

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

In the Matter of)
)
2010 Quadrennial Regulatory Review – Review of)
the Commission’s Broadcast Ownership Rules and) MB Docket No. 09-182
Other Rules Adopted Pursuant to Section 202 of the)
Telecommunications Act of 1996)

**REPLY COMMENTS OF TRIBUNE COMPANY, DEBTOR-IN-POSSESSION,
ON NOTICE OF INQUIRY**

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TABLE OF CONTENTS

SUMMARY iii

I. THE WEIGHT OF EVIDENCE IN THIS PROCEEDING AND ITS PREDECESSORS AND THE PERMANENCY OF INSTITUTIONAL CHANGES IN THE MEDIA INDUSTRY COMPEL EXPEDITIOUS REPEAL OF THE RULE..... 1

 A. Current Media Markets Are Universally Characterized by the Availability of Numerous Diverse Voices, the Appropriate Measure by Which to Gauge Diversity. 2

 B. The Competitive and Economic Challenges Facing Traditional Media and Especially Newspapers Will Not Disappear Once the Economy Recovers. 3

II. TRIBUNE DELIVERS LOCAL NEWS & INFORMATION OF THE HIGHEST QUALITY FROM DIVERSE PERSPECTIVES ON EACH OF ITS CROSS-OWNED MEDIA PLATFORMS..... 5

 A. Tribune Has a Long History of Exemplary Service to Its Communities..... 5

 B. Common ownership has not impaired diversity of viewpoint in the areas Tribune serves..... 7

III. DRAMATIC CHANGES IN THE MEDIA LANDSCAPE PROVIDE THE PUBLIC WITH AN EVER-INCREASING NUMBER OF SOURCES OF DIVERSE AND INDEPENDENT VIEWPOINTS 10

IV. LIKE ANY COMPETITIVE BUSINESS, TRIBUNE HAS EVOLVED TO MEET THE CHANGING NEEDS AND PREFERENCES OF ITS AUDIENCES AND COMMUNITIES AND TO EMBRACE NEW TECHNOLOGIES THAT BETTER SERVE THEM. 12

V. CONCLUSION..... 14

SUMMARY

As Tribune Company, Debtor-in-Possession (“Tribune”) has established in this proceeding and the others preceding it, the newspaper-broadcast cross-ownership rule (the “NBCO Rule”), is long overdue for expeditious repeal. With the introduction and rapid growth of new technologies, these new content services aggressively compete for readers and viewers as well as advertisers, in the process permanently degrading traditional media’s business model.

After thirty-five years, the NBCO Rule has failed to generate diversity gains, and, in fact, the ban has hindered diversity. The parties that oppose repeal of the NBCO Rule disregard the abundant variety of diverse sources of not only national and international, but also local and hyper-local news and information now available to the public. This content is generated and provided not just by traditional media outlets, but by independent and non-traditional content purveyors, including bloggers and citizen journalists.

To the extent that traditional media provides news and information online - whether it be on their web sites, Facebook pages, Twitter accounts, or otherwise - that content is not simply repurposed from what was originally broadcast or printed; it is expanded on, supplemented, or cross-referenced to related content. Sometimes, it appears only via new technology services or non-traditional distribution channels. Sometimes, it pre-dates traditional coverage and is later developed on traditional platforms. Sometimes, it consists of commentary from the consumer that takes coverage of an issue in an unanticipated new direction. The bottom line is that the consumer of media content has myriad options available for news and information, provided by regulated and unregulated entities, companies, groups, and individuals alike. This country has

never before benefitted from a marketplace of ideas so vast and diverse. Americans have fully embraced and popularized these sources, and their existence has revolutionized discourse on matters of public importance.

