

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

*In the Matter of* )  
 )  
Sinclair Broadcast Group, Inc. )  
Cunningham Broadcasting Corporation )  
Deerfield Media (Baltimore), Inc. )  
 )  
*Ultimate Parent Companies of the* )  
*Licensees of Digital Television Stations* )  
 )  
WBFF(TV), Baltimore, MD )  
WNUV(TV), Baltimore, MD )  
WUTB(TV), Baltimore, MD, )  
 )  
*Respectively.* )  
 )

**DEERFIELD MEDIA (BALTIMORE), INC.’S OPPOSITION TO  
PETITION TO TERMINATE MEDIA BUREAU INVESTIGATION  
AND REQUIRE EARLY FILING OF RENEWAL APPLICATIONS**

On July 22, 2019, Ihor Gawdiak filed an informal request (“Informal Request”) for Commission action requesting, among other things, that the Commission require Deerfield Media (Baltimore), Inc. (“Deerfield”) to file an early license renewal application for television station WUTB, Baltimore, Inc. Mr. Gawdiak’s request claims that requiring the early renewal filing of WUTB “will enable the filing of petitions to deny and the timely resolution of the character issues raised in the [Sinclair-Tribune Hearing Designation Order.]” No issues, character or otherwise, were raised against Deerfield in that proceeding, as Deerfield was not even a party to that proceeding. Deerfield therefore opposes Mr. Gawdiak’s completely baseless Informal Request and respectfully asks the Commission to promptly dismiss or deny it.

Mr. Gawdiak also lacks standing to seek the “extraordinary” measure of requiring Deerfield to file an early license renewal application for WUTB, and his request should therefore

be dismissed without further consideration for that additional reason.<sup>1</sup> A person seeking to require the early filing of a license renewal application must, at a minimum, satisfy the same pleading standards that the Commission requires of formal petitions to deny a license renewal application. A petition to deny must raise “specific allegations of fact sufficient to make a prima facie showing that the petitioner is a party in interest and that a grant of the application would be inconsistent with the public interest, convenience, and necessity.”<sup>2</sup> To establish party in interest status, a petitioner must allege facts sufficient to demonstrate that grant of the challenged application would cause him to suffer a direct injury.<sup>3</sup> Each factual allegation must be supported with an affidavit from a person or persons with personal knowledge.<sup>4</sup> And when filing a request to require an early license renewal application filing rather than petitioning against an application filed in the normal course, a requester must overcome the additional hurdle of demonstrating that there are “serious” or “compelling reasons” to require an early filing.<sup>5</sup>

The Informal Request fails to satisfy any of these standards.

First, the Informal Request does not identify any fact suggesting that renewal of WUTB’s license would run contrary to the public interest, convenience, and necessity. Nor does it allege any injury that Mr. Gawdiak would suffer if WUTB’s license were renewed, let alone simply filed in the ordinary course. The Informal Request focuses instead on a Hearing Designation Order (“HDO”) issued in connection with Sinclair Broadcast Group Inc.’s proposed acquisition

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<sup>1</sup> See, e.g., *Greater Portland Broadcasting Corporation*, 3 FCC Rcd 1953, 1954 (1988) (“*Greater Portland*”) (rejecting request to require early license renewal application filing).

<sup>2</sup> 47 C.F.R. § 1.939(d); 47 U.S.C. § 309(d)(1).

<sup>3</sup> *Applications of Lawrence N. Brandt & Krisar, Inc.*, 3 FCC Rcd 4082 (1988) (citing *Sierra Club v. Morton*, 405 U.S.C. 727, 733 (1972)).

<sup>4</sup> 47 C.F.R. § 1.939(d); 47 U.S.C. § 309(d)(1).

<sup>5</sup> *Greater Portland*, 3 FCC Rcd at 1954.

of Tribune Media Company and fails to draw any connection between Deerfield and that HDO (or any pending Media Bureau Investigation related thereto). There is no connection to draw because Deerfield had no role or involvement in that transaction or any of the divestitures proposed in connection therewith. As a result, none of the issues raised in the HDO have any bearing on Deerfield or WUTB, and nothing the Commission does in connection with the HDO or any related investigation will have any impact on Deerfield's qualifications to be a Commission licensee or Mr. Gawdiak's ability to file a petition against WUTB's license renewal application in the ordinary course, should he choose to do so.

Second, the declaration attached to the Informal Request is fatally defective. Rather than support any allegation of harm with personal knowledge, it states only that Mr. Gawdiak is a resident of Columbia, Maryland, that he is "a regular viewer of Baltimore area television stations including . . . WUTB-DT," and that he intends to file a petition to deny the license renewal of the station. *See* Decl. of I. Gawdiak (July 19, 2019). Assuming that Mr. Gawdiak is indeed a resident of Columbia, Maryland, watches WUTB, and intends to file a petition to deny the license renewal of WUTB, none of these "facts" are even relevant to whether renewal of WUTB's license is in the public interest, much less constitute specific allegations of fact made with personal knowledge demonstrating that license renewal would not be in the public interest.

Even if the Informal Request had actually raised a substantial and material question of fact as to whether renewal of WUTB's license would disserve the public interest AND that Mr. Gawdiak would suffer a direct injury (which it does not), the failure to support such allegations with an affidavit from someone with personal knowledge of such facts also warrants dismissal.

## **Conclusion**

Because the Informal Request fails to identify any “substantial and material question of fact raising either ‘compelling’ or ‘serious’ reasons making an early renewal application essential”<sup>6</sup> and fails to demonstrate that Mr. Gawdiak would have standing to file a petition to deny WUTB’s license renewal application (whether early or in the ordinary course), the Commission should promptly dismiss or deny the Informal Request.

Respectfully submitted,

/s/ Scott R. Flick  
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*Counsel to Deerfield Media (Baltimore), Inc. and  
Deerfield Media (Baltimore) Licensee, LLC*

August 2, 2019

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<sup>6</sup> *Id.*

## DECLARATION

I, Stephen P. Mumblow, do hereby declare under penalty of perjury that the following is true and correct:

1. I am President of Deerfield Media (Baltimore), Inc.
2. I have reviewed the foregoing "*Opposition to the Petition to Terminate Media Bureau Investigation and Require Early Filing of Renewal Applications.*" The facts stated therein, except those based on official records or other documents of which the Federal Communications Commission may take official notice, are true to the best of my personal knowledge and belief.

Executed on August 1, 2019.



Stephen P. Mumblow

**CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2019, true and correct copies of the foregoing Opposition were sent via first-class mail, postage prepaid, to the following:

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