

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

In Re:	)	
	)	
Cox Radio, Inc.	)	
WSRV(FM), Gainesville, GA	)	FCC Facility ID No. 59970
WALR-FM, Palmetto, GA	)	FCC Facility ID No. 48728
WHIO(AM), Dayton, OH	)	FCC Facility ID No. 14244
WHKO(FM), Dayton, OH	)	FCC Facility ID No. 14245
	)	
Miami Valley Broadcasting Corp.	)	
WHIO-TV, Dayton, OH	)	FCC Facility ID No. 41458
	)	
Calvary, Inc.	)	
KQV(AM), Pittsburgh, PA	)	FCC Facility ID No. 8445
	)	
Bonneville International Corp.	)	
KSL-FM, Midvale, UT	)	FCC Facility ID No. 54156
KRSP-FM, Salt Lake City, UT	)	FCC Facility ID No. 27462
KSFI(FM), Salt Lake City, UT	)	FCC Facility ID No. 60452
	)	
The Scranton Times, L.P.	)	
WEZX(FM), Scranton, PA	)	FCC Facility ID No. 66364
WFUZ(FM), Nanticoke, PA	)	FCC Facility ID No. 66366
WBAX(FM), Wilkes-Barre, PA	)	FCC Facility ID No. 66365
	)	
MCC Radio, LLC	)	
WIBW(AM), Topeka, KS	)	FCC Facility ID No. 63169
WIBW-FM, Topeka, KS	)	FCC Facility ID No. 63174
KGNC(AM), Amarillo, TX	)	FCC Facility ID No. 63159
KGNC-FM, Amarillo, TX	)	FCC Facility ID No. 63161
	)	
To: Chief, Media Bureau	)	

**MOTION FOR EXTENSION OF TIME<sup>1</sup>**

Cox Enterprises, Inc. Calvary, Inc. Bonneville International Corporation, The Scranton Times, L.P., and Morris Communications Company, LLC (the “Media Parties”), by their

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<sup>1</sup> This pleading is also being submitted in the following dockets: MB Docket No. 06-121, MB Docket No. 02-277, MM Docket No. 01-235, MM Docket No. 01-317, and MM Docket No. 00-244.

attorneys and pursuant to Section 1.46 of the Commission’s rules, 47 C.F.R. §1.46,<sup>2</sup> hereby seek an extension of the September 27, 2012 deadline for submitting supplements to their pending requests for waiver or existing waivers of the newspaper/broadcast cross-ownership rule, 47 C.F.R. §73.3555(d) (the “NBCO Rule”), until no more than 60 days following release of an Order concluding the 2010 Quadrennial Review.<sup>3</sup>

In its *2006 Quadrennial Order*, the Commission directed the Media Parties to file supplemental information regarding their existing waivers of the NBCO Rule within 90 days of the effective date of the changes to the NBCO Rule adopted therein.<sup>4</sup> Following court challenges to the *2006 Quadrennial Order*, including the changes to the NBCO Rule, the Commission on January 12, 2012, granted the Media Parties an extension of time to file the required supplemental waiver showings “until 90 days after the issuance of a final court order, including the expiration of the period for all judicial review,” resolving court challenges involving the NBCO Rule.<sup>5</sup> On July 7, 2011, the United States Court of Appeals for the Third Circuit issued an order vacating the changes to the NBCO Rule and remanding the Rule to the Commission for

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<sup>2</sup> The FCC also has authority under Section 1.41 of its rules, 47 C.F.R. § 1.41, to grant this request. *See California Metro Mobile Communications, Inc. v. FCC*, 365 F.3d 38, 44 (D.C. Cir. 2004); *Nassau County Police Department*, 19 FCC Rcd 10088, 10092 (Pub. Safety and Private Wireless Div. 2004); *JPJ Electronic Communications, Inc.*, 16 FCC Rcd 2902, 2904 (Pub. Safety and Private Wireless Div. 2001).

<sup>3</sup> *See* 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, *Notice of Inquiry*, MB Docket No. 09-182, DA 10-92 (rel. May 25, 2010) (the “2010 Quadrennial Review”).

