

United States Senate  
WASHINGTON, DC 20510-4105

364

June 13, 2019

The Honorable Ajit V. Pai  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

The Honorable Makan Delrahim  
Assistant Attorney General, Antitrust Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Chairman Pai and Assistant Attorney General Delrahim:

As you are likely aware, on May 1, 2018, Gray Television, which owns and operates KSFY-TV in Sioux Falls, SD (ABC affiliate), announced it had reached an agreement with Red River Broadcasting Company to acquire KDLT-TV in Sioux Falls, SD (NBC affiliate). On May 17, 2018, the Federal Communications Commission (FCC) accepted an application to transfer the licenses of KDLT-TV and its satellite station (KDLV-TV in Mitchell, SD) from Red River Broadcast Company to Gray Television. Soon thereafter, on July 6, 2018, the Department of Justice (DOJ) Antitrust Division issued a civil investigative demand (CID) to Gray Television regarding this matter.

The expected benefits of this acquisition to South Dakotans have been highlighted by South Dakota Governor Kristi Noem and then South Dakota Attorney General Marty Jackley, both of whom have written to express support for the acquisition. In its application, Gray states the proposed acquisition would expand the quality and quantity of local news and programming, expand the coverage of free over-the-air broadcast service to an additional 80,000 South Dakotans, and allow KSFY-TV to open the first news bureau in South Dakota's state capital of Pierre. The proffered benefits of this transaction deserve serious consideration. The proponents of the transaction have also underscored that the combined average market share of the two stations over the last five years has been less than 35 percent.

It has now been more than a year since the parties announced the proposed merger—and nearly a year since DOJ issued its first CID. While I recognize the reviews undertaken by your agencies are rarely simple, I am also aware that DOJ has set a laudable goal of resolving merger reviews within six months. The length of this particular review has left uncertainty in the broadcast industry, particularly for those stations operating in the Sioux Falls Designated Market Area. I therefore ask that you complete your reviews expeditiously to provide much needed clarity for the broadcast industry and the affected stations in my home state.

Thank you both for your attention and consideration of this matter.

Sincerely,



JOHN THUNE  
United States Senator