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 Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	))))	MB Docket No. 09-182
	)	
Promoting Diversification of Ownership In the Broadcasting Services	))	MB Docket No. 07-294

REPLY COMMENTS OF THE COALITION OF SMALLER MARKET TELEVISION STATIONS

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INTRODUCTION AND SUMMARY

The Commission's Notice of Proposed Rulemaking states at the outset: "We are required by statute to review our ownership rules every four years to determine whether they are necessary in the public interest as the result of competition." With equal fidelity to Congress' mandate, it then says: "Our challenge in this proceeding is to take account of new technologies and changing marketplace conditions while ensuring that our media ownership rules continue to serve our public interest goals of competition, localism and diversity."

Since Congress enacted the legislation in 1996, competition and diversity in the local video marketplace have increased, and the vitality of local television stations has never been more important for the Commission's policy goal of localism. The Commission's duopoly rules should be modernized to reflect these new realities and to preserve and expand local television services.

Some of the new technologies and changed marketplace conditions include increased cable and satellite penetration; more local advertising revenues going to MVPDs; an escalation in cable clustering and consolidation; the dramatic increase in viewing of video content over the Internet; the rise in social media sites such as Twitter and Facebook as sources of information for the American public; substantial increases in online advertising expenditures; decreases in local television station advertising revenues; changes in the network-affiliate relationship (including the rise of reverse network compensation); and the struggle of newspapers to maintain a significant share of local advertising dollars and maintain their role as providers of local news and information, including investigative journalism. These and other developments are well documented in *The Information Needs of Communities* — a report compiled by a special Commission working group and described as "one of the most comprehensive" studies of its kind[1] — and in the FCC's periodic reports to Congress on competition in the video marketplace.[2]

The conclusions to be drawn from these substantial changes over the past 16 years are that local television services are more important than ever — indeed, they are indispensable — and that they are more economically precarious, especially in small and mid-size markets, than they were when the 1996 Act was passed. See Section II, pages 3-14, below. In light of the increased competition and diversity in the local video marketplace and the importance of preserving and expanding local television services, the Commission's duopoly rules should be modernized to reflect these new realities.

The current duopoly rule, specifically the eight-voices test, precludes the public in approximately 150 of the country's 210 television markets from being able to receive the benefits it would receive from another station operating as a duopoly with an existing station in those markets. Congress was concerned in 1996 that the Commission's ownership rules might not stay current with changing market conditions. And so it required the FCC periodically to review those changes and determine whether its rules should be recalibrated.

It also found that local marketing agreements between two stations in the same market that were being entered into as a response to financial challenges and to better support those stations' service to their communities advanced the public interest, should be grandfathered and should be promoted in the future. See Section III, pages 14-15, below.

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[1] Peter Osnos, "The FCC Takes on the Future of Journalism," *The Atlantic* (June 13, 2011).

[2] In light of all of these changes, including the fracturing of the local advertising market (stations' primary revenue source), ACA's claim that "[t]he most significant change in the marketplace since the time of the last quadrennial review is the substantial growth in retransmission consent revenue" (ACA Comments at 4) simply belies common sense and reality. It should not be credited.

In this proceeding, however, a combination of public interest groups and MVPDs urge unswerving retention of the FCC's existing duopoly rule and, instead of relief for smaller market stations that would support investments in local news and other services, they seek the virtual elimination of local service agreements that stations have entered into in order to share resources, facilities, or personnel, even those arrangements already in existence. They do so despite (1) the many public interest benefits of duopolies and local service agreements, (2) the precarious and worsening financial condition of many small and mid-sized stations, and (3) market changes that have increased diversity, localism and competition in these markets. In the case of local service agreements, they would have the Commission change its attribution rules based on Constitutionally-suspect content grounds so that stations participating in these arrangements would be treated as co-owned and therefore in violation of the Commission's ownership rules. Section IV, pages 15-19, 22-24, below.

These groups also would effectively preclude a station from entering into (or preserving) an arrangement whereby another station in the same market would negotiate for the first station's retransmission consent rights, despite the fact that such arrangements do not implicate the concerns that have long been weighed in deciding whether an interest should be attributable. Section IV, pages 20-22, below.

In addition to ignoring the changed market conditions that Congress directed the Commission to take into account, both the public interest groups and the MVPDs appear to think that the choice is between two stations operating without a local service agreement or operating under such an agreement. In fact, in many cases—particularly in smaller markets—the choice is between two stations providing robust local services under a local service agreement or one of the two stations curtailing local news or other services, or even going off the air. Thus, the public interest would not be served by making the ownership and attribution rules more stringent, but by recalibrating the rules to reflect current market conditions, particularly by providing relief for smaller market stations.

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REPLY COMMENTS OF
THE COALITION OF SMALLER MARKET TELEVISION STATIONS

I. BACKGROUND.

The Coalition of Smaller Market Television Stations ("Coalition"), eight station groups with over 100 stations in markets below the top 50 (listed at Exhibit 1), submits these Reply Comments in response to the Commission's Notice of Proposed Rulemaking (NPRM) in the 2010 Quadrennial Review of its ownership rules. In these Replies, the Coalition demonstrates: (1) that duopolies and local service agreements contribute to broadcasting's important role in providing beneficial services to the public;[3] (2) how duopolies, SSAs, and other local service agreements in small- and medium-sized markets support and enhance local service that otherwise would go unprovided; (3) that the FCC's obligations under Section 202(h) of the

[3] The NPRM refers to a variety of in-market agreements, including shared services agreements (SSAs), which entail one station providing another station with support for day-to-day operations and, in some cases, programming; joint sales agreements (JSAs), which entail one station providing support to another station with respect to the sale of advertising time; and local news sharing agreements (LNSs), which entail sharing resources, such as equipment and occasionally staff, to more efficiently cover news events and produce news programming. These Reply Comments collectively refer to such agreements as local service agreements.

Telecommunications Act compel duopoly rule relief and preservation of local service agreements for television stations, particularly in smaller markets; and (4) that (a) attribution of SSAs and other local service agreements would cause the loss of news in viewing communities across the United States, and (b) the factors that some commenters have proposed for implementing such an attribution policy are unlawful, ill-founded, and would cripple localism.

The Coalition was formed in 2006 because the Commission's duopoly rule — specifically the eight-voices and top-four components[4] — precludes the public in approximately 150 of the nation's 210 television markets from receiving the localism and diversity benefits that duopoly arrangements provide, without adverse effects on competition or otherwise.[5] Nearly eight years ago, the Third Circuit in *Prometheus v. FCC* affirmed that the Commission may "ensure that small-market stations would realize the efficiency benefits of consolidation" because stations "in those small and mid-sized markets are experiencing greater competitive difficulty than stations in large markets."[6] Since then, the "competitive difficulty" of smaller market stations has become even more severe. Under Section 202(h) of the Communications

[4] Section 73.3555(b)(1) provides that a duopoly is permitted if (1) at the time of the application, at least one of the stations is not ranked in the top four stations in the market and (2) at least eight independent full-power television voices would remain in the market post-merger.

