

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

)	
In the Matter of)	
)	
Application of Sinclair Broadcast)	MB Docket No. 17-179
Group and Tribune Media Company)	
For Consent to Assign or Transfer)	
Control of Licenses and Authorizations)	
)	

PETITION TO DENY OF FREE PRESS

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Exhibit A: Declarations of Craig Aaron, Mary Tuma, Stephen Barker, James Rinnert, Denis Moynihan, Anthony Shawcross, Julie Kay Johnson, Russell James Martin, Michele (Shelly) Ann Silver, Weldon Frederick Wooden, Ernesto Aguilar, Nicholas Shoemaker, Thomas H. Klammer, Susan Lacerda Stupy, Meg Amelia Riley, Henry Fernandez, Manolia Charlotin, Andrew Glass, Joann Hill, Rosalind Schneider, Jonathan Rintels, Desiree Hill, Steven P. Hunt, Hannah Jane Sassaman, Christine Quigley, Mary Kathryn Taylor, Sue Wilson, William Steven Child, Steve Gevurtz, Seena Seward, Bev Hovda, and Ken Hovda.

EXECUTIVE SUMMARY

The Federal Communications Commission should deny the assignment of licenses from Tribune Media Company to Sinclair Broadcast Group. Sinclair President and CEO Christopher Ripley has suggested “we think the industry needs to consolidate to two or three large broadcasters, and really just one to two strong local players in each market.”¹ The proposed transaction would fuel this monopolistic vision and cause irreparable harms to the public interest, newly violating the duopoly rule in twelve markets while violating the national audience reach cap as well, all to make Sinclair the largest player in the broadcast industry. Communities within new overlap markets would see a permanent reduction in the number of independent voices and a decline in local journalism jobs, as well as diminished opportunities for women and people of color to own local stations. Every market served by the combined entity would experience a reduction in responsive local news as a result of Sinclair’s top-down national approach. Diverse programmers would risk being priced out of the market as Sinclair leverages its scale for exorbitant retransmission consent fees, for which pay-TV subscribers will invariably pay the bill.

Sinclair’s practice of forcing stations to promote an extreme conservative perspective and distort local news actively threatens the wellbeing of marginalized communities across the nation, specifically communities of color and immigrants. People of color disproportionately rely on broadcast news and thus will be disproportionately harmed by a reduction in localism, competition and diversity. The appearance of a *quid pro quo* arrangement between the Trump administration and Sinclair, suggested by the timing of the transaction and statements by Trump advisers, also raises concerns that Sinclair may be trading positive coverage for regulatory favors. While Sinclair is welcome to an editorial viewpoint, it is not entitled to distort news coverage to those ends or extract tailor-made changes to Commission rules.

Sinclair has failed to demonstrate affirmatively any merger-specific public interest benefits from this deal that could outweigh the enormous tangible harms. The Commission must deny the transaction.

¹ Transcript of Sinclair Broadcast Group Q2 Earnings Call (Aug. 2, 2017), <https://seekingalpha.com/article/4093745-sinclair-broadcast-group-sbgi-q2-2017-results-earnings-call-transcript?part=single>.

PETITION TO DENY

Free Press, pursuant to Sections 309(d) and 310(d) of the Communications Act (the “Act”), 47 U.S.C. §§ 309(d), 310(d), and 47 C.F.R. § 73.3584, petitions the Federal Communications Commission (“FCC” or “Commission”) to deny the assignment of licenses from Tribune Media Company (“Tribune”) to Sinclair Broadcast Group, Inc. (“Sinclair”) (together, “Applicants”).²

I. Introduction

Sinclair is a nationwide television broadcasting company with a total of 191 broadcast television stations in 89 markets.³ On May 8, 2017, Sinclair announced that it had entered into an agreement to acquire Tribune for \$3.9 billion. This agreement would transfer to Sinclair 42 television stations in 33 markets, as well as WGN America, WGN Radio and a 31 percent stake in Food Network. Should the Commission approve this transfer, Sinclair would become the largest broadcaster in the country, owning, operating, programming, or providing sales services to 223 television stations in 108 markets, including

² Free Press seeks denial of the transfer of all licenses subject to this proceeding, File Nos. BTCCDT-20170626AGH; BTCCDT-20170626AGL; BTCCDT-20170626AGO; BTCCDT-20170626AFZ; BTCCDT-20170626AGA; BTCCDT-20170626AGB; BTCCDT-20170626AGC; BTCCDT-20170626AFH; BTCCDT-20170626AFI; BTCCDT-20170626AFP; BTCCDT-20170626AFO; BTCCDT-20170626AFN; BTCCDT-20170626AFM; BTCCDT-20170626AFL; BTCCDT-20170626AFK; BTCCDT-20170626AFJ; BTCCDT-20170626AFT; BTCCDT-20170626AFY; BTCCDT-20170626AGF; BTCCDT-20170626AGP; BTCCDT-20170626AGI; BTCCDT-20170626AGN; BTCCDT-20170626AGM; BTCCDT-20170626ADY; BTCCDT-20170626ADZ; BTCCDT-20170626AFR; BTCCDT-20170626AFR; BTCCDT-20170626AFU; BTCCDT-20170626AFV; BTCCDT-20170626AFW; BTCCDT-20170626AEM; BTCCDT-20170626AFF; BTCCDT-20170626AFE; BTCCDT-20170626AFD; BTCCDT-20170626AFC; BTCCDT-20170626AFB; BTCCDT-20170626AFA; BTCCDT-20170626AEZ; BTCCDT-20170626AEY; BTCCDT-20170626AEX; BTCCDT-20170626AEW; BTCCDT-20170626AEV; BTCCDT-20170626AEU; BTCCDT-20170626AET; BTCCDT-20170626AES; BTCCDT-20170626AER; BTCCDT-20170626AEQ; BTCCDT-20170626AEP; BTCCDT-20170626AEO; BTCCDT-20170626AEN; BTCCDT-20170626AEL; BTCCDT-20170626AGQ; BTCCDT-20170626AGR; BTCCDT-20170626AGS; BTCCDT-20170626AGT; BTCCDT-20170626AGU; BTCCDT-20170626AGV; BTCCDT-20170626AGW; BTCCDT-20170626AGX; BTCCDT-20170626AEF; BTCCDT-20170626AEE; BTCCDT-20170626AFQ; BTCCDT-20170626AGJ; BTCCDT-20170626AEG; BTCCDT-20170626AGD; BTCCDT-20170626AGE; BTCCDT-20170626AEA; BTCCDT-20170626AEB; BTCCDT-20170626AFG; BTCCDT-20170626AGK; BTCCDT-20170626AGG; BTCCDT-20170626AFX; BTCCDT-20170626AEK; BTCCDT-20170626ADX; BTCCDT-20170626AED; BTCCDT-20170626AGY; BTCCDT-20170626AEC; BTCCDT-20170626AEH; BTCCDT-20170626AEJ; BTCCDT-20170626AEI.

³ See “Sinclair Broadcast Group Announces Agreement To Purchase Bonten Media Group TV Stations,” *PR Newswire* (Apr 21, 2017, 9:00 AM), <http://www.prnewswire.com/news-releases/sinclair-broadcast-group-announces-agreement-to-purchase-bonten-media-group-tv-stations-300443390.html>.

39 of the top 50 markets. Overall, Sinclair’s footprint would expand to reach 72 percent of U.S. television households.⁴ The Commission’s National Television Multiple Ownership Rule (“national audience reach cap”) expressly forbids combinations that result in any broadcaster reaching more than 39 percent of such households nationally, a figure that Sinclair would exceed even with the presently restored (but technically obsolete) UHF discount in place.⁵

In 10 Designated Market Areas (“DMAs”) – Seattle-Tacoma, WA (#14), St. Louis, MO (#21), Portland, OR (#25), Salt Lake City, UT (#34), Oklahoma City, OK (#41), Harrisburg-Lancaster-Lebanon-York, PA (#43), Grand Rapids-Kalamazoo-Battle Creek, MI (#44), Greensboro-High Point-Winston Salem, NC (#46), Richmond-Petersburg, VA (#55) and Des Moines, IA (#69) – Sinclair would acquire television stations in markets that serve the same communities as television stations it currently owns. In two DMAs – Norfolk-Portsmouth-Newport News, VA (#42) and Wilkes Barre-Scranton-Hazleton, PA (#56) – Sinclair would acquire television stations nominally owned by Dreamcatcher Broadcasting, LLC, in markets that serve the same communities as television stations Sinclair currently owns. The Commission’s Local Television Multiple Ownership Rule (“duopoly rule”) expressly forbids combinations of this type under certain circumstances, present in each of the 12 aforementioned markets.⁶

II. Statement of Interest

Free Press is a national, nonpartisan organization working to reform the media, to increase public participation in crucial media and telecommunications policy debates, and to foster policies that will produce a more competitive, equitable and public-interest-oriented media ecosystem. Free Press is the

⁴ See Sinclair Form S-4; Press Release, Sinclair Broadcast Group, Inc., “Sinclair Broadcast Group to Acquire Tribune Media Company for Approximately \$3.9 Billion” (May 8, 2017), <http://sbg.net/wp-content/uploads/2017/05/SBG-Trib-Final.pdf>.

⁵ See 47 C.F.R. § 73.3555(e); *Media Bureau Establishes Pleading Cycle for Applications to Transfer Control of Tribune Media Company to Sinclair Broadcast Group, Inc. and Permit-But-Disclose Ex Parte Status for the Proceeding*, MB Docket No. 17-179, FCC Press Release (rel. July 6, 2017) (“FCC Pleading Cycle Release”).

⁶ See 47 C.F.R. § 73.3555(b).

largest media reform organization in the United States, with more than a million activists and members nationwide.

Since its inception, a core component of Free Press' mission has been to promote diverse and independent media ownership, and to prevent the concentration of media markets and the harms that flow therefrom. Free Press has participated extensively in media ownership proceedings at the FCC, including the 2014 Quadrennial Media Ownership Review, previous quadrennial reviews and litigation stemming from them, and several broadcast television license transfer proceedings prior to this transaction. In each, Free Press has advocated for policies that promote competition, diversity, and localism to serve the public interest. As such, Free Press constitutes a "party in interest" within the meaning of Section 309(d) of the Communications Act, as amended, and has standing to participate in this proceeding.

As demonstrated herein and in the attached declarations, Free Press has members and constituents that reside in the areas served by television stations subject to this Petition.⁷ Additionally, over 16,000 Free Press members signed an online petition opposing the Sinclair-Tribune merger. Grant of permission for the assignment of these licenses would harm Free Press, its members and constituents by causing a permanent loss of diversity of viewpoints available to their communities, a permanent decrease in competition in local news, and a variety of related harms to diversity and localism in news coverage.

III. Sinclair's Acquisition of Tribune Would Not Serve the Public Interest

Under Section 310(d) of the Communications Act, the Commission must determine whether a proposed license transfer will serve the public interest, convenience, and necessity. In making its determination, the Commission must assess whether the transaction complies with the Act and the

⁷ See Declarations of Craig Aaron, Mary Tuma, Stephen Barker, James Rinnert, Denis Moynihan, Anthony Shawcross, Julie Kay Johnson, Russell James Martin, Michele (Shelly) Ann Silver, Weldon Frederick Wooden, Ernesto Aguilar, Nicholas Shoemaker, Thomas H. Klammer, Susan Lacerda Stupy, Meg Amelia Riley, Henry Fernandez, Manolia Charlotin, Andrew Glass, Joann Hill, Rosalind Schneider, Jonathan Rintels, Desiree Hill, Steven P. Hunt, Hannah Jane Sassaman, Christine Quigley, Mary Kathryn Taylor, Sue Wilson, William Steven Child, Steve Gevurtz, Seena Seward, Bev Hovda, and Ken Hovda (attached as Exhibit A).

Commission's rules.⁸ Sinclair's proposed acquisition of Tribune clearly violates both the letter and spirit of the duopoly rule⁹ Sinclair has not requested waivers of that rule for every such violation, and cannot demonstrate that it would qualify for them. The proposed transaction would also violate the Commission's congressionally mandated national audience reach cap,¹⁰ and fails to demonstrate affirmative public interest benefits to counter the obvious threats this massive consolidation poses to local news coverage and communities of color specifically.

A. The Proposed Transaction Would Violate the Duopoly Rule in Twelve Markets

The transfers proposed in this transaction would newly violate the Commission's rules in 12 "overlap markets" where both Sinclair and Tribune currently own or operate stations. As proposed, the transaction violates the duopoly rule in the following DMAs:

Seattle-Tacoma, WA: In this market, a subsidiary of Sinclair is the licensee of television stations KOMO-TV in Seattle, WA and KUNS-TV in Bellevue, WA. A subsidiary of Tribune is the licensee of stations KCPQ(TV) in Tacoma, WA and KZJO(TV) in Seattle, WA.

St. Louis, MO: In this market, a subsidiary of Sinclair is the licensee of KDNL-TV in St. Louis, MO. A subsidiary of Tribune is the licensee of stations KPRL-TV and KTVI(TV) in St. Louis, MO.

Portland, OR: In this market, a subsidiary of Sinclair is the licensee of KATU(TV) in Portland, OR. A subsidiary of Tribune is the licensee of station KRCW-TV in Salem, OR.

Salt Lake City, UT: In this market, a subsidiary of Sinclair is the licensee of KUTV(TV) and KJZZ-TV in Salt Lake City, UT. A subsidiary of Tribune is the licensee of station KSTU(TV), Salt Lake City, UT.

⁸ See 47 U.S.C. § 310(d).

