

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

2002 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

)
)
)
)
)
)
)

MB Docket No. 02-277

COMMENTS REGARDING THE STATUS OF THE UHF DISCOUNT

**FOX ENTERTAINMENT
GROUP, INC. and FOX
TELEVISION STATIONS,
INC.**

**NATIONAL BROADCASTING
COMPANY, INC. and
TELEMUNDO COMMUNICATIONS
GROUP, INC.**

VIACOM

Dated: March 19, 2004

SUMMARY

The *Public Notice* released in this proceeding on February 19, 2004 asks whether the Consolidated Appropriations Act of 2004 (the "Appropriations Act"), which directed the Commission to establish a 39 percent cap for the national television ownership rule, constitutes congressional ratification or adoption of the UHF discount. The Joint Commenters submit that the answer is an unequivocal "Yes."

The Appropriations Act specifically incorporated the term "national audience reach" into the statute. Since that term has been defined by the Commission for nearly 20 years to include a UHF discount, the Appropriations Act constitutes an affirmative ratification of the FCC's definition, and with it, of the UHF discount itself. Long-settled principles of statutory construction make unambiguously clear that "Congress' repetition of a well-established term generally implies that Congress intended the term to be construed in accordance with pre-existing regulatory interpretations." Accordingly, the Commission should conclude that Congress has embraced the definition of the term "national audience reach" as well as the UHF discount embedded in that term.

At the same time, however, enactment of the Appropriations Act does require the Commission to reevaluate its decision to sunset the UHF discount for stations owned by the top four broadcast networks on a market by market basis. The Commission gave no consideration to the propriety of the discount in the context of a 39 percent cap (which could require divestiture of stations, in contrast to the 45 percent cap). The Commission, therefore, should defer consideration of sunseting the discount until the conclusion of the digital transition for all stations.

TABLE OF CONTENTS

	Page
SUMMARY	i
I. CONGRESS IN THE APPROPRIATIONS ACT RATIFIED THE COMMISSION'S RETENTION OF THE UHF DISCOUNT	4
A. <i>The UHF Discount Has Been a Key Aspect of the Administratively Defined Term "National Audience Reach" for Nearly 20 Years</i>	4
B. <i>Like the 1996 Act, the Appropriations Act's Embrace of the Term "National Audience Reach" Constitutes Adoption by Congress of the UHF Discount</i>	6
II. THE APPROPRIATIONS ACT FUNDAMENTALLY ALTERED THE ASSUMPTIONS UNDERLYING THE SUNSET OF THE UHF DISCOUNT AND THE COMMISSION SHOULD DEFER FURTHER CONSIDERATION OF A SUNSET UNTIL THE CONCLUSION OF THE DIGITAL TRANSITION	10
CONCLUSION.....	12

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

2002 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

)
)
)
)
)
)
)

MB Docket No. 02-277

COMMENTS REGARDING THE STATUS OF THE UHF DISCOUNT

Fox Entertainment Group, Inc. and Fox Television Stations, Inc. ("Fox"), National Broadcasting Company, Inc. and Telemundo Communications Group, Inc. ("NBC/Telemundo"), and Viacom (collectively the "Joint Commenters") hereby submit their comments in response to the Commission's *Public Notice*,¹ released February 19, 2004, seeking comment regarding the effect of the Consolidated Appropriations Act of 2004² on the Commission's decision to retain the UHF discount as part of the 2002 Biennial Regulatory Review of the FCC's media ownership rules.³

¹ See *Media Bureau Seeks Additional Comment on UHF Discount In Light of Recent Legislation Affecting National Ownership Cap*, Public Notice, DA 04-320 (released February 19, 2004) (the "*Public Notice*").

² See Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, § 629, 118 Stat. 3 (2004) (the "*Appropriations Act*").

³ See *In Re 2002 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*, 18 FCC Rcd 13620 (2003) (the "*Report & Order*"), appeal pending *sub nom.*, *Prometheus Radio Project, et al. v. FCC*, Nos. 03-3388, *et al.* (3d Cir.). The rule changes adopted in the *Report & Order* have been stayed by the U.S. Court of Appeals for the Third Circuit.

