



Federal Communications Commission
Washington, D.C. 20554

February 17, 2011

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND BY FACSIMILE (202) 661-8270

Fox Television Stations, Inc.
c/o Antoinette Cook Bush and Jared S. Scher
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111

DA 11-314

Re: **Station WWOR-TV, Secaucus, New Jersey**
File No. BRCT – 20070201AJT
MB Docket No. 07-260

Dear Licensee:

The Media Bureau is investigating allegations concerning the accuracy, completeness, and truthfulness of representations made by Fox Television Stations, Inc. (“Fox” or the “Licensee”), licensee of WWOR-TV, Secaucus, New Jersey (the “Station”), in certain communications with the staff of the Federal Communications Commission (“Commission”). Specifically, the Commission is investigating whether Fox has violated Sections 1.17 or 1.65 of the Commission’s rules in connection with these communications or any other communications with the Commission or its staff in the above-referenced proceeding.¹

In letters dated November 27, 2009 and February 15, 2010 and submitted in the docket for this proceeding, Voice for New Jersey (“VNJ”) alleges that, in communications with Commission staff members on August 26, 2009, Fox misrepresented the quantity of local New Jersey news and public affairs programming broadcast by WWOR-TV after July 2009 as well as the number of employees who worked at WWOR-TV’s Secaucus, New Jersey facility during that same period.² These allegations appear to be based on various representations, identified more specifically below, made by Fox to the Commission after July 2009 in which, VNJ claims, Fox substantially overstated the programming and staffing levels of WWOR-TV by providing written information to Commission staff in ex parte meetings that described Fox’s New Jersey programming, staffing levels, and other areas of performance using the present tense, even though, according to VNJ, Fox had previously eliminated some of its New Jersey

¹ 47 C.F.R. §§ 1.17, 1.65.

² Letter from Donna Sandorse, Member, Voice for New Jersey, to Julius Genachowski, Chairman, FCC, MB Docket 07-260 (Nov. 27, 2009) (“VNJ Nov. 27, 2009 Letter”); Letter from Charles Lovey, Member, Voice for New Jersey, to Julius Genachowski, Chairman, FCC, MB Docket 07-260 (Feb. 15, 2010). The Television Broadcasting Studio Employees and Media Access Project, Office of Communications of the United Church of Christ, Inc. (“UCC”), Rainbow/PUSH Coalition, and Free Press also submitted letters concerning these allegations. Letter from Andrew Jay Schwartzman, Media Access Project, to Chairman and Commissioners, FCC, MB Docket No. 07-260 (Dec. 7, 2010); Letter from Timothy Daughtry, Business Agent, IATSE Local 794, Television Broadcasting Studio Employees, to Julius Genachowski, Chairman, FCC, MB Docket 07-260 (Nov. 15, 2010) ; *see also* Letter from Albio Sires, Member of Congress, to Julius Genachowski, Chairman, FCC, MB Docket No. 07-260 (Nov. 17, 2010) at 2.

programming and had reduced its New Jersey staffing levels.³ Fox responded to these allegations on January 5, 2010 and January 18, 2011.⁴ Fox denies that it misrepresented material facts and asserts that section 309(k) of the Communications Act precludes consideration of allegations about the Station's performance after June 1, 2007.⁵ Fox claims that it "had neither the motive nor intention to deceive the Commission."⁶

Fox explains that in its August 25, 2009 meetings with Commission staff, it used a document summarizing WWOR-TV's performance and other matters that it had used in earlier *ex parte* meetings.⁷ Fox states that after its meetings with Commission staff on August 25, 2009, which it states "were the first that Fox had held with Commission staff in which the quantities of WWOR-TV's news and public affairs programming or staffing were substantively different than those quantities during the preceding term of WWOR-TV's license, it belatedly occurred to Fox . . . that some of the text of the WWOR summary document [provided to Commission staff] may have been confusing."⁸ Fox states that "in light of the July 2009 changes, [it determined that] it would be more appropriate to describe certain facts about WWOR-TV in the past tense, even though the changes were not of decisional significance with respect to the pending renewal application."⁹ Fox then directed its counsel to edit and revise the WWOR summary "so that, going forward, its text would more precisely characterize the station's stated quantities of news and public affairs programming and staffing levels as those applicable to the legally relevant time period under review."¹⁰ Fox used the revised summary in *ex parte* meetings with Commissioners' staff on September 3 and 23, 2009.¹¹ Fox states that it "regrets that it inadvertently may have compounded the misunderstanding here because it did not specifically provide copies of the revised document to the Commission staff with whom it met on August 25, 2009," stating that "Fox did not think that it was necessary to redistribute the revised document because "the purpose and focus of its meetings was the legal standard—and not the facts related to WWOR-TV's service—and because Fox recalls that it *did* orally provide the staff with general information about the July 2009 changes."¹² Fox adds that

³ VNJ Nov. 27, 2009 Letter at 3 (claiming that "WWOR has undertaken to drastically reduce the amount of its news and public affairs programming" and "has gutted operations at it's [sic] New Jersey headquarters and has further compromised its local news gathering operation. Its remaining talent is being farmed out to its New York-based sister station, WNYW.").

