rhetorical claims suggests that the industry has undergone a fundamental structural change and that those who speak on behalf of independent producers are out of touch with the hard realities of the business. Deregulation, and the accompanying consolidation, is seen as the only approach that will ensure the viability of the industry. For example, commenting on the prevalence of in-house production at his network in this new era, WB Entertainment president Jordan Levin stated: "The push continues to be, in these changing economic times, to control your destiny to the greatest extent possible as we all try to figure out what the future paradigms are for our industry" (Schlosser, 2002, p. 12).

In this new era, the demise of yet another non-network program supplier, though not applauded, is often described as inevitable. For example, in late October 2001, Sony Corporation announced that its Columbia Tri-Star Television division, one of

the last of the program suppliers not aligned with a network, would no longer develop prime-time series. Deregulation opponents pointed to this development as one more indicator of the demise of independent production, but network executives viewed it as a sign of the new business reality. CBS Entertainment president Nancy Tellem suggested that it was an unavoidable consequence of rising production costs and shrinking sources of revenue. Tellem told the *Hollywood Reporter* that the Sony announcement “sends a very, very strong message out there that we need to do business differently; we need to change the way we’re doing business in order to make television production worthwhile” (Littleton, 2001, p. 1). Former Warner Bros. Television president Tony Jonas made the point more bluntly in a statement quoted in both the *Hollywood Reporter* and *Electronic Media*:

Actually, like Las Vegas, the leverage has always been with the house. The networks were smart after fin-syn in forcing the studios into co-production deals while they left them to carry all of that heavy tonnage of dollars in overall deals. Basically they left the studios and independents to carry the heavy weight, while all they are giving up is real estate on the network to pick up ownership. That all played a major factor in the tragic decision by Columbia TriStar to pull out of the network production business; but a lot of us were wondering when the bubble would burst for them (Littleton, 2001, p. 1; Freeman, 2001, p. 3).⁵

Even Jack Valenti, who, as president of the Motion Picture Association of America, led the battle effort by program suppliers to preserve the Fin-Syn Rules, has accommodated to the new order. In 1990, Valenti warned that under deregulation the networks would “abuse their power” and “choke off all competition” (Horwitz, 2001, p. 8). In 1998, he proclaimed that his earlier predictions had come true and that the networks were abusing their power by demanding ownership shares in series brought to them by independent producers (Halonen, 1998). Since then, several powerful member companies of the MPAA have acquired networks, and in early 2001, Valenti acknowledged that “the media landscape has changed” (Hatch, 2001, p. 3). He stated that the MPAA would be making no effort to re-regulate network ownership of the series they broadcast, despite the accuracy of the predictions he made in 1990 (Hatch, 2001).

Deregulation advocates also offer a business rationale for increased network control over the production of series they broadcast. As early as 1994, Andy Hill, Executive Vice President of CBS Entertainment Productions (the in-house production division of CBS) explained, “our long-term outlook is clearly tied to our ability to own and control the product that we broadcast” (Schmuckler, et al., 1994, p. 4). In part, the argument they make is that in the tension between art versus commerce, there is a place for sound business management, especially in times of escalating production costs, and it is not always those making creative contributions who are best equipped to deal with the commercial side of the business. Explained Stephen McPherson, president of Touchstone Television (Disney’s television production division):

Television is also a business where we ask writers to become managers of physical productions and incredible staffs of small companies, and that's not necessarily the best situation (Brownfield, 2001, p. F6).

Of the four networks, ABC has moved the most aggressively to implement corporate oversight over the production of its prime-time series. Within the past year, ABC has made changes "to ensure that key network executives remain closely involved in its shows' creative details," both in the development of new series and in production of continuing series (Nelson & Orwall, 2002, p. A12). Network executives now sit in on situation comedies' rehearsals for weekly tapings, and they rely on audience testing well into the season to suggest changes in writing, acting, and even casting.

All along, network executives have insisted that what makes good business sense also promotes quality programming. Rather than stifling creativity, Howard Stringer, when he was CBS Broadcast Group President in 1993, explained that the networks were providing a source of funding for writers and producers eager to escape the control of the major studios (Schmuckler, 1993). What producers see as network interference, former NBC West Coast President Don Ohlmeyer describes as quality control or "creative oversight." Ohlmeyer explained:

Mediocrity doesn't make it any more. Without more control of our product, there's no way to control the quality of our shows—or the program costs. Having in-house production, besides all the great financial benefits that can be reaped from them, enables us to have the best creative talent in the house. These are not shows that are on the air because we own them. They are on the air because they're the best shows for our schedule (Schneider, 1998, p. 26).

