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Alexandria VA 22305

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., Allen Zendle, and Robert Anthony, on behalf of Herndon-Reston Indivisible ("HRI"), met with staff from the Media Bureau, including Michelle Carey, Barbara Kreisman, and David Roberts. The purpose of the meeting was to discuss the proposed merger between Sinclair Broadcast Group and Tribune Media Company in Docket 17-179, which HRI fervently opposes. HRI furnished a written presentation, a copy of which is attached. Subsequently, HRI transmitted an email to the meeting's FCC participants, a copy of which is attached.

HRI argued at the meeting and in its email that FCC consent to the Sinclair merger should be denied. The merger is unprecedented in scale, but it is so sweeping that it is qualitatively antithetical to the public interest, as well. It is inarguably anti-competitive, fundamentally at odds with localism, and would undermine the Commission's goals of diversity of voices and ownership. Further, HRI submitted that, based on a historic pattern of misconduct, Sinclair does not possess the character qualifications to acquire 42 additional television stations across America.

Respectfully submitted,  
Herndon-Reston Indivisible

/s/ Howard M. Weiss, Esq.

Howard M. Weiss, Esq.  
Its Attorney

Attachments

cc: Michelle Carey, FCC (via email only)  
Barbara Kreisman, FCC (via email only)  
David Roberts, FCC (via email only)

