Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of	)	
	)	
Allbritton Communications Co.	)	MB Docket No. 13-203
	)	
For Consent to Transfer of Control of WJLA-TV, Washington, DC, to Sinclair Television Group, Inc.	)	BTCCDT-20130809ACD
	)	
WRGT Licensee, LLC	)	
	)	
For Assignment of License of WRGT-TV, Dayton, Ohio, to WRGT Licensee, LLC (New Nevada LLC)	)	BALCT-20031107AAU
	)	
WVAH Licensee, LLC	)	
	)	
For Assignment of License of WVAH-TV, Charleston, WV, to WVAH Licensee, LLC (New Nevada LLC)	)	BALCT-20031107ABB
	)	
WTAT Licensee, LLC	)	
	)	
For Assignment of License of WTAT-TV, Charleston, SC, to WTAT Licensee, LLC (New Nevada LLC)	)	BALCT-20031107ABM

To: The Commission

OPPOSITION TO APPLICATION FOR REVIEW

Sinclair Television Group, Inc. ("Sinclair"), by its attorneys and pursuant to Section 1.115 of the rules of the Federal Communications Commission ("FCC" or "Commission"), hereby submits this Opposition to the Application for Review filed August 25, 2014, by the Rainbow PUSH Coalition ("Rainbow PUSH"). Rainbow PUSH contends that the full Commission should review the Media Bureau's grant of applications for the transfer of control of license subsidiaries of Allbritton Communications Co. to Sinclair ("Allbritton Applications")[1]

[1] *Applications for Consent to Transfer of Control from Shareholders from License Subsidiaries of Allbritton Communications Co. to Sinclair Television Group, Inc.,* Memorandum Opinion

and should designate the above-referenced applications for evidentiary hearing. As demonstrated below, the Bureau fully reviewed the Allbritton Applications and found that Sinclair is qualified to hold the licenses at issue and that a grant of the Allbritton Applications serves the public interest. Rainbow PUSH has not raised any new issues that were not already fully considered by the Media Bureau in the *Order*. Consequently, the Commission should summarily dismiss the Rainbow PUSH Application for Review.

Rainbow PUSH simply can't take no for an answer. It apparently is of the view that if it keeps making the same old unfounded allegations enough times, there will be a change in political winds at the Commission, and what has repeatedly been found lawful will suddenly provide grounds for imposition of the regulatory death penalty.

Rainbow PUSH seeks Commission review of the *Order* based solely on its stale rehash of issues that are entirely unrelated to the instant case. As Rainbow PUSH itself points out in its Application for Review, its complaints are based on allegations Rainbow PUSH has been unsuccessfully making before the Commission since 1999 regarding the relationship between Sinclair and Cunningham Broadcasting Corporation ("Cunningham").[2] In short, Rainbow PUSH claims, without any factual support, that Sinclair somehow controls Cunningham. The Rainbow PUSH arguments are absurdly out of date given that they relate to an individual who has not

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and Order, MB Docket No. 13-203 (rel. July 24, 2014) ("*Order*"). Sinclair has removed from the caption above the following proceedings that were included in the Rainbow PUSH caption: Cunningham Broadcasting Corporation (Transferor) and Sinclair Acquisition XIII, Inc.; For Consent to Transfer of Control of Columbus (WTTE-TV) Licensee, Inc., licensee of WTTE-TV, Columbus, OH, BTCCT-20031107AAF; Cunningham Broadcasting Corporation (Transferor) and Sinclair Acquisition XIV, Inc.; For Consent to Transfer of Control of Baltimore (WNUV-TV) Licensee, Inc., licensee of WNUV-TV, Baltimore, MD, BTCCT-20031107AAP. Rainbow PUSH attempts to include a completely unrelated proceeding in footnote 1 of the Application for Review. The inclusion of these matters in the Rainbow PUSH caption and Application for Review is yet another attempt by Rainbow PUSH to impermissibly bring in collateral proceedings and matters that are entirely unrelated to this proceeding without any basis or precedent, and should be summarily dismissed.

[2] Application for Review at 3.

been the controlling shareholder of Cunningham for many years (Edwin Edwards) and another former controlling shareholder who is now deceased (Carolyn Smith).[3] And to further demonstrate the absurdity of the claims made by Rainbow PUSH in the Application for Review, Cunningham *was not even a party* to the Allbritton Applications at issue in this proceeding.

As the Media Bureau properly determined in the *Order*, it has previously concluded that *all of the allegations* made by Rainbow PUSH are without merit.[4] Specifically, the *Order* cited a *2004 Letter Decision* whereby the Media Bureau concluded that Rainbow PUSH had "not provided evidence sufficient to show" that Sinclair exercised improper control over Cunningham.[5] The Media Bureau went even further and decided to review the nearly fourteen year old record in its entirety, and concluded in the *Order* that:

> With respect to *all of the character allegations raised by Rainbow Push*, including the unsupported contention that Sinclair and/or Cunningham has failed to provide material information to the Commission, we conclude that Rainbow Push has failed to establish a *prima facie* case, supported by affidavits, sufficient to show that grant of the applications would be inconsistent with the public interest.[6]

The Media Bureau has therefore once again fully addressed, and once again rightly rejected, the Rainbow PUSH complaints regarding the relationship between Sinclair and Cunningham. The Rainbow PUSH Application for Review provides no new facts that would result in a different decision by the Commission and is thus nothing more than a waste of Commission resources, and it is simply unacceptable to require Sinclair to continue to respond to the baseless allegations

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[3] *Id.* at 2-4.