<sup>4</sup> *See* 2006 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, *Report and Order and Order on Reconsideration*, 23 FCC Rcd 2010 ¶¶ 78 & nn.257, 258 (2008) (“*2006 Quadrennial Order*”), *affirmed in part, vacated in part, Prometheus Radio Project v. FCC*, 652 F.3d 431 (3d Cir. 2011).

<sup>5</sup> *See* 2006 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, *Order*, MB Docket No. 06-121, *et al.*, DA 12-40 (rel. Jan. 12, 2012).

further consideration,<sup>6</sup> and on June 28, 2012, the Supreme Court denied petitions for *certiorari* seeking review of the Third Circuit’s decision.<sup>7</sup> On August 21, 2012, the Commission on its own motion issued a further order confirming that the date for filing the supplemental waiver showings called for by the 2006 *Quadrennial Order* would be 90 days from June 28, 2012, *i.e.*, September 27, 2012.<sup>8</sup>

The Media Parties hereby seek an additional extension of time to file their supplements. Changes to the NBCO Rule currently are under Commission consideration on remand from the Third Circuit and in the pending 2010 Quadrennial Media Ownership Review.<sup>9</sup> Until that proceeding is concluded, the NBCO Rule and the applicable standards for evaluation of waivers of that rule are uncertain and subject to change. Indeed, the Commission’s adoption of certain of the proposals advanced in the 2011 *NPRM* could eliminate the need for waivers of the NBCO Rule for some or all of the newspaper/broadcast combinations owned by the Media Parties and/or alter the standards by which their supplemental filings would be evaluated. Given the Commission’s consideration of changes to the NBCO rule and waiver standards, requiring the Media Parties to file supplements to waivers of the current NBCO Rule, and the attendant staff review of those requests, would be a substantial waste of both private and administrative

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<sup>6</sup> *Prometheus Radio Project*, 652 F.3d at 453-54.

<sup>7</sup> *Media General, Inc. v. FCC, et al.* (No. 11-691); *Tribune Company, et al. v. FCC, et al.* (No. 11-696); *Nat. Assn. of Broadcasters v. FCC et al.* (No. 11-698), 567 U.S. \_\_\_\_ (June 29, 2012), available at <http://www.supremecourt.gov/orders/courtorders/062912zr4f6k.pdf>.

<sup>8</sup> See 2006 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, *Order*, MB Docket No. 06-121, *et al.*, DA 12-1364 (rel. Aug. 21, 2012). The Commission also dismissed as moot a pending motion filed by the Media Parties seeking an adjustment of the filing deadline. *Id.* at ¶ 2.

<sup>9</sup> See 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, *Notice of Proposed Rulemaking*, MB Docket No. 09-182, DA 11-186 ¶¶ 84-117 (rel. Dec 22, 2011) (the “2011 *NPRM*”).

resources. Once the 2010 Quadrennial Review is completed, the Media Parties could be bound to file additional supplements. A better approach would be to extend the filing period to require the Media Parties to file supplements to waivers for existing combinations on a date certain following the release of an order completing the 2010 Quadrennial Review.

For these reasons, the Media Parties hereby request that the Commission grant an extension ordering that no later than 60 days after the Commission's release of its report and order in the 2010 Quadrennial Review, the Media Parties will file supplements to their pending requests for waiver or existing waivers of the NBCO Rule. The Media Parties hereby represent that they will file such supplements notwithstanding the pendency of any administrative or judicial challenges to the Commission's Report and Order and regardless of whether the NBCO Rule adopted by the Commission is effective or its effectiveness has been stayed.

Respectfully submitted,

COX ENTERPRISES, INC.

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/s/

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BONNEVILLE INTERNATIONAL  
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September 10, 2012

**CERTIFICATE OF SERVICE**

I, Tammi Foxwell, a secretary at the law firm of Dow Lohnes PLLC, do hereby certify that on the 10th day of September, 2012, I caused a copy of the foregoing “Motion for Extension of Time” to be delivered by hand to the following:

Sherrese Smith  
Chief Counsel and Senior Legal Advisor  
Office of Chairman Julius Genachowski  
Federal Communications Commission  
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\_\_\_\_\_/s/\_\_\_\_\_  
Tammi Foxwell