



GEORGETOWN LAW
INSTITUTE FOR PUBLIC REPRESENTATION

Hope M. Babcock
Angela J. Campbell
Brian Wolfman
Directors
Thomas M. Gremillion
Justin Gundlach
Anne W. King
Aaron Mackey*
Eric Null**
Staff Attorneys

600 New Jersey Avenue, NW, Suite 312
Washington, DC 20001-2075
Telephone: 202-662-9535
Fax: 202-662-9634

August 29, 2013

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12 St. SW
Washington, DC 20554

Re: Notice of *Ex Parte* presentation:

MB Docket No. 13-189 – Application for Consent to Assignment of Broadcast Station Licenses from Belo Corp. To Gannett Co., Inc., Sander Operating Co. and Tucker Operating Co;
MB Docket No. 13-190 – Application for Consent to Assignment of Broadcast Station Licenses from Local TV, LLC, to Dreamcatcher Broadcasting, LLC;
MB Docket No. 09-182 – 2010 Quadrennial Regulatory Review;
MB Docket No. 07-294 – Promoting Diversification of Ownership in the Broadcasting Services.

Dear Ms. Dortch:

On August 27th, 2013, Eric Null and Angela Campbell of Georgetown University Law Center's Institute for Public Representation (IPR), as well as Matt Wood and Lauren Wilson of Free Press (FP), met with Sarah Whitesell, Legal Advisor for Media in Acting Chairwoman Clyburn's office.

In the meeting, IPR and FP reiterated their position that the full Commission should review the Gannett-Belo and Tribune-Local TV licensing proceedings. The Commission itself has not reviewed any cases involving sharing arrangements between same market television station since *Acklerley*,¹ eleven years ago, and has never considered sharing arrangements

¹ Shareholders of the Ackerley Group, Inc (Transferor) and Clear Channel Communications, Inc. (Transferee) For Transfer of Control of the Ackerley Group, Inc., and Certain Subsidiaries,

*Admitted to the California bar only; **Admitted to the New York bar only;
DC bar memberships pending. Practice supervised by members of the DC bar.

between a local television station and a daily newspaper. Since that time, there has been a vast increase in the number of sharing arrangements. While in some cases, these arrangements have been permitted by the Media Bureau, the Bureau decisions are confusing, lacking in detail, and difficult to apply to subsequent transactions, especially when financial details are redacted. Further, in at least three cases, parties have applied for review by the full Commission and the Commission has failed to act. A full Commission decision on whether the Gannett and Tribune transactions are in the public interest would provide guidance and clarity in this area.

The Commission need not await the outcome of the 2010 Quadrennial Review (QR) or some other rulemaking to recognize the harm of covert consolidation in the transactions pending before it. IPR and FP advocated that in any circumstance, the FCC use the attribution test proposed by UCC et al. in their 2010 QR comments, not necessarily to discourage sharing arrangements but to attribute them properly.

Public disclosure of sharing arrangements would be a step in the right direction, but that is not enough. Sharing agreements are often redacted, and the financial information (which would likely be redacted) is crucial when deciding how to attribute ownership. In the same vein, gathering data about these sharing arrangements would be helpful, but the Gannett and Tribune mergers provide real examples of what these sharing arrangements look like, and the Commission could make a decision based on those agreements.

On a different topic within the QR, regarding the MMTC study, IPR and FP reiterated their concerns over methodological flaws and the data's lack of usefulness.

Respectfully submitted,

/s/

Matthew F. Wood
Lauren M. Wilson
Free Press
1025 Connecticut Ave. NW, Suite 1110
Washington, D.C. 20036
(202) 265-1490

Eric G. Null
Angela J. Campbell
Institute for Public Representation
Georgetown Law
600 New Jersey Avenue, NW
Washington, DC 20001
(202) 662-9535

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Memorandum Opinion and Order, 17 FCC Rcd 10828 (2002). Here, the Commission found that an agreement for one station to provide up to 15% of local programming plus other services should have been attributed.