

TRANSFEREES' EXHIBIT 18

Request For Waiver

The Tribune Employee Stock Ownership Plan as implemented through the Tribune Employee Stock Ownership Trust, EGI-TRB, L.L.C., and Sam Zell (collectively the “Transferees”), proposed transferees of WPIX, Inc., licensee of television station WPIX(TV), New York, New York (“WPIX”), hereby request a temporary waiver of Section 73.3555(d), the newspaper-broadcast cross-ownership rule (the “Rule”), pending completion of the ongoing Commission rulemaking addressing the Rule.¹ Transferees request this temporary waiver of the Rule to permit the common ownership of WPIX and *Newsday*, a daily newspaper published in New York. The Commission eliminated the Rule in 2003, and the United States Court of Appeals for the Third Circuit upheld that elimination in 2004. Three years later, in the largest and most competitive media market in the world, Tribune Company (“Tribune”) must be permitted to maintain its ability to broadcast and publish news in New York pending completion of the FCC’s extended proceedings to establish relaxed cross-ownership limits.

WPIX operates in the most diverse and competitive media market in the United States, and from the time it came under common ownership with *Newsday* in March 2000, the already-abundant sources from which the public can obtain local news and information in New York have multiplied. Common ownership of WPIX and *Newsday* has caused no measurable

¹ The Rule, adopted in 1975, provides that “[n]o license for [a] . . . TV broadcast station shall be granted to any party . . . if such party directly or indirectly owns, operates or controls a daily newspaper and the grant of such license will result in: [t]he Grade A contour of a TV station . . . encompassing the entire community in which such newspaper is published.” 47 C.F.R. § 73.3555(d)(3)(2002). In its *Further Notice of Proposed Rulemaking*, 21 FCC Rcd. 8834 (2006) (“*FNPRM*”), see *infra* n.11, the Commission is reviewing the cross-media limits that were adopted when the Rule was repealed in 2003.

diminution to diversity in the nation's largest television market, and has resulted in journalistic synergies, including enhanced broadcast coverage of Long Island, that contribute to the public interest. Under any applicable standard, the Transferees are entitled to a temporary waiver of the Rule until the Commission completes its review of the Rule, and that Commission action becomes a final order no longer subject to judicial review.

I. Introduction and Summary

WPIX is a wholly-owned subsidiary of Tribune Broadcasting Company, which in turn is a wholly-owned subsidiary of Tribune. In March of 2000, Tribune merged with The Times Mirror Company ("Times Mirror"), the publisher of several newspapers, including *Newsday*.² Under Commission precedent and policy, Tribune is permitted to own both WPIX and *Newsday* through the license term for WPIX, which expires on June 1, 2007.³ WPIX's license renewal application, filed on February 1, 2007, included a request for a permanent waiver of the Rule, or a temporary waiver pending the outcome of the FCC's ongoing review of the

² Newsday, Inc., the publisher of *Newsday*, is wholly-owned by TMD, Inc., a wholly-owned subsidiary of Tribune Company. Subsidiaries of Tribune Company also currently publish *The Advocate* in Stamford, Connecticut, with a circulation of 28,776, and *Greenwich Time* in Greenwich, Connecticut, with a circulation of 10,567. Both Connecticut communities are located in the New York DMA, just within the Grade A contour of WPIX's licensed operation. Tribune has entered into an agreement for the sale of both *The Advocate* and *Greenwich Time*, and therefore seeks a temporary waiver of the Rule with respect to these newspapers, if the newspapers have not been sold prior to consummation of the presently proposed transaction, only until it closes on its transaction for their sale.

³ See *Amendment of Sections 73.34, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations*, Second Report and Order, 50 F.C.C.2d 1046, 1076 n.25 (1975) ("1975 Order"), *aff'd sub nom. FCC v. National Citizens Committee for Broadcasting*, 436 U.S. 775 (1978) ("FCC v. NCCB").

Rule.⁴ In the instant transfer of control application, Tribune requests only a temporary waiver of the Rule pending final action on the Commission's *FNPRM*.⁵

The Commission eliminated the Rule in 2003, and as the Third Circuit emphatically stated, the "Commission's decision not to retain a ban on newspaper/broadcast cross-ownership is justified under § 202(h) and is supported by record evidence."⁶ The Third Circuit also held that reasoned analysis supported the Commission's conclusion that the blanket cross-ownership ban was "no longer in the public interest" because newspaper-broadcast combinations actually "can promote localism."⁷ The Commission, affirmed by the court, found that the blanket prohibition "is not necessary to protect diversity," especially in the nation's largest markets.⁸ Based on the very standard pronounced by the Commission in its initial biennial review, Tribune is entitled to the requested temporary waiver as the Commission endeavors to fulfill its decade-long commitment to revise the Rule to be consistent with today's marketplace.⁹

WPIX is the fifth-ranked television station in the New York City DMA, and *Newsday* is the fourth most-circulated daily newspaper in the market. The New York City DMA

⁴ See BRCT-2007201BPA.

⁵ As demonstrated in its Request for Waiver filed with its renewal application, Tribune believes that even under the Rule and the fourth criterion for its waiver, it is entitled to a permanent waiver of the Rule in New York, or at a minimum, a temporary waiver pending final Commission action on the *FNPRM*. Notwithstanding that belief and the showing made in its renewal application, Tribune's proposed transaction can be consummated if it receives a temporary waiver pending completion of the rulemaking, the minimum relief that is justified in these circumstances.

⁶ *Prometheus Radio Project v. FCC*, 373 F.3d 372, 398 (3d Cir. 2004), *cert denied*, 125 S. Ct. 2902-03 (2005) ("*Prometheus*").

⁷ *Id.*

⁸ *Id.* at 398-99.

⁹ See *infra* at 6, 13-14.

is the largest in the nation, with a television and media marketplace that is as diverse and competitive as any in the country. The DMA includes more than seven million television households, and is served by more than one hundred independent broadcasters and daily newspaper publishers:

- * 23 commercial and non-commercial full-service television stations broadcast in the DMA, with 17 of these television stations separately and independently owned.
- * 13 of the 17 commercial television stations are owned independently, and at least 10 television stations provide regularly-scheduled local news programs.
- * Approximately 95% of the television households in the DMA receive service from cable television systems, direct broadcast satellite operators or other providers of multichannel video programming service.
- * At least 30 daily newspapers are published and circulated in the New York DMA by at least 16 independent publishers, with at least five major publishers of daily newspapers serving New York City alone.
- * In the New York City DMA, there are 237 radio stations owned by 116 separate and distinct owners. Even if the count is limited to the FCC's newly-defined radio market, there are 149 radio stations with 84 separate owners in the New York City radio market that provide news, information, talk and entertainment programming.
- * Finally, broadband access to the Internet provides news and information at the touch of a consumer's fingertips. In New York City, Google, Yahoo and MSNBC provide by far the highest-accessed local news and information services through local portals containing unique locally-originated content and by serving as aggregators that provide and structure access to hundreds of local websites and weblogs ("blogs") originating from and focusing on New York City and its surrounding area.