[5] *See* Comments of Smaller Market Television Stations, MB Docket No. 09-182, at 1 and n.1 (July 12, 2010). Only 85 markets have more than eight television stations and 125 markets have eight or fewer stations, and these numbers do not identify those markets with more than eight stations in which the existence of preexisting duopolies bars any further combinations. Even if the one-size-fits-all eight-voices rule were eliminated, the top-four rule would prohibit duopolies in, at a minimum, the 44 markets where there are four or fewer television stations.

[6] *Prometheus Radio Project v. FCC*, 373 F.3d 372, 415-17 (3d Cir. 2004). One FCC Commissioner expressly recognized that common ownership may be appropriate "in the smallest of markets where proven localism gains may outweigh the diversity harms." 2002 Biennial Regulatory Review *et al.*, MB Docket No. 02-277, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 13620, 13998 (2003), Statement of FCC Commissioner Jonathan Adelstein, Dissenting. Moreover, diversity, localism, and competition are all threatened when stations are at risk of reducing services or even going off the air.

Act, and based on the record in this proceeding, the Commission should permit relief in the case of smaller market television stations.

Similarly, the use of SSAs and other local service agreements has enabled stations in smaller markets to expand and preserve local news and other services in a historically challenging and worsening economic environment. This is particularly so in those markets that lack a sufficient advertising base to support multiple broadcasters' production of stand-alone local news. For decades, the Commission has held that these types of sharing arrangements are in the public interest for this very reason, and are not attributable so long as the licensees retain ultimate control. Nothing in this proceeding's docket supports a departure from that long-standing policy.

II. DUOPOLIES AND LOCAL SERVICE AGREEMENTS PRESERVE THE PUBLIC'S LOCAL SERVICE THAT IS THREATENED BY A DETERIORATING ECONOMIC BASE.

A. Despite Historic And Escalating Difficulties, Television Stations In Smaller Markets Are Providing Critical Local Service.

As the *Information Needs of Communities* report found, television stations are "producing high-quality broadcast journalism of tremendous value to the community," and the "importance and value of these broadcasts" are "hard to overstate."[7] Television stations in markets such as Wichita, Kansas, and Springfield, Missouri, inform their communities on issues of public concern with hard-hitting investigative journalism.[8] Stations also are using their spectrum efficiently, through multicasting and mobile DTV services, and in doing so are providing

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[7] Steven Waldman & The Working Group on Information Needs of Communities, *The Information Needs of Communities: The Changing Media Landscape in a Broadband Age*, at 79 (July 2011) [hereinafter "INC Report"].

[8] *Id.* at 83 (discussing Coalition member Schurz Communications' stations).

valuable benefits to their local communities. For example, a television station in the mid-size market of Greensboro, North Carolina, recently used its multicasting capacity to provide viewers expanded emergency information without interrupting live, highly popular college basketball coverage.[9] And a station owned by Coalition member Raycom Media "broadcasts high school graduations on its digital channels and streams the ceremonies on the station website to enable deployed U.S. soldiers to watch their children graduate."[10] In addition, as the INC Report notes, "local TV stations are becoming important sources for news online."[11]

Television stations have provided these important benefits to their communities in the face of ever more challenging economic conditions. The decline in advertising revenue has hit smaller markets in particular. For example, between 2000 and 2010, stations in DMAs ranked 150 through 210 experienced a more than 30 percent decline in pre-tax profits.[12] If measured from 1999 to 2009, the decline in such profits in markets 50 to 210 was nearly ninety percent.[13] Over the same period, cable operators' share of local television advertising revenues in smaller markets has doubled.[14]

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[9] *Id.* at 80 (noting that "[t]he station moved its coverage of the basketball game to a multicast channel and used its primary signal to bring critical safety information to viewers").

[10] *Id.* at 99-100.

[11] *Id.* at 76, 81 (noting that Raycom Media "has launched 60 community websites" in Charlotte "that will offer neighborhood-based hyperlocal websites").

[12] *See* Comments of the National Association of Broadcasters ("NAB"), Attachment A: Television Financial Data, 2000-2010, at 5 (March 5, 2012) [hereinafter "NAB NPRM Comments"]; *see also* INC Report, at 73-74 ("[t]he economic changes from 2005 to 2008 hit local news-producing stations especially hard").

[13] Coalition of Smaller Market Television Stations *ex parte* letter, MB Docket Nos. 10-71 and 09-182, Attachment, at 2 (Feb. 1, 2012) [hereinafter "Coalition Feb. 1 *ex parte* letter"].

[14] NAB NPRM Comments, Attachment C, at 1. This decline occurs at a greater rate than the difference between the number of television stations in larger markets versus smaller markets. For example, Charlotte, in the 25th-ranked DMA, has 50% fewer stations than the first-ranked (continued…)

Despite these challenges, however, television broadcasters in small- and medium-sized markets have managed to preserve, and in many cases expand, local news offerings. The *Information Needs of Communities* report notes that more than 12% of stations in markets ranked 151 and higher added a newscast in 2009, even as they have been forced to cut news personnel.[15] As demonstrated below, joint ownership and local service agreements have enabled them to do so.[16]

B. Duopolies Result In More Localized Service And More Diversity.

Experience and record evidence prove that duopolies lead to more localism. Duopolies generate efficiencies that allow limited resources to be spent on local news and other local programming. For example, Schurz's co-ownership of CBS and CW affiliates in Wichita, Kansas, has permitted Schurz to add newscasts, a locally focused website, and HD infrastructure to a formerly failing station.[17] In the 94th-ranked Baton Rouge DMA, Raycom's joint ownership of WAFB and WBXH has permitted Raycom to air news on WBXH and provide extended breaking local news and local election coverage on a 24-hour cable news channel. LIN Television's duopoly stations in Virginia Beach, Virginia, have permitted LIN to launch an

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New York City DMA, but revenues in the Charlotte DMA drop by much more than 50% compared to the New York City DMA (only $190 million as opposed to $1.3 billion). Similarly, the 150th-ranked DMA (Albany, GA) has 20% fewer television stations than the 100th-ranked DMA (Davenport, IA), but total TV market revenues decline by much more than 20% between the two markets (from $50 million to $18 million). *See id.*, Attachment D.

[15] INC Report, at 77-79.

