



July 13, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Written Ex Parte Communication, MB Docket Nos. 14-50, 09-182, 07-294

Dear Ms. Dortch:

Although the Commission determined more than a decade ago that the print newspaper rule no longer serves the public interest,¹ an FCC fact sheet reports that the broadcast ownership order circulating for vote would make no serious modifications to the rule.² In light of this, the National Association of Broadcasters (NAB) is filing for the record the attached information regarding the plight of print newspapers for the Commission's consideration.³ The attached

¹ See *Prometheus Radio Project v. FCC*, Nos. 15-3863, 15-3864, 15-3865 & 15-3866, at 38 (3d Cir. May 25, 2016) (*Prometheus III*) ("[T]he 1975 [cross-ownership] ban remains in effect to this day even though the FCC determined more than a decade ago that it is no longer in the public interest. This has come at significant expense to parties that would be able, under some of the less restrictive options being considered by the Commission, to engage in profitable combinations.").

² FCC, *Fact Sheet: Updating Media Ownership Rules in the Public Interest* (rel. Jun. 27, 2016).

³ Since July 6, NAB has filed various articles discussing the challenges faced by print newspapers and the public's increasing reliance on non-print outlets for news and information. See NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 6, 2016) at Attachment, David Glance, "The story of the nosebleed decline of the newspaper industry told in pictures," *The Conversation* (June 5, 2016), available at: <http://theconversation.com/the-story-of-the-nosebleed-decline-of-the-newspaper-industry-told-in-pictures-60530>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 7, 2016) at Attachment, Noah Kulwin, "Jeff Bezos is saving the Washington Post, but he won't be able to save newspapers," *recode* (June 28, 2016) available at: <http://www.recode.net/2016/6/28/12050416/jeff-bezos-saving-washington-post-but-not-newspapers>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 8, 2016) at Attachment, Erik Sass, "Print Ad Declines: Newspaper, Magazine Revs Fall Again," *Publishers Daily, TheDailyBlog*, (June 27, 2016), available at: <http://www.mediapost.com/publications/article/279073/printaddeclinesnewspapermagazinerevsfalla.html?print>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 11, 2016) at Attachment, Athena Cao, "Newspapers' woes linger as digital ad spending, cable network revenues rise," *USA Today*, (June 15, 2016), available at: <http://www.usatoday.com/story/money/2016/06/15/news-media-yahoo-google-twitter-facebook-verizon-tv/85937176/>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 12, 2016)

1771 N Street NW
Washington DC 20036 2800
Phone 202 429 5300

article discusses the acquisition of the *Tampa Tribune* by the *Tampa Times*, which resulted in a complete shutdown of the *Tribune*.⁴

To the extent that Commission's rationale for restricting print newspaper ownership relates to viewpoint diversity or independent "voices," NAB notes that a newspaper that has closed its doors can no longer provide a viewpoint or serve as a "voice." Retaining a rule that deters investment by broadcasters in the struggling print newspaper industry certainly cannot serve the public interest. Rather, the only result that can rationally be expected from the continued prohibition is to hasten the demise of print newspapers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right from the end of the signature.

Rick Kaplan
General Counsel and Executive Vice President
Legal and Regulatory Affairs

Attachment

at Attachment, Joshua Benton, "Tampa just lost a daily newspaper; is this the continuation of an old trend or the start of a new one?," NiemanLab, (May 4, 2016), available at: <http://www.niemanlab.org/2016/05/tampa-just-lost-a-daily-newspaper-is-this-the-continuation-of-an-old-trend-or-the-start-of-a-new-one/>.

⁴ Nick Madigan, "An Abrupt End to The Tampa Tribune After a Blow Delivered by Its Rival," The New York Times, (May 20, 2016) available at: <http://nyti.ms/256WgNS> (attached hereto).

MEDIA

An Abrupt End to The Tampa Tribune After a Blow Delivered by Its Rival

By NICK MADIGAN MAY 20, 2016

TAMPA, Fla. — A pair of 18-wheel rigs waited outside the former **printing** plant of The Tampa Tribune on a recent afternoon. Workers were busy dismantling machinery and hauling it away, preparing for the building's demolition. Nearby, in what had been the newsroom, file folders, reporters' notebooks and other detritus lay scattered on the floor, evidence of a hasty retreat.

The Tribune, whose motto was “Life. **Printed** Daily,” was abruptly shut down on May 3 after having covered this city and its environs for 123 years. The reasons for its demise were familiar: precipitous drops in advertising, the rush of readers to the web, the fallout of the economic recession. But this particular case felt a little more personal — and left the journalists who found themselves suddenly out of work with the sense that they had been betrayed.

It was The Tribune's main competitor, The Tampa Bay Times, based 25 miles away in St. Petersburg and owned by the nonprofit Poynter Institute, that dealt the knockout punch by purchasing The Tribune and then immediately shutting it down.

The deal for the purchase of The Tribune from the Revolution Capital Group was struck almost five months ago, but was not revealed until this month. Tribune employees said they knew nothing about the paper's planned sale to its rival, and believed that, their building having been sold to a Miami developer, they would move into new offices in Tampa as soon as suitable space could be found.