Further, expert economic analysis confirms that the broadcast and newspaper markets in New York City are the most competitive in the nation.¹⁰ First, an assessment of concentration in this market using the Herfindahl-Hirschman Index (“HHI”) relating only to traditional media (newspapers, broadcast television and radio) reveals an HHI of 772, significantly below the 1000 benchmark designating a market that is “not concentrated.” The New York DMA also is significantly less concentrated than the average of the top-10 markets and the national average for all media markets. Moreover, that level of concentration has declined, and not increased, during the six years since Tribune acquired *Newsday*. Second, an examination of media owners’ revenue shares in the New York City advertising market reveals fierce competition; indeed, New York City is one of only two markets in which nine media companies each have a 5% or greater advertising market share. Of course, the concentration of the New York City media market and the distribution of revenues is much lower than is reflected by this analysis, because this analysis does not account for revenue that flows to non-traditional media, including local cable systems, satellite television and radio, and Internet websites.

The combination of WPIX and *Newsday* has not measurably or adversely affected diversity or competition. Rather, the combination of television broadcast stations like WPIX and *Newsday* benefits consumers by making possible the presentation of more and higher quality news and public affairs programs, as the Commission has recognized. During the period of common ownership, WPIX has increased its news coverage from 24.5 to 27 hours per week of regularly-scheduled local news programming. WPIX also has enhanced its news coverage and

¹⁰ See generally, Mark R. Fratrik, Ph. D., BIA Financial Network, *Report on New York City, NY Media Advertising Markets: Traditional Media Revenue Share and Concentration Analysis in Support of the Request for Waiver of Station WPIX* (May 1, 2007) (“BIA Report”) (attached hereto as Attachment 1).

other public affairs programming, its public service announcements, and its community service projects, specifically adding to its coverage of news and events on Long Island. Under Tribune ownership, WPIX presents more news and public affairs programming than any other independently-owned station in the New York DMA. Tribune is entitled to a temporary waiver of the Rule under any conceivable scenario given the incredible diversity and competitiveness of the market in which WPIX operates.

Given the procedural posture of the Rule and the substantial delay in replacing it, Tribune is entitled to a temporary waiver of the Rule pending the final outcome of the Commission's decision on remand from the Third Circuit in the *FNPRM*.¹¹ As the Commission indicated in its first biennial review nine years ago, temporary waivers pending the completion of rulemaking proceedings are warranted where (1) the rulemaking proceedings are of protracted length, (2) a substantial record exists on which to base a preliminary inclination to relax or eliminate a rule, (3) the Commission can conclude that the application before it falls within the scope of the proposals in the proceeding, and (4) a grant of a temporary waiver would be consistent with the goals of competition and diversity.¹² Four years ago, the Commission found that enforcement of the Rule as it was adopted in 1975 no longer serves the public interest, a

¹¹ See 2006 *Quadrennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*; 2002 *Biennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*; *Cross-Ownership of Broadcast Stations and Newspapers*; *Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets*; *Definition of Radio Markets*, Further Notice of Proposed Rulemaking, 21 FCC Rcd. 8834 (2006) ("*FNPRM*").

¹² See *supra* at 13.

finding that has been upheld by the United States Court of Appeals for the Third Circuit.¹³ The Commission recognized that newspaper-broadcast combinations, especially in the largest markets, do not adversely affect competition but promote the public interest by delivering more and better local coverage of news and public affairs without seriously affecting diversity of viewpoint or programming. The Commission eliminated the Rule and established new “cross-media limits,” under which Tribune would be permitted to own WPIX and *Newsday*. The Commission either will reaffirm the limits adopted in 2003 or establish revised limits. In such circumstances, Tribune is entitled to a temporary waiver pending completion of proceedings on the *FNPRM*, and any application of the Rule to compel either WPIX or *Newsday* to be sold or shut down would disserve the public interest, would be arbitrary and capricious, and would be unconstitutional under the First and Fifth Amendments.

II. Tribune Is Entitled to a Temporary Waiver of the Rule.

The history of the Rule, from 1975 to the present, supports Tribune’s request for a temporary waiver pending completion of the Commission’s remand proceedings to revise the Rule as compelled by the Third Circuit’s clear mandate that “the Commission’s decision not to retain a ban on newspaper/broadcast cross-ownership is justified under § 202(h) and is supported by record evidence.”

¹³ See 2002 Biennial Regulatory Review - Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 18 FCC Rcd. 13620, 13760 (2003) (“2003 Order”), *aff’d in part, remanded in part, Prometheus Radio Project v. FCC*, 373 F.3d 372, 398-400 (3d Cir. 2004), *cert. denied*, 125 S. Ct. 2902-03 (2005).

A. Background Of The Rule.

1. *Adoption of the Rule and Application of its Waiver Policy.*

In 1975, the Commission adopted the Rule prohibiting ownership of a daily newspaper and a broadcast station serving the same community, seeking both to enhance diversity and foster competition.¹⁴ In adopting the Rule, the Commission contemplated processing a “number of waiver requests” and set forth a general policy to govern these requests.¹⁵ In doing so, the Commission first enumerated three examples involving financial hardship or distress: (1) an inability to sell a station; (2) a potential sale, but only at an artificially depressed price; or (3) where separate ownership and operation of the newspaper and station could not be supported in the locality.¹⁶ The Commission also established a fourth and independent basis for waiver: if it can be shown “*for whatever reason* that the purposes of the rule would be disserved by divestiture, if the rule, in other words, would be better served by continuation of the current ownership pattern, then waiver would be warranted.”¹⁷

¹⁴ See 1975 Order, 50 F.C.C.2d at 1070-74.

¹⁵ See *id.* at 1085. In affirming the reasonableness and constitutionality of the Rule in 1978, the Supreme Court relied upon the Commission’s adoption of its waiver policy. See *FCC v. NCCB*, 436 U.S. at 802 n.20.

