

**Before the
Federal Communications Commission
Washington, D.C.**

In the Matter of)	
)	
2002 Biennial Regulatory Review – Review)	MB Docket No. 02-277
of the Commission’s Broadcast Ownership)	
Rules and Other Rules Adopted Pursuant to)	
Section 202 of The Telecommunications Act)	
of 1996)	

**COMMENTS OF
TRIBUNE BROADCASTING COMPANY**

R. Clark Wadlow
Anita L. Wallgren
SIDLEY AUSTIN BROWN & WOOD LLP
1501 K Street, NW
Washington, D.C. 20005
202-736-8000

March 19, 2004

SUMMARY

Tribune Broadcasting Company (“Tribune”) believes that enactment of the Consolidated Appropriations Act (“Appropriations Act”) has curtailed the Commission’s authority to modify or eliminate the UHF discount.¹ Congress understood the purpose and effect of the UHF discount when it directed the Commission to adopt the new cap of 39 percent of national audience reach and prohibited the Commission from changing both the cap and the UHF discount in any review conducted pursuant to Section 202(h) of the Telecommunications Act of 1996 (“the 1996 Act”). In any case, the UHF discount is a reasonable and appropriate way for the Commission to take into account the service and operating disparities between UHF and VHF stations, and it continues to serve the public interest.

I. INTRODUCTION

Tribune owns and operates television broadcasting stations in major markets throughout the United States, including 19 UHF stations. Thirteen of Tribune’s UHF stations are affiliated with The WB Network, four are affiliated with the Fox network, one is a dual affiliate of WB and Fox, and one is an ABC affiliate. Tribune has fully constructed digital television (DTV) facilities for all of its analog UHF stations and is broadcasting DTV signals in all of its markets. DTV signal maximization is underway at all of Tribune’s DTV facilities and has been completed at 13 stations. Tribune has owned UHF stations since 1983 and is experienced in the special engineering and operating considerations that UHF stations involve.

¹ 47 C.F.R. § 73.3555(e)(2)(i) (2003).

Under the rule, the number of television households in a given market is reduced by 50 percent when attributed to a UHF station in that market.² The Commission adopted the UHF discount in 1985 as a means to take into account the disparities between UHF and VHF signal propagation.³ In its 1995 proceeding to review the national ownership rules, the Commission considered whether the increasing amount of broadcast carriage by cable and DBS had reduced or eliminated the necessity for the UHF discount, and decided to defer its decision until the first biennial review.⁴ The UHF discount has been included in the Commission's biennial review proceedings,⁵ and, most recently in June 2003, the Commission determined that its continuation was in the public interest.⁶

² 47 C.F.R. § 73.3555(e)(2) states: "For purposes of this paragraph (e): (i) *National audience reach* means the total number of television households in the Nielsen Designated Market Area (DMA) markets in which the relevant stations are located divided by the total national television households as measure by DMA data at the time of a grant, transfer, or assignment of a license. For purposes of making this calculation, UHF television stations shall be attributed with 50 percent of the television households in their DMA market. (ii) No market shall be counted more than once in making this calculation."

³ *In the Matter of Amendment of Section 73.3555 [formerly Sections 73.35, 73.240 and 73.636] of the Commission's Rules Relating to Multiple Ownership of AM, FM and Television Broadcast Stations*, Memorandum Opinion and Order, 100 FCC 2d 74 (1985).

⁴ *Broadcast Television National Ownership Rules; Review of the Commission's Regulations Governing Television Broadcasting; Television Satellite Stations Review of Policy and Rules*, 11 FCC Rcd 19949 (1997).

⁵ *1998 Biennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 15 FCC Rcd 11058 (2000); *The 2000 Biennial Regulatory Review*, 16 FCC Rcd 1207 (2000).

⁶ *In the Matter of 2002 Biennial Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Cross-Ownership of Broadcast Stations and Newspapers, Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets, Definition of Radio Markets, Definition of Radio Markets for Areas Not Located in An Arbitron Survey Area*, 18 FCC Rcd 13620 (2003) ("2002 Biennial Review Order"), appeal pending sub nom., *Prometheus Radio Project v. FCC*, No. 03-3388 (3rd Cir. 2003).

In January 2004, the Consolidated Appropriations Act was passed by Congress and enacted into law.⁷ In that Act, Congress amended the 1996 Act to direct the Commission to cap a broadcaster's national television ownership at the number of stations with a total audience reach not exceeding 39 percent of the nation's television households.⁸ With petitions for reconsideration pending at the Commission seeking the repeal of the UHF discount, the Commission sought comment on the effect, if any, of the Appropriations Act on its authority in this area.⁹ In response to that invitation, Tribune files these comments.

II. CONGRESS CURTAILED THE FCC'S ABILITY TO REPEAL OR CHANGE THE UHF DISCOUNT.

Specific language passed by Congress in the Appropriations Act prohibits the Commission from making changes in the UHF discount in any review conducted pursuant to Section 202(h) of the 1996 Act. In amending Section 202(h) of the 1996 Act, Section 629(3) of the Appropriations Act said, "This subsection [202(h)] does not apply to *any rules relating to* the 39 percent national audience reach limitation. . . ."¹⁰ The two rules that unquestionably "relate to" the 39 percent cap are the two provisions contained in the Commission's definition of "national audience reach:" (a) the UHF discount and (b) the rule that says no market shall be counted more than once in calculating national audience reach.¹¹ Any proceeding conducted by the Commission pursuant to § 202(h) of the 1996 Act, then, cannot include the UHF discount or the bar on double counting markets. Thus, the plain language of the statute prohibits the

⁷ *Consolidated Appropriations Act*, 2004, Pub. L. No. 108-199, 118 Stat. 3 (2004) ("*Appropriations Act*").

