



# PUBLIC NOTICE

Federal Communications Commission  
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DA 23-752

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## COMMISSION ANNOUNCES PERMIT-BUT-DISCLOSE EX PARTE STATUS AND ESTABLISHES MB DOCKET NO. 23-293 FOR APPLICATION FOR RENEWAL OF LICENSE OF WTXF-TV, PHILADELPHIA, PENNSYLVANIA

### MB Docket No. 23-293

On April 3, 2023, Fox Television Stations, LLC (FTS) filed an application to renew the license of station WTXF-TV, Philadelphia, Pennsylvania (Facility ID No. 51568) (WTXF-TV).<sup>1</sup> On July 3, 2023, the Media and Democracy Project (MAD); Milo Vassallo; John McGinty; Peter Lems; Chenjerai Kumanyika; and Bill Hartman (collectively, Petitioners) filed a petition to deny the Application.<sup>2</sup> Other parties have also filed informal objections to the Application.<sup>3</sup> On August 2, 2023, FTS filed an Opposition to the Petition,<sup>4</sup> and on August 22, 2023, the Petitioners filed a Reply.<sup>5</sup> In addition, on July 18, 2023, MAD filed a request asking that the Commission change the *ex parte* status of the WTXF-TV Application proceeding from restricted to permit-but-disclose.<sup>6</sup> On July 19, 2023, FTS filed an opposition to that request.<sup>7</sup>

Applications for renewal of broadcast licenses are subject, unless otherwise provided, to treatment by the Commission as restricted proceedings for *ex parte* purposes under Section 1.1208 of the Commission's rules.<sup>8</sup> Pursuant to section 1.1200(a) of the Commission's rules, however, the Commission

<sup>1</sup> Application for Renewal of License of WTXF-TV, LMS File No. 0000213362 (filed Apr. 3, 2023) (the Application). The ultimate parent entity of FTS is Fox Corporation.

<sup>2</sup> The Media and Democracy Project, Milo Vassallo, John McGinty, Peter Lems, Chenjerai Kumanyika, and Bill Hartman, Petition to Deny, LMS File No. 0000213362 (filed Jul. 3, 2023) (the Petition). Petitioners also request that the Commission conduct an evidentiary hearing into the issues raised in the Petition.

<sup>3</sup> See Letter from Sue Wilson, Media Action Center, to Chairwoman Jessica Rosenworcel, FCC, LMS File No. 0000213362 (filed Jul. 13, 2023); Letter from Ervin S. Duggan and William Kristol to Marlene H. Dortch, FCC, LMS File No. 0000213362 (filed Jul. 31, 2023); Letter from Francis Lipiecki to Marlene H. Dortch, FCC, LMS File No. 0000213362 (filed Aug. 10, 2023); Letter from Alfred C. Sikes to Marlene H. Dortch, FCC, LMS File No. 0000213362 (filed Aug. 20, 2023); Letter from Jamie Kellner to Marlene H. Dortch, FCC, LMS File No. 0000213362 (filed Aug. 22, 2023); Letter from Ervin S. Duggan and William Kristol to Marlene H. Dortch, FCC, LMS File No. 0000213362 (filed Aug. 22, 2023).

<sup>4</sup> Opposition of Fox Television Stations, LLC, LMS File No. 0000213362 (filed Aug. 2, 2023).

<sup>5</sup> Reply of The Media and Democracy Project, Milo Vassallo, John McGinty, Peter Lems, Chenjerai Kumanyika, and Bill Hartman, LMS File No. 0000213362 (filed Aug. 22, 2023).

<sup>6</sup> Letter from Arthur V. Belendiuk, Counsel for MAD, to Holly Saurer, FCC, LMS File No. 0000213362 (filed Jul. 18, 2023).

<sup>7</sup> Letter from Joseph M. Di Scipio and Ann West Bobeck, FTS, to Marlene H. Dortch, FCC, LMS File No. 0000213362 (filed Jul. 19, 2023).

<sup>8</sup> 47 C.F.R. §1.1208.

may adopt modified *ex parte* procedures in particular proceedings if the public interest so requires.<sup>9</sup> We have concluded that classifying this proceeding as permit-but-disclose would, in this case, permit broader public participation and thereby serve the public interest.<sup>10</sup> 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 the Application.<sup>11</sup>

Permit-but-disclose *ex parte* procedures permit parties to make *ex parte* presentations to the Commissioners and Commission staff and require that these presentations be disclosed in the record of the relevant proceeding. 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. 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).

Copies of any written presentation and summaries of any oral presentation must be filed electronically using the FCC's Electronic Comment Filing System (ECFS). All filings concerning matters referenced in this Public Notice should refer to MB Docket No. 23-293. Paper filings may be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to FCC, 9050 Junction Drive, P.O. Box 179, Annapolis Junction, Maryland 20701. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 45 L Street, NE, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All filings must be made in accordance with Section 1.1206(b)(1) of the Commission's rules. 47 C.F.R. §1.1206(b)(1). In addition one copy of each *ex parte* written presentation and memoranda should be emailed to Barbara Kreisman ([Barbara.Kreisman@fcc.gov](mailto:Barbara.Kreisman@fcc.gov)), Brendan Holland ([Brendan.Holland@fcc.gov](mailto:Brendan.Holland@fcc.gov)), and Jeremy Miller ([Jeremy.Miller@fcc.gov](mailto:Jeremy.Miller@fcc.gov)).

Individuals can access copies of the Application and related documents online through the Electronic Comment Filing System (ECFS) at [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs). To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to: [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at: (202) 418-0530 (voice), (844) 432-2275 (videophone), or (202) 418-0432 (TTY). For further information, contact Barbara Kreisman at (202) 418-1605. For press inquiries, contact Janice Wise at [Janice.Wise@fcc.gov](mailto:Janice.Wise@fcc.gov) or (202) 418-8165.

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<sup>9</sup> 47 C.F.R. §1.1200(a).

<sup>10</sup> See *Commission Announces Permit-But-Disclose Ex Parte Status for Renewal Applications filed by Fox Television Stations, Inc.*, Public Notice, 22 FCC Rcd 11379 (2007).

<sup>11</sup> See 47 C.F.R. §1.1206.