⁴ Letter from Antoinette Cook Bush and Jared S. Scher, Counsel to Fox Television Stations, Inc., Skadden, Arps, Slate, Meagher & Flom LLP to Julius Genachowski, Chairman, FCC, MB Docket No. 07-260 (Jan. 5, 2010) ("Fox Jan. 5, 2010 Letter"); Letter from Antoinette Cook Bush and Jared S. Scher, Counsel to Fox Television Stations, Inc., Skadden, Arps, Slate, Meagher & Flom LLP to Julius Genachowski, Chairman, FCC, MB Docket No. 07-260 (Jan. 18, 2011) ("Fox Jan. 18, 2011 Letter").

⁵ Fox Jan. 5, 2010 Letter at 2, 3 n.8 (citing 47 U.S.C. § 309(k)).

⁶ Fox Jan. 18, 2011 Letter at 3; *see also id.* at 8, 11, 13 & Ex. B, Declaration of Maureen A. O'Connell ("O'Connell Decl.") at para. 9.

⁷ Fox Jan. 18, 2011 Letter at 9; O'Connell Decl. at para. 7.

⁸ Fox Jan. 18, 2011 Letter at 10; *see also* O'Connell Decl. at para. 7.

⁹ Fox Jan. 18, 2011 Letter at 10-11; *see also* O'Connell Decl. at para. 8.

¹⁰ Fox Jan. 18, 2011 Letter at 10; *see also* O'Connell Decl. at para. 8.

¹¹ Fox Jan. 18, 2011 Letter at 11; O'Connell Decl. at para.10; *see* Letter from Jared S. Scher, Skadden, Arps, Slate, Meagher & Flom LLP to Marlene Dortch, Secretary, FCC, MB Docket No. 07-260 (Sept. 4, 2009); Letter from Antoinette Cook Bush, Skadden, Arps, Slate, Meagher & Flom LLP to Marlene Dortch, Secretary, FCC, MB Docket No. 07-260 (Sept. 23, 2009).

¹² Fox Jan. 18, 2011 Letter at 11 n.41 (emphasis in original).

“Commission precedent makes clear that there is no legal obligation to correct unintentionally misleading information submitted to one office of the Commission if a correction is made elsewhere in the FCC’s records.”¹³ Fox has not explicitly confirmed or denied the accuracy of VNJ’s allegations regarding reductions in WWOR-TV’s local news and public affairs programming, nor has it provided complete information regarding the timing or extent of any programming or staff reductions.¹⁴

We are investigating whether Fox, in its communications with the Commission regarding its local New Jersey news and public affairs programming aired on WWOR-TV and the station staff physically located in New Jersey, violated Sections 1.17 or 1.65 of the Commission’s rules by intentionally providing material factual information that was incorrect or by intentionally omitting material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; by providing, in writing, material factual information that was incorrect or by omitting material information that is necessary to prevent any material factual statement that was made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement was correct and not misleading; or by failing to notify the Commission as promptly as possible and in any event within thirty days of any change in circumstances that rendered its application no longer substantially accurate and complete in all significant respects or of any substantial change as to any other matter which may be of decisional significance or by failing to serve any such notification on all parties of record.

The Instructions for responding to this letter and the Definitions for certain terms used in this letter are contained in the attachment hereto. We direct the Licensee, pursuant to Sections 4(i), 4(j), 308(b) and 403 of the Communications Act of 1934, as amended,¹⁵ to provide the information and documents specified below within **thirty (30) calendar days** from the date of this letter.

Unless otherwise indicated, the period of time covered by these inquiries is **May 30, 2007**, to the present.

Documents and Information to be Provided

See Attached Instructions and Definitions pertaining to the following requests.

