

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

In the Matter of)	
)	
Gray Media Group, Inc.)	MB Docket No. 19-131
)	CSR-8977-A
Petition for Special Relief for)	
Modification of the Television Market of)	
Station WCJB-TV with Respect to DISH)	
Network and DIRECTV)	
)	
To: Chief, Media Bureau)	

REPLY TO OPPOSITIONS

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June 7, 2019

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I. INTRODUCTION AND SUMMARY

Gray Media Group, Inc. (“Gray”), the parent company of the licensee of WCJB-TV, Gainesville, Florida. (Fac. ID 16993), hereby files this Reply to the Oppositions of DIRECTV, LLC (“DIRECTV”) and Cox Media Group, LLC (“Cox”) in the above-captioned proceeding.¹ The record amply demonstrates that the Petition satisfies the statutory criteria to justify a market modification. Grant of the Petition would further Congress’s intention for satellite television subscribers like those in Columbia County and Marion County, Florida (the “Counties”) to receive in-state service that fulfills their local news and information needs.²

¹ Opposition of DIRECTV LLC to Petition for Special Relief, MB Docket No. 19-131, CSR No. 8977-A, filed May 28, 2019 (“*DIRECTV Opposition*”); Opposition of Cox Media Group LLC to Petition for Special Relief, MB Docket No. 19-131, CSR No. 8977-A, filed May 28, 2019 (“*Cox Opposition*”). DISH Network did not file an opposition to the Petition. DISH merely submitted a letter attaching its pre-filing coordination letter. This same letter was already submitted for the record by Gray in its original Petition as Exhibit B. See Letter from DISH Network L.L.C., MB Docket No. 19-131, CSR No. 8977-A, filed May 28, 2019 (“*DISH Letter*”).

² See Gray Media Group Inc., Petition for Special Relief, MB Docket Nos. 19-131 (filed May 2, 2019) (“*Petition*”).

Gray's Petition demonstrated full satisfaction of the statutory factors governing market modifications and made a thorough showing that grant would serve the public interest. The Petition provides numerous examples of how WCJB-TV provides unmatched local news, sports, and weather coverage to communities in the Counties. The hundreds of residents, local and elected officials, and business leaders that enthusiastically supported the Petition seeking satellite carriage for WCJB-TV in the Counties show the weight the Commission should give this community-specific focus.³

To the extent Cox argues that certain factors have not been fully satisfied, the Commission has consistently treated such factors as "neutral," or not as to be weighed with prejudice against the Petitioner. Further, the FCC should reject the selectively flawed and narrow reading of Section 338 endorsed by DIRECTV and Cox. A balancing of the statutory factors, combined with Commission precedent and clear Congressional intent, all argue in favor of grant of the instant Petition.

II. DIRECTV AND COX MISREAD THE APPLICABILITY AND INTENT OF THE SECTION 338(C)(1) DUPLICATING SIGNALS EXCEPTION

A. WCJB-TV Does Not Share a "Local Market" with WJXX or WFTV.

The Oppositions argue that DIRECTV should not be required to carry WCJB-TV because of the Section 338(c)(1) duplicating signals exception.⁴ This misreads the statute. ABC affiliates WFTV, WJXX, and Gray's WCJB-TV are in different local markets, as that term is defined in the Communications Act, and therefore, Section 338(c)(1) does not apply.

³ See generally MB Docket No. 19-131. Since Gray filed the Petition, the Commission has received more than 120 comments from viewers in the Counties supporting the proposed modification. This is in addition to the dozens of letters from community and business leaders, elected officials, and other residents within the Counties that were submitted with the Petition. See Petition at Exhibits D, E, and F.

⁴ See DIRECTV Opposition at 2-4; Cox Opposition at 7-10.

The Section 338(c)(1) exception applies to two commercial stations affiliated with the same network “in a single market,” which is not the case here.