Proponents of the NBCO Rule offer no credible case or sustainable empirical evidence of documented harms from cross-ownership. The anecdotes and studies on which they rely fail to demonstrate any negative impact on diversity from repeal of the rule. The clear and compelling evidentiary support required to retain the rule is miserably lacking in the long and tortured record of the NBCO Rule, including the most recent comments filed in response to the Notice of Inquiry. Proponents of the rule cannot provide credible evidence to support the NBCO Rule, because it does not exist. As has been demonstrated repeatedly, the NBCO Rule only harms the public interest by depriving one class of speakers (namely, newspapers) of owning broadcast stations. The Commission should acknowledge that reality by promptly repealing the NBCO Rule once and for all.

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Tribune Company, Debtor-in-Possession (“Tribune”), by its attorneys, hereby files these reply comments in the above-captioned proceeding.¹ The thirty-five year old NBCO Rule no longer serves its stated purpose of enhancing diversity. Proponents of retaining the NBCO Rule failed to overcome the considerable evidence supporting repeal. The Commission should act quickly to eliminate the NBCO Rule as it is no longer necessary in the public interest.

**I. THE WEIGHT OF EVIDENCE IN THIS PROCEEDING AND ITS
PREDECESSORS AND THE PERMANENCY OF INSTITUTIONAL CHANGES
IN THE MEDIA INDUSTRY COMPEL EXPEDITIOUS REPEAL OF THE
RULE.**

While there is much speculation and hand-wringing about the harmful effects of common ownership of newspapers and broadcast stations, the sheer depth and breadth of the evidence in this proceeding (and its predecessors) persuasively demonstrates these fears are unfounded. After thirty-five years, the record shows that the NBCO Rule has failed to generate

¹ *2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Notice of Inquiry, MB Docket No. 09-182 at ¶ 71 (rel. May 25, 2010) (the “NOI”).

the hoped-for diversity gains, and in fact, it has hindered diversity. Cross-ownership materially enhances the quality and quantity of local news coverage provided by newspaper-owned television and radio outlets, and retention of the NBCO Rule prevents the public from receiving those benefits. No commenter in this proceeding has presented any evidence to support retaining the rule.²

A. Current Media Markets Are Universally Characterized by the Availability of Numerous Diverse Voices, the Appropriate Measure by Which to Gauge Diversity.

Some proponents of retaining the NBCO Rule discount the wide availability of diverse content; they seem to suggest that popularity should be the measure of what qualifies as a diverse source.³ This is contrary to the core concept of diversity. It is often the unpopular opinion or voice that is the most in need of protection. As the Newspaper Association of America (“NAA”) noted in its comments,

the FCC’s analysis of viewpoint diversity should focus on the breadth of options available to consumers in today’s marketplace, rather than the relative popularity of specific outlets at any given point in time. So long as local audiences have an adequate variety of local news and informational choices at their disposal, the audience reach, market share, or popularity of one outlet versus another should be irrelevant.⁴

² See, e.g., Comments of Communications Workers of America in MB Docket Nos. 09-192 and 09-182 (2010) (“CWA Comments”); Comments of the American Federation of Television and Radio Artists in MB Docket No. 09-182 (2010) (“AFTRA Comments”); and Comments of Free Press in MB Docket No. 09-182 (2010) (“Free Press Comments”).

³ In its comments, AFTRA asserts that “[t]he American public ... opposes further cross-ownership. By a wide margin, those polled favor laws that prohibit cross-ownership of different media outlets in one region.” AFTRA Comments at 8. The small sample size, the sponsorship by an interested party - and most dangerously - the bias apparent in the phrasing of the survey question eliciting the cited statistics: “Currently it is illegal...do you favor or oppose this law?” AFTRA Comments at 8. For these reasons, the study on which AFTRA relies is methodologically unsound and cannot support retention of the NBCO Rule.

⁴ Comments of Newspaper Association of America in MB Docket No. 09-182, 32 (July 12, 2010) (“NAA Comments”).

The number of news and informational choices available to consumers continues to proliferate, and that extensive availability is all that should matter in the Commission's diversity analysis.

