**Before the**
**Federal Communications Commission**
**Washington, DC 20554**

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| In the Matter of | ) | |
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| 2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 | ) | MB Docket No. 14-50 |
| | ) | |
| 2010 Quadrennial Regulatory Review –Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 | ) | MB Docket No. 09-182 |
| | ) | |
| Promoting Diversification of Ownership In the Broadcasting Services | ) | MB Docket No. 07-294 |

**COMMENTS OF BROADCAST LICENSEES**

Stainless Broadcasting, L.P., Mountain Licenses, L.P., Broadcasting Licenses, L.P., Blackhawk Broadcasting LLC, Bristlecone Broadcasting LLC and Eagle Creek Broadcasting of Laredo, LLC (collectively, "Broadcast Licensees"), by their attorneys, hereby submit their comments on the April 15, 2014 Further Notice of Proposed Rulemaking, FCC 14-28 ("FNPRM"), in the above-captioned proceeding.

Broadcast Licensees operate commonly-controlled full-power television broadcast stations in various small and mid-sized markets in different geographic regions of the United States. They concentrate these comments on one discrete aspect of the FNPRM – the question posed therein as to whether the Commission should retain, modify, or rescind the so-called television duopoly rule, codified at 47 C.F.R. Section 73.3555(b). *See* FNPRM at ¶¶ 15-73. This rule, with some exceptions, generally prohibits an individual or entity from holding attributable interests in more than one full-power television station in any local television market.

Broadcast Licensees note that they filed comments in March of this year addressing a then pending issue closely tied to the duopoly rule – whether to attribute joint sales agreements ("JSAs") for purposes of the FCC's multiple ownership rules. A copy of those previous comments is attached hereto and incorporated herein by reference. The earlier comments explain that Broadcast Licensees bring to proceedings of this type the valuable perspective of companies that operate and compete every day on the frontlines of today's video marketplace. These further comments focus on the continuing merits of the duopoly rule itself.

The television station duopoly rule was adopted some *fifty* years ago,[1] when television stations were ascendant in the much more limited video marketplace of that era, which contained no Internet, only the most rudimentary of cable television systems, and no direct-to-home satellite television providers, competing for viewers. In the intervening half century, the world of television has radically changed. The massive audience shares garnered by the "Big Three Networks" in 1965 have long ago disappeared, leaving television broadcasters to wrestle with the collateral consequences of ever escalating competition and the inevitable corollary decline in measured audience shares, compounded by the siphoning of millions of additional potential viewers to computer screens, be they laptops, tablets, or phones, displaying the Internet. Broadcast television has become just one component of a crowded video marketplace, with a corresponding collapse of the original duopoly rule justification premised on the shallow pool of video competition which existed all those years ago. In other regulatory contexts, the FCC has

[1] *Broadcast Ownership Rules – 2002 Biennial Regulatory Review*, 18 FCC Rcd 13620 ¶ 135 & n.258 (2003) (citing *Amendment of Sections 73.35, 73.240, and 76.636 of the Commission's Rules Relating to Multiple Ownership Standard, FM and Television Broadcast Stations*, 45 FCC 1476 (1964)).

acknowledged the relevance of these video marketplace changes to its decisional process.[2] It is long past time for the FCC to acknowledge that these *same* massive changes in this *same* video marketplace vitiate the fifty-year old competition rationale/theory that continues to prop up the duopoly rule.[3] Although that rule has been reduced to a clichéd "vestige of a bygone era," it still operates as a powerful, artificial, inequitable shackle on over-the-air television. The ultimate question for the Commission in this proceeding therefore becomes – why are the antitrust laws which govern broadcast television's competitors in the video marketplace inadequate for broadcast television itself? Phrased another way, given the robust competition which characterizes the video marketplace, why is the specialized, targeted duopoly rule still needed?

