

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Streamlined Reauthorization Procedures)	
for Assigned or Transferred Television)	MB Docket No. 18-63
Satellite Stations)	
)	
Modernization of Media Regulation Initiative)	MB Docket No. 17-105

COMMENTS OF NEXSTAR BROADCASTING, INC.

Nexstar Broadcasting, Inc. (“Nexstar”), the licensee of 159 full-power and Class A television stations, respectfully submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking seeking comment with respect to streamlining the process for reauthorizing television satellite stations when they are assigned or transferred in combination with their previously approved parent station.¹ The Commission seeks comment on the impact of streamlining approval of the satellite television exemption and what impact, if any, will a change in the process have on public participation and/or assessment of such actions. Nexstar commends the Commission’s efforts to modernize its rules to “reduce unnecessary requirements that can impede competition and innovation in the media marketplace,” and agrees with the Commission that eliminating this outdated filing requirement will “eliminate potentially needless regulatory expense and delay.”²

Nexstar supports the Commission’s proposal to streamline the process for assigning or transferring satellite stations and supports Gray Television, Inc.’s (“Gray”) recommendation that

¹ *Streamlined Reauthorization Procedures for Assigned or Transferred Television Satellite Stations; Modernization of Media Initiative*, Notice of Proposed Rulemaking, FCC 18-34, MB Dockets 18-63 and 17-105 (rel. Mar. 23, 2018) (“*NPRM*”).

² *Id.* at ¶ 1.

licensees seeking reauthorization of an existing parent satellite combination certify that the satellite exemption conditions previously reviewed and approved by the Commission remain consistent at the time an assignment or transfer application is filed.³ Such express certification would be included in the assignment or transfer application, supported by both parties to that application, and readily available for public review and comment. This streamlined process would not eliminate the Commission's review, but it would avoid wasting "Commission resources on time-consuming reviews of detailed reauthorization requests."⁴

The proposal to streamline the current review process for reauthorization of satellite stations in connection with an assignment or transfer application will increase the efficiency of the Commission's oversight in the context of ownership threshold review and public interest considerations, reduces the unnecessary waste of physical and financial resources consumed by a repetitive agency review process, and diminishes the expenses expended by licensees, which divert investment funds that could be used to improve service to the public, during the reexamination process. Moreover, the proposed modification combined with the Commission's Petition to Deny process does not preclude the public from actively participating in the overall approval process and, therefore, will not impair the Commission's public interest obligations. Accordingly, the proposed streamlined process will increase efficiency, reduce cost, continue to serve the public interest; and should be expeditiously adopted by the Commission.

I. THE COMMISSION'S PROPOSAL WILL INCREASE OVERSIGHT EFFICIENCY AND REDUCE THE DRAIN ON COMMISSION RESOURCES.

The Commission initially adopted a process that "authorized television satellite stations in sparsely populated areas with insufficient economic bases...[and] in larger markets when the proposed

³ *Letter from Kevin P. Latek, Executive Vice President, Gray Television, Inc. to Marlene H. Dortch, Secretary, FCC, MB Docket No. 17-105 (filed June 26, 2017), at 3.*

⁴ *NPRM* at ¶ 7.

satellite [station] could not operate as a full-service station,”⁵ and later modified that evaluation process to include a rebuttable presumption establishing a bright line test while retaining the opportunity for an *ad hoc* review if circumstances fall outside the bright line factors.⁶ The Commission has continued to employ this review process over the last 27 years without further revision and without denying at least 100 new or reauthorized satellite exemption requests.⁷ Consequently, the Commission has already committed significant amounts of time and resources to consider, analyze, draft and release written decisions (published and unpublished) on each of the existing 100 (plus) satellite exemption requests. This alone reinforces the question as to the benefit gained by spending Commission resources on time-consuming reviews of detailed reauthorization requests. The Commission should not be compelled to continue the resource intensive reevaluation of its own decisions regarding an initial or subsequent reauthorization of a satellite exemptions.

