

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

MAY - 4 1995

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 COMMENTS ON REPLY  
OF SCRIPPS HOWARD BROADCASTING COMPANY AND FOUR JACKS  
BROADCASTING, INC.

1. On March 24, 1995, Scripps Howard Broadcasting Company and Four Jacks Broadcasting, Inc. ("Settling Parties") filed a joint request for approval of settlement agreement. On April 3, 1995, the Mass Media Bureau filed comments in support of the joint request. On April 28, 1995, the Settling Parties filed a reply to the Mass Media Bureau's comments.

2. In its comments the Bureau supported approval of the settlement agreement on the condition that the Settling Parties reform Section 8 of their agreement which prohibited either party from filing any document with the Commission that opposes the

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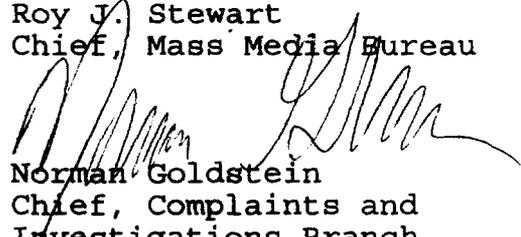
grant of an application filed by the other. The Bureau's concern was that Section 8 would prevent either party from bringing information to the Commission's attention about the other party even if that party had a bona fide belief that the other party's station was not being operated in the public interest. The Bureau pointed out that Section 8 was similar to a clause in another settlement agreement that the Review Board had ordered reformed before approving. Nirvana Radio Broadcasting Corp., 4 FCC Rcd 2778, 2779 (1989).

3. In their reply, the Settling Parties note that the agreement in the Nirvana case prohibited any filings by the parties with the Commission, while Section 8 of their agreement only prohibits the parties from filing a document "that opposes the grant of any application." Thus, the Settling Parties state, consistent with Section 8 of their agreement, either could file a statement with the Commission bringing relevant information to the Commission's attention about the other, so long as the statement did not object, formally or informally, to the grant of an application.

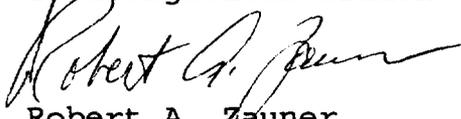
4. In light of the explanation provided by the Settling Parties of Section 8 of their agreement, the Bureau no longer

opposes approval of the settlement agreement as submitted. The Bureau now unconditionally supports approval of the joint agreement and termination of this proceeding.

Respectfully submitted,  
Roy J. Stewart  
Chief, Mass Media Bureau



Norman Goldstein  
Chief, Complaints and  
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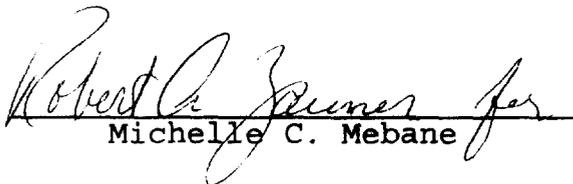
May 4, 1995

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 4th day of May 1995, sent by regular United States mail, U.S. Government frank, copies of the foregoing "**Mass Media Bureau's Comments on Reply of Scripps Howard Broadcasting Company and Four Jacks Broadcasting, Inc.**" to:

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