In the *Report & Order*, the Commission revised the national television ownership rule⁴ by raising the level of the cap from 35 percent to 45 percent, but it left unchanged the definition of "national audience reach" provided in the rule.⁵ In particular, the *Report & Order* affirmatively retained the 50 percent discount applicable to the audience reach of UHF television stations contained in the definition of "national audience reach."⁶ Section 629 of the Appropriations Act, however, amends Section 202(c) of the Telecommunications Act of 1996 and directs the Commission to modify the national television ownership rule by setting the ownership cap at 39 percent.⁷

The *Public Notice* asks for comment on the effect, if any, that the Appropriations Act has on the Commission's decision regarding the UHF discount. In particular, the *Public Notice* asks whether passage of the Appropriations Act signaled congressional approval or ratification of the UHF discount.⁸ The Joint Commenters submit that the answer is an unequivocal "Yes."

The Appropriations Act does not alter in any way the definition of the term "national audience reach" contained in the national television ownership rule. To the contrary, the Appropriations Act constitutes an affirmative ratification of the definition, and with it, of the

⁴ See 47 C.F.R. § 73.3555(e).

⁵ See *Report & Order*, 18 FCC Rcd at 13814-47.

⁶ See *id.* at 13845-47.

⁷ The Appropriations Act also amends Section 202(h) of the Telecommunications Act of 1996 (the "1996 Act") by mandating that periodic reviews of the Commission's media ownership rules shall be conducted quadrennially instead of biennially. The Appropriations Act makes clear, however, that the new quadrennial review provision "does not apply to any rules relating to the 39 percent national audience reach limitation" Appropriations Act, at § 629.

⁸ See *Public Notice*, at 2.

50% UHF discount itself. Congress knew precisely what it was doing when it passed the Appropriations Act and utilized the term "national audience reach" contained in the Commission's national television ownership rule. As the Supreme Court has made unambiguously clear: "Congress' repetition of a well-established term generally implies that Congress intended the term to be construed in accordance with pre-existing regulatory interpretations."⁹

Therefore, the Commission's decision to retain the UHF discount in the *Report & Order* has been embraced by congressional action, and the UHF discount remains a valid and integral aspect of the national television ownership rule. At the same time, however, enactment of the Appropriations Act does require the Commission to reexamine its decision to "sunset" the UHF discount "for stations owned by the top four broadcast networks (*i.e.*, CBS, NBC, ABC and Fox) as the digital transition is completed on a market by market basis."¹⁰ The Commission adopted the sunset proposal in the context of a 45 percent cap which, even with the sunset, would not have compelled any divestitures of the stations now owned by the top four networks. Accordingly, the Commission is obligated to determine whether sunseting the discount for the top-four networks remains an appropriate and rational policy choice in light of the new level of the ownership cap set by Congress. Moreover, given the congressional determination in the Appropriations Act to eliminate the national television ownership rule from future quadrennial reviews, the Commission will be unable to consider whether to apply the sunset to other networks and group owners "in a subsequent

⁹ *Toyota Motor Mfg., Kentucky, Inc. v. Williams*, 534 U.S. 184, 193-94 (2002).

¹⁰ *Report & Order*, 18 FCC Rcd at 13847.

biennial review" as it proposed in the *Report & Order*.¹¹ Therefore, the Commission should retain the UHF discount for all television stations, or, at the very least, defer consideration of eliminating the UHF discount for *any* television station until the conclusion of the digital transition.

I. CONGRESS IN THE APPROPRIATIONS ACT RATIFIED THE COMMISSION'S RETENTION OF THE UHF DISCOUNT

A. *The UHF Discount Has Been a Key Aspect of the Administratively Defined Term "National Audience Reach" for Nearly 20 Years*

The national television ownership rule limits the number of television stations that a single individual or entity can own by placing a percentage cap on an owner's "national audience reach."¹² The rule provides that:

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 measured 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.*¹³

When the Commission first established an audience reach cap in 1984 to limit ownership of television stations nationally, "no mention was made of treating UHF stations any differently than VHF stations"¹⁴ In response to several petitions for reconsideration, however, and in recognition of UHF stations' inherent technological and competitive disadvantages, the

¹¹ *Id.*

¹² See 47 C.F.R. § 73.3555(e)(1).

¹³ 47 C.F.R. § 73.3555(e)(2) (emphasis supplied).

