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February 28, 2014

BY CDBS

Federal Communications Commission
445 12th Street, NW
Washington, DC 20554
Attn: Marlene Dortch, Secretary

Re: MB Docket Nos. 07-294 and 09-182

Dear Ms. Dortch:

On Wednesday, February 26, 2014, Pervis Parker, the General Manager and Chief Creative Officer of WLOO, Vicksburg, Mississippi (formerly WUFX), licensed to Tougaloo College, and the station's FCC counsel Jennifer Johnson and Eve Pogoriler of Covington & Burling LLP, met in separate meetings with: Commissioner Pai and his Chief of Staff Matthew Berry; and Adonis Hoffman, Chief of Staff and Senior Legal Advisor to Commissioner Clyburn, and legal intern Stefanie Frank. On Thursday, February 27, Mr. Parker, Ms. Johnson, and Ms. Pogoriler met in separate meetings with Maria Kirby, Legal Advisor to Chairman Wheeler; Clint Odom, Policy Director for Commissioner Rosenworcel; and Commissioner O'Rielly and his Senior Legal Advisor and Chief of Staff, Courtney Reinhard.

Mr. Parker explained in these meetings that Tougaloo College is a historically African-American college, founded in 1869, and that it is a party to a joint sales agreement ("JSA") with WDBD, LLC, licensee of WDBD(TV), Jackson, Mississippi. Mr. Parker explained that this JSA has advanced the interests of diversity in media ownership, localism, and competition, by permitting Tougaloo College to be a new entrant in the television industry, to invest in the creation of new programming, and to compete for programming and advertising.

Tougaloo College became a new entrant into the television industry in late 2012, when Tougaloo College acquired WUFX, now known as WLOO. At the same time, the station entered into the JSA with WDBD. Mr. Parker explained that, without the JSA, Tougaloo College would not have the resources necessary to grow the station and bring the many benefits to the community and students that WLOO now provides. The JSA allows the WLOO to invest its limited resources in programming, infrastructure and student education that have a meaningful impact in the station's community.

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In the meetings, Mr. Parker described ways in which the JSA has enabled the station to invest its limited resources in a manner that benefits the local community, the College's students, and the viewing public, such as:

- When key station equipment broke down, the resources made available through the efficiencies of the JSA permitted the station to invest not only in replacing the equipment, but in upgrading to high definition (HD) capability. The upgrade to HD will be completed next month. Mr. Parker explained that this is a very expensive undertaking, and that the investment would not have been feasible without the revenue and savings that the station derives from the JSA. The HD signal will benefit all viewers, whether they receive WLOO's signal using over-the-air television, or whether they subscribe to pay-TV services. Moreover, Mr. Parker explained that several major advertisers in the market will now advertise only on HD stations. The upgrade to HD thus has been a vital step in maintaining competitiveness in the local advertising market.
- Mr. Parker described the station's creative services and entry into the content production business. WLOO produces high-production-value commercials for local advertisers. It is now using the station's production/creative resources to launch its own, locally-originated program, called "I.M.A.G.E." ("Imagine Making A Greater Effort...To Do the Right Thing"). I.M.A.G.E. is geared at teens, and uses sketches, music, and dance to educate teens and help them make the right choices. The program addresses important teen issues, such as abuse, drinking, texting and driving, bullying, healthy eating, tobacco use, teen pregnancy, and violence, in an accessible, entertaining way. WLOO plans to premiere the pilot episode in the 2nd quarter of this year. The station intends to launch the program locally and throughout the state of Mississippi first. Mr. Parker noted that WLOO already has had expressions of interest concerning national syndication of the program.
- As a college-owned station, WLOO seeks opportunities to advance the educational mission of Tougaloo College. As part of the station's initiative with the mass communications students at the College, WLOO provides real-world, hands-on experience for students interested in production and other aspects of television station operations. The mass communications department has approximately 50 students, and at any time, from 7 to 10 of these students intern at the station and learn valuable production/creative skills, including through participation in the production of commercials and in the I.M.A.G.E. campaign. These internships give the students valuable job skills and mentoring opportunities.
- Mr. Parker explained that WLOO has affiliations with two broadcast television networks, MyNetworkTV and Soul of the South. He noted that the station was an

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early affiliate of Soul of the South network, which is a newly-launched network that covers the events, lifestyles, and culture of African-American Southerners.¹ Soul of the South provides a range of programming, from documentaries and dramas to comedies, movies, and talk shows. The network also provides news coverage.² Mr. Parker stated that Soul of the South has been well-received by viewers, and that WLOO is excited to see the network develop and expand.