As the above examples illustrate, over the past decade, parties on both sides of the debate over media ownership of prime-time programming have used the language of diversity, creativity, and competition to make the case that their position best serves the public interest. The network executives' initial position was that independent producers would thrive in a deregulated industry and that network ownership was not a threat to creativity and program quality. Increasingly, in recent years, network executives and deregulation advocates have taken the position that their opponents' positions are irrelevant, because they are out of touch with the realities of the marketplace. In effect, they are saying, vertical and horizontal integration were necessary for the industry to survive in the face of rising costs and increased competition from new technologies. The U.S. Court of Appeals ruling of February 2002 ordering the FCC to reconsider its regulations on local station ownership and setting aside broadcast-cable cross-ownership restrictions was widely viewed as a turning point on all media regulation by the FCC. In the wake of that ruling, representatives for the networks were quick to label FCC ownership restrictions as an "anachronism," "archaic," "outdated," and "antiquated" (McClintock & Schneider, 2002, p. 8; Schiesel and Carter, 2002, p. C1). This framing of the issue is once again being articulated by network executives as the FCC begins its comprehensive review of all of its ownership regulations, which is expected to result in a removal of nearly

all restrictions that remain on horizontal and vertical consolidation in the industry. For example, Viacom issued the following statement about the review:

We are pleased the FCC is undertaking a review of all of its broadcast ownership rules. Flexibility in the broadcast marketplace is critical in today's highly diverse media environment, particularly in light of changes that have taken place over the years. We look forward to demonstrating to the commission that the current rules are both arbitrary and outdated (Boliek, 2002, p. 1).

In sum, there is no question that the stakes involved in the broadcast networks' financial participation in program supply are extremely high. Economic and social theory and research suggest that there are good reasons to assume that a high level of concentration in the supply of a cultural product reduces the diversity of what is produced. Participants on each side of the debate over who supplies prime-time programming understood the logic of this argument and found ways to appropriate it to advance their positions. And, parties on each side of the debate were able to develop rhetorical strategies that associated their own interests with the values of creativity, diversity, and quality programming. On the suppliers' side, creativity, quality, and diversity were equated with an absence of corporate control and autonomy from the constraints of business considerations. On the networks' side, creativity, quality, and diversity were equated with open competition and free markets that encourage innovation. Increasingly, in recent years, network rhetoric has equated quality with effective management and has portrayed regulation advocates as out of touch with business realities.

In the end, the networks prevailed in the political arena, with virtually all restrictions on their participation in production and syndication removed by late 1995 and with remaining regulations on ownership soon to be weakened or removed altogether (Boliek, 2002; Sanders, 2002). Nonetheless, the remaining independent producers and studios that are not aligned with networks seem to have persuaded much of the industry press and many television critics that the networks' enhanced market power and participation are not healthy for the quality of what appears on the prime-time schedule. Criticism of the networks along these lines abounds, but testing the validity of such assertions about quality is beyond the scope of the research reported here. What we are able to do, however, is identify where some of the arguments presented by the parties to the debate are empirically testable and draw some conclusions from those analyses about the future trajectory of both the debate and trends in prime-time programming.

Deregulation's Consequences: Ownership and Employment Trends

Deregulation and Ownership of Prime-time Series

The initial entry by the networks into in-house production and joint ventures was more tentative than many had expected. By 1994, modified Fin-Syn rules allowed

the networks to have a financial stake in up to 40% of their prime-time entertainment schedules, so, in principle, they could have an ownership stake in a much higher percentage of newly introduced series. But their actual stake in the early 1990s was significantly lower than that (Schmuckler, et al., 1994). From 1990 to 1995, the percentage of series pilots in which networks had an ownership stake increased from 11% to just 22%, and over the same period the percentage of new series owned fully or in part by the networks remained below 20% (Table 1). But after the Fin-Syn restrictions on network ownership were rescinded in 1995, the trajectory was largely as predicted by opponents of deregulation. From 1996 to 2002, the networks increased their participation in program supply substantially. By 2002, the ABC, CBS, NBC, and Fox collectively had an ownership stake in over 70% of the pilots developed for prime time (Table 1), and they owned or co-owned over three-quarters of the series scheduled to debut on the 2002-2003 prime-time schedule (Table 1).⁶