⁹ See 47 C.F.R. § 73.3555(b).

¹⁰ See *id.* § 73.3555(e).

Oklahoma City, OK: In this market, a subsidiary of Sinclair is the licensee of KOKH-TV and KOCB(TV) in Oklahoma City, OK. A subsidiary of Tribune is the licensee of station KFOR-TV and KAUT-TV in Oklahoma City, OK.

Greensboro-High Point-Winston Salem, NC: In this market, a subsidiary of Sinclair is the licensee of WXLV-TV in Winston Salem, NC and WMYV(TV) in Greensboro, NC. A subsidiary of Tribune is the licensee of WGHP(TV) in High Point, NC.

Grand Rapids-Kalamazoo-Battle Creek, MI: In this market, a subsidiary of Sinclair is the licensee of WWMT(TV) in Kalamazoo, MI. A subsidiary of Tribune is the licensee of WXMI(TV) in Grand Rapids, MI.

Harrisburg-Lancaster-Lebanon-York, PA: In this market, a subsidiary of Sinclair is the licensee of WHP-TV in Harrisburg, PA and WXBW in Lancaster, PA. A subsidiary of Tribune is the licensee of WPMT(TV) in York, PA.

Richmond-Petersburg, VA: In this market, a subsidiary of Sinclair is the licensee of WRLH-TV in Richmond, VA. A subsidiary of Tribune is the licensee of WTVR-TV in Richmond, VA.

Des Moines-Ames, IA: In this market, a subsidiary of Sinclair is the licensee of KDSM-TV in Des Moines, IA. A subsidiary of Tribune is the licensee of WHO-DT in Des Moines, IA.

Norfolk-Portsmouth-Newport News, VA: In this market, a subsidiary of Sinclair is the licensee of WTVZ-TV in Norfolk, VA. A “sidecar” or shell company for Tribune, Dreamcatcher, is the licensee of WGNT in Portsmouth, VA and WTKR in Norfolk, VA.

Wilkes Barre-Scranton-Hazleton, PA: In this market, a subsidiary of Sinclair is the licensee of WOLF-TV in Hazleton, PA, WQMY in Williamsport, PA and WSWB in Scranton, PA. A “sidecar” or shell company for Tribune, Dreamcatcher, is the licensee of WNEP-TV in Scranton, PA.

The Commission’s duopoly rule is intended to promote the “bedrock” goals of serving “a vital public interest by promoting competition and diversity in the mass media.”¹¹ The glaring rule violations Sinclair proposes in 12 markets would undermine core public interest principles that the Commission is statutorily obligated to uphold. In granting the proposed transfer of licenses, the Commission would subject the impacted communities to diminished competition resulting from a reduction in the number of independent broadcast voices -- an outcome that both Republican- and Democratic-led Commissions have recognized as harmful to the public interest.¹² Reducing the number of independent voices also reduces already scarce opportunities for women and people of color to own broadcast stations. As early as 1978, the Commission recognized that the inadequate representation of marginalized communities in the broadcast industry was “detrimental not only to the minority audience but to all of the viewing and listening public.”¹³

B. Applicants Did Not Disclose the Existence of Two Overlap Markets in Their Application to the Commission

For 10 of these 12 markets, the Applicants have admitted to the Commission that the transaction would newly violate the duopoly rule. However, the Applicants have been less than forthcoming about the similarly violative two new overlap markets where Sinclair and Dreamcatcher are present.¹⁴ Analyst data identifies these markets as overlaps between Sinclair and Tribune,¹⁵ and even Sinclair CEO and President Christopher Ripley informed investors that if he “was to narrow it down to markets that were most likely

¹¹ *In the Matter of Review of the Commission’s Regulations Governing Television Broadcasting and Television Satellite Stations Review of Policy and Rules*, MM Docket No. 91-221, Report and Order, 14 FCC Rcd 12903, ¶ 7 (1999).

¹² See Press Release, FCC, *FCC Sets Limits on Media Concentration* (June 2, 2003); *In the Matter of Promoting the Availability of Diverse and Independent Sources of Video Programming*, MB Docket No. 16-41, Notice of Inquiry, 31 FCC Rcd 1615, ¶¶ 1-2 (2016).

¹³ *Statement of Policy on Minority Ownership of Broadcasting Facilities*, 68 F.C.C.2d 979, 980–81 (May 25, 1978).

¹⁴ See *Applications of Tribune Media Company and Sinclair Broadcast Group for Consent to Transfer Control of Licenses and Authorizations*, Comprehensive Exhibit, FCC Form 315, at 12 (June 28, 2017) (“Sinclair Comprehensive Exhibit”).

¹⁵ See S&P Global Market Intelligence, *Sinclair Broadcast Group and Tribune Media Stations* (2017).

to have a divestiture if . . . any, they would be Wilksbury [sic], St. Louis, and Salt Lake.”¹⁶ Ripley’s acknowledgment that Wilkes Barre would be a candidate for divestiture suggests that Sinclair considers Dreamcatcher markets as obvious overlap markets, although Sinclair’s application did not treat them as such. Thus, whether Tribune controls Dreamcatcher or not, Sinclair’s acquisition of and control of these Dreamcatcher stations in markets in which Sinclair is already present obviously would put Sinclair into violation of the duopoly rule.

The Applicants’ failure to accurately disclose the nature of these overlap markets demonstrates an unwillingness to provide sufficient and truthful information to the Commission (and any interested parties) for the conduct of a public interest analysis. Additionally, this failure to acknowledge the Dreamcatcher station overlaps brings the Applicants’ character into question. To assess whether a license renewal is in the public interest, the Commission is required to determine if an applicant possesses the requisite “character.”¹⁷ Character encompasses two central qualities: “reliability” and “truthfulness.”¹⁸ Truthfulness concerns the accuracy of any representations made to the Commission by the station on its renewal application or otherwise.¹⁹ The Applicants’ failure to accurately represent the overlap markets between Sinclair and Tribune clearly violates this standard. Omitting these Dreamcatcher overlap markets

¹⁶ Transcript of Sinclair Broadcast Group Investor Announcement, at 5 (May 8, 2017), http://sbgi.ir.edgar-online.com/fetchFilingFrameset.aspx?FilingID=12050170&Type=HTML&filename=TRIBUNE_MEDIA_CO_425_20170508.

¹⁷ See *Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from Southern New England Telecommunications Corporation, Transferor, to SBC Communications, Inc., Transferee*, CC Docket No. 98-25, Memorandum Opinion and Order, 13 FCC Rcd 21292, ¶ 26 (1998); see also 47 U.S.C. § 308(b); 47 U.S.C. § 310(d) (which states that any application to transfer is treated “as if the proposed transferee or assignee were making application under section 308 of this title for the permit or license in question”).

¹⁸ See *Policy Regarding Character Qualifications in Broadcast Licensing*, 102 F.C.C.2d 1179, 1209 (1986), modified, 5 FCC Rcd 3252 (1990), recon. granted in part, 6 FCC Rcd 3448 (1991), modified in part, 7 FCC Rcd 6564 (1992).

¹⁹ See, e.g., *RKO General, Inc. v. FCC*, 670 F.2d 215, 232 (D.C. Cir. 1981) (the Commission “has an affirmative obligation to license more than 10,000 radio and television stations in the public interest. . . . As a result, the Commission must rely heavily on the completeness and accuracy of the submissions made to it, and its applicants in turn have an affirmative duty to inform the Commission of the facts it needs in order to fulfill its statutory mandate.”).

from the application is a clear character deficiency, in light of which the Commission should deny the application.

In 2013, Tribune acquired Local TV Holdings LLC (“Local TV”), and at the time the Commission found that outright ownership of three television stations by Tribune would violate the Commission’s rules: WTKR and WGNT in Norfolk-Portsmouth-Newport News, VA and WNEP in Wilkes Barre-Scranton-Hazleton, PA.²⁰ In filings to the SEC, Tribune acknowledges that Dreamcatcher is an “entity formed in 2013 specifically to comply with FCC cross-ownership rules related to the Local TV Acquisition.”²¹ As an entity formed solely for the purpose of retaining the Local TV stations under Tribune control, Dreamcatcher is a shell company under the auspices of Tribune, whose head is in fact a former Tribune President. In addition to providing Dreamcatcher with “technical, promotional, back-office, distribution, content policies and limited programming services,”²² Tribune guarantees Dreamcatcher’s obligations under its “\$27 million senior secured credit facility.”²³ Tribune also reports the profits from the Dreamcatcher stations to its shareholders.²⁴

Furthermore, Tribune and Dreamcatcher are indistinguishable to consumers. The websites for all three Dreamcatcher stations have fine print that states “A Dreamcatcher station operated by Tribune Broadcasting.”²⁵ Indeed, the website for WGNT is hosted by WTKR and there is little apparent difference between the two websites. Even in its hiring practices, Dreamcatcher acknowledges Tribune as the company to which interested job applicants should apply. For WNEP, all job postings on WNEP.com list

²⁰ See *In the Matter of The Applications of Local TV Holdings, LLC, Transferor and Tribune Broadcasting Company II, LLC, Transferee and Dreamcatcher Broadcasting, LLC, Transferee For Consent to Transfer of Control of Certain Licensee Subsidiaries of Local TV Holdings, LLC*, MB Docket No. 13-190, Memorandum Opinion & Order, 28 FCC Rcd 16850, ¶ 4 (2013).

²¹ See Tribune Media Company, Form S-1 Registration Statement, filed with Securities and Exchange Commission, 54 (Apr. 8, 2015), <https://www.sec.gov/Archives/edgar/data/726513/000119312515122050/d900252ds1.htm>.

²² *Id.*

²³ *Id.* at 59.

²⁴ See generally Tribune Media Company, Form 10 General Form for Registration of Securities Pursuant to Section 12(b) or 12(g) of the Securities Exchange Act of 1934, filed with Securities and Exchange Commission (Sept. 19, 2014), <https://www.sec.gov/Archives/edgar/data/726513/000119312514347373/d779310d1012b.htm>.

²⁵ See, e.g., WNEP, <http://wnep.com/>; WTKR, <http://wtkr.com/>; WRKR, <http://wtkr.com/category/wgnt/>.

Tribune Media Company under “Company Info.”²⁶ And, for WTKR and WGNT, the jobs link redirects to Tribune Media’s corporate website page for careers with Tribune.²⁷ Additionally, the DOJ has demonstrated to the Commission that the kinds of agreements in play between Tribune and Dreamcatcher create attributable ownership interests, and the Commission should recognize these relationships as such.

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In both Dreamcatcher markets, Sinclair already owns and operates television stations. In Norfolk-Portsmouth-Newport News, VA, Sinclair owns WTVZ-TV. In Wilkes Barre-Scranton-Hazleton, PA, Sinclair operates WSWB (through Cunningham Broadcasting Corporation), and owns WOLF-TV, and WQMY. Sinclair services all three stations through a Master Services Agreement.²⁹ If this deal were approved, Sinclair would own and operate half of all television stations serving Wilkes Barre-Scranton-Hazleton, PA, including the FOX affiliate, the CW affiliate, the ABC affiliate, and the MyNetworkTV affiliate. The Commission must consider these two Dreamcatcher markets as overlap markets where Applicants would violate the duopoly rule.

Sinclair’s meager offer to divest specific stations if required to do so by the Commission is disingenuous and insufficient. The application largely disregards the transaction’s extensive rule violations, offering no concrete plans to modify the transaction, but only a vague promise to comply with any divestment the Commission may deem necessary.³⁰ Moreover, Sinclair’s stated goal is to move towards a drastically consolidated news market in which only a few broadcast goliaths can afford to compete. As Sinclair President and CEO Christopher Ripley told investors on a recent earnings call, “[O]verall, we think the industry needs to consolidate to two or three large broadcasters, and really just

²⁶ See WNEP, <http://wnep.com/contact/wnep-jobs/>.

²⁷ See generally WTKR, <http://wtkr.com/contact/jobs-wtkr-and-wgnt/>.

²⁸ See Ex Parte Submission of the United States Department of Justice, *In the Matter of 2010 Quadrennial Regulatory Review*, MB Docket No. 09-182, at 15-16 (filed Feb. 20, 2013), <https://www.justice.gov/sites/default/files/atr/legacy/2014/02/24/303880.pdf>.

²⁹ See Roly Ortega, “WOLF now produces its own newscast by themselves. No help needed anymore,” *Changing Newscasts Blog* (Jan. 2, 2017), <https://changingnewscasts.wordpress.com/2017/01/02/wolf-now-produces-own-news-by-themselves-no-help/>.

³⁰ See Sinclair Comprehensive Exhibit at 12.

one to two strong local players in each market.”³¹ Sinclair’s open support for local news monopolies and lack of any concern for the Commission’s ownership rules is deeply disturbing and suggests this transaction will continue the company’s longstanding pattern of evading public interest obligations with sharing agreements, shell corporations and blatant abuses of market power.

Broadcasters have used an alphabet soup of agreements, including joint service agreements (“JSAs”), shared service agreements (“SSAs”) and local marketing agreements (“LMAs”) to effectively subvert public interest-based media ownership limitations, allowing the larger broadcaster in such arrangements to exert significant control over stations while a shell or sidecar corporation maintains nominal ownership. As the Commission itself noted in 2014, “JSAs provide incentives for joint operation that are similar to those created by common ownership.”³² Covert consolidation through sharing agreements causes many of the same harms that overt consolidation does, including less time devoted to local news coverage, local journalists losing jobs, duplicated content, and a steady decline in the number of stations producing original news.³³ Sidecar arrangements also undermine competition and diversity in local markets.³⁴

Sinclair in particular has made a habit of this, orchestrating the first sidecar arrangement in broadcast television in 1991 when the company wanted to purchase WPGH-TV in Pittsburgh, PA despite

³¹ Transcript of Sinclair Broadcast Group Q2 Earnings Call, *supra* note 1.

