



PUBLIC NOTICE

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

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DA 18-782
Released: July 27, 2018

MEDIA BUREAU ESTABLISHES PLEADING CYCLE FOR APPLICATIONS FILED FOR THE TRANSFER OF CONTROL AND ASSIGNMENT OF BROADCAST TELEVISION LICENSES FROM RAYCOM MEDIA, INC. TO GRAY TELEVISION, INC., INCLUDING TOP-FOUR SHOWINGS IN TWO MARKETS, AND DESIGNATES PROCEEDING AS PERMIT-BUT-DISCLOSE FOR *EX PARTE* PURPOSES

MB Docket No. 18-230

Petition to Deny Date: August 27, 2018
Opposition Date: September 11, 2018
Reply Date: September 21, 2018

On July 27, 2018, the Federal Communications Commission (Commission) accepted for filing applications seeking consent to the assignment of certain broadcast licenses held by subsidiaries of Raycom Media, Inc. (Raycom) to a subsidiary of Gray Television, Inc. (Gray) (jointly, the Applicants), and to the transfer of control of subsidiaries of Raycom holding broadcast licenses to Gray.¹ In the proposed transaction, pursuant to an Agreement and Plan of Merger dated June 23, 2018, Gray would acquire Raycom through a merger of East Future Group, Inc., a wholly-owned subsidiary of Gray, into Raycom, with Raycom surviving as a wholly-owned subsidiary of Gray. Immediately following consummation of the merger, some of the Raycom licensee subsidiaries would be merged into Gray Television Licensee, LLC (GTL), with GTL as the surviving entity. The jointly filed applications are listed in the Attachment to this Public Notice.²

As explained more fully in the Comprehensive Exhibit to the applications, in numerous Designated Market Areas (DMAs), Gray and Raycom both own full-power television stations and common ownership of the combined stations would potentially violate the local television multiple ownership rule.³ Specifically, the Applicants identify nine markets where Gray and Raycom both own Top-Four stations and state that “[t]o ensure compliance with the Commission local television ownership rules, in each case, the combined company will continue to own a single station and will divest the second station.” They propose to file “[a]n application to assign the license of the station identified for divestiture [in each such market] . . . as soon as a buyer is selected and a purchase agreement signed.”⁴ And, in the Honolulu, Hawaii, and Amarillo, Texas, markets, Raycom states that it has existing Top-Four duopolies. Consequently, the Applicants seek case-by-case analysis from the Commission so that Gray

¹ The Applicants will file separate applications requesting Commission consent for the transfer of control or assignment of earth station, microwave, and land mobile facilities that are currently held by Raycom subsidiaries.

² Copies of the applications are available in the Commission’s Consolidated Database System (CDBS).

³ See 47 C.F.R. § 73.3555(b).

⁴ Comprehensive Exhibit at 27.

may acquire these combinations.⁵ To this end, they make showings in support of their position that, due to specific circumstances in the local markets, continued common ownership of the stations would serve the public, interest, convenience, and necessity.⁶

Gray also seeks continuing satellite waivers in three markets where Raycom owns and operates television satellite stations. Further, Gray proposes to acquire two radio stations in Amarillo and Lamesa, Texas, which they assert are rule compliant.

EX PARTE STATUS OF THIS PROCEEDING

In order to assure the staff's ability to discuss and obtain information needed to resolve the issues presented, by this Public Notice, and pursuant to Section 1.1200(a) of the Rules, we establish a docket for this proceeding and announce that the *ex parte* procedures applicable to permit-but-disclose proceedings will govern our consideration of these applications.

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. Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. Persons making a written *ex parte* presentation to the Commissioners or Commission employees must file the written presentation no later than the next business day after the presentation. Persons making oral *ex parte* presentations must file a summary of the oral presentation no later than the next business day after the presentation. We strongly urge parties to use the Electronic Comment Filing System (ECFS) to file *ex parte* submissions. All *ex parte* filings must be clearly labeled as such and must reference MB Docket No. 18-230.

GENERAL INFORMATION

The applications for transfer of control and assignment of licenses referred to in this Public Notice have been accepted for filing upon initial review. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. Interested persons must file petitions to deny no later than **August 27, 2018**. Oppositions to petitions to deny must be filed no later than **September 11, 2018**. Replies must be filed no later than **September 21, 2018**. Persons and entities that file petitions to deny become parties to the proceeding.

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. Replies may only address matters raised in oppositions. 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.