The dictates of rational decisionmaking require the Commission to adapt and revise its regulations in an evenhanded fashion across the industries it regulates. *Melody Music, Inc. v. FCC*, 345 F.2d 730 (D.C. Cir. 1965). Indeed, continued maintenance of the television duopoly rule, restricting combinations of television stations on a local market-by-market basis, in an era when the FCC is actively considering proposed mergers of nationwide media behemoths like Comcast and Time Warner and AT&T and DirecTV constitutes "theater of the absurd." Broadcast Licensees believe there is simply no rational way for the government to, say, limit a local owner in Bismarck, North Dakota to just one over-the-air Bismarck television station at the

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[2] *E.g., Amendment of the Commission's Rules Related to Retransmission Consent*, 29 FCC Rcd 3351 (rel. Mar. 31, 2014); *Sports Blackout Rules*, Notice of Proposed Rulemaking, FCC 13-162 (rel. Dec. 18, 2013).

[3] If a primary Commission public policy objective is to maintain robust levels of local television news (FNPRM at ¶¶ 22-25), it should look to achieve that goal by *removing* regulatory obstacles like the duopoly rule which make it more difficult for local stations to survive, flourish, and provide local news (a struggling or dark station cannot do so). On this discrete point, the Commission must also take notice of the burgeoning local news provided by cable systems and the Internet.

same time that local owner faces daunting competition from numerous MVPDs (which are, by definition, *multichannel* video programming distributors). This disparate treatment would only be exacerbated by government-sanctioned creation of a combined colossus that would have the capacity to reach not just every home in Bismarck, but virtually every home in the nation, through *two* nationwide video pipelines – U-verse and DirecTV. The very nature of the broad signal coverage footprints enjoyed by local TV stations' Internet, cable, and satellite competitors, coupled with ever-accelerating competitor consolidation within the video marketplace, make the need for relief from the strictures of the duopoly rule all the more urgent. Furthermore, as Broadcast Licensees pointed out in their March comments, the facts of record before the agency illustrate the manifold public interest benefits which joint television station operations can bring, while revealing no cognizable real world harms.[4] The promise of such benefits provides another substantial reason for elimination of the duopoly rule.

Broadcast Licensees are aware that the FNPRM expresses tentative support for continued application of the duopoly rule and seeks comment on much more modest multiple ownership rule changes such as relaxation of the newspaper/television cross-ownership restriction. For the reasons stated above, Broadcast Licensees urge the FCC to take a wider view and more nimble and proactive approach than is suggested by the FNPRM. The relative decline of the newspaper industry is longstanding and well-documented, leaving substantial doubt as to whether any regulatory adjustments now will be too little, too late, for that sector. As an expert agency, the FCC needs to strive to be ahead of the curve, not behind it. Abolition of the television duopoly rule is fully justified and needed now, not years down the road. Indeed, the agency already has

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[4] *See Motor Vehicle Mfg. Ass'n of the United States v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)) (agency must make a rational connection between the facts found and the choice made).

one very recent example of how regulatory burdens create collateral damage. That is, the FCC's recent, ill-advised decision to make JSAs attributable for multiple ownership rule purposes portends negative consequences for the very objectives the FCC is ostensibly trying to promote, consequences such as the potential disappearance of local news on struggling stations that have been financially supported by JSAs. Even more dramatically, in the wake of the FCC's JSA attribution decision, certain owners find themselves taking the draconian step of turning local station licenses back to the Commission, much to the articulated consternation of two Commissioners.[5]

As Broadcast Licensees have previously argued, the financial health of over-the-air television stations going forward depends in significant part on agency facilitation of flexible investment options and strategic innovation through the elimination of obsolete regulatory barriers. Licensees therefore urge the FCC to abolish the long outmoded duopoly rule at the earliest possible time.[6] For all the reasons given by Broadcast Licensees and other commenters

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[5] *See FCC News Release*, Statement of FCC Commissioner Ajit Pai on Three TV Stations Going Dark Following the FCC's Review of the Sinclair/Allbritton Transaction (rel. July 24, 2014), http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0724/DOC-328442A1.pdf; *FCC News Release*, Joint Statement of Commissioners Ajit Pai and Michael O'Rielly on Three More TV Stations Going Dark Under the FCC's New JSA Policy (rel. June 24, 2014), https://apps.fcc.gov/edocs_public/attachmatch/DOC-327801A1.pdf; *FCC News Release*, Statement of Commissioners Ajit Pai and Michael O'Reilly on the Negative Impact of the Decision to Restrict Television Stations' Use of Joint Sales Agreements (rel. May 29, 2014), https://apps.fcc.gov/edocs_public/attachmatch/DOC-327353A1.pdf.