From 1990 to 1995, the networks' decisions about which series to select for the prime-time schedule showed no bias in favor of series in which they had an ownership stake; about a third of the series pilots were selected for the schedule regardless of ownership. However, after 1995, the networks began favoring their own series. From 1996 to 2002, 42% of pilots that were owned fully or in part by the networks were selected for the prime-time schedule, compared to just 31% of the series developed and owned by outside suppliers, a statistically significant disparity (Figure 1).⁷ The pattern reported in Figure 1 was confirmed by a multivariate logistic regression analysis. That analysis assessed the probability of a pilot's selection for the prime-time schedule as a function of year, genre, network, and whether the pilot was owned (fully or in part) by the network, and it included an interaction term allowing the ownership effect to take on different values for the 1990-1995 and 1996-2002 periods (details are reported in Table 2).⁸ The logistic regression coefficient for the effect of a network ownership stake prior to 1996 was not significant ($b = -.065$, $p = .772$). For the 1996-2002 period the effect is statistically significant ($b = .524$, $p = .005$) and indicates that for that period, the odds of being selected for the prime-time schedule are 69% greater for pilots owned fully or in part by the network than for pilots owned by outside program suppliers.⁹

Trends in the Concentration of Employment of Television Writers

As hypothesized, the share of television writers' employment accounted for by the largest firms in the industry increased in the 1990s. Using data compiled from the employment records of the Writers Guild of America, West, we computed the percentage of writers employed by the major studios and by the networks annually for the years 1987 through 1997. The results, reported in Table 3, show a trend towards increased concentration since the demise of the Fin-Syn Rules. The percentage of television writers employed by both the networks and the television divisions of the major studios increased substantially from 1987 to 1997. By 1997, well over half (55%) of employed television writers were working for the television divisions of the major studios, up from 46.5% in 1987 and 41% in 1988. The percentage of

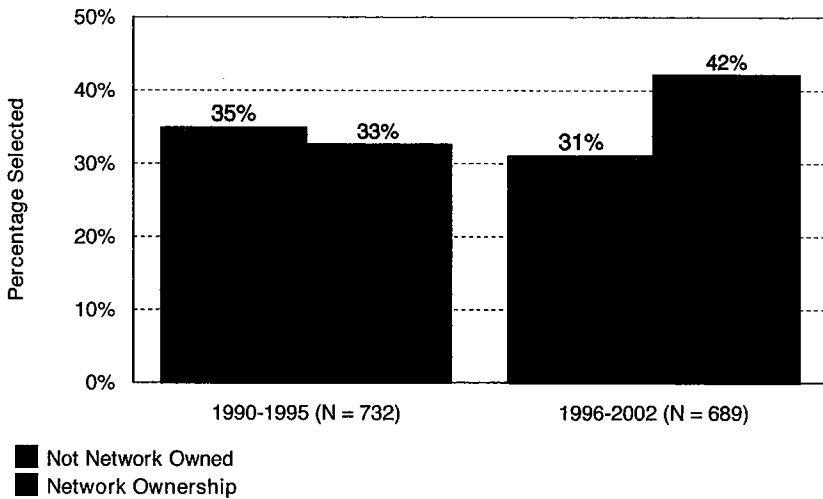
Table 1
Percentages of Pilots and New Series Owned Fully or in Part by Broadcast Networks, 1990-2002

PILOTS						
<i>Percentage Owned Fully or in Part by Network</i>						
Year	Number	Overall	ABC	CBS	NBC	Fox
1990	106	11.3%	10.0%	4.2%	17.1%	11.8%
1991	112	12.5%	13.2%	7.1%	13.0%	17.4%
1992	150	16.0%	20.5%	9.4%	20.9%	11.1%
1993	125	20.8%	22.6%	28.6%	17.2%	16.2%
1994	116	16.4%	19.0%	15.6%	18.8%	12.9%
1995	126	22.2%	11.4%	12.9%	30.0%	36.7%
1996	113	18.6%	23.3%	17.4%	11.1%	21.2%
1997	94	35.1%	29.2%	23.8%	47.6%	39.3%
1998	102	35.3%	17.9%	36.8%	46.7%	40.0%
1999	87	47.1%	47.8%	57.9%	50.0%	36.0%
2000	99	54.5%	75.0%	60.0%	51.7%	44.1%
2001	101	43.6%	50.0%	50.0%	36.7%	40.7%
2002	94	70.2%	80.6%	47.6%	95.0%	54.5%