“[A] satellite carrier shall not be required to carry upon request the signal of any local commercial television broadcast station that substantially duplicates the signal of another local commercial television broadcast station which is secondarily transmitted by the satellite carrier **within the same local market**, or to carry upon request the signals of more than one local commercial television broadcast station **in a single local market** that is affiliated with a particular television network unless such stations are licensed to communities in different States.”⁵

Section 338 defines “local market” consistent with 17 U.S.C. 122(j), which in turn defines it to include “the designated market area in which the station is located,” “the county in which the station’s community of license is located,” and any market modifications under Section 338.⁶ WJXX, the ABC affiliate in the Jacksonville, Florida designated market area (“DMA”) and WFTV, the ABC affiliate in the Orlando-Daytona Beach-Melbourne, Florida DMA are not carried in the WCJB-TV local market (which currently is comprised of the Gainesville, Florida DMA). The Petition seeks to add the Counties to the local market of WCJB-TV. Thus, upon grant of the Petition, the WCJB-TV local market will be the Gainesville, Florida DMA plus the Counties. WJXX and WFTV serve a different local market, rendering Section 338(c)(1) inapposite here.

DIRECTV and Cox misinterpret Section 338(c)(1) to claim that it prevents the Commission from compelling carriage of a station in a single county outside its DMA if the satellite carrier already carries the in-DMA duplicate affiliate in that county.⁷ But, if that were true, it would wipe away the statutory must-carry rights of many local television stations in their

⁵ 47 U.S.C. § 338(c)(1) (emphasis added).

⁶ 47 U.S.C. § 338(k)(4); 17 U.S.C. § 122(j).

⁷ DIRECTV Opposition at 2-3; Cox Opposition at 9-10.

“home counties” in direct contravention of the will of Congress. The community of license for many local television stations is located outside of that station’s Nielsen assigned DMA. Those stations may demand carriage in their DMA and their “home county,” which is the county of their community of license.⁸ In that situation, however, a home county necessarily is in a different DMA. For example, the Fox affiliate for the Gainesville DMA is WOGX(TV), which is licensed to Ocala, Florida, in Marion County. If WOGX(TV) were to assert mandatory carriage, it would be entitled to carriage on satellite in the Gainesville DMA and in Marion County, which is in the Orlando DMA.⁹ Yet, under DIRECTV’s and Cox’s interpretation of Section 338(c)(1), WOGX(TV) and the many other TV stations with a home county outside their DMA would lose their carriage rights in their home county. Plainly, Congress would not have bothered to define a station’s “local market” to include its home county in addition to its DMA if Congress was going to make that definition meaningless with the duplicating signals exception in Section 338(c)(1).

Moreover, Cox’s argument that Marion County would be deemed part of the Gainesville DMA upon grant of the Petition is simply untrue.¹⁰ Nielsen defines DMA boundaries, not the

⁸ *Implementation of the Satellite Home Viewer Improvement Act of 1999, Report & Order*, 16 FCC Rcd 1918, ¶ 36 (2000).

⁹ To Gray’s knowledge the owner of WOGX(TV) has elected retransmission consent status and forfeited its right to mandatory carriage in Marion County. Nevertheless, the fact that the local market for WCJB-TV’s direct competitor WOGX(TV) includes Marion County, is strong evidence that Marion County should also be within WCJB-TV’s local market. *See Entravision Holdings, LLC for Modification of the Television Market for Station WJAL(TV), Silver Spring, Maryland*, 33 FCC Rcd 2215, ¶ 15 (2018) (citing *Woods Communications Corporation for Modification of the Television Market for WCOV-TV, Montgomery, Alabama*, 32 FCC Rcd 6597, ¶ 6 (2017)) (“[T]he Commission has given weight to this factor when another station based in the same area has been carried in the community.”).

¹⁰ *See Cox Opposition at 9* (“In this case, for example, were the Commission to grant the Petition, Marion County would be deemed part of the Orlando, Florida DMA and the Gainesville DMA. Thus, both WCJB-TV and WFTV(TV) would be deemed local signals in Marion County.”)

FCC. A market modification only adjusts a station's "local market" as defined in FCC rules. The FCC has long understood the differences between a DMA and a local market. A "DMA is a geographic market designation created by Nielsen Media Research that defines each television market exclusive of others, based on measured viewing patterns,"¹¹ whereas, "[m]arket modifications allow the Commission, upon request, to modify the local market assignment of a station to include such neighboring communities that are located in the same state as the station."¹² Here, WFTV and WCJB-TV do not and will not share the same local market.