[16] *See also* Comments of the Coalition to Preserve Local TV Broadcasting, at Appendix A (March 5, 2012) (providing numerous examples of smaller and mid-size markets that do not have sufficient revenue to support four independent news operations, and where local service agreements have been used to support broader local news offerings).

[17] The CW affiliate is one of only a few in the country that airs a late afternoon newscast. It airs a total of 18 hours of news per week, all in high definition.

online-only local entertainment show, and its joint ownership of other same-market stations has resulted in increased local programming.[18] The benefits of duopolies also are demonstrated in larger markets, where duopolies are more often permitted under the current rules; for example, Belo Corp.'s duopolies in Seattle-Tacoma, Phoenix, and other markets have resulted in its launch of new newscasts and expanded local news, public affairs programming, and cross-media offerings.[19]

In many cases, duopolies increase program and viewpoint diversity as well. For example, Coalition member Raycom Media, Inc. purchased a station licensed to Dothan, Alabama, WDFX, that did not air any news at all under its prior owner. After pairing WDFX with its Montgomery, Alabama, flagship station WSFA, Raycom added a nightly newscast produced specifically for Dothan viewers. Dothan's advertising and viewer base is insufficient to support a stand-alone news operation, to the public's detriment (as evidenced by WDFX's prior owner's practice of not airing news), but efficiencies associated with Raycom's joint ownership of the stations have provided Dothan viewers a nightly news broadcast that covers issues of local concern. Further, each of the General Managers regularly writes and presents his or her own editorial, enhancing viewpoint diversity. Raycom also has added a half-hour weekday news program at 9 p.m. and has been able to a launch a multicast channel affiliated with the Bounce Network on WSFA's multicast channel. Similarly, LIN's joint ownership of CBS and CW-affiliated stations in Buffalo has allowed the CW station to launch "Winging It! Buffalo Style," a weekday one-hour morning show made possible by the CW station's ability to share the CBS

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[18] Comments of LIN Television Corporation, at 5-7 (March 5, 2012) [hereinafter "LIN NPRM Comments"].

[19] Comments of Belo Corp., at 8 (March 5, 2012); Comments of Belo Corp. on the FCC's May 25, 2010 Notice of Inquiry, at 6-9 (July 12, 2010).

station's news and production resources.[20] And when sports programming overruns on LIN's Green Bay Fox station, LIN programs its preempted local news on the Green Bay CW station, thereby responding to two sets of viewer interests in the market, not just one.[21] These and many other examples in the record make clear that common ownership contributes to localism and diversity.[22] Duopolies also serve the interests of competition, by enhancing content offerings for viewers and improving advertising options for advertisers. This is particularly the case where a weaker station is at risk of cutting programming (such as news) entirely, or even going off the air.[23]

The Coalition supports relaxation of the duopoly rule in smaller markets because of the economic realities described above as well as the public interest benefits that can be realized when stations are allowed to enter into duopolies. Outside of the larger markets, the eight-voices and top-four tests cannot be met, and a test tailored to the situation in smaller markets should apply. The record supports relaxation of the rule in smaller markets rather than a waiver standard. A waiver process, such as that proposed in the NPRM, would create significant

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[20] *See* http://www.cw23.com/.

[21] LIN NPRM Comments at 19.

[22] These anecdotal results are consistent with economic and empirical evidence in this docket. *See, e.g.*, Media Ownership Study 8B, Lisa M. George and Felix Oberholzer Gee, *Diversity in Local Television News*, at 14-15, 18, 33 ("ownership concentration tends to increase diversity" and "increases the number of politicians that are covered in local news"); Matthew Spitzer, *Television Mergers and Diversity in Small Markets*, 6 J. Competition L. & Econ. 705, 754 (2010). It is also consistent with studies from past ownership reviews. *See, e.g.*, Comments of Smaller Market Television Stations, at 8-9 (July 12, 2010) (citing prior studies finding, *inter alia*, that co-ownership of television stations "has a large, positive, statistically significant impact on the quality of news programming").

[23] The Commission should not focus too narrowly just on one interest, as it did in the *2008 Quadrennial Review Order*, which based its decision on duopolies almost entirely on a competition analysis. *See* 2006 Quadrennial Regulatory Review *et al.*, MB Docket No. 06-121, Report and Order and Order on Reconsideration, 23 FCC Rcd 2010, at ¶¶ 87 and 97 *et seq.* (2008) [hereinafter *2008 Quadrennial Review Order*].

uncertainty, interfere with orderly transaction planning, and stifle investment.[24] An individual waiver request may take the Commission months to decide even if the request meets any presumptive factors the Commission decides to adopt, consuming additional Commission resources and imposing costs and delays on stations.[25] Smaller markets cannot afford long, uncertain adjudicatory procedures; the public interest calls for clarity and predictability.[26] Accordingly, clear relief incorporated into the duopoly rule, as opposed to an uncertain waiver process, is preferable. If the Commission is not willing to provide such relief, however, then at minimum it should allow waivers under a more generous standard than the one currently in place. A revised waiver standard should be based on objective factors and would help to increase localism and diversity in smaller markets. We support the Commission's consideration

[24] *See* 2010 Quadrennial Regulatory Review *et al.*, MB Docket No. 09-182, Notice of Proposed Rulemaking, 26 FCC Rcd 17489, at ¶¶ 52-55 (2011) (seeking comment on possible process whereby stations could seek a waiver of the duopoly rule and seeking comment on possible waiver criteria) [hereinafter "NPRM"].

[25] *See, e.g.*, *2008 Quadrennial Review Order*, at ¶ 77 & nn. 253-56.

[26] For the same reasons, the FCC's failing and failed station waivers standard do not provide meaningful relief in smaller markets. Among other deficiencies, the standard does not permit mergers that would permit financially unsuccessful stations to preserve local service that would otherwise be cut. Thus, we disagree with Free Press that failed or failing stations can simply apply for a waiver of the duopoly rule; Free Press ignores the reality that the decades-old test set out in the rule does not capture many stations that are failing. *See* Comments of Free Press, at 57-58 (March 5, 2012); *see* Coalition Feb. 1 *ex parte* letter, at n.2 (arguing that the failing station test "is too stringent and precludes relief for many stations that are in fact failing. It also does not deal with situations where stations cut valuable services in order to survive").

of the waiver proposal submitted by LIN (a Coalition member);[27] other commenters such as New Vision also have proposed smaller market waiver tests that merit consideration.[28]

C. As The Commission Has Held, SSAs And Other Local Service Agreements Enable Stations To Provide And Preserve Local News And Other Services.