1. With respect to the programming described in Sections 2(a)(i) and 2(b) of Exhibit A of the August 26 Letters, (a) state the last date on which the Station regularly aired a one-hour nightly weekday newscast, the last date on which it regularly aired a nightly weekend newscast, and the last date on which it aired each of the named public affairs programs on a weekly basis, and (b) state the total weekly air time devoted to each such program as of the date of your response to this letter.

¹³ *Id.* (citing *Wireless Telecommunications, Inc.*, 24 FCC Rcd 3162, 3168 (2009) and *Mary V. Harris Fdn.*, 22 FCC Rcd 16948, 16951 (2007)).

¹⁴ Fox states that in the “Summer of 2009 . . . WWOR-TV was forced to make certain adjustments to its programming and staffing levels,” Fox Jan. 18, 2011 Letter at 9; O’Connell Decl. at para.4, and refers to these adjustments as the “July 2009 changes.” Fox Jan. 18, 2011 Letter at 10-12. In January 2010, Fox stated that “WWOR-TV maintains a management and production staff with more than 75 employees *in its New Jersey facility* every day. Fox Jan. 5, 2010 Letter at 8; *see also id.*, Ex. A, Declaration of Audrey Pass, at para. 2 (“WWOR-TV employs more than 75 people.”). Fox also stated at that time that “WWOR-TV continues to provide a daily local newscast and it continues to broadcast a weekly public affairs program.” Fox Jan. 5, 2010 Letter at 3.

¹⁵ *See* 47 U.S.C. §§ 154(i), 154(j), 308(b), and 403.

2. For any program referenced in the preceding request that was cancelled or reduced in program length effective on or after June 1, 2007, state the name of the program, the date of cancellation or reduction, and the name of any replacement program that the Station produced and aired. Provide programming schedules that show the air times of each such program referenced in Sections 2(a)(i) and 2(b) of Exhibit A immediately before and after any programming change, to the extent applicable.
3. With reference to the statement in Exhibit A of the August 26 Letters, Section 2(d)(ii) that “WWOR-TV currently employs over 250 individuals at the Secaucus facility . . .,” state the most recent date on which Fox employed more than 250 persons at the Station’s Secaucus, New Jersey facility.
4. With reference to the statement quoted in the immediately preceding request that “WWOR-TV currently employs over 250 individuals at the Secaucus facility”; the statement at Section 2(a)(ii) of Exhibit A to the August 26 Letters that “[d]uring the last two years WWOR-TV has increased its news gathering capabilities, adding new staff and enhancing its mobile satellite coverage”; the Declaration of Audrey Pass, which was appended to the January 5, 2010 Letter, at paragraph 2, that “WWOR-TV employs more than 75 people. The Secaucus facility is staffed with employees daily between the hours of approximately 7 a.m. and 11:45 p.m.”; and the statement in the same letter that “WWOR-TV maintains a management and production staff with more than 75 employees *in its New Jersey facility every day*” (January 5, 2010 Letter at 8, emphasis in original), provide the following information as of the first business day of each month in which the Licensee made any oral representation or submitted any written representation in this proceeding regarding the staffing at the Station’s Secaucus, New Jersey facility or its news-gathering capabilities (including, but not limited to, representations made on May 30, 2007; November 28, 2007; January 17, 18, 22, 24, 25, 28, and 29, 2008; February 8, 2008; August 21-22, 2008; September 2, 3, 4, and 5, 2008; December 3, 4, 8, 9, 19, and 22, 2008; February 10, 2009; August 25-26, 2009; September 3, 4, 22, and 23, 2009; January 5, 2010; and January 18, 2011), and as of the date of your response to this letter: (a) the number of persons employed by the Station at the Secaucus, New Jersey facility; (b) the number of persons employed at the Secaucus, New Jersey facility who were employed full-time in the Station’s news department; (c) the number of persons employed at the Secaucus, New Jersey facility who were employed by the Station in newsgathering activities (i) full-time and (ii) part-time and the nature of these employees’ activities (for example, reporting, editing); (d) with respect to the foregoing subpart, the number of (i) full-time and (ii) part-time employees of the Station who were also employees, either full-time or part-time, of WNYW(TV), New York, NY, or of any other company or entity that was affiliated with the Station as of each specified time period and the titles, duties, and status (full-time or part-time) of each such employee with respect to the Station and any affiliated company or entity, including WNYW(TV); and (e) the number of news trucks dedicated to WWOR-TV’s mobile satellite coverage of New Jersey. Identify and provide copies of all documents, regardless of the date created, that provide the basis for or otherwise support your response.
5. With reference to the statement on the first page of Exhibit A of the August 26 Letters, the September 4 Letter, and the September 23 Letter concerning the Station’s “impressive record of service to the viewers of northern New Jersey—a service which the station is committed to continuing for the indefinite future,” for each numbered and lettered paragraph in Section 2 of Exhibit A, to the extent not provided elsewhere in your response, (a) state whether, and if so, how, the Station’s performance has changed since June 1, 2007, and (b) state when any changes took effect.
6. To the extent any information in Section 2 of Exhibit A of the August 26 Letters, any other version of Exhibit A that was submitted in this proceeding (including any similar summaries of the Station’s performance, such as “WWOR’s Service to New Jersey: Key Facts,” that were attached to *ex parte* notices filed by the Licensee in this proceeding), or any testimony, declaration, pleading, or letter

