

COVINGTON & BURLING LLP

BEIJING BRUSSELS LONDON NEW YORK
SAN DIEGO SAN FRANCISCO SEOUL
SHANGHAI SILICON VALLEY WASHINGTON

1201 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004-2401
T 202.662.6000
WWW.COV.COM

March 14, 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:

WLOO, Vicksburg, Mississippi, licensed to Tougaloo College, responds to two recent filings by the National Association of Black Owned Broadcasters, Inc. (“NABOB”).¹ WLOO read NABOB’s March 12 letter with great disappointment. As WLOO’s General Manager explained to NABOB’s Executive Director and General Counsel after WLOO reviewed NABOB’s March 12 filing, that letter contained several inaccurate statements and assumptions. WLOO wishes to set the record straight about these points. WLOO also comments here on its concerns with NABOB’s proposed approach to Commission treatment of joint sales agreements (“JSAs”).

As a station owned and operated by a historically African-American college, WLOO was disappointed that NABOB, an organization dedicated to promoting minority station ownership, based its critique of WLOO’s operations on unreliable resources such as Wikipedia instead of WLOO’s own description of its operations in the record and instead of consulting with WLOO. For the record:

- NABOB’s March 12 letter is incorrect in stating that “Both WLOO and WDBD are operated out of the Raycom WLBT studio.” WLOO’s main studio and master control operations are located at One Great Place, Jackson, Mississippi, approximately 20 minutes from WDBD’s and WLBT’s main studios. WLOO does not share space with any other television station.

¹ NABOB Notices of *Ex Parte* Communication, MB Docket Nos. 09-182 and 07-294 (Feb. 27, 2014 and March 12, 2014).

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- WLOO's relationship to WDBD (an American Spirit station) is as described in the JSA that WLOO has discussed in the record and made available in the station's public inspection file.
- WLOO's relationship to Raycom Media is limited to rental of transmitter space on a tower owned by Raycom. Moreover, Tougaloo College has acquired a separate tower and intends to relocate WLOO's transmitter once its current tower lease with Raycom expires. For a brief period after Tougaloo College acquired WLOO, Raycom provided transitional engineering assistance to WLOO, but WLOO no longer receives any services from Raycom (aside from the aforementioned transmitter space rental).
- WLOO is not responsible for the content of third-party websites. Nevertheless, it intends to request that Raycom update its website to remove the inaccurate reference to WUFX as a Raycom station. (The station also notes that it changed its call sign from WUFX to WLOO a year ago.) WLOO also is in the process of updating the Wikipedia page for WLOO.

As WLOO made clear in its presentations and recent *ex parte* letter,² Tougaloo College controls the station's operations. It competes with all of the other stations in the market, including those operated by American Spirit and by Raycom, for viewers and for programming. It sets its own course with respect to all of its operational, programming, and financial decisions. To the extent that it receives services, as it does from WDBD with respect to advertising sales, the station directs and supervises such services.

WLOO also is concerned that NABOB's proposal with respect to JSAs would jeopardize WLOO's public service and growth as a minority-owned station. NABOB proposes that stations with JSAs or shared services agreements ("SSAs") would be required to "have clear steps in place" to terminate such agreements and would be subject to a fixed deadline to exit the JSA/SSA.³ WLOO anticipates that it will someday be able to hire its own sales staff, but the imposition of an artificial deadline and burdensome reporting requirements would be problematic.

WLOO has limited resources, and it has prioritized growing its own local production capabilities. The station would like to create a news department, starting with a local news magazine program, a process that will take years of intensive effort, investment, and risk-taking. Launching and sustaining a competitive local news operation likely will take years

² Tougaloo College *Ex Parte Notice*, MB Docket Nos. 07-294 and 09-182 (Feb. 28, 2014)

³ NABOB Notice of *Ex Parte* Communication, MB Docket Nos. 09-182 and 07-294 (Feb. 27, 2014).

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before the station can make it profitable. It also would be mutually exclusive with having the resources to hire an effective, complete sales staff — at least for now. WLOO is growing and competing on its own terms, something that has been enabled by the JSA. Imposing artificial deadlines on when the station must hire its own sales staff would jeopardize the station's services and growth, making it much more difficult, perhaps impossible, to maintain existing services and to launch planned new services.

The JSA has enabled WLOO to create many benefits for viewers. While WLOO eventually hopes to be able to bring its sales activities in-house, it sees no benefit and much harm to being forced to unwind the JSA before the station is ready to do so, requiring the station to divert resources from its creative, news, and educational directives.

NABOB's proposal also would not accommodate situations in which stations require the flexibility to enter into a JSA with a new partner. Upon expiration of an existing JSA, regardless of the term of that JSA, stations should have the flexibility to continue the JSA relationship with an existing partner or to explore entering into a JSA with a different partner in the market. Proposals that would not permit such flexibility would be problematic.

Diversity in ownership is important to WLOO, as it is for NABOB, but the station also strives to achieve many other goals, such as creating its own local content and being a competitive voice in the market. The station also values its role as a training ground for the College's students. Burdensome obligations and rigid deadlines would hamper WLOO's efforts to achieve and to prioritize its goals and would be counterproductive to the stated aims of NABOB and other groups that have opposed JSAs and SSAs.

Respectfully submitted,



Jennifer A. Johnson
Eve R. Pogoriler
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue NW
Washington, DC 20004
202-662-6000
Counsel for Tougaloo College

cc: Chairman Wheeler
Commissioner Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly
Maria Kirby

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Adonis Hoffman
Clint Odom
Matthew Berry
Courtney Reinhard
Erin McGrath