As smaller market station owners, the Coalition's members have significant experience with SSAs and other local sharing agreements as both service providing- and service receiving-stations. As such, they are well familiar with the ways in which such agreements can preserve and enhance local programming and add diversity in economically challenged viewing areas. For example, Coalition members have used such agreements to:

- ***Launch Additional News Coverage.*** In Wichita, Kansas, Schurz's SSA enabled another station to launch its operations ahead of schedule and provide local news programming years earlier than planned. The SSA also makes possible the only Spanish-language news operation in all of Kansas.[29] In Wassau, Wisconsin, Quincy's entry into an SSA helped to launch a local news operation that did not exist previously. The local news operation is separate and independent from that at the Quincy station. LIN's grandfathered LMA in Providence, Rhode Island, permitted LIN to add local news to a station that previously aired no news. The station now offers 16 hours of local news a week, much of which airs at times when no other local news is available.[30]

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[27] *See* LIN NPRM Comments, at 21-23 (proposing smaller market waiver tests for "financially weak or shrinking local markets" and for weaker stations).

[28] *See* Joint Comments of New Vision Television, LLC and TTBG LLC, at 15-16 (March 5, 2012). Waivers, however, should not be limited exclusively to the circumstances specified in these proposals. Waivers should always be available for unusual and unforeseen circumstances.

[29] The Schurz station and the station receiving the services under the SSA do not share anchors, weather equipment, or traffic operations. The Spanish-language station has also sponsored several major Hispanic events every year. The SSA also has enabled the newscasts for the two stations to be produced in HD.

[30] Another station in a sharing arrangement with LIN in Austin, Texas was previously unbuilt. After LIN entered into a grandfathered LMA with the station in 2001, the station launched a digital signal. Without the SSA, the station would have been unable to afford the digital transition. And a LIN sharing arrangement in Dayton, Ohio permitted the service-receiving CW-affiliated station to launch an original local on-air talent contest. The Dayton CW star now appears on-air in promos, has an online webisode series, and represents the station in community affairs. *See* http://www.daytonscw.com/subindex/cw_star.

- ***Enhance Local News Operations.*** In Springfield, Missouri, Schurz's SSA with a financially challenged station permitted that station to add a state-of-the-art HD newsroom, the first of its kind in the Springfield market, and expanded local news on the service-receiving station with a distinct newsroom staff and its own digital assets. In Peoria, Illinois, Barrington's station, which was previously struggling due to Peoria's deteriorating advertising base, began receiving assistance under an SSA. The assistance permitted the Barrington station to enhance its local news operations, including the addition of a local public affairs interview program that runs every weekday evening.[31]

- ***Save News Operations from Going Dark.*** In Syracuse, New York, Barrington has entered into an SSA with a station that was on the verge of eliminating its news operations; the Barrington and other station now have two separate local and independent news operations. In Augusta, Georgia, a Schurz station had lost money for 12 years and Schurz was considering cutting the news operation entirely; however, an SSA permitted the station to preserve and even expand its news operation, as well as to construct a high-definition facility.[32] Similarly, in Columbus, Georgia, an SSA has permitted the serviced station to air news programming for the first time; both stations in the SSA air separate news programming. Quincy had similar experiences with an SSA in Rochester, Minnesota, where a station that previously lost money on its news operation began to turn a profit. The local news operations are separate and independent.[33]

The record in this proceeding is replete with other similar examples, underscoring the important role that SSAs play in bringing local, competitive programming to viewers. For example, the Coalition to Preserve Local TV Broadcasting describes real-world examples in which stations were planning to cancel local newscasts, but were able to preserve and expand local news programming after entry into an SSA; in which stations that formerly offered no news programming were able to create new, unique newscasts; and in which stations were able to use combined resources in order to cover more news and to underwrite investigative journalism efforts.[34] Grant Group, Inc. states that a sharing arrangement has made possible the launch of a

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[31] The two stations maintain separate news operations.

[32] Though the two stations share some reporting resources, their news staffs are distinct.

[33] For more discussion of these examples, see Coalition of Smaller Market Television Stations *ex parte* letter, MB Docket Nos. 10-71 and 09-182 (Dec. 21, 2011), at 3.

[34] Comments of the Coalition to Preserve Local TV Broadcasting, at 12-13 (March 5, 2012).

new newscast.[35] And Nexstar provides several examples of markets where the efficiencies of local service agreements have allowed stations to expand and enhance local news programming, improve station and newsgathering infrastructure, and invest in life-saving weather radar.[36]

Further, NAB points out that empirical data show that "sharing arrangements allow broadcasters, especially in small markets, to reduce their fixed costs and continue to operate where it would otherwise be uneconomic to do so."[37] NAB also cites economic data demonstrating how, "in the absence of sharing agreements, the high costs of producing local news, coupled with the limited revenue available to small market broadcasters," would cause financial damage to stations and potentially result in "the loss of one or more local newscasts."[38]

Long-standing Commission precedent confirms as a legal and policy matter what the Coalition's members and other smaller-market television broadcasters know through experience: local service agreements that permit a station to share resources are in the public interest. The Commission has expressly found that such arrangements allow licensees to "take advantage of economies of scale," provide "real social benefits," increase station efficiencies, and "may actually help promote diversity by enabling smaller stations to stay on the air."[39]

The Coalition also takes this opportunity to briefly respond to an argument made by some commenters that a multicast stream affiliated with a major television network should be treated

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[35] Comments of Grant Group, Inc., at 14-15 (March 5, 2012).

[36] Comments of Nexstar Broadcasting, Inc., at 29-31 (March 5, 2012).

[37] NAB NPRM Comments, at 59.

[38] *Id.*

[39] *See* Comments of the Coalition to Preserve Local TV Broadcasting, at 7-8 (citing twenty-six years of FCC precedent).

as a "virtual" duopoly.[40] The Commission should reject such an argument both on legal and policy grounds. A multicast stream is not another station, and the duopoly rule looks to ownership of multiple stations in a market. Moreover, both Congress and the Commission recognized the promise of multicast streams in bringing new programming services to communities and cited that promise as a public interest benefit of digital broadcasting.[41] Congress also recently endorsed multicast network affiliations in the Satellite Television Extension and Localism Act, specifying that households that receive network-affiliated multicast streams are served by such networks.[42]

Stations have used multicast capability to great public benefit. Television broadcasters have launched hundreds and hundreds of free, over-the-air multicast streams, many with network programming and local news, including hyperlocal news. Indeed, "the total number of live over-the-air broadcast channels for the 1,726 full-power digital stations jumped to 4,552 from 2,518 at

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[40] *See* Joint Comments of Mediacom Communications Corp. and Cequel Communications Corp. LLC d/b/a Suddenlink Communications at 19 (March 5, 2012); *id.* at 20 ("stations should be barred from using multicast capacity to serve as the affiliate of more than one Big Four network in a market in those instances where there is an unused commercial allocation that could be licensed to serve the DMA or where the DMA is served by a commercial station that is not affiliated with a Big Four network and has unused multicast capacity.").

