



**Consumers  
Union**

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Consumer Federation of America

June 11, 2007

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: MB Docket No. 07-119, Application for Consent to Transfer Control

Dear Ms. Dortch,

We are writing to register with the Commission our strong concerns that the Tribune Company's application for consent to transfer control of broadcast stations in five markets is not in the public interest. It violates the letter and intent of current rules prohibiting the cross-ownership of newspapers and broadcast stations in the same market, and violates the Third Circuit's stay of implementing new rules pending that court's review of the Commission's action on remand.<sup>1</sup> We strongly support the underlying principles in the Petition to Deny these waivers filed in this proceeding by the Office of Communication of the United Church of Christ and Media Alliance. We have outlined our position on the question of newspaper-broadcast cross-ownership in great detail in the proceeding on media ownership limits, Docket No. 06-121.<sup>2</sup> The evidence we have presented in the record demonstrates that the public interest standard favoring localism, diversity, and competition in local media markets requires appropriate limits on media ownership.

On its face, the application for transfer of license of each of these stations violates the newspaper-broadcast cross-ownership rule and the Third Circuit's stay. Tribune's application for a failing station waiver for WTXX does not meet the statutory threshold for such a waiver, as Tribune has not demonstrated that there are no other "reasonably available" candidates willing to purchase the station. Further, the waivers sought by the Tribune Company must be considered in light of the fact that the firm has already requested and been granted waivers to hold these stations in non-compliance with the law. Permitting further waivers threatens to undermine current rules and the purpose of the ongoing proceeding to establish appropriate public interest limits on media ownership. It would be contrary to the Commission's public duty to sanction a process whereby the rules are simply skirted with waiver upon waiver as requested by a firm with a history of noncompliance.

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<sup>1</sup> Prometheus Radio Project v. FCC, 372 F.3d 373, 435 (2003).

<sup>2</sup> Initial and Reply Comments of Consumers Union, Consumer Federation of America, and Free Press, MB Docket No. 06-121 (October 23, 2006 & January 16, 2007)

The Commission's policy in this matter should be to uphold the law, reaffirming its intent to complete its rule-making on the full set of media ownership rules. If a waiver is to be granted to the Tribune Company, it must be strictly time-limited, giving the company no more than the reasonable amount of time necessary to dispose of the properties to come into compliance with Commission rules.

This proceeding highlights the need for the Commission to establish the public interest limits on media ownership rules recommended by the evidence in the record in its pending rule-making. Following the proper engagement with the public through open hearings (a practice for which the Commission is to be applauded), the Commission should move forward to set rules that protect localism, promote diversity, and establish a strict public interest standard that supports the maximum dissemination of diverse and antagonistic viewpoints in local news.

Sincerely,

Ben Scott  
Policy Director  
Free Press

Gene Kimmelman  
Vice President for Federal and International Policy  
Consumers Union

Mark Cooper  
Director of Research  
Consumer Federation of America