



July 17, 2017

By Electronic Communication

Hon. Ajit Pai
Chairman
Federal Communications Commission
455 12th St NW
Washington, DC 20554

In the matter of MB Docket No. 17-179, *Applications of Tribune Media Company and Sinclair Broadcast Group for Consent to Transfer Control of Licenses and Authorizations.*

Dear Chairman Pai,

Common Cause¹ was founded in 1970 as the “people’s lobby.” Our members care deeply about good governance, transparent decision making, and achieving reforms that ensure the public’s faith in its leadership. Responsive governance depends on an informed electorate, so a strong public interest framework is essential.

Sinclair’s proposed acquisition of Tribune would create – by a wide margin – the largest TV station group in the country, with one company directly owning more than 220 stations in over 100 markets covering more than 70% of the U.S. population and resulting in – by the parties’ own admission – multiple violations of both the local and national television ownership rules. When the many stations operated by the parties under so-called “sidecar” arrangements are considered, the concentration of Sinclair’s ownership and control over TV stations in the U.S. is even more dramatic.

Against this background, the accelerated pleading cycle proposed by the Commission for public comment on the applications is clearly inadequate, even if the applicants had supplied all of the information necessary for the Commission to determine whether this level of concentration serves the public interest. In fact, the applications are woefully deficient in demonstrating any

¹ Common Cause is a nationwide, nonpartisan grassroots network dedicated to upholding the core values of American democracy. On behalf of its more than 900,000 members in all 50 states, Common Cause works to create open, honest, and accountable government that serves the public interest; and to empower all people to make their voices heard in the political process.”

meaningful public interest benefits providing merely two and half pages of conclusory statements devoted to the core determination that must be made by the Commission.

For this reason, we agree with the request for additional information and documents and for an extension of the pleading cycle set forth in the “Motion for Additional Information and Documents and Extension of Time” filed on July 12, 2017, by DISH Network, American Cable Association, and Public Knowledge.

As these parties note, the applications and supporting documents “provide no information by which the Commission or interested parties could quantify the claimed public interest benefits” of the proposed transaction. We therefore agree with DISH, et al. that Sinclair should be required to provide the additional information and documentation outlined in the Motion and that the pleading cycle should be modified to provide interested parties a sufficient amount of time to comment AFTER those materials are placed in the record.

Further, the applications offer virtually no information about how Sinclair plans to address the multiple admitted violations of the ownership rules resulting from this combination. Instead, Sinclair states that it may modify its application, clearly intending to game the system and avoid divestitures by seeking waivers or other relief based on mere proposals for relaxation of the ownership rules that the company anticipates will result from reconsideration of the 2014 Quadrennial Review proceeding and a proceeding to examine the national ownership rule and UHF discount, which the Chairman has stated will be launched later this year.

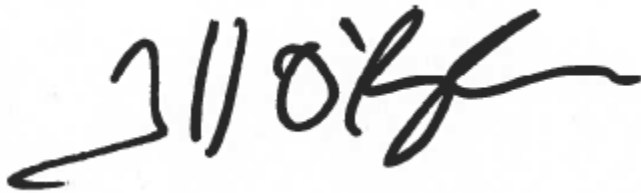
If changes to the television ownership rules are that critical to this proposed combination, it is pointless for the Commission to rush through public comment on the proposed transaction before those changes are known, particularly when the applicants themselves have stated that they may amend their applications to avoid divestitures based on proposals to change the rules that have not even been advanced by the Commission.

Instead, the Commission should (1) require the parties to provide the additional information requested in the Motion; (2) defer the pleading cycle until after the additional information has been made a part of the record; and (3) require the parties to amend their applications to address with specificity the steps to be taken prior to closing to come into compliance with the existing ownership rules. If the parties are determined to take advantage of what they anticipate will be a relaxation of those rules, then the pleading cycle and action on the applications should be deferred until any such changes have been adopted and have become effective.

While Sinclair and Tribune would no doubt welcome a rush-to-judgment, such hasty action would not serve the public interest. This is no way to do business when critical issues affecting every American are at stake. Consumers need to know who is going to own and control the public airwaves for years to come and be given a reasonable opportunity to provide input on what is being proposed.

This transaction, if approved, would bring unprecedented levels of concentration to local broadcasting, with implications for localism and ownership diversity. We urge the Commission to let the sun shine on the proposed transaction before the Commission decides on further media concentration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T O'Boyle", with a long, sweeping horizontal stroke extending to the right.

Todd O'Boyle
Program Director,
Common Cause