

Before the
Federal Communication Commission
Washington, DC 20554

In the Matter of :
 : MB Docket No. 16-57
Application of Nexstar Broadcasting Group, Inc, :
and Media General, Inc. :
For Consent to the Transfer of Control and :
Assignment of Licenses :

COMMENT IN SUPPORT OF FORMAL REQUEST FOR WAIVER

Marquee Broadcasting Colorado, Inc., (“MBC”) a separate but affiliated corporate entity of Marquee Broadcasting, Inc, by and through its President, Patricia R Lane, hereby submits this comment in support of the Request by Nexstar Broadcasting Group, Inc (“Nexstar”) and Media General, Inc. (“Media General”) for a waiver of Sections 1.2204(b) and (d)(3) of the Commission’s Rules to permit Nexstar to consummate its proposed merger with Media General, including related divestitures, thereby allowing the transfer of certain broadcast television licenses prior to the conclusion of the Broadcast Television Spectrum Auction (“Auction”). MBC agrees with and supports Nexstar and Media General’s position that a grant of waiver will not undermine the Commission’s policy bases and that good cause exists to grant the request for waiver.

On May 10, 2016, MBC, a small, woman-owned and operated broadcast company, entered into an agreement with Nexstar for the purchase of Nexstar’s KREG, located in Glenwood Springs, CO. Nexstar treated the agreement with MBC as a separate transaction and agreed to sell KREG to MBC even if Nexstar’s merger with Media General was not approved.

The consummation of the sale of the assets of KREG was contingent only on the approval of the assignment of the KREG license by the Commission and was not dependent on the completion or satisfaction of any other event or contingency.

The request for the approval of the assignment of the license was filed with the FCC and is currently pending before the Commission (BALCDT-20160517AAD). Since the date that MBC filed the assignment application, it has taken steps necessary to operate the station after the application is granted and consummated, including entering into affiliation agreements, procuring equipment, and entering into other contractual relationships that are required for the transition of ownership. These steps have necessitated the expenditure of funds and good will. The delay is adding unnecessary uncertainty with other parties which could harm the future plans for the station. Delay also creates opportunity costs for Marquee, by tying up funds and resources that Marquee could otherwise use to invest in other properties or potential acquisitions.

In addition, if MBC has any hope of starting operations of KREG before next spring, MBC must gain access to KREG's transmission tower to make necessary equipment changes. The tower is located at Sunlight Peak in Glenwood Springs, CO. Standing at approximately 14,000 feet MSL, Sunlight Peak becomes largely inaccessible due to harsh weather and heavy snow accumulation after the end of October. Waiting for the end of the auction before completing the assignment of the license could make it extremely difficult, if not impossible, to transport the equipment to and install it on the tower on Sunlight Peak, thereby limiting the ability of KREG to go on-air until 2017.

For the reasons listed above, MBC respectfully requests that the Commission grant Nexstar and Media General's request for a waiver of Sections 1.2204(b) and (d)(3) of the Commission's Rules and permit Nexstar to consummate its proposed merger with Media

General, thereby allowing the transfer and assignment of certain broadcast television licenses prior to the conclusion of the Auction.¹

Respectfully submitted,

Dated: September 27, 2016



Patricia R Lane

President

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¹ In the alternative, MBC requests that the Commission grant the application for assignment of the KREG license, which does not by itself require waiver of any Commission rule, separately from the other applications involved in the proposed merger of Nexstar and Media General. As noted above, consummation of the sale of KREG is not contingent on the consummation of the larger merger.