³² 2014 *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. 14-50, Further Notice of Proposed Rulemaking and Report and Order, 29 FCC Rcd 4371, ¶ 351 (2014).

³³ See Danilo Yanich, *Local TV, Localism, and Service Agreements*, 28 *Journal of Media Economics* 162, 171 (2015) (“In five out of the six markets, with both SA and non-SA stations, non-SA stations used more of the newscast time for local stories than SA stations.”); Danilo Yanich, *Local TV News Content & Shared Services Agreements: The Honolulu Case*, 57 *Journal of Broadcasting & Electronic Media* 242, 254 (2013) (“[T]he SSA resulted in the loss of 68 of the over 190 jobs that comprised the staff of the three SSA stations [...] there was no evidence of an increase in enterprise reporting by the SSA stations.”); Danilo Yanich, *Duopoly Light? Service Agreements and Local TV*, 91 *Journalism & Mass Communication Quarterly* 159, 161-166 (2014); Bob Papper, *Newsroom staffing*, RTDNA/Hofstra University Annual Survey (June 19, 2017), https://www.rtdna.org/article/rtdna_research_newsroom_staffing_2017.

³⁴ See, e.g., Phil Verveer, “How The Sidecar Business Model Works,” *Official FCC Blog* (Mar. 26, 2014), <http://www.fcc.gov/blog/how-sidecar-business-model-works>; Richelle M. Crotty, “Refusing to Play by the Rules: A Political Economic Analysis of Broadcasters’ Sidecar Agreements,” at 50 (Apr. 15, 2015) (unpublished M.A. thesis, Florida State University) (on file with DigiNole, Florida State University), http://purl.flvc.org/fsu/fd/FSU_migr_etd-9582.

already owning Pittsburgh’s WPTT-TV -- a combination that would have violated existing ownership rules.³⁵ To circumvent these rules, Sinclair’s lawyers requested that the Commission allow Sinclair to follow radio industry trends and set up an LMA.³⁶ Sinclair continued this practice for decades, and later for example sought to buy television stations in Milwaukee, Birmingham, Washington, D.C., and Baltimore, although these stations overlapped with Sinclair’s existing holdings in those cities.³⁷ At the outset of Sinclair’s shopping sprees and rule circumventions, a former Sinclair employee started Glencairn Ltd. with major financial backing from the Sinclair CEO’s mother.³⁸ Despite petitions to deny such as those filed over the years by organizations such as the Rainbow PUSH Coalition, which contended that Glencairn “had unlawfully ceded control to Sinclair as part of a scheme by Sinclair to control more stations than permitted under the duopoly rule,” the Commission has routinely granted these types of applications and largely approved the service arrangements between Glencairn (and other sidecar companies) and these shell companies’ true owner, Sinclair.³⁹

Sinclair also created the first SSA in television broadcasting to avoid triggering attributable interest in stations it wished to control.⁴⁰ By 2005, Glencairn had been renamed to Cunningham Broadcasting Corp. and it owned six television stations – all operated by Sinclair through sidecar agreements.⁴¹ Of the 162 television stations Sinclair owned or operated by 2015, 44 stations were served through various sharing arrangements.⁴² As of 2017, a total of 52 television markets have a Sinclair

³⁵ Eric Klinenberg, *Fighting for Air: The Battle to Control America’s Media* 101 (2007).

³⁶ Klinenberg, *Fighting for Air* at 102.

³⁷ See Keach Hagey, “Sinclair draws scrutiny over growth tactic: TV-station king uses ‘sidecars’ to skirt ownership limits,” *Wall St. J.* (Oct. 20, 2013), <https://www.wsj.com/articles/sinclair-draws-scrutiny-over-growth-tactic-1382321755?tesla=y>.

³⁸ See William M. Kunz, *Culture Conglomerates: Consolidation in the Motion Picture and Television Industries* 92 (2006).

³⁹ See, e.g., Rainbow PUSH Coalition, *In re Application of Allbritton Communications Co. For Transfer of Control of WJLA-TV, Washington, DC To Sinclair Television Group, Inc.*, MB Docket No. 13-203, Petition to Deny and for Other Relief, at 4 (Sept. 13, 2013).

⁴⁰ See Derek S. Turner, Free Press, *Cease to Resist: How the FCC’s Failure to Enforce its Rules Created a New Wave of Media Consolidation*, at 35 (2014), http://www.freepress.net/sites/default/files/resources/Cease_to_Resist_March_2014_Update.pdf.

⁴¹ See Kunz, *Culture Conglomerates*, *supra* note 38, at 92.

⁴² See Sinclair Broadcast Group, (n.d.-b) *Television stations*, <http://sbgi.net/tv-stations/>.

controlled duopoly or sidecar arrangement. If the Sinclair-Tribune transaction were approved, that number would increase to 63 markets.⁴³

Sinclair has repeatedly used these agreements and other tactics to evade Commission ownership limitations. For example, Sinclair's last major transaction involved the purchase of Allbritton Communications Company, which closed on August 1, 2014.⁴⁴ The transaction transferred Allbritton's eight full-power television stations in seven markets to Sinclair. In three of those markets, Sinclair already owned or operated competing stations, such that granting the merger petition placed Sinclair in violation of the local TV ownership rules. The Commission determined that the merger could proceed without violating those rules as long as Sinclair abided by a series of conditions stipulating that the company surrender three stations -- WCIV in Charleston, SC, as well as WCFT and WJSU in Birmingham, AL. Sinclair was also compelled to end all sharing agreements with WTAT-TV in Charleston, and to sell Harrisburg, PA station WHTM.

In Harrisburg, Sinclair did sell WHTM-TV to Media General, Inc. ("Media General"), which was then purchased by Nexstar Media Group, Inc. ("Nexstar"). However in Charleston and in Birmingham, none of the required stations were surrendered. Sinclair currently operates all of these stations though the Commission initially determined this would violate the duopoly rule. Instead of ending its local marketing agreement with WTAT-TV in Charleston as ordered, Sinclair requested that the call sign for WCIV be swapped with WMMP, which is owned by Howard Stirk Holdings, LLC ("HSH"), a shell company controlled by Sinclair.⁴⁵ Now Sinclair owns both WMMP and WTAT-TV outright and maintains control

⁴³ Free Press counts based on current and pending transactions; excludes markets with off-air incentive auction stations, markets with only satellite repeater stations, but includes such markets where low-power stations are part of the duopoly.

⁴⁴ See *In the Matter of Applications for Consent to Transfer of Control From License Subsidiaries of Allbritton Communications Co. to Sinclair Television Group, Inc.*, MB Docket No. 13-203, Memorandum Opinion and Order, 29 FCC Rcd 9156, ¶¶ 1-6 (2014) ("Allbritton MO&O").

⁴⁵ See FCC Public Inspection Files, *WCIV TV Station Profile*, <https://publicfiles.fcc.gov/tv-profile/wciv>; Turner, *Cease to Resist*, *supra* note 40, at 5.

of WCIV through a sharing agreement with its sidecar HSH.⁴⁶ In Birmingham, Sinclair divested stations WCFT and WJSU to HSH rather than surrender the licenses for cancellation as the Commission stipulated.⁴⁷ Sinclair's use of shell companies like HSH has resulted in consolidated, non-competitive markets that violate these merger conditions and the local ownership caps too. At the time of the Sinclair-Allbritton proposal, the Commission was well aware of this tactic. In approving that earlier deal, the Commission specifically stated that the "allegations regarding any purported control over Deerfield and HSH in these markets are no longer relevant, because these entities will no longer hold these stations."⁴⁸ It is unclear at best how the transfer of these stations to HSH proceeded after the merger closed, especially in light of these conditions and the assumption that HSH would no longer control certain stations, but it is a clear violation of those conditions.

Far from offering viewpoint diversity, Sinclair's evasion of Commission rules and conditions -- with sharing agreements and shell companies in the aftermath of the Allbritton merger -- has resulted in replicated content across Sinclair stations in these markets. Residents of Charleston and Birmingham are offered essentially the same newscast on multiple channels and station websites that are nearly indistinguishable from each other, despite Sinclair's merger commitments.⁴⁹

The Commission dismissed concerns raised by Free Press and others in the Sinclair-Allbritton transaction, asserting that the conditions imposed would ensure the Sinclair-Allbritton merger complied with media ownership rules and served public interest goals of promoting localism and broadcast

⁴⁶ See Turner, *Cease to Resist*, *supra* note 39 at 5 ("[U]nder Securities Exchange Commission rules, Cunningham, Deerfield and Howard Stirk are considered the same company as Sinclair, which 'has the power to direct the activities' of these companies that 'most significantly impact [the sidecar company's] economic performance.'").

⁴⁷ See Chairman Tom Wheeler and Commissioner Mignon Clyburn, "Making Good on the Promise of Independent Minority Ownership of Television Stations," *Official FCC Blog* (Dec. 4, 2014) <https://www.fcc.gov/news-events/blog/2014/12/04/making-good-promise-independent-minority-ownership-television-stations>. Since the transfer, WCFT's call sign has changed to WSES, *see* <https://publicfiles.fcc.gov/tv-profile/wses#docs>, and WJSU's call sign has changed to WGWW, *see* <https://publicfiles.fcc.gov/tv-profile/wgww#docs>.

⁴⁸ Allbritton MO&O ¶ 10.

⁴⁹ See generally WMMP MYTV Charleston, <http://mytvcharleston.com/>; WCIV ABC News 4, <http://abcnews4.com/>.

diversity.⁵⁰ Clearly, the Commission’s prediction did not come true. By failing to enforce the conditions it stipulated and by continuing to allow covert consolidation in the form of shell companies and sharing agreements, the Commission left the public at the mercy of Sinclair’s interests, and the public suffered. The Commission’s unfortunately longstanding approach of approving harmful transactions based on the presence of sharing agreements and shell companies has proved insufficient to protect the public interest.

C. The Proposed Transaction Would Exceed the National Audience Reach Cap

As a result of the proposed transaction, Sinclair would have a national audience reach of 72 percent, including a broadcast television presence in 39 of the top 50 markets.⁵¹ This dramatically exceeds the congressionally established national audience reach cap of 39 percent.⁵² Even if the Commission’s misguided reapplication of the so-called UHF discount survives litigation, the proposed combination would still exceed the national cap by 6.5 percent.⁵³

The Commission first established a national audience reach cap in 1985 to protect localism, diversity, and competition by restraining the ability of large broadcasters to dominate the market and force out smaller competitors.⁵⁴ Since then the Commission has regularly reviewed and revised the rule. Most recently, the Commission attempted to increase the national audience reach cap to 45 percent, but that was challenged in court and later superseded by congressional action setting it at 39 percent.⁵⁵

⁵⁰ See Allbritton MO&O ¶¶ 27-28.

⁵¹ In Sinclair Form S-4 as filed with the Securities and Exchange Commission on June 30, 2017, Sinclair highlights the 72 percent national audience reach (without the UHF discount applied) as its primary reason for the transaction, suggesting that despite the company’s vocal support for the UHF discount as a mechanism to gain FCC approval for the deal, the 72 percent figure is more salient for Sinclair and its investors.

⁵² See 47 C.F.R. § 73.3555(e); Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, § 629, 118 Stat. 3, 99-100 (2004).

⁵³ FCC Pleading Cycle Release.

⁵⁴ See *Amendment of Section 73.3555 [formerly Sections 73.35, 73.240 and 73.636] of the Commission’s Rules Relating to Multiple Ownership of AM, FM and Television Broadcast Stations*, Memorandum Opinion and Order, 100 F.C.C.2d 74, ¶¶ 38-40 (1985).

⁵⁵ See *2002 Biennial Review Order – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 13620, ¶ 499 (2003) (“2002 Biennial Order”); Consolidated Appropriations Act (2004).

The national audience reach cap has repeatedly been deemed necessary to preserve broadcast competition, opportunities for diverse ownership, and incentives for local stations to be responsive to the communities they serve. There are other market-power concerns in play too when one broadcaster is allowed to reach so much of the nation’s population. Several U.S. senators expressed their concerns about the proposed transaction here by noting that the combined company would “have even more leverage to extract high retransmission fees from pay-TV operators. It will also be in a better position to demand lower payments to broadcast networks for their content.”⁵⁶ These harms are not theoretical -- and in fact, Sinclair cites this anti-competitive leverage as a main reason for pursuing the deal.⁵⁷ In 2016, Sinclair paid \$9.5 million to settle an investigation into bad-faith retransmission consent negotiation practices.⁵⁸ Although Sinclair did not admit liability in the settlement, independent programmers have expressed concerns that Sinclair will abuse its even greater leverage to hamper or eliminate diverse programming.⁵⁹

Women and people of color still lag far behind white men in broadcast ownership, and consolidation like the transaction proposed here often pushes diverse owners out or keeps them out of the market in the first place.⁶⁰ One female broadcast executive noted that, “deregulation has changed everything—the big groups are able to outbid you, and women lose out.”⁶¹ Studies have demonstrated through historical analysis “how unrestrained market forces and media ownership consolidation have

⁵⁶ Letter from Sens. Maria Cantwell, Richard Blumenthal, Brian Schatz, Catherine Cortez Masto, Al Franken, Tammy Baldwin, Edward J. Markey, and Cory A. Booker, to Sen. John Thune and Sen. Chuck Grassley (June 5, 2017).