[6] As a corollary point, Broadcast Licensees underscore their opposition to making shared services agreements ("SSAs") reportable or attributable. *See* FNPRM at ¶¶ 320-39. With elimination of the duopoly rule, there would be no need for such a new obligation or rule. In any event, there can be no justification for the imposition of additional *new* regulatory *burdens* on an industry that is in need of *relief*.

in this proceeding, such agency action would fulfill the FCC's statutory obligation to repeal unnecessary regulations which no longer serve the overall public interest.[7]

Respectfully submitted,

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[7] *See* Telecommunications Act of 1996 Pub. L. No. 104-104, § 202(h), 110 Stat. 56, 111-12 (1996); Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, § 629, 118 Stat. 3, 99-100 (2004).

**ATTACHMENT**

**Before the**
**Federal Communications Commission**
**Washington, DC 20554**

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| 2010 Quadrennial Regulatory Review – Review of The Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 | ) ) ) ) | MM Docket No. 09-182 |
| | ) | |
| Promoting Diversification of Ownership in the Broadcasting Services | ) ) | MB Docket No. 07-294 |
| | ) | |
| Rules and Policies Concerning Attribution of Joint Sales Agreements in Local Television Markets | ) ) ) | MB Docket No. 04-256 |
| | ) | |
| Petition for Rulemaking to Amend the Commission's Rules Governing Retransmission Consent | ) ) ) | MB Docket No. 10-71 |

To: The Commission

**<u>*EX PARTE* SUBMISSION OF BROADCAST LICENSEES</u>**

Stainless Broadcasting, L.P., Mountain Licenses, L.P., Broadcasting Licensees, L.P., Blackhawk Broadcasting LLC ("Blackhawk"), Bristlecone Broadcasting LLC and Eagle Creek Broadcasting of Laredo, LLC (collectively, "Broadcast Licensees"), by their attorneys, hereby provide this *ex parte* filing for inclusion in the above-captioned Federal Communications Commission dockets.[1] A recent blog post of the FCC's Chairman,[2] as well as the FCC's March 10, 2014 Public Notice concerning the substance of an agenda item calendared for the

[1] Copies of this submission are also being emailed this day to all FCC Commissioners and their media legal advisors, and to the Mass Media Bureau Chief.

[2] Tom Wheeler, *Protecting Television Consumers by Protecting Competition*, Official FCC Blog (Mar. 4, 2014), http://www.fcc.gov/blog/protecting-television-consumers-protecting-competition.

Commission's March 31, 2014 open meeting (the "Meeting")[3] indicate that the FCC plans to take action at the Meeting making television joint sales agreements ("JSAs") attributable for purposes of the FCC's multiple ownership rules. For a variety of reasons, Broadcast Licensees strongly oppose FCC adoption of this tentative position.

## BACKGROUND

Broadcast Licensees operate commonly-controlled full-power television broadcast stations in various small and mid-sized markets in different geographic regions of the United States. Each year, those stations face increasingly difficult competitive conditions in the media marketplace. For that reason, Broadcast Licensees offer the Commission the advantage of being able to report from the "front lines" of today's marketplace battles. To give just one example, Blackhawk is currently striving to revive the financial fortunes of two recently acquired full-power TV stations in the small Yuma, Arizona market (DMA number 165). One of those stations was "failing" within the meaning of FCC precedent; neither station has been able to earn a profit over the last several years.[4] Broadcast Licensees' cumulative experience teaches them that the way for the FCC to optimize the financial health of local TV stations and maximize the public interest benefits they provide is to encourage flexible investment and strategic innovation through vehicles such as JSAs, not to impose new regulations in reliance on a 1960s-era marketplace model that has long since disappeared and can never be recreated.