[41] *See*, *e.g.*, Amendment of Section 73.658(G) of the Commission's Rules - The Dual Network Rule, MM Docket No. 00-108, Notice of Proposed Rule Making, 15 FCC Rcd 11253, at ¶ 25 (2000) ("we expect that deployment of digital television may lower barriers to new broadcast networks by enabling broadcast stations to carry multiple program streams").

[42] *See* 17 U.S.C. § 119(d)(10)(A) and (d)(14). As the Coalition to Preserve Local TV Broadcasting points out, in STELA, Congress "provided broadcasters with explicit incentives to enter into multicast affiliation agreements to ensure that small markets can receive the full complement of network programming." Comments of the Coalition to Preserve Local TV Broadcasting at n.22; *citing* "How the Satellite Television Extension and Localism Act (STELA) Updates Copyright and Carriage Rules for the Retransmission of Broadcast Television Signals," Congressional Research Service (June 4, 2010).

year-end 2010."[43] Coalition member Raycom Media ranks third in the country with respect to multicasting, with 60 multicast channels delivering a wide array of free, over-the-air programming to viewers.[44] And LIN's stations provide an additional 30 multicast channels. NAB's comments provide data showing that in nearly half of all smaller markets, the public has been able to receive programming from one or more of the ABC, CBS, NBC, and FOX networks through multicast affiliations.[45]

Moreover, prohibiting stations from adding or maintaining multicast affiliations with major networks would be contrary to the First Amendment—the government would be prohibiting stations from broadcasting programming based entirely on its content.[46] It also

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[43] Justin Nielson, SNL Kagan, "TV stations multiplatform analysis '12 update: new digital networks, mobile TV channels expand content options" (Jan. 31, 2012); available online at http://www.nab.org/documents/newsRoom/pdfs/020312_SNL_Kagan_multicasting.pdf. SNL Kagan's analysis shows that the "year-over-year increase of 2,034 live digital and mobile TV channels in the U.S. has a lot to do with expanded multicast network programming options from new startups such as Antenna TV, Bounce TV, Live Well, This TV, Me-TV, The Cool TV, The Country Network and others expanding their reach to more than 600 stations." *Id.*

[44] *Id.* (noting that "Raycom's digital network affiliates include 24 stations carrying Bounce TV — a new network targeting African-Americans launched in September 2011 — 15 This TV stations, four Me-TV stations, three CBS, two Telemundo, one CW, one ABC, one FOX and one MyNet secondary affiliates along with its local news and weather programming").

[45] *See* NAB NPRM Comments, Attachment E (identifying approximately 50 "short" markets smaller than DMA 100, in which a multicast affiliate is able to provide programming from at least one of the top four English-language networks that would otherwise be missing from the market).

[46] *See* Section IV(A), below, for more on the First Amendment implications of content-based restrictions. *See also* LIN NPRM Comments at 20-21 (noting that FCC regulation of a station's programming choices would be "plainly in conflict with the First Amendment"). Further, it should be noted that such an approach would be quite different from the approach taken under the current duopoly rule, which sets forth a "top four" test based on ratings, not the content/affiliation of the station.

would undermine the longstanding Commission policy of *promoting* multiple network affiliations as a means of providing more network service to local communities.[47]

III. SECTION 202(H) OF THE TELECOMMUNICATIONS ACT SUPPORTS PRESERVATION OF SSAS AND OWNERSHIP RULE RELIEF IN SMALLER MARKETS.

The Telecommunications Act of 1996's protection of and support for local television marketing agreements also supports preserving local service agreements in smaller markets, as well as providing duopoly relief. The Act specifically protects "the origination, continuation, or renewal of any television local marketing agreement that is in compliance with the regulations of the Commission."[48] The legislation was intended both to grandfather existing local marketing agreements (LMAs) and to "allow[] LMAs in the future, consistent with the Commission's rules," thus demonstrating that Congress saw LMAs not merely as a temporary, transitional measure, but as a tool that would continue to be useful in the future.[49] The conference report noted "the positive contributions of television LMAs," and the Act accordingly was drafted to assure that the public was not deprived of their benefits.[50] Senator Tom Daschle, who introduced the amendment containing the precursor to section 202(g), observed that LMAs are needed "to help small broadcasters continue to diversify their broadcasts."[51]

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[47] *See* 47 C.F.R. § 73.658(a) (prohibiting exclusive network affiliations).

[48] Telecommunications Act of 1996, Pub. L. No. 104-104, § 202(g), 110 Stat. 56, 111 (1996). Notably, an earlier version of this provision did not refer to the origination of new agreements. *See* 141 Cong. Rec. 15479 (1995). Thus, Congress gave specific attention to, and explicitly supported, the origination of new agreements, not just the continuation of old agreements.

[49] *See* H.R. Rep. No. 104-458, at 163 (Conf. Rep.).

[50] *Id*.

[51] 141 Cong. Rec. 15479 (1995).

Importantly, Section 202(g) was a part of the Act's broader effort to shift emphasis from government-imposed regulation to market-based competition across the communications sector, including in the broadcast ownership context. The conference report on the Act emphasized lawmakers' expectation that this periodic review would be part of the Commission's broader and focused effort to reevaluate the regulatory barriers confronting broadcasters.[52] The Act directly reduced those barriers in a variety of ways, such as by raising the cap on national TV-audience reach from 25 percent to 35 percent[53] and allowing cross-ownership of broadcast networks and cable systems.[54] The Act also required the Commission to extend its waiver policy on enforcement of the one-to-a-market rules to the top fifty markets.[55] The conference report explained that the combinations permitted by such waivers often benefit the public, particularly given the "increased competition and the need for diversity in today's radio marketplace."[56] Congress rightly concluded that in the modern media environment, loosening ownership restrictions and preserving in-market agreements between television stations would protect diversity rather than reduce it. The FCC's ownership review should be guided by these same principles.

IV. THE COMMISSION SHOULD NOT ATTRIBUTE SSAS TO THE STATIONS PROVIDING SERVICES TO IN-MARKET STATIONS.

The proposals made in certain comments filed by the public interest community and by cable industry commenters to attribute television stations that receive services from another

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[52] *See* H.R. Rep. No. 104-458, at 163-64.

[53] Section 202(c)(1); this limit was subsequently increased to 39 percent.

[54] Section 202(f).

[55] Section 202(d).