NEW SERIES						
<i>Percentage Owned Fully or in Part by Network</i>						
Year	Number	Overall	ABC	CBS	NBC	Fox
1990	32	12.5%	0.0%	0.0%	14.3%	33.3%
1991	30	13.3%	18.2%	11.1%	0.0%	20.0%
1992	55	16.4%	21.4%	7.7%	44.4%	5.3%
1993	50	16.0%	21.4%	20.0%	10.0%	9.1%
1994	39	15.4%	33.3%	9.1%	22.2%	7.7%
1995	46	19.6%	9.1%	9.1%	33.3%	26.7%
1996	38	26.3%	20.0%	20.0%	20.0%	50.0%
1997	35	37.1%	18.2%	12.5%	55.6%	71.4%
1998	33	39.4%	10.0%	80.0%	50.0%	37.5%
1999	36	58.3%	66.7%	100.0%	50.0%	22.2%
2000	32	56.3%	80.0%	50.0%	58.3%	44.4%
2001	32	56.3%	42.9%	77.8%	44.4%	57.1%
2002	40	77.5%	83.3%	66.7%	100.0%	60.0%

working writers employed by the networks increased from about 11% to 15% during the same period.¹⁰ The WGA reports the result of a similar computation in comments filed with the FCC in early 2002. Their statistics show that in 1984, the six largest companies accounted for 49.7% of writers' earnings, whereas in 2000, 72% of WGA

Figure 1
Percentage of Pilots Selected for Prime-Time Schedule



Significance tests (Fisher Exact Test):
 1990-1995, $p=0.721$
 1995-2002, $p=0.002$

writers' earnings came from the top six media companies (Kiefer, 2002b). In short, compared to the late 1980s, today a handful of large media conglomerates account for a greater share of television narratives.

Conclusion

Are the consequences of deregulation documented above as profitable for the networks' business interests and as constraining for the "creative community" as the parties to the debate have predicted? Media analysts and industry observers differ among themselves on whether the preference for network-owned programming, documented above, actually enhances the networks' bottom line. For example, Merrill Lynch analyst Jessica Reif Cohen points out that when networks rely on in-house production, they are assuming more of the risk in the expectation of greater reward. But to date, she observes, neither ABC, CBS, nor NBC has generated a hit show internally. Cohen notes "whenever shows fail, and a majority of them do, the broadcast networks and their production companies are left holding the bag" (Mermigas, 2002a, p. 30).¹¹ On the other hand, the statistical patterns summarized above include instances in which the networks have used their enhanced market power to negotiate ownership shares in series pilots brought to them by outside suppliers. In these situations, the program supplier, not the network, absorbs devel-

Table 2
Logistic Regression Results: Probability of a Pilot Being Selected for the Prime-Time Schedule as a Function of Network, Genre, Year, and Network Ownership Stake

Variable	Logistic Coefficient	Estimate	Standard Error	Wald Chi-Square	p-value
CBS	b1	0.14	0.16	0.71	0.400
NBC	b2	-0.04	0.16	0.07	0.790
Fox	b3	0.10	0.18	0.29	0.590
Drama	b4	0.85	0.29	8.95	0.003
Situation Comedy	b5	0.78	0.28	7.72	0.006
1991	b6	-0.09	0.30	0.09	0.765
1992	b7	0.39	0.27	1.99	0.158
1993	b8	0.49	0.28	2.95	0.086
1994	b9	0.15	0.29	0.25	0.615
1995	b10	0.33	0.28	1.37	0.241
1996	b11	0.05	0.30	0.03	0.870
1997	b12	0.12	0.31	0.14	0.705
1998	b13	-0.09	0.31	0.08	0.772
1999	b14	0.25	0.32	0.59	0.443
2000	b15	-0.11	0.32	0.12	0.728
2001	b16	-0.13	0.32	0.16	0.688
2002	b17	0.15	0.32	0.22	0.636
Ownership Share (Pre-1996 effect)	b18	-0.07	0.22	0.08	0.772
Fox* Ownership Share	b19	-0.24	0.28	0.69	0.405
Ownership Share* After 1995	b20	0.59	0.27	4.64	0.031
Post-1995 Ownership Effect	b18+b20	0.52	na	7.79	0.005
Intercept	a	-1.66	0.35	22.39	<.0001
Overall Model Test	df	Chi-square	p-value		
Likelihood Ratio Chi-Square	20	31.75	0.05		

Reference categories for binary variables: Network-ABC; Genre-Other; Year-1990

opment costs, while the network acquires a share of the back end profits if the series eventually becomes a hit and goes into syndication. From the program supplier's perspective, the costs of development for new series remain the same, but to reach the prime-time schedule, the supplier has to agree to forgo a share of the future revenues. According to some in the industry, this revenue squeeze on independent program suppliers is the primary reason that a number of them have exited the business of prime-time series development. For example, writing in *Electronic Media* in January 2002, columnist Michael Freeman observed:

But it is the burden of carrying those deficits and relinquishing significant ownership stakes that has forced independents, including Columbia TriStar Television and Michael Ovitz's Artists Television Group, to exit new network TV series production during the past nine months. In Columbia TriStar's case, the Sony-owned studio spent more than \$75 million on long-term talent-holding deals within the past two

Table 3
Concentration of Employment Among Television Writers

Year	Total Employed	Percent of TV Writers Employed by:			
		<i>Major Studios</i>		<i>Networks</i>	
		N	%	N	%
1987	2634	1225	46.5%	300	11.4%
1988	2465	1017	41.3%	260	10.5%
1989	2655	1240	46.7%	339	12.8%
1990	2815	1381	49.1%	400	14.2%
1991	2694	1275	47.3%	374	13.9%
1992	2717	1378	50.7%	416	15.3%
1993	2644	1368	51.7%	492	18.6%
1994	2659	1304	49.0%	518	19.5%
1995	2713	1432	52.8%	529	19.5%
1996	2877	1511	52.5%	420	14.6%
1997	2976	1651	55.5%	458	15.4%

years, which left it typically holding the bag on significant deficits while its network co-production partners were largely off the hook (Freeman, 2002, p. 3).

In sum, when the Fin-Syn Rules were relaxed in the early 1990s, ABC, NBC, and CBS emulated the successful strategy of the Fox network and began developing some of their prime-time programming "in-house" or in joint ventures with outside production companies. The networks moved slowly at first, and there is no evidence that they had a bias towards selecting series in which they had an ownership stake prior to the repeal of all ownership restrictions in 1995. After that point, however, the networks steadily reduced their reliance on outside suppliers of prime-time programming and began favoring series that they owned fully or in part. Moreover, in recent years, the networks seem to have refined their strategy even further—recognizing that when series with high potential do appear from outside producers, they can use their market power to extract an ownership stake after the pilot has been produced.

At the very least, the demise of the Fin-Syn Rules has resulted in a shift in market power from the major studios and smaller independent production companies to the television networks. With the expiration of Fin-Syn, three new major players—CBS, ABC, and NBC—were added to the major studios that dominated television production from 1970 to 1989. In itself, the re-introduction of the three networks into production reduced concentration among program suppliers. But the acquisition of ABC by Disney in 1995, the CBS-Viacom merger in 2000, and the departure of many of the smaller independent program suppliers from prime-time program development moved the marketplace back towards greater concentration.

Of course, ABC, NBC, CBS, and Fox are no longer the only networks distributing

television series nationwide. By Fall 1998, 11 series were in production for the new UPN network (4 of which were in-house productions from Paramount), and 15 series were in production for broadcast on the WB (5 of which were in-house productions). However, like the traditional broadcast networks, the emerging networks are increasingly relying on series they own to fill their schedules. By Fall 2002, after UPN had become part of the CBS network, the number of series in production had dropped to eight, and five of those were in-house productions. In that same season, half of the 16 series in production for the WB were produced by divisions of AOL-Time-Warner, as were 3 of the 4 series in production for the company's HBO cable network.

Another increasingly popular business strategy implemented by the Big Four and emerging networks also offsets the impact of expanding channels of distribution. "Repurposing," involves exhibiting each episode of a series on an affiliated broadcast or cable network immediately after the initial network broadcast—e.g., airing an ABC series on the Disney cable network, a WB series on TNT, or a CBS series on UPN (Freeman, 2002; Lowry, 2002). While viewers may find it convenient to have two or three or more opportunities to view their favorite series in a given week, this is not the kind of diversification of content that was envisioned by champions of the "500-channel universe."

Business strategies adopted by the networks in the era since deregulation contrast sharply with the those that accompanied concentration in the recording industry. In the business of recorded music (which is dominated by the same corporations), concentration in the number of suppliers and their share of the market became decoupled from diversity in the number of new cultural products when the large media conglomerates adopted decentralized management structures that granted substantial autonomy to individual artists and producers (Burnett, 1992; Dowd, in press). Unfortunately, the structure of the marketplace for prime-time television pushes these corporations in the opposite direction. For example, to promote in-house production and control production costs, in 1999 Disney centralized its television production operations, merging ABC Entertainment and Touchstone Television Productions into a single unit. The rationale, according to ABC Television Group President Pat Fili-Krushel was a consolidation "to produce creative results that result in more Disney product on ABC and also allows us to achieve economies of scale" (Rice, 1999, p. 53). "Clearly," Fili-Krushel explained, "the goal here is to direct as much of the studio's development to its distribution outlet, which is ABC. . . . [W]e're approaching this to drive as much product as possible to ABC and have the people at the network involved, without the Chinese walls that existed in the past" (p. 53).