B. The Bureau's WYMT-TV Decision Does Not Support the Oppositions.

In support of their argument that Section 338(c)(1) precludes grant of the WCJB-TV Petition, DIRECTV and Cox rely upon the Media Bureau's WYMT-TV decision.¹³ However, the Oppositions ignore two crucial factual distinctions between WYMT-TV and the present Petition.

First, in WYMT-TV, WYMT-TV and WKYT were duplicate affiliates "in a single local market." Specifically, both stations are licensed to the Lexington, Kentucky DMA. As the Commission noted, "[t]he crux of this case is whether Gray can use the satellite market modification process to force carriage of both WYMT and WKYT, which are 'duplicating network affiliates' under Section 338(c)(1) of the Communications Act."¹⁴ Again, WCJB-TV is

¹¹ *Implementation of Section 207 of the Satellite Home Viewer Extension and Reauthorization Act of 2004*, Notice of Proposed Rulemaking, 20 FCC Rcd 5448, ¶ 8, n.19 (2005); see also *Entravision Holdings, LLC for Modification of the Television Market for Station WJAL(TV), Silver Spring, Maryland*, 33 FCC Rcd 2215, ¶ 2 (2018). ("A DMA, as defined by Nielsen Media Research, is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns.").

¹² *Amendment to the Commission's Rules Concerning Market Modification*, 30 FCC Rcd 10406, ¶ 1 (2015) ("*STELAR Market Modification Report and Order*")

¹³ See *Gray Television Licensee, LLC for Modification of the Television Market for WYMT-TV, Hazard, Kentucky*, 33 FCC Rcd 4889 (2018) ("*WYMT-TV Order*")

¹⁴ *Id.* at ¶ 12.

not a duplicating network affiliate because it does not share a common local market (or DMA) with WJXX or WFTV, and thus is easily distinguished from the WYMT-TV Order.¹⁵

Second, the Commission's concern in *WYMT-TV* that carriage of WYMT-TV would be burdensome because of the need "to make room on the local spot beam" doesn't apply here.¹⁶ Unlike WYMT-TV, WCJB-TV already is carried on its spot beam. In this Petition, Gray is not asking DISH or DIRECTV to add WCJB-TV to the spot beam(s) serving Orlando or Jacksonville.¹⁷ Instead, Gray is asking that to the extent that the existing spot beam already carrying WCJB-TV can reach viewers in the Counties, that DISH and DIRECTV make WCJB-TV available to those viewers.¹⁸

Thus, neither policy rationale for 338(c)(1) that the Commission articulated in *WYMT-TV* applies here.¹⁹ Rather, the Petition is precisely the sort of market modification that Congress intended under STELAR.

¹⁵ See, e.g., *Id.* at ¶ 21 ("We read Section 338(c)(1) and the implementing rule to mean that satellite carriers are not obligated to carry duplicating affiliates on the spot beam **serving the stations' common DMA.**" (emphasis added)).

¹⁶ *Id.*

¹⁷ *Id.* at Footnote 75 ("Our point, though, is that the satellite carrier has a right under Section 338(c)(1) to choose which affiliate to carry on its **Lexington DMA spot beam.** As explained herein, we believe Section 338(c)(1) is best read to avoid carriers from having to place to same-network affiliates on the same spot beam **in order to serve a single DMA.**" (emphasis added)).

¹⁸ *STELAR Market Modification Report and Order*, ¶ 34 ("We conclude that, if a satellite carrier can provide the station to only part of a new community, then it must do so.").

¹⁹ See *id.* at ¶ 21 ("From the satellite carriers' perspective, the Section 338(c)(1) exception would mean little if the carrier still had to make room on its local spot beam for duplicating affiliates.").