“People feel like fools, they feel like dupes and they feel deceived,” said Michelle Bearden, a 20-year veteran of The Tribune who was laid off in 2014 and keeps in close touch with former colleagues. “Revolution had already inked the deal with The Tampa Bay Times to sell the paper. There was never any intention to find a new home and continue The Tribune as a competitive entity. There was no commitment to this community, no intention to try to make this newspaper profitable again, no interest in preserving a historical tradition.”

About 265 people lost their jobs. The Times took control of its rival’s lists of advertisers and subscribers.

“It was quick, it was clinical,” said Joe Henderson, 64, who started at The Tribune in 1974 as a sportswriter and covered 20 World Series championships, several Super Bowls and the 2004 Olympic Games in Athens. “I got two months’ salary. I’m fortunate that I’m not in bad shape, but I’m concerned for some of my colleagues. Everybody gave their heart and soul into that paper. I wish it had ended better.”

During a farewell party at a riverfront restaurant, scores of former Tribune employees wistfully toasted their shared history and rifled through boxes of paraphernalia bearing the newspaper’s name — T-shirts, beach chairs, mugs, key rings. It was all that remained of their former employer.

“It’s like losing my parents all over again,” said Linda Kemp, who began working as a secretary in 1976 at The Tampa Times, The Tribune’s afternoon sister paper. When it closed in 1982, Ms. Kemp moved to the promotions department at The Tribune.

Over the years, The Tribune — which was awarded a Pulitzer Prize in 1966 for local investigative reporting — had won the enduring affection of many of its readers, even as it struggled to assert itself in a protracted circulation war.

“The Tribune was more gritty, The Times more refined,” said Howard Troxler, a former columnist, editor and reporter who spent nine years at The Tribune and 20 years at The Times before retiring in 2011. “The Tribune was kind of like the poor stepchild.”

Occasionally, Mr. Troxler said, “we broke a huge story over The Times’s head and of course it was always especially sweet.” He said that The Tribune — whose editorial positions tended to lean right, the opposite of The Times — sometimes stirred up its more conservative readers with investigations into Tampa’s Hispanic power structure, particularly its judges, prosecutors and legislators.

“Yet The Tribune knew and loved Tampa, and loved its culture,” he said. “A lot of the writers knew it well and wrote a lot of great stories about it.”

Marjorie Knapp, a retired grade-school teacher in Pinellas County who was a Tribune reader for about 40 years, said she stopped about three years ago. “Local writers were let go,” she said. “More and more news seemed to be wire-service filler. Political stances became more conservative.”

The paper across the bay, founded in 1884 as The West Hillsborough Times and later known as The St. Petersburg Times, changed its name to The Tampa Bay Times in 2012 to telegraph its intention of being the sole provider of **printed** news in an area of 2.7 million people that includes Clearwater. The Clearwater Sun closed in 1989 after publishing for 75 years.

Managers at The Times insisted that buying The Tribune and closing it was the only way forward in a challenging and uncertain market. Both newspapers had made deep staff reductions in recent years and had raised cash by selling their headquarters.

Despite being Florida’s highest-circulation newspaper and the winner of 12 Pulitzer Prizes — two of them this year — The Times has had a rough patch. It took out a \$28 million loan in 2013, and borrowed another \$13.3 million just before purchasing The Tribune.

“It’s very hard for a metro area of this size to sustain two newspapers,” Paul C. Tash, chairman and chief executive of The Times, said in an interview. “The competition between the two newspapers was putting us both in peril.”

While he regretted that staff members at The Tribune had been left unemployed, Mr. Tash said, “bad things have to happen for good things to happen.”

He rejected the notion that his paper had been “avaricious,” and noted that The Times had offered jobs to some Tribune employees, including about 10 writers, a dozen or so of its advertising sales representatives, and others in finance, technology and The Tribune’s three affiliated publications.

Given the suddenness of the closing, The Tribune’s staff had no chance to put together a farewell issue, a tradition for newspapers that are closing, typically full of historical references and fond moments. Still, there had been a general sense for some time that The Tribune’s time might be limited.

“We’ve been under threat for years now,” said Ken Koehn, a 25-year veteran of The Tribune who had been its managing editor since 2012. “They were pretty open about it,” he added, referring to the Times management’s desire to see The Tribune gone.

Mr. Koehn recalled that about four years ago, The Times had lowered its annual subscription price to \$26 in The Tribune’s core circulation area. “It used to be 10 times that,” he said. “But it caused our circulation people to react to it, and then no one was making any money.”

Pointing to The Times’s assumption of millions of dollars in debt, as well as the sale of its headquarters in St. Petersburg and other properties nearby, Mr. Koehn said The Times had paid a heavy price to be the only paper in the area.

“They look at it as though they won in the end, but they really drove both papers to the brink of destruction,” he said. “If you ask me who won the newspaper war, I’d say no one did. We both lost.”

Correction: May 24, 2016

A picture caption with an article on Saturday about the closing of The Tampa Tribune misspelled, in some editions, the given name of a Tribune features reporter. She is Cloe Cabrera, not Cole. The article also misstated the founding date of The Tampa Bay Times, which closed The Tribune after buying it. It was founded in 1884 as The West Hillsborough Times, not in 1898 as The St. Petersburg Times, a name by which it was also known before changing its name to The Tampa Bay Times in 2012.

A version of this article appears in **print** on May 21, 2016, on page B5 of the New York edition with the headline: Abrupt End for The Tampa Tribune After a Blow Delivered by Its Rival.

© 2016 The New York Times Company