¹⁶ 1975 Order, 50 F.C.C.2d at 1085. In discussing these cases of financial hardship or distress, the Commission noted that in “any of these instances we contemplate waivers of reasonable duration, so that we shall not always be bound by a result based on outdated information.” *Id.*

¹⁷ *Id.* (emphasis added). The Commission has subsequently encapsulated its waiver policy as counseling in favor of waivers “if: (1) a combination could not sell a station; (2) a combination could not sell a station except at an artificially depressed price; (3) separate ownership and operation of a newspaper and a station could not be supported in a locality; or (4) for whatever reason, the purposes of the rule would be disserved.” *Cross-Ownership of Broadcast Stations and Newspapers; Newspaper/Radio Cross-Ownership Waiver Policy*, 16 FCC Rcd. 17283, 17284-85 (2001) (“*Newspaper-Broadcast NPRM*”). Despite its recognition that its waiver policy applied to combinations proposed or created after adoption of the Rule, during the next 30 years, the Commission granted only two permanent waivers involving newspaper and television station combinations, each of which involved significant elements of financial distress. See *Field Communications Corp.*, 65 F.C.C.2d 959 (1977) (“*Field*”); *Fox Television Stations*

2. *Two Decades Later, One Decade Ago – Proposed Revision of the Rule.*

Two decades after the adoption of the Rule, and in recognition of the significant changes to the media landscape over that period, the Commission more than 10 years ago began calling for a change in the Rule. In 1996, in explaining its grant to Capital Cities of a temporary waiver (in lieu of the requested permanent waiver) of the Rule, the Commission said that it would “proceed expeditiously with an open proceeding to consider revising [its] newspaper broadcast cross-ownership policies.”¹⁸ Chairman Reed E. Hundt separately observed that the Rule “is right now impairing the future prospects of an important source of education and information: the newspaper industry,” and stated his belief that the Commission should be able to complete the rulemaking within one year — before the expiration of the waiver granted to Capital Cities.¹⁹

The very next year (in 1997), Tribune proposed to acquire six stations owned by Renaissance Communications Corp. The FCC eventually granted Tribune a temporary waiver of the Rule pending the outcome of the promised rulemaking to permit the cross-ownership of a Miami television station acquired in the transaction and a Fort Lauderdale-based daily newspaper already owned by Tribune.²⁰ In their decisions, both the FCC and the United States Court of

Inc., 8 FCC Rcd. 5341 (1993), *aff’d sub nom. Metropolitan Council of NAACP Branches v. FCC*, 46 F.3d 1154 (D.C. Cir. 1995) (“*Fox Stations*”).

¹⁸ *Capital Cities/ABC, Inc.*, 11 FCC Rcd. 5841, 5851 (1996) (“*Capital Cities*”).

¹⁹ *Id.* at 5906 (Separate Statement of Chairman Reed E. Hundt). The Commission did not complete the promised proceeding within the year, and Capital Cities was then granted a temporary waiver pending the outcome of the promised rulemaking proceeding.

²⁰ *Renaissance Communications Corp.*, 13 FCC Rcd. 4717 (MMB 1998). The FCC initially granted Tribune a finite period to come into compliance with the Rule, but after review of the D.C. Circuit’s opinion, extended the waiver until the completion of the rulemaking.

Appeals for the District of Columbia Circuit recognized the need for modification of the Rule, but held that the promised rulemaking was the appropriate venue.²¹

As required by the Telecommunications Act of 1996,²² the Commission in 1998 undertook its first Biennial Review, which it completed in the form of the *1998 Biennial Regulatory Review*.²³ There, consistent with the statements of all of the Commissioners in *Capital Cities* and *Renaissance*, the Commission again concluded that the Rule needed to be modified, and promised to initiate a rulemaking proceeding to amend the Rule.²⁴ The Commission failed to initiate such a rulemaking, but did launch its 2000 Biennial Review, the report for which was issued in 2001.²⁵ The Commission once more committed to issuing a notice of proposed rulemaking.²⁶ It was against this background of repeated assurances and promises of expeditiously launching a rulemaking to bring the Rule in line with current competitive and technological realities that Tribune merged with Times Mirror.

²¹ *Renaissance Communications Corp.*, 12 FCC Rcd. 11866 (1997), *aff'd sub nom.*, *Tribune Co. v. FCC*, 133 F.3d 61 (D.C. Cir. 1998) ("*Renaissance*"). The Newspaper Association of America ("NAA"), of which Tribune is a member, formally filed a Petition for Rulemaking on April 28, 1997.

²² See Telecommunications Act of 1996, P.L. 104-104, § 202(h); see also 47 U.S.C. § 161. Section 202(h) requires the Commission to determine whether a rule is "necessary in the public interest as the result of competition" and to "repeal or modify any regulation it determines to be no longer in the public interest."

²³ *1998 Biennial Regulatory Review*, 15 FCC Rcd. 11058 (2000).

²⁴ *Id.* at 11109 ("we recognize that there may be situations in which the rule may not be necessary to protect the public interest in diversity and competition"). As part of the biennial review, the Commission specifically recognized that it had granted Tribune a temporary waiver for its Miami television station pending completion of the proposed rulemaking, and extended that temporary waiver pending the resolution of the rulemaking it was proposing to initiate. *Id.* at 11110-11111.

²⁵ *2000 Biennial Regulatory Review*, 16 FCC Rcd. 1207 (2001).

²⁶ *Id.* at 1218.

3. *Five Years Later, Five Years Ago – An NPRM.*

More than five years ago, in September 2001, the Commission issued its Notice of Proposed Rulemaking regarding the modification or elimination of the Rule.²⁷ Approximately one year after taking a full set of public comments on the proposed modification of the Rule, the Commission in 2002 consolidated the *Newspaper-Broadcast NPRM* into an omnibus multiple ownership proceeding tied to the 2002 Biennial Review and its review of several cases remanded to it from the D.C. Circuit, and relaunched the inquiry (the “Omnibus Proceeding”).²⁸ The Commission took a further round of public comment, commissioned market studies, and held field hearings regarding the revision of the Rule and other issues of common media ownership. After a year of comprehensive study, the Commission completed its Omnibus Proceeding and in June 2003 released the *2003 Order* that revised many of the FCC’s ownership rules (including the Rule).²⁹

4. *Four Years Ago – The Order Repealing And Relaxing The Rule.*

In the *2003 Order*, the Commission once more found that the Rule was no longer justifiable under the standard set forth in Section 202(h) of the Telecommunications Act of 1996, as amended.³⁰ The Commission concluded that “television stations that are co-owned with daily newspapers tend to produce more, and arguably better, local news and public affairs

²⁷ *Newspaper-Broadcast NPRM*, 16 FCC Rcd. at 17283.

²⁸ *2002 Biennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Cross-Ownership of Broadcast Stations and Newspapers, Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets*, Notice of Proposed Rulemaking, 17 FCC Rcd. 18503 (2002).

²⁹ *2003 Order*, 18 FCC Rcd. at 13760.