The music and television industries differ in important ways, and economic forces are pushing each of the studios, networks, and studio/networks in the same direction Disney has moved. Compared to recorded music, production costs in television are astronomical, creating substantial barriers to entry to new program suppliers and creating incentives to the networks to demand greater control over costs. The huge deficits incurred at the front end in supplying prime-time programming force

independent producers to seek financial backing from either a major studio or a network, which inhibits proliferation of new program suppliers. In the increasingly deregulated business environment, the enhanced market power of the corporations that control access to channels of distributions has made it more difficult for independent suppliers of new television series to survive in the industry. Moreover, the high cost of producing episodic television makes it extremely difficult to operate through channels of distribution outside of network television, such as first-run syndication or cable (especially when those off-network venues are increasingly controlled by the same corporations). The technological developments that are lowering barriers to entry and revolutionizing the production and distribution of recorded music (e.g., through the Internet) are probably years away from having any significant impact on scripted episodic television. As a result, for the near term at least, the "creative community" of program suppliers remains locked into a system that has traditionally valued creativity only within the parameters of well-established genres. So far, the most visible impact of deregulation has been a reduction in the number of organizational settings in which those who create television series are employed, and an increase in corporate control over the circumstances under which they practice their craft.

Notes

¹ In a cost-cutting move, the networks ceased producing development brochures in 2002. The same information was made available to the industry trade publications, and we relied on information posted at the Web site for the *Hollywood Reporter* and the *NATPE Pilot Bible* for pilots in production for the 2002-2003 season.

² Increasingly in recent years, networks have been able to get outside producers to agree to relinquish an ownership share in a series after the pilot is produced. When this happens, a series is listed as being supplied by an outside producer in the networks' brochures about pilots in development, but it is listed as a coventure between the network and an outside producer in the TV Season Preview. As a result, we use the TV Season Preview listings to update the coding of network financial participation in new series. In other words, for pilots that are selected for the prime-time schedule, our indicator of ownership reflects the ownership status at the time it goes into regular production rather than at the time the pilot is announced.

³ A complete description of how these data were collected, and their validity and reliability, appears in *The 1998 Hollywood Writers' Report* (Bielby & Bielby, 1998, Table 2).

⁴ Similar imagery was invoked in another strongly-worded comment by the WGA filed with the FCC earlier in 2002:

The world of free television has witnessed a greatly reduced and constantly eroding freedom of expression and creativity. It is, in our view, no coincidence that this erosion of quality and creativity has closely paralleled the increasing domination of the airwaves by a few behemoths, a trend which began when the Financial Interest and Syndication Rules disappeared and exhibitors and distributors of programs were allowed to produce, control and own in large part or in whole the programs they broadcast. (Writers Guild of America, West, 2002b, p. 5; Kiefer, 2002c, p. 20)

⁵ Sony executives claimed that their decision was inevitable, given the business realities following the repeal of the Fin-Syn Rules. Howard Stringer, CEO of Sony Corporation of

America, stated that "in the post fin-syn world, we were supposed to make it up on the back-end, and we don't anymore." He added:

A long time ago, when shows like "Dallas" were made, they went on the air and the immediate week's show was in profit for both the network and the supplier. Gradually, the balance of power changed. When fin-syn was broken, it changed again. And now nobody makes any money. The independent stations disappeared. Now they are all owned by large companies. There isn't the same place in syndication to cover your losses and deficits in the early end of the development and in the early years on the network. (Mermigas, 2001, p. 1)

⁶ As noted above, for pilots that are selected for the prime-time schedule, we measure ownership status at the time the series goes into regular production, not at the time the pilot is announced. Thus, the percentages reported in Table 1 include some series that were developed without network ownership but which became joint ventures between a network and an outside supplier by the time the series appeared on the network.

⁷ The hypothesis of no difference in the probability of selection for pilots owned fully or in part by the networks versus those not owned by the networks was tested with Fisher's exact test. The disparity was not significant for the period 1990 through 1995 ($p = .721$) and significant for the period 1996 through 2002 ($p = .002$).