⁸ *Id.* at § 629.

⁹ Public Notice, *Media Bureau Seeks Additional Comment on UHF Discount In Light of Recent Legislation Affecting National Television Ownership Cap*, DA 04-320 (Feb. 19, 2004).

¹⁰ *Appropriations Act*, § 629(3) (emphasis added).

¹¹ 47 C.F.R. §§ 73.3555(e)(2)(i) and (ii).

Commission from changing, phasing out, or repealing, the UHF discount or the market-counting rule in any 202(h) review of the media ownership rules.¹² Since the pending petitions before the Commission seeking repeal of the UHF discount were filed on reconsideration of the Commission's June 2003 Report and Order in the 2002 Biennial Review Proceeding conducted pursuant to § 202(h), the Commission is obliged to dismiss those petitions pursuant to this Congressional directive.

Moreover, the UHF discount is a well understood instrument used to measure national audience reach. Congress used the term "national audience reach" in 1996 when it directed the Commission to raise the national cap to 25 percent and referred, again, to "national audience reach" in debate and passage of the Appropriations Act. When Congress repeats a well established term such as "national audience reach," it is implied that Congress intended the term to be construed "in accordance with pre-existing regulatory interpretations," i.e., the UHF discount.¹³

The Congressional directive to raise the national cap to 39 percent passed by Congress was the outcome of several months of House and Senate debate and discussion in response to the Commission's *2002 Biennial Review Order*. Statements made by members of both houses of Congress, as well as statements by members of the Commission in hearings, support the conclusion that the Congress (a) understood how the UHF discount works, its significance to certain broadcasters, and its function as a principal element of the national cap; and (b) intended

¹² It is doubtful, given the stringent restriction on Commission authority passed by Congress, whether the Congress intended the Commission to attempt to review the UHF discount in any proceeding not conducted pursuant to § 202(h) of the 1996 Act.

¹³ *Bragdon v. Abbott*, 524 U.S. 624, 631 (1998); *FDIC v. Philadelphia Gear Corp.*, 476 U.S. 426, 437-8 (1986); *Commissioner v. Estate of Noel*, 380 U.S. 678, 681-2 (1965); *ICC v. Parker*, 326 U.S. 60, 65 (1945).

to limit the ability of the Commission to change both the national cap and the rules related to it — including the UHF discount.

In debate on the Appropriations Act, Chairman Tauzin charged that “this bill will forbid the FCC from raising or lowering the 39 percent limit as market conditions continue to change. In fact, the bill eliminates the FCC’s authority to periodically review even ‘rules relating to the 39 percent national audience reach limitation.’ Eliminating the FCC’s discretion over the national audience-reach limit in this manner is unwise.”¹⁴ Chairman Tauzin, for one, believes that the Congress “eliminat[ed] the FCC’s discretion over the national audience-reach limit.”¹⁵

Several senators and members of the House demonstrated that they understood how the UHF discount works with the cap in statements made about various levels of ownership that factored in the UHF discount. For example, Senator Byrd said that “the 1-year limitation on the FCC media ownership rule was turned into a permanent cap at 39 percent. The practical effect of changes demanded by the White House is to protect Rupert Murdoch’s FOX Television Network and CBS-Viacom from having to comply with the lower 35-percent ownership cap a congressional version of the bill would put in place.”¹⁶ Byrd knew that, without the UHF discount, the national reach of each of Fox and Viacom is over 44 percent each, but with the discount they are at 37.9 and 39 percent, respectively. When he spoke of the “35-percent cap” that Congress would have put in place, it was premised on use of the UHF discount. Similarly, the 39 percent cap could only “protect” both Fox and Viacom if it was also premised on the UHF discount remaining in place.

¹⁴ 149 Cong. Rec. H12766-02, H12837 (Dec. 9, 2003).

¹⁵ *Id.*

¹⁶ 149 Cong. Rec. S16087, 16088 (Dec. 9, 2003).

Chairman McCain said, "It is no coincidence, my friends, that the 39 percent is the exact ownership percentage of Viacom and CBS.¹⁷ Why did they pick 39 percent? So that these two major conglomerates would be grandfathered in, purportedly, in order to reduce the media ownership which was voted 55-40 in the Senate. The fact is now they are endorsing Viacom and CBS's 39 percent ownership, grandfathering them in because they should have been at 35 percent. Remarkable."¹⁸

Senator Daschle criticized the 39 percent compromise as "bow[ing] to White House pressure to permanently *raise* the limit."¹⁹ The only way 39 percent can be construed as a permanent increase would be if the UHF discount were also made permanent so that no broadcast company would be subject to divestiture.

