

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

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

COMMENTS OF NEWSMAX MEDIA, INC IN SUPPORT OF THE MOTION OF DISH NETWORK, AMERICAN CABLE ASSOCIATION, AND PUBLIC KNOWLEDGE FOR ADDITIONAL INFORMATION AND DOCUMENTS AND EXTENSION OF TIME

Newsmax Media, Inc. files these comments in support of the 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 in the above-captioned proceeding.¹ As DISH et al. note, the transaction presents “substantial competition and media law questions at both the national and local level”². A combined Sinclair/Tribune would be the single largest broadcast station group in the country, and own two or more broadcast stations in numerous markets around the country. According to the Applicants own filing, the transaction would exceed the national ownership cap and violate the Commission’s duopoly rule in at least 11 markets.³ The ownership cap was first promulgated by the FCC during the Reagan administration to protect the public against the concentration of media power that could endanger

¹ Motion of DISH Network, American Cable Association and Public Knowledge for Additional Information and Documents and Extension of Time, MB Docket No. 17-179 (July 12, 2017) (“Petition”).

² Id. at 3

³ See Applications of Tribune Media Company and Sinclair Broadcast Group for Consent to Transfer Control of Licenses and Authorizations, Comprehensive Exhibit, MB Dkt. No. 17-179, at 12 & 26 n.48 (June 26, 2017) (“Application”)

press freedom and media diversity. This current transaction overturns more than three decades of bipartisan consensus and rulemaking, as well as Congressional intent, while raising serious competitive concerns. These concerns and additional questions of law require a detailed review by the Federal Communications Commission along with a fully developed record of public comment. Yet the information provided by the Applicants is insufficient. Applicants had virtually nothing to say about the public interest benefits of the transaction, and what they did say is largely conclusory. They failed to provide adequate information by which the Commission or interested parties can assess the claimed public interest benefits of the transaction or consider the impacts of the transaction on consumers and competition in the video marketplace.⁴ Considering the radical departure from existing norms, rulemaking and legislative intent such a transaction entails, the public and interested parties, have not been provided an adequate amount of time to understand its implications nor to offer appropriate comment.

The Applicants bear the burden of proving their transaction is in the public interest.⁵ The Application, however, does not contain sufficient information to meet this burden. As the Petitioners explained, “the applications provide insufficient information for the Commission to validate, let alone quantify, the claimed public interest benefits. The applications and supporting

⁴ See *Petition* at 4 (“[T]he Applicants provide no information by which the Commission or interested parties could quantify the claimed public interest benefits”); Comments of NTCA – The Rural Broadband Association in Support of DISH Network, *et. al.* Motion for Additional Information and Documents and Extension of Time, MB Docket No. 17-179, at 2 (July 14, 2017) (“[T]he 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.”); Letter from Todd O’Boyle, Program Director, Common Cause, to Ajit Pai, Chairman, FCC, MB Docket No. 17-179 (July 17, 2017) (“[T]he applications are woefully deficient in demonstrating any 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.”).

⁵ 47 U.S.C. 310(d).

documents thus fail to provide the information necessary to conduct a public interest analysis of this transaction.”⁶ We agree. The Applicants must be required to provide additional information to enable a full evaluation of the impact of this transaction.

In addition, there are compelling reasons for the Commission to delay the pleading cycle given the pendency of Commission action on reconsideration petitions in the 2014 Quadrennial Review proceeding, and the possible launch of a new rulemaking on the national ownership rule and UHF discount sometime later this year. In fact, the Applicants recognize the pendency of Commission actions on the broadcast ownership rules, specifically stating that, to the extent there are changes or proposed changes to the local or national ownership rules that might obviate the need for station divestitures, the Applicants intend to file amendments to the applications to address such changes.⁷

It simply makes no sense for the Commission to initiate public comment on the proposed transaction when the rules of the road may be fundamentally altered in the coming months. Rather, the better course – and the one that would be more transparent to all interested parties and American consumers – would be to defer the pleading cycle until after it acts on the ownership rules. Moreover, to the extent that the Applicants file modifications to their application in light of any changes or proposed changes to the local or national ownership rules, the Commission should establish a separate pleading cycle following those filings.

While a rushed pleading cycle with limited public interest scrutiny will immediately benefit Sinclair and Tribune, it would not serve the interests of American consumers, who may be burdened by additional cable/satellite costs due to the market leverage the new combined

⁶ Petition at 1-2.

⁷ Application at 12 & 26 n.48

Sinclair-Tribune company would wield, among several negative economic implications this transaction may hold. And, significantly press freedom and media diversity may be seriously harmed by this transaction and other transactions that may result from this precedent, further limiting press freedom and media diversity. As a result, Newsmax Media, Inc. believes that the potential public harm that could be caused by this transaction requires the Commission to seek a full, fair and proper review and, therefore, it supports the request for additional information, as outlined in Section II of the Petition. In addition, we support the Petition's request to extend the pleading cycle in this proceeding.⁸

Respectfully submitted,

/s/

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⁸ See Petition at 2

CERTIFICATE OF SERVICE

I, John Simpson hereby certify that on July 21, 2017, I caused true and correct copies of the foregoing to be served by electronic mail upon the following:

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