



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 12-1475

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**MEDIA BUREAU ANNOUNCES FILING OF REQUEST FOR DECLARATORY RULING BY
NEWS CORPORATION AND PERMIT-BUT-DISCLOSE *EX PARTE* STATUS FOR THE
PROCEEDING
MB Docket No. 12-257**

On August 9, 2012, News Corporation, (“News Corp.”) parent company of Fox Television Stations, Inc. (“Fox”), licensee of multiple digital broadcast television stations, filed a Request for Declaratory Ruling with the Commission seeking a finding that it would be in the public interest for all of News Corp.’s public shareholders to participate in a single, one-time only vote regarding an amendment to News Corp.’s Restated Certificate of Incorporation that it states would facilitate the proposed separation of the company’s non-broadcast interests from the rest of the company. News Corp. states that allowing all of its public shareholders to participate in the vote would implicate Section 310(b)(4) of the Communications Act, which restricts foreign ownership and voting interests in Commission licensees. 47 U.S.C. § 310(b)(4).

In light of the unique nature of this request and its public interest implications, we invite public comment on the petition from interested parties. Comments will be due on October 15, 2012. Oppositions will be due October 30, 2012, and Replies will be due on November 7, 2012. The shareholder meeting in which the vote will be taken is scheduled for January 2013.

Furthermore, we believe that making this proceeding permit-but-disclose for *ex parte* purposes will assure the staff’s ability to discuss and obtain information needed to resolve the issues presented expeditiously, and that adoption of modified *ex parte* procedures is appropriate. Accordingly, by this Public Notice, and pursuant to Section 1.1200(a) of the Commission’s rules,¹ we announce that the *ex parte* procedures applicable to permit-but-disclose proceedings will govern our consideration of the instant proceeding.²

Permit-but-disclose *ex parte* procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding. Persons making a written *ex parte* presentation to the Commissioners or Commission employees must file the written presentation with the Commission’s Secretary no later than two business day after the presentation.³ Persons making oral *ex parte* presentations must file a

¹ 47 C.F.R. §1.1200(a).

² See 47 C.F.R. §1.1206.

³ 47 C.F.R. §1.1206(b)(1).

summary of the presentation no later than the next business day after the presentation.⁴ All *ex parte* filings must be clearly labeled as such and must reference MB Docket No. 12-257.

GENERAL INFORMATION

The Request for Declaratory Ruling and all further filings will be available in the Commissions Electronic Comment Filing System (“ECFS”) under Docket 12-257. As of this date, all pleadings, comments and other filings are to be made in ECFS in Docket 12-257. Persons and entities that file comments become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential and/or highly confidential information that may be filed under a protective order.

To allow the Commission to consider fully all substantive issues in as timely and efficient a manner as possible, commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies. A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

All filings concerning matters referenced in this Public Notice should refer to MB Docket No. 12-257.

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Electronic filers shall submit an electronic version of their filing to David Roberts, Attorney Advisor, Video Division, Media Bureau at david.roberts@fcc.gov. Identify the submission with the Docket Number in the subject line.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

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 filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- 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 are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

⁴ 47 C.F.R. §1.1206(b)(2).

- 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.
- Paper filers shall file serve one copy of their filing on David Roberts, Attorney Advisor, Federal Communications, Media Bureau, Video Division, 445 12th St. SW, Room 2-A728, Washington, D.C. 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).

▪ SUPPLEMENTARY INFORMATION

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, contact David Roberts at (202) 418-1618. For Press inquiries, contact Janice Wise at (202) 418-8165.

By: Chief, Media Bureau

⁵ 47 C.F.R. §§ 1.1200 *et seq.*