**Presentation to FCC Commissioners**  
**by**  
**Herndon-Reston Indivisible**

Howard Weiss

Allan Zendle

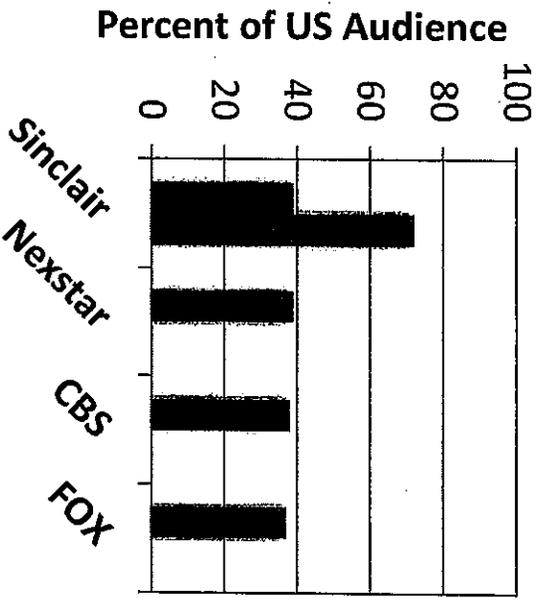
Robert Anthony

November 2017

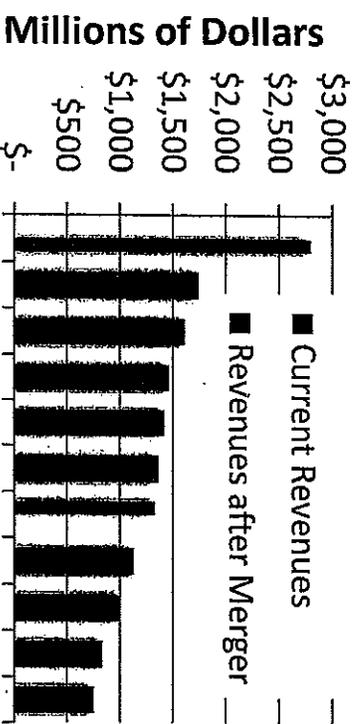
## Discussion Topics

- 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



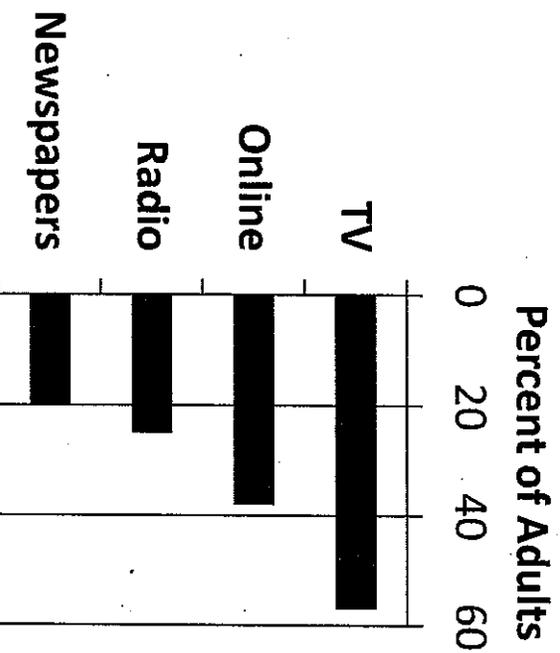
Source: the Coalition to Save Local Media



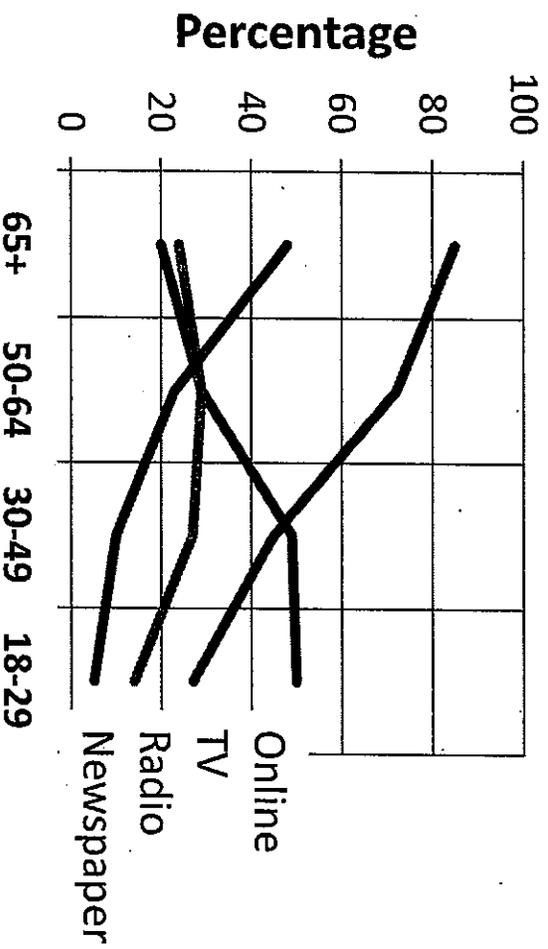
Source <http://tvnewscheck.com>

- 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: Thursday, November 30, 2017 2:36 PM  
To: 'David Roberts'; 'Michelle Carey'; 'Barbara Kreisman'  
Cc: 'Allan Zendle'; 'Robert Anthony'  
Subject: RE: Meeting re Sinclair Merger

I am aware of the disclosure requirement and will file on ECFS and serve each of you as required.

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

From: David Roberts [mailto:David.Roberts@fcc.gov]  
Sent: Thursday, November 30, 2017 1:41 PM  
To: Howard Weiss; Michelle Carey; Barbara Kreisman  
Cc: Allan Zendle; 'Robert Anthony'  
Subject: RE: Meeting re Sinclair Merger

Howard,

We appreciated the opportunity to meet with and hear the views of the representatives of Herndon-Reston Indivisible on Tuesday. Due to its content, your email below, which you describe as supplement to that meeting, is an ex parte contact with the Media Bureau staff in a contested permit-but-disclose proceeding. Please file a copy of it in MB Docket 17-179, in the same way that you will file the memorandum summarizing the ex parte presentation made to Michelle Carey, Barbara Kreisman, and me on Tuesday. I've enclosed a copy of the Commission's Public Notice titled Media Bureau Establishes Pleading Cycle for Applications to Transfer Control of Tribune Media Company to Sinclair Broadcast Group, Inc. and Permit-But-Disclose Ex Parte Status for the Proceeding, Public Notice, DA 17-647 (Med. Bur. July 7, 2017), which contains filing instructions, for your convenience.