Similarly, Congresswoman Kilpatrick commented that "The conference agreement abandoned the bipartisan agreement between both chambers of Congress to block the Federal Communications Commission regulations permitting broadcast networks *to expand*. The FCC issued rules raising the ceiling on media ownership from 35 to 45 percent. Even though House and Senate conferees originally agreed to keeping the current (35 percent) limit, the White House forced a compromise at 39 percent, which would accommodate t[w]o giant media interests."²⁰

Another direct statement about the relationship between Congressional changes in the national cap and its reference to the UHF discount came from Chairman Powell, who, in a Senate hearing before the Commerce, Science and Transportation Committee, responded to Senator Sununu, "I would also note that if the argument that Congress spoke clearly in '96 when they

¹⁷ Since CBS is owned by Viacom, it appears from the context that Sen. McCain may have intended to identify Viacom and one other – most likely Fox – as the two companies benefiting from the 39 percent cap.

¹⁸ 150 Cong. Rec. S66-02, S 86 (Jan. 21, 2004).

¹⁹ 149 Cong. Rec. S16083-04 (Dec. 9, 2003) (emphasis added).

raised it to 35, they raised it with the UHF discount in place. That means the rule has been 70 percent since 1996.”²¹

In the Appropriations Act, the Congress directed the Commission to adopt rules to increase the national cap to 39 percent. To underscore its decision, Congress directed that the Commission cannot alter (or sunset) any of the rules related to this new 39 percent cap. Thus, Tribune notes that in the *2002 Biennial Review*, the Commission announced its intention that the UHF discount sunset on a market by market basis as the digital transition is completed.²² The Commission said it would undertake this market by market review in a “subsequent biennial review,” which has been expressly prohibited by Congress in the Appropriations Act, as discussed above. Accordingly, it will require action by Congress to permit the Commission to phase out or repeal the UHF discount in the future.

III. THE UHF DISCOUNT IS IN THE PUBLIC INTEREST

Notwithstanding the statutory limit on the Commission’s ability to review the UHF discount, in responding to the pending petitions for reconsideration, Tribune urges the Commission to reiterate its determination that the UHF discount continues to serve the public interest. The Commission adopted the UHF discount in 1985 when it established the first national ownership cap linked to the measurement of television homes reached by a broadcaster.²³ Even before it moved from an ownership limit expressed as an absolute number of stations to a national audience reach cap, the Commission had recognized the disparity in

²⁰ 149 Cong. Rec. H12766-02, H12831 (Dec. 3, 2003) (emphasis added).

²¹ *Media Ownership Rules, Hearing Before the Senate Committee on Commerce, Science and Transportation*, 108th Cong., 1st Sess. (June 4, 2003).

²² *2002 Biennial Review* at ¶ 591.

technical aspects of UHF and VHF operations. The original “seven station rule” provided that a broadcaster could own up to seven AM, seven FM, and seven television stations of which no more than five could be VHF stations.²⁴ In 1994, the Commission loosened the rule so that a broadcaster could own up to 12 stations, provided that the stations’ combined audience reach did not exceed 25% of the nation’s television households.²⁵ The Commission agreed on this favorable treatment for UHF stations in the national ownership limit in order to take into account UHF stations reduced service areas and higher power requirements.²⁶ It said, “while there has been demonstrable progress in the viability of UHF television, the inherent physical limitations of this medium should be reflected in our national multiple ownership rules . . . a more appropriate indicator of the reach handicap of UHF station is one that measures the actual coverage limitation inherent in the UHF signal. . . . Therefore, with respect to the audience reach limit adopted herein, we believe that owners of UHF stations should be attributed with only 50 percent of an ADI market’s theoretical audience reach to account for this disparity.”²⁷

²³ *Amendment of Section 73.3555 [formerly Sections 73.35, 73.240 and 73.636] of the Commission’s Rules Relating to Multiple Ownership of AM, FM and Television Broadcast Stations*, Memorandum Opinion and Order, 100 FCC 2d 74 (1985).

²⁴ 47 C.F.R. § 73.3555(d), deleted in *Amendment of Section 73.3555, [formerly Sections 73.35, 73.240, and 73.636] of the Commission’s Rules Relating to Multiple Ownership of AM, FM and Television Broadcast Stations*, Report and Order, 100 FCC 2d 17 (1984).

²⁵ *Amendment of Section 73.3555 of the Commission’s Rules Relating to Multiple Ownership of AM, FM, and Television Broadcast Stations*, Memorandum Opinion and Order, 100 FCC 2d 74 (1984).

²⁶ In this proceeding, two Congressional proposals in the form of House and Senate pending bills that would have included higher limits if UHF stations were in the broadcast group. *Id.* at 90, n. 45.

²⁷ *Id.* at 93.

On each occasion in which the Commission subsequently reviewed the UHF discount, it decided to retain the rule without change.²⁸ In the *2002 Biennial Review Order*, the Commission reiterated its view that the UHF discount should be retained for the following reasons:

- UHF stations still reach far fewer broadcast-only viewers than VHF stations.
- Weaker UHF signals make it more difficult for a UHF station to qualify for cable and DBS carriage.
- UHF stations require more expensive transmitters and power costs are up to 300% higher than VHF requirements.
- The UHF discount promotes entry by new broadcast networks.
- The UHF discount has not caused the four established networks to replace their VHF stations with UHF stations that would have up to double the audience reach.²⁹

Tribune agrees with each of these well-known and well-documented findings, and urges the Commission to reiterate them, should it reach the merits of the UHF discount in response to pending petitions for reconsideration. Nothing submitted by parties filing petitions for reconsideration contravenes the record supporting these findings.