C. The Oppositions' Interpretation of STELAR Would Contravene the Purpose of the Statute.

The Oppositions are clearly self-serving, seeking to negate the valid statutory mechanisms that Congress intended to be used to modify television markets. Taken to the logical extreme, DIRECTV's argument would mean that WCJB-TV's request (and every other network-affiliated station in the state of Florida) could be flatly rejected by the satellite provider if the market modification would add any county that is in a Florida-based DMA. This would make satellite market modifications accessible only for independent, non-affiliated stations or so-called "orphan counties," which clearly was not Congress' intent. The Commission previously rejected DIRECTV's selective reading of the statute²⁰ and has issued market modification orders that directly contradict DIRECTV's interpretation.²¹ It would make little sense for Congress to promote access to in-state stations in Section 338(l)(2)(B)(iii) of the Communications Act, yet at the same time prevent such carriage in Section 338(c)(1). Plainly, this is not what Congress intended, and the Commission should reject DIRECTV's argument accordingly.

Indeed, in many circumstances, as repeatedly noted by Congress, Nielsen-developed DMA assignments do not satisfy the unique local viewership needs of local communities. Further, Congress has taken notice of the satellite providers' efforts to obstruct the proper functioning of STELAR, as "many communities continue to struggle with market modification petitions." In the Conference Committee Report accompanying the Consolidated Appropriations

²⁰ *STELAR Market Modification Report and Order*, ¶ 18 n.83 (rejecting the requirement that a petitioner must show a complete lack of in-state programming in a community to satisfy the in-state-programming factor in Section 338(l)(2)(B)(iii)).

²¹ *See Gray Television Licensee, LLC, for Modification of Satellite Television Market for WSAW-TV, Wausau, Wisconsin*, 32 FCC Rcd 668 (2017) ("WSAW") (granting a market modification for CBS affiliate WSAW-TV, Wausau, Wisconsin, even though WSAW-TV is licensed to the same state as the in-DMA CBS affiliate KBJR-TV, Superior, Wisconsin). Gray notes that an application for review of this decision is currently pending before the Commission.

Act of 2019, Congress directed the FCC to ensure that “STELAR’s intent to promote localism is retained.” In full, Congress highlights:

Transmissions of Local Television Programming. —In lieu of House report language, the conferees note that the bipartisan Satellite Television Extension and Localism Reauthorization (STELAR) Act of 2014 was enacted to promote consumers' access to television broadcast station signals that originate in their state of residence, with an emphasis on localism and the cultural and economic importance of local programming. Congress's intent was to ensure Americans have access to local broadcast and media content. **The conferees note that many broadcast stations do not neatly conform to Nielsen-measured designated market area boundaries,** preventing many satellite television viewers from accessing local news, politics, sports, and emergency programming. The conferees note that **despite the reforms made in STELAR, many communities continue to struggle with market modification petitions.** The FCC should provide a full analysis to ensure decisions on market modification are comprehensively reviewed and STELAR's intent to promote localism is retained. **The FCC is directed to adhere to statutory requirements and congressional intent when taking administrative action under STELAR.**²²

The Commission should heed this clear directive and uphold the intent of Congress in its administration of STELAR and grant Gray’s Petition.

D. Carriage of WCJB-TV Is Technically and Economically Feasible for DIRECTV and DISH Network.

Finally, both DISH and DIRECTV have conceded that some level of retransmission of WCJB-TV in the Counties is technically feasible. DIRECTV’s efforts to avoid providing local service to the Counties rest entirely on its manufactured exceptions to STELAR’s requirements – not on any actual infeasibility. Gray submitted as Exhibits A and B to the Petition the certifications from satellite carriers DISH Network and DIRECTV demonstrating that carriage of WCJB-TV is feasible.²³

²² H. Rept. 116-9, *Making Further Continuing Appropriations for the Department of Homeland Security for Fiscal Year 2019, and for Other Purposes*, 116th Congress (Feb. 13, 2019) (emphasis added); see also the H. Rept. 115-792, *Financial Services and General Government Appropriations Bill*, 115th Congress (June 28, 2018).

²³ See Petition, Exhibits A, B.