II. THE PROPOSED STREAMLINED PROCESS WILL INCREASE THE PUBLIC INTEREST BENEFITS.

Modifying the current satellite exemption reauthorization process will not only reduce unnecessary resource expenditure by the Commission, it also will reduce the investment undertaken by licensees that seek to continue service to the public through the sale or transfer of satellite exempted broadcasting facilities to other qualified individuals or entities. The NPRM expressly acknowledges this investment consequence, noting that the existing process imposes an unnecessary burden on station owners by requiring them to expend time and resources, and the time and expense involved in obtaining a reauthorization may create an artificial disincentive for potential purchasers of satellite stations, which typically are in rural and economically depressed areas and often in need of investment.⁸ The

⁵ NPRM at ¶ 2.

⁶ *Id.* at ¶ 3.

⁷ *Id.*, Statement of Commissioner Michael O’Reilly.

⁸ *Id.* at ¶ 7.

monies expended in meeting the current satellite reauthorization process, which can be significant, may forestall certain classes of individual or entities from acquiring television stations due to the lack of financial resources or even the slightest chance of a loss of the investment should the assignment or transfer application be denied for any reason. Accordingly, streamlining the current process to include a certification that all prior satellite exemption conditions as reviewed and approved by the Commission remain unchanged may result in a more diverse collection of broadcast ownership.⁹ Correspondingly, a streamlined satellite reauthorization process also will reduce the risk that a satellite station, excluded from its parent station in the purchase agreement, will go dark because potential buyers are unwilling to undertake the reauthorization investment as part of the normal review and approval process.

III. A STREAMLINED PROCESS WILL NOT DIMINISH THE PUBLIC'S PARTICIPATION IN THE AGENCY'S OVERSIGHT PROCESS.

The Commission's streamlined transfer proposal does not alleviate its responsibility to consider the facts surrounding the reauthorization of a satellite exemption, it merely abbreviates the review process based on facts already present in the record. With regard to those facts, Nexstar supports the requirement that satellite exemption reauthorization requests under the proposed streamlined process include a copy of the existing satellite exemption decision, regardless of whether it was published or unpublished. This document requirement will save time at the Commission and will provide the public with all necessary materials, thereby avoiding any delays in the public comment period.

⁹ Nexstar believes material changes should be limited to voluntary facilities modification applications (i.e., outside of the current repacking process) to a station's service contour whose overlap with the parent station exceeds twenty percent (20%) of the prior contour overlap submitted and approved after the effective date of the proposed new rule; the seller has received a bona fide purchase offer for the satellite facility in the immediately preceding three year period; or if an alternative showing was made, a fundamental change in the information related to that showing.

In addition, the public comment cycle will not suffer as a result of the streamlined process because the Petition to Deny comment period is available to any party.¹⁰ Public comment can call into question any fact, statement or certification presented in the assignment or transfer application and/or assumed in the record. The certification statement to be included in the assignment or transfer application does not shield the applicants from further Commission inquiry or demands for validation and/or supporting documentation. Accordingly, a streamlined reauthorization process for the assignment or transfer of a satellite station will not prevent public participation in the application process.

Nexstar also agrees that upon approval under the proposed streamlined review process, the continuation of any satellite exemption reauthorization should be reflected in the “Special Conditions” section of the Form 732 authorization.

IV. CONCLUSION

The proposal to streamline the process for reauthorization of satellite stations in connection with an assignment or transfer application increases efficiency, decreases costs and maintains the requisite public interest obligations of both the Commission and its regulatees. As detailed above, the change in process does not reduce the Commission’s obligation to evaluate the public interest prior to consent to an assignment or transfer application or the applicant/licensee’s obligation to serve that public interest post consent.

¹⁰ See, 47 C.F.R. §73.3584.

Accordingly, Nexstar urges the Commission to continue its elimination of outdated rules and policies and streamline the satellite reauthorization process.

Respectfully submitted,

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