The UHF discount has been instrumental in the launch and continued development of networks such as PAX, Univision, UPN, and The WB. As a partner in The WB, Tribune has purchased several UHF stations as part of its strategy to help The WB network grow. Among those UHF purchases since 1994 are stations that became WB affiliates after Tribune's acquisition including KHQB-TV (Houston), WEWB-TV (Albany), and WTXN-TV (Hartford).

²⁸ See, e.g., *1998 Biennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 15 FCC Rcd 11058, ¶ 35 (2000).

²⁹ *2002 Biennial Review Order* at ¶ 585-590.

The investment Tribune has made in UHF stations has also resulted in better service to viewers. For example, in 1996, Tribune bought an independent UHF station in San Diego out of bankruptcy, upgraded the station facilities, built studios, and made it into a successful WB affiliate. This station, now KSWB-TV, now ranks fifth in the market and has initiated a half hour daily local news program. Without the UHF discount, which reduced the regulatory exposure, the overall risks of investing over \$70 million in a bankrupt station would have been far greater, and Tribune may very well have decided against making the purchase.

Among the several other documented reasons supporting retention of the UHF discount, Tribune underscores the fact that since 1994, the market for stations continues to reflect the disparity in UHF and VHF stations. If it were not the case, VHF owners would have been more active in exchanging those stations for UHF stations over the last ten years. For example, a broadcaster could theoretically sell a VHF station in New York City (covering 6.804 percent of the nation's television households -- equivalent to 13.608 percent national audience reach by UHF stations) to be able to purchase UHF stations in Los Angeles, Chicago, Philadelphia, and San Francisco-Oakland-San Jose. Yet broadcasters remain cognizant that UHF stations simply are not on the same competitive footing as VHF stations. Tribune, at least, would consider a "V-for-U" to be an uneven exchange in any market.

A comprehensive analysis by Tribune's research department found that across the nation, audience shares for each of the six major commercial networks (ABC, CBS, NBC, Fox, UPN, and WB) consistently were lower among UHF affiliates than VHF affiliates. In the November 2003 ratings period, 479 VHF stations averaged a 14.8 household share (unweighted) while 439

UHF stations averaged a 6.2 share, or 58 percent less than the VHF average share, sign-on to sign-off, comparing affiliates of the same network across all markets.³⁰

This data demonstrates the continued reality of UHF television. Due to technological and operating constraints, UHF stations are simply not as effective in reaching their viewing audiences as VHF stations – even when delivering the same programming. If the Commission reviews the merits of the UHF discount, it should find that, based on the record, technological and operating disparities still exist that warrant its continuation.³¹ The UHF discount continues to be necessary to encourage the growth and development of UHF television.

IV. CONCLUSION

For the reasons discussed above, Tribune requests the Commission dismiss pending requests for reconsideration seeking to repeal or reduce the UHF discount.

Respectfully submitted,

TRIBUNE BROADCASTING COMPANY



R. Clark Wadlow
Anita L. Wallgren
SIDLEY AUSTIN BROWN & WOOD LLP
1501 K Street, NW
Washington, D.C. 20005
(202) 736-8000

March 19, 2004

Its Attorneys

³⁰ A chart depicting these differences is attached hereto as Attachment A.

³¹ Alternatively, if the Commission decides to phase out or repeal the UHF discount, Tribune strongly urges the Commission to grandfather the discounted status of current broadcasters. Such a result would prevent substantial and inequitable marketplace disruptions.

