

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

2002 Biennial Regulatory Review -)	
Review of the Commission's Broadcast)	
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	MB Docket No. 02-277
Telecommunications Act of 1996)	
)	
Cross Ownership of Broadcast Stations)	MM Docket No. 01-235
and Newspapers)	
)	
Rules and Policies Concerning Multiple)	MM Docket No. 01-317
Ownership of Radio Broadcast Stations)	
in Local Markets)	
)	
Definition of Radio Markets)	MM Docket No. 00-244

To: The Secretary

Written Ex Parte Presentation

Fort Myers Broadcasting Company (FMBC) submits Fort Myers Broadcasting Company (FMBC)
in response to Comment in response to Comments in response to Comments of Coalition Broadcasters LIN T
Inc., Waterman Broadcasting Corporation and Montclair Communications, Inc. (Coalition).

First, FMBC supports both rule models advanced by Coalition, the No-First, FMBC supports both rule
and the Weaker Station Rule. Both of and the Weaker Station Rule. Both of these models and the Weaker Station
in mid-to-smaller sized markets. Either model would permit competition among multiple duopolies
in a market.

FMBC submits that fostering competition among multiple same-market FMBC submits that fostering
the central consideration in the new Local Television Multiple Ownership Rule. the central consideration in the
can expect significant competitive distortions in a market such as Fort Myers-Naples, Florida, can expect sign

allows a duopoly of major network affiliates, without permitting competition from allows a duopoly of major network affiliates, without permitting competition from
situated situated situated television duopolies. The Commission should allow maximum competition from the largest possible number of duopolies, a result consistent with the largest possible number of duopolies, a result consistent with the
advocated by Coalition.

FMBC FMBC differs from Coalition on the matter of relaxing FMBC differs from Coalition on the matter of relaxing
provides provides across-the-board provides across-the-board provides across-the-board duopoly relief to broadcast stations. There certainly is no need to redefine the failing standards. There certainly is no need to redefine the failing standards. There certainly is no need to redefine the failing standards.

In this connection, FMBC submits that Coalition seeks to redefine failing standards. In this connection, FMBC submits that Coalition seeks to redefine failing standards. In this connection, FMBC submits that Coalition seeks to redefine failing standards.
reasonable reference to the station's ability to attract audience and generate cash reasonable reference to the station's ability to attract audience and generate cash
advocates this redefinition because businesses can fail due to excessive debt, re advocates this redefinition because businesses can fail due to excessive debt, re
However, the FCC duopoly waiver criteria already However, the FCC duopoly waiver criteria already
sufficient cash to meet debt service. These are not failing stations. These are failed stations.
are covered by the waiver criteria of Rule 73.3555(f)(1) pertaining to failed stations.
are covered by the waiver criteria of Rule 73.3555(f)(1) pertaining to failed stations.

FMBC submits that the Commission will be well served by discip FMBC submits that the Commission will be well served by discip
presumptive waiver standards, regardless of the duopoly standard. FMBC submits that the Commission will be well served by discip
duopoly rule sets the public interest benchmark. FMBC submits that the Commission will be well served by discip
reasons of financial distress should make the type of substantial showing reasons of financial distress should make the type of substantial showing

rules. It makes no rules. It makes no rules. It makes no sense to adopt a new television duopoly standard and through adoption of an over-broad presumptive waiver process.

Respectfully submitted,

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Fort Myers Broadcasting Company

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