

Federal Communications Commission

WASHINGTON, D.C.

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In the Matter of)
)
Review of the Commission's Regulations)
Governing Television Broadcasting)
)
)
Television Satellite Station Review of)
Policy and Rules)

MM Docket No. 91-221

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM Docket No. 87-8

To: The Commission

OPPOSITION TO MOTION FOR EXTENSION OF TIME

Sinclair Broadcast Group, Inc. ("Sinclair"), by its attorneys, hereby opposes the "Motion for Extension of Time to Oppose Sinclair Broadcasting Group, Inc.'s Emergency Petition for Stay," filed May 11, 2001 by the Office of Communication, Inc. of United Church of Christ, Black Citizens for a Fair Media, Center for Media Education, Civil Rights Forum, League of United Latin American Citizens, Philadelphia Lesbian and Gay Task Force, Washington Area Citizens Coalition Interested in Viewers' Constitutional Rights, Wider Opportunities for Women and Women's Institute for Freedom of the Press ("UCC, *et al.*"). The Motion claims that UCC, *et al.* should have been served with a copy of Sinclair's Emergency Petition for Stay and, based on this claim, seeks an extension of time until March 16, 2001 in which to file an Opposition to the Emergency Petition.

For the reasons set forth herein, Sinclair was under no obligation to serve UCC, *et al.* and therefore, UCC, *et al.* is not entitled to any extension of time to file a pleading. Sinclair's Emergency Petition for Stay should be promptly acted upon by the Commission. As set forth in the Emergency Petition, Sinclair intends to file a stay motion with the U.S. Court of Appeals for the District of Columbia Circuit on May 18, 2001 if the Commission has not acted on its motion

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in order to allow the Court to act in time for Sinclair to make appropriate plans in connection with its local marketing agreements (“LMAs”).

The UCC, *et al.* Motion contends that UCC, *et al.* have participated at every level in the above-referenced rule making proceedings and that they are an Intervenor in Sinclair’s challenge to the underlying Commission Orders in the D.C. Circuit. Accordingly, UCC *et al.* maintain that they should have been served with the Emergency Petition for Stay and that they are entitled to file an opposition in response to the Emergency Petition.

Significantly, UCC, *et al.* cites no precedent in support of its purported right to file an opposition to the Emergency Petition for Stay nor has UCC, *et al.* even attempted to show that it has standing to oppose the Petition. At the outset, while UCC, *et al.* has now been accorded intervention status in the appeal of the Commission orders in the above-referenced rule making proceedings that are pending in the Court of Appeals, it did not originally have that status and, in fact, filed for intervention status on an untimely basis. The Court did not grant intervention status to UCC, *et al.* until May 4, 2001 which was the day that the Emergency Petition was filed. (See Court Order attached as Exhibit A). Sinclair did not learn that UCC, *et al.* had been granted intervention status until the week following May 4. In any case, however, the Court’s grant of intervention status to UCC, *et al.* did not obligate Sinclair to serve every party to the FCC rule making proceeding with its Emergency Petition for Stay as UCC, *et al.* appears to suggest. There is no FCC rule requiring one party to a rule making proceeding to serve every other party.¹

¹ In fact, § 1.429(e) of the Commission’s rules expressly states that even petitions for reconsideration of a Commission order in a rule making proceeding need not be served on other parties to the proceeding. Furthermore, § 1.45 of the Commission’s rules indicates that time frames are shortened with respect to stay requests, which is undoubtedly because the party seeking the stay faces irreparable injury.

Moreover, the Court's grant of intervention status to UCC, *et al.* in connection with the appeal of the Commission orders in the rule making proceeding did not confer standing upon UCC, *et al.* in connection with the very specific issues raised in the Emergency Petition for Stay that was filed with the FCC. The Petition seeks a stay of the duopoly rule in connection with LMAs that Sinclair has in four distinct markets. Even if UCC, *et al.* can show a generalized interest in the television duopoly rules, it cannot show any specific interest in the four LMAs in question. In fact, UCC, *et al.* has not even attempted to show how it would be adversely affected if a stay is granted.

In sum, the Motion for Extension of Time is an unauthorized pleading by a party who lacks the standing to file an opposition. Accordingly, the Commission should deny the Motion and rule on the Emergency Motion for Stay.²

Respectfully submitted,

SINCLAIR BROADCAST GROUP, INC.

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Dated: May 14, 2001

² In this connection, Sinclair notes that the Commission was able to act on the Viacom, Inc. Emergency Request for Interim Relief Pending Judicial Review within one week of the time it was filed.

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

EXHIBIT A

No. 01-1079

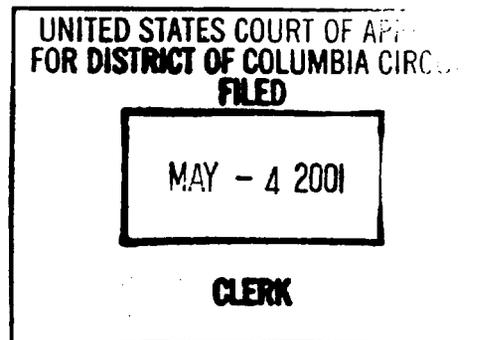
September Term, 2000
CALENDARED FOR: 01/14/01

Filed On:

Sinclair Broadcast Group, Inc.,
Petitioner

v.

Federal Communications Commission and United
States of America,
Respondents



ORDER

Upon consideration of the motion of the Office of Communication, Inc., of the United Church of Christ, Black Citizens for a Fair Media, Center for Media Education, Civil Rights Forum, League of United Latin American Citizens, Philadelphia lesbian and Gay Task Force, Wider Opportunities for Women and Women's Institute for Freedom of the Press for leave to intervene out of time or, in the alternative, motion for leave to participate as *amicus curiae*, it is

ORDERED that the motion for leave to intervene out of time be granted. The following revised briefing schedule shall now apply:

Petitioner's Brief	-	August 20, 2001
<i>Amicus Curiae</i> Brief	-	September 4, 2001
Respondents' Brief	-	October 4, 2001
Intervenors' Brief	-	October 19, 2001
Petitioner's Reply Brief	-	November 2, 2001
Deferred Appendix	-	November 9, 2001
Final Briefs	-	November 23, 2001

FOR THE COURT:

Mark J. Langer, Clerk

BY: *Cheri Carter*
Cheri Carter
Deputy Clerk

CERTIFICATE OF SERVICE

I, Lisa Sorum, a secretary with the law firm Shaw Pittman, hereby certify that a true and correct copy of the foregoing Opposition to Motion for Extension of Time was sent by telecopier, this 14th day of May 2001, to the following:

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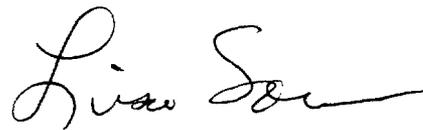
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***By Hand Delivery**