ATTACHMENT A



MAJOR FULL POWER STATIONS

VHF & UHF STATIONS BY AFFILIATION

NOV 2003 SIGN ON - SIGN OFF HOUSEHOLD SHARE

RANK / DMA	ABC		CBS		NBC		FOX		UPN		WB		Ind.		AVERAGE *	
	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF
1 NEW YORK	10.4		8.9		9.7		5.4		3.5		7.5				7.6	
2 LOS ANGELES	10.3		7.2		9.0		6.6		2.8		5.9		3.5		6.5	
3 CHICAGO	13.4		7.8		9.7		8.5			3.2	7.6			4.9	9.6	5.5
4 PHILADELPHIA	15.4		10.4		10.8		6.5			3.5	3.9				12.2	4.6
5 SAN FRANCISCO-OAKLA	11.4		10.2		8.0		7.6			2.3	2.1		5.6	1.8	8.6	2.1
6 BOSTON (Manchester)	11.2		11.1		11.6			4.9		3.0	4.3				11.3	4.1
7 DALLAS-FT. WORTH	13.0		10.2		9.6		9.9			4.3	6.4			2.7	10.7	4.5
8 WASHINGTON DC (Hager	8.8		10.0		11.4		9.8			2.4	3.8				10.0	3.1
9 ATLANTA	15.2			7.3	9.5		10.1			3.4	4.5			5.2	11.6	5.1
10 DETROIT	15.3			7.8	14.9		9.8			4.5	2.7				13.3	5.0
11 HOUSTON	13.4		13.0		8.2			7.4		4.8	6.6			1.2	11.5	5.0
12 SEATTLE-TACOMA	11.4		11.2		15.6		6.9		3.2		2.8			2.6	9.7	2.7
13 TAMPA-ST. PETERSBURG		6.4	12.3		11.6		10.4			4.0	2.8			1.9	11.4	3.8
14 MINNEAPOLIS-ST. PAUL	11.7		16.2		13.7		9.1			4.7	3.1			1.8	12.7	3.2
15 PHOENIX (Prescott)		6.3	8.6		9.3		8.7			3.0	4.9		9.0		8.9	4.7
16 CLEVELAND-AKRON (Car	12.0			9.7	11.3		9.9			4.3	4.0				11.1	6.0
17 MIAMI-FT. LAUDERDALE	7.3		10.0		6.6		7.5			3.9	5.6				7.9	4.8
18 DENVER	9.1		12.0		12.2		6.4			4.0	4.8				9.5	5.2
19 SACRAMENTO-STOCKTO	9.6		10.3		12.0		6.9			3.8	4.9				10.6	5.2
20 ORLANDO-DAYTONA BEA	11.7		11.6		11.2		6.0			1.6	4.9			1.4	11.5	3.5
21 ST. LOUIS		6.1	15.4		17.9		10.5			2.6	5.9				12.4	4.4
22 PITTSBURGH	14.0		16.4		13.4		4.8			1.9	2.2				14.6	3.0
23 BALTIMORE	7.5		16.9		13.5		5.9			3.5	4.0				12.6	4.5
24 PORTLAND,OR	10.8		12.3		13.2		8.6			3.8	4.3				11.2	4.1
25 INDIANAPOLIS	9.1		15.6		15.0		5.4			3.7	3.9				10.9	4.6
26 SAN DIEGO	9.0		12.8			9.4	6.0			1.5	4.4		4.8		9.3	5.0
27 HARTFORD & NEW HAV	10.7		15.3			10.1	5.8			1.4	2.3				13.0	4.9
28 CHARLOTTE	14.8		11.3			8.4	6.8			3.8	2.9			2.7	13.1	4.9
29 RALEIGH-DURHAM (Faye	12.1		15.3			7.9	5.2			4.3	4.0				13.7	5.4
30 NASHVILLE	9.5		19.8		13.7		4.5			4.0	2.3				14.3	3.6
31 KANSAS CITY	13.4		14.4			7.6	11.0			2.4	3.5			3.8	12.9	4.3
32 CINCINNATI	13.5		17.3		10.8		8.5				3.9				13.9	6.2
33 MILWAUKEE	13.6			6.9	14.1		11.8			4.9	4.3				13.2	5.4
34 COLUMBUS, OH	11.9		17.3		12.9		7.6			3.0					14.0	5.3
35 GREENVILLE-SPART-ASH	8.4		12.7		12.7		5.9			2.2	2.5				11.3	3.5
36 SALT LAKE CITY	8.9		13.5		12.1		8.9			1.0	3.5			5.4	10.9	3.3
37 SAN ANTONIO	12.0		12.6		10.6		7.2		1.4		4.0				9.2	5.6
38 GRAND RAPIDS-KALMZO	11.7	3.5	16.0		15.9		7.1								14.5	5.3
39 WEST PALM BEACH-FT. I	7.7		12.5		16.2		5.2			3.9	0.4				12.1	3.2
40 BIRMINGHAM (Anniston &		9.3		8.3	9.7		11.6			3.4	5.3				10.7	6.6
41 NORFOLK-PORTSMOUTH	10.9		11.1		12.1		4.2			6.1	4.6				11.4	5.0
42 NEW ORLEANS		5.4	19.4		9.4		9.6			3.0	5.6				12.8	4.7
43 MEMPHIS		5.2	14.3		13.1		10.1			6.1					12.5	5.7
44 BUFFALO	11.4		16.2		11.9		5.2			1.5	2.6				13.2	3.1
45 OKLAHOMA CITY	13.9		14.3		15.0		5.6			3.1	4.5				14.4	4.4
46 GREENSBORO-HIGH POI		5.6	14.2		11.5		11.2			2.3	5.0				12.3	4.3
47 HARRISBURG-LANCSTR-		10.6		11.4	19.6		5.6			1.4					19.6	7.3
48 PROVIDENCE-NEW BEDF	4.9		11.9		17.9		3.9			3.0					11.6	3.5
49 ALBUQUERQUE-SANTA F	11.6		10.2		9.9		4.8			2.0	3.1				9.1	2.6
50 LOUISVILLE	13.1			14.4	11.2		6.8			3.3	3.3				12.2	7.0
51 LAS VEGAS	7.3		12.1		12.1		6.6				3.9			1.5	9.5	2.7
52 JACKSONVILLE, BRUNSV		6.2	12.5		11.4		6.0				5.8		9.7		10.6	7.6
53 WILKES BARRE-SCRANT		19.7		9.6		12.5	4.0				1.8				9.5	
54 AUSTIN		11.4		9.9		10.1	10.7				4.2				10.7	8.9
55 ALBANY-SCHENECTADY	12.0		16.2		17.9		5.0			0.6	2.2				15.4	2.6
56 LITTLE ROCK-PINE BLUF	15.7		16.4		11.9		4.1			2.9	0.9				14.7	2.6
57 FRESNO-VISALIA		13.5		8.9		9.8	9.4			1.5	1.9				7.5	
58 RICHMOND-PETERSBUR	10.4		12.0		14.6		5.5			4.3					12.3	4.9
59 DAYTON	9.3		22.1			7.9	4.9				3.9				15.7	5.6
60 TULSA	19.0		20.0		10.0		3.6			1.5	2.4				16.3	2.5
61 KNOXVILLE	9.3		11.5		14.9		3.1				4.5				11.9	3.8