After thirty-five years, the NBCO Rule has failed to generate diversity gains, and, in fact, the ban has hindered diversity. The current review must acknowledge that the conjectural link underlying the original NBCO Rule at its adoption has been shown not to exist. Given the accepted empirical evidence showing enhanced local service arising from cross-ownership of traditional media entities, absent compelling evidence of a decline in "the availability of media content reflecting a variety of perspectives," the Commission must eliminate the NBCO Rule. No commenter has provided any compelling evidence of such decline, nor could they. As the National Association of Broadcasters (the "NAB") emphasized in its Comments, the Commission may not regulate out of fear of the alternative: "Clearly, after 35 years experience with the newspaper cross-ownership rule, the FCC has the burden of empirically demonstrating the benefits, if any, that flow from the restriction and can no longer rely on speculation, assumptions or unverified predictions to retain the rule."⁵

B. The Competitive and Economic Challenges Facing Traditional Media and Especially Newspapers Will Not Disappear Once the Economy Recovers.

As demonstrated in Tribune's initial comments in this docket, and as other commenting parties have observed,⁶ traditional media's decline in viewership, subscribership, circulation and revenue began long before the current economic recession and most likely will continue after the recession has ended. The intense competition for viewers, listeners, readers,

⁵ Comments of the National Association of Broadcasters in MB Docket No. 09-182, 75 (July 12, 2010) ("NAB Comments"), citing *Bechtel v. FCC*, 10 F.3d 875, 880 (D.C. Cir. 1993).

⁶ CWA Comments at 3-4.

end-users and advertisers from new technologies has dramatically eroded the revenues of traditional media owners.

Any optimism for a return to revenues of the past based on the small gains the economy has witnessed of late is misguided. Newspaper and broadcast owners may see some slight improvement in their revenues in 2010 over 2009, but the improvement will not return revenues to their pre-recessionary-levels. As the NAA noted in its comments:

[A] full recovery of lost revenues is not anticipated in the aftermath of the recession. The media landscape promises to become even more diverse as new technologies proliferate in the marketplace, which will lead to greater fragmentation of audiences and increased competition ... Thus, in considering reforms to the NBCO rule, it is imperative for the FCC to bear in mind that the economic challenges facing these industries inevitably will continue in the coming years.”⁷

A recent contributor to *The Columbia Journalism Review* agreed, identifying the majority of the losses newspaper owners have seen in recent years as “secular” – meaning due to “structural changes in the economy or a specific industry,” and went on to observe “the vast majority of those [revenue] dollars are not coming back.”⁸ The PEW Project for Excellence in Journalism put it as succinctly: “Improved fortunes for the industry should not be confused with an all’s well. The trends remain negative.”⁹ In short, the small gains the industry may currently be seeing do not indicate long-term recovery; most declines in the operating margins and profitability of traditional media owners arise from structural, permanent changes in the way the public obtains and consumes its news and information. The industry must find a way now to

⁷ NAA Comments at 17-18.

⁸ Ryan Chittum, *Newspaper Industry Ad Revenue at 1965 Levels*, *Columbia Journalism Review* (Aug. 19, 2009), http://www.cjr.org/the_audit/newspaper_industry_ad_revenue.php.

⁹ *State of the Media 2010: Newspapers, Summary Essay*, PEW PROJECT FOR EXCELLENCE IN JOURNALISM, http://www.stateofthemedialia.org/2010/newspapers_summary_essay.php (last visited July 25, 2010).

survive in spite of these permanent institutional changes. Repeal of the NBCO Rule offers a partial solution.¹⁰

II. TRIBUNE DELIVERS LOCAL NEWS & INFORMATION OF THE HIGHEST QUALITY FROM DIVERSE PERSPECTIVES ON EACH OF ITS CROSS-OWNED MEDIA PLATFORMS.

A. Tribune Has a Long History of Exemplary Service to Its Communities.

Tribune has consistently provided award-winning, excellent journalism in each of the communities in which it owns media. Those advocating for retention of the NBCO Rule ignore the exemplary service provided by Tribune and others with cross-owned properties.