³⁰ *See supra* at 6 n.13.

programming than stations that have no newspaper affiliation.”³¹ The Commission further concluded that the public interest in localism and local programming supported the repeal of the Rule because the “evidence suggests that the rule actually works to inhibit such programming.”³² Regarding viewpoint diversity, the Commission concluded that “the synergies and efficiencies that can be achieved by commonly located newspaper/broadcast combinations can and do lead to the production of more and qualitatively better news programming and the presentation of diverse viewpoints, as measured by third-parties.”³³ The Commission also found that “relaxing the cross-ownership rule could lead to an increase in the number of newspapers in some markets and foster the development of important new sources of local news and information.”³⁴ Accordingly, the Commission replaced Section 73.3555 with a new set of cross-media limits, under which Tribune was entitled to retain common ownership of WPIX and *Newsday*.

5. *Three Years Ago – Remand of The Order Relaxing The Rule*

The United States Court of Appeals for the Third Circuit remanded the 2003 *Order* after it was challenged on appeal by a number of parties. The Court, however, affirmed the Commission’s decision to repeal the Rule and its blanket ban on newspaper-broadcast cross-

³¹ See 2003 *Order*, 18 FCC Rcd. at 13802. The Commission concluded that “in light of the overwhelming evidence that combinations can promote the public interest by producing more and better overall local news coverage... the current rule is not necessary to promote our localism goal, and that it, in fact, is likely to hinder its attainment.” *Id.* at 13759.

³² *Id.* at 13753.

³³ *Id.* at 13761. The FCC’s conclusions were supported by independent studies requested by the Commission. See David Pritchard, *Viewpoint Diversity in Cross-Owned Newspaper and Television Stations: A Study of News Coverage of the 2000 Presidential Campaign* (FCC Media Ownership Working Group Report #2), September 2000; Thomas C. Spavins, et al, *The Measurement of Local Television News and Public Affairs Programs* (FCC Media Ownership Working Group Report #7); September 2002; Scott Roberts, et al, *A Comparison of Media Outlets and Owners for Ten Selected Markets* (1960, 1980, 2000) (FCC Media Ownership Working Group Report #1), September 2002.

³⁴ 2003 *Order*, 18 FCC Rcd. at 13760-61.

ownership.³⁵ As the Third Circuit emphatically stated, “[t]he Commission’s decision not to retain a ban on newspaper/broadcast cross-ownership is justified under § 202(h) and is supported by record evidence.”³⁶ Concluding that “reasoned analysis supports the Commission’s determination that the blanket ban on newspaper/broadcast cross-ownership was no longer in the public interest,” the Court blessed the Commission’s decision to modify the newspaper/broadcast cross-ownership prohibition.³⁷ In doing so, the Court supported the Commission’s goal of increased localism by recognizing that “[n]ewspaper/broadcast combinations can promote localism” and that the existing ban actually “undermined” this important goal.³⁸ In addition, the Court agreed with the Commission that “[a] blanket prohibition on newspaper/broadcast combinations is not necessary to protect diversity.”³⁹ The Court found that “the Commission reasonably concluded that it did not have enough confidence in the proposition that commonly owned outlets have a uniform bias to warrant sustaining the cross-ownership ban.”⁴⁰ The Court thus upheld the Commission’s finding that retaining the ban was no longer in the public interest, and rejected challenges to the Commission’s conclusions that cross-ownership can increase the quantity and quality of local news programming and that commonly-owned media outlets frequently present diverse viewpoints.⁴¹

³⁵ *Prometheus*, 373 F.3d at 398.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* at 398-99.

³⁹ *Id.* at 399.

⁴⁰ *Id.* at 399-400.

⁴¹ Although the Court rejected certain elements of the rationale underlying the new cross-media limits, including some components of a “diversity index,” the Court did not question the Commission’s finding

The Third Circuit remanded the FCC's 2003 *Order* in June 2004; the Commission did not take any further official action until two years later. On June 21, 2006, the Commission adopted the *FNPRM*, and asked whether it should revise the 2003 cross-media limits, or whether it could justify those limits based upon additional evidence or analysis.⁴² The Commission now has received comments and reply comments on the *FNPRM*, and has conducted four further formal field hearings on media ownership. It is within the context of its 11-year-old commitment to revise the Rule, its six-year-old initiation of the proceedings to revise the Rule, its nearly four-year-old action repealing the Rule and adopting a rule that would permit Tribune's continued common ownership of WPIX and *Newsday*, and its pending *FNPRM* that the Commission must evaluate Tribune's request for a waiver of the Rule.

B. The Standard For Granting A Temporary Waiver Pending Action On The *FNPRM*.

Tribune is entitled to a temporary waiver of the Rule pending action on the *FNPRM* under the Commission's standard for a such waiver. Nine years ago, when the Commission in its first biennial review called for the initiation of a proceeding to examine the Rule, it acknowledged that it retained "both the right and obligation" to review any request for conditional waiver of the Rule pending the rulemaking "based upon the specific facts in a particular case."⁴³ The Commission stated emphatically that "[w]hat is important is whether the

that the public interest benefits that can be realized in larger markets significantly outweigh the impact of a decrease in the count of independently owned outlets or voices.

⁴² The full text of the *FNPRM* was released on July 24, 2006. Comments were filed on October 23, 2006 and reply comments were filed on January 16, 2007.

⁴³ See 1998 *Biennial Regulatory Review*, Notice of Inquiry, 13 FCC Rcd. 11276, 11294 (1998) ("*Notice of Inquiry*").

public interest would be served by a grant of a waiver.”⁴⁴ The Commission recognized that it had granted temporary waivers pending proceedings examining some of the ownership rules at issue, including the television duopoly geographic market standards,⁴⁵ but indicated that such waivers were not appropriate where the Commission was just initiating its review, as it was for the first time at that time in 1998.⁴⁶

Despite the fact that it was initiating its very first biennial review, the Commission did set forth standards suggesting when the grant of a conditional waiver of the Rule pending the rulemaking would be appropriate. As the Commission envisioned, “[t]his is most likely to occur where protracted rulemaking proceedings are involved and where a substantial record exists on which to base a preliminary inclination to relax or eliminate a rule.”⁴⁷ The Commission indicated that its precedent supported granting temporary waivers pending proceedings where the “Commission concludes that the application before it falls within the scope of the proposals in the proceeding, and a grant of an interim waiver would be consistent with the goals of competition and diversity.”⁴⁸

⁴⁴ *Id.* at 11294-95.

⁴⁵ *Id.* at 11294, *citing Second Further Notice*, 11 FCC Rcd. 21655, 21681 (“Commission states that granting waivers satisfying the proposed standard would not adversely affect its competition and diversity goals in the interim”).

⁴⁶ *Id.* at 11294 (“In contrast to those situations, in our first biennial review of broadcast ownership rules, we do not believe it appropriate to provide for conditional waiver of any of the ownership rules under review in this proceeding solely because of the pendency of this review. *Here, for example, we do not have a protracted proceeding or substantial record on any of these rules that leads us to initial conclusions about any specific proposals to modify or eliminate any of the rules at issue here.*”) (emphasis added).

