



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 08-774

Released: April 1, 2008

MEDIA BUREAU ACTION

COMMENT DATES SET FOR PETITION FOR MODIFICATION OF CONDITIONS FILED BY NEWS CORPORATION

MB Docket No. 03-124

PLEADING CYCLE ESTABLISHED

Comments Due: May 1, 2008

Reply Comments Due: May 16, 2008

On March 11, 2008, News Corporation (“News Corp.”) submitted a petition for modification of conditions (“Petition”) adopted by the Commission in the *News Corp.-Hughes Order*.¹ The conditions referenced in News Corp.’s Petition are set forth in the following appendices in the *News Corp.-Hughes Order*: (1) Appendix F(III), Additional Conditions Concerning Access to Regional Sports Networks; and (2) Appendix F(IV), Conditions Concerning Access to Local Broadcast Television Station Signals.² In support of its Petition, News Corp. contends that, according to the terms of the *News Corp.-Hughes Order*, the sale of News Corp.’s interest in The DIRECTV Group, Inc. and its subsidiaries to Liberty

¹ *General Motors Corporation and Hughes Electronic Corporation, Transferors, and The News Corporation Limited, Transferee*, 19 FCC Rcd 473, 677-683, Appendix F(III) & F(IV) (2004) (“*News Corp.-Hughes Order*”).

² Petition at 1, MB Docket No. 03-124 (filed Mar. 11, 2008) (citing *News Corp.-Hughes Order*, 19 FCC Rcd at Appendix F(III) & F(IV)). In Appendix F(III) of the *News Corp.-Hughes Order*, the Commission applied arbitration conditions to News Corp.’s regional sports networks. In Appendix F(IV), it applied the following three conditions: (1) an arbitration condition on local broadcast television stations that News Corp. owns and operates or on whose behalf it negotiates retransmission consent, (2) a broadcast non-discrimination provision, and (3) a condition to comply with the good faith and exclusivity requirements of the Satellite Home Viewer Improvement Act for retransmission consent negotiations. See *News Corp.-Hughes Order*, 19 FCC Rcd at Appendix F(III) & F(IV).

Media Corporation justifies elimination of these conditions.³ We seek comment on News Corp.'s Petition.

EX PARTE STATUS OF THIS PROCEEDING

This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. *Ex parte* presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, *ex parte* or otherwise, are generally prohibited. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.⁴ Should circumstances warrant, this proceeding or any related proceeding may be designated as restricted.

Parties making oral *ex parte* presentations are directed to the Commission’s statement re-emphasizing the public’s responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation’s substance and not merely list the subjects discussed.⁵ More than a one- or two-sentence description of the views and arguments presented is generally required.⁶ We urge parties to use ECFS to file *ex parte* submissions.⁷

GENERAL INFORMATION

Interested parties must file comments or reply comments on or before the dates indicated on the first page of this document. All filings concerning matters referenced in this Public Notice should refer to MB Docket 03-124. Under the Commission’s current procedures for the submission of filings and other documents, submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission’s Massachusetts Avenue location.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. For ECFS filers, if multiple docket numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket number appears in the caption of this proceeding, filers must

³ Petition at 2 (citing *In re News Corporation and the DIRECTV Group, Inc., Transferors, and Liberty Media Corporation, Transferee, For Authority to Transfer Control*, MB Docket No. 07-18 (rel. Feb. 26, 2008); *News Corp.-Hughes Order*, 19 FCC Rcd at 677-683, Appendix F(III) & F(IV)).

⁴ An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner’s assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. *See* 47 C.F.R. § 1.1201.

⁵ *See Commission Emphasizes the Public’s Responsibilities in Permit-But-Disclose Proceedings*, Public Notice, FCC 00-358, 15 FCC Rcd 19945 (2000).

⁶ *See* 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

⁷ *See* “General Information” section.

submit two additional copies for each additional docket number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- People with Disabilities: To request materials in accessible formats for People with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202 418-0530 (voice), 202 418-0432 (tty).

Availability of Documents. The Petition, comments, reply comments and *ex parte* submissions will be available for public inspection and copying during regular reference room hours at the following Commission office: FCC Reference Information Center, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. These documents will also be available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. Copies of filings in this proceeding may be obtained from Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300 or (800)-378-3160, or via e-mail at www.bcpweb.com. People with Disabilities: To request materials in accessible formats for People with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202 418-0530 (voice), 202 418-0432 (tty).

Information. For further information, contact Royce Sherlock, Royce.Sherlock@fcc.gov or Betsy McIntyre, Elizabeth.McIntyre@fcc.gov, of the Industry Analysis Division, Media Bureau, (202) 418-2330. Press inquiries should be directed to Mary Diamond, (202) 418-2388 of the Office of Media Relations.