⁵⁷ Sinclair Form S-4 at 2-4.

⁵⁸ See *In the Matter of Sinclair Broadcast Group, Inc.*, Order and Consent Decree, 31 FCC Rcd 8578, ¶ 18 (2016).

⁵⁹ John Eggerton, “Indie Programmers Slam Sinclair/Tribune,” *Broadcasting & Cable* (July 24, 2017), <http://www.broadcastingcable.com/news/washington/indie-programmers-slam-sinclairtribune/167408>.

⁶⁰ *In the Matter of 2014 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, 2010 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, Promoting Diversification of Ownership In the Broadcasting Services*, MB Docket Nos. 04-233, 09-182, 07-294, Report on Ownership of Commercial Broadcast Stations, 29 FCC Rcd 7835, ¶¶ 4-7 (2014).

⁶¹ Carolyn M. Byerly, *Behind the Scenes of Women’s Broadcast Ownership*, 22 *Howard Journal of Communications* 24, 37 (2011).

contributed to the depletion of minority owners.”⁶² The Commission has also concluded that a national audience cap is necessary to preserve localism as it ensures that independent local stations can reject national network directives to run cookie-cutter content and air more responsive local programming.⁶³

Allowing Sinclair to proceed with its acquisition of Tribune would represent a clear violation of the Commission’s rule and an obvious threat to independent local news in all impacted communities. As discussed more extensively above in Part III.A, the Commission’s previous attempts at conditions have proven to be inadequate tools for ameliorating the serious harms posed by broadcast consolidation in general and by Sinclair’s merger mania specifically.⁶⁴ And as described in Part III.D below, Sinclair’s national directives and its particular recipe for cookie-cutter content replaces responsive and responsible local news coverage with an especially noxious, politicized brand of commentary.

The Commission’s decision to reinstate the obsolescent UHF discount notwithstanding, the proposed transaction would be absolutely untenable if the ongoing litigation succeeds in overturning that arbitrary and capricious decision. Without this outdated UHF benefit, the transaction at hand would blow past the national audience reach cap by more than thirty percentage points. Approving this deal as proposed, on the gamble that the Commission’s decision can survive appeal, could mean requiring Sinclair to divest stations accounting for nearly half of its newly proposed combined audience reach. When the UHF discount was established, UHF stations faced a technological disadvantage when compared to the coverage contours enjoyed by VHF stations in the analog broadcasting world. At that time, it may have made sense to discount UHF audience reach. Any such coverage disadvantage ended with the digital transition.⁶⁵ In fact, UHF stations today typically enjoy better coverage characteristics

⁶² Jeffrey Layne Blevins & Karla Martinez, *A Political Economic History of FCC Policy on Minority Broadcast Ownership*, 13 *The Communication Review* 216, 231 (2010).

⁶³ See 2002 Biennial Review Order ¶ 578.

⁶⁴ See *Re: Sinclair/Bonten Application for Consent to Transfer Control of License and Request for Continued Satellite Authority*, DA 17-638 (June 30, 2017), https://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0630/DA-17-638A1.pdf.

⁶⁵ See Comments of Office of Communication of United Church of Christ, Inc., Prometheus Radio Project, Media Alliance, National Organization for Women, National Hispanic Media Coalition, Common Cause, Benton Foundation, *In the Matter of 2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast*

than VHF stations. Without citing any legal or policy support to justify the reinstatement of the UHF discount, the Commission’s reinstatement of it “effectively contravenes the statutory limit on national television ownership.”⁶⁶

In sum, regardless of the state of the UHF discount litigation, Sinclair’s proposed transaction clearly violates both the letter and spirit of the Commission’s existing 39 percent national audience reach cap. Instead of arbitrarily loosening critical public interest protections or imposing functionally useless conditions to justify this merger, the Commission must deny this transaction.

D. The Proposed Transaction Would Harm Local Communities, Particularly Communities Of Color

Local broadcast remains a critical news and information source for communities across the nation. In 2014, television remained the most frequently utilized medium for following news, with 87 percent of people in the U.S. using television to access news and information.⁶⁷ Perhaps more importantly, local television news watchers reported a high degree of trust in local television more than users of any other news source.⁶⁸ As recently as 2016, a 57 percent majority reported that they often get news and information from television-based newscasts, with the largest share, 46 percent, relying on local broadcast television.⁶⁹

Traditionally marginalized groups including people of color and members of low-income households rely heavily on local broadcast news. A 2012 survey found that while only 17.8 percent of all US households relied solely on broadcast television, 28 percent of Asian households, 23 percent of African-American households and 26 percent of Latinx households were broadcast-only. Among

Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 09-182, at 10 (filed July 12, 2010).

⁶⁶ Petition for Review, *Free Press v. FCC*, No. 17-1129 (D.C. Cir. May 12, 2017), https://www.freepress.net/sites/default/files/resources/free_press_uhf_petition_for_review.pdf.

⁶⁷ See Media Insight Project, *The Personal News Cycle: How Americans choose to get their news* (Mar. 17, 2014), <https://www.americanpressinstitute.org/publications/reports/survey-research/how-americans-get-news/>.

⁶⁸ See *id.*

⁶⁹ See Amy Mitchell, Jeffrey Gottfried, Michael Barthel & Elisa Shearer, *The Modern News Consumer: News attitudes and practices in the digital era*, Pew Research Center Report (July 7, 2016), <http://www.journalism.org/2016/07/07/pathways-to-news/>.

Spanish-speaking homes, broadcast-only viewership rose to 33 percent. Overall, people of color over-index as broadcast television viewers, representing 44 percent of all broadcast-only homes in 2012 while making up only 37 percent of the population.⁷⁰

Among families making less than \$30,000 a year, 26 percent of households report relying solely on broadcast television, compared to only 11 percent of households making \$75,000 or more annually.⁷¹ These racial and income disparities for people who rely on broadcast television persist today.⁷² This means that any negative consequences of changes in the broadcast television market will likely disproportionately harm communities of color and low-income families who more often depend on broadcast for news and information.

Sinclair suggests this transaction will serve the public interest because the combined entity will have more resources to spend on creating valuable programming and serving their communities⁷³ -- a strange assertion when you consider that large broadcasters like Sinclair have been ramping up spending on mergers⁷⁴ while news programming salaries stagnate.⁷⁵ In fact, as the broadcast industry has consolidated, we've seen newsrooms full of local reporters lose their jobs as their owners shift toward jointly operated stations airing the same newscast across several channels.⁷⁶ In 2014, fully 86 percent of local television news stations did not employ a single statehouse reporter.⁷⁷

⁷⁰ See Press Release, National Association of Broadcasters, *Over-the-air TV Viewership Soars to 54 Million Americans* (June 18, 2012), <http://www.nab.org/documents/newsroom/pressRelease.asp?id=2761> (“NAB Press Release”); U.S. Census Bureau, *Most Children Younger Than Age 1 are Minorities, Census Bureau Reports* (May 17, 2012), <https://www.census.gov/newsroom/releases/archives/population/cb12-90.html>.

⁷¹ See NAB Press Release.

⁷² Press Release, GfK, *One-Quarter of US Households Live Without Cable, Satellite TV Reception* (July 13, 2016), <http://www.gfk.com/en-us/insights/press-release/one-quarter-of-us-households-live-without-cable-satellite-tv-recepti-on-new-gfk-study/>.

⁷³ See Sinclair Comprehensive Exhibit at 2.

⁷⁴ See Brian Stelter, “Political Ad Spending Spurs Local TV Mergers,” *N.Y. Times* (Nov. 8, 2011), <http://www.nytimes.com/2011/11/09/business/media/political-ad-spending-helps-drive-a-consolidation-of-local-tv.html>.

⁷⁵ See Bob Papper, *TV salaries fall, radio stagnant*, RTDNA/Hofstra University Annual Survey (July 1, 2013), http://www.rtdna.org/article/tv_salaries_fall_radio_stagnant.

⁷⁶ Turner, *Cease to Resist*, *supra* note 39, at 35.

⁷⁷ See Pew Research Center, *America's Shifting Statehouse Press: Can New Players Compensate for Lost Legacy Reporters?* (July 10, 2014), http://www.journalism.org/files/2014/07/Americas-Shifting-Statehouse-Press_full_report.pdf.

Broadcasters suggest that media concentration has allowed for more news production than ever before and greater employment in newsrooms, but the data shows otherwise. Overall, stations may air more news than ever before in terms of raw and repeated hours of airtime, but a growing number of stations produce no news at all.⁷⁸ Instead of having three stations producing original news coverage, you have one station producing an outsized amount of news and airing that same coverage repeatedly across three stations. That may create a net gain in the number of hours of news programming aired, but a net loss in the quantity of original news produced, and it's a huge blow to competition for stories and viewpoint diversity. The size of the fewer remaining individual newsrooms may be growing in some cases, but overall employment is down due to the shuttering and consolidation of local newsrooms across the country.⁷⁹ Applicants can cherry-pick statistics to paint a rosier picture, but for communities these employment and news production trends mean less original local news content, and fewer independent voices.

Consolidation has also contributed to an ongoing pattern of big broadcasters transitioning resources away from low-income communities, rural areas, and communities of color, and allocating them predominantly to white, wealthy, and urban areas. Greater proportions of broadcast jobs have been centralized in cities like Los Angeles, New York, and Washington, DC, leaving local communities out in the cold.⁸⁰ Even nominally "local" broadcasts increasingly focus news stories on national or regional issues, ignoring news and information important to smaller rural communities.⁸¹ Allowing this

⁷⁸ See Katerina Eva Matsa, *5 facts about the state of local news*, Pew Research Center (July 23, 2014), <http://www.pewresearch.org/fact-tank/2014/07/23/5-facts-about-the-state-of-local-tv-newsrooms/>; Bob Papper, *Local news by the numbers*, RTDNA/Hofstra University Annual Survey (June 5, 2017) ("The total keeps going up, but it's doing so because a smaller number of newsrooms are running news on more and more outlets.").

⁷⁹ See Papper, *Newsroom staffing* ("Total local TV news employment dropped slightly this past year Generally, TV newsrooms keep growing in size, but there aren't as many of them as in past years.").

⁸⁰ See Justin Fox, "The Geographic Concentration of the Media," *Bloomberg View* (Sept. 8, 2016), <https://www.bloomberg.com/view/articles/2016-09-08/the-geographic-concentration-of-the-media>.

⁸¹ See Justin Blankenship, *What Makes the News? TV's Coverage of Rural Communities*, presented at Thwarting the Emergence of News Deserts Symposium (Mar. 2017) ("[W]hat some may find surprising is the amount of 'national' coverage. It was by far the biggest category, almost more than news coverage of the three largest cities combined . . . residents of more rural communities in North Carolina cannot depend on regional television to provide that

transaction, especially coupled with the Commission's plans to eliminate the Main Studio Rule,⁸² would only encourage greater concentration of news production resources farther away from the communities that need them.

Dwindling local news coverage severely impacts these vulnerable communities. Studies show that when communities receive less coverage of their local political representatives they are less informed and less likely to engage in political activities, and -- perhaps most importantly -- their representatives are less likely to channel funding and constituent services to the community.⁸³ Lack of adequate local news drives down civic engagement and participation.⁸⁴

When local news fails to be responsive to the communities it serves, it may also help foment racism, hate speech, and even racist violence against communities of color. News coverage has the capacity to change how we see the world, often in deceptive ways that make the world less safe for people of color. For example, research has shown that despite dramatic decreases in violent crime rates in Los Angeles, local broadcast news coverage has conveyed a very different story. Rapid-fire crime stories and framing that disproportionately highlights Black and brown perpetrators contributes to a sense of rising crime and anger towards the racial and ethnic groups mistakenly perceived as responsible.⁸⁵

Consolidation generally has fueled trends towards simulcasting, diminished local news coverage, and criminalized representations⁸⁶ of marginalized communities, but Sinclair's political agenda in particular poses these serious threats to communities of color. Sinclair has a long history of using its

information.”),

<http://newspaperownership.com/wp-content/uploads/2017/03/Symposium-Leave-Behind-Web-Final.pdf>.

⁸² See generally *In the Matter of Elimination of the Main Studio Rule*, MB Docket No. 17-106, Notice of Proposed Rulemaking, 32 FCC Rcd 4415 (rel. May 18, 2017).

⁸³ See James M. Snyder, Jr. & David Stromberg, *Press Coverage and Political Accountability*, NBER Working Paper Series (Mar. 2008), <http://www.nber.org/papers/w13878.pdf>.

⁸⁴ See Danny Hayes & Jennifer L. Lawless, “As Local News Goes, So Goes Citizen Engagement: Media, Knowledge, and Participation in US House Elections,” 77 *Journal of Politics* 447, 448 (2015).

⁸⁵ See Danielle Killian, *Crime News, Stereotyping and the Cradle-to-Prison Pipeline*, presented at the 2014 LA Gang Conference (May 13, 2014), <https://www.slideshare.net/DanielleKillian>.

⁸⁶ See Amanda Haynes, *Mass Media Re-Presentations of the Social World: Ethnicity and Race*, in *Media Studies: Key Issues and Debates* 179-180 (Eoin Devereux ed., 2007).

media reach and market power to impose a conservative political slant on its stations' news coverage, tracing back at least to the 2004 election cycle when Sinclair ordered all of its then 62 stations to air a contested documentary attacking presidential candidate John Kerry.⁸⁷ Later, in 2007, after Sinclair stations aired commentary from pundit Armstrong Williams, the Commission fined Sinclair \$36,000 for violating the Commission's sponsorship-identification rules.⁸⁸ The fine stemmed from the stations' failure to disclose that Williams was paid by the Department of Education to air commentary favorable to the Bush administration.⁸⁹ Meanwhile, Williams has since been installed as the head of HSH - a Sinclair-controlled shell company.⁹⁰ Since then Sinclair has continued the practice of mandating that local stations run segments of prepackaged political commentary with an extreme conservative bent.