[56] H.R. Rep. No. 104-458, at 163.

station in the same market are flawed under the Constitution, the Telecommunications Act of 1996, and Commission precedent. They would also have the effect of stripping news from smaller market television stations in hundreds of viewing communities across the country. Accordingly, the Commission should reject these proposals and uphold its longstanding precedent not to make such agreements attributable under the ownership rules.[57]

A. Content-Based Attribution Tests Would Be Impermissible.

Under the proposal made by UCC *et al.*, sharing arrangements and/or local news service agreements (LNSs)[58] would be made attributable if *any* of certain conditions are met, including if "the Servicing Broadcaster provides all or substantially all local news programming for the Licensee's station."[59] We believe that this proposed attribution factor would be impermissible. A station's programming choices, including its news production decisions, are inherently based on content. Attributing to the service-providing station SSAs or LNSs in which the service providing station supplies all or substantially all of the other station's news programming thus would be an impermissible content-based restriction.[60] In many markets, attribution of such

[57] If a relationship is "attributable," the interest in the other station is counted for purposes of the multiple ownership rules. For example, if ownership of two television stations in a market would not be allowed under the duopoly rule, then it would not be permissible for the stations to enter into an attributable LMA.

[58] Local news sharing agreements (LNSs) generally entail sharing resources, such as equipment and occasionally staff, to more efficiently cover news events and produce news programming.

[59] Comments of Office of Communication of the United Church of Christ, Inc., Media Alliance, National Organization for Women Foundation, Communications Workers of America, Common Cause, Benton Foundation, and Media Council Hawai`i, at 15 (March 5, 2012) [hereinafter "UCC *et al.* Comments"].

[60] Providing more than 15 percent of another station's weekly programming hours already is attributable; *see* 47 C.F.R. § 73.3555, Note 2(j). Thus, by definition, UCC *et al.* are proposing to make attributable arrangements in which less than 15 percent of another station's weekly programming hours are at issue, based solely on the content of the programming.

cooperative agreements would be equivalent to an outright prohibition on a station having another station assist in its news production, because of the strictures of the duopoly rule.

The First Amendment and the Communications Act protect stations' programming choices.[61] "Congress has been scrupulously clear when it intends to delegate authority to the FCC to address areas significantly implicating program content."[62] Section 202(h) does not provide the Commission with authority to regulate stations' programming choices, including with respect to the sourcing of news programming. Moreover, "Congress intended to permit private broadcasting to develop with the widest journalistic freedom consistent with its public obligations."[63] As the Supreme Court has stated, "Governmental restraint on publishing need not fall into familiar or traditional patterns to be subject to constitutional limitations on governmental powers."[64] By prohibiting television broadcasters from exercising their constitutionally protected freedom with respect to programming choices, a rule making these arrangements attributable by reference to content would violate the First Amendment.[65]

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[61] *See* 47 U.S.C. § 326 ("no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication").

[62] *MPAA v. FCC*, 309 F.3d 796, 805 (D.C. Cir. 2002).

[63] *CBS v. Democratic Nat'l Comm.*, 412 U.S. 94, 110 (1973); *see also id.* at 116 (concluding that Communications Act provisions "clearly manifest the intention of Congress to maintain a substantial measure of journalistic independence for the broadcast licensee"); *id.* at 118-119 (citing the Commission's reasoning that "so long as a licensee meets its 'public trustee' obligation to provide balanced coverage of issues and events, it has broad discretion to decide how that obligation will be met").

[64] *Miami Herald Publ'g Co. v. Tornillo*, 418 U.S. 241, 256 (1974) (finding unconstitutional a statute that "exacts a penalty on the basis of the content").

[65] *See also* Comments of Fox Entertainment Group, Inc. and Fox Television Holdings, Inc. (March 5, 2012), at 38-40 (March 5, 2012) (explaining why "any Commission action regulating stations' use of LNS agreements as a means of choosing how and when to cover particular news (continued…)

B. Longstanding Commission Precedent Shows That SSAs And Other Local Cooperative Agreements Should Not Be Attributable.

Attribution of SSAs and LNSs also would amount to a rejection of longstanding Commission precedent. "The mass media attribution rules seek to identify those interests in or relationships to licensees that confer on their holders a degree of influence or control such that the holders have a realistic potential to affect the programming decisions of licensees or other core operating functions."[66] A third party providing syndicated programming or network programming does not control the licensee's programming *decisions*, or other core operating functions; neither does a third party providing news programming under a typical SSA or LNS.[67] The FCC has long held that there is no prohibition on delegation of day-to-day operations relating to programming, personnel, and finances, "so long as the licensee continues to set the policies guiding those operations." Neither shared service agreements nor local news sharing agreements should be presumed to entail a "realistic potential to affect the programming decisions of licensees or other core operating functions."[68] Indeed, the FCC has repeatedly declined to attribute sharing arrangements, including those involving sharing of employees and delegation of other responsibilities.[69] Typical SSAs, which reserve ultimate control over

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stories would contravene prudential, statutory and Constitutional guidance"); NAB NPRM Comments at n.228.

[66] Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests *et al.*, MM Docket No. 94-150, Report and Order, 14 FCC Rcd 12559, ¶ 1 (1999) [hereinafter "*Attribution Order*"].

[67] *See* page 20, below.

[68] This is particularly the case for arrangements that simply entail sharing equipment, such as news helicopters.

[69] *See* NAB NPRM Comments, at n.250 ("The Commission has repeatedly held non-attributable arrangements covering no more than fifteen percent of a station's weekly broadcast programming hours") (citing cases).

programming, finances, and personnel to the licensee, simply "do not raise an issue under the Commission's attribution rules."[70]

Commission precedent and the limits on its jurisdiction also call into question other factors proposed by UCC *et al.* that could result in attribution, such as whether "the number of employees at the Servicing Station significantly outnumbers those at the Licensee Station."[71] The employment practices of licensees are not within the Commission's purview, aside from the Commission's enforcement of the EEO regime.[72] Other than to ensure that the station has met the managerial and staff presence requirement, for purposes of licensee control, the Commission lacks jurisdiction over the number of employees employed at a station.[73]

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[70] *Nexstar Broadcasting, Inc.*, 23 FCC Rcd 3528, 3535 (M.B. 2008) [hereinafter "*Nexstar*"]; *see also* NAB NPRM Comments, at 64 and n.243; *id.* at 65 and nn.249-250.

[71] UCC *et al.* Comments, at 19.

[72] *See National Ass'n of Broadcast Emp. and Technicians, AFL-CIO v. FCC*, 346 F.2d 839, 841 (D.C. Cir. 1965) (where employees of a proposed assignor of a license alleged that they would suffer an adverse economic impact from the assignment, the D.C. Circuit stated that such allegations did not "require inquiry and consideration by the Commission"); *Bilingual Bicultural Coalition on Mass Media, Inc. v. FCC*, 595 F.2d 621, 628 (D.C. Cir. 1978) ("In view of the purposes of its regulatory legislation, the FCC analyzes the employment practices of its licensees only to the extent those practices affect the obligation of the licensee to provide programming that fairly reflects the tastes and the viewpoints of minority groups, and to the extent those practices raise questions about the character qualifications of the licensee.") (internal quotations omitted).