- In the meetings, Mr. Parker discussed the possibility that WLOO will begin creating original new programming for Soul of the South, MyNetworkTV, or other possible national distributors, based on preliminary conversations that he has had with these entities. While these discussions are preliminary, WLOO is optimistic that programs such as I.M.A.G.E. will provide an opportunity for the College to become a new programming voice on the local, regional, and national stage.
- The JSA has enabled the station to provide popular local and professional sports coverage. For example, WLOO has been able to broadcast exclusive coverage of local high school football games, in collaboration with the media programs at local high schools. The station also has acquired the rights to broadcast pre-season New Orleans Saints games, a very popular offering in the community.

Mr. Parker stated that without the efficiencies permitted by the station's JSA, and the revenues it produces, WLOO simply would not have been able to invest in creating new original programming or upgrading WLOO to HD. These investments, in turn, have enhanced the station's ability to be a strong affiliate of its networks, including the new Soul of the South network, and to provide a valuable training ground for Tougaloo College's mass communications students.

In the meetings, Mr. Parker explained that he understands that some are arguing that JSAs should be attributable on the theory that they could give the station making the advertising sales influence over the other station. He stated that in the station's experience, the JSA does not have this effect. As the General Manager of the station, Mr. Parker makes all key programming, operational, and financial decisions for the station, subject to direction from the board of trustees of the College. He noted that the WDBD staff that sells WLOO's advertising time reports to Mr. Parker, and he meets regularly with this staff to monitor and oversee their sales. In essence, the JSA is simply a service for which the station pays, and control of the station starts and ends at the station.

¹ See <http://www.ssn.tv/the-station/>.

² See <http://www.ssn.tv/soul-of-the-south-news/>.

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In response to a query about what would happen if the JSA was required to be terminated, Mr. Parker explained that the effect would be to cut off the resources that have enabled the station to thrive and to grow. Termination of the JSA would divert all of the station's available resources simply to be able to sustain basic operations. The station would need to hire sales talent capable of selling time on WLOO, which is the smallest network affiliate in its small market (number 93). If such talent could not be recruited on WLOO's budget, then the station's sales revenue would drop markedly. The station also would need to hire related staff to manage traffic and billing. The staff employed in the station's fledgling programming department would have to be cut, ending the station's ability to continue and grow its new local content production projects. Mr. Parker also stated that termination of the JSA would leave the station with no margin to buy new equipment in the event of an equipment failure, an ever-present possibility for a station operating on donated equipment.

Mr. Parker also noted that WLOO is exploring the launch of a weekly, local long-form news magazine program, and stated that the station eventually would like to create its own daily news program. He explained that creation of a news department would take substantial up-front and ongoing expenses, however, and that it would likely take several years before such an investment would become profitable. WLOO also is considering production of a documentary on blues history, in 2015. With Tougaloo College's limited resources, it is only through the efficiencies of the JSA that WLOO can even consider making taking these kinds of financial risks.

With respect to the recent filing by the Department of Justice ("DOJ"),³ WLOO's representatives noted that the DOJ submission focused narrowly on competition, but overlooked localism and diversity — two vital goals that also shape the Commission's ownership policies. Moreover, even with respect to competition, the DOJ's view of competition is very narrow and disregards the intense competition that television stations face for local advertising dollars, competition that comes not only from other stations but also from cable providers, websites, and others. They also pointed out that the DOJ typically reviews transactions involving JSAs only when a certain local television advertising market share benchmark would be triggered; yet DOJ advocates for a one-size-fits-all attribution policy that would affect all stations in all markets, including those smaller markets where it is rare to find eight independent television voices, and regardless of market concentration. Mr. Parker also noted that the JSA actually has enhanced competition, because the JSA makes the station a stronger competitor in the market with respect to advertising and programming.

Ultimately, Mr. Parker explained that the JSA has permitted WLOO to become a real success story, enabling a new, minority station owner to reinvigorate this station and expand

³ *Ex Parte* Submission of the United States Department of Justice, MB Docket Nos. 09-182, 07-294, and 04-256 (Feb. 20, 2013).

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its local services. The JSA not only has permitted the station to thrive, it has given the station the ability to plan for more, new services in the years to come. The station currently has seven full-time employees, and WLOO intends to hire another four-five full-time employees this year and another six in 2015, for the local news magazine program described above. Mr. Parker expressed a wish to visit the FCC several years from now in order to describe all of the accomplishments that he expects the station to achieve in the coming years, with the benefit of the JSA.

Respectfully submitted,



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