AFTRA instead asserts that Tribune “dominates” the Chicago market “in every respect.” This assertion ignores the highly competitive nature of the Chicago market. Even when only traditional media are taken into account, residents of Chicago are served by 16 television stations owned by 13 different owners, 166 radio stations owned by 90 different owners, and 24 daily newspapers published by 12 different publishers.”¹¹ Further, our research shows at least 35 independent news web sites provide local news and information.¹²

¹⁰ CWA advises newspapers wanting to “ensure financial viability and stem the decline in readers and viewers,” that they can do so with a “strategic focus on quality and innovation,” and that they “must use their success on the web to replace the old business model” that relies largely on advertising (80%) and circulation revenue (20%). CWA Comments at vii. CWA suggests that newspaper companies raise circulation rates, charge for on-line access and create applications for access on phones and tablets, and that they keep experimenting “before needlessly eliminating more jobs.” *Id.* CWA’s Comments reveal a lack of understanding of the financial realities of operating a business (and maintaining sufficient liquidity to pay employees), and the depth of the challenges currently facing media owners.

¹¹ Comments of Tribune Company, Debtor-in-Possession in MB Docket No. 09-182 (July 12, 2010) at 38-39, *citing* Application for Consent to Assignment of Broadcast Station Construction Permit or License, BALCDT-20100428AEL, Attachment 4 (Mark R. Fratrik, Ph. D., BIA Financial Network, *Report on the Chicago, IL Media Market: Media Diversity, Revenue Share, and Concentration Analysis in Support of the Request for Cross-Ownership Waiver for Stations WGN-TV and WGN(AM)*, at 20-21 (Feb. 26, 2010)).

¹² See Attachment 1.

AFTRA contends that Tribune’s common ownership of media properties in the Chicago market has led to a situation in which “market forces and existing Commission regulations have allowed glaring examples of markets dominated by a single journalistic viewpoint across multiple platforms.”¹³ AFTRA, however, does not offer *any* empirical evidence to support this exaggerated claim.¹⁴

AFTRA complains about Tribune’s coverage of the Chicago Housing Authority (“CHA”) relocation project, which was initiated in the late 1990s, observing, without any supporting data, that “intermittent coverage” allowed the project to proceed “largely unquestioned.”¹⁵ A simple search of *Chicago Tribune*’s online archive proves that the paper consistently has given extensive coverage to the CHA. Searching for “Chicago Housing Authority” yields more than 9,600 stories, and searching for “Plan for Transformation,” the name

¹³ AFTRA Comments at 8. Even the source AFTRA relies upon for its anecdotal support acknowledges the benefits of resources available to a newspaper owned in common with other media. The author described how Tribune’s common ownership gave it the considerable resources needed to develop a tremendously important series: “For the Justice Derailed series, an ongoing investigation of abuses in the criminal justice system including corruption in capital punishment cases, Tribune has generously backed a team of star journalists and published nine separate multipart series since 1999. ‘They offered us everything we needed,’ said Maurice Possley, . . . ‘Time, space, and resources to pursue the investigation. They got us a Lexis-Nexis subscription for the legal research. They didn’t demand the story right away. They let us do the reporting, develop it. They gave us full support.’” The series prompted then-governor George Ryan, an advocate of capital punishment, to exonerate, pardon, or commute the sentences of all 156 people that Illinois had sentenced to death at the time and started a national debate on capital punishment. The author observed that “[n]ot only has the [Tribune’s] *Justice Derailed* project served [Chicago]’s public interest; it has also helped save the lives of innocent people that the state of Illinois had sentenced to death.” ERIC KLINENBERG, *FIGHTING FOR AIR: THE BATTLE TO CONTROL AMERICA’S MEDIA*, at locations 2207-13, 2220-33 (Kindle Ed., 2009).

¹⁴ AFTRA’s argument also fails to acknowledge that Tribune’s ownership of its Chicago properties (namely, *Chicago Tribune*, WGN(AM) and WGN-TV), existed before the NBCO Rule was adopted and was grandfathered under the 1975 rule. Tribune was the original publisher of *Chicago Tribune*, and Tribune first licensed and launched its two Chicago broadcast stations at the inception of each one’s corresponding industry. Because of that combined ownership, Tribune had the resources and determination to launch and build Chicago’s only regional all-news cable station, CLTV. This is another example of how cross-ownership can lead to increased availability of diverse voices.