Thank you.

David N. Roberts  
Senior Attorney  
Video Division, Media Bureau  
Federal Communications Commission  
Room 2-A660, 445 12th St., SW  
Washington, DC 20554  
202-418-1618

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

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

Sent: Wednesday, November 29, 2017 11:14 PM

To: Michelle Carey <Michelle.Carey@fcc.gov>; Barbara Kreisman <Barbara.Kreisman@fcc.gov>

Cc: David Roberts <David.Roberts@fcc.gov>; Allan Zendle <allan.zendle@verizon.net>; 'Robert Anthony' <rwanthony71940@comcast.net>

Subject: Meeting re Sinclair Merger

Michelle and Barbara,

I write on behalf of HRI to thank you for meeting with us yesterday. We greatly appreciated your time and attention, as well as your questions which evinced interest in the critical topic of the meeting. We saw the meeting's purpose as educational as well as advocative. It was indeed.

I did want to briefly supplement on behalf of HRI, however, to clarify our responses to your questions and your apparent conclusions on some points you raised. First, asked by my colleague to describe the nature of localism enshrined in the public interest standard in the Communications Act, you stated that the Commission's ownership rules are your starting point in this core analysis. As I recall, you then said that you would consider other factors, but did not detail them.

With all due respect, localism has nothing whatsoever to do with your ownership caps, as they existed for decades nor as they were amended earlier this month. The former relate to a quantitative analysis of the number of stations that can be owned by one party; the latter requires a qualitative evaluation of a buyer's commitment to its local audience and community, evinced by news, public affairs, and other non-entertainment programming, as well as non-programming efforts to serve the community. Thus, Sinclair's merger may leave its station group within the emasculated limits in the new ownership rules ( even that is not clear since Sinclair's existing interests arguably already exceed the 39% cap), but that has nothing to do with Sinclair's bond, or lack thereof, with its local communities of license. Requiring "must run", Islamophobic Baltimore-produced "Terrorist Alerts" on its Seattle station is the sort of evidence you need to evaluate under the localism rubric, not the number of Sinclair's stations. Finally, we note the allegations made in Congressional letters, House hearings, and the trade press that the ownership rule retreat was designed to pave the way for approval of the Sinclair merger. Your response here would seem to serve to validate that perception.

Secondly, I must note that Barbara's "devil's advocate" assertion that our showing regarding the relationship between broadcasters and Internet outlets as it impacts on American audiences and the potential impact of approval of the Sinclair merger supports consent to the merger was, respectfully, stunning and inexplicable. The data in the Power Point presentation we gave you demonstrates beyond any doubt that other than millenials, the majority of every segment of Americans relies on and trusts local television outlets MORE than non-broadcast outlets, like Facebook, Google, and Twitter.

Seniors, minorities (especially Hispanics), rural viewers and economically disadvantaged citizens all look to broadcasters far in excess of Internet and cable sources. The Sinclair merger is before you now, not in 2030 or 2040. Your job is to protect the majority of Americans served by the broadcasters now, not when the millenials grow up.

Finally, we were bemused by David Roberts' response to your question as to whether our showing added anything to the record compiled, made up of thousands of comments from companies and individuals across the ideological spectrum. Again, with due respect, we demur. We have reviewed the record and believe we have brought a fresh and powerful perspective to this debate, so vital to the future of American broadcasting and its impact on the electoral process. As a local citizens' grassroots entity, we have furnished unique data demonstrating the stranglehold Sinclair already has on the TV industry and the aggravated threat the merger would pose. We have shown that Sinclair's revenues will outstrip that of all other TV giants, including networks, by a large

margin of billions of dollars, utterly belying the monopolist's poormouthing rationalizing the merger. Further, we have raised serious questions about a pattern of conduct illustrating Sinclair's character flaws, propensity for playing fast and loose with the Act and your rules, and its compulsion to expand through legal and illegal means over several decades. Witness the 2016 consent decree and the long pending Huntsman Cancer Institute scandal.

Thank you again for your consideration of these points.

Howard Weiss