



PUBLIC NOTICE

Federal Communications Commission
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DA 20-1350
November 13, 2020

MEDIA BUREAU SEEKS COMMENT ON REQUEST FOR PERMANENT WAIVER OF NEWSPAPER-BROADCAST CROSS-OWNERSHIP RULE FILED BY FOX CORP.

MB Docket No. 20-378

Comment Date: November 27, 2020
Reply Comment Date: December 4, 2020

On October 5, 2020, Fox Corp., on behalf of its wholly owned subsidiary, Fox Television Stations, LLC, (collectively, “Fox”), filed a request seeking a permanent waiver of the Commission’s newspaper/broadcast cross-ownership rule, 47 C.F.R. § 73.3555(d), in order to continue its common ownership of WWOR-TV, Secaucus, NJ, (“WWOR”), WNYW(TV), New York, NY, and the New York Post newspaper (the “Post”).¹ In its request, Fox states that a permanent waiver of the newspaper/broadcast cross-ownership rule will preserve the status quo for viewers in the New York, NY television market. If granted, the permanent waiver would allow Fox to continue to own collectively WWOR and the Post, as well as WNYW(TV). Fox notes that it has previously received a permanent waiver of the newspaper-broadcast cross-ownership rule as to the ownership of WNYW(TV) and the Post.²

The Media Bureau seeks comment on this request for permanent waiver. Accordingly, public comment on the waiver request, which is available via the Electronic Comment Filing System (ECFS), is sought as detailed below.

GENERAL INFORMATION

The Media Bureau requests that interested persons file Comments no later than **November 27, 2020**. Reply Comments should be filed no later than **December 4, 2020**.

To allow the Media Bureau to consider fully all substantive issues regarding the waiver request 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

¹ Request of Fox Corp. for Permanent Waiver of Newspaper-Broadcast Cross-Ownership Rule, 47 C.F.R. § 73.3555(d), MB Docket No. 20-378 (filed Oct. 5, 2020) (Waiver Request).

² See *Fox Television Stations Inc.*, 8 FCC Rcd 5341 (1993). For the avoidance of doubt, to the extent there is any question that the permanent waiver permitting common ownership of WNYW and the Post was not reinstated along with the reinstatement of the newspaper/broadcast cross-ownership rule following the most recent decision of the United States Court of Appeals for the Third Circuit in *Prometheus Radio Project v. FCC*, 939 F.3d 567, 573 (3d Cir. 2019), Fox also requests that the Commission clarify that the WNYW–Post permanent waiver remains in effect or, if necessary, grant a new permanent waiver. Waiver Request at 1 n.1.

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 Media Bureau.

All filings concerning matters referenced in this Public Notice should refer to MB Docket No. 20-378, 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: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent 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.
 - 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.
 - Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

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

- William Durdach, Industry Analysis Division, Media Bureau, e-mail: William.Durdach@fcc.gov
- David Roberts, Video Division, Media Bureau, e-mail: David.Roberts@fcc.gov

Any submission that is e-mailed to William Durdach and David Roberts should include in the subject line of the e-mail: (1) MB Docket No. 20-378; (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. 20-378, Fox Corp. Request for Permanent Waiver, 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 are available electronically through ECFS, which will provide hyperlinks to the applications in CDBS. ECFS may be accessed on the Commission's Internet website at <http://www.fcc.gov>. Parties unable to access ECFS should contact William Durdach at William.Durdach@fcc.gov.

For further information, contact William Durdach at William.Durdach@fcc.gov or David Roberts

at David.Roberts@fcc.gov.

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 Commission's 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.³ Pursuant to section 1.1200(a), the Commission may adopt modified *ex parte* procedures in situations where doing so would serve the public interest.

We announce that the proceeding in this Public Notice will be governed by the permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of Commission's Rules.⁴ 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 data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then 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). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules. 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. 20-378.

This action is taken by the Chief, Media Bureau, pursuant to authority delegated by sections 0.61 and 0.283 of the Commission's rules.

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³ 47 CF.R. § 1.1200(a).

⁴ 47 CF.R. § 1.1206.