

**NOTICE TO THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
OF MULTICIRCUIT PETITIONS FOR REVIEW**

Petitions for Review of the Federal)	
Communications Commission's 2006)	
<i>Quadrennial Regulatory Review Report</i>)	MDL Docket No. _____
<i>and Order</i> (rel. Feb. 4, 2008))	

NOTICE OF MULTICIRCUIT PETITIONS FOR REVIEW

Pursuant to the provisions of 28 U.S.C. § 2112(a) and the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, the Federal Communications Commission files this Notice of Multicircuit Petitions filed for review of 2006 *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; 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; Cross Ownership of Broadcast Stations and Newspapers; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets; Definition of Radio Markets; Ways to Further Section 257 Mandate and To Build on Earlier Studies; Public Interest Obligations of TV Broadcast Licensees*, Report and Order and Order on Reconsideration, MB Docket Nos. 06-121, 04-228, 02-277, MM Docket Nos. 01-235,

01-317, 00-244, 99-360, FCC 07-216 (rel. Feb. 4, 2008). A summary of the order on review was published in the Federal Register on February 21, 2008. *See* 73 Fed. Reg. 9481 (2008).

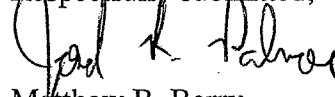
As required by Panel Rule 25.2, we submit with this notice a schedule of those petitions for review filed in the circuit courts of appeals within ten days after the publication of the agency order in the Federal Register and received by the agency within that time period (Attachment A) and copies of each petition (Attachment B). For purposes of calculating the 10-day period described in 28 U.S.C. § 2112(a)(1) and Panel Rule 25.1, the Commission applied Section 1.13 of the agency's rules, 47 C.F.R. § 1.13, and Federal Rule of Appellate Procedure 26 ("Exclude intermediate Saturdays, Sundays, and legal holidays when the period is less than 11 days . . ."). Applying these rules, we have listed in Attachment A all court-stamped petitions for review that the Commission received between February 21, 2008 and March 6, 2008, inclusive.¹ In accordance with Panel Rule 25.3, the FCC is serving this notice on the clerks of the courts where petitions for review have been filed as well as on the parties.

Finally, please be advised that the Commission's order, among other things, responds to a remand by the Third Circuit in the case *Prometheus Radio Project v. FCC*, 373 F.3d 372 (3d Cir. 2004). There, the court continued a stay of the Commission's 2003 revisions to its rules "pending [its] review of the Commission's action on remand," *id.* at 382, over which the panel "retain[ed] jurisdiction," *id.* at 435. We understand that Prometheus Radio Project has stated that "the Panel should not conduct a lottery, but should direct that the record of the proceeding on remand be filed with the Third Circuit," Letter from Prometheus Radio Project to Jeffrey N. Luthi, United States Judicial Panel on Multidistrict Litigation (Feb. 29, 2008), and that Fox Television Stations, Inc. and Tribune Company have stated that a lottery is required under these

¹ We note that, by order of March 3, 2008, the U.S. Court of Appeals for the District of Columbia Circuit has consolidated the petitions for review in case numbers 08-1082, 08-1083, 08-1085, 08-1086, and 08-1087.

circumstances and that “[n]either the statute nor the JPML’s rules contemplate that the Panel, exercising its own discretion, could issue orders outside of the lottery process directing any Court of Appeals to transfer a pending case to another circuit,” Letter from Carter G. Phillips, Attorney for Fox Television Stations, Inc. and Tribune Company, to Jeffrey N. Luthi, United States Judicial Panel on Multidistrict Litigation (March 7, 2008). We leave it to the panel to determine whether a lottery is appropriate under the circumstances of this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew B. Berry".

Matthew B. Berry
General Counsel

Joseph R. Palmore
Deputy General Counsel

Jacob M. Lewis
Associate General Counsel

Nicholas A. Degani
Counsel

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Phone: (202) 418-1700
Fax: (202) 418-2822

March 7, 2008

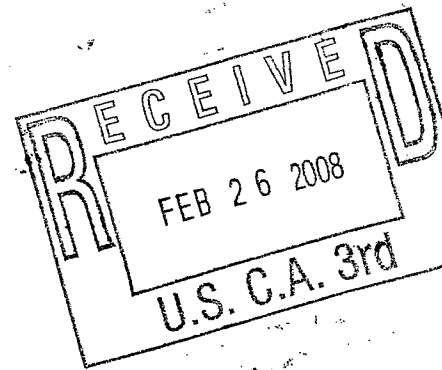
ATTACHMENT A

- A. The date of Federal Register publication of the relevant agency order: February 21, 2008.
- B. Cases filed and received by the Commission between February 21 and March 6, 2008:
1. *Prometheus Radio Project v. FCC and the United States of America*
Third Circuit, No. 08-1586
Filed: Feb. 26, 2008
Received by FCC: Feb. 28, 2008
 2. *Free Press v. FCC and the United States of America*
First Circuit, No. 08-1252
Filed: Feb. 26, 2008
Received by FCC: Feb. 29, 2008
 3. *Newspaper Association of America v. FCC and the United States of America*
D.C. Circuit, No. 08-1082
Filed: Feb. 29, 2008
Received by FCC: Feb. 29, 2008
 4. *Fox Television Stations v. FCC and United States of America*
D.C. Circuit, No. 08-1085
Filed: Feb. 29, 2008
Received by FCC: Feb. 29, 2008
 5. *Tribune Company v. FCC and United States of America*
D.C. Circuit, No. 08-1086
Filed: Feb. 29, 2008
Received by FCC: Feb. 29, 2008
 6. *Media Alliance v. FCC and United States of America*
Ninth Circuit, No. 08-70830
Filed: Feb. 27, 2008
Received by FCC: March 3, 2008
 7. *Office of Communications of the United Church of Christ, Inc. v. FCC and United States of America*
Sixth Circuit, No. 08-3234
Filed: Feb. 29, 2008
Received by FCC: March 3, 2008

8. *Newspaper Association of America v. FCC*
D.C. Circuit, No. 08-1083
Filed: Feb. 29, 2008
Received by FCC: March 3, 2008
9. *Sinclair Broadcast Group v. FCC and United States of America*
D.C. Circuit, No. 08-1087
Filed: Feb. 29, 2008
Received by FCC: March 4, 2008
10. *Bonneville International Corp. v. FCC and United States of America*
D.C. Circuit, No. 08-1089
Filed: March 4, 2008
Received by FCC: March 4, 2008
11. *The Scranton Times, L.P. v. FCC and United States of America*
D.C. Circuit, No. 08-1090
Filed: March 4, 2008
Received by FCC: March 4, 2008
12. *National Association of Broadcasters v. FCC and United States of America*
D.C. Circuit, No. 08-1091
Filed: March 4, 2008
Received by FCC: March 4, 2008
13. *Cox Enterprises, Inc. v. FCC and the United States of America*
D.C. Circuit, No. 08-1094
Filed: March 5, 2008
Received by FCC: March 5, 2008
14. *Media General, Inc. v. FCC and the United States of America*
D.C. Circuit, No. 08-1095
Filed: March 5, 2008
Received by FCC: March 5, 2008
15. *The Coalition of Smaller Market Television Stations and Raycom Media, Inc. v. FCC and United States of America*
D.C. Circuit, No. 08-1103
Filed: March 6, 2008
Received by FCC: March 6, 2008

ATTACHMENT B

2008 FEB 28 A 9: 56 **IN the
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**



PROMETHEUS RADIO PROJECT

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION

and

THE UNITED STATES OF AMERICA

Respondents.