MAJOR FULL POWER STATIONS

VHF & UHF STATIONS BY AFFILIATION

NOV 2003 SIGN ON - SIGN OFF HOUSEHOLD SHARE

RANK / DMA	ABC		CBS		NBC		FOX		UPN		WB		Ind.		AVERAGE *	
	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF
62	MOBILE-PENSACOLA (Ft.)	11.4		15.1		10.5	9.1		2.3		1.9				11.9	4.9
63	CHARLESTON-HUNTINGTON	8.3		8.3	22.1		3.6				1.0				10.6	1.0
64	FLINT-SAGANAW-BAY CITY	18.0		17.2		8.6		4.6							17.6	6.6
65	LEXINGTON		7.6		15.9		13.4		4.3							10.3
66	ROANOKE-LYNCHBURG	12.5		19.7		10.9		4.4	0.6		0.5				14.4	1.8
67	WICHITA-HUTCHINSON F	12.1		19.5		13.2		4.3	1.5		2.2				14.9	2.7
68	GREEN BAY-APPLETON	14.7		16.2		9.9	10.8		1.4		2.8				13.9	4.7
69	TOLEDO	17.1		20.6		9.1		4.9							18.9	7.0
70	FT. MYERS-NAPLES		7.3	15.9		15.1		5.8			2.4				15.9	7.7
71	TUCSON (Sierra Vista)	12.7		13.9		14.8	4.0		1.5		2.9				11.4	2.2
72	HONOLULU	10.1		13.2		8.9	13.1				3.2				9.7	
73	DES MOINES-AMES	9.5		22.6		17.1		4.8			4.6				16.4	4.7
74	PORTLAND-AUBURN	8.9		15.7		18.5		2.0	0.9		1.7				14.4	1.5
75	ROCHESTER, NY	14.7		17.1		15.6		5.9							15.8	5.9
76	PADUCAH-C. GIRARD-HA	7.1		18.6		16.4		2.8			1.5				14.0	2.2
77	OMAHA	16.6		15.1		18.0		5.2			2.4				16.6	3.8
78	SPRINGFIELD, MO		7.1	18.1		20.1		4.8			0.7				19.1	4.2
79	SYRACUSE	15.2		13.5		15.2		4.6			3.1				14.6	3.9
80	SPOKANE	11.8		16.1		13.6		5.5			2.7				13.8	4.1
81	SHREVEPORT	15.4		19.2		8.1		3.8			2.5				11.3	3.8
82	CHAMPAIGN & SPRINGFI		10.4	17.6		14.1		4.9	0.8		2.4				17.6	6.5
83	HUNTSVILLE-DECATUR (7.9		16.8	14.3		5.0	1.1	0.8					0.8	9.0
84	COLUMBIA, SC		7.2		17.3	22.2		6.5	1.6						22.2	8.2
85	MADISON		12.1	17.1		12.0		8.2			1.8				17.1	8.5
86	CHATTANOOGA	15.0		12.7		12.9		3.2			1.8				13.5	2.5
87	SOUTH BEND-ELKHART				20.1	21.4		5.6								15.7
88	CEDAR RAPIDS-WTRLOC	17.4		12.8		18.9		4.1			1.5				16.4	2.8
89	BURLINGTON-PLATTSBU		3.9	19.6		15.4		3.2							17.5	3.6
90	JACKSON, MS		9.7	19.6		15.6		1.7			2.5				17.6	4.6
91	TRI CITIES, TN-VA		4.1	15.6		20.7		2.1							18.2	3.1
92	WACO-TEMPLE-BRYAN		8.3	16.8		10.9		6.7							13.9	7.5
93	COLORADO SPRINGS-PL	12.9		18.2		14.0		6.8							15.0	6.8
94	DAVENPORT-ROCK ISLA	12.4		10.7		24.1		6.0			1.0				15.7	3.5
95	BATON ROUGE	13.0		24.2		7.1		6.1							18.6	6.6
96	JOHNSTOWN-ALTOONA		4.7	19.5		15.6	3.7								12.9	4.7
97	HARLINGEN-WSLCO-BRN	11.5		10.1		6.0									10.8	6.0
98	SAVANNAH		7.1	21.6		9.2		4.4	1.3						15.4	4.3
99	EVANSVILLE		10.5		9.6	17.2	7.8				2.0				7.8	9.8
100	EL PASO	11.5		7.5		10.1		6.0							9.7	6.0
101	YOUNGSTOWN		11.0		17.2	19.2		1.9								12.3
102	LINCOLN & HASTINGS-KE	6.1		20.2		2.9		1.9							9.2	1.9
		7.5														
103	GREENVILLE-NEW BERN	10.5		17.3		13.3	3.8								11.2	
104	CHARLESTON, SC	9.1		20.2		13.4		6.0	3.5						14.2	4.8
105	FT. WAYNE		15.0		19.1	12.4		5.7								13.1
106	SPRINGFIELD-HOLYOKE		10.8			19.7										15.3
107	TYLER-LONGVIEW (Lufkin)	21.4				6.0		5.0							21.4	5.5
108	FT. SMITH-FAY-SPRINGD		14.7	17.4		7.4									17.4	11.1
109	FLORENCE-MYRTLE BEA		7.7	26.0				4.0	2.7						26.0	4.8
110	LANSING		6.6	16.8		14.9		5.3	1.4						15.9	4.4
111	TALLAHASSEE-THOMAS		7.9	26.7		5.8		4.9	0.7						26.7	4.8
112	TRAVERSE CITY-CADILL		6.1	25.0		14.9		3.0							20.0	4.6
113	SIOUX FALLS (Mitchell)	11.1		27.9		6.4		3.5			1.0				19.5	3.6
114	AUGUSTA, GA	15.3		18.4		8.9		6.2							16.9	7.6
115	MONTGOMERY (SELMA)		4.3	16.0		23.0		3.2	1.7						19.5	3.1
116	RENO	13.8		10.7		10.0	5.8		2.1		1.1				10.1	1.6
117	PEORIA-BLOOMINGTON		10.0		16.0	18.3		4.3	1.4							10.0
118	FARGO-VALLEY CITY	13.3		14.0		15.8		6.8							14.4	6.8
119	SANTA BARB.-SAN MARI	8.4		9.2		16.8									11.5	
120	EUGENE	10.1		18.7		8.6		4.9							14.4	6.8
121	MONTEREY-SALINAS				7.9	16.0		4.6							16.0	6.3

