

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Accepted/Files

OCT 20 2014

Federal Communications Commission
Office of the Secretary

In re Application of)	
)	
Allbritton Communications Co.)	MB Docket No. 13-203
)	BTCCDT-20130809ACD
For Consent to Transfer of Control of WJLA-TV, Washington, DC, to Sinclair Television Group, Inc.)	
)	
WRGT Licensee, LLC)	
)	
For Assignment of License of WRGTV-TV, Dayton, Ohio, to WRGT Licensee, LLC (New Nevada LLC))	BALCT-20031107AAU
)	
)	
WVAH Licensee, LLC)	
)	
)	
For Assignment of License of WVAH-TV, Charleston, WV, to WVAH Licensee, LLC (New Nevada LLC))	BALCT-20031107ABB
)	
)	
WTAT Licensee, LLC)	
)	
)	
For Assignment of License of WTAT-TV, Charleston, SC, to WTAT Licensee, LLC (New Nevada LLC))	BALCT-20031107ABM
)	
)	
Cunningham Broadcasting Corporation (Transferor) and Sinclair Acquisition XIII, Inc.)	
)	
)	
For Consent to Transfer of Control of Columbus (WTTE-TV) Licensee, Inc., licensee of WTTE-TV, Columbus, OH)	BTCCT-20031107AAF
)	
)	
Cunningham Broadcasting Corporation (Transferor) and Sinclair Acquisition XIV, Inc.)	
)	
)	
For Consent to Transfer of Control of Baltimore (WNUV-TV) Licensee, Inc., licensee of WNUV-TV, Baltimore, MD)	BTCCT-20031107AAP
)	

DOCKET FILE COPY ORIGINAL

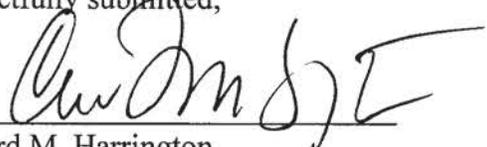
TO THE COMMISSION:

No. of Copies rec'd 0+4
List ABCDE

MOTION FOR LEAVE TO SUBMIT RESPONSE TO REPLY

Sinclair Broadcast Group, Inc. ("Sinclair"), by its attorneys, hereby request permission to submit a response to the outrageous and false statements contained in the Reply of Rainbow Push Coalition ("Rainbow PUSH") in this matter. The Rainbow PUSH reply contains a series of new a series of ad hominem attacks, factual misstatements, specious arguments and irrelevancies to which Sinclair has not previously had an opportunity to respond. Sinclair's Response will be limited to only the most outrageous of Rainbow PUSH's assertions. In the interest of a fair and full record, and in order to do justice, the Commission should accept and consider the attached Response to Reply of Rainbow Push Coalition.

Respectfully submitted,

By: 

Clifford M. Harrington

Counsel for Sinclair Broadcast Group, Inc.

Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, D.C. 20037

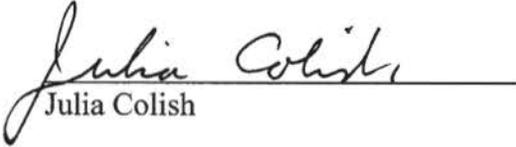
Dated: October 20, 2014

CERTIFICATE OF SERVICE

I, Julia Colish, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that copies of the foregoing "**MOTION FOR LEAVE TO FILE RESPONSE TO REPLY**" were served via U.S. mail on this 20th day of October 2014 to the following:

David Honig
Law Office of David Honig
3636 16th Street N.W. #B-366
Washington, D.C. 20010
(202) 332-7005
david@davidhonig.org
Counsel for the Rainbow PUSH Coalition

Best Copy and Printing, Inc.
Portals II
Room CY-B402
445 12th Street, SW
Washington, DC 20554



