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

In the Matter of	)	
	)	
Review of the Commission's Regulations Governing Television Broadcasting	)	MM Docket No. 91-221
	)	
Television Satellite Stations Review of Policy and Rules	)	MM Docket No. 87-8

To: the Commission

OPPOSITION OF WMTW BROADCAST GROUP, LLC

WMTW Broadcast Group, LLC ("WMTW"), pursuant to Section 1.429 of the Commission's Rules, certain Petitions for Reconsideration of the *Report and Order* in the above-captioned proceeding, which, among other things, revised Section 73.3555(c), of the Rules, which governs the common ownership of radio and television stations (the "Radio-Television Cross Ownership Rule" or the "Rule"). 1/

The Petitions for Reconsideration in this proceeding underscore the need for Commission clarification of the application of the Radio-Television Cross Ownership Rule so that the Rule may better reflect the practical reality of the radio

1/ *Report and Order, In the Matter Review of the Commission's Regulations Governing Television Broadcasting and Television Satellite Stations Review of Policy and Rules*, MM Docket Nos. 91-221 & 87-8 (released August 5, 1999) ("*Broadcast Ownership Order*").

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business and the extensive media diversity and competition enjoyed by American consumers. 2/

WMTW asks only that the Commission clarify the Rule in one important respect in order for the Rule to authorize all combinations that are consistent with the sense and purpose of the Rule. Specifically, the Commission should clarify that the Rule intends to limit, for purposes of a particular radio-television combination, only those radio stations that are deemed by Arbitron to be in a particular local market. This clarification is an alternative to that proposed by other petitioners, but it would follow from the general consensus of petitioners that the Rule does not accurately reflect the effect certain combinations may have on particular local markets. 3/

It also follows directly from the purpose of the Rule, which intends to protect competition and diversity in local media markets. 4/ In the *Order*, the Commission attempted to focus application of the Rule on the effect a proposed combination might have on each relevant local television market (as defined by Nielsen DMA) in conjunction with each relevant local radio metro market (as

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2/ *See, e.g.*, Petition for Reconsideration of Paxson Communications, Inc. at 6-18; Blade Communications, Inc., Petition for Reconsideration at 5-18; Petition for Reconsideration by the Local Station Ownership Coalition at 2-8; Petition for Partial Reconsideration and Clarification by the National Association of Broadcasters at 3-12; Petition for Reconsideration of Sinclair Broadcast Group, Inc. at 6-8.

3/ *See supra* note 2.

4/ *See Order* at ¶ 103 (noting that the rule ensures "that the local market remains sufficiently diverse and competitive").

defined by Arbitron). 5/ However, the *Order* overlooked one change necessary to effectuate its intended shift to a market-based methodology. The *Order* maintained, without explanation, a contour-based methodology for defining what commonly owned stations were part of a proposed combination. 6/ It failed to specify that the Commission would consider, as part of any combination under analysis, only those stations that are relevant to a particular local market in assessing the affect of the common ownership of those stations may pose to that market's competition and diversity. 7/

Unlike the CBS Petition, which focuses on radio stations outside a particular DMA, 8/ WMTW also sees this issue arising in separate radio markets within a particular DMA. Just as a television station in one DMA is unlikely to target viewers in another DMA, a radio station located in one metro market within a DMA is not likely to target audiences in a separate metro market within that DMA. Accordingly, the Commission should make clear that it will count, as part of a particular combination, only those radio stations in the radio market actually being analyzed. This standard would ensure that a proposed combination is

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5/ *Id.* at ¶ 111 & n.173 (explaining that each radio metro market in a DMA must be analyzed).

6/ *See id.* at ¶ 100 & n. 159.

7/ *See* Petition for Reconsideration of CBS, Inc., at 5-7 ("CBS Petition") (noting that radio stations in a different DMA should not be counted for purposes of combinations analyzed pursuant to the Radio-Television Ownership Rule).

8/ *See id.*

market being analyzed. This standard would ensure that a proposed combination is reviewed only with regard to its actual effect on the competition and diversity with regard to its relevant market.

Accordingly, WMTW respectfully requests that the Commission amend the Rule so it may better reflect the actual combination at issue.

Respectfully submitted,

WMTW BROADCAST GROUP, LLC

By: _____
David Kaufman
Executive Vice President

December 2, 1999

99 Danville Corner Road
P.O. Box 8
Auburn, ME 04210
207/782-1800

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CERTIFICATE OF SERVICE

I, Janine L. Jeter, hereby certify that on this 2nd day of December, 1999, a copy of the foregoing Opposition of Clear Channel Communications, Inc., has been served by first class mail on the following:

Steven A. Lerman
Meredith S. Senter, Jr.
Philip A. Nonomo
Leventhal, Senter & Lerman P.L.L.C.
2000 K Street, N.W., Suite 600
Washington, D.C. 20006
Counsel for CBS Corporation

Janine L. Jeter