⁵ 2014 *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*, Order on Reconsideration and Notice of Proposed Rulemaking, MB Docket Nos. 14-50, 09-182, 07-294, 04-256, 17-289, 32 FCC Rcd 9802, 9836-39 (2017).

⁶ Comprehensive Exhibit at 28, Attachments 1, 2. *See*, 47 CFR § 73.3555(b)(2).

All filings concerning matters referenced in this Public Notice should refer to MB Docket No. 18-230, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by filing paper copies.

- Electronic Filers: Documents may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings may 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, 445 12th Street, S.W., Washington, DC 20554.
- All hand-delivered or messenger-delivered paper filings no larger than a copier paper box for the Commission's Secretary must be delivered to the Mail and Distribution Window at FCC Headquarters at 445 12th Street, S.W., Washington, D.C. 20554. 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 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, DC 20554.

In addition, one copy of each submission must be sent to the following:

- David Brown, Video Division, Media Bureau, Room 2-A662, e-mail David.Brown@fcc.gov
- David Roberts, Video Division, Media Bureau, Room 2-A660, email David.Roberts@fcc.gov
- Jeremy Miller, Video Division, Media Bureau, Room 2- A821, e-mail Jeremy.Miller@fcc.gov

Any submission that is e-mailed to David Brown, David Roberts, and Jeremy Miller should include in the subject line of the e-mail: (1) MB Docket No. 18-230; (2) the name of the submitting party; (3) a brief description or title identifying the type of document being submitted (*e.g.*, MB Docket No. 18-230, Gray-Raycom Merger, *Ex Parte* Notice).

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. Documents in this proceeding will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554.

The applications are also available electronically through the Commission's ECFS, which will provide hyperlinks to the applications in the Media Bureau's Consolidated Database System (CDBS). ECFS may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

For further information, contact David Brown at (202) 418-1645, David Roberts at (202) 418-1618, or Jeremy Miller at (202) 418-1507. For press inquiries, contact Janice Wise at (202) 418-8165.

By: Chief, Media Bureau

ATTACHMENT

Call Sign/Community of License	Fac. ID	Licensee	File Number
KAIT(TV), Jonesboro, AR	13988	KAIT License Subsidiary, LLC	BALCDT-20180709ACV
KCBD(TV), Lubbock, TX	27507	KCBD License Subsidiary, LLC	BALCDT-20180709ACZ
KFDA-TV, Amarillo, TX	51466	KFDA/KEYU License Subsidiary, LLC	BALCDT-20180709ADH
K29HB-D, Clovis, NM	130253	KFDA/KEYU License Subsidiary, LLC	BALDTL-20180709ADJ
KEYU(TV), Borger, TX	83715	KFDA/KEYU License Subsidiary, LLC	BALCDT-20180709ADF
KZBZ-CD, Clovis, NM	51469	KFDA/KEYU License Subsidiary, LLC	BALDTA-20180709ADI
KEYU-FM, Amarillo, TX	39892	KFDA/KEYU License Subsidiary, LLC	BALH-20180709ADG
KFVS-TV, Cape Girardeau, MO	592	KFVS License Subsidiary, LLC	BALCDT-20180709ADP
WQTV-LP, Murray, KY	31410	KFVS License Subsidiary, LLC	BALDTL-20180709ADR
WQWQ-LP, Paducah, KY	19595	KFVS License Subsidiary, LLC	BALDTL-20180709ADQ
KHNL(TV), Honolulu, HI	34867	KHNL/KGMB License Subsidiary, LLC	BALCDT-20180709AEA
K32IX-D, Lihue, HI	34878	KHNL/KGMB License Subsidiary, LLC	BALDTL-2018709AED
KGMB(TV), Honolulu, HI	34445	KHNL/KGMB License Subsidiary, LLC	BALCDT-20180709ADY
K28NN-D, Wailuku, HI	34448	KHNL/KGMB License Subsidiary, LLC	BALDTL-20180709AEC
K45CT-D, Hilo, HI	34446	KHNL/KGMB License Subsidiary, LLC	BALDTL-20180709AEE
KHBC-TV, Hilo, HI	34846	KHNL/KGMB License Subsidiary, LLC	BALCDT-20180709ADZ
KOGG(TV), Wailuku, HI	34859	KHNL/KGMB License Subsidiary, LLC	BALCDT-20180709AEB
KLTV(TV), Tyler, TX	68540	KLTV/KTRE License Subsidiary, LLC	BALCDT-20180709AEW
KTRE(TV), Lufkin, TX	38541	KLTV/KTRE License Subsidiary, LLC	BALCDT-20180709AEX
KNIN-TV, Caldwell, ID	59363	KNIN License Subsidiary, LLC	BTCCDT-20180709ABN
KOLD-TV, Tucson, AZ	48663	KOLD License Subsidiary, LLC	BALCDT-20180709ABP
KPLC(TV), Lake Charles, LA	13994	KPLC License Subsidiary, LLC	BALCDT-20180709ABT
KSLA(TV), Shreveport, LA	70482	KSLA License Subsidiary, LLC	BALCDT-20180709ABV
KSWO-TV, Lawton, OK	35645	KSWO License Subsidiary, LLC	BALCDT-20180709ABZ