[73] Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, MM Docket No. 86-406, Memorandum Opinion and Order, 3 FCC Rcd 5024, at ¶ 24 (1988) (requiring stations to "maintain a meaningful management and staff presence" at the main studio, pursuant to Sections 4(i) and 303 of the Communications Act of 1934, as amended). Some comments also have raised concerns that local service agreements result in job losses. The Coalition agrees with the Coalition to Preserve Local TV Broadcasting that such agreements actually save and can even create jobs. *See* Comments of the Coalition to Preserve Local TV Broadcasting, at 13-14 (noting that "[t]he contraction of advertising revenue caused by the recent recession and intense competition from cable, the Internet, and other platforms makes Local Service Agreements necessary to avoid the kind of wholesale elimination of local news jobs that would otherwise occur").

Likewise, appointment of a negotiating agent for retransmission consent negotiations does not amount to ceding ultimate control over the negotiations and their outcome, much less control of the station.[74] It does not create for the negotiating agent an attributable interest in the station receiving the negotiating assistance. The FCC has held repeatedly that *there is no prohibition on "delegation of day-to-day operations relating to those three areas [programming, personnel, and finances], so long as the licensee continues to set the policies guiding those operations*."[75] "[T]he touchstone of control, in short, is not divining who executes that station's policies, but who establishes those policies governing the three areas and exercises ultimate control."[76] Delegation of responsibility for negotiating retransmission consent agreements in no way entails ceding control over the station's policies with respect to programming, personnel, or finances. Nor does it amount to providing the negotiating party with an attributable interest in the station for which it is negotiating retransmission consent — *i.e.*, "a degree of influence or control such that the holders have a realistic potential to affect the programming decisions of licensees or other core operating functions."[77] As NAB has pointed out:

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[74] *See* Comments of Time Warner Cable Inc., at 15 (March 5, 2012) (arguing that appointment of a third party to conduct retransmission consent negotiations should be deemed to constitute a "transfer of control" requiring prior Commission approval; further arguing that joint retransmission consent negotiations should be banned).

[75] *Choctaw Broadcasting Corporation*, 12 FCC Rcd 8534, 8539 (1997) (emphasis added) [hereinafter "*Choctaw*"]. *See also Nexstar*, 23 FCC Rcd at 3533 ("The Commission has long held that a licensee may delegate day-to-day operations without surrendering *de facto* control, so long as the licensee continues to set the policies governing these three indicia of control."). *See also WGPR, Inc.*, 10 FCC Rcd 8140, 8142 (1995), vacated on other grounds sub nom, *Serafyn v. FCC*, 149 F.3d 1213 (D.C. Cir. 1998) (clearly distinguishing between delegations of responsibility for programming, personnel and finance, and "ultimate decision-making authority over those responsibilities"); *Southwest Texas Broadcasting Council*, 85 F.C.C.2d 713, 715 (1981).

[76] *Choctaw*, at 8539.

[77] *Attribution Order*, at ¶ 1.

> the terms and conditions of the retransmission of broadcast signals by MVPDs do not impact a licensee's programming decisions (*e.g.*, what programming the station airs), personnel decisions (e.g., the hiring, firing, and compensation of employees), or financial control (*e.g.*, the payment of significant station expenses) and thus do not constitute the kinds of "core operating functions" which give rise to attribution. As a result, the ability of a station to negotiate retransmission consent on behalf of another station under separate ownership and control—whether pursuant to a sharing arrangement or otherwise—is simply irrelevant from an attribution perspective.[78]

Congress intended that retransmission consent negotiations be conducted in the marketplace. Subject to the parties' obligation to negotiate in good faith, Congress did not impose restrictions on the negotiating approaches that the parties to these negotiations could take.[79] Indeed, the Commission has identified "[p]roposals for carriage conditioned on carriage of any other programming, such as… another broadcast station either in the same or a different market" as a bargaining position that presumptively is consistent with the good faith negotiation requirement.[80] Thus, the Commission should not interfere with these negotiations, and should not prohibit the appointment of negotiating agents, whether directly (by imposing a flat bar) or indirectly (by making such arrangements attributable, and thus impermissible in many markets).

In addition, arguments made by cable operators with respect to retransmission consent ignore or distort how these negotiations actually work in the real world. For example, they claim to be victimized by joint negotiations, but in the Coalition members' experience, where the

[78] NAB NPRM Comments, at 69; *see also id.* at 68 (noting that FCC already has an open proceeding with respect to joint negotiation of retransmission consent).

[79] *See* 47 U.S.C. § 325(b). *See also* S. Rep. No. 102-92 (1991), at 36 (Congress intended to "establish a marketplace for the disposition of the rights to retransmit broadcast signals" and not to "dictate the outcome of the ensuing marketplace negotiations").

[80] *See* Implementation of the Satellite Home Viewer Improvement Act of 1999, CS Docket No. 99-363, First Report and Order, 15 FCC Rcd 5445, at ¶¶ 39 and 56 (2000).

service-providing station has the authority to negotiate on behalf of the service-receiving station, the operators rarely even request separate negotiations. Moreover, operators have cited instances to the FCC of being required to engage in joint negotiations, in cases where they never even requested individual negotiations or otherwise raised concerns at the time. For example, cable operator Ritter Communications ("Ritter") complains that Coalition member Schurz recently negotiated on behalf a non-owned station in the Springfield, Missouri, market, a negotiation cited as an example of a case where "ACA member companies… *had* to negotiate retransmission consent fees with a single representative for separately owned, same market broadcasters."[81] That characterization misstates the facts: Ritter did not express any concern to Schurz at the time of the negotiation, and having failed to request separate negotiations, should not now be heard to complain that it "had" to undertake a joint negotiation.[82] In addition, in the *last* negotiation cycle, ACA member Mediacom objected to negotiations covering both Schurz's Springfield station and the station receiving services from Schurz's station. Accordingly, the General Manager for Schurz's station negotiated on behalf of that station and the owner of the service-receiving station handled the negotiations for his station. In *this* cycle, however, Mediacom did not even raise the issue and did not object to negotiations covering both stations.

C. If SSAs And Other Local Service Agreements Are Made Attributable, Existing Agreements Should Be Grandfathered And Freely Transferable.

The record demonstrates that SSAs and other local service agreements, such as LNSs, serve the public interest and do not implicate the types of concerns that raise attribution issues.

