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September 30, 2010

By Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: MB Docket 09-182 and
MB Docket 10-71
Notice of Ex Parte Communications

Dear Ms. Dortch:

On September 30, 2010 Stephen R. Herling, Executive Vice President and General Manager of Spokane Television, Inc., Brian Paul Lubanski, General Manager of Apple Valley Broadcasting, Inc. and the undersigned counsel, met with Rosemary C. Harold, legal advisor to Commissioner Robert M. McDowell for media issues, to discuss issues related to the 2010 Media Ownership Quadrennial Review and the Petition for Rulemaking to Amend the Commission's Rules Governing Retransmission Consent. The following is a summary of the issues discussed:

Morgan Murphy Media (aka the Evening Telegram Company) is a woman-owned and managed small business operating in small- to medium-sized markets. The company provides vital local news, election coverage, emergency information and public affairs programming to its communities.

Morgan Murphy Media owns and operates TV and radio stations in small- and medium-sized markets in Washington, Wisconsin, Idaho and Iowa. The company has been owned by the same family since its inception more than 100 years ago as a local newspaper company serving communities in Minnesota. Morgan Murphy Media leadership includes current President Elizabeth Murphy Burns -- the granddaughter of the company's founder -- and her son, Brian Burns, who is Chief Operating Officer.

Morgan Murphy Media includes: Television Wisconsin, Inc. (WISC-TV, Madison, WI), QueenB Radio Wisconsin, Inc. (WPVL[AM] & WPVL-FM, Platteville, WI; WGLR[AM] & WGLR-FM, Lancaster, WI; KIYX-FM, Sageville, IA), Spokane Television, Inc. (KXLY-TV, Spokane, WA); QueenB Radio, Inc. (KZZU-FM, Spokane, WA; KEZE-FM, Spokane, WA, KXLY[AM] & KXLY-FM, Spokane WA; KHTQ [FM], Hayden, ID; KVNI [AM], Coeur d'Alene, ID; KXLX[AM], Airway Heights, WA), Apple Valley Broadcasting, Inc. (KAPP[TV], Yakima, WA; KVEW[TV], Kennewick, WA), and QueenB Television, LLC (WKBT[TV], La Crosse, WI).

The FCC must implement meaningful structural media ownership rules to address the widely acknowledged economic and competitive challenges facing small television businesses operating in small- to medium-sized markets. While this effort is underway, near-term relief is critically needed and it is submitted, should include the *immediate* application of the "small market" waiver policy previously adopted by the FCC in 2003.

The "small market" waiver standard as adopted provided that in markets with 11 or fewer stations, parties could seek a waiver of the top-four-ranked restriction by making certain showings, including: 1) the applicant could demonstrate that a merger would reduce a competitive disparity between the merging stations and a dominant station, 2) the effect on localism and viewpoint diversity, such as to preserve a local newscast, and 3) the proposed combination involved a UHF station, which generally has a reduced audience reach.

The waiver policy should not be a permanent substitute for rule changes. Waivers by their nature are case-by-case adjudications of specific sets of facts, and ultimately waiver relief is expensive, time consuming and uncertain for broadcasters. Processing waiver requests also drain the Commission's scarce resources.

The current retransmission consent system is working as intended by Congress, and making changes to the system will have unintended negative consequences on the Commission's goals to promote the viability of *free* over-the-air television broadcasting and localism.

Broadcasters continue to fulfill a critical role by providing programming that is compelling, popular and, most importantly, *local*. Retransmission consent fees are especially important in small-to-medium-sized markets, where the small available advertising revenue is subject to growing levels of competition from MVPD systems, other non-broadcast video, web-based new media and others.

The marketplace for retransmission consent *works*. Negotiations can be contentious in any marketplace, but the vast majority of retransmission consent negotiations proceed smoothly without any service interruptions to consumers or the need to resort to complaints to the Commission. The FCC should reject calls to mandate compulsory arbitration or interim carriage. Mandatory interim carriage and compulsory arbitration removes the MVPD's incentive to work toward a quick resolution of a retransmission consent dispute and will delay resolution as parties attempt to use the FCC process to leverage their negotiations.

Please contact the undersigned counsel should there be any questions.

Sincerely,

Robert J. Rini
Counsel to Morgan Murphy Media,
Spokane Television, Inc and
Apple Valley Broadcasting, Inc.

cc: Robert M. McDowell
Rosemary C. Harold