III. COMMISSION PRECEDENT DOES NOT SUPPORT COX'S INTERPRETATION OF THE MARKET MODIFICATION FACTORS.

The Petition satisfies the statutory test for market modification proceedings, and its grant serves the goals of promoting access to local programming passed by Congress in STELAR. Specifically, three of the five statutory factors weigh heavily in favor of grant of the Petition, and the other two factors are at worst “neutral.” Despite the clear three-to-nothing advantage, Cox claims the Commission should deny the Petition with respect to Marion County. Notably, WJXX(TV), the ABC affiliate for Jacksonville does not oppose the Petition with respect to Columbia County. Regardless, in both cases the record is clear: WCJB-TV is a local station providing relevant local information with respect to viewers in the Counties.

On WCJB’s historic carriage in the Counties (factor 1), the Petition speaks for itself: “decades-long carriage of WCBJ-TV by cable systems in the Counties provides substantial enhancement to the instant petition.”²⁴ Indeed, no one contests that WCJB-TV easily satisfies this factor. Likewise, regarding local coverage serving the Counties (factor 2), the Petition provided scores of examples of the extensive local programming WCJB-TV offers and a multitude of support from County residents, elected officials, and local advertisers.²⁵ This evidence, along with the hundreds of comments the Commission received in favor of the Petition,²⁶ is “enormously helpful in demonstrating a nexus between the stations and the local community.”²⁷ Again, no one contests – because they cannot – Gray’s overwhelming showing with respect to WCJB-TV’s local service and local programming focusing on the Counties.

²⁴ *Petition*, at 14.

²⁵ *Id.*, Exhibits C-D.

²⁶ *See supra* n.3.

²⁷ *In the Matter of Stephens County, GA, Petitions for Modification of the Satellite Television Markets of WSB-TV, WGCL, WAGA, and WXIA-TV, Atlanta, GA*, Memorandum

Desperate – perhaps because of Gray’s indisputable showings with respect to factors 1 and 2 – Cox claims that Gray deserves no credit with respect to factor 3 (the in-state factor). Despite Cox’s arguments to the contrary, the in-state factor also weighs heavily in favor of the Petition’s grant. The FCC has stated clearly multiple times that a petition satisfies this factor with a mere showing that the station and community are in the same state.²⁸ This factor does not just apply to orphan counties, as Cox seems to believe, but any in-state county.²⁹ Specifically, the Commission recently affirmed:

[T]he *STELAR Market Modification Report and Order* makes clear that an enhancement may be granted on a mere showing that the involved station is an in-state station, and that the factor weighs much more heavily when there is a showing, as in this case, that the home state station is providing unique programming. We find that a market modification would promote the Counties' access to

Opinion and Order, DA 19-256, Docket Nos. 18-358, 18-359, 18-360, 18-361, ¶ 22 (rel. Apr. 4, 2019) (“*Stephens County*”).

²⁸ See, e.g., *STELAR Market Modification Report and Order* at ¶ 18 (2015) (“We conclude that the in-state factor favors any market modification that would promote consumers' access to an in-state station. The language of this new statutory factor speaks clearly in this regard. Therefore, a petitioner will be afforded credit for satisfying this factor simply by showing that the involved station is licensed to a community within the same state as the new community.”); *La Plata County, Colorado Petitions for Modification of the Satellite Television Markets of KDVR-TV, KCNC-TV, KMGH-TV, and KUSA-TV, Denver, Colorado*, 32 FCC Rcd 1474, ¶ 28 (2017) (“[T]he Commission was explicit that ‘a petitioner will be afforded credit for satisfying this factor simply by showing that the involved station is licensed to a community within the same state as the new community.’”); *Entravision Holdings, LLC for Modification of the Television Market for Station WJAL(TV), Silver Spring, Maryland*, 33 FCC Rcd 2215, ¶ 24 (2018) (“A petitioner is considered to satisfy the [in-state factor] if the involved station is licensed to a community within the same state as the new community.”).

