

Law Firm of Howard M. Weiss
3061 Mt. Vernon Avenue, #N405
Alexandria VA 22305

November 30, 2017

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington DC 20554

Re: Applications of Tribune Media Company and Sinclair Broadcast Group
for Consent to Transfer Control of Licenses and Authorizations, MB
Docket No. 17179

Dear Madam Secretary:

On November 27, 2017, Howard M. Weiss, Esq., Robert Anthony, and Allen Zendle, representing Herndon-Reston Indivisible, met with Brooke Ericson, assistant to Commissioner Michael O'Rielly, to discuss applications filed by Sinclair Broadcast Group and Tribune Media Company seeking Commission consent for the merger of the companies in MB Docket No. 17-179. A written presentation, a copy of which is attached, was furnished to Ms. Ericson. Subsequently, HRI transmitted an email concerning the same issues to Ms. Ericson. A copy of which is attached.

At the meeting, the participants discussed whether the Sinclair merger would serve the public interest. HRI argued that it would not because it is anti-competitive, would undermine localism in the television industry, and would not serve the Commission's oft-stated goal of increasing diversity of voices and owners of local television outlets. HRI also urged that, because of a historical pattern of misconduct over decades, Sinclair lacks the character qualifications to be the licensee of the Tribune stations.

Respectfully submitted,
Herndon-Reston Indivisible

/s/ Howard M. Weiss, Esq.

Howard M. Weiss, Esq.
Its Attorney

Attachments

cc: Brooke Ericson, FCC (via email only)

Presentation to FCC Commissioners
by
Herndon-Reston Indivisible

Howard Weiss

Allan Zendle

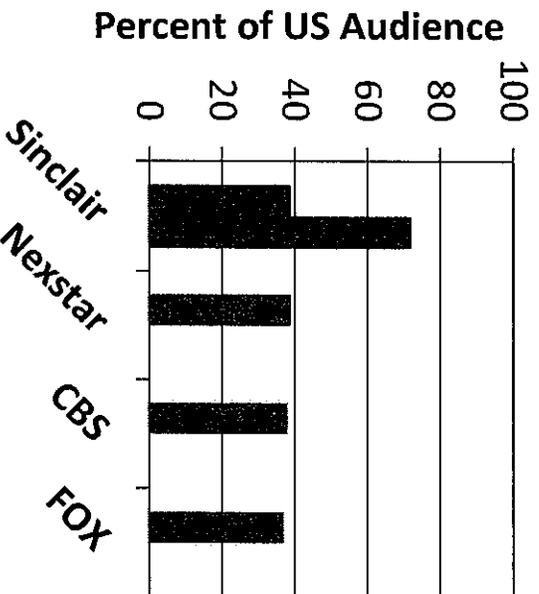
Robert Anthony

November 2017

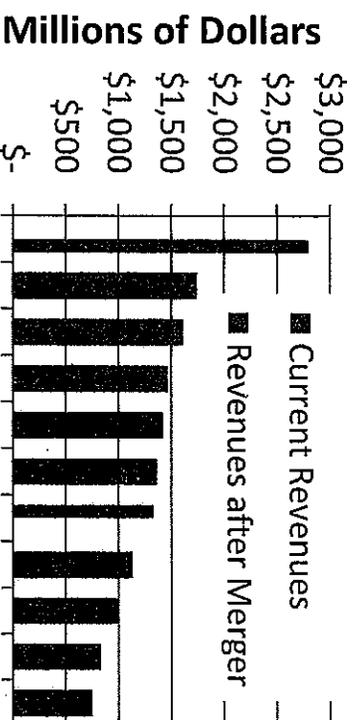
Discussion Topics

- Proposed Sinclair-Tribune Merger is Unprecedented and Dangerous
- News Audience Continues to be Dependent On Broadcast TV
- Sinclair News Services Failing The Public Interest
- Regulatory Safeguards Still Needed For Broadcast TV

Merger is Unprecedented and Dangerous



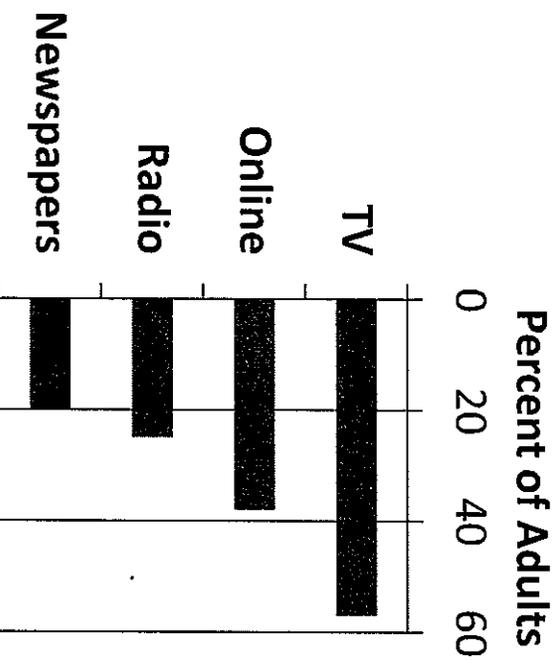
Source: the Coalition to Save Local Media



