

**DISSENTING STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Sinclair Broadcast Group, Inc.*, File No. EB-IHD-16-00021748.

Take note of 1,723. This is the extraordinary number of violations by Sinclair Broadcasting at issue in this enforcement action. What this means is that over the course of roughly six months last year, Sinclair Broadcasting aired sponsored pay-for-play programming on 77 different stations 1,723 times. Some of this content was dressed up like real news but made no mention of who paid for it to be put on the air. In an era where true facts too often are derided as fake news, this behavior is troubling. Moreover, it is a clear violation of Sections 317 and 507 of the Communications Act, as well as Section 73.1212 of the Commission's rules.

The unprecedented volume of these violations deserves an unprecedented response. But instead of seeking the maximum fine allowable under our rules, this notice cuts the company a break. In fact, the fine that is proposed amounts to only .5 percent of its revenue last year and only .3 percent of the value of the merger it currently has pending before this agency.

Moreover, this is a company with a history of flouting statutory requirements under the Communications Act and Children's Television Act. These violations include a 2000 Forfeiture Order for Station WBFF, a 2001 Notice of Apparent Liability for Forfeiture for unauthorized transfer of control of several broadcast television stations, a 2007 Forfeiture Order for Station KOCB; a 2008 Forfeiture Order for Station WZTV, a 2009 Notice of Apparent Liability for Forfeiture for Station WUCW, a 2010 Notice of Apparent Liability for Station WLOS, a 2010 Notice of Apparent Liability for Station KRRT-TV, a 2010 Forfeiture Order for Station WVTM, and a 2014 Letter of Admonishment issued for Station KVCW. Moreover, last year, Sinclair Broadcasting paid \$9.49 million to settle investigations into the company's retransmission negotiation practices and related issues, just days after they broke the rules they are being held accountable for today.

In light of this substantial history of failure to comply with our policies and the sheer number of violations before the agency now, the immediate notice should seek the highest fines permissible under our rules. But instead of doing so, we offer unreasonable and suspicious favor to a company with a clear record of difficulty complying with the law. Because I think the fine here falls short of what is warranted, I respectfully dissent.