MAJOR FULL POWER STATIONS

VHF & UHF STATIONS BY AFFILIATION

NOV 2003 SIGN ON - SIGN OFF HOUSEHOLD SHARE

RANK / DMA	ABC		CBS		NBC		FOX		UPN		WB		Ind.		AVERAGE *	
	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF
122 MACON		3.3	29.3			5.5		4.1		0.6					29.3	3.4
123 BOISE	11.0		11.2		25.2		7.0		3.9						11.7	
124 LAFAYETTE, LA	11.7		25.0					6.8							18.4	6.8
125 COLUMBUS, GA	14.5		13.3			6.6		5.7		0.9				13.9	4.4	
126 LA CROSSE-EAU CLAIRE		10.5	13.8		17.4			7.5						15.6	9.0	
127 YAKIMA-PASCO-RICHLAN		9.9		13.8		11.5		4.2							9.9	
128 CORPUS CHRISTI	15.5				14.4									15.0		
129 AMARILLO	14.2		15.1		7.4			5.7						12.2	5.7	
130 BAKERSFIELD		8.2		8.7		13.1				3.0					8.3	
131 COLUMBUS-TUPELO-WE		2.3	14.9		17.5			4.8						16.2	3.6	
132 CHICO-REDDING	11.7		11.0			10.5		6.7						11.4	8.6	
133 ROCKFORD		12.2		13.8	16.8			5.9						16.8	10.6	
134 WAUSAU-RHINELANDER	18.0		20.7		7.4			5.0						15.4	5.0	
135 MONROE-EL DORADO	3.7		27.1		9.8			3.9						13.5	3.9	
136 DULUTH-SUPERIOR	13.2		12.7		17.8			4.9						14.6	4.9	
137 TOPEKA		6.1	21.7			13.8								21.7	10.0	
138 BEAUMONT-PORT ARTHUR	12.9		28.1		9.2									16.7		
139 COLUMBIA-JEFFERSON CO		7.7	19.2		17.0									18.1	7.7	
140 MEDFORD-KLAMATH FALLS	11.9		9.2		9.4			5.0						10.2	5.0	
141 ERIE		15.7		15.4	16.4			5.4						16.4	12.2	
142 WILMINGTON	12.4		4.2		22.6			5.1						13.1	5.1	
143 WICHITA FALLS & LAWTON	11.1		12.7		13.4			4.4						12.4	4.4	
144 SIOUX CITY	12.9			10.9	19.5			6.9						16.2	8.9	
145 ALBANY, GA					27.4			4.5		0.7				27.4	2.6	
146 JOPLIN-PITTSBURG	12.4		21.4			12.3		1.5						16.9	6.9	
147 LUBBOCK		10.9	11.2		21.2			6.7		1.6				16.2	6.4	
148 TERRE HAUTE			22.5		15.4			3.3						19.0	3.3	
149 SALISBURY		8.8		25.8											17.3	
150 BLUEFIELD-BECKLEY-OA	6.2			3.2	16.8									11.5	3.2	
151 WHEELING-STEUBENVILLE	7.1		13.8		21.0									14.0		
152 ROCHESTER-MASON CITY	13.2		16.5		15.7			6.0						15.1	6.0	
153 BANGOR	7.2		20.5		16.3									14.7		
154 BINGHAMTON		6.4	25.8		4.7			5.0						15.3	5.7	
155 ANCHORAGE	7.8		12.8		24.4		6.2		5.5					11.3		
156 BILOXI-GULFPORT	26.7							4.3						26.7	4.3	
157 ODESSA-MIDLAND	9.2		13.1		12.9			5.4						11.7	5.4	
158 PANAMA CITY	14.3		10.6		16.9			3.1						13.9	3.1	
159 MINOT-BISMARCK-DICKINSON		4.2	18.2		23.4			3.8						20.8	4.0	
160 PALM SPRINGS		11.9		8.1		9.0									9.7	
161 SHERMAN, TX-ADA, OK			18.9		7.6									13.3		
162 GAINESVILLE		20.3		7.0				6.2							11.2	
163 ABILENE-SWEETWATER	14.2			14.6	9.9			4.2						12.1	9.4	
164 IDAHO FALLS-POCATELL	13.1		13.9		14.9			3.0						14.0	3.0	
165 CLARKSBURG-WESTON			14.0		14.7			2.3						14.4	2.3	
166 QUINCY-HANNIBAL-KEOKUK			22.3		17.3									19.8		
167 UTICA		7.9			22.3			3.5						22.3	5.7	
168 HATTIESBURG-LAUREL				7.9	27.4									27.4	7.9	
169 MISSOULA		5.7	21.1		15.7			2.9						18.4	4.3	
170 BILLINGS	7.0		23.2		14.9		3.6							12.2		
171 DOTHAN		6.3	20.9					2.8						20.9	4.6	
172 YUMA-EL CENTRO			6.8		11.2			3.6						9.0	3.6	
173 ELMIRA		7.6				17.8		3.1							9.5	
174 RAPID CITY	17.9			7.1		7.5	6.9							12.4	7.3	
175 LAKE CHARLES					27.0			5.5						27.0	5.5	
176 ALEXANDRIA, LA		4.7			23.9			4.8						23.9	4.8	
177 WATERTOWN		5.4	26.4											26.4	5.4	
178 MARQUETTE	6.9		11.1		24.6			0.6						14.2	0.6	
179 JONESBORO	20.9													20.9		
180 HARRISONBURG	19.3													19.3		
181 BOWLING GREEN	25.6					4.4								25.6	4.4	
182 GREENWOOD-GREENVILLE	19.1			12.8										19.1	12.8	