⁴⁷ *Id.*

⁴⁸ *Id.*

Given these pronouncements nine years ago, this Commission must recognize that in the instant application Tribune proposes a temporary waiver that is grounded on the precise basis foretold by the Commission in 1998. In assessing this waiver request, the Commission cannot ignore the conclusions reached in the *2003 Order*, especially given that the Third Circuit upheld that portion of the Commission's findings. More than three years ago, on the basis of exhaustive inquiry, review of thousands of public comments, and numerous empirical studies, the Commission fulfilled its commitment and replaced the Rule with less prohibitive limits that reflected the significant competitive and technological changes in the media marketplace. The Commission recognized that newspaper-broadcast combinations (1) do not adversely affect competition in the market, (2) promote the public interest by delivering more and better local coverage of news and public affairs, and (3) do not pose a widespread threat to diversity of viewpoint or programming.⁴⁹ Given these conclusions, and their confirmation by the facts described below, Tribune is entitled to a grant of the requested waiver. Having found the Rule outdated and counterproductive to the public interest, the Commission must recognize the protracted length of this proceeding, acknowledge the conclusions that were adopted and upheld by the Third Circuit, and realize that Tribune complies with the rules that were adopted and are being examined on remand. Under the standard enunciated for temporary waivers pending the rulemaking, it would be contrary to the public interest to force Tribune to divest WPIX or

⁴⁹ See *supra* at 9-11; *2003 Order*, 18 FCC Rcd. at 13748-49, 13752-54, 13756-57, 13759-60, 13767.

Newsday merely because it seeks to transform itself from a publicly traded corporation to one owned by the ESOP Plan.⁵⁰

If the Commission needed any other basis for concluding that the requested temporary waiver was warranted to preserve the *status quo* while it completes its remand proceeding on the *FNPRM*, it need look no further than the waiver standard adopted with the Rule. As the Commission indicated more than thirty years ago, waivers are warranted even in situations that do not involve economically distressed media properties where, “for whatever reason,” the “purposes of the rule would be disserved by divestiture” because the Rule “would be better served by continuation of the current ownership pattern.”⁵¹ This criterion independently establishes a basis for waivers in situations where neither the broadcast station nor the newspaper is in financial distress. As Tribune will show, retention of Tribune’s common ownership of WPIX and *Newsday* pending the Commission’s review of the *FNPRM* on remand better serves the public interest than forced divestiture under the Rule.

⁵⁰ This request, therefore, is far from the situation where an applicant seeks a waiver pending completion of a biennial or quadrennial rulemaking. The Commission already has found that the Rule must be replaced, and has been upheld by a court of appeals in that finding. The Commission adopted a replacement rule that, although requiring review on remand, clearly permits the present cross-ownership. Tribune thus is entitled to a “hard look” at its request for an interim waiver pending completion of the rulemaking. See *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969). Additionally, the Commission cannot blindly apply a rule that would force Tribune to divest its interests in media where the Commission has affirmatively recognized that the facts underlying the rule and its application have changed and warrant a different result. At a minimum, the Commission must justify its departure from its previous conclusions. See *Radio-Television News Directors Association v. FCC*, 184 F.3d 872, 887 (D.C. Cir. 1999) (“*RTNDA*”).

⁵¹ See *supra* at 6; 1975 Order, 50 F.C.C.2d at 1085.

C. There is No Harm to Diversity from Tribune's Common Ownership of WPIX and *Newsday*.

Given the competitive nature of the New York market and the abundance of media outlets available to consumers in the New York DMA, a waiver of the Rule to permit common ownership of WPIX, the fifth-rated television station in the market, and *Newsday*, the fourth-most circulated newspaper in New York City, will not adversely affect the level of competition or diversity in the market. In fact, as illustrated in the next Section, six years of common ownership demonstrate the contrary: there are significant benefits to be realized from this common ownership. The New York DMA is the largest in the United States, consisting of 7,375,530 television households,⁵² and as discussed below, the population is served by almost 300 traditional local media outlets, including 23 television stations and at least 30 daily newspapers. The New York DMA contains 237 radio stations, with 149 radio stations in the FCC's newly-defined New York radio market. More than 100 independent "voices" operate these traditional media outlets, with 20 independently-owned television stations (including 13 separate commercial station operators) in the DMA. The cross-media limits adopted in 2003 clearly permitted WPIX to be commonly-owned with *Newsday*.⁵³ Even if the cross-media limits are ignored, the Commission should find that the requested waiver of the Rule is in the public interest based on the incredible diversity of media outlets in the New York market, where economic analysis confirms the presence of vibrant competition.

⁵² See BROADCASTING & CABLE YEARBOOK 2007 at B-186.

⁵³ See 2003 Order, 18 FCC Rcd. at 13804 ("With respect to markets with nine or more TV stations ('large markets'), we impose no cross-media restrictions. To begin with, markets of this size today tend to have robust media cultures characterized by a large number of outlets and a wide variety of owners.").

Moreover, these traditional media outlets provide news, information and entertainment, and seek advertisers, in a market that has been revolutionized by widespread access to the Internet. Last year, more than 10 million New Yorkers accessed the Internet, and two-thirds of those people accessed the Internet via a broadband connection.⁵⁴ As shown below, MSNBC, Google, and Yahoo! provide the most significant competition in the online access to local news and information and sale of advertising, and aggregate content from hundreds, if not thousands, of local websites and bloggers. More than ever before, consumers control their access to news, information and entertainment, and WPIX is just one of hundreds of local outlets competing for their attention. The combination of WPIX and *Newsday* has had and will have no significant adverse impact on the diversity of viewpoints available in the market. Indeed, their reach — separately and in combination — has fallen during the six years of their common ownership.

1. *Television Stations in the New York DMA.*

The abundance of television stations in the DMA alone supports a waiver permitting common ownership of WPIX and *Newsday*. WPIX, an affiliate of the CW network, is one of 23 full-service television stations serving the New York DMA.⁵⁵ Of these 23 television stations, 17 are owned by separate and independent broadcasters.⁵⁶ Tribune's common ownership thus complies with the cross-media limits adopted in the *2003 Order* by a very wide

⁵⁴ See *infra* at 30.

⁵⁵ Sources for television station counts include BROADCASTING & CABLE YEARBOOK 2005, BIA and FCC databases.