²⁹ See *Victory Television Network, Inc. for Modification of the Satellite Television Market for KVTJ-DT, Jonesboro, Arkansas*, 32 FCC Rcd 7389, ¶ 22 (2017) (quoting *STELAR Market Modification Report and Order*, at ¶ 18) (“The Commission has affirmed that ‘a petitioner will be afforded credit for satisfying this factor simply by showing that the involved station is licensed to a community within the same state as the new community,’ and that it may ‘weigh more heavily in favor of modification if the petitioner shows the involved station provides programming specifically related to subscribers' state of residence.’ [T]he Station [in question] is licensed to a community within the same state as the Arkansas Satellite Communities and therefore satisfies the in-state factor with regard to those communities.”)

an in-state television broadcast signal and enhance viewers' access to in-state local programming, and this new third factor accordingly weighs heavily in favor of granting the petition.³⁰

Here, WCJB-TV is a station located in Gainesville, Florida, that is seeking to serve satellite viewers in Columbia County Florida and Marion County Florida. Therefore, the Petition fully satisfies this factor. Moreover, given WCJB-TV's status as the leading television station in Gainesville and the only television station with a fully staffed newsroom and news studio in the Gainesville DMA, WCJB-TV has unrivaled access to Florida's flagship university, the University of Florida, and covers the University of Florida, including its powerhouse football, basketball, and baseball teams, in a way that stations located more than an hour away in Jacksonville and Orlando simply cannot. This unique programming, which is of intense interest in Florida and in the Counties, makes the in-state factor weigh "much more heavily" in the Petition's favor.³¹

Cox's arguments regarding the weight afforded to WFTV's own coverage of Marion County (factor 4) misses the mark. Here, Cox protests that because WFTV also provides coverage of Marion County, Gray should receive "no credit" under factor 4.³² This stands in stark contrast to Cox's own argument when it requested a market modification for WHIO-TV: "[t]he issue is not whether [Block Communications] provides better or more service to the Auglaize County Communities than WHIO. The issue is whether these communities are part of WHIO's market."³³ Gray agrees. Even assuming *arguendo* that WFTV provides local coverage

³⁰ WSAW at ¶ 31.

³¹ *Id.* ¶¶ 30-31 (finding that the in-state factor weighed "heavily" in WSAW-TV's favor because of its in-state Green Bay Packers programming).

³² *Cox Opposition* at 4-6.

³³ Opposition of Cox Media Group, Miami Valley Broadcasting Corporation to Petition for Modification of Dayton, OH Designated Market Area with Regard to Television Station WHIO-

to Marion County, an assumption belied by the public outpouring of support for the Petition from Marion County satellite subscribers, the Commission has consistently held that “factor [4] neither weighs against nor in favor of [the] modification request,” but rather is neutral.³⁴

Finally, Cox argues that because Gray cannot provide current ratings data under factor 5 that the Petition should be denied. The Commission has held the opposite, determining that ratings information is a “neutral” factor in its overall consideration, meaning that it can count in a petitioner’s favor but will not count it against the petitioner when that information is not available.³⁵ Indeed, evidence of viewership data of a station, can serve as “an enhancement.”³⁶

When a station, such as WCJB-TV, does not subscribe to Nielsen, the Commission will consider other indicia of viewership in the relevant communities.³⁷ Here, decades of historic cable carriage, tremendous local coverage, and the substantial support of community leaders,

TV, Dayton, OH, MB Docket No. 13-201, at 5 (filed Jan. 14, 2014); Cox further asserted that “The question before the Bureau was not whether the Auglaize County Communities are in [Block Communications’] television market (the Lima DMA), but whether they also should be a part of WHIO’s market. In making its determination, the Bureau correctly refused [Block Communications’] invitation to engage in a comparative process.” *Id.* at 6.

³⁴ *Petition for Modification of the Dayton, OH Designated Market Area with Respect to Television Station WHIO-TV*, Dayton, OH, 28 FCC Rcd 16011, ¶ 22 (2013).

