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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MM Docket No. 93-94
	)	
SCRIPPS HOWARD BROADCASTING	)	File No. BRCT-910603KX
COMPANY	)	
	)	
For Renewal of License	)	
Station WMAR-TV	)	
Baltimore, Maryland	)	
	)	
and	)	
	)	
FOUR JACKS BROADCASTING, INC.	)	File No. BPCT-910903KE
	)	
For Construction Permit for a	)	
New Television Facility on	)	
Channel 2 at Baltimore,	)	
Maryland	)	
	)	
To: Administrative Law Judge		
Richard L. Sippel		

MASS MEDIA BUREAU'S OPPOSITION TO  
MOTION TO ENLARGE ISSUES AND  
TO REOPEN THE RECORD

1. On December 9, 1993, Scripps Howard Broadcasting Company (Scripps Howard) filed a motion requesting that the Presiding Judge reopen the record and enlarge the issues in this proceeding to include a misrepresentation issue against Four Jacks Broadcasting, Inc. (Four Jacks). The Mass Media Bureau hereby opposes Scripps Howard's motion.

2. Four Jacks' principals are the sole stockholders of Sinclair Broadcast Group, Inc. (Sinclair). An amended Registration Statement and a revised Prospectus filed by Sinclair with the Securities and Exchange Commission (SEC) on December 2,

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1993, and December 6, 1993, respectively, stated that each of the Four Jack's principals "will be able to perform all of his current duties with the Company while fulfilling his commitment to work for Channel 2." The SEC filings by Sinclair also state that none of the Four Jacks principals has committed to resign his official position or dispose of his ownership interests in Sinclair in the event that the application of Four Jacks is granted. Scripps Howard contends that these statements contradict the sworn testimony of the Four Jacks integrated principals that they would resign their "then current employment" in order to undertake fulltime management duties at Channel 2.

3. As the Commission noted in Washoe Shoshone Broadcasting, 5 FCC Rcd 5561 (1990):

It is well established that, to justify a reopening of the record, a petitioner must show unusual or compelling circumstances. WEBR Inc. v. FCC, 420 F.2d 158 (D.C. Cir. 1969); Kidd v. FCC, 302 F.2d 873 (D.C. Cir. 1962); Southeast Arkansas Radio, Inc., 61 FCC 2d 72, 74 (1976). A petition to reopen must be supported by a showing that the petitioner could not, through the exercise of due diligence, have discovered the facts relied upon at an earlier date, and that the new evidence, if true, would affect the ultimate disposition of the proceeding. Southeast Arkansas Radio, Inc., supra.

The Bureau submits that Scripps Howard has failed to meet this test.

4. The subject of Four Jacks' SEC filing was fully explored at the hearing in this proceeding. See generally Tr. 1075, et

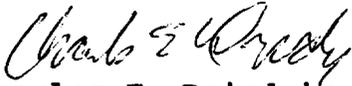
seq. There it was developed that Sinclair's SEC filing did not explicitly disclose the integration commitments of Four Jacks' principals in this proceeding. Four Jacks' December filings, which are the basis for Scripps Howard's motion, make explicit the integration commitments. Since the basic facts were known and explored at hearing by Scripps Howard, they are not newly discovered facts which would support a reopening of the record.

5. In any case, it does not appear that the statements in the SEC filings are contradictory of the claim by the integrated principals of Four Jacks that they would resign their current employment if Four Jacks' application for Channel 2 is granted. In its December SEC filings, Sinclair clearly states that the integrated principals had committed to resign from their then current employment and would limit or terminate any activities which might interfere with their commitments to Four Jacks. The December 6, 1993, Prospectus states that the Four Jacks principals have not committed to resign from their official positions with Sinclair. Scripps Howard has failed, however, to provide any evidence (other than that the Four Jacks principals maintain office hours from 9:00 a.m. to 5:00 p.m. at Sinclair during which they handle work on as needed basis) from which it can be concluded that their commitment to Sinclair and their commitment to Four Jacks are necessarily mutually exclusive. In any case, as the Prospectus makes clear, the Four Jacks integrated principals will terminate any activities that

interfere with their commitment to Channel 2. Consequently, the Bureau submits, Scripps Howard has not demonstrated that the principals of Four Jacks engaged in a misrepresentation with regard to their integration proposals.

6. In sum, the Bureau opposes the Scripps Howard motion to enlarge the issues and reopen the record.

Respectfully submitted,  
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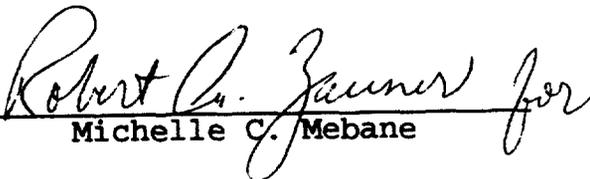
December 22, 1993

**CERTIFICATE OF SERVICE**

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 22nd day of December 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Opposition to Motion to Enlarge Issues and to Reopen the Record" to:

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