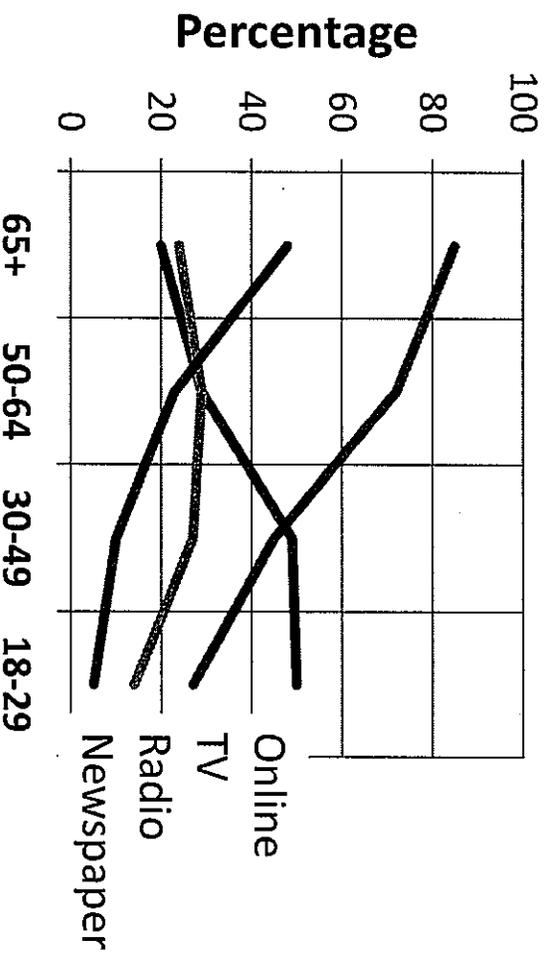
Source <http://tvnewscheck.com>

- Merged company would reach 72% of U.S. homes
- Sidecar deals further expand market coverage
- Merger provides huge competitive advantage for Sinclair
- Enables Sinclair stated goal of monopolistic domination of every local TV market
- Highly concentrated TV ownership is inconsistent with diversity of voices and localism standards for broadcast television

Most Americans Still Dependent on Broadcast Television for Local News



Source: PewResearchCenter



- Broadcast TV news especially dominant for large segment of population over 50
- Disproportionate impact on minority and economically disadvantaged populations
- 10% of U.S. households have no broadband Internet access
- Internet access unavailable in 39% of homes in rural areas
- Local news programs and news anchors more trusted than cable or internet news, the latter of which is primarily derivative of broadcast news

Sinclair News Failing to Consistently Serve the Public Interest

- **Centralized control vs. localism in programming and operations**
 - Must-run programming overriding local journalistic and audience needs
 - Slanted editorial commentary segments (e.g. Boris Epshteyn, Mark Hyman, Scott Livingston)
 - News distortion and blurring the lines between news, commentary and advertising
 - Departures of trusted and respected local newscasters following previous acquisitions
- **Free use of public airwaves carries unique responsibility for highest levels of broadcast journalism integrity**
 - Compliance with Communication Act and related FCC rules is minimum requirement
- **Sinclair behavior has historically not met these standards**
 - Advertisements masquerading as news (Huntsman Cancer Center case alleges broadcast of lengthy unlabeled infomercials as news segments – no word on 2016 FCC investigation)
 - Selective blocking of major network news program feeds (60 Minutes ‘Vietnam War’ piece not allowed to air on Sinclair stations)
 - Disparagement of John Kerry Vietnam service record (Swift Boat controversy)
 - \$9M fine paid in 2016 for violation of Section 325 of Communications Act and news distortion
 - \$80K fine paid in 2001 for unauthorized transfer of control of sidecar entity
- **Local broadcast television remains a critical element of political process**
 - Russian active measures shaping social media and influencing U.S. election(s)
 - Broadcast television must remain a reliable source of trusted content

Regulatory Safeguards Still Needed

- Immaturity of Internet “news sources”
 - Social media content is unregulated and often co-opted to disseminate ‘fake news’
 - Evolving but immature fact and source checking by platform providers
 - Russian active measures shaping social media and influencing U.S. election(s)
 - “Open” (i.e. unregulated) standards for Facebook, Twitter, Google must not be applied to broadcast television
- Sinclair-Tribune merger outpacing transition to future model for news
 - Arcane UHF rule interpretation – pending litigation
 - Implication: Near monopoly over editorial control before clear path to news’ future
 - ATSC 3.0 technology and advertising leverage over competitors
- Public will be dependent on accurate TV and print news for years to come

HRI strongly advocates FCC denial or indefinite delay of consent to the Sinclair-Tribune merger

-----Original Message-----

From: Howard Weiss [mailto:h.weiss496@gmail.com]

Sent: Wednesday, November 29, 2017 5:12 PM

To: brooke.ericson@fcc.gov

Cc: Allan Zendle; 'Robert Anthony'

Subject: Meeting Re Sinclair Merger

Brooke,

On behalf of HRI, I write to thank you for meeting with us on Monday. We greatly appreciated your time and attention.

As you stated at our meeting, yours and Commissioner O'rielly's views and HRI's views diverge on many issues related to the merger. But we trust that you will give the arguments we made and the facts we brought to your attention full consideration with an open mind and deference to the Communications Act and the public interest standards it enshrines. The position taken in the Commissioner's blog, a recent debate presentation on Capital Hill by Sinclair's counsel, and repeated policy pronouncements by Chairman Pai to the effect that structural regulation of the television industry is generally unnecessary given the current multiplicity of non-broadcast voices is, in our view, misguided and simplistic. With the exception of cable news channels, only free local TV originates local news broadcast television programming. Major segments of the American public do not have access to the Internet, cable and other sources you cite as fungible and conflate with local TV stations. Senior citizens, minorities, the economically disadvantaged, rural viewers, and those who simply do not choose to pay for programming from sources they do not trust nearly as much as local broadcasters, are discredited and potentially harmed by your flawed analysis. Your core duty is to regulate broadcasters who must meet a statutory public interest standard not applicable to any other medium, not to cable, Facebook, Google or Twitter. Abdication of that duty by consenting to a broadcast merger which will undermine diversity, localism and competition within the media universe you regulate would be illegal, arbitrary and capricious.

Howard Weiss