No. 08- 1586

2008 FEB 28 A

PETITION FOR REVIEW

Pursuant to 47 U.S.C. §402(a), 28 U.S.C. §§2342(1) and 2344, and Rule 15(a), Federal Rules of Appellate Procedure, Prometheus Radio Project ("Petitioner") hereby petitions this Court for review of an order of the Federal Communications Commission ("Commission"), *Report and Order and Order on Reconsideration, In the Matter of 2006 Quadrennial Review*, MB Docket 06-121, MB Docket No. 02-277, MM Docket No. 01-235, MM Docket No. 01-317, MM Docket No. 00-244, MB Docket No. 04-228, MM Docket No. 99-360 ("*Report and Order*"), 73 Federal Register 9481 (February 21, 2008). Venue in this Court is proper under 28 U.S.C. §2343 because the Petitioner has its principal office in Pennsylvania.¹ A copy the *Report and Order* is attached, along with the dissenting opinions of Commissioners Michael Copps and Jonathan Adelstein.

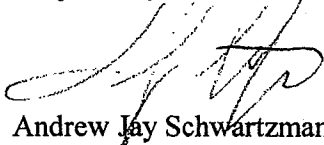
The *Report and Order* was conducted pursuant to remand from this Court, *Prometheus Radio Project v. FCC*, 373 F.3d 372 (3d Cir. 2004) and also constitutes the 2006 Quadrennial Review of

¹Because this Court retained jurisdiction over the Commission's action on remand, see *Prometheus Radio Project v. FCC*, 373 F.3d at 435, Petitioner believes this Court has exclusive jurisdiction over review of the *Report and Order*. However, out of an abundance of caution, Petitioner intends to follow the procedures set forth in 28 U.S.C. §2112(a).

the Commission's broadcast ownership rules. *See* 47 U.S.C. §161.² Petitioner seeks review of the Commission's decision in the *Report and Order* insofar as it determined that the Commission's newspaper/broadcast cross-ownership ("NBCO") rule is no longer necessary in the public interest and adopted a modified NBCO.

Petitioner seeks review of the Commission's action on the grounds that it is contrary to law and is otherwise arbitrary and capricious, an abuse of discretion, and in excess of statutory authority. Petitioner requests that this Court hold unlawful, vacate, enjoin, and set aside the *Report and Order* and order such other relief as may be just and proper.

Respectfully submitted,



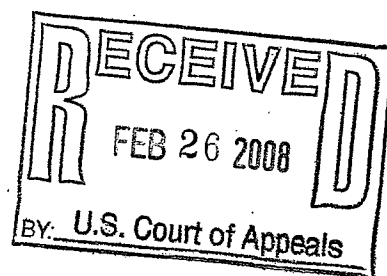
Andrew Jay Schwartzman
Parul P. Desai
Media Access Project
Suite 1000
1625 K Street, NW
Washington, DC 20006
(202) 232-4300

Counsel for Petitioner

February 21, 2008

²In 2004, Congress revised the initial biennial review of the ownership rules to a quadrennial review. *See* Consolidated Appropriations Act of 2004, Pub. L. No. 108-199, §629, 118 Stat. 3 (2004).

In the
**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**



FREE PRESS)
 Petitioner,)
 v.)
FEDERAL COMMUNICATIONS COMMISSION)
 and)
THE UNITED STATES OF AMERICA)
 Respondents.)

No. 08- 1252

2008 FEB 29 A 11:24

PETITION FOR REVIEW

Pursuant to 47 U.S.C. §402(a), 28 U.S.C. §§2342(1) and 2344, and Rule 15(a), Federal Rules of Appellate Procedure, Free Press ("Petitioner") hereby petitions this Court for review of an order of the Federal Communications Commission ("Commission"), *Report and Order and Order on Reconsideration, In the Matter of 2006 Quadrennial Review*, MB Docket 06-121, MB Docket No. 02-277, MM Docket No. 01-235, MM Docket No. 01-317, MM Docket No. 00-244, MB Docket No. 04-228, MM Docket No. 99-360 ("*Report and Order*"), 73 Federal Register 9481 (February 21, 2008). Venue in this Court is proper under 28 U.S.C. §2343 because the Petitioner has its principal office in Massachusetts.¹ A copy the *Report and Order* is attached, along with the dissenting opinions of Commissioners Michael Copps and Jonathan Adelstein.

The *Report and Order* was conducted pursuant to remand from the United States Court of Appeals for the Third Circuit, *Prometheus Radio Project v. FCC*, 373 F.3d 372 (3d Cir. 2004), and also constitutes the 2006 Quadrennial Review of the Commission's broadcast ownership

¹Because the United States Court of Appeals for the Third Circuit retained jurisdiction over the Commission's action on remand, *see Prometheus Radio Project v. FCC*, 373 F.3d at 435, Petitioner believes the Third Circuit has exclusive jurisdiction over review of the *Report and Order*. However, out of an abundance of caution, Petitioner intends to follow the procedures set forth in 28 U.S.C. §2112(a).

rules. *See* 47 U.S.C. §161.² Petitioner seeks review of the Commission's decision in the *Report and Order* insofar as it determined that the Commission's newspaper/broadcast cross-ownership ("NBCO") rule is no longer necessary in the public interest and adopted a modified NBCO, did not modify the local radio ownership rule adopted in 1996, and did not modify the local television ownership rule adopted in 1999.

Petitioner seeks review of the Commission's action on the grounds that it is contrary to law and is otherwise arbitrary and capricious, an abuse of discretion, and in excess of statutory authority. Petitioner requests that this Court hold unlawful, vacate, enjoin, and set aside the *Report and Order* and order such other relief as may be just and proper.

Respectfully submitted,



Marvin Ammori
Free Press
501 Third Street NW
Suite 875
Washington, DC 20001
202.265.1490
Counsel for Petitioner

February 26, 2008

²In 2004, Congress revised the initial biennial review of the ownership rules to a quadrennial review. *See* Consolidated Appropriations Act of 2004, Pub. L. No. 108-199, §629, 118 Stat. 3 (2004).

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

FEB 29 2008

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UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
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FEB 29 2008

CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NEWSPAPER ASSOCIATION OF AMERICA,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION
and
UNITED STATES OF AMERICA,

Respondents.

Case No. 08- 08-1082

2008 FEB 29 P 1:31

PETITION FOR REVIEW

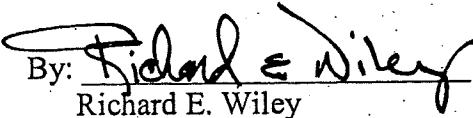
Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and Rule 15(a) of the Federal Rules of Appellate Procedure, the Newspaper Association of America ("NAA") hereby petitions the Court for review of the final order of the Federal Communications Commission (the "Commission" or the "FCC") captioned *In the Matter of 2006 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; 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; Cross Ownership of Broadcast Stations and Newspapers; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets; Definition of Radio Markets*, FCC 07-216, MB Docket No. 02-277; MM Docket Nos. 06-121, 01-235, 01-317, 00-244 (rel. Feb. 4, 2008) ("*Report and Order*"). A copy of the full text of the *Report and Order* is attached as EXHIBIT A to this Petition for Review. The *Report and Order* was published in the Federal Register on February 21, 2008. See 73 Fed. Reg.

9481 (Feb. 21, 2008).

In the *Report and Order*, the Commission modified the newspaper/broadcast cross-ownership rule to allow for presumptive waivers in the nation's twenty largest markets, and to permit waivers in other markets based on a four-factor test, among other actions. At the same time, the FCC denied the requests of NAA and others for complete repeal or more substantial relaxation of the newspaper/broadcast cross-ownership rule. Insofar as the *Report and Order* failed to repeal or more substantially relax the newspaper/broadcast cross-ownership rule, NAA seeks review on the grounds that it: exceeds the Commission's jurisdiction and authority; is contrary to constitutional right; violates the Communications Act of 1934, as amended, and the Telecommunications Act of 1996; is arbitrary, capricious and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*; and is otherwise contrary to law. Accordingly, NAA respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the pertinent aspects of the *Report and Order*, and provide such additional relief as may be appropriate.