¹⁴ *In Re Broadcast Television National Ownership Rules; Review of the Commission's Regulations Governing Television Broadcasting; Television Satellite Stations Review of Policy and Rules*, Notice of Proposed Rulemaking, 11 FCC Rcd 19949, 19951-52 (1996).

Commission created the UHF discount.¹⁵ Accordingly, the discount has been an integral aspect of the administratively defined term "national audience reach" for nearly 20 years.

The Appropriations Act is not the first time that Congress endorsed the definition of "national audience reach" together with the UHF discount. When Congress required the Commission to revise its national television ownership rule in 1996, it directed the FCC to "increas[e] the *national audience reach* limitation for television stations to 35 percent."¹⁶ The text of the statute was silent as to the UHF discount, but legislative history makes clear that Congress not only adopted the FCC's national television ownership rule, but also that Congress affirmatively desired to retain the UHF discount encompassed in the rule:

This section does not change the methodology for calculating 'national audience reach' currently employed by the Commission. For example, currently the audience reach of UHF stations is discounted. This 'UHF discount' appropriately reflects the technical and economic handicaps applicable to UHF facilities and the Committee *does not envision that the UHF discount calculation will be modified so as to impede the objectives of this section.*¹⁷

The Commission implemented the 1996 Act faithfully to Congress' directive. When it revised the national ownership rule shortly after passage of the 1996 Act, the FCC noted that the law "is silent with respect to the UHF discount . . . which [is] incorporated in the definition of 'national audience reach'" set forth in Section 73.3555 of the Commission's rules.¹⁸ Consequently, the FCC said that the UHF discount, "as set forth in our current rules,

¹⁵ *See id.*

¹⁶ Telecommunications Act of 1996, Pub L. No. 104-104, § 202(c)(1)(B) (emphasis supplied).

¹⁷ H.R. Rep. No. 104-204, at 118 (1995) (emphasis supplied).

¹⁸ *In Re Implementation of Sections 202(c)(1) and 202(e) of the Telecommunications Act of 1996 (National Broadcast Television Ownership Rule and Dual Network*

will continue to apply."¹⁹ It should reach the same conclusion with respect to the impact of the Appropriations Act on the UHF discount.

B. *Like the 1996 Act, the Appropriations Act's Embrace of the Term "National Audience Reach" Constitutes Adoption by Congress of the UHF Discount*

Section 629 of the Appropriations Act does not stand alone – Congress did not simply instruct the FCC to modify Section 73.3555(e) of its rules. Rather, Section 629 exists in the context of a specific modification to Section 202(c) of the 1996 Act. Section 629 states that the "Telecommunications Act of 1996 is amended as follows – (1) in section 202(c)(1)(B) by striking '35 percent' and inserting '39 percent'" ²⁰ As amended, the statute now requires the FCC to "modify its rules . . . by increasing the *national audience reach* limitation for television stations to 39 percent." Just as it did in the 1996 Act, Congress once again has embraced and accepted the term "national audience reach." Furthermore, the Appropriations Act also amended Section 202(h) of the 1996 Act by replacing the biennial review requirement with a quadrennial review obligation. In doing so, the Appropriations Act for a second time embraced the term "national audience reach." In particular, the law says that the new quadrennial review provision "does not apply to any rules relating to the 39 percent *national audience reach* limitation in subsection (c)(1)(B)."²¹

The repeated use by Congress of a term that has had a clear administrative definition for nearly 20 years plainly signifies its intent to adopt the administrative definition. Under

Operations) 47 C.F.R. Sections 73.658(g) and 73.3555, 11 FCC Rcd 12374, 12375 (1996).

¹⁹ *Id.*

²⁰ Appropriations Act, at § 629.