⁵⁶ Seventeen of the 23 television stations are commercial station operators, with 13 separate and independent owners. Fox Television Stations, NBC Universal and Univision each operate duopolies in the New York DMA.

margin; the number of independently-owned television stations in the DMA alone is *almost twice* as many as the nine television stations the Commission required to permit the common ownership of a television station and a daily newspaper.⁵⁷

Full Service Television Stations – New York DMA

Source: Nielsen Household May 2006

<u>Station</u>	<u>Owner</u>	<u>Network Affiliation</u>	<u>Channel</u>	<u>Rating/Share</u>
WCBS-TV, New York	CBS Broadcasting, Inc.	CBS	2	2.9 – 7.2
WNBC, New York	NBC Universal	NBC	4	3.5 – 8.6
WNYW, New York	Fox Television Stations	FOX	5	2.2 – 5.3
WABC-TV, New York	ABC, Inc.	ABC	7	4.6 – 11.3
WWOR-TV, Secaucus NJ	Fox Television Stations	MyNetworkTV	9	1.1 – 2.7
WPIX, New York	Tribune Broadcasting Co.	CW	11	1.9 – 4.6
WNET, Newark NJ	Educational Broadcasting Corp.	Educational	13	0.6 – 1.5
WLIW, Garden City	Educational Broadcasting Corp.	Educational	21	0.2 – 0.6
WNYE-TV, New York	New York City Board of Educ.	Educational	25	0.1 – 0.2
WPXN-TV, New York	Ion (Paxson)	PAX	31	0.2 – 0.4
WXTV, Paterson NJ	Univision Communications	Univision	41	1.7 – 4.1
WSAH, Bridgeport CT	Scripps Howard Broadcasting	Azteca America	43	NA
WNJU, Linden NJ	NBC Universal	Telemundo	47	1.1 – 2.8
WEDW, Bridgeport CT	Connecticut Public Broadcasting	Educational	49	NA
WNJN, Montclair NJ	New Jersey Public Broadcasting	Educational	50	0.1 – 0.3
WTBY, Poughkeepsie	Trinity Broadcasting Network	Independent	54	NA
WLNY, Riverhead	WLNY-TV, Inc.	Independent	55	0.3 – 0.7
WNJB, New Brunswick NJ	New Jersey Public Broadcasting	Educational	58	NA
WRNN-TV, Kingston	WRNN License Co LLC	Independent	62	NA
WMBC-TV, Newton NJ	Sun Young Joo	Independent	63	0.0 – 0.1
WFME-TV, West Milford NJ	Family Stations Inc.	Independent	66	NA
WFTY-TV, Smithtown	Univision Communications	Independent	67	NA
WFUT-TV, Newark NJ	Univision Communications	TeleFutura	68	0.5 – 1.3

WPIX's ratings history, especially during the period of common ownership, also supports the grant of a waiver, because it shows that common ownership has not increased WPIX's reach, and that television broadcasting has become more diverse and competitive during the past six years. For the May 2006 Nielsen ratings period, WPIX was the fifth-ranked station in the market, receiving a 1.9 rating and a 4.6 share in total household all-day ratings (7:00 a.m.

⁵⁷ See 2003 Order, 18 FCC Rcd. at 13804. There are *four more* independent commercial station operators than the *nine total* television stations called for in the rule adopted in the 2003 Order.

to 1:00 a.m.).⁵⁸ WPIX's share has decreased from an 8 share in May 2001, when it was tied for the third-rated television station in the market, to its share below 4 in May 2006, when it is the fifth-rated station. As revealed in the Table below, WPIX's share of viewers actually decreased at a significantly faster rate than its English-language network affiliated competitors (ABC, CBS, Fox, NBC):

Network-WPIX Audience Share Decline Comparison

<u>Station</u>	<u>2001 Share</u>	<u>2006 Share</u>	<u>% Decline</u>
WABC (ABC)	12	11.3	-6%
WNBC (NBC)	12	8.6	-29%
WCBS (CBS)	8	7.2	-10%
WNYW (Fox)	6	5.4	-10%
WPIX (CW)	8	4.5	-44%

The comparison of audience share decline demonstrates that common-ownership of WPIX and *Newsday* has not harmed competition or diversity in the New York DMA, nor has it vested in WPIX a discernable competitive advantage to garner viewers.

The ratings history of the other television stations in the market confirms that the New York television market has grown increasingly diverse and competitive since 1975, a trend that has continued since 2000, when Tribune acquired Times Mirror. In May 2006, the highest-rated television station in the market received an 11.3 share, and only two other stations earned better than a 7 share. Five years ago, in May 2001, WNBC and WABC each received a 12 share and three other stations, including WPIX, earned between a 6 and an 8 share. Despite the decline in ratings for broadcast television stations market-wide, in May 2006, 10 stations received a 1

⁵⁸ Ratings from Nielsen Household May 2006; Nielsen Research, May 2001.

share or better, the same number as five years ago in May 2001. By contrast, in 1975, when the highest-rated station in the New York DMA earned a 24 share (WNBC), of the 10 television stations in the market at the time, five earned a 10 share or better, not including WPIX (which had an 8 share). At that time, however, only seven stations earned better than a 1 share, compared to the ten stations at the present time. As the shares of the top-rated stations decline, new and lower-ranked stations have added share, but not WPIX. Thus, even ignoring the multiplicity of viewing options that cable and satellite provide, viewers have more options to choose from and are taking advantage of them.⁵⁹

Significantly, WPIX must compete with three television duopolies, including pairings owned and operated by Fox and NBC with stations ranked in the top-4. All of the duopolies are permitted under the existing FCC rules and can share news production and other resources; this is a benefit denied to WPIX under the Rule and is an unwarranted competitive disadvantage that was correctly rejected by the *2003 Order*. There are clear benefits to the combination of WPIX with a newspaper, but no more diminution in diversity of programming than results from the duopolies that already exist in the market.

Finally, viewers in the New York market have access to vast amounts of local news programming. WPIX produces 27 hours of regularly-scheduled local news per week, up from 24.5 hours at the time Tribune acquired Times Mirror. At least eight other television stations provide news, with six separate and independently owned full-service television

⁵⁹ While the shares of several television stations have increased, most of the audience has shifted to cable and satellite television programming, as discussed *infra*.

operators in New York providing at least 17 hours or more per week of news programming.⁶⁰

Five of these station owners broadcast at least 27 hours per week of regularly-scheduled news programming, including WPIX. In total, New York television stations will produce and provide more than 200 hours of local news programming each week.⁶¹ As these facts and trends show, while viewership of broadcast television has decreased, the delivery of news in the New York market is more plentiful, and competition is more intense than ever. Competition for the provision of television news is not adversely affected, but is enhanced, by the common ownership of WPIX and *Newsday*.⁶²

2. *Impact of MVPDs in the New York DMA.*

The New York DMA is heavily served by MVPDs, including cable television systems, telephone company video service providers, and direct broadcast satellite systems, further increasing diversity and competition. Aggregate MVPD penetration exceeds 95%, with cable penetration over 80% and direct broadcast satellite penetration almost 15%. MVPDs provide robust competition to broadcast stations, offering hundreds of channels of programming, including local news, information and entertainment. Many of these channels achieve ratings comparable to or better than their broadcast competitors.