"Must-run" segments are a huge concern for local broadcast reporters and communities.⁹¹ KOMO-TV in Seattle has repeatedly been forced by parent-company Sinclair to air conservative segments that local journalists find so contrary to their community's values that staffers have vowed to fight back: "We are definitely concerned about the objectivity," said Dave Twedell of the local IATSE union that represents station employees. "We're going to make it a union issue because we believe it's relevant to protect our reputations."⁹² In Denver, looming fear of Sinclair's proposed acquisition is causing consternation at local Tribune-owned stations, KDVR and KWGN.⁹³ Activists in Syracuse are

⁸⁷ See Editorial, "Dangerous Territory," *N.Y. Times* (Oct. 15, 2004), <http://www.nytimes.com/2004/10/15/opinion/dangerous-territory.html>.

⁸⁸ See *In the Matter of Sonshine Family Television, Inc. and Sinclair Broadcast Group, Inc.*, Notice of Apparent Liability for Forfeiture, 19 FCC Rcd 18686, ¶ 2 (2007).

⁸⁹ Press Release, Free Press, *FCC Finally Fines Stations for Armstrong Williams Payola* (Oct. 18, 2007), <https://www.freepress.net/release/284>.

⁹⁰ See *supra* note 43.

⁹¹ As of July 28, 2017, 28 of 37 publicly filed comments published on the ECFS in the MB No. 17-179 docket refer to "Boris Epshteyn", "must-runs", "propaganda", "slanted" or "biased news" as reasons for the commenters' opposition to the proposed Sinclair-Tribune transaction.

⁹² David Kroman, "KOMO employees will take on Trump-friendly bosses," *Crosscut* (Mar. 28, 2017), <http://crosscut.com/2017/03/komo-news-labor-battle-media-trump-friendly-bosses/>.

⁹³ See Joanne Ostrow, "Could Sinclair's possible purchase of Tribune shift two major Denver TV stations to the right?" *Denv. Post* (July 12, 2017), <http://theknow.denverpost.com/2017/07/12/sinclair-denver-tv-purchase-tribune-kdvr-kwgn-2017/150970/>.

organizing against propaganda-like “promotions” masquerading as news that their local Sinclair station is forced to run.⁹⁴

Most recently, Sinclair hired former Trump campaign strategist Boris Epshteyn to be the group’s chief political analyst and now requires each of its stations to air Epshteyn’s segments eight or nine times weekly, without any on-air notification of his partisan status as a Trump loyalist.⁹⁵ These segments not only supersede the local editorial authority of journalists trying to serve their communities, they also promote an agenda that is actively threatening to communities of color and other marginalized groups. Epshteyn has stoked fears about undocumented immigrants by promoting unsubstantiated claims that former president Barack Obama may have won in 2008 due in part to “illegal voting.”⁹⁶

This pro-Trump political stance is especially concerning in the wake of reports that President Trump’s son-in-law and adviser Jared Kushner bragged that the Trump campaign arranged a deal with Sinclair to receive more favorable coverage.⁹⁷ Sinclair Executive Chairman and former CEO David Smith also appeared as a guest of honor in the Trump inaugural parade, continuing to raise concerns about a possible quid pro quo understanding between Sinclair and the Trump administration.⁹⁸

Sinclair’s bias veers dangerously towards distortion of the news, a practice the Commission has dubbed, “a most heinous act against the public interest.”⁹⁹ In 2015, Sinclair-owned station WBFF edited a

⁹⁴ See Nancy Avery Dafoe, “Notice something fishy slipping into your local news broadcast lately?” *Indivisible Cortland County Blog* (July 3, 2017), <http://indivisiblecortlandcounty.org/notice-something-fishy-slipping-into-your-local-news-broadcast-lately>.

⁹⁵ See Cynthia Littleton, “Inside Sinclair: CEO Nixes Fox News Rival Rumors, Talks Tribune and Big Ambition for Broadcast Biz,” *Variety* (July 25, 2017), <http://variety.com/2017/tv/news/sinclair-tribune-merger-boris-epshteyn-david-smith-news-1202504687/>.

⁹⁶ See Kay Waldman, “How Sinclair Broadcast Group and Boris Epshteyn Took Administration Propaganda from the Oval Office to Local News,” *Slate* (July 21, 2017), http://www.slate.com/articles/news_and_politics/politics/2017/07/how_boris_epshteyn_and_sinclair_bring_trump_propaganda_to_local_news.html.

⁹⁷ Josh Dawsey & Hadas Gold, “Kushner: We Struck Deal with Sinclair for Straighter Coverage,” *Politico* (Dec. 16, 2016), <http://www.politico.com/story/2016/12/trump-campaign-sinclair-broadcasting-jared-kushner-232764>.

⁹⁸ See David Dayen, “Trump Is Helping Big Media Companies Get Bigger,” *The Nation* (May 9, 2017), <https://www.thenation.com/article/trump-is-helping-big-media-companies-get-bigger/>.

⁹⁹ See *Hunger in America*, 20 F.C.C.2d 143, 150, 151 (1969) (articulating the news distortion policy for the first time, and adding that “rigging or slanting the news is a most heinous act against the public interest”).

video of activists protesting police brutality after the death of a local resident while in custody to falsely twist their chant of “We won't stop, we can't stop till killer cops are in cell-blocks,” so that it appeared protesters were chanting “Kill a cop.”¹⁰⁰ Just this year, Sinclair-owned KBOI used a photo of Black Lives Matter activist DeRay McKesson in connection with a story about a bank robbery that had nothing to do with McKesson or the Movement for Black Lives.¹⁰¹ KBOI apologized, but that same day another Sinclair station in Portland attached the same unrelated photo of McKesson being arrested to a story about Black Lives Matter activists being sued.¹⁰² These are not the actions of a broadcaster working to serve an increasingly diverse public, but a corporate behemoth committed to abusing its market power to demonize communities of color in furtherance of a dehumanizing political agenda.

E. Sinclair Fails to Demonstrate Affirmative Public Interest Benefits

The Applicants fail to establish that the proposed transaction would result in affirmative public interest benefits. The illusory public interest benefits cited in the application are non-cognizable, non-verifiable, and non-merger-specific, and would not in any case outweigh the public interest harms of this transaction. The Applicants have not met their burden under the Commission’s applicable standard of review in license transfer proceedings.¹⁰³

Per the statute and the Commission’s own interpretation of this standard of review, Section 310(d) of the Communications Act of 1934 “provides that no station license shall be transferred or assigned unless the Commission, on application, determines that the public interest, convenience, and necessity will be served thereby.”¹⁰⁴ Furthermore, in making the assessment, “the Commission must first

¹⁰⁰ David Zurawik, “Kill a cop' video may undercut WBFF's big plans,” *Baltimore Sun* (Jan. 9, 2015), <http://www.baltimoresun.com/entertainment/tv/z-on-tv-blog/bs-ae-zontv-fox45-20150109-story.html#page=1>.

¹⁰¹ See Alex Kaplan, “A Short History of the Right-Wing Politics of Sinclair Broadcasting,” *Salon* (July 21, 2017), http://www.salon.com/2017/07/21/a-short-history-of-the-right-wing-politics-of-sinclair-broadcasting_partner/.

¹⁰² See David Matthews, “News Station Uses Photo of Activist For Unrelated Bank Robbery Story,” *Uproxx* (July 15, 2017), <http://uproxx.com/news/deray-mckesson-kboi-idaho-bank-robbery-tweet/>.

¹⁰³ See 47 U.S.C. § 310(d).

¹⁰⁴ *In the Matter of Applications for Consent to Transfer Control of License Subsidiaries of Media General, Inc., from Shareholders of Media General, Inc. to Nexstar Media Group, Inc.*, MB Docket No. 16-57, Memorandum Opinion and Order, 32 FCC Rcd 183, ¶ 19 (2017) (“Media General MO&O”).

determine whether the proposed transaction would comply with the specific provisions of the Act, other applicable statutes, and the Commission's rules."¹⁰⁵ By the Applicants' own admission, the proposed transaction does not comply with the Commission's rules.¹⁰⁶ That's not a very promising start. If determining whether the proposed transaction complies with rules is the first standard the Commission applies, then the Applicants have failed to demonstrate that the transaction will serve the public interest, convenience, and necessity.

Additionally, the lack of detail in the application leads to a substantial and material question of fact about the statements alleging any public interest claims.¹⁰⁷ The Commission's standard of review "employs a balancing process, weighing any potential benefits of the proposed transaction against any potential public interest harms."¹⁰⁸ Yet the application's lack of specificity in explaining any theoretical public interest benefits fails to provide the Commission with sufficient information to employ a thorough balancing test. This failure means that the Commission is "unable to find that the proposed transaction serves the public interest;" and therefore, the Commission is required to designate the application for hearing.¹⁰⁹ Despite Sinclair's claim that its applications are "complete as filed, and provide sufficient information to conduct a public interest analysis of the transaction," it has failed to provide any information that could yield a useful public interest analysis for the Commission and any interested parties.¹¹⁰

¹⁰⁵ *Id.*

¹⁰⁶ *See* Sinclair Comprehensive Exhibit at 1 ("[I]n ten of the Overlap Markets, FCC rules currently would not allow Sinclair to acquire the Tribune licenses in such markets.").

¹⁰⁷ *See* 47 U.S.C. § 310(i).

¹⁰⁸ Media General MO&O at 9-10.

¹⁰⁹ *Id.*

¹¹⁰ Motion of Dish Network, American Cable Association, and Public Knowledge for Additional Information and Documents and Extension of Time, MB Docket No. 17-179, *In the Matter of Applications of Tribune Media Company and Sinclair Broadcast Group For Consent to Transfer Control of Licenses and Authorizations* (July 12, 2017), <https://ecfsapi.fcc.gov/file/10712432427229/Motion%20for%20Additional%20Information%20and%20Extention%20of%20Time.pdf>; Applicants' Joint Opposition to Motion for Additional Information and Documents and Extension of Time, MB Docket No. 17-179, *In the Matter of Applications of Tribune Media Company and Sinclair Broadcast Group For Consent to Transfer Control of Licenses and Authorizations* (July 19, 2017) ("Applicants' Joint Opposition to Extension of Time"),

The Commission applies several criteria to determine whether a transaction is likely to produce public interest benefits and whether each benefit claimed by the applicants is cognizable.¹¹¹ The applicants' claimed benefits must be transaction-specific, verifiable, calculable in comparison with their costs, and must flow to consumers.¹¹² By all of these measures, the benefits claimed by the Applicants for the proposed transaction are wanting.

The Applicants speculate, without evidentiary support, that the proposed acquisition will result in the following public interest benefits: increased operational efficiencies, upgraded station facilities, expanded local coverage (including news), greater value to Multichannel Video Distributors, and increased syndicated and original program offerings.¹¹³ The Applicants also suggest an intention to increase capital investments as well as expand news and other local coverage to the Tribune stations post-merger.¹¹⁴ It is the burden of the Applicants to verify these benefits of the proposed transaction.¹¹⁵ However, they have merely made unsubstantiated, speculative claims and failed to provide any verifiable evidence to support them. Indeed, Sinclair's record of non-compliance following other mergers suggests that these public interest claims are mere lip-service to the Commission's requirements.¹¹⁶

The benefits of increased operational efficiencies are dubious for the public, as increasing operational efficiencies has resulted in local journalists and newsroom employees losing their jobs, along with the community's loss of access to timely, locally produced, original programming, and a loss of

https://ecfsapi.fcc.gov/file/1071968599331/Tribune_Sinclair%20-%20Opposition%20to%20DISH_ACA%20Motion%20For%20Additional%20Information%207.19.17.pdf

¹¹¹ See Media General MO&O at 22.

¹¹² See *id.*

¹¹³ Sinclair Comprehensive Exhibit, at 2, §2 ¶ 1.

¹¹⁴ *Id.* at 3, § 2, ¶ 9.

¹¹⁵ See AT&T and DirecTV, 30 FCC Rcd 9131, 9237 (2015) (“[A] claimed [merger] benefit must be verifiable. Because much of the information relating to the potential benefits of a transaction is in the sole possession of the Applicants, they have the burden of providing sufficient evidence to support each claimed benefit to enable the Commission to verify its likelihood and magnitude.”).

¹¹⁶ See Allbritton MO&O; Dell Champlin & Janet Knoedler, *Operating in the Public Interest or in Pursuit of Private Profits? News in the Age of Media Consolidation*, Journal of Economic Issues 36:2, 459-468.

diverse and local voices in the DMAs where broadcast mergers hit home.¹¹⁷ Achieving greater economies of scale for local television stations primarily benefits short-term profits for shareholders.¹¹⁸ Moreover, duopoly ownership decreases local news programming, and economies of scale do not necessarily lead to or “contribute to greater production of local news programming.”¹¹⁹ In light of the concerns for communities of color and other underserved communities described above, an increase in euphemistically named “efficiencies” is more likely to mean specific harms to certain communities in order to benefit the Applicants’ profit margins. Sinclair has not demonstrated any attempt to mitigate such harms in its documents submitted to the Commission and has failed in its responsibility to specifically indicate any verifiable public interest benefits that increasing operational efficiencies would have for the people in the affected communities.