Julia Colish

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Application of)
)
Allbritton Communications Co.) MB Docket No. 13-203
) BTCCDT-20130809ACD
For Consent to Transfer of Control of WJLA-TV,)
Washington, DC, to Sinclair Television Group, Inc.)
)
WRGT Licensee, LLC)
)
For Assignment of License of WRGT-TV, Dayton, Ohio, to) BALCT-20031107AAU
WRGT Licensee, LLC (New Nevada LLC))
)
WVAH Licensee, LLC)
)
For Assignment of License of WVAH-TV, Charleston, WV, to) BALCT-20031107ABB
WVAH Licensee, LLC (New Nevada LLC))
)
WTAT Licensee, LLC)
)
For Assignment of License of WTAT-TV, Charleston, SC, to) BALCT-20031107ABM
WTAT Licensee, LLC (New Nevada LLC))
)
Cunningham Broadcasting Corporation (Transferor) and)
Sinclair Acquisition XIII, Inc.)
)
For Consent to Transfer of Control of Columbus (WTTE-TV)) BTCCT-20031107AAF
Licensee, Inc., licensee of WTTE-TV, Columbus, OH)
)
Cunningham Broadcasting Corporation (Transferor) and)
Sinclair Acquisition XIV, Inc.)
)
For Consent to Transfer of Control of Baltimore (WNUV-TV)) BTCCT-20031107AAP
Licensee, Inc., licensee of WNUV-TV, Baltimore, MD)

TO THE COMMISSION:

RESPONSE TO REPLY OF RAINBOW PUSH COALITION

Sinclair Broadcast Group, Inc. ("Sinclair"), by its attorneys, hereby submits its response to certain outrageous and false statements contained in the Reply of Rainbow Push Coalition ("Rainbow PUSH") in this matter to which Sinclair has not previously had an opportunity to respond. A motion for leave to submit this pleading is being filed contemporaneously herewith.

Sinclair "took the high road" in opposing the Application for Review of the Rainbow PUSH Coalition ("Rainbow PUSH") of the Media Bureau's action granting a series of applications for transfer of control of television station licensees affiliated with Allbritton Communications Company ("Allbritton").¹ Rainbow PUSH's Reply, unfortunately, descended into the mud with a series of ad hominem attacks, factual misstatements, specious arguments and irrelevancies which add nothing to a reasoned debate on the merits of the action under review. The Reply is yet another of the wasteful filings that this organization has filed against Sinclair over the past more than 15 years. Rainbow PUSH's baseless, unsupported and potentially defamatory claims, such as that Sinclair established a sham company, and hysterical and groundless rhetoric accusing Sinclair of "nose thumbing at the agency" and "bamboozling the commission" are simply not worthy of response.

Frankly, neither is much of the rest of the Reply, which focuses on the relationship between Sinclair and Cunningham Broadcasting Corporation ("Cunningham"), which is not even a party to the Allbritton applications, but Sinclair feels compelled to at least address a few of the many outrageous statements made by Rainbow PUSH.

¹ Indeed, in an email received by Sinclair's counsel immediately after the Sinclair Opposition was filed, Rainbow PUSH's counsel stated "BTW, and my client shares this view, although we disagree on the merits it's good that both sides have advocated the old fashioned way - light not heat, no adjectives, nothing personal." Apparently, Rainbow Push has unfortunately changed its philosophy.

First, Rainbow PUSH's continued ad hominem attacks on the now deceased Carolyn Smith are both unseemly and without support. Its assertion that Ms. Smith "had no ability to balance a checkbook" is sexist and beneath contempt. Claims that Ms. Smith had no operating knowledge of broadcasting are not only totally unsupported, but also wholly irrelevant (even if true) given that Cunningham employed numerous employees to actually run its day-to-day operations.² Moreover, claims that Mrs. Smith worked in the mailroom at Sinclair are completely without merit.³

Second, Rainbow PUSH's claim that its Petition to Deny provided "massive factual support" its allegations against Sinclair is nothing more than wishful thinking in search of evidence.

Third, while Rainbow PUSH is correct that Sinclair was fined \$40,000 by the FCC thirteen years ago, characterizing such a fine as a "substantial forfeiture" and implying it raises character issues against Sinclair clearly points out the bias and hyperbole intrinsic in every aspect of the Reply. An examination of the record would show that the entire fine resulted from a mistake made by the former president of Glencairn (an individual who has had no involvement with Sinclair from more than a decade) in describing a station acquisition, a mistake in recalling details that could be made by any senior executive who relies on employees and advisors to complete transactions. Moreover, Sinclair disagreed with the Commission's conclusions in 2001, but chose to pay the fine simply because it was cheaper to pay the fine than to contest it.

² As Sinclair has pointed out in the past, there is no requirement that the shareholders or board members of a licensee entity have any day-to-day involvement in station operation. Indeed, while Berkshire Hathaway, Inc., controls WPLG(TV), Miami, does Rainbow PUSH seriously believe that Warren Buffet, Charlie Munger or Bill Gates have an operating knowledge of broadcasting or are involved in the day-to-day management of that station?