⁶⁰ The source for news program hours is New York Nielsen Galaxy System, May & July 2006.

⁶¹ The stations and their hours of news: WABC (34 hours); WNBC (31.5 hours)/WNJU (14.5 hours); WCBS (28.5 hours); WNYW (37.5 hours)/WWOR (11 hours); WXTV (17 hours) and WPIX (27 hours).

⁶² While not included in the traditional “voice” count, there are also at least 41 low-power television stations licensed to the New York DMA, none of which is owned by Tribune or its affiliates. Appendix 1 contains a list of these low-power stations from the FCC’s database.

Top 40 Video Channels and Cable/Satellite Channel Ratings – New York DMA⁶³

Stations/Channels	Ratings/Share		Stations/Channels	Ratings/Share
WABC-TV (Disney)	4.6 - 11.3		Fox News Channel (News Corp.)	0.5 - 1.3
WNBC-TV (NBC Universal)	3.5 - 8.6		Food Network (Scripps Howard-70%;Trib-30%)	0.5 - 1.3
WCBS-TV (CBS Broadcasting)	2.9 - 7.2		HGTV (Scripps Howard)	0.5 - 1.3
WNYW-TV (Fox – News Corp.)	2.2 - 5.3		The History Channel (Hearst/Disney/NBC)	0.5 - 1.2
WPIX-TV (Tribune)	1.9 - 4.6		CNN (Time Warner)	0.5 - 1.2
WXTY-TV (Univision)	1.7 - 4.1		BET (Black Entertainment Television, Inc.)	0.5 - 1.2
Nickelodeon (Viacom)	1.5 - 3.6		A & E (Hearst/Disney/NBC Universal)	0.5 - 1.1
TNT (Time Warner)	1.4 - 3.3		Comedy Central (Viacom)	0.4 - 1.1
WNJU-TV (Univision)	1.1 - 2.8		SNY (SportsNet NY LLC)	0.4 - 1.0
WWOR-TV (Fox – News Corp.)	1.1 - 2.7		Discovery Channel (Liberty Media/Cox/Newhouse)	0.4 - 1.0
The Disney Channel (Disney)	1.1 - 2.7		TCM (Time Warner)	0.4 - 1.0
The Cartoon Network (Time Warner)	1.0 - 2.4		Travel Channel (Liberty Media/Cox/Newhouse)	0.4 - 1.0
USA Network (NBC Universal)	1.0 - 2.3		American Movie Classics (Cablevision)	0.4 - 1.0
Yes Network (Yankee Global/Goldman Sachs)	0.9 - 2.1		Spike TV (Viacom)	0.4 - 0.9
ESPN (Disney – 80%; Hearst – 20%)	0.9 - 2.1		Court TV (Time Warner)	0.4 - 0.9
TBS (Time Warner)	0.7 - 1.7		ABC Family Channel (Disney)	0.3 - 0.8
Lifetime (Hearst - 50%/Disney - 50%)	0.7 - 1.7		FX (News Corp.)	0.3 - 0.8
MTV (Viacom)	0.7 - 1.7		SciFi Channel (NBC Universal)	0.3 - 0.8
WNET-TV (Educational Broadcasting Corp.)	0.6 - 1.5		The Learning Channel (Liberty/Cox/Newhouse)	0.3 - 0.8
WFUT-TV (Univision)	0.5 - 1.3		WLNY-TV (WLNY-TV, Inc.)	0.3 - 0.8

As the table reveals, the high MVPD penetration gives viewers in the New York DMA an abundant number of program choices and viewing is spread amongst the choices.

- * In 2006, seven cable networks (Nickelodeon, TNT, Cartoon Network, Disney Channel, ESPN, USA Network, YES Network) ranked among the top 15 channels viewed and another three (Lifetime, MTV, and TBS) made the top 20.⁶⁴
- * In 2006, 29 cable networks rank among the top 40 rated video channels in New York, exceeding 11 of the broadcast stations in the New York DMA.⁶⁵

⁶³ As with television station ratings, the source for ratings is Nielsen LPM Household May 2006.

⁶⁴ The source for ratings is Nielsen LPM Household, for May of the year indicated.

⁶⁵ In addition to the channels discussed above, these cable channels included, among others, the FOX News Channel, Lifetime, the SciFi Channel, the Travel Channel, CNN, Comedy Central, SNY, the Discovery Channel, HGTV, the History Channel, FX and the Family Channel.

- * In 2006, 23 cable channels earned a 1 audience share or greater, and exceeded 13 of the broadcast stations in the New York DMA.
- * As with television station ratings, cable channels also have lost audience share, as in 2001, 11 broadcast stations and 33 cable networks each earned a share of 1 or greater, and in 2006, 10 broadcast stations and 23 cable networks each earned a share of 1 or greater. In addition to the 19 cable channels with a 1 share or greater, however, 86 other satellite programming channels received a 0.1 share or greater in the New York DMA, including new or strengthened cable networks like SNY, CNN, the FOX News Channel, Spike TV, Court TV, and the Learning Channel.

The diversity of viewpoint and programming options reflected in the television broadcast market is increased significantly by the MPVD penetration in the market, and the viewing options MVPDs provide. At the same time, as local ratings demonstrate, MVPDs have lessened the market shares of local broadcast voices, individually and collectively.

3. *Newspapers Published in the New York DMA.*

The availability of daily news in print in the New York area is no less vast than the amount of television news. There are at least 30 daily newspapers published and distributed in the New York DMA, with at least 16 published by separate and distinct owners. Of these publishers, at least five publish major dailies in New York, where *Newsday* competes for readers and advertisers with *The New York Times*, the *Wall Street Journal*, the *Daily News*, the *New York Post* and others. *Newsday* is the fourth most widely circulated daily newspaper in the market, with a daily circulation slightly in excess of 425,000. *The New York Times* reaches almost 1,150,000 daily readers, the *Daily News* reaches more than 700,000 daily readers, and the *New*

York Post reaches approximately 675,000 daily readers.⁶⁶ The FCC does not regulate newspaper publishers, but has recognized the large number of publishers in the New York area.⁶⁷

As the Table below indicates, in addition to the competition from the other four major New York City daily newspapers, the New York DMA is served by:

- * *The Star-Ledger* (Newark, NJ), which currently has a daily circulation of approximately 400,000, published by Newhouse Communications.
- * At least seven newspapers published by Gannett Co., Inc., including New Jersey publications in Bridgewater (*Courier News*), Neptune (*Asbury Park Press*) East Brunswick (*Home News Tribune*) and Parsippany (*Daily Record*) and New York publications in Poughkeepsie (*Journal*) and White Plains (*Journal News*). The daily circulations of these publications range from just over 35,000 to just under 150,000, and total more than 450,000.
- * At least five other daily publications with circulations in excess of 50,000, including the *Connecticut Post* (Bridgeport, CT – 77,943); the *Times Herald Record* (Middletown, NY – 79,913); *Staten Island Advance* (New York City – 61,890); *The Daily Challenge* (Brooklyn - 56,544); and *The Record* (Hackensack, NJ – 179,270).
- * A Spanish language daily newspaper, *El Diario La Prensa*, with a circulation just over 50,000.
- * At least three other publications with daily circulations in excess of 40,000, including the *Daily Record* in Morristown, NJ, *The New York Sun* in New York City, and *The Express-Times* in Phillipsburg, NJ.

