

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Commission Launches Modernization of	)	MB Docket No. 17-105
Media Regulation Initiative	)	
	)	

**REPLY COMMENTS OF NEXSTAR BROADCASTING, INC.**

Nexstar Broadcasting, Inc. (“Nexstar”) submits these reply comments in response to the Commission’s Public Notice initiating a review of its rules applicable to media entities.<sup>1</sup> Based on the initial comments, it is clear that the television industry is currently laden with outdated regulations that not only fail to serve the public interest in their own right, but that also unnecessarily divert resources of local television stations from activities designed to serve viewers and their communities. The Commission should act swiftly to remove these unnecessary burdens on broadcasters to allow them to focus on their core mission of serving the public. At the same time, the FCC should resist efforts by some multichannel video programming distributors to coopt this proceeding to address issues relating to retransmission consent that the Commission either recently resolved or that are already the subject of a pending proceeding.

**I. THE COMMISSION SHOULD REMOVE OUTDATED AND UNNECESSARY TELEVISION REGULATIONS.**

The overwhelming majority of commenters agreed with Nexstar that a number of regulations that apply to television stations no longer serve a valid purpose and cannot be justified, particularly in light of technological developments. For example, commenters universally support

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<sup>1</sup> See *Commission Launches Modernization of Media Regulation Initiative*, Public Notice, FCC 17-58, MB Docket No. 17-105 (rel. May 18, 2017) (the “Public Notice”).

simplifying the process broadcast licensees use to report ownership information to the FCC, including: (1) streamlining the awkward and unwieldy ownership reporting process and forms;<sup>2</sup> (2) altering the existing process for reporting and filing network affiliation agreements, credit agreements, and other contracts with the Commission;<sup>3</sup> and (3) modifying the FCC’s broadcast attribution rules to promote additional investments in broadcast companies.<sup>4</sup> Commenters also broadly support elimination of programming and related reporting and certification requirements such as quarterly issues/programs lists,<sup>5</sup> children’s programming (KidVid) reports,<sup>6</sup> and children’s commercial programming certifications<sup>7</sup> that are relics of an era where video content was limited to three over-the-air broadcast stations. In addition, many commenters agree that the Commission should revisit the need to replicate core programming on each digital multicast stream.<sup>8</sup>

With regard to the Commission’s equal employment opportunity (“EEO”) rules, commenters agreed with Commissioner O’Rielly that the mid-term reporting requirement is no longer necessary with the transition to online public files.<sup>9</sup> Commenters also agreed that once-

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<sup>2</sup> See, e.g., Comments of CBS Corporation, The Walt Disney Company, 21<sup>st</sup> Century Fox, Inc., and Univision Communications Inc., MB Docket No. 17-105 at 3 (July 5, 2017) (“Content Company Comments”); Comments of National Association of Broadcasters, MB Docket No. 17-105 at 15-17 (July 5, 2017) (“NAB Comments”); Comments of America’s Public Television Stations, Corporation for Public Broadcasting, MB Docket No. 17-105 at 14 (July 5, 2017) (“Public Broadcasting Comments”).

<sup>3</sup> See, e.g., Content Company Comments at 3; NAB Comments at 17-18; Public Broadcasting Comments at 13-14.

<sup>4</sup> See, e.g., NAB Comments at 38-45.

<sup>5</sup> See, e.g., Comments of Alpha Media LLC, Emmis Communications Corp., iHeartMedia, Inc., Liberman Broadcasting, Inc., New York Public Radio, and Urban One, Inc., MB Docket No. 17-105 at 5-6 (July 5, 2017) (“Joint Radio Comments”); Public Broadcasting Comments at 12-13.

<sup>6</sup> See, e.g., Comments of Meredith Corp., MB Docket No. 17-105 at 3 (July 5, 2017) (“Meredith Comments”); NAB Comments at 10-13.

<sup>7</sup> See, e.g., Content Company Comments at 6; NAB Comments at 10-13.