regarding WWOR-TV's performance was incorrect or misleading when it was submitted, (a) identify the incorrect or misleading information; (b) explain why it was not corrected before it was submitted; (c) state whether and if so, when, the Licensee submitted a statement furnishing additional or corrected information; (d) state whether and if so, when and how, the Licensee served any such statement on all parties of record; and (e) if the Licensee did not submit such a statement or serve all parties, explain why it did not do so. To the extent the requested information is provided in the O'Connell Declaration, a reference to the applicable paragraph is sufficient.

7. Identify each person responsible for creating and reviewing each version of Exhibit A that was filed with the Commission, including any similar summaries of the Station's performance, such as "WWOR's Service to New Jersey: Key Facts," that were attached to *ex parte* notices filed by the Licensee in this proceeding, and state each person's relationship to the Licensee to the extent not otherwise indicated.
8. Identify and provide copies of all documents, whether or not such documents were submitted to the Commission, other than the letters specifically referenced herein, that discuss, reference, or cure any actual, potential, or perceived incorrect or misleading information in Exhibit A or any other submission made by the Licensee in this proceeding.
9. To the extent not otherwise provided in response to the preceding inquiries, provide any additional information that the Licensee believes may be helpful in our consideration and resolution of this matter.

Filing Requirements

We direct the Licensee to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Licensee with personal knowledge of the representations provided in the Licensee's response, verifying the truth and accuracy of the information therein and that all of the information and documents requested by this letter that are in the Licensee's possession, custody, control or knowledge have been produced. If multiple Licensee employees contribute to the response, in addition to such general affidavit or declaration of the authorized officer of the company noted above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with Section 1.16 of the Commission's rules,¹⁶ and must be substantially in the form set forth therein.

To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.¹⁷ Failure to respond appropriately to this letter of inquiry may constitute a violation of the Communications Act and our rules.

The Licensee shall also serve its response and supporting documentation upon the parties receiving copies of this letter, as indicated below. Replies may be filed no later than **thirty (30) days** from Commission receipt of the Licensee's response and should be submitted in the File and Docket Number established for this proceeding in accordance with the procedures described below, with a copy to the Licensee. The Licensee and other parties are reminded that this is a permit-but-disclose proceeding under

¹⁶ See 47 C.F.R. § 1.16.

¹⁷ See 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17.

the Commission's *ex parte* rules,¹⁸ so that no party may make a presentation (*i.e.*, a communication directed to the merits or outcome of a proceeding) to decision-making personnel except in accordance with the Commission's rules governing such communications.

The Licensee shall file its response in the File and Docket Number established for this proceeding and shall direct its response, if sent by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554, with three copies to William T. Lake, Chief, Media Bureau. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to Marlene H. Dortch, Secretary, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743, with three copies to William T. Lake, Chief, Media Bureau. If sent by first-class, Express, or Priority mail, the response should be sent to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554, with three copies to William T. Lake, Chief, Media Bureau. In addition, the Licensee shall serve one copy of its response on the Commission's copy contractor, Best Copy and Printing, Inc. (BPCI), Portals II, 445 12th St., S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via email to bcpiweb.com. The Licensee shall also, to the extent practicable, transmit a copy of the response via email to william.lake@fcc.gov.

Sincerely,

William T. Lake
Chief, Media Bureau

cc: Charles Lovey
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Attachment

¹⁸ See 47 C.F.R. §§1.1200 – 1216.

ATTACHMENT

Instructions

Request for Confidential Treatment. If the Licensee requests that any information or documents responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and documents, a statement in accordance with Section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of Section 0.459, including the standards of specificity mandated by Section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents, and casual requests, including simply stamping pages "confidential," are unacceptable. Pursuant to Section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of Section 0.459.