This petition for review is timely pursuant to 47 U.S.C. § 402(a) and 28 U.S.C. § 2344. Venue is proper in this Court pursuant to 28 U.S.C. § 2343. NAA notes that it is also concurrently filing a Notice of Appeal with respect to the *Report and Order*, pursuant to 47 U.S.C. §§ 402(b) and (c) and Rule 15(a) of the Federal Rules of Appellate procedure, in an abundance of caution.

Respectfully submitted,

By: 

Richard E. Wiley
James R. Bayes
Martha E. Heller
Eve Klindera Reed
WILEY REIN LLP
1776 K Street NW
Washington DC 20006
TEL: 202.719.7000
FAX: 202.719.7049

John F. Sturm
President and Chief Executive Officer
NEWSPAPER ASSOCIATION OF AMERICA
4401 Wilson Blvd.
Suite 900
Arlington, VA 22203
TEL: 571.366.1001

ATTORNEYS FOR NEWSPAPER ASSOCIATION OF AMERICA

Dated: February 29, 2008

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

FEB 29 2008

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IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FOX TELEVISION STATIONS, INC.

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED STATES OF
AMERICA

Respondents.

Case No. 08-1085

2008 FEB 29 PM 3:49

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1), 2344 and Rule 15 of the Federal Rules of Appellate Procedure, Fox Television Stations, Inc. ("Fox") hereby petitions the Court for review of a Report and Order and Order on Reconsideration ("Order") of the Federal Communications Commission ("Commission") released on February 4, 2008, and published in the Federal Register on February 21, 2008. *See* 73 Fed. Reg. 9481 (Feb. 21, 2008). A copy of the Order is attached to this petition.

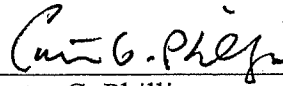
In the Order, the Commission modified its blanket prohibition on common ownership of a newspaper and a broadcast station in the same market. *See* 47 C.F.R. § 73.3555(d) (2002). In its place, the Commission established a presumption that a combination of one newspaper and, under certain circumstances, one broadcast station in the top 20 markets was in the public

interest. It established a presumption against all other newspaper/broadcast combinations. Fox was a participant in the proceeding below and is aggrieved by the Commission's Order.

Fox seeks review on the grounds that the Order is contrary to law, arbitrary and capricious, an abuse of discretion, and not supported by substantial evidence. Furthermore, the Commission's ongoing enforcement of its newspaper/broadcast cross-ownership rule is unconstitutional in violation of the First and Fifth Amendments. Fox respectfully requests that this Court hold unlawful, vacate, enjoin and set aside the portion of the Order adopting a revised newspaper/broadcast cross-ownership rule and grant such further relief as may be deemed just and proper.¹

Venue is lodged in this Court pursuant to 28 U.S.C. § 2343.

Respectfully submitted,

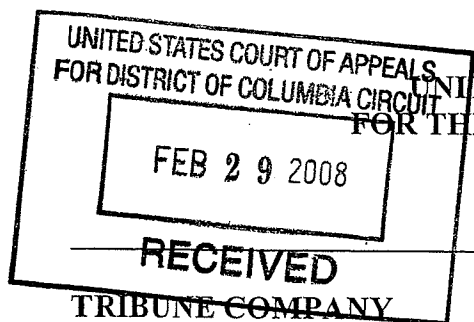


Carter G. Phillips
R. Clark Wadlow
Mark D. Schneider
James P. Young
Jennifer Tatel
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000

Dated: February 29, 2008

Attorneys for Fox Television Stations, Inc.

¹ Fox has been advised that some party or parties may seek to appeal the decision of the Commission in the Order under Section 402(b) of the Communications Act. *See* 47 U.S.C. § 402(b). If this Court determines that challenges to the Order must be brought under Section 402(b), Fox asks that this petition be treated as a notice of appeal under Section 402(b).



IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED STATES OF
AMERICA

Respondents.

Case No. 08-____ 08-1086

2008 FEB 29 PM 3:49

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1), 2344 and Rule 15 of the Federal Rules of Appellate Procedure, Tribune Company ("Tribune") hereby petitions the Court for review of a Report and Order and Order on Reconsideration ("Order") of the Federal Communications Commission ("Commission") released on February 4, 2008, and published in the Federal Register on February 21, 2008. *See* 73 Fed. Reg. 9481 (Feb. 21, 2008). A copy of the Order is attached to this petition.

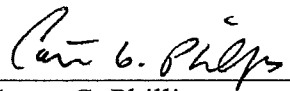
In the Order, the Commission modified its blanket prohibition on common ownership of a newspaper and a broadcast station in the same market. *See* 47 C.F.R. § 73.3555(d) (2002). In its place, the Commission established a presumption that a combination of one newspaper and, under certain circumstances, one broadcast station in the top 20 markets was in the public

interest. It established a presumption against all other newspaper/broadcast combinations. Tribune was a participant in the proceeding below and is aggrieved by the Commission's Order.

Tribune seeks review on the grounds that the Order is contrary to law, arbitrary and capricious, an abuse of discretion, and not supported by substantial evidence. Furthermore, the Commission's ongoing enforcement of its newspaper/broadcast cross-ownership rule is unconstitutional in violation of the First and Fifth Amendments. Tribune respectfully requests that this Court hold unlawful, vacate, enjoin and set aside the portion of the Order adopting a revised newspaper/broadcast cross-ownership rule and grant such further relief as may be deemed just and proper.¹

Venue is lodged in this Court pursuant to 28 U.S.C. § 2343.

Respectfully submitted,



Carter G. Phillips
R. Clark Wadlow
Mark D. Schneider
James P. Young
Jennifer Tatel
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000

Dated: February 29, 2008

Attorneys for Tribune Company

¹ Tribune has been advised that some party or parties may seek to appeal the decision of the Commission in the Order under Section 402(b) of the Communications Act. *See* 47 U.S.C. § 402(b). If this Court determines that challenges to the Order must be brought under Section 402(b), Tribune asks that this petition be treated as a notice of appeal under Section 402(b).

In the
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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DATE INITIAL

Media Alliance, Petitioner

v.

Federal Communications Commission
and United States of America,
Respondents

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No. 08-10830

2008 MAR -3 A 11:33

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PETITION FOR REVIEW

Pursuant to 47 U.S.C. §402(a), 28 U.S.C. §§ 2342(1) and 2344, and Rule 15(a), Federal Rules of Appellate Procedure, Media Alliance ("Petitioner") hereby petitions this Court for review of an order of the Federal Communications Commission ("Commission"), *Report and Order and Order on Reconsideration, In the Matter of 2006 Quadrennial Regulatory Review*, MB Docket No. 06-121, MB Docket No. 02-277, MM Docket No. 01-235, MM Docket No. 01-317, MM Docket No. 00-244, MB Docket No. 04-228, MM Docket No. 99-360 ("2008 Order") which was adopted December 18, 2007, and released February 4, 2008. A summary of this Order was published in the Federal Register on February 21, 2008, and is attached to this Petition.¹ 73 Fed. Reg. 9481 (Feb. 21, 2008). Venue in this Court is proper under 28 U.S.C. §2343 because Petitioner has its principal

¹ The complete text of the order is available on the FCC's web site at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-216A1.pdf.

offices in California. However, because the FCC's *2008 Order* was issued in response to a remand by the Third Circuit over which that Court retained jurisdiction, Media Alliance is also filing today a Motion to Transfer the case to the Third Circuit.