³ This fabrication no doubt stems from nearly decade-old *Rolling Stone* article about Sinclair which noted that Mrs. Smith delivered mail to her sons, some of who worked at Sinclair. Although Mrs. Smith did occasionally stop by Sinclair in her free time to visit her children and drop off their mail, it is beyond outrageous and mean-spirited to mischaracterize this occasional practice (for which Mrs. Smith was neither employed nor paid by Sinclair) in the manner employed by Rainbow PUSH.

In any event, the Commission specifically concluded that this did not implicate Sinclair's qualifications to be a Commission licensee and it is outrageous of Rainbow Push to continually cite this now in hopes that a new Commission might provide a different result for a previously resolved matter.

Fourth, Rainbow PUSH seriously mischaracterizes the FCC's action in fining Sinclair. Contrary to Rainbow PUSH's claim that the Commission "yielded up a scathing analysis of Sinclair" and that Sinclair "control[ed] every aspect of Glencairn" the Glencairn decision found that although Sinclair may have been in "de facto" control of Glencairn, the FCC noted that the parties had cooperated in the investigation and "manifested no palpable intent to deceive the Commission," and that nothing in the record "raise[d] questions about the character qualifications of these parties to be licensees." The financial representation by Mr. Edwards which precipitated the fine was characterized by the Commission as a mere "misstatement" and a "mistake" and the FCC noted that the actions which they found to be improper simply "appear[ed] to reflect reliance on past [Commissions] staff decisions involving similar facts, and thus appear[ed] to be miscalculations... as to what was permissible."

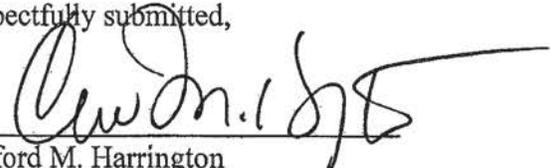
Finally, Rainbow PUSH's habit of relying on its own past filings and self-serving declaration of its members, such as declaration of Rev. Steven Smith, does nothing to further the record. Similarly, its reliance on an occasional newspaper article, such as that of the Washington Post, which is an economic and news competitor of Sinclair's Washington D.C. station, and which in the same article actually pointed out the strong local news operation of Sinclair in Baltimore, provides no support whatsoever for Rainbow PUSH's position.

Sinclair represents the very best in television broadcasting. It provides a tremendous public service by producing and broadcasting more news programming than any other company

in the United States. It sponsors town hall meetings for our nation's citizens to discuss issues of national and local importance. It provides emergency information, often at great physical risk to its employees, in times of need in the communities it serves. Sinclair provides not only national sports and entertainment programming, but increasingly provides hyper-local programming, from high school sports to parades and other civic events. Sinclair makes its stations available for candidate debates and for thousands and thousands of public service announcements. The time has long past for the Commission to let Rainbow PUSH know once and for all that their baseless and vindictive filings will be given no countenance whatsoever.

Rainbow PUSH's Petition to Deny the Allbritton transaction was unfounded and unsupported, and the Media Bureau wisely rejected its claims and granted the applications related to that transaction. Its Application for Review was just another tired restatement of the same old arguments that have been rejected for over a decade. And now Rainbow PUSH's Reply, while vitriolic and unseemly, adds nothing to its stale rehash of repeatedly rejected assertions. The Commission should, therefore, deny Rainbow PUSH's Application for Review so that this chain of repeated filings by Rainbow PUSH can finally come to an end.

Respectfully submitted,

By: 

Clifford M. Harrington

Counsel for Sinclair Broadcast Group, Inc.

Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, D.C. 20037

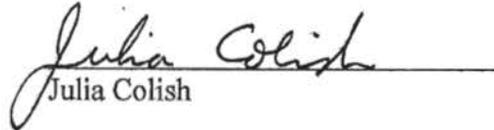
Dated: October 20, 2014

CERTIFICATE OF SERVICE

I, Julia Colish, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP,
hereby certify that copies of the foregoing "**RESPONSE TO REPLY OF RAINBOW PUSH
COALITION**" were served via U.S. mail on this 20th day of October 2014 to the following:

David Honig
Law Office of David Honig
3636 16th Street N.W. #B-366
Washington, D.C. 20010
(202) 332-7005
david@davidhonig.org
Counsel for the Rainbow PUSH Coalition

Best Copy and Printing, Inc.
Portals II
Room CY-B402
445 12th Street, SW
Washington, DC 20554


Julia Colish