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December 19, 2013

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

RE: Notice of Ex Parte Communication, MB Docket No. 13-189

Free Press, NABET-CWA, TNG-CWA, National Hispanic Media Coalition, Common Cause, and Office of Communication, Inc., of the United Church of Christ file this written ex parte communication, as well as to provide notice of oral ex parte communications regarding the same subject. The parties named above filed a petition to deny the transfer of licenses from Gannett to Belo, and thus are writing to reiterate that opposition in light of press reports that the Media Bureau is likely to approve the transfer and deny the petition to deny.

First, allowing the Gannett/Belo transaction to move forward with a transaction that violates the FCC's media ownership rules as they stand would make any future effort to curtail media consolidation much more difficult and complicated. We were pleased to hear that the FCC Chairman has indicated his intent to have a fresh look at the media ownership rules and believe it would best serve the public interest to disallow the creation of additional SSAs until that review is complete.

Second, the Gannett/Belo transaction involves many "shared services agreements" (SSAs) entered into for the specific purpose of avoiding application of the local television and newspaper-broadcast cross ownership rules. The SSAs here harm the diversity of voices in many major markets, and will have an adverse impact on the viewing public. For instance, these SSAs will lead to a significant reduction in independent sources of news and perspectives, and will result in staff layoffs at significant scale. In Phoenix, AZ, Gannett will own the *Arizona Republic*, the sole daily newspaper, the NBC affiliate KPNX, and effectively control two additional stations through SSAs with Sander Co.

Third, the Media Bureau lacks the authority to approve this transaction on its own; it presents novel issues of law and fact and should be handled by the full Commission. This is the first case where a broadcaster would be allowed to circumvent the newspaper-broadcast cross-ownership rule through a sharing arrangement.

Lastly, while the DOJ's decision to require Gannett/Belo/Sander to sell KMOV in St. Louis is a step in the right direction, the FCC has an independent obligation under the Communications Act to look closely at whether the public interest is affirmatively served by this granting the transfer of licenses. Further, the rationale underlying the DOJ's decision, that "even though the two stations would maintain separate sales forces, the various agreements between Gannett and Sander . . . would align the incentives of the two stations,"¹ applies to all SSAs in this transfer, not just to KMOV.

These arguments were reiterated on December 19, 2013, in phone calls and emails between Angela Campbell, Co-Director of Institute for Public Representation (IPR) and Gigi Sohn, Special Counsel for External Affairs to Chairman Wheeler; Eric Null, Staff Attorney at IPR, and Maria Kirby, Media Advisor to Chairman Wheeler; Cheryl Leanza, representing the Office of Communication, United Church of Christ, Inc., and Adonis Hoffman, Chief of Staff to Commissioner Clyburn; and Todd O'Boyle, Media and Democracy Program Director, Common Cause and Clint Odom, Policy Director for Commissioner Rosenworcel.

¹ Press Release, Dept. of Justice, Justice Department Requires Divestiture from Gannett Co. Inc. in Order to Proceed with Its Acquisition of Belo Corp (Dec. 16, 2013), <http://www.justice.gov/opa/pr/2013/December/13-at-1318.html>.