JSA-related issues to be considered at the Meeting must be viewed against an extensive set of background facts, including that:

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[3] News Release, FCC, *FCC Announces Tentative Agenda for March Open Meetings* (Mar. 10, 2014), http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0310/DOC-325964A1.pdf.

[4] *See Pappas Arizona License, LLC*, 28 FCC Rcd 17048 (MB Dec. 23, 2013). *See also* FCC File No. BALCDT-20130722ADB.

(1) JSAs relate to a *50-year old* restriction – the TV duopoly rule[5] adopted in the very different competitive world of the mid-1960s;

(2) The FCC docket (04-256) targeted at the issue being considered here – whether TV JSAs should be made attributable – is now some ten years old;

(3) The "quadrennial" review process which is one of the four above-captioned proceedings dates to 2010 and is focused on a variety of issues, including shared services agreements, but *not* JSAs per se;

(4) The FCC itself has approved scores of JSAs over a period of many years; and

(5) Many significant intervening changes have occurred in the competitive landscape since 2004 (e.g., the increased market power of cable, as well as the continued rise of other multichannel video programming distributors ("MVPDs") and the internet) greatly altering the FCC's public interest calculus.

Many other key background facts are already a part of the record before the Commission,[6] and will not be repeated here. Broadcast Licensees will instead focus on supplementing that record.

## <u>DISCUSSION</u>

As *ex parte* comments already on file in these dockets make clear, today's media marketplace is fiercely competitive, very different in composition and breadth than the one extant in 1964, when the FCC adopted its rule banning television duopolies.[7] While the FCC has

[5] See 47 C.F.R. § 73.3555(b).

[6] *See*, *e.g*., March 10, 2014 *Ex Parte* Letter of Nexstar Broadcasting Group, Inc.; Feb. 26, 2014 *Ex Parte* Letter of Kansas and Missouri Associations of Broadcasters from David Oxenford, Esq. and Gregg Skall, Esq.; Feb. 26, 2014 *Ex Parte* Letter of Schurz Communications, Inc., Entravision Communications Corporation and National Association of Broadcasters from Jack N. Goodman, Esq.; Feb. 26, 2014 *Ex Parte* Letter of Mission Broadcasting, Inc. and Nexstar Broadcasting, Inc. from Gregory L. Masters, Esq., all filed in one or more of the above-captioned dockets.

[7] *See* note 6 *supra*.

relaxed its application of the duopoly rule over the last fifty years in certain respects,[8] Broadcast Licensees understand JSAs to be a *marketplace* adaptation, incrementally undertaken by many local television stations over a period of many years, with explicit FCC approval, in response to ever-escalating competition. Through the JSA mechanism, less successful, financially struggling stations in a market (often including a non-top four network affiliate) have found a way to marshall financial resources and remain competitive (high definition equipment upgrades, etc.) while preserving their independent voices in their markets. The FCC has been fully involved in this JSA evolution, ensuring that FCC-approved JSAs leave licensees with at least 70 percent of net sales revenue and give no control over programming content to brokers.[9] Any sudden course reversal by the FCC now would immediately and unwisely jeopardize the health of this delicately balanced local station "ecosystem." The continued availability of the programming diversity which a multiplicity of stations brings depends on these stations being able to continue to adapt to the difficult marketplace in which they operate.[10]

This proceeding is different than a standard rulemaking because the FCC is not here limited to making a *predictive* judgment call about TV JSAs. The FCC can, and has an obligation to, consult the "real world laboratory" that the agency itself effectively created by

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[8] *See, e.g., Local Television Ownership Rules*, Report and Order, 14 FCC Rcd 12903 (1999) (subsequent history omitted).

[9] FCC rules allow only a maximum of 15 percent of programming to be supplied by a JSA broker without attribution consequences. *See* 47 C.F.R. § 73.3555 Note 2 (j)(1).

