

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )  
 )  
Application of Tribune Media Company ) MB Docket No. 17-179  
and Sinclair Broadcast Group for Consent )  
to Transfer Control of Licenses and )  
Authorizations )

**COMMENTS OF NTCA–THE RURAL BROADBAND ASSOCIATION  
IN SUPPORT OF  
DISH NETWORK, *et. al.* MOTION FOR ADDITIONAL INFORMATION AND  
DOCUMENTS AND EXTENSION OF TIME**

NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby supports the joint Motion of DISH Network L.L.C., American Cable Association, and Public Knowledge (collectively, the “Petitioners”) for Additional Information and Documents and Extension of Time<sup>2</sup> in the above referenced docket.<sup>3</sup> The Petitioners request: 1) that the Commission require the Applicants in this proceeding to furnish additional information and documents necessary for the Commission and the public to assess whether the proposed transaction is in the public interest; and 2) that the

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<sup>1</sup> NTCA represents nearly 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All of NTCA’s service provider members are full service rural local exchange carriers (“RLECs”) and broadband providers. Approximately 75 percent serve as multichannel video programming distributors (“MVPDs”) using a variety of technologies in sparsely populated, high-cost rural markets.

<sup>2</sup> Motion of DISH Network, American Cable Association and Public Knowledge for Additional Information and Documents and Extension of Time, MB Docket No. 17-179 (filed July 12, 2017) (the “Petition”).

<sup>3</sup> *Media Bureau Establishes Pleading Cycle for Applications to Transfer Control of Tribune Media Company to Sinclair Broadcast Group, Inc. and Permit-but-Disclose Ex Parte Status for the Proceeding*, Public Notice, MB Docket No. 17-179 (Rel. July 6, 2017) (“Public Notice”).

Commission extend the pleading cycle in this proceeding. Good cause exists for grant of the Petition.

Applicants seeking to transfer control of their interests bear the burden of proving that their transaction is in the public interest.<sup>4</sup> This transaction raises substantial questions of law and serious competitive concerns. According to the Applicants' calculations, this transaction would violate the duopoly rules in at least 11 markets and the national ownership cap. It would also create the single largest operator of local broadcast stations in the country.

NTCA and its members are currently assessing the potential impact of this transaction and whether and how Sinclair's increased retransmission consent bargaining power could lead to merger-specific harms to rural companies and consumers. However, the record in this proceeding is woefully inadequate. There is paltry information on the record to support the asserted public interest benefits of the transaction or to address the potential harms to the public and competition.<sup>5</sup> The combined exhibit to support the transaction contains only conclusory statements and offers no evidence or analysis of facts or data. There is insufficient information for any party, including the Commission, to quantify, or even validate, the claimed public interest benefits. This is a multi-billion dollar merger with potentially far reaching and long-term consequences. The public and the Commission must have additional information to assess whether a grant is in the public interest.

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<sup>4</sup> 47 U.S.C. § 310(d).

<sup>5</sup> “[A] claimed [merger] benefit must be verifiable. Because much of the information relating to the potential benefits of a transaction is in the sole possession of the Applicants, they have the burden of providing sufficient evidence to support each claimed benefit to enable the Commission to verify its likelihood and magnitude.” *AT&T and DIRECTV*, 30 FCC Rcd, 9131, 9237 (2015).

Petitioners offer a list of 12 data points and/or documents that the Applicants should be required to make available for inspection.<sup>6</sup> NTCA supports this request and submits that it is a baseline, minimal list of information that will be necessary to review before the Commission or the public may assess the transaction.

Furthermore, the Commission has offered interested parties only 30 days to consider this transaction and issued the unusual directive for interested parties to “raise all issues in their initial filings. Replies may only address matters raised in oppositions.”<sup>7</sup> NTCA is rushing to survey its hundreds of members to determine where and how the transaction may impact them. Given the lack of useful, verifiable information in this proceeding, NTCA supports Petitioners’ request that the deadline for Petitions to deny be set to earlier than 30 days following the public’s access to the confidential information, subject to appropriate protections, already filed or made available to the Commission, but not yet available to the public. Interested parties should also be afforded the opportunity to comment on Applicants’ responses to the additional information requested by Petitioners and any subsequent newly-discovered facts.

A careful and thorough consideration of all the information necessary to make a thoughtful and informed decision is in the public’s best interest. A quick decision is only in the best interests of the Applicants.

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<sup>6</sup> Petition, pp. 5-6.

<sup>7</sup> Public Notice, p. 3.

For the above-stated reasons, NTCA respectfully requests that Commission grant the Motion of DISH Network, *et.al.* for additional information and documents from the Applicants and for an extension of time to afford interested parties opportunity to provide meaningful comment on the proposed transaction.

Respectfully submitted,



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July 14, 2017

## CERTIFICATE OF SERVICE

I, Barbara Fitzpatrick, hereby certify that on July 14, 2017, I caused true and correct copies for the foregoing to be served by electronic mail upon the following:

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/s/ Barbara Fitzpatrick  
NTCA–The Rural Broadband Association