Petitioner Media Alliance is a non-profit organization with headquarters in Oakland, California. With more than 1,900 dues-paying members, Petitioner has served the Bay Area as a training and resource center for more than twenty-five years. Many of Petitioner's members are professional, freelance journalists and almost fifty of Petitioner's members are organizational members. In addition to serving media workers, Petitioner has trained hundreds of Bay Area community organizations and activists in media skills each year. Petitioner also publishes a Bay Area media review and a comprehensive guide to media outlets and journalists throughout the Bay Area. Petitioner filed comments in the Commission proceeding leading up to the *2008 Order* under review. As journalists and as members of the public, Petitioner's members are aggrieved by the *2008 Order* because of its effects on media concentration.

In 2003, after the Commission drastically modified its broadcast media ownership rules, *see Report and Order and Notice of Proposed Rulemaking*, 18 F.C.C.R. 13,620 (2003) ("*2003 Order*"), Media Alliance filed a petition for review of the Commission's action in this Court. *Media Alliance v. FCC*, No. 03-72910

(9th Cir. Aug. 13, 2003). Because numerous parties filed petitions for review of the same order in multiple circuits, the Judicial Panel of Multidistrict Litigation consolidated the petitions in the Third Circuit pursuant to 28 U.S.C. § 2112(a). The Third Circuit then stayed implementation of the Commission's modifications pending its review. After its review, the Third Circuit remanded for the Commission to justify or modify portions of its action, and "retain[ed] jurisdiction" over "the Commission's action of remand." *Prometheus Radio Project v. FCC*, 373 F.3d 372, 435 (3d Cir. 2003), *cert. denied*, 545 U.S. 1123 (2005).

The *2008 Order*, of which Media Alliance now petitions for review, was conducted pursuant to the Third Circuit's remand. The *2008 Order* also concludes the 2006 Quadrennial Regulatory Review of the Commission's broadcast ownership rules. See Telecommunications Act of 1996, Pub. L. No. 104-104, §202(h), 110 Stat. 56, 111-112.²

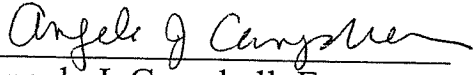
Media Alliance seeks review of the Commission's *2008 Order* because it is contrary to law and is otherwise arbitrary and capricious, an abuse of discretion, and in excess of statutory authority. The Commission's action also violates the Communications Act, the Administrative Procedures Act, and fails to comply with the *Prometheus* mandate.

² In 2004, Congress revised the initial biennial review of the ownership rules to a quadrennial review. See Consolidated Appropriations Act of 2004, Pub. L. No. 108-199, §629, 118 Stat. 3 (2004) (codified at 47 U.S.C. §303 note (2006)).

Because the Third Circuit explicitly retained jurisdiction over the Commission's action on remand, Media Alliance believes the Third Circuit has exclusive jurisdiction over review of the *2008 Order*. Accordingly, Media Alliance today is also filing a Motion to Transfer the case to the Third Circuit. Even though Petitioner believes the Third Circuit has exclusive jurisdiction, Petitioner intends to follow the procedures set forth in 28 U.S.C. §2112(a) out of an abundance of caution.

Petitioner requests that the *2008 Order* be held unlawful, vacated, enjoined, and set aside, that such other relief be granted as may be just and proper.

Respectfully submitted,


Angela J. Campbell, Esq.
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue, N.W.
Washington, DC 20001
(202) 662-9535

February 26, 2008

Counsel for Media Alliance

FEB 29 2008

FILED

FEB 29 2008

LEONARD GREEN, Clerk
Office of Communication of

LEONARD GREEN, Clerk

Petitioner,

V.

) No. 08-3234

and United States of America,

Respondents

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Quadrennial Regulatory Review, MB Docket No. 06-121, MB Docket No. 02-277, MM Docket No. 01-235, MM Docket No. 01-317, MM Docket No. 00-244, MB Docket No. 04-228, MM Docket No. 99-360 (“*2008 Order*”) which was adopted December 18, 2007, and released February 4, 2008. A copy of this Order is attached. A summary of the *2008 Order* was published in the Federal Register on February 21, 2008. 73 Fed. Reg. 9481 (Feb. 21, 2008). Venue in this Court is proper under 28 U.S.C. §2343 because UCC has its principal offices in Ohio. However, because the FCC’s *2008 Order* was issued in response to a remand by

the Third Circuit over which that Court retained jurisdiction, UCC is also filing today a Motion to Transfer the case to the Third Circuit.

Petitioner is a not-for-profit corporation of the United Church of Christ. The United Church of Christ is a not-for-profit, religious organization, formed in 1957. It has approximately 1.4 million members which make up over 6,000 congregations in the United States and Puerto Rico. Petitioner is responsible for developing the Church's policy towards the mass media and has actively defended the public's rights in the telecommunications field for over thirty years by participating in Commission and judicial proceedings representing the rights of viewing and listening public. Petitioner has a strong interest in preserving and promoting the public's First Amendment right to a multiplicity of diverse and antagonistic sources of information. Petitioner filed comments in the Commission proceeding leading up to the *2008 Order* under review. As members of the public, Petitioner's members are aggrieved by the *2008 Order* because of its effects on media concentration.

In 2003, after the Commission drastically modified its broadcast media ownership rules, see *Report and Order and Notice of Proposed Rulemaking*, 18 F.C.C.R. 13,620 (2003) ("*2003 Order*"), multiple parties filed petitions for review of the Commission's action in multiple courts of appeal. Pursuant to 28 U.S.C. §2112(a), the Judicial Panel of Multidistrict Litigation consolidated the petitions in

the Third Circuit. UCC then joined the proceeding as an Intervenor. *See* Mot. For Leave to Intervene, *Prometheus v. FCC*, 373 F.3d 372 (3d. 2003) (No. 03-3388) (granted Sept. 11, 2003). The Third Circuit stayed implementation of the Commission's modifications pending its review. After its review, the Third Circuit remanded for the Commission to justify or modify portions of its action, and "retain[ed] jurisdiction" over "the Commission's action of remand." *Prometheus Radio Project v. FCC*, 373 F.3d 372, 435 (3d Cir. 2003), *cert. denied*, 545 U.S. 1123 (2005).

The *2008 Order*, of which UCC now petitions for review, was conducted pursuant to the Third Circuit's remand. The *2008 Order* also constitutes the 2006 Quadrennial Regulatory Review of the Commission's broadcast ownership rules. *See* Telecommunications Act of 1996, Pub. L. No. 104-104, §202(h), 110 Stat. 56, 111-112.¹


UCC seeks review of the Commission's *2008 Order* because it is contrary to law and is otherwise arbitrary and capricious, an abuse of discretion, and in excess of statutory authority. The Commission's action also violates the Communications Act, the Administrative Procedures Act, and fails to comply with the *Prometheus* mandate.

¹ In 2004, Congress revised the initial biennial review of the ownership rules to a quadrennial review. *See* Consolidated Appropriations Act of 2004, Pub. L. No. 108-199, §629, 118 Stat. 3 (2004) (codified at 47 U.S.C. §303 note (2006)).

Because the Third Circuit explicitly retained jurisdiction over the Commission's action on remand, UCC believes the Third Circuit has exclusive jurisdiction over review of the *2008 Order*. Accordingly, UCC today is also filing a Motion to Transfer the case to the Third Circuit. Even though UCC believes the Third Circuit has exclusive jurisdiction, UCC intends to follow the procedures set forth in 28 U.S.C. §2112(a) out of an abundance of caution.

UCC requests that the *2008 Order* be held unlawful, vacated, enjoined, and set aside, that such other relief be granted as may be just and proper.