¹⁵ AFTRA goes on to speculate that in another city, this story “might have become major news” but did not in Chicago because of Tribune’s inaction, it surmises. AFTRA Comments at 8-9.

of the relocation project, generated nearly 3,300 articles.¹⁶ The *Chicago Tribune* web site has a page dedicated exclusively to its coverage of the CHA,¹⁷ and in 1999, the *Chicago Tribune* won a Pulitzer Prize for Criticism for its coverage of the Chicago Housing Authority's Relocation project.¹⁸ Even if true, the crux of AFTRA's complaint – that someone else might have covered this story differently – raises serious questions about editorial discretion and issues beyond the FCC's regulatory oversight for constitutional reasons.

B. Common ownership has not impaired diversity of viewpoint in the markets Tribune serves.

Some proponents of retaining the NBCO Rule claim that cross-ownership threatens the editorial independence of commonly owned properties. As with other claims, these parties fail to supply any evidence to support their claim. Tribune encourages collaboration among journalists at its properties, shared use of resources, and the avoidance of unnecessary duplication, as any financially prudent business owner would. These practices do not translate, however, into news delivered by a single editorial "voice."

The contention that commonly owned media speak with a single voice is, in fact, contradicted by empirical evidence and industry practices.¹⁹ A recent study demonstrated that, in the context of covering the 2004 Presidential election, commonly owned properties tended to

¹⁶ *Archives*, CHICAGO TRIBUNE, <http://pqasb.pqarchiver.com/chicagotribune/advancedsearch.html> (last visited July 26, 2010). This online archive covers January 1, 1985 through present (July 25, 2010 at the time of the search).

¹⁷ *In the News: Chicago Housing Authority*, CHICAGO TRIBUNE, <http://articles.chicagotribune.com/keyword/chicago-housing-authority> (last visited July 22, 2010).

¹⁸ AFTRA Comments at 8-9.

¹⁹ David Pritchard, "One Owner, One Voice? Testing a Central Premise of Newspaper-Broadcast Cross-Ownership Policy", 13 *Comm. L & Pol'y* 1, 27 (Winter 2008).

offer news and commentary of varying “slant.” Cross-owned properties did not speak with a single voice.

The history of Presidential endorsements at properties owned and operated by Tribune similarly show that they do not speak with a single editorial voice, but in fact, have independent editorial viewpoints. The table below lists presidential endorsements made by each of Tribune’s 10 newspapers in the 2000, 2004 and 2008 elections.

PRESIDENTIAL CANDIDATE ENDORSEMENTS

Newspaper	2000	2004	2008
Los Angeles Times ²⁰	NA	NA	Obama
Chicago Tribune	Bush	Bush	Obama
Hartford Courant	Bush	Bush	Obama
Baltimore Sun	Gore	Kerry	Obama
Morning Call (PA)	Bush	Kerry	Obama
Daily Press (VA)	NA	Kerry	McCain
Orlando Sentinel	Bush	Kerry	McCain- Primary Obama- General
Sun Sentinel (FL)	Gore	Kerry	Obama
Newsday (NY)	Gore	Kerry	Obama
The Advocate (Stamford, CT)	Bush	Kerry	McCain

In 2000, of the eight Tribune newspapers making presidential endorsements, five endorsed George W. Bush and three endorsed Al Gore; in 2004 of the nine Tribune newspapers making presidential endorsements, seven endorsed John Kerry and two endorsed George W.