⁸ Specifically, binary variables were included for genre (sitcom, drama, other), year, and network, and for network ownership (fully or partially owned by the network). To test whether there was favoritism towards network-owned series after 1995 we include a binary variable coded one for pilots owned fully or in part by the network after 1995 and zero otherwise. Since the Fox network was affiliated with a major studio throughout the period we analyze and was not subject to the Fin-Syn Rules, we include an interaction term that allows the ownership variable to have a separate effect for Fox. The model assumes that the ownership effect for the Fox network is the same in the pre- and post-Fin-Syn periods.

⁹ The odds ratio for the post-1995 percentages reported in Figure 3 is 1.61, compared to an odds ratio of 1.69 computed from the logistic regression. Thus, controlling for genre, network, and year has little impact on the magnitude of the estimate of the post-1995 disparity in favor of network-owned pilots.

¹⁰ Some writers work for both a major studio and a network in a given year, so it is not appropriate to add the percentages to obtain the total share attributable to the major studios and the networks.

¹¹ Commenting in September 2002 on ABC's financial difficulties, *Electronic Media* columnist Diane Mermigas wrote:

The major broadcast networks have ramped up internal production and ownership of more of their scheduled programs based on the notion that they could make up the difference in highly lucrative off-network syndication, which flourished in years past. That simply is not happening. The dissolution of the financial interest and syndication rules that once prohibited such program ownership has so far turned out to be a bust for the broadcast TV networks. So ABC, like its peers, has embraced a formula for potential financial disaster: shouldering more risk and costs with the chances for less return. ABC is likely to be the first of the broadcast TV networks adversely impacted by this formula. (Mermigas, 2002b, p. 14)

References

- Advertising Age* (1999, May 31). Marketers lose as nets deal. *Advertising Age*, 42.
- Bielby, W. T., & Bielby, D. D. (1998). *The 1998 Hollywood writers' report: Telling ALL our stories*. Los Angeles: Writers Guild of America, West.
- Blumenthal, H. J., & Goodenough, O. R. (1991). *The business of television* (2nd ed.) New York: Billboard Books.

- Boliek, B. (2002, September 13). FCC launches wide review of broadcast ownership rules. *Hollywood Reporter*, p. 1.
- Brennan, S. (1995, September 7). Sudden sunset for fin-syn. *Hollywood Reporter*, p. 1.
- Brownfield, P. (2001, August 14). More suits than jokes? *Los Angeles Times*, p. F6.
- Burnett, R. (1992). The implications of ownership changes on concentration and diversity in the phonogram industry. *Communications Research*, 19, 749-769.
- Caucus for Television Producers, Writers & Directors. (2002). Letter to Honorable Michael K. Powell, Chairman, Federal Communications Commission, June 7, 2002. Retrieved January 5, 2003, from http://www.caucus.org/Downloads/Caucus_Policy_Statment_to_Powell.pdf
- Coe, S. (1994, December 5). The quality controllers (panel discussion). *Broadcasting & Cable*, p. 42.
- Dowd, T. (1992). The musical structure and social context of number one songs, 1955-1988. In R. Wuthnow (Ed.), *Vocabularies of public life: Empirical essays in symbolic structure* (pp. 130-157). London: Routledge.
- Dowd, T. (in press). The mitigated impact of concentration on diversity: New performing acts and new firms in the mainstream recording market, 1940-1990. *Social Forces*.
- Flint, J. (1993, Nov. 22). Networks win, Hollywood winces as fin-syn barriers fall. *Broadcasting & Cable*, 123, p. 6, 16.
- Freeman, M. (2001, November 19). TV in transition: Jonas navigates tough programming landscape; Indie producer proves there's life after Warner Bros. *Electronic Media*, p. 3.
- Freeman, M. (2002, January 28). TV in transition: Forging a model for profitability; Repurposing the first steps toward fiscal viability. *Electronic Media*, p. 1.
- Halonen, D. (1998, June 8). He told you so: Valenti's fin-syn warnings coming true. *Electronic Media*, p. 1.
- Hatch, D. (2001, January 29). Independents fight the good fight: Customers can also be competitors in modern programming world. *Electronic Media*, p. 3.
- Heuton, C. (1995, September 18). Mergers scare small studios. *Mediaweek*, p. 16.
- Hofmeister, S. (1997, March 28). DreamWorks denies NBC a stake in show. *Los Angeles Times*, p. D4.
- Horwitz, N. (2001, August 20). It's time to bring back FCC rules of the '70s. *Electronic Media*, p. 8.
- Kiefer, P. (2002a, February 20). WGA bolsters TV regs case. *Hollywood Reporter*, p. 20.
- Kiefer, P. (2002b, February 26). Media integration stirs panel. *Hollywood Reporter*, p. 14.
- Littleton, C. (1996, June 3). Broadcast networks face fin-syn trade-off: Risk and reward are both downsized in post-sunset era. *Broadcasting & Cable*, p. 35.
- Littleton, C. (2001, October 18). CTTV hit worrisome note. Unit's survival in eye of speculation storm. *Hollywood Reporter*, 1.
- Lopes, P. D. (1992). Innovation and diversity in the popular music industry, 1969 to 1990. *American Sociological Review*, 57, 56-71.
- Lowry, B. (1998, November 3). Picturing profits, not plots. *Los Angeles Times*, p. F1.
- Lowry, B. (1999, January 15). Networks called for interference television: A group of writers, producers and directors want to rein in what they see as increased meddling in their work. *Los Angeles Times*, p. F1.
- Lowry, B. (2001, October 24). FCC leaves independents in the cold. *Los Angeles Times*, p. F1.
- Lowry, B. (2002, April 24). The new instant replay. *Los Angeles Times*, p. F1, F8.
- Matelski, M. P. (2002). Jerry Springer and the wages of fin-syn: The rise of deregulation and the decline of TV talk. *Journal of Popular Culture* 33, (Spring), 63-76.
- McClintock, P. (2002, June 11). TV Caucus seeks gov't aid vs. congloms. *Daily Variety*, p. 8.
- McClintock, P., & M. Schneider. (2002, February 20). Remapping caps. *Daily Variety*, p. 8.
- McConnell, B. (2002a, June 3). Big media, big targets: Deregulation-bred behemoths draw increasing flak from inside beltway and out. *Broadcasting & Cable*, p. 19.
- McConnell, B. (2002b, September 16). Massive reg review launched: Broadcasters are expected to be allowed to doff caps, buy a paper in the future. *Broadcasting & Cable*, p. 10.
- Mermigas, D. (2001, October 22). Nets make no cents for Sony: Demise of back-end convinced studio to abandon the Big 6. *Electronic Media*, p. 1.