[4] *See Order* at 11 (citing Kathryn R. Schmeltzer, Esq., Letter, 19 FCC Rcd 3897, 3899-3900 (2004)) ("*2004 Letter Decision*").

[5] *Id.* (citing *Glencairn, Ltd.*, Memorandum Opinion and Order and Notice of Apparent Liability, 16 FCC Rcd 22236 (2001)).

[6] *Id.* at 12 (emphasis added).

that have been made by Rainbow PUSH and have been repeatedly rejected by the Commission and the Media Bureau for well over a decade.[7]

As Sinclair pointed out in its Opposition,[8] in the last few years Sinclair has acquired dozens of television stations in multiple transactions, all with the full consent of the Commission. Similarly, the Commission has granted a number of recent renewal of license applications of stations owned by Sinclair. As Sinclair noted in its Opposition, it is odd that Rainbow PUSH has waited until now, after all of these years, to dredge up the stale complaints that it first made fourteen years ago. In any event, the Commission, after full review of numerous Sinclair applications, has repeatedly found Sinclair to be fully qualified to be a Commission licensee. This is yet another reason for the Commission to put the tired Rainbow PUSH complaints to bed and there is no need for the Commission to waste its resources reviewing the same unfounded allegations.

Rainbow PUSH also claims that Sinclair's LMA with Cunningham in Charleston, South Carolina should be somehow incorporated and considered in "tandem" with its Application for Review.[9] Aside from providing no procedural support for this unusual request, this is simply not the proper forum for the Commission to review the issues associated with the Charleston LMA. As Rainbow PUSH itself recognizes, the Media Bureau indicated in the *Order* that it will review

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[7] As Sinclair discussed in its Opposition to the Rainbow PUSH Petition to Deny filed earlier in this proceeding, even if Sinclair's relationship to Cunningham was relevant here (which it is not), a Petition to Deny filed against Sinclair's applications to acquire the Cunningham stations is moot because the applications were dismissed by the Commission. *See* Sinclair Consolidated Opposition to Petitions to Deny, MB Docket 13-203, at 17 (filed Sept. 26, 2013) ("Opposition"); *see also Order* at 5. Sinclair filed an Application for Review of the dismissal, which remains pending before the Commission. If the FCC were to reinstate those applications, the Commission will have the opportunity to review the Rainbow PUSH allegations at that time.

[8] Opposition at 18.

[9] Application for Review at 7.

any potential violations regarding the Charleston LMA in a separate proceeding.[10] What Rainbow PUSH conveniently fails to mention, however, is that the Media Bureau also specifically determined in the *Order*, after its review of the facts and circumstances regarding the Charleston LMA, that the "potential violations do not call into question Sinclair's fitness to serve as a Commission licensee."[11] The Media Bureau is quite clear in the *Order* that it will resolve any issues regarding the Charleston LMA in a separate proceeding.[12] Rainbow PUSH is fully aware of this fact, yet is once again attempting to litigate issues that are not appropriate in the context of the current proceeding.

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[10] Application for Review at 7. It remains Sinclair's position that the Charleston LMA did not violate the Commission's rules because the United States Court of Appeals for the District of Columbia Circuit granted Sinclair a stay of the "eight voices test" "pending further order of the Court" and that no order has ever been issued by the Court terminating that stay. *See* United States Court of Appeals for the District of Columbia Circuit, Docket No. 01-1079, *Per Curiam* Stay Order, (June 6, 2001). But for the eight voices test, Sinclair could own a second station in Charleston, and thus as long as the stay remains in effect, Sinclair's LMA in that market does not violate the local ownership rules.

[11] *Order* at 12 (citation omitted).

[12] *Id.* at 13.

CONCLUSION

The Rainbow PUSH Application for Review presents no valid basis for Commission review or any rationale for an evidentiary hearing. The Media Bureau carefully considered the Allbritton Applications, including the Rainbow PUSH allegations, and after a lengthy review determined that Sinclair is fully qualified to be a Commission licensee and that a grant of the Allbritton Applications serves the public interest. Consequently, Sinclair respectfully requests that the Commission summarily dismiss the Rainbow PUSH Application for Review.

Respectfully submitted,

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Dated: September 9, 2014

CERTIFICATE OF SERVICE

I, Julia Colish, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that copies of the foregoing "**OPPOSITION TO APPLICATION FOR REVIEW**" was served via U.S. mail on this 9th day of September 2014 to the following:

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