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[81] *See* American Cable Association *ex parte* letter, MB Docket Nos. 10-71 and 09-182, at 4 (March 19, 2012) (emphasis added).

[82] In addition, Schurz did not negotiate with Ritter; the local General Manager for its Springfield station handled the negotiation.

Thus, such agreements should not lead to attribution. If, however, the Commission decides to make certain of these agreements attributable, it should grandfather agreements in effect as of the date on which such an order becomes effective. Such agreements also should be freely transferable, so that their public interest benefits are not lost and service to the public impaired. The Commission should not force stations to unwind contracts entered into at arms-length and in reliance on longstanding Commission policies. Not only would this be unfair to stations who negotiated these agreements consistent with applicable Commission precedent, but failure to grandfather these agreements from a change in the Commission's policies would harm the public.

Moreover, forcing parties to terminate SSAs and other local service agreements that were compliant with the law at the time they were entered into would harm the interests of localism, diversity, and competition, as well as service to the public more generally. It would result in numerous stations — and the viewers that rely on them — losing news programming, because the arrangements would trigger duopoly limits and have to be terminated; these stations could even go out of business entirely. This would be particularly harmful in small- and medium-size markets, because under the current duopoly rule, there will not be eight voices remaining in the market post-attribution. Thus, in the very markets that present the most challenges in supporting multiple news operations, viewers will lose news programming as stations replace news programming with syndicated programming or other non-local programming. Forcing in-market agreements to be unwound is, like divestiture, "disruptive to the industry and a hardship for individual owners," as well as to the viewers of those entities.[83] The marketplace impact of

[83] NPRM, at ¶¶ 100 and 114; *see also id.* at ¶ 37 (grandfathering avoids "disruption of settled expectations").

forcing stations to unwind these agreements would be dramatic, and far greater than the impact that the Commission sought to avoid in grandfathering LMAs that do not otherwise comply with the duopoly rule, considering how many stations are parties to local service agreements such as SSAs.

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Reform of the local television rule and maintaining stations' ability to enter into local sharing agreements are both essential if local stations are to continue to provide and improve service to their communities in the future.

Respectfully submitted,

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April 17, 2012

<u>**Exhibit 1:**</u>
List of Coalition Stations

Barrington Broadcasting Group

WEYI-TV, Saginaw, MI
WBSF, Bay City, MI
WNWO-TV, Toledo, OH
WSTM-TV, Syracuse, NY
WACH, Columbia, SC
KGBT-TV, Harlingen, TX
KXRM-TV, Colorado Springs, CO
WPDE-TV/WWMB, Florence, SC
WPBN-TV, Traverse City, MI
WTOM-TV, Cheboygan, MI
WHOI, Peoria, IL
KVII-TV, Amarillo, TX
KVIH-TV, Clovis, NM
KRCG, Jefferson City, MO
WFXL, Albany, GA
KHQA-TV, Hannibal, MO
WLUC-TV, Marquette, MI
KTVO, Kirksville, MO

Cordillera Communications

WLEX-TV, Lexington, KY
KVOA-TV, Tucson, AZ
KOAA-TV, Pueblo, CO
KSBY, San Luis Obispo, CA
KATC, Lafayette, LA
KRIS-TV, Corpus Christi, TX
KPAX-TV, Missoula, MT
KTVQ, Billings, MT
KRTV, Great Falls, MT
KXLF-TV, Butte, MT
KBZK, Bozeman, MT

Fisher Communications, Inc.

KLEW-TV, Lewiston, ID*
KBOI-TV, Boise, ID
KVAL-TV, Eugene, OR
KCBY-TV, Coos Bay, OR*
KPIC, Roseburg, OR*
KEPR-TV, Pasco, WA*

KIMA-TV, Yakima, WA
KBAK-TV, Bakersfield, CA
KIDK, Idaho Falls, ID

LIN Television Corporation, d/b/a LIN Media

WPRI-TV**,** Providence, RI
WDTN, Dayton, OH
WALA-TV, Mobile, AL
WFNA, Gulf Shores, AL
WBDT, Springfield, OH
WLUK-TV, Green Bay, WI
WCWF, Suring, WI
WANE-TV, Fort Wayne, IN
WTHI-TV, Terre Haute, IN
WLFI-TV, Lafayette, IN
WWLP, Springfield, MA
WIVB-TV, Buffalo, NY
WNLO, Buffalo, NY

Morgan Murphy Media

KXLY-TV, Spokane, WA
WISC-TV, Madison, WI
KAPP-TV, Yakima, WA
KVEW-TV, Kennewick, WA
WKBT, La Crosse, WI

Quincy Newspapers, Inc.

WKOW-TV, Madison, WI
WSJV, Elkhart, IN
KWWL,Waterloo, IA
WXOW-TV, La Crosse, WI
WQOW-TV, Eau Claire, WI*
WREX-TV, Rockford, IL
WAOW-TV, Wausau, WI,
WMOW, Crandon, WI
WYOW, Eagle River, WI*
KTIV, Sioux City, IA
WVVA, Bluefield, WV
KTTC, Rochester, MN
WGEM-TV, Quincy, IL

Raycom Media, Inc.

WTNZ, Knoxville, TN

WTOL, Toledo, OH
KOLD-TV, Tucson, AZ
KHNL, Honolulu, HI
KHBC-TV, Hilo, HI*
KOGG, Wailuku, HI*
KGMB, Honolulu, HI
KFVS-TV, Cape Girardeau, MO
KSLA-TV, Shreveport, LA
WIS, Columbia, SC
WAFF, Huntsville, AL
WLBT, Jackson, MS
WAFB, Baton Rouge, LA
WTOC-TV, Savannah, GA
WFIE, Evansville, IN
KLTV, Tyler, TX
KTRE, Lufkin, TX
WFXG, Augusta, GA
WSFA, Montgomery, AL
WCSC, Charleston, SC
WMBF-TV, Myrtle Beach, SC
WTVM, Columbus, GA
WWBT, Richmond, VA
WECT, Wilmington, NC
KCBD, Lubbock, TX
WALB, Albany, GA
WPGX, Panama City, FL
WLOX, Biloxi, MS
WDAM-TV, Hattiesburg, MS
WDFX-TV, Dothan, AL
KPLC, Lake Charles, LA
KAIT, Jonesboro, AR

Schurz Communications, Inc.

WDBJ, Roanoke, VA
KYTV, Springfield, MO
WSBT-TV, South Bend, IN
WAGT, Augusta, GA
KWCH-TV, Wichita-Hutchinson, KS
KTUU, Anchorage, AL
KSCW, Wichita, KS
KBSD-TV, Ensign, KS*
KBSH-TV, Hays, KS*
KBSL-TV, Goodland, KS*

* = satellite station