³⁵ *Monongalia County, West Virginia and Preston County, West Virginia Petitions for Modification of the Satellite Television Markets of WDTV, Weston, West Virginia, and WBOY-TV and WVFX, Clarksburg, West Virginia*, 33 FCC Rcd 1168, ¶ 42 (2018) (“As the Licensees have explained, the cost of including these watermarks [used to measure viewership in households where Nielsen uses “people meters”] means they are generally only added to broadcast programming in People Meter markets, which the Clarksburg-Weston DMA is not. As a result, WVFX does not include a Nielsen watermark in its programming, and Nielsen has been unable to track or rate its viewership in the Counties for almost ten years. Because this information is simply unavailable, we will not penalize Petitioners for failing to provide it. We therefore will not weigh this factor either in favor of or against the Petition, and give it no weight in our consideration of whether to grant the Petition.”).

³⁶ WSAW at ¶ 28.

³⁷ *Victory Television Network, Inc. for Modification of the Satellite Television Market for KVTJ-DT, Jonesboro, Arkansas*, 32 FCC Rcd 7389, ¶ 25 (2017).

advertisers, and viewers in the Counties provide overwhelming evidence that the Station has strong viewership in the Counties.

Further, the Commission “may waive the requirement to submit certain evidence for good cause shown, particularly if it is in a position to resolve the petition without such evidence.”³⁸ The FCC has frequently waived this factor and should do so in this case.³⁹

³⁸ *Stephens County* at ¶ 10; *see also* *Petition of Tobacco Valley Communications to Exclude Eureka and Communities in North Lincoln County from the Local Market of Several Spokane, Washington Broadcasters and Include it in the Local Market of Several Missoula, Montana Broadcasters*, 31 FCC Rcd 8972, ¶ 7, n.22 (2016); 47 CFR § 1.3.

³⁹ *See e.g., Stephens County* at ¶ 14; *Panola County, Texas, Petitions for Modification of the Satellite Television Markets of KFXK-TV, Longview, Texas and KLTV, Tyler, Texas*, DA 19-151, Docket Nos. 18-337, 18-338, ¶ 14 (rel. Mar. 6, 2019) (“[W]e grant Petitioner's request to waive the requirement to file . . . published audience data. We find good cause to waive [this] submission[] because we have ample evidence to render our decision without [it].”); *See also Harrison County, Texas; Petitions for Modification of the Satellite Television Markets of KLTV, Tyler, Texas and KFXK-TV, Longview, Texas*, DA 18-573, Docket Nos. 18-24, 18-25, ¶ 13 (rel. June 1, 2018); *Franklin County, Georgia Petitions for Modification of the Satellite Television Markets of WSB-TV, WAGA, WXIA and WGCL, Atlanta, Georgia*, 33 FCC Rcd 8742, ¶ 14 (2018) (“[W]e grant Petitioner's request to waive the requirement to file . . . published audience data. The Commission has encouraged county petitioners to seek cooperation from stations they are seeking to bring to their county, and the record indicates that Franklin County made a good faith effort to do so. We find good cause to waive the requirement for [this] submission because Petitioner made an effort to work with stations to collect [it], and because we have ample evidence to render our decision without [it].”).

IV. CONCLUSION

Congress sought to promote carriage of in-state and other relevant local television programming for counties like Columbia and Marion when it passed the satellite market modification provision in STELAR. The Petition provides substantial evidence that WCJB-TV will increase access to local programming for the satellite subscribers in the Counties – access that cable subscribers have enjoyed for decades. The Petition satisfies the statutory test for market modification under STELAR. For the reasons stated herein, Gray respectfully requests that the Commission grant the Petition and deny the Oppositions.

Respectfully submitted,



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June 7, 2019

DECLARATION OF ROBERT J. FOLLIARD, III

I, Robert J. Folliard, III, hereby declare as follows:

1. I am Vice President, Government Relations & Distribution, of Gray Media Group, Inc.
2. I have read the attached "Reply to Oppositions" and believe the information to be true and accurate in all respects.

I, Robert J. Folliard, III, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on June 7, 2019.



Robert J. Folliard, III

CERTIFICATE OF SERVICE

I, Rheatte Brighthaupt, hereby certify that a true and correct copy of the foregoing Reply to Oppositions was sent on this 7th day of June, 2019 to the following recipients:

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_____/s/_____

Date: June 7, 2019