[10] The FCC has long striven to find ways to maximize the number of stations in a given market. For example, certain FCC rules are geared toward fostering the development of stations affiliated with networks beyond the top four. *See, e.g.*, 47 C.F.R. § 73.3555. In other areas of regulation, the Commission often defers to marketplace solutions and stays the heavy hand of regulation. *See, e.g.*, *In re Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets*, 18 FCC Rcd 20604 (Oct. 6, 2003) (establishing conditions by which a robust lease and resale secondary market could be established for wireless spectrum).

approving so many JSAs over such an extended period of time as serving the public interest, giving the agency the rare chance to examine JSAs' actual costs and benefits.[11] The importance of the agency's undertaking that task is underlined here where the existing *ex parte* record is replete with examples of real world benefits produced by JSAs,[12] but bereft of evidence of cognizable real world costs they impose. Long established precedent demands that the FCC articulate a "rational connection between the facts found and the choice made,"[13] and it is simply impossible on this record to make the necessary comprehensive factual findings. Theoretical concerns of the Department of Justice, rooted in outdated 1997 marketplace analyses and an unexamined 1964 rule, cannot substitute for examples of actual costs imposed or harms created by JSAs, much less costs or harms that outweigh JSAs' demonstrable benefits.

For example, based on the state of the current record in the captioned proceedings, Broadcast Licensees believe the Commission cannot reliably answer any of the following directly relevant questions, among others:

- Does the existing record in this proceeding reveal the extent of changes in the media marketplace since the JSA-targeted notice was released by the FCC in 2004?

- What position does broadcast television occupy within the larger United States information delivery/entertainment landscape?

- To what extent do TV stations, cable systems, other MVPDs, internet commerce, etc. compete for the same advertising dollars?

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[11] For a partial list of FCC-approved JSAs, see New Release, FCC, *Statement of FCC Commissioner Ajit Pai on the Media Bureau's New Guidance on Sharing Arrangements and Contingent Interests* at n.2 (Mar. 12, 2014), http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0312/DOC-326037A1.pdf.

[12] *See, e.g.*, note 6 *supra*.

[13] *Motor Vehicle Mfg. Ass'n of the United States v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

- How many JSAs now exist?
- What is the full extent of tangible benefits that existing JSAs now provide?
- What, if any, are the actual costs or harms of JSAs?
- How, if at all, does JSA cost/benefit analysis vary with market size?
- How prevalent is interconnection[14] (joint selling) in the cable industry?
- What is the impact of horizontal/vertical MVPD-related consolidation/integration on local TV stations' ability to compete?

To engage in rational decision making, the FCC must first find and analyze such obviously relevant "lab results," and only then make an informed decision.

Failure to take the steps necessary to refresh a patently stale record in the captioned proceedings and to consult a real world "laboratory" that has been some twenty years in the making will unfortunately produce a result comparable to that which ensues when the agency fails to solicit comment through adequate notice of its intended actions – the FCC ends up regulating blind in whole or material part, to the detriment of stakeholders and the public interest in general. Reviewing courts demand more from the agency. For example, in *Council Tree Communications, Inc. v. FCC*, 619 F.3d 235 (3d Cir. 2010), *cert. denied sub nom. Council Tree Investors, Inc. v. FCC*, 131 S. Ct. 1784 (2011), the United States Court of Appeals for the Third Circuit vacated restrictive new "designated entity" rules the FCC abruptly made applicable to wireless auction participants, rules for which the FCC had failed to give advance notice and opportunity to comment. The Court found the process followed by the agency to constitute a

[14] According to the Cabletelevision Advertising Bureau ("CAB"), "[a]n interconnect is simply a large group of cable systems within a DMA that are 'connected' together. An interconnect gives advertisers the option to reach all cable households within a given market with one buy, one contact and one tape." Cabletelevision Advertising Bureau, Local Cable FAQ's, http://www.thecab.tv/main/cablenetworks/localcablefaq/ (last visited Mar. 17, 2014). CAB also notes that interconnects are growing rapidly. *Id.*

"serious" violation of the Administrative Procedure Act.[15] Broadcast Licensees further note that the FCC only *very* recently confirmed the importance of refreshing the record in long pending proceedings.[16]

The statutory and judicial bias leans away from unnecessary government regulation.[17] The FCC's focus needs to be on jettisoning obsolete restrictions that can no longer be justified, not on imposing new regulations that lack an adequate factual basis. That principle is particularly in play here, where the FCC has approved so many of these agreements, allowing them to become so much a part of the fabric of the industry. A corollary concept is that regulatory predictability is essential to allow an industry to survive, even thrive.[18] Changing the state of play now, on such an outdated and thin record, would be unnecessarily disruptive and potentially quite destructive.

