

August 31, 2012

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

Dear Ms. Dortch:

On August 29, 2012, the undersigned counsel for Cox Enterprises, Inc., Bonneville International Corporation, The Scranton Times, L.P., Calvary, Inc., and Morris Communications Company, LLC (collectively the “Media Parties”) and Barry Ohlson, Vice President of Regulatory Affairs, Cox Enterprises, Inc., met with Sherrese Smith, Elizabeth Andrion, Lyle Elder, Michelle Carey, and Jacob Lewis. 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”)¹ 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”).² In response, the Commission extended the time for filing supplemental showings on several occasions, most recently until September 27, 2012. On August 21, 2012, the Commission released an Order dismissing the Media Parties motion for extension of time as moot.³

In the August 29, 2012 meeting, counsel for the Media Parties expressed their concerns that changes to the NBCO Rule and to the applicable standards for evaluation of requests for waiver of that rule are still under consideration by the Commission on remand from the Third Circuit and in the pending 2010 Quadrennial Regulatory Review proceeding.⁴ Further, the Media Parties

¹ 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).

² The Media Parties contended in their original 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 challenges to the NBCO Rule. *See* Motion for Extension of Time at 2, 6 (Sept. 30, 2008).

³ 2006 *Quadrennial Regulatory Review*, Order, DA 12-1364 (rel. August 21, 2012).

⁴ 2010 *Quadrennial Regulatory Review*, Notice of Proposed Rulemaking, FCC 11-186 (rel. December 22, 2011).

noted that adoption of certain of the proposals advanced in the Notice of Proposed Rulemaking in the 2010 proceeding could obviate the need for waivers of the NBCO Rule for the Media Parties and/or alter the standards under which their waiver supplements would be evaluated. Accordingly, the Media Parties requested that the Commission consider deferring the deadline for filing supplemental waiver showings pending the Commission's decision in the 2010 Quadrennial Regulatory Review.

Respectfully submitted,

/s/

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