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VIA HAND DELIVERY

June 10, 2016

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**RE: Notice of Ex Parte Communication  
2014 Quadrennial Regulatory Review  
MB Docket Nos. 14-50 and 09-182**

Dear Ms. Dortch:

On June 8, 2016, Barry Ohlson, Vice President of Regulatory Affairs for Cox Enterprises, Inc., and the undersigned, of Cooley, LLP, met with William Lake, Chief of the Media Bureau; Mary Beth Murphy, Deputy Chief of the Media Bureau; Brendan Holland, Chief of the Media Bureau's Industry Analysis Division; Benjamin Arden, Assistant Chief of the Industry Analysis Division; and Julie Salovaara, attorney-advisor in the Industry Analysis Division, to discuss and follow-up on the Comments of Cox Media Group ("CMG") that were filed in the above-referenced proceedings on August 6, 2014. We reviewed with these Commission staff members the media holdings of CMG and, in particular, the existing temporary waivers granted to CMG in the Atlanta and Dayton markets and CMG's broadcast history in those markets. We noted that CMG has regularly participated in the Commission's quadrennial review processes by filing comments and had, in fact, filed an *amicus curiae* brief in the recent court review of the Commission's 2010 quadrennial decision.

We highlighted the opportunity now before the Commission in light of the recent decision of the U.S. Court of Appeals for the Third Circuit in *Prometheus Radio Project et al. v. FCC* (Nos. 15-3863-3866) to address the Newspaper/Broadcast Cross-Ownership Rule (the "NBCO Rule") which, as the court noted, "remains in effect to this day even though the FCC determined more than a decade ago that it is no longer in the public interest." The court went on to state that the 1975 ban "[h]as come at significant expense to parties that would be able, under some of the less restrictive options being considered by the Commission, to engage in profitable combinations."

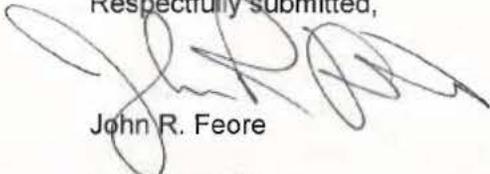
In particular, we urged the Commission to eliminate the NBCO Rule entirely or, at a minimum, to remove the radio component of the rule as the Commission tentatively concluded in the *Further Notice of Proposed Rulemaking and Report and Order* released April 15, 2014 (FCC 14-28) (the "FNPRM"). Furthermore, in the event the Commission does not entirely eliminate the NBCO Rule with respect to newspaper/television combinations, we urged the Commission to adopt its proposal to go to a DMA-based market approach and to adopt a presumptive waiver standard

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that would allow certainty going forward for parties seeking to create new television-newspaper combinations.

Finally, we reviewed the current conditions for both newspapers and radio stations and the challenges they both face in a very competitive marketplace. We noted that the record in this FCC proceeding fully supports the Commission's conclusions in its FNPRM that "the NBCO rule does not have a significant impact on minority ownership," that the NBCO Rule "does not promote [the FCC's] localism or competition goals," and "that radio stations are not the primary outlets that contribute to viewpoint diversity in local markets." As a result, we noted that the record fully supports the conclusion [as raised for comment in the FNPRM] that "the link between the newspaper/radio cross-ownership restriction and the Commission's goal of promoting viewpoint diversity has become too tenuous to support the rule under Section 202(h)."

Respectfully submitted,



John R. Feore

cc (via email):

William Lake, Chief of the Media Bureau  
Mary Beth Murphy, Deputy Chief of the Media Bureau  
Brendan Holland, Chief of the Media Bureau's Industry Analysis Division  
Benjamin Arden, Assistant Chief of the Industry Analysis Division  
Julie Salovaara, attorney-advisor in the Industry Analysis Division