Respectfully submitted,



Angela J. Campbell, Esq.
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue, N.W.
Washington, DC 20001
(202) 662-9535

February 27, 2008

Counsel for Petitioners

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

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FOR DISTRICT OF COLUMBIA CIRCUIT
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IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NEWSPAPER ASSOCIATION OF AMERICA

Appellant,

v.

FEDERAL COMMUNICATIONS COMMISSION,

Appellee.

Case No. 08- 08-1083

NOTICE OF APPEAL

Pursuant to 47 U.S.C. §§ 402(b) and (c) and Rule 15(a) of the Federal Rules of Appellate Procedure, the Newspaper Association of America ("NAA") hereby appeals to this Court the order of the Federal Communications Commission (the "Commission" or the "FCC") captioned *In the Matter of 2006 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; 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; Cross Ownership of Broadcast Stations and Newspapers; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets; Definition of Radio Markets*, FCC 07-216, MB Docket No. 02-277; MM Docket Nos. 06-121, 01-235, 01-317, 00-244 (rel. Feb. 4, 2008) ("Report and Order"). A copy of the full text of the Report and Order is attached as EXHIBIT A to this Notice of Appeal.

In the Report and Order, the FCC granted the requests of certain parties for permanent waivers of the Commission's newspaper/broadcast cross-ownership rule, 47 C.F.R. § 73.3555(d)

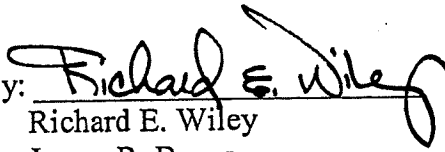
(2002), which had been requested in connection with those parties' license renewal applications. In addition, the Commission modified the newspaper/broadcast cross-ownership rule to allow for presumptive waivers in the nation's twenty largest markets, and to permit waivers in other markets based on a four-factor test. At the same time, the FCC denied the requests of NAA and others for complete repeal or more substantial relaxation of the newspaper/broadcast cross-ownership rule.

Insofar as the *Report and Order* failed to repeal or more substantially relax the newspaper/broadcast cross-ownership rule, NAA seeks review on the grounds that it: exceeds the Commission's jurisdiction and authority; is contrary to constitutional right; violates the Communications Act of 1934, as amended, and the Telecommunications Act of 1996; is arbitrary, capricious and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*; and is otherwise contrary to law. Accordingly, NAA respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the pertinent aspects of the *Report and Order*, and provide such additional relief as may be appropriate.

This notice of appeal is timely pursuant to 47 U.S.C. § 402(c). Venue is proper in this Court pursuant to 47 U.S.C. § 402(b). NAA notes that it is also concurrently filing a Petition for Review with respect to the *Report and Order*, pursuant to 47 U.S.C. § 402(a), 28 U.S.C. § 2344, and Rule 15(a) of the Federal Rules of Appellate procedure, in an abundance of caution.

Respectfully submitted,

John F. Sturm
President and Chief Executive Officer
NEWSPAPER ASSOCIATION OF AMERICA
4401 Wilson Blvd.
Suite 900
Arlington, VA 22203
TEL: 571.366.1001

By: 
Richard E. Wiley
James R. Bayes
Martha E. Heller
Eve Klindera Reed
WILEY REIN LLP
1776 K Street NW
Washington DC 20006
TEL: 202.719.7000
FAX: 202.719.7049

ATTORNEYS FOR NEWSPAPER ASSOCIATION OF AMERICA

Dated: February 29, 2008

IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SINCLAIR BROADCAST GROUP, INC.,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION, and

UNITED STATES OF AMERICA,

Respondents.

Case No. 08-1087

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PETITION FOR REVIEW

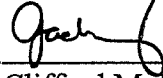
Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342 and 2344, and Rule 15(a) of the Federal Rules of Appellate Procedure, Sinclair Broadcast Group, Inc. hereby petitions this Court for review of the Report and Order of the Federal Communications Commission issued in 2006 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, FCC 07-216, MB Dockets 06-121 and 02-277; MM Dockets 01-235, 01-317, 00-244, 04-228, 99-360 (rel. Feb. 4, 2008) (the “2008 Media Ownership Order”). A copy of the 2008 Media Ownership Order is attached hereto as Exhibit 1. A summary of the 2008 Media Ownership Order was published in the Federal Register on February 21, 2008, at 73 Fed. Reg. 9481. Venue is proper under 28 U.S.C. § 2343.

Petitioner seeks review on the grounds that the 2008 Media Ownership Order is inconsistent with this Court’s remand in *Sinclair Broadcast Group, Inc. v. F.C.C.*, 284 F.3d 148 (D.C. Cir. 2002) and the decision in *Prometheus Radio Project v. F.C.C.*, 373 F.3d 372 (3d Cir.

2004) and is unconstitutional, arbitrary, capricious, and otherwise contrary to law. Petitioner requests that this Court enter an order reversing and/or vacating the *2008 Media Ownership Order*.

Respectfully Submitted,

SINCLAIR BROADCAST GROUP, INC.



Clifford M. Harrington

Jack McKay

Tony Lin

Alison B. Rousseau

Pillsbury Winthrop Shaw Pittman LLP

2300 N Street, N.W.

Washington, D.C. 20037

Tel: (202) 663-8000

Fax: (202) 663-8007

Counsel for Sinclair Broadcast Group, Inc.

Dated: February 29, 2008

FOR DISTRICT OF COLUMBIA CIRCUIT

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IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

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BONNEVILLE INTERNATIONAL
CORPORATION,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION
AND UNITED STATES OF AMERICA,

Respondents.

2008 MAR -4 P 1:23

Case No. 08-1089

PETITION FOR REVIEW

Bonneville International Corporation ("BIC"), by its attorneys, hereby petitions this Court pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and F.R.A.P. 15(a) for review of an order of the Federal Communications Commission ("FCC" or "Commission"), *2006 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules, Report and Order and Order on Reconsideration*, MB Docket No. 06-121, FCC 07-216 (rel. Feb. 4, 2008), *summarized*, 73 Fed. Reg. 9481 (Feb. 21, 2008) ("*Order*").* A copy of the *Order* is attached. This petition for review is timely under 28 U.S.C. § 2344 and 47 C.F.R. § 1.4(b)(1). Venue is proper under 28 U.S.C. § 2342.

In the *Order*, the Commission retained the newspaper/broadcast cross-ownership prohibition and prescribed the standards by which waivers would be judged. The *Order* also granted permanent waivers of the rule in several markets.

BIC participated in the proceeding below and argued, among other things, that the newspaper/broadcast cross-ownership ban should be eliminated, not just modified. BIC operates broadcast stations in several markets, including one market with a commonly-owned

* BIC notes that appeals of the *Order* have been filed pursuant to 47 U.S.C. §§ 402(a) and 402(b). To the extent that the Court determines that the case is governed under § 402(b), BIC respectfully requests that the instant petition for review be treated as a notice of appeal because it has been timely filed and satisfies the venue requirement.

newspaper.** BIC is adversely affected by the FCC's retention of the newspaper/broadcast cross-ownership prohibition and is aggrieved by the *Order*. Relief is sought on the grounds that the modified newspaper/broadcast cross-ownership rule is unconstitutional, violates the Communications Act of 1934 as amended, and the Telecommunications Act of 1996, is arbitrary and capricious, and is otherwise not in accordance with the record or the law. *See* 5 U.S.C. § 706; 47 U.S.C. §§ 151 *et seq.*; Pub. L. No. 104-104, 110 Stat. 56 (1996). BIC asks this Court to "hold unlawful and set aside" the *Order* and provide any other relief as appropriate. *See* 5 U.S.C. § 706.

