



January 24, 2013

VIA ECFS

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20054

Re: *Ex Parte* Presentation, MB Docket Nos. 09-182 and 06-121

Dear Ms. Dortch:

This letter is filed on behalf of Channel 32 Montgomery LLC (“Channel 32”), licensee of digital full-power commercial television station WNCF(DT), Montgomery, Alabama (“WNCF”), an ABC affiliate, in the above-referenced proceedings in which the Federal Communications Commission (“Commission”) seeks comment on, *inter alia*, whether to change the attribution status of television joint sales agreements (“JSAs”). Channel 32 submits the instant letter to advise the Commission of public interest benefits that have ensued since Channel 32 entered into an “Agreement for the Sale of Commercial Time and Services” (“Agreement”) with Bahakel Communications, Ltd. (“Bahakel”), licensee of WAKA(TV), the CBS affiliate in Selma, Alabama (“WAKA”), in July 2011.

Pursuant to the Agreement, Bahakel agreed to provide up to 15 percent of the weekly programming on WNCF. Bahakel also purchased the non-license assets of WNCF, and the two parties entered into an agreement pursuant to which Channel 32 leases many of those assets from Bahakel. Since the Agreement was executed, Bahakel’s staff has sold the advertising inventory on WNCF through a sales unit dedicated to selling inventory on WNCF.

The benefits to the public resulting from implementation of the Agreement include the following:

1. **Expansion of Local News.** Channel 32 has been able to expand the local news on WNCN in a way it never could before. Previously, Channel 32 had to use the anchors from Independent News Network (“INN”), a regional news group out of Davenport, Iowa, to present local stories generated by the WNCN local reporting staff. With the help of Bahakel, Channel 32 is on the verge of making a major entrance into local news, as it is just days away from providing news programming five mornings and seven evenings per week. WNCN also now has local anchors and local reporters. These resources attained through the Agreement have allowed WNCN to create a new identity in the market, as it actively serves the Montgomery community with more depth and focus. The Agreement will enable WNCN to become a major player in local news, weather and sports service in Montgomery for the first time in many years.
2. **Better Resources.** Needed marketing, promotion and execution resources also are now available to WNCN. The expertise of Bahakel, a larger company that competes in markets as large as Charlotte, North Carolina, has been invaluable. As a result of this expertise, WNCN’s viewers receive a better product and WNCN’s advertisers are provided a better vehicle to display their wares.
3. **Technical Improvements.** The Agreement with Bahakel has allowed Channel 32 to improve its technical reach into the Montgomery community. Specifically, WNCN has been able to relocate to Bahakel’s tower and to increase its power. These changes have positioned WNCN better technically than ever before. WNCN’s signal is stronger and denser, ensuring that each of the viewers in the Montgomery community who wants to watch WNCN is capable of doing so. In the future, these changes also will enable WNCN to compete in the world of mobile broadcasting.
4. **Infusion of Capital.** Channel 32 previously did not have readily available the requisite amounts of capital necessary to improve the amount and quality of news it broadcast. The provision of more and better news, however, is now on the cusp of reality for WNCN as a direct result of the Agreement. In addition, Channel 32 lacked the capital to invest in the technical improvements described above. As a result of the Agreement, WNCN is a much stronger and healthier station in Montgomery, allowing it to provide vastly improved news and local programming to its viewers.

In light of these and numerous other real-world examples of the public benefits that ensue from JSAs, Channel 32 urges the Commission not to make JSAs attributable. If, however, the Commission deems such a change necessary, Channel 32 asserts that the Commission must open a new proceeding to ensure a complete record on the issue and to document the public interest rationales behind such a change. If, however, after this thorough review, the FCC ultimately

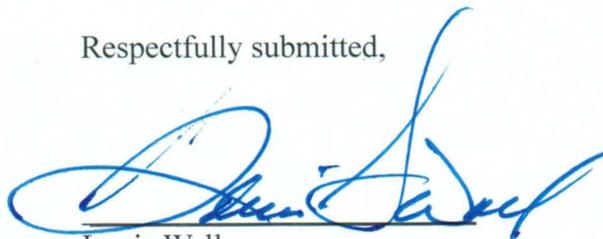
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decides to make JSAs attributable, Channel 32 suggests that the Commission modify its local television ownership rules in small and medium-sized markets, which have not effectively changed since they were adopted in 1974.

The Media Bureau has routinely approved JSAs and similar agreements for almost a decade, resulting in millions of dollars of investment. Accordingly, if the Commission proceeds to make JSAs attributable without loosening the local television ownership restrictions in small and medium-sized markets, Channel 32 urges the Commission to permanently grandfather existing JSA arrangements. Alternatively, Channel 32 recommends that the Commission adopt an exemption for JSA brokers that provide significant local news and locally-originated programming on brokered stations, such as WNCN. Such an exemption is necessary to encourage programming improvements, such as local news, that otherwise would very likely be absent because of the frequently poor pre-JSA financial conditions of brokered stations. Channel 32 also suggests an exemption for brokers that sell time on any brokered stations with sales staff or sales teams dedicated exclusively to selling time on the brokered station. This approach would alleviate any concerns that a broker might acquire allegedly excess leverage over programming on the broadcast station.

This letter is filed pursuant to Section 1.1206 of the Commission's rules and should be treated as a written *ex parte* communication.

Respectfully submitted,



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