²⁰ The 2008 Obama endorsement was the first made by the *Los Angeles Times* since 1972 (when the newspaper endorsed Richard Nixon over George McGovern), and this was the first time in its history that the newspaper endorsed a Democrat for president. *Opinion: Obama for President*, LOS ANGELES TIMES, Oct. 19, 2008, available at <http://articles.latimes.com/2008/oct/19/opinion/ed-endorse19> (last visited July 26, 2010). In a blog post dated October 20, 2008, the editor of the editorial page explained that the decision was made solely by the paper’s editorial board, saying “I lead the board, and I report to the publisher, who oversees our work. No news reporter or editor saw this endorsement before it was written or was even told which candidate we would support. That’s the way we do business on all editorials; this was no exception.” *Opinion L.A.: Our Obama Endorsement and Your Comments*, LOS ANGELES TIMES, Oct. 20, 2008, available at <http://opinion.latimes.com/opinionla/2008/10/our-obama-edito.html> (last visited July 26, 2010). He further wrote “[n]o one from the management of the Tribune Company participated in our endorsement in any way,” and that neither Tribune’s then-CEO Sam Zell nor any other Tribune executive has “contacted me or anyone on the board to urge a position or to complain about a position we have taken. I am happy to report that editorial policy for the *Los Angeles Times* editorial pages is developed and written in Los Angeles.” *Id.*

Bush; and in 2008, of the eleven Tribune newspapers making presidential endorsements, nine endorsed Barack Obama and two endorsed John McCain. This table clearly demonstrates that common ownership does not necessarily mean commonality of viewpoint.²¹

An analysis of the 2004 Presidential campaign conducted by David Pritchard compared Tribune's Chicago properties (*Chicago Tribune*, WGN(AM) and WGN-TV) with three independently owned media outlets in the same market showed that although coverage in the non-Tribune media outlets was slightly more pro-democrat than that of other Tribune properties, the difference was not statistically significant.²² That the slant coefficients were indistinguishable shows that there was no common partisan slant of campaign coverage among cross-owned properties.²³ In Hartford, Tribune's commitment to editorial independence has even won praise from a state leader. In its comments AFTRA states that "Connecticut Attorney General ("AG") Richard Blumenthal wrote to Tribune CEO Sam Zell, saying that the consolidation of news staffs went well beyond what the Commission had envisioned in granting the waiver."²⁴ Tribune responded, explaining its commitment to maintain independent editorial voice notwithstanding collocation of the newspaper and broadcast stations owned by Tribune in Hartford, and the sensible, economically prudent sharing of resources and facilities. In response,

²¹ Similar data on Tribune's news-producing television stations does not exist inasmuch as they do not typically editorialize or endorse political candidates. This is consistent with television broadcast industry practices. Felicity Barringer, *Ideas & Trends: Taking a Stand; Why Newspapers Endorse Candidates*, NY TIMES, Nov. 5, 2000 ("But television is different [than newspapers]. There, any tradition of commentary fizzled out years ago in most places.")

²² David Pritchard, "*One Owner, One Voice? Testing a Central Premise of Newspaper-Broadcast Cross-Ownership Policy*", 13 Comm. L & Pol'y 1 (Winter 2008). The *Chicago Tribune's* Barack Obama endorsement was the first Democratic candidate endorsement in the 161-year history of the newspaper. *2008 Chicago Tribune Endorsements*, CHICAGO TRIBUNE, <http://chicago.tribune.com/news/opinion/chi-08endorsements-htlmlstory,0,5602186>.

²³ David Pritchard, "*One Owner, One Voice? Testing a Central Premise of Newspaper-Broadcast Cross-Ownership Policy*", 13 Comm. L & Pol'y 1, 22 (Winter 2008).

²⁴ AFTRA Comments at 10.

