

**CONCURRING STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

In re Applications of Intermart Broadcasting Pocatello, Inc. and Intermart Broadcasting Twin Falls, Inc., File Nos. BPH-19970724M1 and BPH-19970731MX; and In re applications of Sharon Berlin Ingles, Powell Meredith Communications Company and TELNS Broadcasting Company, Inc., File Nos. BNP-20000128ACS, BNP-20000201AFN, and BMJP-20000201AEH

I write separately to note my ongoing concern—which I first raised in 2001 in connection with the *Sinclair-Glencairn* matter—about the Commission’s approach to the type of “real party in interest” allegations raised in these cases. The question is whether a person other than the applicant will be in a position to *actually or potentially* control the operation of the applicant’s station. In making that determination, the Commission historically has examined whether the applicant has retained control over the station’s basic policies regarding programming, personnel, and finances.

It is not so much the standard itself but the *application* of the standard that gives me pause. These cases seem to have an air of unreality about them. They involve a wide range of potentially significant relationships—from the funding of auction bids to Local Marketing Agreements to Asset Purchase Agreements. Yet short of a written statement from the applicant stating “I hereby surrender control over my station’s programming, personnel and finances,” one gets the feeling that almost no combination of factors would cause this Commission to bat an eye.

It was not always so. In the past, the Commission has attached significance to the types of relationships at issue here. While I concur in the results based on the specific and limited facts before us, parties should be on notice that similar relationships could lead to a different result in the future. These cases are fact-specific and I, for one, will continue to approach them in that manner.