Expanded local coverage would indeed be a benefit to the public interest – if it came in the form of a community tailored effort to provide quality, locally produced programming that meets the needs of local communities. Homogenized, nationally replicated programming is not local, by any definition. Sinclair has failed to provide any specific, verifiable information that explains how it will realize this benefit. In fact, Sinclair has announced an increase in “must-runs”: prepackaged segments produced nationally and centrally by Sinclair to air on all its television stations across the country.¹²⁰ Bereft of any evidence to verify their claim, the Applicants have failed to sufficiently explain how this transaction will

¹¹⁷ See Joe Strupp, “Experts and Tribune Media Unions Raise Concerns About Sinclair’s History of Pushing Conservative ‘Propaganda,’” *Salon* (May 30, 2017), http://www.salon.com/2017/05/30/experts-and-tribune-media-unions-raise-concerns-about-sinclair-history-of-pushing-conservative-propaganda_partner/; Deborah Potter & Katerina Eva Matsa, *Impact of Shared News Production on Local TV Viewers*, Pew Research Center, (Mar. 26, 2014) <http://www.journalism.org/2014/03/26/impact-of-shared-news-production-on-local-tv-viewers/>; Paul Farhi, “Under New Ownership, WJLA-TV Takes a Slight Turn to the Right,” *Wash. Post* (Sept. 16, 2014), https://www.washingtonpost.com/lifestyle/style/under-new-ownership-wjla-tv-takes-a-slight-turn-to-the-right/2014/09/16/a21ffa6e-3ac8-11e4-9c9f-ebb47272e40e_story.html.

¹¹⁸ See Steve Waldman, *Information Needs of Communities: The Changing Media Landscape in a Broadband Age* 310 (2011).

¹¹⁹ Philip M. Napoli & Michael Zhaoxu Yan, *Media Ownership Regulations and Local News Programming on Broadcast Television: An Empirical Analysis*, 51 *Journal of Broadcasting & Electronic Media* 39, 54 (2007).

¹²⁰ See Hadas Gold, “Sinclair Increases ‘Must-Runs’ Boris Epshteyn Segments,” *Politico* (July 10, 2017), <http://www.politico.com/blogs/on-media/2017/07/10/boris-epshteyn-sinclair-broadcasting-240359>.

result in expanded local coverage. Applicants' claim is non-verifiable, and the lack of evidence makes it impossible for the Commission to calculate the magnitude of supposed benefits as compared to costs.

Applicants also claim that one benefit of the proposed merger would be Sinclair's ability to extend its public-service initiatives to Tribune markets. These initiatives include *Connect to Congress*, *Sinclair Cares*, and *Community Outreach*. But while the stated nature of these programs may be public interest oriented, simply duplicating existing Sinclair programming across a greater number of stations in overlap markets is not qualitatively or quantitatively an increase in news.¹²¹ For Sinclair to suggest that repeating content on multiple channels creates substantial benefit to the public is an illogical and ill-disguised charade. Furthermore, the loss of the Tribune voice in these markets, and the overlap markets in particular, will result in a loss of similar public service programming and news efforts at these stations -- a significant public interest harm.

The Applicants state that another public interest benefit of the transaction will be upgrades to broadcast-station facilities. Without any verifiable, merger-specific evidence to demonstrate how the Applicants will invest in upgrades to station facilities, it is difficult to accept this claim at face value. Upgrades to facilities are costly,¹²² and with the uncertain future of the Main Studio Rule, more specifics are necessary to determine if this transaction would result in more facility upgrades than local studio shutterings.¹²³ Particularly when data from RTDNA suggests that the number of unique stations producing original local news content is declining, it is likely that any upgrades to station facilities would primarily serve to reduce the number of diverse local viewpoints while replicating content across more stations, as explained above.¹²⁴

¹²¹ See Danilo Yanich, "Same ol', Same ol': Consolidation and Local Television News," chapter in *Communication Crisis in America and How to Fix It* by Mark Lloyd and Lewis A. Friedland at 178.

¹²² See Napoli and Yan, *Media Ownership Regulations and Local News Programming on Broadcast Television* at 54.

¹²³ See FCC Proposes to Eliminate Main Studio Rule, News Release (May 18, 2017), <https://ecfsapi.fcc.gov/file/05181077828895/DOC-344947A1.pdf>.

¹²⁴ See Papper, *Local news by the numbers*, *supra* note 78.

To suggest that offering greater value to MVPDs is a public interest benefit of the proposed transaction ignores Sinclair’s approach to retransmission negotiations. If the merger were approved, Sinclair would “have even more leverage to extract high retransmission fees from pay-TV operators. It will also be in a better position to demand lower payments to broadcast networks for their content.”¹²⁵ Sinclair also charges MVPDs more in retransmission fees than Tribune does, and with a larger portfolio of stations it is unlikely that those fees will decrease.¹²⁶ What is more likely is that the retransmission fees paid by MVPDs will increase, and that Sinclair will also negotiate for cheaper affiliation fees with networks. This means increased revenues and cheaper costs for Sinclair, but no benefit passed through to the public. Once again, this is not merely speculative: In 2016, the Media Bureau “found that Sinclair represented numerous Non-Sinclair Stations in retransmission consent negotiations with MVPDs” between April and November of 2015.¹²⁷ Specifically, Sinclair negotiated on behalf of “a total of 36 Non-Sinclair Stations with which it had JSAs, LMAs, or SSAs” with at least one Sinclair station in the same market.¹²⁸ Rather than continue the investigation, which also sought to determine whether or not Sinclair’s practices violated Section 310(d) of the Act, the Local Television Ownership Rule, and the News Distortion Policy, the Bureau determined that Sinclair would make a settlement payment of \$9,495,000.¹²⁹

Sinclair has clear incentives to abuse the leverage that this transaction would grant the combined entity if approved. This is an obvious public interest harm that the Commission needs to take seriously. The lack of specifics and evidence to demonstrate the supposed benefits offsetting this increased leverage is unacceptable. The potential harms of increased leverage against MVPDs will impact independent

¹²⁵ Sens. Maria Cantwell, Richard Blumenthal, Brian Schatz, Catherine Cortez Masto, Al Franken, Tammy Baldwin, Edward J. Markey, and Cory A. Booker, *Letter to Sen. John Thune and Sen. Chuck Grassley* (June 5, 2017).

¹²⁶ See Reps. Nancy Pelosi and Frank Pallone Jr, *Letter to Federal Communications Commission Chairman Ajit Pai* (Apr. 19, 2017), http://www.democraticleader.gov/wp-content/uploads/2017/04/NoReplySharpCopier@US.HOUSE_.GOV_20170419_113222.pdf.

¹²⁷ See *In the Matter of Sinclair Broadcast Group, Inc.*, Order and Consent Decree, 31 FCC Rcd 8578, ¶ 4 (2016).

¹²⁸ *Id.*

¹²⁹ See *id.* ¶¶ 5, 18.

programmers the most.¹³⁰ An increase in retransmission fees will cause consumers' cable bills to increase.

¹³¹ In the end, this purported public interest benefit should be more rightly construed by the Commission as a public interest harm.

The remainder of the Applicants' public interest claims are, once again, speculative and non-verifiable. The claimed increases in syndicated and original program offerings are not supported by any verifiable evidence. The Applicants fail to provide any details demonstrating that the transaction will result in an increase in original program offerings in particular, especially considering that Sinclair plans to decrease funding for WGN's original programming.¹³² The plans for ASTC 3.0 are also stated as a public interest benefit but this claim is also speculative and the Application provides no reliable evidence. The Commission requires the benefits of the proposed transaction to "be likely to occur as a result of the transaction but unlikely to be realized by other practical means having less anticompetitive effect."¹³³ The Applicants have failed to demonstrate anything specific about this merger and its effect on ASTC 3.0, and it is impossible to conclude any public interest benefits for the technology (if any) will be the result of this transaction. Moreover, Sinclair and Nexstar have announced an intent to share spectrum space to develop ASTC 3.0 without merger approval.¹³⁴ Lastly, the Applicants refer to "opportunities to expand digital content offerings" as a public interest benefit.¹³⁵ However, the Commission has previously in other

¹³⁰ See generally Comments of AWE - A Wealth of Entertainment, Cinémol, Mavtv Motorsports Network, One America News Network, and Ride Television in Support of the Motion of Dish Network, American Cable Association, and Public Knowledge for Additional Information and Documents and Extension of Time, MB Docket No. 17-179 *In the Matter of Applications of Tribune Media Company and Sinclair Broadcast Group For Consent to Transfer Control of Licenses and Authorizations*, <https://ecfsapi.fcc.gov/file/10720534923397/Comments%20of%20AWE%20%E2%80%93%20A%20Wealth%20of%20Entertainment%2C%20Cin%3%A9moi%2C%20MAVTV%20Motorsports%20Network%2C%20One%20America%20News%20Network%2C%20and%20RIDE%20Television.pdf>.

¹³¹ See Reps. Nancy Pelosi and Frank Pallone Jr, *Letter to Federal Communications Commission Chairman Ajit Pai*, (Apr. 19, 2017).

¹³² See Transcript of Sinclair Broadcast Group Investor Announcement, *supra* note 16, at 5.

¹³³ Media General MO&O at 11.

¹³⁴ See Diana Marszalek, "Nexstar, Sinclair Agree to Share Spectrum During ATSC 3.0 Transition," *Broadcasting & Cable* (July 20, 2017), <http://www.broadcastingcable.com/news/local-tv/nexstar-sinclair-agree-share-spectrum-during-atsc-30-transition/167322>.

¹³⁵ Sinclair Comprehensive Exhibit at 2.

transactions been unable to “ascertain that the benefits from combining digital operations could be achieved only through the transaction.”¹³⁶

The Applicants have failed to demonstrate specific public interest benefits, relying exclusively on speculative, non-verifiable claimed benefits. All they demonstrate instead, very clearly, is how shareholders will benefit. Further, in light of Sinclair’s history of failures to comply with merger conditions stipulated by the Commission, it is clear that the transaction as a whole will more than likely result in public interest harms and violations of the Commission’s rules. The burden of proof is on the Applicants, and their failure to adequately demonstrate even one specific public interest benefit dictates designation of the application for hearing and ultimate denial.

The Applicants also list some of the “investments Sinclair has made in the past few years” to presumably suggest these past investments indicate future public interest benefits resulting from the transaction.¹³⁷ However, these investments have no bearing on the current proceeding. Taking up the bulk of the very short two-and-a-half page section addressing hypothetical public interest benefits, these past investments do not suggest any verifiable benefits of the current transaction and are not merger specific. Although the application indicates this summary is intended to “highlight the companies’ dedication to broadcasting excellence,” it fails to explain the bearing of these past investments on the proposed merger.¹³⁸ These past investments include capital investments, hiring newsroom staff, news/local programming, and digital -- all areas in which Sinclair could have made merger-specific, verifiable commitments here but chose not to. Yet, again, the Applicants have failed to provide any evidence of public interest benefits from the proposed transaction. Applicants incessant recitations about the completeness of their application do not make it so.¹³⁹

¹³⁶ Media General MO&O at 12.

¹³⁷ Sinclair Comprehensive Exhibit at 2.

¹³⁸ *Id.* at 3.

¹³⁹ *See* Applicants’ Joint Opposition to Extension of Time.

Sinclair's so-called public interest benefits are speculative at best, and deliberately disingenuous at worst. Based on the preponderance of evidence, Sinclair has failed to demonstrate that the transaction will serve the public interest, convenience, and necessity. The application lacks evidence of specific, verifiable, and non-speculative benefits. The public interest claims made by Sinclair are not merger specific, but if even benefits stem from duties that Sinclair already has the resources and capacity to uphold. These alleged benefits are not and should not be dependent on a merger that eliminates a unique voice and competitor in an already highly-concentrated industry. The Applicants have not even met a bare minimum regarding the information necessary to conduct a public interest analysis, particularly since there are 12 markets in which the merger would violate the Commission's rules, as well as the national audience reach cap. The proposed transaction does not comply with Commission rules and policies and does not advance the public interest. Per the standard of review and the balancing test the Commission has established, the supposed public interest benefits of the transaction should be dismissed as speculative and unverifiable.¹⁴⁰

Even more concerning, Sinclair clearly articulates benefits to shareholders that flatly contradict its public interest claims made to this Commission. In documents filed with the SEC, Sinclair outlines eight primary reasons for the transaction -- unsurprisingly, serving the public interest does not make the list -- including broad national reach, large network portfolio, largest TV broadcasting company status, diversification, significant expected synergies, increased revenue and cash flow, digital footprint, and ASTC 3.0 opportunity.¹⁴¹

Broad national reach seems to be the most important reason for the proposed transaction, as it is listed first and has the longest description. Sinclair emphasize that as a result of this transaction it "will have an audience reach of 72% of all U.S. television households across 108 markets."¹⁴² This broader

¹⁴⁰ See Media General MO&O at 11.

¹⁴¹ See Sinclair Form S-4 at 71-72.

¹⁴² *Id.* at 71.

national reach “will allow Sinclair to offer even greater value to multi-channel video distributors and increased syndicated programming arrangements.”¹⁴³ These are once again merely euphemisms for requiring MVPDs to pay higher fees for more stations, and bargaining down the prices that Sinclair will have to pay syndicators. In no way does this suggest an increased investment in original, locally-produced programming. Especially in the overlap markets, this is only a benefit to Sinclair’s shareholders and negatively impacts communities who would not be served, and likely would be harmed, by receiving the same programming replicated across a greater number of television stations.

