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November 30, 2017

Via Electronic Filing

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> 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)

**Presentation to FCC Commissioners**

**by**

**Herndon-Reston Indivisible**

**Howard Weiss**

**Allan Zendle**

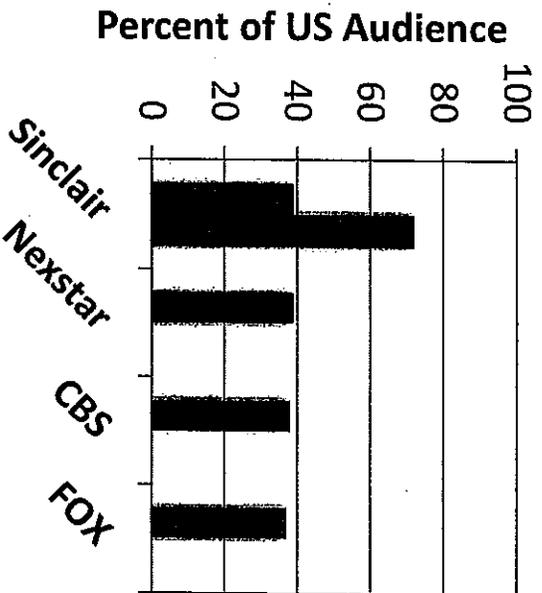
**Robert Anthony**

**November 2017**

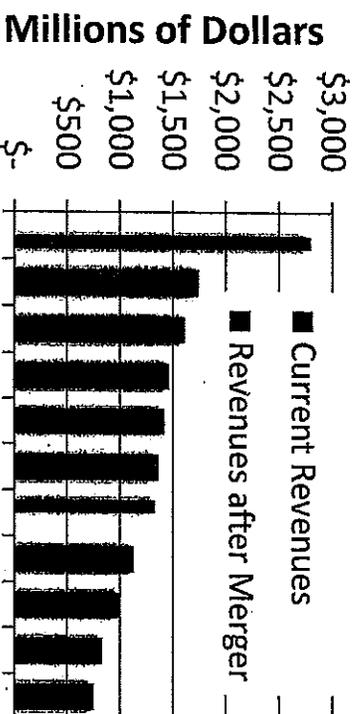
## Discussion Topics

- 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



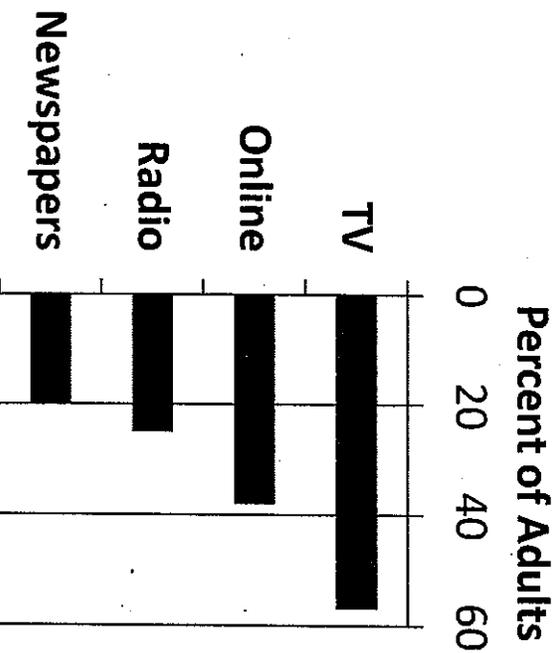
Source: the Coalition to Save Local Media



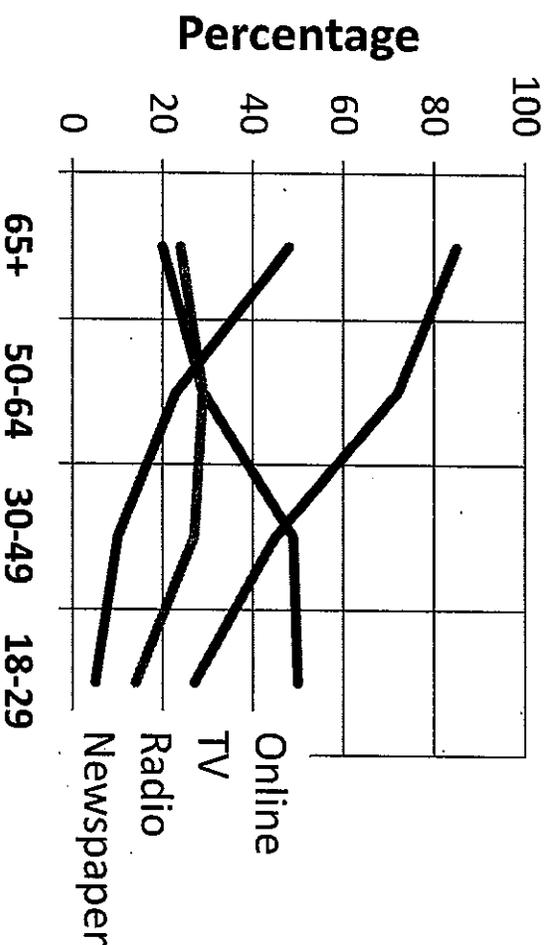
Source <http://tvnewscheck.com>

- 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 commercials 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 9:48 PM  
To: alison.nemeth@fcc.gov  
Cc: Allan Zandle; 'Robert Anthony'  
Subject: Meeting re Sinclair Merger

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