Attorney General Blumenthal publicly applauded Tribune's pledge to retain editorial independence.²⁵

III. DRAMATIC CHANGES IN THE MEDIA LANDSCAPE PROVIDE THE PUBLIC WITH AN EVER-INCREASING NUMBER OF SOURCES OF DIVERSE AND INDEPENDENT VIEWPOINTS

Significant and unforeseen changes in the media landscape have rendered the NBCO rule unnecessary and even counterproductive. Just this month, the United States Court of Appeals for the Second Circuit recognized the radical changes in the media landscape that have occurred in the last three decades:

[W]e face a media landscape that would have been almost unrecognizable in 1978. Cable television was still in its infancy. The Internet was a project run out of the Department of Defense with several hundred users. Not only did Youtube, Facebook, and Twitter not exist, but their founders were either still in diapers or not yet conceived....The same cannot be said today. The past thirty years has seen an explosion of media sources, and broadcast television has become only one voice in the chorus. Cable television is almost as pervasive as broadcast – almost 87 percent of households subscribe to a cable or satellite service – and most viewers can alternate between broadcast and non-broadcast channels with a click of their remote control. The internet, too, has become omnipresent, offering access to everything from viral videos to feature films and, yes, even broadcast television programs.²⁶

Today, the large and growing number of independent web sites not owned by “traditional media” owners, which provide local information eliminates any concern over diversity of voices. As evidenced in Attachment 1,²⁷ in each of Tribune's cross-ownership

²⁵ Press Release, Connecticut Attorney General's Office, *Attorney General Applauds Tribune Pledge to Retain Channel 61, Courant Editorial Independence*, available at www.ct.gov/ag/cwp/view.asp?A=2341&Q=440790 (last visited July 22, 2010).

²⁶ *FOX Television Stations, Inc. v. FCC*, Docket Nos. 06-1760-ag, 06-2750-ag, 06-5358-ag at 15-16 (2d Cir. 2010).

²⁷ Attachment 1 lists independent web sites providing local news and information for each of Tribune's cross-ownership markets. The chart also measures total and unique visits for each site over one year. Two time periods are compared on the chart, January through December 2009 and May 2009 to May 2010. Most sites increased their traffic significantly in the second measurement. Although, as discussed above, it is *availability*, not *popularity* of a

markets, numerous independent sites provide locally-originated news and information.²⁸ These independent local sites provide vibrant, fresh content of their own. They are not merely aggregators republishing content originally disseminated by traditional media entities.

A survey conducted by Michele McLellan of the Donald Reynolds Journalism Institute of the University of Missouri has collected numerous independent local news sites around the country. She separates these sites into at least four distinct categories: **new traditional** sites (primarily funded by grants that dedicate a majority of site content to original reports produced by a staff of professional journalists);²⁹ **community** sites (incorporating community building features, such as user feedback and local partnerships, in addition to original reporting);³⁰ **micro-local or “hyper local”** sites (supported by highly local advertising and feature a small staff, such as interns and citizen contributors, who produce stories relevant to a defined neighborhood or town);³¹ and **niche** sites (catering to highly specialized niche market supported by advertising, subscriptions, or syndicated content).³² She finds numerous examples

viewpoint that should matter for the Commission’s inquiry, the numbers included in Attachment 1 shows that many of these independent local sites are quite popular as well.

²⁸ CWA’s contention that “[t]he internet has not yet proven to be an independent source of news despite that there are independent sources available” is simply unsustainable in view of the local market data. CWA Comments at. 30-31. *See also* McLellan’s list of the best local and microlocal news sites, FCC FUTURE OF MEDIA BLOG (Apr. 23, 2010), available at <http://reboot.fcc.gov/futureofmedia/blog?entryID=391366> (citing Michele McLellan, *Michele’s List: Promising local news sites*).

²⁹ Michele McLellan, *New Traditional News Sites*, REYNOLDS JOURNALISM INSTITUTE, <http://www.rjionline.org/projects/mcellan/stories/community-news-sites/new-traditionals.php> (last visited July 21, 2010).

³⁰ Michele McLellan, *Community News Sites*, REYNOLDS JOURNALISM INSTITUTE, <http://www.rjionline.org/projects/mcellan/stories/community-news-sites/community.php> (last visited July 21, 2010).

³¹ Michele McLellan, *Microlocal News Sites*, REYNOLDS JOURNALISM INSTITUTE, <http://www.rjionline.org/projects/mcellan/stories/community-news-sites/microlocal.php> (last visited July 21, 2010).