Another shareholder benefit but not public benefit from such massive scale is that the proposed transaction is “also expected to better position Sinclair for scaled national news cooperation and national sales cooperation.”¹⁴⁴ As the only reference to news programming in documents submitted to the SEC, it is troubling that no mention of local news is included. Instead, Sinclair suggests that the newly acquired national reach will allow the company to approach programming and advertising sales on a national basis. The lack of a commitment to local programming and an explicit desire to pursue nationally syndicated programming should give the Commission pause. The need for local civic information is vital in all communities, and to have a major broadcaster further consolidate an industry in desperate need of competition while crowing about its plans to reduce locally-oriented programming should be cause enough to move to hearing rather than a grant here. Furthermore, as the DOJ has found, allegation of harm to competition in the sale of spot advertising is adequate grounds to challenge a broadcast television merger.¹⁴⁵ Sinclair’s goal of national sales cooperation completely disregards the competitive harms this transaction will have on advertising sales nationally and within DMAs. Broad national reach will have far reaching anticompetitive effects on both retransmission consent negotiations and on local and national advertising sales.

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ See David C. Kully, “Nexstar-Media General Merger May Signal New DOJ Approach to Broadcast Television Mergers: Retransmission Fees, in Addition to Advertising, Examined,” *MLRC Media Law Letter* at 41 (Sept. 2016).

The benefits of the transaction that Sinclair touts to investors primarily focus, unsurprisingly, on increasing revenues and profits. In describing what it means to have a large network portfolio, Sinclair states that “following the transaction, Sinclair would have the largest station portfolio of network affiliates in top DMAs, allowing it to offer high value and broad audience reach” to MVPDs.¹⁴⁶ High value means higher prices. This portfolio increase has significant implications for retransmission negotiations. In addition, Tribune cites Sinclair’s broader scale and its ability to “sustain retransmission revenue growth” as a primary reason Tribune’s Board recommends the proposed transaction to its shareholders.¹⁴⁷ Moreover, the DOJ has identified concern for the competitive harms that would result from the greater bargaining leverage in retransmission consent negotiations with MVPDs.¹⁴⁸ This broad national reach would certainly have anticompetitive effects that would be damaging to local communities and force providers to pay higher retransmission fees.¹⁴⁹

In addition to cementing its dominance as the “largest TV broadcasting company” as a motivation for the transaction, Sinclair also points to significant synergies as a result of the transaction. Sinclair “expects to realize approximately \$191 million of synergies, excluding WGN America (Tribune’s nationally distributed cable, satellite and telecommunications network) and \$266 million of synergies, including WGN America, with a one-time cost to achieve such synergies being approximately \$60 million to \$80 million.”¹⁵⁰ How the Applicants expect to achieve these synergies should be of vital concern to the Commission, as this commitment directly contradicts the Applicants’ claims to the Commission to increase local coverage and upgrade station facilities, both of which are costly. Furthermore, the Applicants’ willingness to realize increases in local coverage and upgrades to station facilities remains

¹⁴⁶ Sinclair Form S-4 at 71.

¹⁴⁷ *Id* at 68.

¹⁴⁸ See Kully, *MLRC Media Law Letter* at 38.

¹⁴⁹ See *id*.

¹⁵⁰ Sinclair Form S-4 at 72.

doubtful as no mention of either public interest benefit appears in SEC filings and the Applicants have failed to provide any verifiable evidence to support that claim.¹⁵¹

The Applicants' so-called public interest benefits are speculative, unsubstantiated, unverifiable, and have no basis in reality or the record. Benefits are unlikely to occur as a result of the transaction, which is far more likely to result in anticompetitive effects. It is the responsibility of the Commission to "discount or dismiss speculative benefits [the Commission] cannot verify."¹⁵²

CONCLUSION

For the reasons stated above, the transfers contemplated as part of this transaction violate the Commission's rules and do not serve the public interest. As such, the Commission should not approve the license transfers subject to this Petition to Deny.

Respectfully Submitted,

/s/ Dana J. Floberg

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1025 Connecticut Ave NW
Suite 1110
Washington DC, 20036
202-265-1490

August 7, 2017

¹⁵¹ *See generally id.*

¹⁵² Media General MO&O at 11.

EXHIBIT A

DECLARATIONS OF CRAIG AARON, MARY TUMA, STEPHEN BARKER, JAMES RINNERT, DENIS MOYNIHAN, ANTHONY SHAWCROSS, JULIE KAY JOHNSON, RUSSELL JAMES MARTIN, MICHELE (SHELLY) ANN SILVER, WELDON FREDERICK WOODEN, ERNESTO AGUILAR, NICHOLAS SHOEMAKER, THOMAS H. KLAMMER, SUSAN LACERDA STUPY, MEG AMELIA RILEY, HENRY FERNANDEZ, MANOLIA CHARLOTIN, ANDREW GLASS, JOANN HILL, ROSALIND SCHNEIDER, JONATHAN RINTELS, DESIREE HILL, STEVEN P. HUNT, HANNAH JANE SASSAMAN, CHRISTINE QUIGLEY, MARY KATHRYN TAYLOR, SUE WILSON, WILLIAM STEVEN CHILD, STEVE GEVURTZ, SEENA SEWARD, BEV HOVDA, AND KEN HOVDA.

DECLARATION OF FREE PRESS PRESIDENT & CEO CRAIG AARON

1. I, Craig Aaron, am the President and CEO of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. Free Press is the largest media reform organization in the United States, with over a million members and constituents nationwide, including members who reside in each of the 108 markets where Sinclair would own television stations if this transaction were approved. These members will be irreparably harmed by the severe reduction in localism, competition and diversity that this merger would inevitably produce.
3. This Declaration has been prepared in support of the foregoing Petition to Deny.
4. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

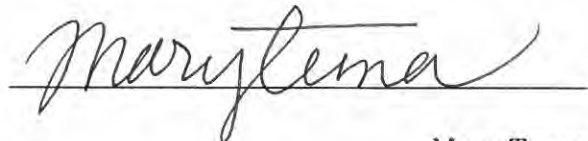
A handwritten signature in black ink, appearing to read 'Craig Aaron', is written over a horizontal line.

Craig Aaron

August 3, 2017

DECLARATION OF MARY TUMA

1. I, Mary Tuma, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 1801 Ohlen Rd., Austin, Texas, 78757.
3. I am a regular viewer of the stations serving the Austin, TX market, which includes KEYE-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of Tribune stations across the nation because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Austin area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased national presence would make local news coverage in Austin less responsive to my community's needs. I believe this would significantly reduce the quality and quantity of local news in my area.
5. This Declaration has been prepared in support of the foregoing Petition to Deny.
6. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

A handwritten signature in cursive script that reads "Mary Tuma". The signature is written in black ink and is positioned above a solid horizontal line.

Mary Tuma

July 31, 2017

DECLARATION OF STEPHEN BARKER

1. I, Stephen Barker, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 3000 W. Palmer Blvd., Apt. 1, Chicago, IL 60647.
3. I am a regular viewer of the stations serving the Chicago, IL market, which includes WGN-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of Tribune station WGN-TV because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Chicago area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's new presence in Chicago would make local news coverage less responsive to my community's needs. For example, the *Chicago Business* forecasted major damaging changes to WGN as a result of the proposed transaction. I believe this would significantly reduce the quality and quantity of local news in my area.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Chicago needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

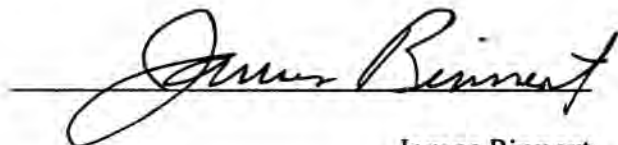


Stephen Barker

August 3, 2017

DECLARATION OF JAMES RINNERT

1. I, James Rinnert, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 1120 W. Fry St., Chicago, Illinois 60642.
3. I am a regular viewer of the stations serving the Chicago, IL market, which includes WGN-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of Tribune station WGN-TV the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Chicago area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Chicago would make local news coverage less responsive to my community's needs, as articulated by a piece in local paper the *Chicago Business* forecasting major damaging changes to WGN as a result of the proposed transaction. I believe this would significantly reduce the quality and quantity of local news in my area.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Chicago needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.




James Rinnert

August 1, 2017

DECLARATION OF DENIS MOYNIHAN

1. I, Denis Moynihan, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 1356 Adams St., Denver CO 80206.
3. I am a regular viewer of the stations serving the Denver, CO market, which includes KDVR, KFCT and KWGN-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the three Tribune stations in my area because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Denver area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's presence in Denver would make local news coverage less responsive to my community's needs. I believe this would significantly reduce the quality and quantity of local news in my area.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Denver needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

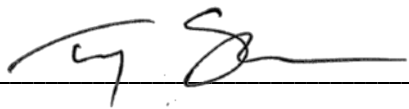


Denis Moynihan

04 August, 2017

DECLARATION OF Anthony Shawcross

1. I, Anthony Shawcross am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 662 Inca St. Denver, CO 80204
3. I am a regular viewer of the stations serving the Denver, CO market, which includes KDVR, KFCT and KWGN-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the three Tribune stations in my area because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Denver area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's presence in Denver would make local news coverage less responsive to my community's needs. I believe this would significantly reduce the quality and quantity of local news in my area.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Denver needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



Anthony Shawcross
Aug 1, 2017

DECLARATION OF Julie Kay Johnson

1. I, Julie Kay Johnson, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 627 17th Ave NW, Apt 7212, Altoona, Iowa 50009.
3. I am a regular viewer of the stations serving the Des Moines-Ames, IA market, which includes KDSM-TV and WHO-DT.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of Tribune station WHO-DT in my area because its common control of the four stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. As local paper the *Des Moines Register* published recently, the proposed acquisition "is bad news for the principles of localism, diversity and competition." I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Des Moines area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Des Moines would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Des Moines needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.


Julie Kay Johnson

August 4, 2017

DECLARATION OF Russell James Martin

1. I, Russell James Martin, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 3520 Kingman Blvd, Des Moines, Iowa, 50311.
3. I am a regular viewer of the stations serving the Des Moines-Ames, IA market, which includes KDSM-TV and WHO-DT.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of Tribune station WHO-DT because its common control of the two stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. As local paper the *Des Moines Register* published on June 29, 2017, the proposed acquisition "is bad news for the principles of localism, diversity and competition." I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Des Moines area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Des Moines would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Des Moines needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



Russell James Martin

August 4, 2017

DECLARATION OF SUPPORT FOR A FREE PRESS

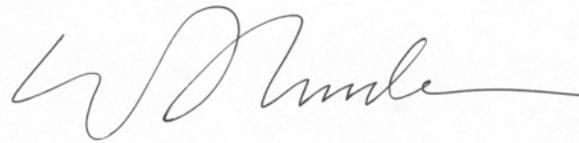
1. I, Michele (Shelly) Ann Silver, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 794 NE 58th Ave, Des Moines, IA 50313.
3. I am a regular viewer of the stations serving the Des Moines-Ames, IA market, which includes KDSM-TV and WHO-DT.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of Tribune station WHO-DT in my area because its common control of the four stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. As local paper the *Des Moines Register* published recently, the proposed acquisition "is bad news for the principles of localism, diversity and competition." I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Des Moines area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Des Moines would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Des Moines needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.


Michele (Shelly) Ann Silver

August 5, 2017

DECLARATION OF WELDON FREDERICK WOODEN

1. I, Weldon Frederick Wooden, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 253 Madison Ave SE, Grand Rapids MI 49503.
3. I am a regular viewer of the stations serving the Grand Rapids-Kalamazoo-Battle Creek, MI market, which includes WWMT and WXMI.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of Tribune station WXMI because its common control of the two stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Grand Rapids area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Grand Rapids would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Grand Rapids needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



Weldon Frederick Wooden

31 July 2017

DECLARATION OF ERNESTO AGUILAR

1. I, Ernesto Aguilar, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 1341 Castle Court, Houston, TX 77006.
3. I am a regular viewer of the stations serving the Houston, TX market, which includes KIAH.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of Tribune station KIAH because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Houston area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's new presence in Houston would make local news coverage less responsive to my community's needs. I believe this would significantly reduce the quality and quantity of local news in my area.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Houston needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



Ernesto Aguilar

August 1, 2017

DECLARATION OF NICHOLAS SHOEMAKER

1. I, NICHOLAS SHOEMAKER, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 14886 REDCLIFF DR, NOBLESVILLE, INDIANA 46062.
3. I am a regular viewer of the stations serving the Indianapolis, IN market, which includes WTTK, WTTV and WXIN.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations in my area because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Indianapolis area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's new presence in Indianapolis would make local news coverage less responsive to my community's needs. I believe this would significantly reduce the quality and quantity of local news in my area.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Indianapolis needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

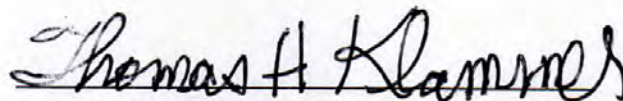


NICHOLAS SHOEMAKER

3 AUGUST, 2017

DECLARATION OF THOMAS H. KLAMMER

1. I, Thomas H. Klammer, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 5815 Oak Street, Kansas City, MO 64113.
3. I am a regular viewer of the stations serving the Kansas City, MO-KS market, which includes WDAF-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of WDAF-TV because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Kansas City area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's new presence in Kansas City would make local news coverage less responsive to my community's needs.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Kansas City needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



Thomas H. Klammer

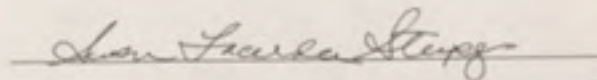
July 31, 2017

DECLARATION OF SUSAN LACERDA STUPY

1. I, Susan Lacerda Stupy, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 2881 Inverness Drive, Los Alamitos, CA 90720.
3. I am a regular viewer of the stations serving the Los Angeles market, including Tribune-owned KTLA. KTLA is my favorite morning news program.
4. I, and other viewers like me, will be harmed by Sinclair's acquisition of KTLA because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Los Angeles area. Local news is not local if dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Los Angeles would make local news coverage less responsive to my community's needs.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Los Angeles needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.