Respectfully submitted,



Bruce T. Reese, President
BONNEVILLE INTERNATIONAL
CORPORATION
55 North 300 West
8th Floor
Salt Lake City, UT 84101-3580
(801) 575-7565

L. Andrew Tollin
Kenneth E. Satten
Adam D. Krinsky
Craig E. Gilmore
WILKINSON BARKER KNAUER, LLP
2300 N Street, N.W., Suite 700
Washington, D.C. 20037
(202) 783-4141

*Counsel for Bonneville International
Corporation*

Dated: March 4, 2008

** BIC operates broadcast stations licensed to an affiliated company, Bonneville Holding Company.

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

MAR - 4 2008

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IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FOR DISTRICT OF COLUMBIA CIRCUIT

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THE SCRANTON TIMES, L.P.

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION
AND UNITED STATES OF AMERICA,

Respondents.

Case No. 08-1090 P 1:23

PETITION FOR REVIEW

The Scranton Times, L.P. ("The Scranton Times"), by its attorneys, hereby petitions this Court pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and F.R.A.P. 15(a) for review of an order of the Federal Communications Commission ("FCC" or "Commission"), *2006 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules, Report and Order and Order on Reconsideration*, MB Docket No. 06-121, FCC 07-216 (rel. Feb. 4, 2008), *summarized*, 73 Fed. Reg. 9481 (Feb. 21, 2008) ("Order").* A copy of the *Order* is attached. This petition for review is timely under 28 U.S.C. § 2344 and 47 C.F.R. § 1.4(b)(1). Venue is proper under 28 U.S.C. § 2342.

In the *Order*, the Commission retained the newspaper/broadcast cross-ownership prohibition and prescribed the standards by which waivers would be judged. The *Order* also granted permanent waivers of the rule in several markets.

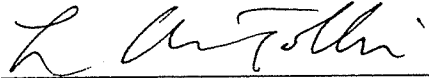
The Scranton Times participated in the proceeding below and argued, among other things, that the newspaper/broadcast cross-ownership ban should be eliminated, not just modified. The Scranton Times owns and operates broadcast stations and newspaper interests in

* The Scranton Times notes that appeals of the *Order* have been filed pursuant to 47 U.S.C. §§ 402(a) and 402(b). To the extent that the Court determines that the case is governed under § 402(b), The Scranton Times respectfully requests that the instant petition for review be treated as a notice of appeal because it has been timely filed and satisfies the venue requirement.

the same area. The Scranton Times is adversely affected by the FCC's retention of the newspaper/broadcast cross-ownership prohibition and is aggrieved by the *Order*. Relief is sought on the grounds that the modified newspaper/broadcast cross-ownership rule is unconstitutional, violates the Communications Act of 1934 as amended, and the Telecommunications Act of 1996, is arbitrary and capricious, and is otherwise not in accordance with the record or the law. *See* 5 U.S.C. § 706; 47 U.S.C. §§ 151 *et seq.*; Pub. L. No. 104-104, 110 Stat. 56 (1996). The Scranton Times asks this Court to "hold unlawful and set aside" the *Order* and provide any other relief as appropriate. *See* 5 U.S.C. § 706.

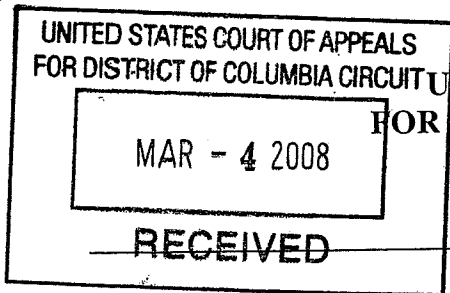
Respectfully submitted,

William R. Lynett
Member, General Partner, THE SCRANTON TIMES, L.P.
149 Penn Avenue
Scranton, PA 18503
(570) 348-9103

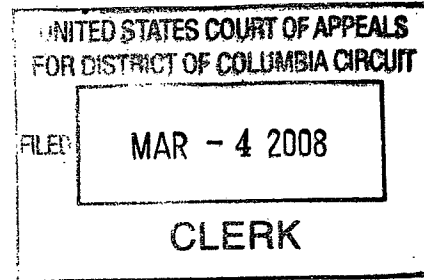

L. Andrew Tollin
Kenneth E. Satten
Adam D. Krinsky
Craig E. Gilmore
WILKINSON BARKER KNAUER, LLP
2300 N Street, N.W., Suite 700
Washington, D.C. 20037
(202) 783-4141

Counsel for
The Scranton Times, L.P.

Dated: March 4, 2008



IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT



NATIONAL ASSOCIATION OF BROADCASTERS,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION and
UNITED STATES OF AMERICA,

Respondents.

08-1091

Case No. _____

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342 and 2344, and Rule 15(a) of the Federal Rules of Appellate Procedure, the National Association of Broadcasters ("NAB") hereby petitions this Court for review of the Report and Order issued by the Federal Communications Commission ("FCC") in *In re 2006 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. 06-121, MB Docket No. 02-277, MB Docket No. 01-235, MB Docket No. 01-317, MB Docket No. 00-244, MB Docket No. 04-228, MB Docket No. 99-360, FCC No. 07-216 (released February 4, 2008) ("Media Ownership Order").

A copy of the order is attached as Exhibit 1 to this petition. A summary of the order was published in the Federal Register on February 21, 2008, at 73 Fed. Reg. 9481-92. Venue is proper under 28 U.S.C. § 2343.

In the Media Ownership Order, the FCC conducted its quadrennial review of media ownership restrictions. Among other things, the Commission modified its newspaper/broadcast cross-ownership rule and retained certain existing local broadcast ownership restrictions. Petitioner seeks relief from the Media Ownership Order on the grounds that the revised newspaper/broadcast cross-ownership restrictions are arbitrary, capricious, and contrary to law, and that certain of the retained local broadcast ownership restrictions are likewise arbitrary, capricious, and otherwise contrary to law. The Petitioner requests that this Court hold these aspects of the Media Ownership Order unlawful, and that it enter an order vacating, enjoining, and setting aside these aspects of the order. *See* 5 U.S.C. § 706.

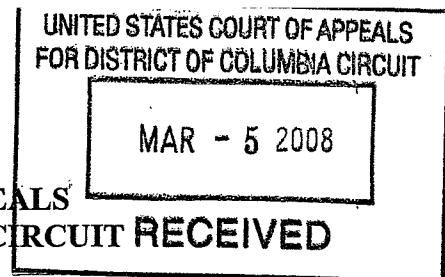
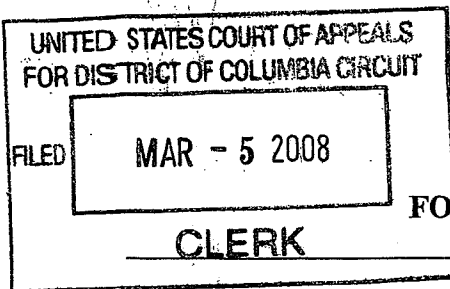
Respectfully submitted,

Donald B. Verrilli, Jr. /IHG

Marsha J. MacBride
Jane E. Mago
Jerianne Timmerman
National Association of Broadcasters
1771 N Street, N.W.
Washington, DC 20036
(202) 429-5430

Donald B. Verrilli, Jr.
Ian Heath Gershengorn
Elaine J. Goldenberg
Joshua M. Segal
Jenner & Block LLP
601 Thirteenth Street, N.W.
Washington, DC 20005
(202) 639-6000

Dated: March 4, 2008



UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

2008 MAR -5 P 1:29

COX ENTERPRISES, INC.,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION and the
UNITED STATES OF AMERICA,

Respondents.