²¹ *Id.*

long-defined principles of statutory construction, "Congress' repetition of a well-established term generally implies that Congress intends the term to be construed in accordance with pre-existing regulatory interpretations."²² In addition, the Supreme Court has held "in many cases that such a long-standing administrative interpretation, applying to a substantially re-enacted statute, is deemed to have received congressional approval and has the effect of law."²³ Similarly, "Congress is presumed to be aware of an administrative and judicial interpretation of a statute and to adopt that interpretation when it re-enacts a statute without change" or incorporates in a new law sections of a prior law that have a settled interpretation.²⁴

The Commission itself has consistently recognized that it is bound to act in accordance with these principles. The FCC has repeatedly embraced the "ratification doctrine" in its attempts to promulgate sustainable equal employment opportunity rules. "There is a substantial body of case law establishing the principle that congressional approval and ratification of administrative interpretations of statutory provisions . . . can be inferred

²² *Toyota Motor Mfg.*, 534 U.S. at 193-94; *see also Bragdon v. Abbott*, 524 U.S. 624, 645 (1998) ("When administrative and judicial interpretations have settled the meaning of an existing statutory provision, repetition of the same language in a new statute indicates, as a general matter, the intent to incorporate its administrative and judicial interpretations as well.").

²³ *Commissioner of Internal Revenue v. Estate of Noel, et al.*, 380 U.S. 678, 682 (1965); *see also Norwegian Nitrogen Products Co. v. U.S.*, 288 U.S. 294, 315 (1933) ("administrative practice, consistent and generally unchallenged, will not be overturned except for very cogent reasons if the scope of the command is indefinite and doubtful").

²⁴ *Lorillard v. Pons*, 434 U.S. 575, 580 (1978); *see also U.S. v. Rutherford*, 442 U.S. 544, 554 n.10 (1979) ("once an agency's statutory construction has been fully brought to the attention of the public and the Congress, and the latter has not sought to alter that interpretation although it has amended the statute in other respects, then presumably the legislative intent has been correctly discerned") (internal citation omitted).

from congressional acquiescence in a long-standing agency policy or practice."²⁵ Similarly, in implementing other provisions of the 1996 Act, the Commission has noted: "We can assume that Congress meant to adopt our interpretation, as affirmed by the courts, when it passed the 1996 Act because Congress is presumed to intend the meaning of terms and phrases as they have been interpreted by agencies or courts."²⁶ Even the *Report & Order* took cognizance of the "ratification doctrine," under which "Congress is presumed to have adopted the settled judicial interpretation of a statute when it reenacts that statute."²⁷

These principles apply with equal force to the Appropriations Act. As it has done consistently in the past, the Commission now should conclude from Congress' use of an administratively defined term that Congress plainly intended to incorporate the pre-existing administrative definition into the law. Indeed, between Section 629 of the Appropriations Act and Section 202(c) of the 1996 Act, Congress twice in an 8-year span has passed statutes that specifically utilize the term "national audience reach" – a term that the Commission has

²⁵ *In Re Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, 17 FCC Rcd 24018, 24029-30 (2003) (holding that "Congress has repeatedly expressed awareness of the rules and has not only acquiesced in them, but has also referred to them approvingly, confirming our view that the Commission has statutory authority to promulgate these rules"); *see also In Re Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding*, 15 FCC Rcd 2329, 2338 (2000).

²⁶ *In Re Implementation of the Telecommunications Act of 1996, Open Video Systems*, 11 FCC Rcd 18223, 18234 (1996); *see also In Re Application of BellSouth Corp., et al.*, 13 FCC Rcd 20599, 20622 (1998) ("*BellSouth*"). In *BellSouth*, the FCC noted that the "definition of telephone exchange service is not clear" in the Communications Act of 1934. *Id.* Nonetheless, by the time Congress passed the 1996 Act and utilized the same term, the Commission had interpreted the term and established a specific definition. Consequently, the Commission said, "Congress can be viewed as ratifying the pre-existing definition." *Id.*

²⁷ *Report & Order*, 18 FCC Rcd at 13723.

defined for nearly 20 years to include the UHF discount. The Commission should accept that the Appropriations Act embraced both the definition of "national audience reach" and the Commission's decision to retain the UHF discount. To conclude otherwise would conflict with decades of Supreme Court precedent and numerous FCC decisions.

