

September 29, 2011

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Room TW-A325  
Washington, DC 20554

**Re: MB Docket Nos. 09-182, 06- 121, 02-277, MM Docket No. 01-235**  
**Notice of Ex Parte Communication**

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Dear Ms. Dortch:

On September 27, 2011, the undersigned counsel for Cox Enterprises, Inc., Bonneville Holding Company, The Scranton Times, L.P., Calvary, Inc., and Morris Communications Company, LLC (collectively the “Media Parties”) met with William T. Lake, Sarah Whitesell, Hillary DeNigro, and Amy Brett of the Media Bureau and Jacob M. Lewis and William J. Scher of the Office of General Counsel. The Media Parties had previously filed a “Motion for Extension of Time” with respect to the date specified in the Commission’s decision in its 2006 Quadrennial Regulatory Review proceeding (“QRR Decision”)<sup>1</sup> for their submissions addressing the effect that the changes made in that decision might have on their pending requests for waiver or existing waivers of the newspaper/broadcast cross-ownership rule, 47 C.F.R. § 73.3555(d) (“NBCO Rule”). The Media Parties contended in their Motion that, in view of the numerous appellate challenges to the QRR Decision, the time for filing their supplemental waiver showings should be delayed until ninety days after issuance of a final court order resolving the pending judicial challenges to the NBCO Rule.<sup>2</sup> In response, the Commission extended the time for filing supplemental showings on several occasions, most recently until October 3, 2011.<sup>3</sup>

In the September 27, 2011 meeting, counsel for the Media Parties discussed the implications of the recent decision of the United States Court of Appeals for the Third Circuit in *Prometheus II*, in which the Court, *inter alia*, vacated and remanded to the Commission the portions of the QRR Decision relating to the NBCO Rule for further consideration in the context of the 2010 Quadrennial Review. The Media Parties noted that, because of the court’s decision and the likelihood of one or more petitions for *certiorari* seeking Supreme Court review, judicial consideration of the QRR Decision’s changes to the NBCO Rule has not been completed. Further, the standards under which requests for waiver of the NBCO Rule will be considered have not been finally resolved. Accordingly, the Media Parties stated their view that the bases

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<sup>1</sup> 2006 *Quadrennial Regulatory Review*, Memorandum Opinion and Order, 23 FCC Rcd 2010, 2021-22, ¶ 19 (2008), *affirmed in part, vacated in part, Prometheus Radio Project v. FCC*, \_\_\_ F.3d \_\_\_, 2011 WL 2653785 (3d Cir. July 7, 2011) (“*Prometheus II*”), *rehearing denied*, Order, *Prometheus Radio Project v. FCC* (3d Cir. Sept. 6, 2011).

<sup>2</sup> See Motion for Extension of Time at 2, 6 (Sept. 30, 2008).

<sup>3</sup> 2006 *Quadrennial Regulatory Review*, Order, DA 11-1065 (rel. June 21, 2011).

for deferral of the filing of any waiver supplements remain essentially unchanged from those set forth in the prior Motion for Extension of Time and that continued deferral is appropriate.

Respectfully submitted,

/s/

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/s/

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