

Before the
 Federal Communications Commission
 Washington, D.C. 20554

In the Matter of)	
)	
2006 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. 06-121
)	
2002 Biennial 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. 02-277
)	
Cross-Ownership of Broadcast Stations and Newspapers)	MM Docket No. 01-235
)	
Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets)	MM Docket No. 01-317
)	
Definition of Radio Markets)	MM Docket No. 00-244
)	
Ways to Further Section 257 Mandate and To Build on Earlier Studies)	MB Docket No. 04-228
)	
Public Interest Obligations of TV Broadcast Licensees)	MM Docket No. 99-360
)	

ORDER

Adopted: August 21, 2012

Released: August 21, 2012

By the Chief, Media Bureau:

1. On January 12, 2012, the Media Bureau granted, on its own motion, an extension of time for Cox Enterprises, Inc.; Calvary, Inc.; Bonneville International Corp.; Scranton Times LP; and Morris Communications (jointly “Media Parties”) to file amendments to pending waiver requests or renewal applications or to file requests for permanent waivers of the newspaper/broadcast cross-ownership rule.¹ Specifically, in the *2006 Quadrennial Review Order*, among other things, the Commission modified the newspaper/broadcast cross-ownership rule and gave licensees with pending waiver requests that involve an existing combination of more than one newspaper and/or more than one broadcast station and entities holding waivers pending the completion of the Quadrennial Review proceeding 90 days after the effective date of the *2006 Quadrennial Review Order* to either amend their waiver requests or renewal applications or file requests for permanent waivers.² The Media Parties had requested in 2008 that the deadline be

¹ Order, MB Docket No. 06-121, DA 12-40 (MB, rel. Jan. 12, 2012) (“*January 12 Order*”).

² *2006 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*, Report and Order and Order on Reconsideration, MB Docket No. 06-121, 23 FCC Rcd 10100 (2008). On June 12, 2009, the Third Circuit issued an order continuing its 2003 stay of the Commission’s media ownership rules adopted in the *2002 Biennial Review* (continued...)

delayed until 90 days after the issuance of a final court order, including the expiration of the period for all judicial review, on pending judicial challenges to the Commission's modified newspaper/broadcast cross-ownership rule.³ The Bureau extended the filing deadline on an interim basis to provide additional time to consider the Media Parties' request. At the time of the *January 12 Order*, multiple parties were pursuing judicial challenges before the Supreme Court.⁴ The *January 12 Order* extended the deadline for these filings until either (1) 90 days after a denial by the Supreme Court of all of the pending petitions for a writ of certiorari or (2) in the event that the Supreme Court grants certiorari in any of those cases, 90 days after a final judgment that (a) is not subject to further judicial review or appeal and (b) disposes of the pending judicial challenges to the Commission's modified newspaper/broadcast cross-ownership rule.⁵ On June 28, 2012, the Supreme Court denied each petition for a writ of certiorari and that denial is not subject to judicial review.⁶

2. We hereby confirm that, as a result of the Supreme Court's action on June 28, 2012 and pursuant to the *January 12 Order*, the deadline for the Media Parties to amend their waiver requests or renewal applications or file requests for permanent waivers, as set forth in the *2006 Quadrennial Review Order*, is September 27, 2012. Further, as previously noted, because the Supreme Court denied the petitions for a writ of certiorari, the Media Parties are subject to the newspaper/broadcast cross-ownership rule that is now in effect and their waiver showings should address factors relevant to that rule.⁷ In addition, we note that the *January 12 Order* provided the relief requested by the Media Parties (*i.e.*, an extension of time until 90 days after the resolution of the judicial challenges to the Commission's modified newspaper/broadcast cross-ownership rule); therefore, we dismiss as moot the Media Parties' Motion for Extension of Time.

3. Accordingly, IT IS ORDERED, that pursuant to authority under Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 and 303(r), and Section 1.46 of the Commission's rules, 47 C.F.R. § 1.46, and pursuant to authority delegated to the Media Bureau pursuant to Sections 0.204 and 0.283 of the Commission's rules, 47 C.F.R. §§ 0.204, 0.283, the Media Parties' Motion for Extension of Time IS DISMISSED AS MOOT.

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Order. Prometheus Radio Project v. FCC, Nos. 08-3078 *et al.* (3d Cir. June 12, 2009); *see also Prometheus Radio Project v. FCC*, No. 03-3388 (3d Cir. Sept. 3, 2003) (order granting the initial stay). On March 23, 2010, the Third Circuit lifted its 2003 stay of the Commission's media ownership rules adopted in the *2002 Biennial Review Order. Prometheus Radio Project v. FCC*, Nos. 08-3078 *et al.* (3d Cir. Mar. 24, 2010). On July 7, 2011, the Third Circuit issued its decision in Docket Nos. 08-3078 *et al.*, in which the court vacated and remanded the newspaper/broadcast cross-ownership rule adopted in the *2006 Quadrennial Review Order. Prometheus Radio Project v. FCC*, 652 F.3d 431, 453-54 (3d Cir. 2011), *cert. denied* 567 U.S. ___ (2012).

³ See Motion for Extension of Time (Sept. 30, 2008) filed in MB Docket No. 06-121 ("Motion for Extension of Time"). On November 5, 2008, Media Alliance, Free Press, the Office of Communication of United Church of Christ, Inc., and Prometheus Radio Project filed an opposition to the extension of time request. On November 18, 2008, Media Parties filed a reply. On September 27, 2011, counsel for Media Parties met with Media Bureau and the Office of General Counsel staff to discuss the impact of *Prometheus II* on the existing extension request, and to discuss their position that the period for judicial review has not yet expired. Letter from James R. Bayes *et al.*, Counsel for Calvary, Inc. *et al.*, to Marlene H. Dortch, Secretary, FCC (Sept. 29, 2011). On July 30, 2012, counsel for Media Parties again met with Media Bureau staff to discuss the existing extension request. Letter from James R. Bayes *et al.*, Counsel for Calvary, Inc. *et al.*, to Marlene H. Dortch, Secretary, FCC (Aug. 1, 2012).

⁴ See Media General, Inc., Petition for a Writ of Certiorari, 11-691 (Dec. 5, 2011); National Association of Broadcasters, Petition for a Writ of Certiorari, 11-698 (Dec. 5, 2011); Tribune Company, *et al.*, Petition for a Writ of Certiorari, 11-696 (Dec. 5, 2011).

⁵ *January 12 Order* at ¶ 1; *see also* Order, MB Docket No. 06-121, DA 11-1655 (MB, rel. October 3, 2011) (granting extension until January 13, 2012).

⁶ Certiorari – Summary Dispositions, 567 U.S. ___ (2012), *available at* <http://www.supremecourt.gov/orders/courtorders/062912zr4f6k.pdf>.

⁷ *January 12 Order* at ¶ 1 n.5.

4. For additional information, please contact Hillary DeNigro, Industry Analysis Division, Media Bureau, at (202) 418-2330.

FEDERAL COMMUNICATIONS COMMISSION

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