KKTM-LP, Altus, OK	130241	KSWO License Subsidiary, LLC	BALTTL-20180709ACA
KSWX-LP, Duncan, OK	130242	KSWO License Subsidiary, LLC	BALTTL-20180709ACB
KWAB-TV, Big Spring, TX	42008	KWES License Subsidiary, LLC	BALCDT-20180709ACH
KTLE-LP, Odessa, TX	64993	KWES License Subsidiary, LLC	BALDTL-20180709ACJ
KTXC(FM), Lamesa, TX	71650	KWES License Subsidiary, LLC	BALH-20180709ACI
KRHD-CD, Bryan, TX	68538	KXXV License Subsidiary, LLC	BALDTA-20180709ACT
WAFB(TV), Baton Rouge, LA	589	WAFB License Subsidiary, LLC	BALCDT-20180709ACP
WBXH-CD, Baton Rouge, LA	51806	WAFB License Subsidiary, LLC	BALDTA-20180709ACQ
WAFF(TV), Huntsville, AL	591	WAFF License Subsidiary, LLC	BALCDT-20180709ACS
WALB(TV), Albany, GA	70713	WALB License Subsidiary, LLC	BALCDT-20180709ADB
WAVE(TV), Louisville, KY	13989	WAVE License Subsidiary, LLC	BALCDT-20180709ADD
WBRC(TV), Birmingham, AL	71221	WBRC License Subsidiary, LLC	BTCCDT-20180709ABS
WBTV(TV), Charlotte, NC	30826	WBTV License Subsidiary, LLC	BALCDT-20180709ADM
WCSC-TV, Charleston, SC	71297	WCSC License Subsidiary, LLC	BALCDT-20180709ADU
WDAM-TV, Laurel, MS	21250	WDAM License Subsidiary, LLC	BALCDT-20180709ADW
WECT(TV), Wilmington, NC	48666	WECT License Subsidiary, LLC	BALCDT-20180709AFB
WFIE(TV), Evansville, IN	13991	WFIE License Subsidiary, LLC	BALCDT-20180709AEU
WFLX(TV), West Palm Beach, FL	39736	WFLX License Subsidiary, LLC	BTCCDT-20180709ACG
WIS(TV), Columbia, SC	13990	WIS License Subsidiary, LLC	BALCDT-20180709ACU
WLBT(TV), Jackson, MS	68542	WLBT License Subsidiary, LLC	BALCDT-20180709ACY
WLOX(TV), Biloxi, MS	13995	WLOX License Subsidiary, LLC	BALCDT-20180709ADK
WMBF-TV, Myrtle Beach, SC	83969	WMBF License Subsidiary, LLC	BALCDT-20180709ADT
WMC-TV, Memphis, TN	19184	WMC License Subsidiary, LLC	BALCDT-20180709AEG
WOIO(TV), Shaker Heights, OH	39746	WOIO License Subsidiary, LLC	BALCDT-20180709ABQ
WUAB(TV), Lorain, OH	8532	WOIO License Subsidiary, LLC	BALCDT-20180709ABR
WSFA(TV), Montgomery, AL	13993	WSFA License Subsidiary, LLC	BALCDT-20180709ABY

WTOC-TV, Savannah, GA	590	WTOC License Subsidiary, LLC	BALCDT-20180709ACC
WTVM(TV), Columbus, GA	595	WTVM License Subsidiary, LLC	BALCDT-20180709ACD
WVUE-DT, New Orleans, LA	4149	WVUE License Subsidiary, LLC	BTCCDT-20180709ACL
WWBT(TV), Richmond, VA	30833	WWBT License Subsidiary, LLC	BALCDT-20180709ACE
WWSB(TV), Sarasota, FL	61251	WWSB License Subsidiary, LLC	BALCDT-20180709ACF
WXIX-TV, Newport, KY	39738	WXIX License Subsidiary, LLC	BTCCDT-20180709ACO