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September 20, 2013

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Via Electronic Filing

Re: MB Docket No. 09-182, 2010 Quadrennial Review; MB Docket No. 07-294, Diversification of Ownership in the Broadcasting Services; MB Docket No. 02-277, 2002 Biennial Review; MB Docket No. 13-189, Gannett-Belo

Dear Ms. Dortch,

On Thursday, September 19, 2013, Lauren Wilson and I met with Sarah Whitesell, Media Legal Advisor for Acting Chairwoman Clyburn, and separately with Holly Saurer, Media Legal Advisor for Commissioner Rosenworcel, to discuss issues in the above-captioned dockets.

During both meetings, we primarily discussed Free Press's views on the upcoming Open Meeting agenda item regarding the "UHF discount" for national television station multiple ownership calculations, as set forth in Section 73.3555(e) of the Commission's rules.

Whatever the rationale and justification for this discount at the time of its adoption, it is an anachronism in a Digital TV world, where UHF signals tend to have better propagation and coverage characteristics than do VHF signals. Free Press is gratified that the Commission has taken up this topic at this time, as the agency simultaneously conducts its quadrennial review; considers several, substantial station group acquisitions and the accompanying license transfer applications; and designs an auction expressly intended to shrink the television broadcast band once more. Considering the shockingly high levels of concentration in the TV band already, and the correspondingly low levels of diverse ownership in this crucial service, it is high time for the Commission to revisit a rule that allows greater consolidation at the national level based on an obsolete technical consideration.

Furthermore, while it may be appropriate for the Commission to ask questions about grandfathering in the forthcoming Notice of Proposed Rulemaking, there is no mistake that licensees have been on notice of potential changes to this rule for nearly decade now. *See, e.g., "Media Bureau Seeks Additional Comment on UHF Discount in Light of Recent Legislation Affecting National Television Ownership Cap," Public Notice, MB Docket No. 02-277, 19 FCC Rcd 2599 (2004) ("We invite comment as to whether the enactment of the 39% national cap affects our authority to modify or eliminate the UHF discount. For example, does passage of the 39% cap signify congressional approval, adoption, or ratification of the 50% UHF discount?")*.

The Commission can of course seek comment on the wisdom of the general rule, and can consider the case for grandfathering some licensees once the rule is eliminated. But the Commission should not heed arguments that broadcasters with pending deals – nor, especially, any broadcasters that might contemplate new transactions prior to the adoption of an order in this upcoming proceeding – have any equitable or reliance interests based on the expected continuation of the discount.

For these reasons, we reiterated our view that the Commission should eliminate the UHF discount at the conclusion of the forthcoming rulemaking, and that the NPRM initiating that rulemaking should not reach any conclusion about grandfathering allowances for currently pending deals or those transactions that might be announced going forward.

We also articulated briefly our position that the UHF discount is in large part a way to evade the national ownership limits set by Congress – similar in some respects to the use of shared services agreements to skirt local ownership limits set by the Commission, with a tactic on full display in the Gannett-Belo acquisition and several already completed transactions.

Lastly, we restated in summary fashion Free Press's doubts as to the methodology, sample sizes, and ultimate usefulness of the qualitative study submitted by the Minority Media and Telecommunications Council in the 2010 quadrennial proceeding on May 30, 2013.

We file this *ex parte* notice today, pursuant to Section 1.1206(b) of the Commission's rules. If you have any questions regarding this submission, please do not hesitate to contact me.

Respectfully submitted,

/s/ Matthew F. Wood

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cc: Sarah Whitesell
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