Case No. 08- 08-1094

PETITION FOR REVIEW

Cox Enterprises, Inc. ("Cox"), by its attorneys and pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342 and 2344, and Federal Rule of Appellate Procedure 15(a), hereby petitions this Court for review of the *Report and Order and Order on Reconsideration* of the Federal Communications Commission ("Commission") released February 4, 2008 in its quadrennial review proceeding (the "*Report and Order*").¹ A copy of the *Report and Order*, a summary of which was published in the *Federal Register* on February 21, 2008 (73 Fed. Reg. 9481), is submitted herewith.

In the *Report and Order*, the Commission, among other things, denied the request of Cox and others to eliminate the Commission's prohibition on newspaper and broadcast cross-

¹ The *Report and Order* is captioned *In the Matter of 2006 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; 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; Cross-Ownership of Broadcast Stations and Newspapers; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets; Definition of Radio Markets; Ways To Further Section 257 Mandate and To Build on Earlier Studies; Public Interest Obligations of TV Broadcast Licensees; MB Docket*

ownership. Instead, among other changes, the Commission modified that prohibition to allow presumptive waivers only in the largest twenty markets, subject to certain additional criteria. The *Report and Order* established a presumption against permitting any newspaper and broadcast combinations in any other markets. Cox participated in the above-referenced proceedings before the Commission. As an owner of numerous newspaper and broadcast properties, Cox is directly and adversely affected and aggrieved by the *Report and Order*.

Cox seeks relief on the grounds that, among other things, the Commission's failure to eliminate its restriction on newspaper/broadcast cross-ownership, its continuing enforcement of the newspaper/broadcast cross-ownership restriction to bar not only the formation of new combinations but to prevent the transfer intact of any combinations that may be grandfathered or that received waivers, and its decision deeming it necessary for Cox to seek waivers of the newspaper/broadcast cross-ownership restriction violate the United States Constitution; violate the Communications Act, 47 U.S.C. § 151 *et seq.*; are arbitrary and capricious; are not supported by substantial evidence; and are an abuse of discretion, erroneous, and otherwise contrary to law.

Venue lies in this Court pursuant to 28 U.S.C. § 2343. This Petition for Review is timely filed under 28 U.S.C. § 2344.

Also submitted herewith is the corporate disclosure statement required under Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1. Cox notes that it is also concurrently filing a Notice of Appeal with respect to the *Report and Order*, pursuant to 47 U.S.C. §§ 402(b) and (c).

WHEREFORE, Cox respectfully requests that this Court grant this petition for review; hold unlawful, reverse, vacate, enjoin, and set aside the *Report and Order* insofar as it failed to

eliminate the Commission's restriction on newspaper and broadcast cross-ownership; vacate the newspaper/broadcast cross-ownership rule, 47 C.F.R. § 73.3555(d); and grant such other and further relief as the Court deems just and proper.

Dated: March 5, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Hays", written over a horizontal line.

Kevin F. Reed (D.C. Bar No. 185108)

Michael D. Hays (D.C. Bar No. 932418)

M. Anne Swanson (D.C. Bar No. 358926)

DOW LOHNES PLLC

1200 New Hampshire Avenue, N.W., Suite 800

Washington, D.C. 20036-6802

(202) 776-2000

(202) 776-2222(fax)

Counsel for Petitioner Cox Enterprises, Inc.

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FOR THE DISTRICT OF COLUMBIA CIRCUIT

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MEDIA GENERAL, INC.,

Petitioner,

v.

FEDERAL COMMUNICATIONS
COMMISSION and THE UNITED
STATES OF AMERICA,

Respondents.

Case No. 08-08-1095

PETITION FOR REVIEW

Media General, Inc. ("Media General"), by its attorneys and pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342 and 2344, and Federal Rule of Appellate Procedure 15(a), hereby petitions this Court for review of the *Report and Order and Order on Reconsideration* of the Federal Communications Commission ("Commission") released February 4, 2008 in its quadrennial review proceeding (the "*Report and Order*").¹ A copy of the *Report and Order*, a summary of which was published in the *Federal Register* on February 21, 2008 (73 Fed. Reg. 9481), is submitted herewith.

¹ The *Report and Order* is captioned *In the Matter of 2006 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; 2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; Cross-Ownership of Broadcast Stations and Newspapers; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets; Definition of Radio Markets; Ways To Further Section 257 Mandate and To Build on Earlier Studies; Public Interest Obligations of TV Broadcast Licensees*; MB Docket No. 06-121, MB Docket No. 02-277, MM Docket No. 01-235, MM Docket No. 01-317, MM Docket No. 00-244, MB Docket No. 04-228, MM Docket No. 99-360.

In the *Report and Order*, the Commission, among other things, denied the request of Media General and others to eliminate in its entirety the Commission's prohibition on newspaper/broadcast cross-ownership. Instead, among other changes, the Commission modified that prohibition to allow presumptive waivers only in the largest twenty markets, subject to certain additional criteria. The *Report and Order* established a presumption against permitting any newspaper and broadcast combinations in other markets. Media General participated in the above-referenced proceedings before the Commission. As an owner of numerous newspapers and broadcast stations principally in small and medium-sized markets, Media General is directly and adversely affected and aggrieved by the *Report and Order*.

Media General seeks relief on the grounds that, among other things, the Commission's failure to eliminate entirely its restriction on newspaper/broadcast cross-ownership, its continuing enforcement of such restriction to bar not only the formation of new combinations but to prevent the transfer intact of any combinations that may be grandfathered or receive waivers, and its decision deeming it necessary for Media General to obtain waivers of the newspaper/broadcast cross-ownership restriction violate the United States Constitution; violate the Communications Act, 47 U.S.C. § 151 *et seq.*; are arbitrary and capricious; are not supported by substantial evidence; and are an abuse of discretion, erroneous, and otherwise contrary to law.

Venue lies in this Court pursuant to 28 U.S.C. § 2343. This Petition for Review is timely filed under 28 U.S.C. § 2344.

Also submitted herewith is the corporate disclosure statement required under Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1. Media General notes that it is also concurrently filing a Notice of Appeal with respect to the *Report and Order*, pursuant to 47 U.S.C. §§ 402(b) and (c).

WHEREFORE, Media General respectfully requests that this Court grant this petition for review; hold unlawful, reverse, vacate, enjoin, and set aside the *Report and Order* insofar as it failed to eliminate entirely the Commission's restriction on newspaper/broadcast cross-ownership and deemed it necessary for Media General to obtain waivers of the newspaper/broadcast cross-ownership restriction; vacate the newspaper/broadcast cross-ownership rule, 47 C.F.R. § 73.3555(d); and grant such other and further relief as the Court deems just and proper.

Dated: March 5, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Hays", written over a horizontal line.

John R. Feore (D.C. Bar. No. 202770)

Michael D. Hays (D.C. Bar No. 932418)

M. Anne Swanson (D.C. Bar No. 358926)

DOW LOHNES PLLC

1200 New Hampshire Ave., N.W. Suite 800

Washington, D.C. 20036

Tel: (202) 776-2000

Fax: (202) 776-2222

Counsel for Petitioner Media General, Inc.

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

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FOR DISTRICT OF COLUMBIA CIRCUIT

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IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

THE COALITION OF SMALLER MARKET
TELEVISION STATIONS
and RAYCOM MEDIA, INC.

Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION
and UNITED STATES OF AMERICA,

Respondents.