Moreover, unsuccessful efforts by some in Congress to amend the national television ownership rule provide significant additional evidence that the Appropriations Act did not alter the term "national audience reach." Sen. McCain, for example, introduced S. 1264 last year; the bill included a provision entitled "Phase-Out of UHF Discount," which would have eliminated the discount altogether by 2008.²⁸ Similarly, the House considered H.R. 2052, which would have replaced the FCC's definition of the term "national audience reach" with statutory language that excluded a UHF discount.²⁹ Given the rejection of these proposals by Congress, it is apparent that the Appropriations Act did not alter or modify the UHF discount in any way.³⁰ As the Commission noted in this proceeding, "had Congress intended to curtail

²⁸ See S. 1264, 108th Cong. (introduced June 13, 2003). The bill was reported favorably out of the Senate Commerce Committee, but was never brought to a vote before the full Senate. In fact, the amendment adding the phase out provision to the bill only passed the Commerce Committee by a 13-10 vote. See 108 S. Rep. No. 140, at 8-9 (2003).

²⁹ See H.R. 2052, 108th Cong. (introduced May 9, 2003) (the bill was referred to the House Subcommittee on Telecommunications and the Internet, but it has not been brought up for a vote). A companion bill was introduced in the Senate. See S. 1046, 108th Cong. (introduced May 13, 2003).

³⁰ The legislative history of the Appropriations Act bolsters the conclusion that Congress did not intend to alter the UHF discount. Members of both the House and the Senate acknowledged in floor debate that Section 629 was not designed to force any licensee to divest stations as a result of the new level of the ownership cap. Several legislators noted that Congress had considered setting the ownership cap at 35%, which would have compelled divestitures in some cases. In contrast, they noted, the "practical effect" of Section 629 was to avoid compelling divestitures – a result that would have been impossible without retention of the UHF discount. See, e.g., 150 Cong. Rec. S129 (daily ed. January 22, 2004) (statement of Sen. Feinstein);

the Commission's regulatory powers . . . it would have done so in more express terms."³¹

II. THE APPROPRIATIONS ACT FUNDAMENTALLY ALTERED THE ASSUMPTIONS UNDERLYING THE SUNSET OF THE UHF DISCOUNT AND THE COMMISSION SHOULD DEFER FURTHER CONSIDERATION OF A SUNSET UNTIL THE CONCLUSION OF THE DIGITAL TRANSITION

While the Appropriations Act did not alter the Commission's determination to retain the UHF discount, the law did modify the FCC's decision to increase the audience reach cap for the national television ownership rule, reducing it from 45 percent to 39 percent. The Commission, however, contemplated sunsetting the UHF discount for the top four networks (*i.e.*, ABC, CBS, FOX and NBC) only when it believed that the ownership cap would be set at 45 percent. The Commission gave no consideration to the propriety of a sunset in the context of a 39 percent ownership cap, or a cap at any other level, for that matter. When it decided to set the ownership cap at 45 percent, the FCC was aware that – even with a sunset of the UHF discount – none of the affected four networks would be required to divest any broadcast stations.³² In contrast, with an ownership cap set at 39 percent as called for in the

150 Cong. Rec. S129 (daily ed. January 22, 2004) (statement of Sen. Leahy); 150 Cong. Rec. S66 (2004) (daily ed. January 21, 2004) (statement of Sen. McCain); 149 Cong. Rec. H12315 (2004) (daily ed. November 25, 2003) (statement of Rep. Obey).

³¹ *Report & Order*, 18 FCC Rcd at 13722 (*citing American Hospital Ass'n v. NLRB*, 499 U.S. 606, 613 (1991) ("As a matter of statutory drafting, if Congress had intended to curtail in a particular area the broad rulemaking authority [it has] granted . . ., we would [have] expect[ed] it to do so in language expressly describing [such] an exception If [a statute] had been intended to place [such an] important limitation . . ., we would have expected to find some expression of that intent in the legislative history.")); *see also Chisom v. Roemer*, 501 U.S. 380, 396 (1991) ("[W]e are convinced that if Congress had such an intent, Congress would have made it explicit in the statute, or at least some of the Members would have identified or mentioned it at some point in the . . . legislative history . . .").

³² The Commission expressly noted that one of its goals in revising the level of the ownership cap was to "accommodate all existing broadcast combinations" *Report & Order*, 18 FCC Rcd at 13844.

Appropriations Act, the elimination of the UHF discount would compel at least two of the networks to divest stations. Requiring the networks to divest stations abruptly would not only harm television viewers (by stripping stations from owners that have historically provided exemplary service – especially with respect to local news), it also would produce a result directly at odds with the goal of avoiding forced divestitures that the Commission expressed in the *Report & Order*.