MAJOR FULL POWER STATIONS

VHF & UHF STATIONS BY AFFILIATION

NOV 2003 SIGN ON - SIGN OFF HOUSEHOLD SHARE

RANK / DMA	ABC		CBS		NBC		FOX		UPN		WB		Ind.		AVERAGE *	
	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF	VHF	UHF
183 JACKSON, TN	22.6									2.2					22.6	2.2
184 MERIDIAN	27.6		8.5		5.1										27.6	6.8
185 LIMA					24.1											24.1
186 CHARLOTTESVILLE					25.9											25.9
187 PARKERSBURG	5.6				25.6										5.6	25.6
188 GREAT FALLS	10.9		24.0		8.4										17.5	8.4
189 LAFAYETTE, IN				24.1												24.1
190 GRAND JUNCTION-MONT	10.5		13.2		13.2		4.2								10.3	
191 LAREDO			3.9		9.0										6.5	
192 TWIN FALLS		4.9	22.5		9.9		3.9								22.5	6.2
193 EUREKA	6.0		11.0		16.7		8.1								13.9	7.1
194 BUTTE-BOZEMAN, MT	6.0		23.0		11.9										17.5	6.0
195 SAN ANGELO	4.6		23.5		7.3		5.8								12.2	4.6
196 CHEYENNE, WY-SCOTTS		2.1	16.3		8.3		4.3								12.3	3.2
197 OTTUMWA-KIRKSVILLE	18.6						4.7								18.6	4.7
198 MANKATO			19.7												19.7	
199 BEND, OR						20.4										20.4
200 CASPER-RIVERTON		6.1		9.8	10.7										10.7	8.0
201 ST. JOSEPH	18.6		12.1												15.4	
202 ZANESVILLE						20.0										20.0
203 FAIRBANKS	6.5		11.3		17.2		8.8								11.0	
204 VICTORIA		18.7			4.3		6.4									9.8
205 PRESQUE ISLE			29.3												29.3	
206 JUNEAU, AK	7.6		4.6		3.9										5.4	
207 HELENA		6.4		15.7	18.6										18.6	11.1
208 ALPENA			18.9												18.9	
209 NORTH PLATTE	7.0				24.4										15.7	
210 GLENDIVE			18.4												18.4	
AVERAGE SHARE *	12.3	8.2	15.9	12.3	14.4	11.7	8.0	5.0	3.4	2.6	4.7	3.2	7.0	3.0	14.8	6.2
UHF DIFFERENCE		-33%		-23%		-18%		-38%		-22%		-33%		-57%		-58%
# OF STATIONS	126	66	152	37	140	52	42	126	6	72	9	72	4	14	479	439

* Unweighted

Source: SNAP Reports based on Nielsen Station Index data, November 2003 sweep

CERTIFICATE OF SERVICE

I, Thad Stringer, hereby certify that a true and correct copy of the foregoing Comments of Tribune Broadcasting Company in MB Docket No. 02-277 was sent via hand delivery on March 19, 2004 to the following:

Chairman Michael K. Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commission Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

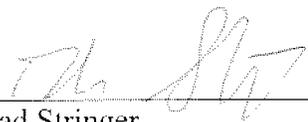
Commission Kevin J. Martin
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commission Michael J. Copps
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commission Jonathan S. Adelstein
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

W. Kenneth Ferree
Chief, Media Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

John A. Rogovin
General Counsel
Federal Communications Commission
445 12th Street SW
Washington, DC 20554



Thad Stringer