

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

In the Matter of	)	
	)	
Applications of Tribune Media Company and Sinclair Broadcast Group, Inc.	)	MB Docket No. 17-179
For Consent to Transfer Control of Licenses and Authorizations	)	
	)	
Application for Consent to Transfer Control of WPMT, LLC, Licensee of WPMT(TV), York, PA	)	File No. BTCCDT-20170626AEK FCC Facility ID No. 10213

**REPLY**

Steinman Communications, Inc. (“Steinman”), by its counsel, and pursuant to Section 73.3584(b) of the Commission’s Rules, 1/ hereby submits this Reply to the Applicants’ Consolidated Opposition to Petitions to Deny (the “Opposition”) dated August 22, 2017. The Opposition was submitted jointly by Sinclair Broadcast Group, Inc. (“Sinclair”) and Tribune Media Company (“Tribune,” and together with Sinclair, the “Applicants”) in opposition to several petitions to deny, including the Steinman Petition to Deny, filed against the Applicants’ request for Commission consent to the proposed Tribune-Sinclair transaction.

The Steinman Petition to Deny established that it would be inequitable for the Commission to approve the proposed Tribune-Sinclair transaction, which will require either waivers and/or rule changes and/or divestitures to overcome the current national television and local television ownership limits, while newspaper publishers such as Steinman continue to be

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1/ 47 C.F.R. § 73.3584(b); *see also* Public Notice, DA 17-647 (rel. Jul. 6, 2017) (setting August 29, 2017, as the Reply date).

hampered in the competitive marketplace by the outdated Newspaper-Broadcast Cross-Ownership (“NBCO”) rule. Particularly prejudicial to Steinman would be the authorization by the Commission of a new television station duopoly for Sinclair in the Harrisburg-Lancaster-Lebanon-York DMA, as Steinman’s publications would face a strengthened, consolidated media competitor for audience and advertisers, while Steinman would be barred from similar market efficiencies if the NBCO rule continued in effect. Moreover, to the extent that a television duopoly in this market continues to be prohibited, either WPMT(TV), York, or WHP-TV, Harrisburg, would need to be divested for the Tribune-Sinclair transaction, in which event, Steinman would be harmed by its exclusion from the bidding for that rare broadcast acquisition opportunity due to the antiquated NBCO rule. Consequently, Steinman urged the Commission to take no action on the Tribune-Sinclair transaction, unless and until the Commission provides global relief from the restrictions of NBCO rule.

The Opposition did not rebut Steinman’s showing of prejudice and unfairness if the Tribune-Sinclair transaction were allowed to proceed without the Commission also addressing the NBCO rule. Indeed, in their Opposition, the Applicants now effectively concede that action on their transaction should await the outcome of the global ownership proceeding under reconsideration before the Commission: “Applicants have indicated they will divest, but intend to wait for the outcome of the review of the Transaction by the Department of Justice (“DOJ”), as well as the ownership proceeding currently under reconsideration by the Commission.” 2/ The “ownership proceeding currently under reconsideration by the

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2/ Opposition at 22.

Commission” encompasses the 2010 and 2014 Quadrennial Regulatory Review, which addresses not just television ownership restrictions, but also whether to retain the NBCO rule. <sup>3/</sup>

The Steinman Petition to Deny also noted that the Tribune-Sinclair Transfer Applications failed to establish the public interest benefit of the proposed transaction, and were critically cryptic in the outcomes sought by the Applicants – will they or won’t they seek (and justify) multiple ownership waivers or television station divestitures and in which markets and to whom? Consequently, Steinman urged the Commission not to commence the thirty-day statutory comment period unless and until clarifying amendments are submitted by the Applicants.

In response, the Applicants cite to the 1993 *Scripps Howard Broadcasting Co.* Hearing Designation Order that a “divestiture pledge removes any concern as to a violation of Section 73.3555 of our Rules.” <sup>4/</sup> But in *Scripps Howard*, the applicants’ divestiture pledge was precise and unambiguous: “the principals of Four Jacks have pledged to divest their interests in WBFF(TV) if Four Jacks is the successful applicant.” <sup>5/</sup> The issue here is not whether Sinclair will be violating Section 73.3555, but how will Sinclair come into compliance, and how can the public and competitors in the marketplace comment without that specific information?

Even if one adopts the Applicants’ strained contention that they have provided a “divestiture pledge” sufficient for comment on and initial processing of their applications for Commission consent, the Applicants have conceded that Commission action on the Tribune-

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<sup>3/</sup> See, e.g., Petition for Reconsideration of the National Association of Broadcasters, MB Docket Nos. 14-50, 09-182, 07-294 and 04-256 (Dec. 1, 2016).

<sup>4/</sup> Opposition at 22 (*citing Scripps Howard Broadcasting Co.*, 8 FCC Rcd 2326, 2326 [¶ 3] (Chief, Video Services Div. 1993)).

<sup>5/</sup> *Scripps Howard Broadcasting Co.*, 8 FCC Rcd at 2326 [¶ 3].

Sinclair transaction would be premature without Commission action also on the outstanding Quadrennial Regulatory Reviews. Such action must include elimination of the outdated NBCO rule, or competitors in the media marketplace, such as Steinman, and the public they serve, would be harmed.

Respectfully submitted,

**STEINMAN COMMUNICATIONS, INC.**

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**CERTIFICATE OF SERVICE**

I, Marissa G. Repp, do hereby certify that a copy of the foregoing Reply is being sent via first-class, U.S. Mail, postage prepaid, and/or by e-mail, as specified, this 29<sup>th</sup> day of August, 2017, to the following:

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