Claims of Privilege. If the Licensee withholds any information or documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item: the numbered inquiry to which each item responds and the type, title, specific subject matter and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Format of Responses. The response must be consistent with the format of the questions asked.

Method of Producing Documents. Each requested document, as defined herein, shall be submitted in its entirety, even if only a portion of that document is responsive to an inquiry made herein. This means that the document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other documents referred to in the document or attachments. All written materials necessary to understand any document responsive to these inquiries must also be submitted.

Identification of Documents. For each document or statement submitted in response to the inquiries stated in the cover letter, indicate, by number, to which inquiry it is responsive and identify the person(s) from whose files the document was retrieved. If any document is not dated, state the date on which it was prepared. If any document does not identify its author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). The Licensee must identify with reasonable specificity all documents provided in response to these inquiries.

Documents No Longer Available. If a document responsive to any inquiry made herein existed but is no longer available, or if the Licensee is unable for any reason to produce a document responsive to any inquiry, identify each such document by author, recipient, date, title, and specific subject matter, and explain fully why the document is no longer available or why the Licensee is otherwise unable to produce it.

Retention of Original Documents. With respect only to documents responsive to the specific inquiries made herein and any other documents relevant to those inquiries, the Licensee is directed to retain the originals of those documents for twelve (12) months from the date of this letter unless (a) the Licensee is directed or informed by the Media Bureau in writing to retain such documents for some shorter or longer period of time or (b) the Media Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, the Licensee must retain all such documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction

of all conditions, expiration of all possible appeals, conclusion of any collection action brought by the United States Department of Justice or execution and implementation of a final settlement with the Commission or the Media Bureau.

Continuing Nature of Inquiries. The specific inquiries made herein are continuing in nature. The Licensee is required to produce in the future any and all documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, the Licensee must supplement its responses (a) if the Licensee learns that, in some material respect, the documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive documents or information are acquired by or become known to the Licensee after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless (a) the Licensee is directed or informed by the Media Bureau in writing that the Licensee's obligation to update the record will continue for some shorter or longer period of time or (b) the Media Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the release of such item.

Definitions

For purposes of this letter, the following definitions apply:

"Any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

"August 26 Letters" shall mean the letters dated August 26, 2009 from Jared S. Scher, Skadden, Arps, Slate, Meagher & Flom LLP to Marlene Dortch, Secretary, Federal Communications Commission, filed in MB Docket No. 07-260.

"Broadcast," when used as noun, shall mean images or sounds or language transmitted or disseminated over a station during the course of a radio or television broadcast.

"Broadcast," when used as a verb, shall mean the transmission or dissemination of radio or television communications intended to be received by the public. The verb "broadcast" may be used interchangeably with the verb "air."

"Document" shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made.

"Identify," when used with reference to a person or persons, shall mean to state his/her full legal name, job title (if any), current business address, and business phone number.

"Identify," when used with reference to a document, shall mean to state the date, author, addressee, type of document (*e.g.*, the types of document, as described above), a brief description of the subject matter, its present or last known location, and its custodian.

“Identify,” when used with reference to an entity other than a person, shall mean to state its name, current or last known business address, and current or last known business telephone number.

“January 5, 2010 Letter” shall mean the letter dated January 5, 2010 from Antoinette Cook Bush and Jared S. Scher, Skadden, Arps, Slate, Meagher & Flom LLP to Julius Genachowski, Chairman, FCC, Federal Communications Commission, filed in MB Docket No. 07-260.

“Licensee” shall mean Fox Television Stations, Inc. and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners, including but not limited to, partners or principals, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.

“O’Connell Declaration” shall mean the declaration of Maureen A. O’Connell, appended as Exhibit B to the letter dated January 18, 2011 from Antoinette Cook Bush and Jared S. Scher, Skadden, Arps, Slate, Meagher & Flom LLP to the Chairman and Commissioners, Federal Communications Commission, filed in MB Docket No. 07-260.

“September 4 Letter” shall mean the letter dated September 4, 2009 from Jared S. Scher, Skadden, Arps, Slate, Meagher & Flom LLP to Marlene Dortch, Secretary, Federal Communications Commission, filed in MB Docket No. 07-260.

“September 23 Letter” shall mean the letter dated September 23, 2009 from Antoinette Cook Bush, Skadden, Arps, Slate, Meagher & Flom LLP to Marlene Dortch, Secretary, Federal Communications Commission, filed in MB Docket No. 07-260.

“Station” shall mean Station WWOR-TV, Secaucus, New Jersey.