³² Michele McLellan, *Niche News Sites*, REYNOLDS JOURNALISM INSTITUTE, available at <http://www.rjionline.org/projects/mcellan/stories/community-news-sites/niche.php> (last visited Jul 21, 2010).

for each category. These sites represent but a small fraction of the number and type of non-traditional news and information sources actually available across the country.

Social networking sites like Twitter and Facebook offer additional opportunities for the public to share in and shape the dissemination of news and information. They complement the “community forums” already offered on websites associated with traditional media.” The limitless nature of the web alone offers sufficient justification for repeal of the NBCO Rule.

IV. LIKE ANY COMPETITIVE BUSINESS, TRIBUNE HAS EVOLVED TO MEET THE CHANGING NEEDS AND PREFERENCES OF ITS AUDIENCES AND COMMUNITIES AND TO EMBRACE NEW TECHNOLOGIES THAT BETTER SERVE THEM.

Tribune has endeavored to develop the technical means and internal cultural incentives to facilitate collaboration among commonly owned outlets without interfering with the independent editorial voice of each entity. Tribune has implemented internal systems and architecture that facilitate easy sharing of original content and has aggressively pursued new distribution channels to provide its audiences with greater access to news and information when they want it and through the distribution platform of their choice.

For example, Tribune maintains local online breaking news centers in several markets (including Los Angeles and Chicago), hosts hyper-local news blog sites to which residents in its markets contribute, and offers wireless applications and downloadable podcasts through which its readers, viewers, and listeners can access various news services and programs.

As many news organizations have come to realize, Tribune knows that the non-journalist public can be a tremendous resource and partner in ensuring Tribune provides the best news product possible.³³ Tribune newspapers have also teamed up with unaffiliated journalists,

³³ See, e.g., Michele McLellan, , *Citizens, journalists join forces to cover the news*, REYNOLDS JOURNALISM INSTITUTE, <http://www.rjionline.org/projects/mcellan/stories/pej/index.php> (last visited July 25, 2010); *State of the*

such as ProPublica, an independent, non-profit newsroom that produces investigative journalism in the public interest³⁴ to bring more content to its readers and listeners. One story cooperatively developed by the *Los Angeles Times* and ProPublica earned them recognition as finalists for a Pulitzer Prize.³⁵

In all these ways, Tribune strives to fulfill its basic mission of providing relevant news, information and entertainment to its local audiences. Tribune is continually adapting its business model to account for new media, new technology and new distribution methods, all in an effort to ensure that its audience continues to get the news and information it needs when and in the manner that they want it. Newspapers and broadcast stations are vital to the local communities they serve. Though they are certainly not the only sources of “hyper-local” news, information and opinion, they are a critical and trusted link in informing people about what is happening in their communities. Tribune takes its obligations to its communities very seriously and works every day to serve those communities at the highest-levels of excellence. The NBCO Rule only hinders these efforts, by keeping traditional media entities from realizing the efficiencies and improved product cross-ownership can permit.

Media 2010: Newspapers, Community Journalism, PEW PROJECT FOR EXCELLENCE IN JOURNALISM, http://www.stateofthemediamedia.org/2010/specialreports_community_journalism.php (last visited July 25, 2010).

³⁴ *About Us*, PROPUBLICA, , <http://www.propublica.org/about/> (last visited July 25, 2010).

³⁵ Another new form of community journalism is evidenced at Spot.us – a website that bills itself as “community funded reporting.” The site helps freelancers raise money to cover a story they’ve pitched. Once written, anyone may publish it. Only by funding at least half of the cost can a newspaper secure exclusive rights to the resulting story. *About Us*, SPOT.US, <http://spot.us/pages/about> (last visited July 25, 2010).

V. CONCLUSION.

Proponents of the NBCO Rule provide no basis for the retention of the NBCO Rule in any form. For all of the foregoing reasons, the Commission should promptly repeal the NBCO Rule.

Respectfully submitted,

TRIBUNE COMPANY,
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