

**Before the
Federal Communications Commission
Washington, D.C.
20554**

In re Application of)	
)	
NEWS CORPORATION and)	
THE DIRECTV GROUP, INC.)	
)	
Transferors,)	
)	
and)	MB Docket No. 07-18
)	
LIBERTY MEDIA CORPORATION)	
)	
Transferee,)	
)	
For Authority to Transfer Control)	
of FCC Authorizations and Licenses)	

Comments of the Mississippi Association of Broadcasters

The Mississippi Association of Broadcasters (“MAB”), by its attorneys and pursuant to the Commission’s February 21, 2007 Public Notice in the above-captioned proceeding, hereby files these Comments. Herein, the MAB supports the Petition to Deny filed on March 22, 2007 by the North Dakota Broadcasters (“NDB”), and MAB urges the Commission to either deny the application at issue in this proceeding or explicitly condition the grant of that application on DirecTV providing local-into-local service to all stations in all 210 Nielsen Designated Market Areas (“DMAs”) by a date certain in 2008. Such an approach would promote the Commission’s long-standing public interest policies on localism and in competition in the provision of video services.

In support hereof, the following is shown.

The MAB is one of the Nation's leading state broadcast associations, and has been serving the State's broadcasters and its residents since 1941. It represents 100 percent of the State's TV stations. The MAB has always been particularly mindful of the special needs of the residents of small and rural markets in the State of Mississippi, and it is those needs that drive MAB's response to the proposed DirecTV/Liberty Media transaction.

There are five television markets in the State of Mississippi:

- Jackson (DMA #87)
- Biloxi-Gulfport (#160)
- Hattiesburg-Laurel (#165)
- Greenwood-Greenville (#184)
- Meridian (#185)¹

With the exception of Jackson, these are some of the smallest and most rural TV markets in the country. Yet, like residents of New York City and Washington, D.C., the residents of Mississippi seek and deserve technologically advanced multi-channel video services, such as those provided by DBS operators such as DirecTV. However, unlike residents of New York City and Washington, most of the residents of Mississippi cannot receive the signals of their local TV stations as part of their service: of the five Mississippi TV markets listed above, only residents of Jackson can receive local-into-

¹ In addition, portions of the State are included in markets of out-of-state communities (Memphis, New Orleans, and Mobile).

local service from DirecTV.² None of the residents in the other Mississippi markets receive local-into-local Mississippi service.³ This state of affairs is contrary to the public interest.

As the Commission well knows, promoting the provision of local news and information for viewers and listeners has been a key Commission public interest policy principle since the enactment of the Communications Act in 1934. With increased concern regarding security and safety issues, that principle is just as important today. The impact of natural disasters like major hurricanes can be significantly reduced with effective Emergency Alert System (“EAS”) messages. Yet, viewers must actually receive the stations that broadcast EAS messages in order for those warnings to be received. Residents in four Mississippi markets who subscribe to DirecTV cannot receive those messages on TV.

Competition in the provision of multi-channel video services is also a key Commission public interest policy principle. As noted by the NDB, the Commission declined to approve EchoStar’s bid to purchase DirecTV in part because it was not persuaded that competition would be enhanced, and it approved News Corp.’s previous application to obtain control of DirecTV because it believed that competition would be enhanced.⁴ It is obvious that DBS operators DirecTV and EchoStar have added local-

² See, <http://www.directv.com/DTVAPP/packProg/localChannels.jsp?assetId=900018>

³ *Id.*

⁴ Comments of NDB at page 7, and citations therein.

into-local programming in order to enhance their competitive position against cable TV operators. It is axiomatic that where real competition in multichannel video services occurs, subscribers reap the benefits of better, more innovative services and lower prices. Mississippi residents deserve these benefits as much as viewers in New York City and Washington, D.C. Similarly, as competition in multichannel video services appears to be a driver in the construction of high-speed broadband networks, Mississippi residents seek and deserve that benefit of competition as well.

In sum, the lack of local-into-local service by DirecTV in four of five Mississippi markets is contrary to the public interest in localism and competition. The same could be said for the lack of DirecTV local-into-local programming into many other smaller markets throughout the U.S. Interestingly, News Corp. recognized that this was the case in its previous DirecTV application, and in connection with that application, promised to provide local-into-local service into all 210 DMAs “as early as 2006 and no later than 2008.”⁵ The Commission relied on that promise in granting News Corp.’s application.⁶ However, Mississippi residents have not yet seen this promise fulfilled, and there appears to be no mention of a method or timeline for such fulfillment in the current application.

With the last News Corp. application, the Commission expected that fulfillment of

⁵ September 22, 2003 letter amendment to application, MB Docket No. 03-124.

⁶ General Motors Corp. and Hughes Electronics Corp., Transferors, and The News Corp. Ltd, Transferee, Memorandum Opinion and Order, 19 FCC Rcd 473, 616-17 (2004).

the local-into-local pledge would promote localism and competition in all 210 DMAs,⁷ but the Commission failed to make the provision of local-into-local service in all 210 DMAs an explicit condition of grant, and the result appears to be that News Corp. has forgotten its commitment. The Commission should not let itself be fooled again. This time, the Commission should either deny the application in this proceeding or explicitly condition the grant of that application on DirecTV providing local-into-local service to all stations in all 210 DMAs by a date certain in 2008. Such an approach would best promote the Commission's long-standing public interest policies on localism and in competition in the provision of video services.

Respectfully submitted,
MISSISSIPPI ASSOCIATION
OF BROADCASTERS

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⁷ *Id.* at page 616.

Certificate of Service

I, Paul J. Feldman, a member of the law firm of Fletcher, Heald & Hildreth, do hereby certify that on this 9th day of April, 2007, a true copy of the foregoing "Comments of the Mississippi Association of Broadcasters" was sent to the following, by e-mail:

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