Case No. 08- 08-1103

2008 MAR - 6 P 4: 29

PETITION FOR REVIEW

The Coalition of Smaller Market Television Stations ("Coalition") and Raycom Media, Inc. ("Raycom"), pursuant to Section 402(a) of the Communications Act of 1934, 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342-44, and Rule 15(a) of the Federal Rules of Appellate Procedure, hereby petition this Court for review of an order of the Federal Communications Commission, *2006 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*, etc., MB Dockets 06-121, 02-277 & 04-228, MM Dockets 01-235, 01-317, 00-244, & 99-360 (rel. Feb. 4, 2008), 73 Fed. Reg. 9481 (Feb. 21, 2008) ("2006

Quadrennial Review Order"). A copy of the 2006 Quadrennial Review Order is attached to this Petition as Exhibit 1.

In the 2006 Quadrennial Review Order, the Federal Communications Commission decided, *inter alia*, to readopt the current local television ownership rule, 47 C.F.R. § 73.3555(b) (the "duopoly rule"). The duopoly rule bars the same entity from owning two television stations in the same local television market, or Designated Market Area ("DMA"), unless: (1) the Grade B contours of the stations do not overlap, or (2) at least one of the stations in the combination is not ranked among the DMA's top four stations in terms of audience share and at least eight independently owned and operating commercial or non-commercial full-power broadcast television stations would remain in the proposed combination's DMA after the merger. *See id.*; 2006 Quadrennial Review Order ¶ 87. The duopoly rule adopted by the Commission in the 2006 Quadrennial Review Order is exactly the same rule that this Court found arbitrary and capricious and remanded to the FCC five years ago in *Sinclair v. FCC*, 284 F.3d 148, 165 (D.C. Cir. 2002).

The Coalition is a group of television station owners representing 113 television stations in DMAs sized 50 and smaller. Raycom is a member of the Coalition, and owns 34 of those stations. The Commission's decision to reaffirm the duopoly rule will have a direct adverse impact on the Coalition's members, including Raycom, and on their ability to serve their television stations' respective

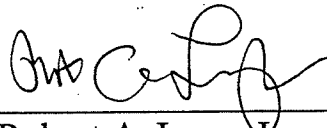
communities of license. For this reason, the Coalition participated in the Commission proceeding below and gave particular attention to the duopoly rule issue.

Venue in this Court is proper pursuant to 28 U.S.C. § 2343. In 2004, the Third Circuit remanded the FCC's prior ownership review and the reviewing panel retained jurisdiction "pending [its] review of the Commission's action on remand." *Prometheus Radio Project v. FCC*, 373 F.3d 372, 435 (3d Cir. 2004). Section 2343 authorizes filing a petition for review only in "this court or in the Court of Appeals for the judicial circuit in which the petitioner resides or has his principal place of business." *See Radiofone, Inc. v. FCC*, 759 F.2d 936, 938 n.2 (D.C. Cir. 1985) (citing 28 U.S.C. § 2343). Neither petitioner resides or conducts business in the Third Circuit. Accordingly, petitioners are lodging their challenge to the 2006 Quadrennial Review Order in this Court pursuant to 28 U.S.C. § 2343.

The Coalition and Raycom seek relief from the Commission's decision to retain the duopoly rule in its present form on the grounds that it is arbitrary, capricious, and otherwise not in accordance with law. Accordingly, Petitioners request that this Court hold unlawful, vacate, and set aside this aspect of

the 2006 Quadrennial Review Order and grant such other relief as may be necessary and proper under the circumstances.

Respectfully submitted,



Robert A. Long, Jr.

Counsel of Record

COVINGTON & BURLING LLP

1201 Pennsylvania Avenue, NW

Washington, DC 20004-2401

(202) 662-6000

*Counsel to the Coalition of Smaller
Market Television Stations
and Raycom Media, Inc.*

March 6, 2008

CERTIFICATE OF SERVICE

I, Shirley E. Farmer, hereby certify that the foregoing "Notice of Multicircuit Petitions for Review" was served this 7th day of March, 2008, by sending true copies thereof by hand-delivery and Federal Express to the following courts:

Mark J. Langer, Clerk
United States Court of Appeals
for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Room 5523
Washington, DC 20001

Richard Cushing Donovan, Clerk
United States Court of Appeals
for the First Circuit
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

Marcia M. Waldron, Clerk
United States Court of Appeals
for the Third Circuit
21400 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1790

Leonard Green, Clerk
United States Court of Appeals
for the Sixth Circuit
540 Potter Stewart U.S. Courthouse
100 E. Fifth Street
Cincinnati, OH 45202-3988

Cathy A. Catterson, Clerk
United States Court of Appeals
for the Ninth Circuit
95 Seventh Street
San Francisco, CA 94103

Copies of the foregoing Notice were also sent by first class mail, postage prepaid, to the following parties:

Catherine G. O'Sullivan
U.S. Department of Justice
Antitrust Division, Appellate Section
950 Pennsylvania Ave., N.W.
Room 3224
Washington, DC 20530-0001
Counsel for USA

Marvin Ammori
Free Press
501 Third Street, N.W.
Suite 875
Washington, DC 20001
Counsel for Free Press

Andrew J. Schwartzman
Parul P. Desai
Media Access Project
Suite 1000
1625 K Street, N.W.
Washington, DC 20006
Counsel for Prometheus Radio Project

Angela J. Campbell
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue, N.W.
Washington, DC 20001
Counsel for Media Alliance,
Office of Communications of the United
Church of Christ, Inc.

Richard E. Wiley
James R. Bayes
Martha E. Heller
Eve Klindera Reed
Wiley Rein LLP
1776 K Street, N.W.
Washington, DC 20006
Counsel for Newspaper Association
of America

John F. Sturm
President and Chief Executive Officer
Newspaper Association of America
4401 Wilson Blvd.
Suite 900
Arlington, VA 22203

Carter G. Phillips
R. Clark Wadlow
Mark D. Schneider
James P. Young
Jennifer Tatel
Sidley Austin LLP
1501 K Street, N.W.
Washington, DC 20005
Counsel for Fox Television Stations,
Inc. and Tribune Company

Clifford M. Harrington
Jack McKay
Tony Lin
Alison B. Rousseau
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, DC 20037
Counsel for Sinclair Broadcast
Group, Inc.

L. Andrew Tollin
Kenneth E. Satten
Adam D. Krinsky
Craig E. Gilmore
Wilkinson Barker Knauer, LLP
2300 N Street, N.W., Suite 700
Washington, DC 20037
Counsel for Bonneville International
Corporation and The Scranton Times, L.P.

Bruce T. Reese, President
Bonneville International Corporation
55 North 300 West
8th Floor
Salt Lake City, UT 84101-3580

William R. Lynett
Member, General Partner
The Scranton Times, L.P.
149 Penn Avenue
Scranton, PA 18503

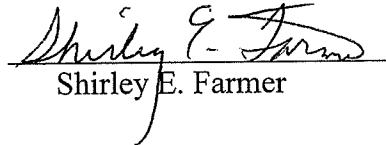
Marsha J. MacBride
Jane E. Mago
Jerianne Timmerman
National Association of Broadcasters
1771 N Street, N.W.
Washington, DC 20036

Donald B. Verrilli, Jr.
Ian Heath Gershengorn
Elaine J. Goldenberg
Joshua M. Segal
Jenner & Block LLP
601 Thirteenth Street, N.W.
Washington, DC 20005
Counsel for National Association
of Broadcasters

John R. Feore
Michael D. Hays
M. Anne Swanson
Dow Lohnes PLLC
1200 New Hampshire Ave., N.W.
Suite 800
Washington, DC 20036-6802
Counsel for Media General, Inc.

Kevin F. Reed
Michael D. Hays
M. Anne Swanson
Dow Lohnes PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, DC 20036-6802
Counsel for Cox Enterprises, Inc.

Robert A. Long, Jr.
Covington & Burling LLP
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004-2401
Counsel for The Coalition of Smaller
Market Television Stations and
Raycom Media, Inc.


Shirley E. Farmer