ALLBRITTON COMMUNICATIONS

Jerald N. Fritz
Senior Vice President
Legal and Strategic Affairs
Tel: (703) 647-8747
Fax: (703) 647-8740
jfritz@allbrittontv.com

VIA ECFS

March 11, 2014

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Notice - *Attribution of Joint Sales Agreements in Local Television Markets,* MB Docket No. 04-256

Dear Madam Secretary:

In compliance with Section 1.1206(b) of the Commission's rules, the undersigned submits this *ex parte* notice relating to the above-captioned proceeding.

On March 11, 2014, the undersigned spoke with Clint Odom, Commissioner Rosenworcel's Policy Director, concerning the proposal to attribute "as owned" stations operated pursuant to joint sales agreements ("JSAs") to the provider of those sales services.

In particular, we discussed the applicability of the proposed new rules to applications currently pending before the Commission. To do so would result in a manifest inequity. Parties to applications in the "pipeline" relied in good faith on a decade's worth of staff and Commission guidance. It would be fundamentally unfair to penalize parties for structuring deals to meet specific FCC Staff guidance. Some pending applications were filed concurrently with others that have already been approved under the same guidelines. To grant some but not others would appear arbitrary and capricious. At a minimum, all pending applications filed prior to any Commission action on attributing JSAs as owned stations should be permitted to close.

It is a fundamental tenant of administrative law that similarly situated applicants should be treated the same absent manifest error in the earlier case. Several pending applications with JSAs as part of the transactions were filed during the same time period of time as other that have been approved including:

- Media General/Young – announced June 6, FCC granted on November 8;
- Gannett/Belo – announced June 13, FCC granted on December 20; and
- Tribune/Local – announced July 1, FCC granted on December 20.

Importantly, granting pending applications that include JSAs, in fact, will be subject to the new requirement to reform the JSAs. The Commission's goals will be achieved. The only difference is that a reasonable time will be given to comply with the new rules equivalent to others similarly situated.

Many of these applications have been pending for over a half a year. The Commission has always been cognizant that delay causes operational problems that should be avoided when possible. Further delay as new financing and deals are restructured exacerbates the problem and takes a toll on employees. To change well-established guidelines more than eight months after some of these deals were signed has significant ramifications on the management of these stations.

In the event the Commission is intent on pursuing a piecemeal approach to the local video marketplace by attributing JSAs as owned stations, it should make the application of any new rule *prospective only*. The Commission should grant the applications as filed subject to whatever new restrictions are imposed, if any.

In accordance with the Commission's rules this *ex parte* notice is being filed electronically in the above-referenced docket. Please contact the undersigned should you have any questions regarding this matter.

Sincerely,

Jerald N. Fritz
Senior Vice President,
Legal and Strategic Affairs

cc (*via email*): Mr. Clint Odom