

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
2010 Quadrennial 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
	)	
Petition of KVOA Communications, Inc. for Finding of Bad Faith Retransmission Consent Negotiations against Time Warner Cable	)	MB Docket No. 12-15 File No. CSR-8578-C
	)	

**REPLY COMMENTS OF CORDILLERA COMMUNICATIONS, INC.**

Cordillera Communications, Inc. (“Cordillera”), by its attorneys and pursuant to Section 1.415(c) of the Commission’s rules, hereby files these reply comments in the above-captioned proceedings in response to the efforts of Time Warner Cable (“TWC”) and other cable operators to politicize a private dispute over retransmission consent in Corpus Christi, Texas,<sup>1</sup> inappropriately inject that dispute into this unrelated proceeding examining broadcast ownership, and improperly influence decision-makers in a bad-faith negotiation case currently pending before the Commission.<sup>2</sup>

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<sup>1</sup> See Comments of Time Warner Cable, Inc., MB Docket No. 09-182, MB Docket No. 07-294, filed Mar. 5, 2012 (“TWC Comments”); Joint Comments of Mediacom Communications Corporation and Sequel Communications LLC d/b/a Suddenlink Communications (“Mediacom/Sequel Comments”), MB Docket No. 09-182, MB Docket No. 07-294, filed Mar. 5, 2012;.

<sup>2</sup> See Time Warner Cable, Petition for Finding of Bad Faith Retransmission Consent Negotiations, KVOA Communications, Inc., KRIS-TV, Corpus Christi, Texas, File No. CSR-8578-C, MB Docket No. 12-15.

Cordillera joined comments in this proceeding filed by the Coalition to Preserve Local TV Broadcasting, which supports rules that give local broadcasters the flexibility to serve their communities through innovative local service agreements, including shared services agreements (“SSAs”), joint sales agreements (“JSAs”), news production and/or news sharing agreements, local marketing agreements, full-power/low power combinations, and multicast network affiliations.<sup>3</sup> The record amply supports Cordillera’s position that such agreements serve the public interest by expanding and enhancing local news and information programming and strengthening local stations that in the absence of such agreements could face severe financial distress.<sup>4</sup> Based on that record, the Commission should not adopt proposals to require reporting or attribution of local service agreements like SSAs, but rather should find ways to encourage such agreements to further the public interest.

Despite the substantial evidence demonstrating the positive impact of SSAs and other local service agreements, TWC and other cable operators have used this proceeding to renew their complaints about retransmission consent of television stations that are party to local service agreements.<sup>5</sup> These complaints are both substantively groundless and misplaced in this proceeding. In short, nothing in the cable operators’ comments provides any basis for a conclusion that the impact of local service agreements on retransmission consent negotiations

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<sup>3</sup> See Comments of the Coalition to Preserve Local TV Broadcasting, MB Docket Nos. 09-182, 07-294, filed Mar. 5, 2012 (“Local TV Coalition Comments”); Reply Comments of the Coalition to Preserve Local TV Broadcasting, MB Docket Nos. 09-182, 07-294, filed July 26, 2010.

<sup>4</sup> See, e.g., Local TV Coalition Comments; Comments of the National Association of Broadcasters, MB Docket Nos. 09-182, 07-294, filed Mar. 5, 2012, at 57-70 (“NAB Comments”); Comments of LIN Television Corporation, MB Docket Nos. 09-182, 07-294, filed Mar. 5, 2012, at 8-15; Comments of Belo Corp., MB Docket Nos. 09-182, 07-294, filed Mar. 5, 2012, at 15-16; Comments of Tribune Company, Debtor-in-Possession on Notice of Proposed Rulemaking, MB Docket Nos. 09-182, 07-294, filed Mar. 5, 2012, at 73-76.

<sup>5</sup> See TWC Comments at 4-17; Mediacom/Sequel Comments at 2-22; Comments of American Cable Association, MB Docket Nos. 09-182, 07-294, filed Mar. 5, 2012, at 13-27.

results in one station acquiring an ownership interest in or exercising control over another. Absent some demonstrable impact on station ownership, changes to the attribution rules or rule changes requiring additional reporting for stations involved in local service agreements are unwarranted.<sup>6</sup> Moreover, as the cable operators know, the Commission already is considering issues related to retransmission consent in a separate docket.<sup>7</sup> The same issues TWC and the other cable operators raise in their comments have been raised and refuted in that proceeding, and there is no need for the Commission to consider those same issues and arguments in both proceedings.