6. This Declaration has been prepared in support of the foregoing Petition to Deny.

7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

A handwritten signature in cursive script, reading "Susan Lacerda Stupy", is written over a horizontal line.

Susan Lacerda Stupy

July 28, 2017

DECLARATION OF MEG AMELIA RILEY

1. I, Meg Amelia Riley, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 5501 Shoreview Avenue, Minneapolis, MN 55417.
3. I am a regular viewer of the stations serving the Minneapolis-St. Paul, MN market, which includes WUCW.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations across the nation because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Minneapolis-St. Paul area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased national presence would make local news coverage in Minneapolis-St. Paul less responsive to my community's needs. I believe this would significantly reduce the quality and quantity of local news in my area.
5. This Declaration has been prepared in support of the foregoing Petition to Deny.
6. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



Meg Amelia Riley

July 31, 2017

DECLARATION OF HENRY FERNANDEZ

1. I, Henry Fernandez, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 89 East Pearl Street, New Haven, Connecticut, 06513.
3. I am a regular viewer of the stations serving the New Haven market, including Tribune-owned WCCT-TV and WTIC-TV.
4. I, and other viewers like me, will be harmed by Sinclair's acquisition of WCCT-TV and WTIC-TV because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the New Haven area. Local news is not local if dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in New Haven would make local news coverage less responsive to my community's needs.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. New Haven needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



Henry Fernandez

August 7, 2017

DECLARATION OF Manolia Charlotin

1. I, Manolia Charlotin, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 22 Halsey St, apt 3B, Brooklyn, NY 11216.
3. I am a regular viewer of the stations serving the New York, NY market, which includes WPIX.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of Tribune station WPIX because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the New York area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's new presence in New York would make local news coverage less responsive to my community's needs. I believe this would significantly reduce the quality and quantity of local news in my area.
5. Furthermore, I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. New York needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

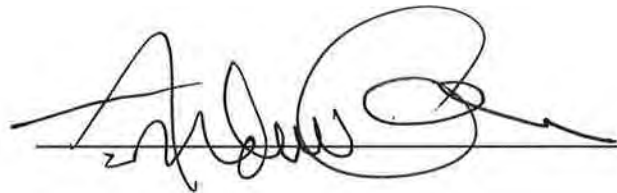
Manolia Charlotin (e-signature)

Manolia Charlotin

August 3, 2017

DECLARATION OF ANDREW GLASS

8. I, Andrew Glass, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
9. I reside at 170 2nd Ave, 6D, New York, NY 10003
10. I am a regular viewer of the stations serving the New York, NY market, which includes WPIX.
11. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations in my area because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the New York area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in New York would make local news coverage less responsive to my community's needs. I believe this would significantly reduce the quality and quantity of local news in my area.
12. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. New York needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
13. This Declaration has been prepared in support of the foregoing Petition to Deny.
14. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

A handwritten signature in black ink, appearing to read 'Andrew Glass', written over a horizontal line.

Andrew Glass

August 1, 2017

DECLARATION OF JOANN HILL

1. I, Joann Hill, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 170 2nd Ave, 6D, New York, NY 10003
3. I am a regular viewer of the stations serving the New York, NY market, which includes WPIX.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations in my area because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the New York area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in New York would make local news coverage less responsive to my community's needs. I believe this would significantly reduce the quality and quantity of local news in my area.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. New York needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



Joann Hill

August 1, 2017

DECLARATION OF ROSALIND SCHNEIDER

1. I, Rosalind Schneider, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 40 Cottontail Lane, Irvington NY 10533
3. I am a regular viewer of the stations serving the New York, NY market, which includes WPIX.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations in my area because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the New York area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in New York would make local news coverage less responsive to my community's needs. I believe this would significantly reduce the quality and quantity of local news in my area.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. New York needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

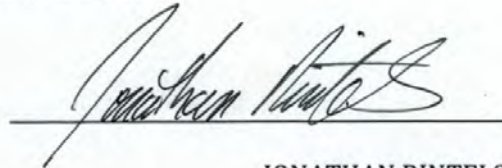


Rosalind Schneider

August 3, 2017

DECLARATION OF JONATHAN RINTELS

1. I, Jonathan Rintels, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 1631 Waterlily Rd, Coinjock, NC 27923.
3. I am a regular viewer of the stations serving the Norfolk-Portsmouth-Newport News, VA market, which includes Sinclair-owned WTVZ-TV and Tribune subsidiary-owned WGNT and WTKR.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of WGNT and WTKR because its common control of the three stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Norfolk area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Norfolk would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Norfolk needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



JONATHAN RINTELS

August 1, 2017

DECLARATION OF Desiree Hill

1. I, [^{Desiree Hill} full-name], am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at [^{804 NW 39th St. Oklahoma City OK 73118} home-address].
3. I am a regular viewer of the stations serving the Oklahoma City, OK market, which includes KOCB, KOKH-TV, KAUT-TV and KFOR-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations in my area because its common control of the four stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Oklahoma City area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe

Sinclair's increased presence in Oklahoma City would make local news coverage less responsive to my community's needs.

6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Oklahoma City needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

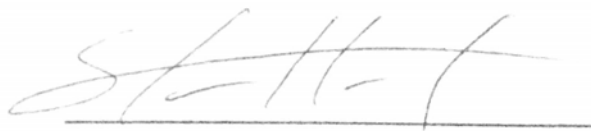
Desiree Hill

Desiree Hill

August 3, 2017

DECLARATION OF SUPPORT

1. I, Steven P. Hunt, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 6300 Westbrook dr, Oklahoma City, OK 73162.
3. I am a regular viewer of the stations serving the Oklahoma City, OK market, which includes KOCB, KOKH-TV, KAUT-TV and KFOR-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations in my area because its common control of the four stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the [market] area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Oklahoma City would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Oklahoma City needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

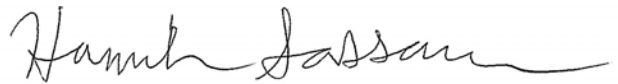


Steven P Hunt

August 3, 2017

DECLARATION OF Hannah Jane Sassaman

1. I, Hannah Jane Sassaman, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 4512 Springfield Avenue, Philadelphia, PA, 19143.
3. I am a regular viewer of the stations serving the Philadelphia market, including Tribune-owned WPHL-TV.
4. I, and others like me, will be harmed by Sinclair's acquisition of WPHL-TV because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Philadelphia area. Local news is not local if dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Philadelphia would make local news coverage less responsive to my community's needs.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Philadelphia needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



Hannah Jane Sassaman

August 1st, 2017

DECLARATION OF CHRISTINE QUIGLEY

1. I, Christine Quigley, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at [4018 N Montana Ave Portland, OR 97227].
3. I am a regular viewer of the stations serving the Portland market, which includes KATU, KRCW-TV and KUNP.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations in my area because its common control of the three stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Portland area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and more recently by laying off two long-term newsroom staffers at KATU in Portland. I believe Sinclair's increased presence in Portland would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Portland needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

Christine Quigley

Christine Quigley

July 28, 2017

DECLARATION OF MARY KATHRYN TAYLOR

1. I, Mary Kathryn Taylor, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 3905 Fish Pond Lane, Glen Allen VA 23060.
3. I am a regular viewer of the stations serving the Richmond-Petersburg, VA market, which includes Sinclair-owned WRLH-TV and Tribune-owned WTVR-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of WTVR-TV because its common control of the two stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Richmond area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Richmond would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Richmond needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.


Mary Kathryn Taylor

August 1, 2017

DECLARATION OF SUE WILSON

1. I, Sue Wilson, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 18125 Tyler Road, Fiddletown, CA.
3. I am a regular viewer of the stations serving the Sacramento-Stockton-Modesto, CA market, which includes KTXL.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of KTXL because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Sacramento area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's presence in Sacramento would make local news coverage less responsive to my community's needs.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Sacramento needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.


A handwritten signature in cursive script that reads "Sue Wilson". The signature is written in black ink and is positioned above a solid horizontal line.

Sue Wilson

August 1, 2017

DECLARATION OF [FULL NAME]

1. I, William Steven Child, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 400 E Capitol Park Av. Salt Lake City, UT 84103.
3. I am a regular viewer of the stations serving the Salt Lake City market, which includes KJZZ-TV, KMYU, KSTU and KUTV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations in my area because its common control of the four stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Salt Lake City area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in Salt Lake City would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. Salt Lake City needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



[full name]

August 3, 2017

DECLARATION OF Steve Gevurtz

1. I, Steve Gevurtz, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 4190 Mississippi Street, San Diego, CA 92104.
3. I am a regular viewer of the stations serving the San Diego, CA market, which includes Tribune-owned KSWB-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of KSWB-TV because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the San Diego area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in San Diego would make local news coverage less responsive to my community's needs.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. San Diego needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.




[Steve Gevurtz]

8/1/17

DECLARATION OF Seena Seward

1. I, Seena Seward, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 7774 Calle Mejor, Carlsbad, California.
3. I am a regular viewer of the stations serving the San Diego, CA market, which includes Tribune-owned KSWB-TV.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of KSWB-TV because the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the San Diego area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer areas and stations. I believe Sinclair's increased presence in San Diego would make local news coverage less responsive to my community's needs.
5. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically slanted "must-run" commentary. San Diego needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda, such as the extremely biased political segments from former Trump campaign staffer, Boris Epshteyn.
6. This Declaration has been prepared in support of the foregoing Petition to Deny.
7. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.

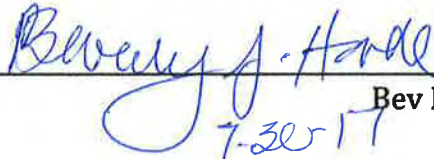


Seena Seward

August 1, 2017

DECLARATION OF BEV HOVDA

1. I, Bev Hovda, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 18605 104th Ave NE, Bothell, WA.
3. I am a regular viewer of the stations serving the Seattle-Tacoma market, which includes KCPQ, KOMO-TV, KUNS-TV and KZJO.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations in my area because its common control of the four stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Seattle metropolitan area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer stations and communities. I believe Sinclair's increased presence in Seattle would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically-slanted "must-run" commentary. Seattle needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda. Recently KOMO-TV in Seattle was forced to air a troubling segment accusing national media of being "fake news" - Sinclair should not be permitted to expand this despicable practice to more local stations in my community.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.


Bevy Hovda
7-20-17

July 29th, 2017

DECLARATION OF KEN HOVDA

1. I, Ken Hovda, am a member of Free Press, located at 1025 Connecticut Ave. NW, Suite 1110, Washington, D.C. 20036.
2. I reside at 18605 104th Ave NE, Bothell, WA.
3. I am a regular viewer of the stations serving the Seattle-Tacoma market, which includes KCPQ, KOMO-TV, KUNS-TV and KZJO.
4. I will be, and other viewers like me will be harmed by Sinclair's acquisition of the Tribune stations in my area because its common control of the four stations listed above would reduce the number of independent voices available to my community, in violation of the FCC's local multiple ownership rule. I believe this would significantly reduce the quality and quantity of local news in my area by reducing competition and diminishing Sinclair's incentive to invest in robust local news coverage that serves the public interest.
5. Additionally, the scale of Sinclair's operation would violate the FCC's national audience cap and reduce the broadcaster's attention to the local needs of the Seattle metropolitan area. Local news is not local if it is dictated by corporate managers with no ties to my community, as Sinclair has consistently done by shuttering local newsrooms and consolidating news production in fewer stations and communities. I believe Sinclair's increased presence in Seattle would make local news coverage less responsive to my community's needs.
6. Furthermore I am concerned about Sinclair's practice of forcing its local stations to air politically-slanted "must-run" commentary. Seattle needs real news and information that meets our local needs, not deceptive prepackaged segments that promote Sinclair's corporate political agenda. Recently KOMO-TV in Seattle was forced to air a troubling segment accusing national media of being "fake news" - Sinclair should not be permitted to expand this despicable practice to more local stations in my community.
7. This Declaration has been prepared in support of the foregoing Petition to Deny.
8. This statement is true to my personal knowledge, and is made under penalty of perjury of the laws of the United States of America.



Ken Hovda

July 28th, 2017

CERTIFICATE OF SERVICE

I, Jessica J. González, certify that on August 7, 2017, the foregoing Petition to Deny was served by electronic mail, on the following:

Mace Rosenstein, mrosenstein@cov.com
Michael Beder, mbeder@cov.com
Covington & Burling LLP
850 Tenth Street, NW
Washington, D.C. 20001
Counsel for Tribune Media Company

Miles S. Mason, miles.mason@pillsburylaw.com
Jessica T. Nyman, jessica.nyman@pillsburylaw.com
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW
Washington, D.C. 20036
Counsel for Sinclair Broadcast Group

David Brown, david.brown@fcc.gov
David Roberts, david.roberts@fcc.gov
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

August 7, 2017

/s/ Jessica J. González
jgonzalez@freepress.net
Deputy Director and Senior Counsel
Free Press