Moreover, in adopting the four-network sunset, the Commission offered no justification whatsoever for its discriminatory treatment of the top four networks. The *Report & Order* based the sunset purely on technical considerations.³³ Even if the digital transition were to eliminate the technical basis for the discount (and the Joint Commenters agree with the record evidence in this proceeding demonstrating that the technical basis for the discount will persist after the transition), this conclusion would apply equally to all owners – not just the top four networks.³⁴ Rather than explain this disparate treatment, the Commission merely left open the possibility that it might make "an affirmative determination that the public interest would be served by continuation of the discount beyond the digital transition."³⁵ In

³³ See *id.* at 13845-47.

³⁴ The record shows that the digital transition will *not* alleviate the technical disparity between UHF and VHF stations. Since the Commission's principal goal in establishing the digital television table of allotments was to replicate analog stations' existing coverage areas, the transition will only perpetuate UHF stations' existing disadvantages. Furthermore, because the Commission has eliminated a number of analog channels from the digital television table of allotments, the digital UHF band is far more crowded, and UHF stations are facing significantly increased actual and predicted interference. See, e.g., *Ex Parte* Letter of John R. Feore, Jr., Counsel for Paxson Communications Corp., May 7, 2003 (citing *In Re Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 16 FCC Rcd 21633, 21643-44 (2001)); Opposition to Petitions for Reconsideration of Paxson Communications Corp., October 6, 2003, at 2, note 5.

³⁵ *Report & Order*, 18 FCC Rcd 13847.

contrast, the Commission said that it would review the efficacy of a sunset for "all other networks and station group owners" in a "subsequent biennial review" ³⁶ The Appropriations Act, however, eliminated the Commission's authority to review the UHF discount in a future quadrennial media ownership review. ³⁷ Consequently, the Commission cannot adhere to the plan established in the *Report & Order*.

The Commission is obligated to reevaluate whether the sunset of the discount remains an appropriate and rational policy choice given the new level of the cap. Ultimately, the Commission should retain the discount in light of the evidence in this proceeding that the digital transition will not eliminate the technical basis for the differential treatment of UHF stations. At the very least, the Commission should defer further consideration of eliminating the UHF discount for *all* television stations (whether owned by a top four network or not) until the conclusion of the digital transition.

CONCLUSION

In sum, the Appropriations Act represents Congress' decision to endorse the administratively defined term "national audience reach," and with it, the Commission's decision to retain the UHF discount. By changing the level of the cap and prohibiting consideration of it in future quadrennial reviews, the Appropriations Act fundamentally altered the assumptions underlying the Commission's decision to sunset the discount. The

³⁶ *Id.*

³⁷ *See* Appropriations Act, at § 629 (the quadrennial review provision "does not apply to *any rules relating to* the 39 percent national audience reach limitation in subsection (c)(1)(B)") (emphasis supplied).

Commission should retain the discount for *all* owners of UHF stations, or, at a minimum, defer further consideration of its elimination until the conclusion of the digital transition.

Respectfully submitted,

Ellen S. Agress
Senior Vice President
Fox Entertainment Group, Inc.
1211 Avenue of the Americas
New York, NY 10036
(212) 852-7204

FOX ENTERTAINMENT GROUP, INC. and
FOX TELEVISION STATIONS, INC.

NATIONAL BROADCASTING COMPANY,
INC. and TELEMUNDO COMMUNICATIONS
GROUP, INC.

Maureen A. O'Connell
Vice President, Regulatory and Government
Affairs
The News Corporation Limited
444 N. Capitol Street, N.W.
Washington, DC 20001
(202) 824-6502

VIACOM

By: /s/ John C. Quale

John C. Quale
Brian D. Weimer
Jared S. Sher

F. William LeBeau
Senior Regulatory Counsel
National Broadcasting Co., Inc.
1299 Pennsylvania Avenue, NW
11th Floor
Washington, DC 20004
(202) 637-4535

of
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, NW
Washington, DC 20005
(202) 371-7000

Their Attorneys

Anne Lucey
Vice President Regulatory Affairs
Viacom
1501 M Street, NW
Washington, DC 20005
(202) 785-7300

March 19, 2004