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 28, 2017, Howard M. Weiss, Esq., Robert Anthony, and Allen Zendle, on behalf of Herndon-Reston Indivisible ("HRI"), met with Alison Nemeth, assistant to Chairman Ajit Pai, to discuss applications filed by Sinclair Broadcast Group and Tribune Broadcast Company in MB Docket No. 17-179 for FCC consent to a merger of the companies. HRI presented a written summary of its arguments opposing approval of the merger. A copy is attached. Subsequently, HRI transmitted an email to Ms. Nemeth. A copy is attached.

During the meeting, HRI argued that the proposed merger is unprecedented and inimical to the public interest. It is anti-competitive, undermines localism, and would not serve the Commission’s goal of diversity of voices and owners in the local broadcast television industry. HRI also asserted that, based on a historical pattern of misconduct over decades, Sinclair does not possess the character qualifications and is therefore not fit to acquire the Tribune stations.

Respectfully submitted,
Herndon-Reston Indivisible

/s/ Howard M. Weiss, Esq.

Howard M. Weiss, Esq.
Its Attorney

Attachments
cc: Alison Nemeth, FCC (via email only)
Discussion Topics

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

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

Source: The Coalition to Save Local Media

Source: https://www.washingtonpost.com
the latter of which is primarily derivative of broadcast news, local news programs and news anchors more trusted than cable or Internet news.

- Internet access unavailable in 39% of homes in rural areas.
- 10% of U.S. households have no broadband Internet access.
- Disproportionate impact on minority and economically disadvantaged populations.
- Broadcast TV news especially dominant for large segment of population over 50.

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**Age Range**

<table>
<thead>
<tr>
<th>65+</th>
<th>50-64</th>
<th>30-49</th>
<th>18-29</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper</td>
<td>Radio</td>
<td>Online</td>
<td>TV</td>
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</tbody>
</table>

**Percentage**

- Newspapers
- Radio
- Online
- TV

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Television for Local News

Most Americans Still Dependent on Broadcast
Broadcast television must remain a reliable source of trusted content

- Russian activity measures shaping social media and influencing U.S. elections
- Local broadcast television remains a critical element of political process
- $80K fine paid in 2001 for unauthorized transfer of control of Sinclair entity
- $9M fine paid in 2016 for violation of Section 325 of Communications Act and news distortion
- Disparagement of John Kerry (Vieetnam service record, Swift boat controversy)

Selective blocking of major network news program feeds (60 Minutes, Vieetnam War, piece not allowed to air on Sinclair stations)

Broadcast journalism integrity

- Sinclair behavior has historically not met these standards
- Compliance with Communications Act and related FCC rules is minimum requirement
- Free use of public airwaves carries unique responsibility for highest levels of broadcasting journalism
- Departure of trusted and respected local newscasters following previous acquisitions
- News distortion and bringing the lies between news, commentary and advertising
- Sinclair editorial commentary segments (e.g., Bors, Espy, Hymon, Scott Livingston)
- Must-run programming overriding local journalistic and audience needs
- Centralized control vs. localism in programming and operations

Public Interest

Sinclair NewsFailings to Consistently Serve the
consent to the Sinclair-Tribune merger

HRL strongly advocates FCC denial or indefinite delay of

Public will be dependent on accurate TV and print news for years to come

- ATSC 3.0 technology and advertising leverage over competitors
- Implication: Near monopoly over editorial control before clear path to news future
- Arcane UHF rule interpretation – pending litigation

Sinclair-Tribune merger outpricing transition to future model for news broadcast television

- "Open" (i.e., unregulated) standards for Facebook, Twitter, Google must not be applied to
- Russian active measures shaping social media and influencing election(s)
- Evolving but immature fact and source check by platform providers
- Social media content is unregulated and often co-opted to disseminate fake news

Immaturity of Internet "news sources"

Regulatory safeguards still needed
Alison,

I write on behalf of HRI to thank you for your time and attention at our meeting on Tuesday. We greatly appreciated it.

Your questions at the meeting and Chairman Pai's consistently enunciated public position (e.g., at the House Oversight Committee hearing earlier this month) indicate that you and the Chairman disagree fundamentally with many of our arguments. For example, in response to our assertion that the New Sinclair is unlikely to provide locally originated and focused programming and to foster the diversity of voices contemplated by the public interest standard enshrined in the Communications Act, you asked whether those paramount goals could instead be served by Facebook and Google. You also indicated that, contrary to my assertion to the contrary, also made in two recent trade press articles, that you thought Sinclair does graphically advise its viewers that it owns its stations and they are aware that the "local" programming they are watching is in reality produced and transmitted from Sinclair's facilities in Baltimore.

We are concerned by what we view as the shortsightedness and rational baselessness of your legal and policy position and the inaccuracy of your perception of Sinclair's honesty with its viewers. First, as you know, free, over the air local television stations are the only originators of local programming, with the possible occasional exception of cable news channels. Facebook, Google, Twitter and other non-broadcast "media" do not generally originate local programming. Instead they regurgitate broadcast news and related content. Additionally, major segments of the American public—seniors, minorities, rural residents, and economically disadvantaged Americans—do not have access to the Internet and/or cable. They may not be able to afford it; they may live in rural areas where it is unavailable; they may just have decided that they prefer to watch the local TV outlets whose programming and anchors polls show they trust far more than any non-broadcast voice. Moreover, only local broadcasters—not Facebook, not Google, not Twitter, not cable— are entrusted with spectrum owned by all citizens, which they are required to use and operate in the public interest. Your question to us therefore, respectfully, betrays surprising, willful ignorance or worse, lack of commitment to the public interest. And conflating broadcasters with Internet and cable competitors in a competition and service analysis discredits American citizens, voters, and viewers and potentially abandons them in favor of a monopolistic broadcast conglomerate with a decades-long record of rule violation and news distortion.

As to your assertion regarding Sinclair's self-identification to its viewers, I watched two hours of programming on WJLA and News Channel 8 today, Washington stations purchased by Sinclair in 2013, this afternoon.
Other than the legally required station ID's on the hour, I saw no mention of Sinclair during the programming and no suggestion that much of what expressly purported to be "local" programming was created in Baltimore. Instead, the screens read ABC Channel 7 and ABC News Channel 8.

Thank you again for your consideration of these matters.

Howard Weiss