

**REQUEST FOR CONFIDENTIAL TREATMENT
NOT FOR PUBLIC INSPECTION**

September 4, 2018

By Hand Delivery

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

**Re: Amendment to Application for Consent to
Assignment of WUPV(TV), Ashland, Virginia
(File No. BALCDT-20180712AAX)**

Dear Ms. Dortch:

Raycom Media, Inc., (“Raycom”) and American Spirit Media, LLC, (“American Spirit”) today are providing certain audience share information relating to WUPV, Ashland, Virginia, as an amendment in support of their above-captioned application seeking the Commission’s consent to the assignment of WUPV from American Spirit to Raycom (the “Application”).

Pursuant to Section 0.459 of the Commission’s Rules, 47 C.F.R. § 0.459, Raycom and American Spirit respectfully request that the Commission withhold from public inspection the Nielsen audience share information included in Attachment 1 to Exhibit 18 (the “Confidential Information”). This information is competitively sensitive and highly confidential and constitutes trade secrets or privileged or confidential commercial, financial, or technical data. Accordingly, the Confidential Information is entitled to confidential treatment under Section 0.457 of the Commission’s Rules and is not to be made available for public inspection. *See* 47 C.F.R. § 0.457(d)(2).

Pursuant to Section 0.459(b) of the Rules, Raycom and American Spirit submit the following:

1. Identification of the specific information for which confidential treatment is sought:

The Confidential Information, for which Raycom and American Spirit seek confidential treatment, consists of WUPV’s audience share data, which are provided in Attachment 1 to Exhibit 18.

2. Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission:

Raycom and American Spirit are submitting the Confidential Information in support of the Application.

3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged:

The Confidential Information consists of confidential audience share data, which are appropriately withheld from public disclosure. Neither American Spirit nor Raycom publicly reports this data in the ordinary course of business. To the contrary, Raycom — pursuant to a shared services agreement under which Raycom provides certain services to WUPV — has obtained this data on behalf of American Spirit from commercial services under terms requiring that Raycom and American Spirit maintain the data's confidentiality. Thus, disclosure of the Confidential Information not only would conflict with Raycom's and American Spirit's confidentiality obligations but also would risk placing WUPV at a disadvantage compared to its numerous competitors for audience and advertisers — including other local broadcast television stations, cable programming services, direct broadcast satellite services, local broadcast radio stations, and other media — that do not typically disclose similarly detailed data to the public.

The Confidential Information constitutes “trade secrets or privileged or confidential commercial, financial or technical data,” protected against disclosure by both the Commission's Rules and by the Trade Secrets Act. *See* 47 C.F.R. § 0.457(d)(2); 18 U.S.C. § 1905 (protecting information that “concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association”); *see also CBS Corp. v. FCC*, 785 F.3d 699, 703 (D.C. Cir. 2015) (“The Trade Secrets Act exists for an important reason—Congress has decided that confidential business information should be private unless there's good cause to disclose it”). The Commission has recognized that commercial information is appropriately withheld from disclosure if “other businesses could use” the information to the respondent's competitive disadvantage. *Southern Company*, Mem. Op. & Order, 14 FCC Rcd 1851, 1860 (1998). The Confidential Information contains just such information. For instance, public disclosure of WUPV's audience share would give competitors an unfair advantage in negotiating rates with advertisers in WUPV's market.

4. Explanation of the degree to which the information concerns a service that is subject to competition:

WUPV directly competes with other local broadcast television stations, cable programming services, direct broadcast satellite services, local broadcast radio stations, and other media for audience and advertisers.

5. Explanation of how disclosure of the information could result in substantial competitive harm:

Disclosure of the information in the Confidential Information would result in substantial competitive harm to WUPV by providing competitors with information concerning the WUPV's market position and competitive strategy. This information could be used to disadvantage Raycom and American Spirit, as noted above in Item 3.

6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure:

The Confidential Information is treated as confidential by Raycom and American Spirit, and it has not been made available to the public or to competitors. The parties' principals and agents have been advised not to make confidential information such as this available through

open discussion or inadvertent disclosure. The parties also protect the Confidential Information from disclosure by implementing reasonable information security and other practices.

7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties:

The Confidential Information is not available to the public, as noted above in Item 6.

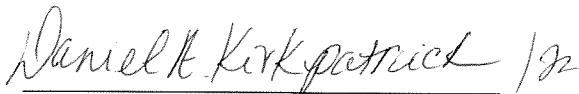
8. Justification of the period during which the submitting party asserts that material should not be available for public disclosure:

There is no public benefit to be derived from the public disclosure of the Confidential Information. Raycom and American Spirit therefore request that the information be permanently withheld from public disclosure.

For the foregoing reasons, Raycom and American Spirit respectfully request that the Commission accord confidential treatment to the Confidential Information.

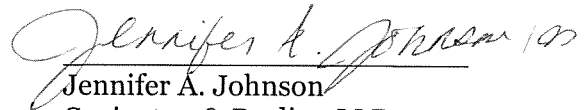
Please contact the undersigned if you have any questions regarding this matter.

Respectfully submitted,



Daniel A. Kirkpatrick
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209
703-812-0432

Counsel to American Spirit Media, LLC



Jennifer A. Johnson
Covington & Burling LLP
One CityCenter
850 Tenth Street, N.W.
Washington, DC 20001
202-662-5552

Counsel to Raycom Media, Inc.