

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

In re Application of)	MB Docket No. 19-30
)	
NEXSTAR BROADCASTING, INC. (Assignor))	FCC File No. BALCDT-20190408AAR
)	
and)	
)	
CCB LICENSE, LLC (Assignee))	
)	
For Consent to the Assignment of License of WISH-TV, Indianapolis, IN)	

OPPOSITION TO PETITION TO DENY

Nexstar Broadcasting, Inc. (“Nexstar”), by its attorneys, opposes the filing entitled “Petition to Deny” (the “Petition”) that was submitted by New Beginnings Movement, Inc. (“NBM”) with reference to the above-referenced file number, which identifies an application for consent to Nexstar’s assignment of television station WISH-TV, Indianapolis, IN (together with commonly-owned Indianapolis station WNDY-TV) (the “Application”) to CCB License, LLC (“CCB”).¹ The Petition should be dismissed or denied on a variety of grounds, as briefly outlined below.

¹ The Application proposes a divestiture of stations in connection with the pending merger of Nexstar’s parent company with Tribune Media Company, which the Media Bureau has established as an open docketed proceeding under MB Docket No. 19-30. On April 26, 2019, the Media Bureau issued a public notice accepting for filing all of the various divestiture applications related to the Nexstar/Tribune merger (including the Application), incorporating those applications into MB Docket No. 19-30, establishing a uniform set of petition, opposition and reply deadlines for the applications, and setting forth specific procedures for the filing of pleadings. *See Public Notice*, “Media Bureau Accepts for Filing Divestiture Applications in Proceeding to Transfer Control of Tribune Media Company to Nexstar Media Group, Inc., and Establishes Consolidated Pleading Cycle,” MB Docket No. 19-30, DA 19-341 (Apr. 26, 2019) (the “Divestiture Application Notice”). Despite this, NBM did not file its Petition in the docket and appears instead to have filed it electronically through CDBS. The Petition bears a signature date of May 3, 2019, and CDBS indicates it was filed on May 6, 2019. Regardless, Nexstar is filing this Opposition in the manner directed by, and pursuant to the consolidated opposition deadline specified in, the Divestiture Application Notice.

Insofar as Nexstar can discern the filing, it appears that NBM's Petition can be summarized as follows:

- NBM holds an authorization for an FM radio translator station in the Indianapolis area.
- NBM allegedly had an arrangement with a third party to provide NBM space for its translator on a WISH-TV tower owned by Nexstar.
- The third party allegedly breached such arrangement by, among other things, making the tower space available to a different FM translator.
- NBM complains that the third party (and Nexstar) have refused NBM access to the disputed tower site, have declined to provide NBM with copies of certain leases, and have not allowed NBM to view their public inspection files.

NBM's Petition fails on multiple grounds, both procedural and substantive:

First, NBM utterly lacks standing. To have standing to petition to deny, a party must show that: (1) "grant of the challenged application would cause the petitioner to suffer a direct injury," (2) "the injury can be traced to the challenged action," and (3) it is "likely, as opposed to merely speculative, that the injury would be prevented or redressed by the relief requested."² NBM does not, and cannot, show how its alleged injury would be directly "caused" by grant, or "prevented or redressed" by denial, of an application for Nexstar's sale of its Indianapolis television stations to a divestiture buyer.

Second, NBM's assertions revolve around a private contractual dispute that does not involve Nexstar. Nexstar has confirmed that it is the lessor under an October 2015 lease (as amended in August 2018) between a predecessor WISH-TV owner and a subsidiary of Radio One, Inc. (now Urban One, Inc.), involving space on a WISH-TV tower for operation of an FM translator facility. It has no lease or other contractual relationship of any kind with NBM. The

² *Alaska Native Wireless LLC*, Order, 18 FCC Rcd. 11640, 11644, ¶ 10 (2003); see *Rockne Educational TV, Inc.*, Memorandum Opinion and Order, 26 FCC Rcd. 14402, 14405, ¶ 7 (2011).

Commission has repeatedly held that it is not the forum for private contractual disputes,³ and even if it were, this dispute does not involve Nexstar.

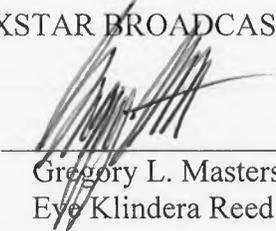
Third, NBM's contentions regarding access to Nexstar's property and documents are substantively frivolous. Because Nexstar is not a party to any agreement with NBM concerning the space at issue, it has no obligation to provide NBM with any access to the site or any applicable leases with third parties. And NBM need not request permission to view Nexstar's public inspection files. They are and have for several years been online, as required by Commission rules.⁴

For all of the above reasons, the Petition should be summarily dismissed or denied.

Respectfully submitted,

NEXSTAR BROADCASTING, INC.

By: _____


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Its Counsel

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June 10, 2019

³ See, e.g., *Listeners' Guild, Inc. v. FCC*, 813 F.2d 465, 469 (D.C. Cir. 1987) (endorsing "the Commission's longstanding policy of refusing to adjudicate private contract law questions"); *John F. Runner, Receiver*, 36 R.R.2d 773, 778 (1976) (local court of competent jurisdiction, not the FCC, is the proper forum to resolve private disputes).

⁴ Nexstar would note, however, that its public inspection files need not and do not contain lease agreements of the type being sought by NBM.

DECLARATION OF ELIZABETH RYDER

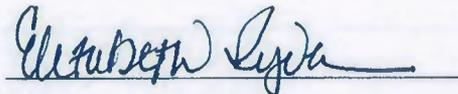
I, Elizabeth Ryder, under penalty of perjury, declare as follows:

1. I am the Executive Vice President & General Counsel of Nexstar Broadcasting, Inc. (“Nexstar”), the licensee of television station WISH-TV, Indianapolis, Indiana.

2. I have read the foregoing “Opposition to Petition to Deny,” and the facts stated therein of which the Federal Communications Commission may not take official notice are true and correct to the best of my knowledge and belief.

3. In particular, I have confirmed that Nexstar is the lessor under an October 2015 lease (as amended in August 2018) between a predecessor WISH-TV owner and a subsidiary of Radio One, Inc. (now Urban One, Inc.), involving space on a WISH-TV tower for operation of an FM translator facility. Nexstar has no lease or other contractual relationship of any kind with New Beginnings Movement, Inc.

June 10, 2019

A handwritten signature in cursive script, reading "Elizabeth Ryder", is written over a horizontal line.

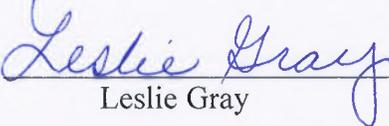
Elizabeth Ryder

CERTIFICATE OF SERVICE

I, Leslie Gray, a secretary in the law firm of Wiley Rein LLP, hereby certify that true and correct copies of the foregoing "Opposition to Petition to Deny" were sent this 10th day of June, 2019, by first class mail, postage prepaid, to the following:

New Beginnings Movement, Inc.
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Leslie Gray