

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)
)
NORTHERN TELEVISION, INC.)
(Assignor)) File Nos. BALCT-980806IA
) BALTTV-980806IB
and) BALTTV-980806IC
) Facility ID Nos. 49621, 49626, 49617
AK MEDIA GROUP, INC.)
(Assignor))
)
For Consent to the Assignment of)
License of KTVF(TV), Fairbanks,)
Alaska and TV Translator Stations)
K06LA, Healy-Usibelli, Alaska and)
K07NJ, Delta Junction, Alaska)

MEMORANDUM OPINION AND ORDER

Adopted: December 3, 2003

Released: April 2, 2004

By the Commission: Commissioners Copps and Adelstein concurring and issuing a joint statement.

1. The Commission has before it an application filed by Borealis Broadcasting, Inc. (Borealis), the former licensee of KFAR(AM) and KWLF(FM), Fairbanks, Alaska, and KUWL(FM), College, Alaska, regarding the June 23, 1999, Letter decision of the Chief, Video Services Division, Mass Media Bureau. The staff decision granted the above-referenced applications for assignment of license of KTVF(TV), Channel 11 (NBC/UPN), and related translator stations, from Northern Television, Inc. (Northern) to AK Media Group (AK Media), and denied Borealis' petition to deny the application.

2. Borealis raises essentially the same arguments here as were raised in its petition to

1 Among the issues addressed by the staff was the petitioner's contention that the agreement between AK Media and a local newspaper, which was set forth in an option to purchase agreement given to the newspaper, to negotiate, in the future, regarding cooperative business relationships and undertakings violated the Commission's then cross-interest policy. In rejecting that argument, the staff concluded that "because the parties have not yet agreed on the terms of any such possible business relationship..., it would be premature to conclude that the parties will agree to conduct or actions which would violate the cross-interest policy." We have no reason to think that the premise of this conclusion has changed. Pursuant to Section 1.65 of the Commission's rules, applicants, such as AK Media, are required to promptly notify the Commission whenever the information furnished in a pending application or in Commission proceedings involving a pending application is no longer substantially accurate and complete in all significant respects. There are no materials before us that would indicate that the information earlier furnished is no longer substantially accurate and complete.

deny. We have reviewed the staff's disposition of the petition and conclude that the ruling that Borealis failed to present a substantial and material question of fact to warrant further inquiry in a hearing, and that grant of the assignment application would serve to the public interest, convenience and necessity, was correct. No basis exists to warrant reversal. *See WAMC, Inc.*, 10 FCC Rcd 12219 (1995), and 47 C.F.R. 1.115(b)(2), which indicates the factors a petitioner must allege to warrant Commission review, none of which Borealis specified in its petition.²

3. Accordingly, IT IS ORDERED, That the Application for Review filed by Borealis Broadcasting, Inc. IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

² On review, it is unclear to the Commission whether or not the petitioner, Borealis, actually met even the threshold *prima facie* case requirement of Section 309(d). Nonetheless, the Commission's "negative resolution of the second question alone [that the petitioner has not presented a substantial and material question of fact] makes the first question moot..." *Mobile Communications Corp. v. FCC*, 77 F.3d 1399, 1409 (D.C. Cir. 1995), cert. *denied*, 519 U.S. 823 (1996)(citing *Citizens for Jazz v. FCC*, 775 F.2d 392 at 396 (D.C. Cir. 1985)).

**JOINT STATEMENT OF
COMMISSIONERS MICHAEL J. COPPS AND JONATHAN S. ADELSTEIN
CONCURRING**

Re: Application for Consent to Assign KTVF(TV), Fairbanks, Alaska

In this case, when one company, AK Media Group, purchased a television station, the local newspaper paid AK Media for an option to purchase the station and lent AK Media a small portion of the purchase price. In addition, the newspaper and AK Media agreed to negotiate to develop business relationships such as sharing of news and features and joint sales of advertising.

We concur in this decision because there is no evidence in the record that those negotiations led to any further agreements that would suggest an ownership interest by the newspaper. Moreover, as the Order notes, the parties are obligated under Commission rules to notify the Commission if they reach any agreements that would call into question ownership or control of the station. Nonetheless, we believe the Commission must be more vigilant in investigating relationships between companies to ensure that we do not encourage licensees to push the envelope of our media ownership limits. This is particularly important as the Commission weakens its remaining ownership restrictions.