<sup>8</sup> See, e.g., Content Company Comments at 9 & n. 18; Comments of Gray Television, Inc., MB Docket No. 17-105 at 4-6 (July 5, 2017)

<sup>9</sup> See, e.g., Joint Radio Comments at 3; NAB Comments at 18-19.

relevant rules designed to ensure widespread dissemination in a pre-Internet era, such as mandatory notifications to “entitled sources,” have been “dwarfed by the explosion of job vacancy postings online.”<sup>10</sup>

Finally, the record includes broad support for modifying or deleting outdated notice requirements, including the local newspaper publication requirement, on-air announcements for a transfer of control or assignment, and snail-mail based must carry and retransmission consent elections.<sup>11</sup> The FCC should promptly eliminate these rules.

## **II. THE COMMISSION SHOULD RESIST CALLS TO ADDRESS CONTROVERSIAL ISSUES RELATING TO RETRANSMISSION CONSENT IN THIS PROCEEDING.**

The effort by some MVPD interests to commandeer this proceeding to address controversial issues relating to retransmission consent is misplaced and contrary to the goal of the *Public Notice*. As Meredith Corp. explained, the purpose of this proceeding is to holistically review paperwork and communications requirements, not to rehash every policy issue ever raised before the Commission.<sup>12</sup> Notably, the two industry groups who have been most active in attempting to alter the mosaic of rights relating to retransmission consent—NTCA-The Internet Television Association and the American Cable Association—appear to agree, refraining from calling for substantive reforms to the retransmission consent regime. Nevertheless, other MVPD interests were unable to restrain themselves.<sup>13</sup>

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<sup>10</sup> Joint Radio Comments at 12-13;

<sup>11</sup> See, e.g., Content Company Comments at 4, 10-12; NAB Comments at 20-23; Joint Radio Comments at 2-3.

<sup>12</sup> See Meredith Comments at 2.

<sup>13</sup> See, e.g., Comments of NTCA-The Rural Broadband Association, MB Docket No. 17-105 at 22 (July 5, 2017); Comments of Verizon, MB Docket No. 17-105 at 15-17 (July 5, 2017).

The Commission already has a well-developed proceeding relating to retransmission consent and related rules governing broadcast syndicated exclusivity and network non-duplication.<sup>14</sup> That, not a general regulatory docket, is the proper place to address proposed changes to the retransmission consent regime. Just last year, however, then-Chairman Tom Wheeler closed a separate review of the “totality of the circumstances test,” concluding that “more rules in this area are not what we need at this point.”<sup>15</sup> Nexstar agrees and incorporates by reference its prior comments explaining that the current system is working as intended by Congress and designed by the FCC.<sup>16</sup> In any event, the Commission should address any substantive issues relating to retransmission consent based on the well-developed record in the retransmission consent docket, not the skeletal record in this administrative proceeding.

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<sup>14</sup> See Media Bureau Seeks Comment on a Petition for Rulemaking to Amend the Commission’s Rule Governing Retransmission Consent, MB Docket No. 10-71.

<sup>15</sup> See Blog Post by Tom Wheeler, FCC Chairman, *FCC Blog* (July 14, 2016, 10:37 a.m.), <https://www.fcc.gov/news-events/blog/2016/07/14/update-our-review-good-faith-retransmission-consent-negotiation-rules> (concluding the Commission’s review in MB Docket No. 15-216).

<sup>16</sup> See Comments of Nexstar Broadcasting, Inc., MB Docket No. 10-71 (May 28, 2010); Comments of Nexstar Broadcasting, Inc., MB Docket No. 10-71 (May 27, 2011); Comments of Nexstar Broadcasting, Inc., MB Docket No. 15-216 (Dec. 1, 2015).

### **III. CONCLUSION.**

For the foregoing reasons and those stated in Nexstar's opening comments, the Commission should eliminate or amend a number of its media regulations that are needlessly burdensome and hinder the ability of broadcasters to most effectively serve their communities, and reject calls to address retransmission consent in this proceeding.

Respectfully submitted,

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