

changes adopted to the attribution rules but to extinguish the grandfathered status when these holdings are subsequently sold. Attribution FNPRM ¶ 41. Tribune urges the Commission to extend this grandfathered treatment to any case referenced in footnote 30 of the Attribution FNPRM that was conditioned on the outcome of this proceeding but filed before December 15, 1994 -- the day the Commission adopted the NPRM in this proceeding.

In support of this proposal, Tribune submits that the same reasons the Commission has proposed to apply any new attribution rules to acquisitions completed after this same date, see Attribution FNPRM ¶ 42, presumably procedural fairness due to a lack of notice concerning the proposed changes, apply in these circumstances as well. Tribune submits that the Commission simply should not hold applicants to rule changes that were both proposed and adopted after the applicant filed for Commission consent to an underlying transaction. See Comments of ABC, Inc. at 10 ("Acquisitions made before the date when parties were put on notice that new attribution rules were contemplated should not be made attributable retroactively.") Accordingly, Tribune urges the Commission to grandfather any interests made attributable in cases conditioned on the outcome of this proceeding if the underlying application for Commission consent was filed before the NPRM was originally adopted in the proceeding.

V. CONCLUSION

The time for Commission action is now. The market for the delivery of video programming has been unalterably changed by the development and success of the cable television industry. The cable industry, which enjoys a dual revenue stream and has been largely free to pursue both horizontal and vertical integration, has attracted an increasing share of the television audience and become a growing competitive threat to over-the-air television broadcasters. Simply put, over-the-air broadcasters cannot remain competitive with other, largely unregulated video programming distributors if they are shackled by an ownership rule promulgated at a time when broadcast television was represented by just a handful of channels dominated by the major networks and constituted the only real source of video programming in the country.

Without action relaxing the duopoly rule, over-the-air broadcasters will increasingly be unable to make the investments needed to create and maintain local news and public affairs programming. Such a result will undermine the Commission's own goals of ensuring and maintaining a diverse media marketplace. Accordingly, in order to ensure the continued provision of the highest quality, free, over-the-air television service to the

American public, Tribune urges the Commission to relax its duopoly rule by permitting the common ownership of UHF-UHF and VHF-UHF stations assigned to the same DMA.

Respectfully submitted,

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