In lodging his strong objection to the Media Bureau's March 12, 2014 application processing "guidance," Commissioner Pai cited many FCC-approved transactions involving

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[15] *See also, e.g.*, *Wagner Electric Corp. v. Volpe*, 466 F.2d 1013, 1018 (3d Cir. 1972) (finding that the absence of comments from all parties affected by the rule, notwithstanding comments from a few knowledgeable parties, is sufficient to find inadequate notice under the APA).

[16] *Comment Requested to Refresh the Record in EB Docket No. 04-296, on Petition Filed by the Minority Media and Telecommunications Council Proposing Changes to Emergency Alert System (EAS) Rules to Support Multilanguage EAS and Emergency Information,* Public Notice DA 14-336 (Mar. 11, 2014), http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0311/DA-14-336A1.pdf.

[17] *See, e.g.*, Jane Mago, *Looking to the Law*, National Association of Broadcasters Policy Blog (Mar. 11, 2014), http://nabroadcasters.wordpress.com/2014/03/11/looking-to-the-law/.

[18] *See, e.g., Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended,* Second Report and Order, 28 FCC Rcd 5741, 5838 (Apr. 18, 2013) (Statement of Commissioner Clyburn explaining regulatory predictability encourages more foreign investment, which in turn fosters economic growth and job creation).

JSAs over the course of many years,[19] approvals that are also relevant to the issue of grandfathering. That is, even assuming arguendo that the current record was adequate to support the FCC's making JSAs attributable, which Broadcast Licensees strongly believe is *not* the case, Broadcast Licensees can find no notice, in any of these grants, that the approvals were conditioned on the outcome of any FCC docketed proceeding, in particular Docket 04-256. Neither the written decisions approving these transactions *after* careful FCC review of the underlying JSAs, which typically contain terms of eight years or more, nor the authorization themselves, contain any JSA-related conditions.[20] Given the aggregate investment of stakeholders of millions of dollars in these transactions, Broadcast Licensees believe it was incumbent on the FCC to provide notice that the public interest findings embedded in the grants might be superseded by subsequent Commission action relating to JSA attribution. In other words, the FCC has been aware of the pendency of Docket 04-256 since 2004, yet elected not to make *conditional* grants in these numerous cases after 2004. The Supreme Court recently made clear in *FCC v. Fox Television Stations, Inc.*, 132 S. Ct. 2307 (2012), that the Due Process Clause of the Fifth Amendment requires more. *Fox* held that the FCC is obligated to provide fair, comprehensible advance notice of its actions. For that reason, on this discrete issue, the FCC should, to the extent it does not reverse the course tentatively set for the Meeting, indefinitely grandfather and allow the transfer of all consummated deals involving JSAs, as well

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[19] See note 11 *supra*.

[20] *Cf. Applications of Local TV Holdings, LLC, Transferor & Tribune Broad. Co. II, LLC, Transferee & Dreamcatcher Broad., LLC, Transferee For Consent to Transfer of Control of Certain Licensee Subsidiaries of Local TV Holdings, LLC*, MB Docket No. 13-190, Memorandum Opinion and Order, 28 FCC Rcd 16850, 16863, para. 41 (Med. Bur. 2013) (conditioning the grant on the transferee coming into compliance, as needed, with the requirements of the outcome of a final order in rulemaking proceeding).

as all deals already under contract involving JSAs. The Commission should also provide a reasonable period for the filing of applications relating to deals currently in negotiation involving JSAs, and grant similar grandfathered status to such transactions.

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Broadcast Licensees urge the FCC to take the steps necessary to gather, organize, and weigh the substantial amounts of directly relevant evidence that already exists before taking any further actions on this matter. Broadcast Licensees believe that exercise will reveal that JSAs should be allowed to continue to serve a marketplace function vital to the continued well-being of an industry on which so much depends.

Respectfully submitted,

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