Quite apart from the general lack of merit in their comments, TWC's effort to convert its private retransmission consent dispute with Cordillera in Corpus Christi, Texas, into a stalking horse for its general complaints about retransmission consent is entirely inappropriate and violates the Commission's rules.<sup>8</sup> As TWC acknowledges, the dispute between TWC and Cordillera over carriage of KRIS-TV is before the Commission in MB Docket No. 12-15.<sup>9</sup> Cordillera's allegations of TWC's bad faith have been fully briefed and the matter is awaiting decision. Under these circumstances, TWC's recitation of its unsubstantiated allegations regarding the relationship between KRIS-TV and SagamoreHill-owned television station KZTV(TV) – allegations that have been thoroughly refuted in that proceeding by sworn declarations submitted by both Cordillera and SagamoreHill – is a blatant violation of the Commission's *ex parte* rules.

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<sup>6</sup> NAB Comments at 68-69.

<sup>7</sup> See Amendment of the Commission's Rules Related to Retransmission Consent, *Notice of Proposed Rulemaking*, 26 FCC Rcd 2718 (2011).

<sup>8</sup> See TWC comments at 12-13.

<sup>9</sup> *Id.* at 12.

It is well-established that proceedings alleging bad faith retransmission consent negotiations under Section 76.55 of the Commission's rules are "restricted" proceedings in which *ex parte* presentations are generally prohibited pursuant to Section 1.1208 of the Commission's rules.<sup>10</sup> TWC's comments plainly are an "*ex parte* presentation" within the meaning of the rules because they address the merits of issues raised in MB Docket No. 12-15 and are directed to Commission staff that "may reasonably be expected to be involved in formulating a decision" in that case.<sup>11</sup> Yet TWC did not serve Cordillera with a copy of its comments or file them in MB Docket No. 12-15. While Cordillera became aware of TWC's comments through its review of the docket in this proceeding, that awareness does not excuse TWC's inappropriate efforts to influence the Commission's view of the facts in the complaint proceeding through an *ex parte* filing in the media ownership review docket.

This is just the latest in a long series of bad-faith conduct by TWC, which has included its outright refusal to negotiate (the last new offer of retransmission consent terms was offered by Cordillera three months ago); its baseless threats of litigation over Cordillera's truthful public statements about the dispute; its own deceptive media campaign to discredit Cordillera; and its lodging of unsubstantiated and untrue allegations about the relationship between KRIS-TV and KZTV(TV), many of which are repeated in TWC's comments. While TWC continues to try to score policy points before the FCC from its dispute with Cordillera, approximately 80,000 TWC customers in Corpus Christi are being forced to go without two of the four local news sources for that market. And TWC nonetheless complains in its comments that one of the two remaining local news stations, KZTV(TV), continues to broadcast news about the dispute. All these facts

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<sup>10</sup> See Comment Sought on Mediacom Communications Corporation's Emergency Retransmission Consent Complaint; Establishment of Permit-But-Disclose Ex Parte Procedures, *Public Notice*, 21 FCC Rcd 13114 (2006); see also 47 C.F.R. § 1.1208.

<sup>11</sup> See 47 C.F.R. § 1.1202(a), (b), (c).

are appropriately detailed in MB Docket No. 12-15, and TWC should not be permitted to exploit that proceeding in an effort to convince the Commission to impose the greater restrictions on local service agreements TWC advocates in its comments.

Under these circumstances, the Commission should strike TWC's comments in this proceeding and take such further measures in MB Docket No. 12-15 as the Commission deems necessary to protect the integrity of its decision-making process.

### CONCLUSION

For the reasons set forth above, the Commission should (1) reject proposals to further regulate local service agreements like SSAs and JSAs; (2) find TWC's comments to be an unacceptable *ex parte* presentation concerning matters raised in MB Docket No. 12-15; and (3) strike TWC's comments from the record in MB Docket Nos. 09-182 and 07-294.

Respectfully submitted,

**CORDILLERA COMMUNICATIONS, INC.**

/s/

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April 17, 2012

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## CERTIFICATE OF SERVICE

I certify that on this 17th day of April, 2012, I caused the foregoing Reply Comments to be served by first-class mail on the following:

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