



PUBLIC NOTICE

Federal Communications Commission
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DA 11-463

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**MEDIA BUREAU ANNOUNCES PERMIT-BUT-DISCLOSE *EX PARTE* STATUS FOR
APPLICATION FOR REVIEW OF MEDIA BUREAU'S DECISION IN
FOX SPORTS NET OHIO, LLC v. MASSILLON CABLE TV, INC.**

CSR-8471-P

On November 18, 2010, the Media Bureau granted a Petition for *De Novo* Review filed by Fox Sports Net Ohio, LLC ("FSN-Ohio") seeking review of an award issued by an arbitrator pursuant to a condition in the *News Corp.-Hughes Order*.¹ On December 17, 2010, Massillon Cable TV, Inc. ("Massillon") filed an Application for Review of the Media Bureau's decision.² FSN-Ohio subsequently filed an Opposition to the Application for Review and a Motion to designate the proceeding as permit-but-disclose pursuant to the Commission's *ex parte* rules.³ Massillon does not oppose FSN-Ohio's Motion.⁴

Although the present proceeding is "restricted" under the *ex parte* rules,⁵ the Commission, or Bureau staff pursuant to delegated authority, may adopt modified *ex parte* procedures in particular proceedings "where the public interest so requires."⁶ We find that designating this proceeding as permit-but-disclose will serve the public interest by allowing for broader participation and ensuring that the Commission benefits from a comprehensive record. Moreover, in light of the agreement between the parties to designate this proceeding as permit-but-disclose, we find that neither party will be prejudiced. Accordingly, by this Public Notice, and pursuant to Section 1.1200(a) of the Commission's rules, we announce that the *ex parte* procedures applicable to permit-but-disclose proceedings will govern our consideration of Massillon's Application for Review.⁷

¹ See *Fox Sports Net Ohio, LLC v. Massillon Cable TV, Inc.*, Order on Review, DA 10-2203 (MB 2010); see also *General Motors Corp. and Hughes Electronics Corp., Transferors, and The News Corp. Ltd., Transferee*, Memorandum Opinion and Order, 19 FCC Rcd 473 (2004) ("*News Corp.-Hughes Order*").

² See Massillon Cable TV, Inc., Application for Review (December 17, 2010).

³ See Fox Sports Net Ohio, LLC, Motion for Extension of Time and Request that Commission Designate Matter as "Permit-But-Disclose" (December 22, 2010); Fox Sports Net Ohio, LLC, Opposition (January 13, 2011).

⁴ See Massillon Cable TV, Inc., Reply (February 4, 2011), at 1 n.1.

⁵ See 47 C.F.R. § 1.1208.

⁶ 47 C.F.R. § 1.1200(a).

⁷ See 47 C.F.R. § 1.1206.

Permit-but-disclose *ex parte* procedures permit interested parties to make written and oral *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding as provided in 47 C.F.R. §1.1206(b). An original and one copy of all filings must be submitted with the Commission's Secretary. All filings should be clearly captioned as *ex parte* presentations and must reference **CSR-8471-P**. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. 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 mail, Express Mail, and Priority Mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Copies of Massillon's Application for Review and any subsequently filed documents in this matter are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th St., S.W., Room CY-A257, Washington, DC 20554, telephone (202) 418-0270. They may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., telephone (202) 488-5300, facsimile (202) 488-5563, or via email at fcc@bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact David Konczal, (202) 418-2228. Press inquiries should be directed to Janice Wise, (202) 418-8165.

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