

March 11, 2019

Via ECFS

The Honorable Ajit Pai, Chairman
The Honorable Michael O’Rielly
The Honorable Brendan Carr
The Honorable Jessica Rosenworcel
The Honorable Geoffrey Starks
Federal Communications Commission
445 12th Street, NW
Washington, D.C. 20554

Re: National Television Ownership Cap
MB Docket No. 17-318

Dear Chairman Pai and Commissioners:

As the Commission continues its consideration of the national television ownership cap in 2019, the undersigned television broadcasters and additional like-minded broadcasters, are submitting this letter to emphasize the television industry consensus that, at a minimum, the Commission must maintain the status quo audience reach cap of 78% of television households.¹ That figure is the number that Congress selected in 2004 when it set the television cap at 39% national audience reach with a 50% UHF discount. This is essentially the cap that NAB and the industry consensus supports following its careful review of the matter.²

Supporters of this letter collectively represent 488 local television stations in markets of every type and size, offering network-affiliated, Spanish language, religious, and independent programming, and owned by some of the largest and smallest station groups in the country. The group of TV owners supporting this position is growing, and we firmly believe that at the very least, maintenance of the 78% status quo will serve the public interest.

The national audience reach proposals before the Commission confirm that the national audience reach cap is outmoded – if, indeed it ever could be justified. Limiting broadcasters’ potential audience reach based on the crude proxy of total Nielsen Television Households is an arbitrary, unfair restraint on their ability to compete with increasingly national, and indeed global, players in the television programming industry. If the Commission nevertheless chooses to maintain a cap, in the absence of an empirical basis for any numerical limitation, it should at least preserve Congress’ determination and intent based on its review of the video distribution market nearly 15 years ago, *i.e.* 78%.

¹ Letter from Rick Kaplan, General Counsel and Executive Vice President, National Association of Broadcasters (“NAB”), to Marlene H. Dortch, Secretary, Federal Communications Commission, MB. Docket No. 17-318, filed November 26, 2018.

² National Association of Broadcasters, Notice of Ex Parte Communication, MB Docket No. 17-318, filed Feb. 13, 2019.

Television broadcasters' biggest competitors for viewer eyeballs and advertiser dollars – cable television networks and Internet video – face no ownership limitations at all. Netflix isn't subject to any national audience reach limitations and reaches into every household with an Internet connection. Likewise AT&T, which reaches into every household with an internet or mobile or satellite connection. If the video market is to function fairly and efficiently, broadcasters should also be allowed similar nationwide flexibility.

We submit that in reviewing the national ownership cap, the Commission at the very least should do no harm by acknowledging and maintaining the status quo. Congress created the current national ownership structure and preserved the UHF discount in 2004, and it has not seen reason to revisit the issue. Furthermore, the Commission has overseen a television broadcast industry with an effective 78% cap since Congress instituted it 2004 and most stations transitioned to UHF with the DTV transition nearly a decade ago. Nothing in the record provides any basis for tightening the national ownership cap.

Respectfully submitted,

ION MEDIA NETWORKS, INC.

By: /s/ Brandon Burgess

Title: Chairman & CEO

**TRINITY CHRISTIAN CENTER OF
SANTA ANA, INC.**

By: /s/ Colby May

Title: Director

TRIBUNE MEDIA COMPANY

By: /s/ Jessica Kirsch

Title: Senior Counsel

NORTHWEST BROADCASTING, INC.

By: /s/ Brian Brady

Title: President and CEO

UNIVISION COMMUNICATIONS INC.

By: /s/ Christopher Wood

Title: SVP/Assoc. General Counsel

NEXSTAR BROADCASTING, INC.

By: /s/ Perry Sook

Title: Chairman, President & CEO

**WORD OF GOD FELLOWSHIP, INC.
D/B/A DAYSTAR TELEVISION
NETWORK**

By: /s/ Marcus Lamb

Title: CEO

RAMAR COMMUNICATIONS, INC.

By: /s/ Brad Moran

Title: President

MERUELO MEDIA

By: /s/ Otto Padrone

Title: President and COO

**ENTRAVISION COMMUNICATIONS
CORPORATION**

By: /s/ Christopher Young

Title: CFO

ELLIS COMMUNICATIONS

By: /s/ Bert Ellis

Title: Chairman & CEO