- Mermigas, D. (2002a, June 3). Fin-syn repeal has yet to pay off. *Electronic Media*, p. 30.
- Mermigas, D. (2002b, September 9). Eisner's fuzzy vision: CEO may not see it but Disney is in crisis. *Electronic Media*, p. 14.
- Nelson, E., & Orwall, B. (2002, September 13). Change of season: Desperate for a hit, ABC is refocusing on Middle America. *Wall Street Journal*, p. A1, A12.
- Peers, M. (1995, April 3-9). Picks from the panel: Trends to watch in '95. *Variety*, p. F1.
- Pepe, C. J. (1994). The rise and fall of the FCC's financial interest and syndication rules. *Villanova Sports and Entertainment Law Journal*, 1. Retrieved January 5, 2003 from http://vls.law.vill.edu/students/orgs/sports/back_issues/volume1/issue1/riseandfall.html
- Peterson, R. A., & Berger D. G. (1975). Cycles of symbol production: The case of popular music. *American Sociological Review*, 40, 158-173.
- Peterson, R. A., & Berger, D. G. (1996). Measuring industry concentration, diversity, and innovation in popular music. *American Sociological Review*, 61, 175-181.
- Rice, L. (1999, July 9). ABC-Touchstone turns on tap to boost production flow. *Hollywood Reporter*, p. 1, 53.
- Rosenbaum, J., & Williams, W. (1990). An economic analysis of network prime time program supply under the FCC's financial interest and syndication rules. Paper presented at the annual convention of the Speech Communication Association, Chicago.
- Sanders, E. (2002, September 13). FCC reviewing rules governing media ownership. *Los Angeles Times*, p. C1, C10.
- Schiesel, S., & Carter, B. (2002, February 20). Court ruling may change landscape for media. *New York Times*, p. C1.
- Schlosser, J. (2002, February 11). Do-it-yourself development. *Broadcasting & Cable*, 12.
- Schmuckler, E. (1993, November 29). Ah, the joys of ownership: Impact of television financial interest and syndication rules. *Mediaweek*, p. 13.
- Schmuckler, E., Heuton C., & Sharkey, B. (1994, June 13). The new kids on the lots. *Mediaweek*, p. 4.
- Schneider, M. (1998, May 25). Network's ownership stakes-studios feel networks' strong arm: Paradigm shift in TV economics. *Electronic Media*, p. 26.
- Writers Guild of America, West. (2002, January 4). *Comments of the Writers Guild of America regarding harmful vertical and horizontal integration in the television industry*. Comments submitted to the Federal Communications Commission.