⁶⁶ *Newsday* reaches more than 520,000 homes with its Sunday edition, but *The New York Times*, the *Daily News*, and the *New York Post* also publish Sunday editions.

⁶⁷ See *K. Rupert Murdoch and Fox Entertainment Group*, 21 FCC Rcd. 11499, 11501 (2006) (discussing significant newspaper competition in New York).

Daily Newspapers – Greater New York City Area (DMA)⁶⁸

Newspaper	Publisher	Community	Daily Circulation
<i>Star-Ledger</i>	Advance/Newhouse	Newark, NJ	398,329
<i>Staten Island Advance</i>	Advance/Newhouse	New York City	61,890
<i>Jersey Journal</i>	Advance/Newhouse	Jersey City, NJ	25,213
<i>The Wall Street Journal</i>	Dow Jones & Co.	New York City	NA
<i>Asbury Park Press</i>	Gannett Company	Neptune, NJ	149,289
<i>Home News Tribune</i>	Gannett Company	East Brunswick, NJ	53,700
<i>Bridgewater Courier News</i>	Gannett Company	Bridgewater, NJ	37,462
<i>Daily Record</i>	Gannett Company	Parsippany, NJ	42,665
<i>Ocean County Observer</i>	Gannett Company	Ocean County	NA
<i>Poughkeepsie Journal</i>	Gannett Company	Poughkeepsie	39,607
<i>Journal News</i>	Gannett Company	White Plains	130,531
<i>East Brunswick Sentinel</i>	Greater Media Newspapers	East Brunswick, NJ	NA
<i>The Hour</i>	Hour Publishing Co	Norwalk, CT	15,857
<i>El Diario/La Prensa</i>	ImpreMedia LLC	New York City	50,151
<i>Daily Freeman</i>	Journal Register Company	Kingston	19,993
<i>Connecticut Post</i>	MediaNews Group	Bridgeport, CT	77,943
<i>The New York Times</i>	New York Times Company	New York City	1,142,464
<i>New York Post</i>	News Corp.	New York City	673,379
<i>Herald News</i>	North Jersey Media Group	Bergen County	206,086
<i>The Record</i>	North Jersey Media Group	Hackensack, NJ	179,270
<i>The New York Sun</i>	One SL LLC	New York City	45,762
<i>The News-Times</i>	Ottaway Newspapers	Danbury, CT	28,771
<i>The Times Herald-Record</i>	Ottaway Newspapers	Middletown	79,913
<i>The New Jersey Herald</i>	Quincy Newspapers	Newton, NJ	15,254
<i>El Hoy</i>	Tribune Co.*	New York City	46,784
<i>The Advocate</i>	Tribune Co.*	Stamford, CT	28,766
<i>Newsday</i>	Tribune Co.	New York City	427,771
<i>Greenwich Time</i>	Tribune Co.*	Greenwich, CT	10,567
<i>The Daily News</i>	Daily News LP	New York City	708,477

*Tribune has reached agreements to sell *El Hoy*, *The Advocate* and *Greenwich Time*.

Since the Times Mirror merger, the circulation of *Newsday*, like that of many other daily newspapers, has decreased. From 2001 to 2006, the daily circulation of *Newsday* fell more than 25% from 577,354 to 427,771. The circulations of its larger competitors in New

⁶⁸ The sources for the daily and weekly newspapers and their circulations include the ABC Audit Data, FasFax 2006 Directory, Center for Public Integrity Media Ownership Summary, and Tribune and BIA databases. *Newsday* circulation figures are unaudited. The competition and diversity shown in the number of local publishers is matched by the abundance of national daily newspapers serving the greater New York City area. These daily newspapers include *USA Today*, the *Washington Post*, the *Washington Times*, the *Financial Times*, *Investor's Business Daily*, *The Wall Street Journal*, and the *Christian Science Monitor*.

York, however, either increased, or decreased much less significantly. As the Table below shows, the circulation of *The New York Times* increased by almost 3% and the circulation of the *New York Post* increased by over 26% while the circulation of the *Daily News* decreased by approximately 3.5% during the same period.

Newspaper Circulation Decline Comparison⁶⁹

<u>Newspaper</u>	<u>2001 Circulation</u>	<u>2006 Circulation</u>	<u>% Decline</u>
<i>The New York Times</i>	1,109,371	1,142,464	+2.98%
<i>Daily News</i>	734,473	708,477	-3.34%
<i>New York Post</i>	533,860	673,379	+26.13%
<i>Newsday</i>	577,354	427,771	-25.91%

In addition to competition from daily newspapers, at least 340 weekly newspapers are published and distributed within the New York DMA.⁷⁰ The Commission has recognized that local weekly publications can add measurably to the diversity of viewpoints in a market, and the weekly publications in New York prove this point. Today, New Yorkers can choose from hundreds of weekly newspapers, many of which offer hyper-local coverage of particular communities:⁷¹

- * The New York DMA contains weeklies published by approximately 125 independent publishers.
- * Approximately 10 publishers have weekly circulations in excess of 100,000 in the market, including Shore Publishing, All Island Media, Neighborhood Newspapers, Prime Time, The Ruxton Media Group, and Shopper's Guide/Pennysavers.⁷²

⁶⁹ *Id.*

⁷⁰ Appendix 2 contains a list of weekly publications, compiled from Tribune and BIA databases.

⁷¹ Circulation figures from ABC Record Data, July 2006 or BIA database.

⁷² Star Community Publishing Group, a subsidiary of Tribune, publishes some of these weeklies, including the *Yankee Trader*, *Huntington's Pennysaver*, and *Newsday's Marketer*, among others.

- * The Ruxton Media Group publishes papers that serve more than 3.3 million readers, All Island Media serves more than 860,000 readers, and Prime Time more than 100,000.
- * More than 30 other weekly publications serve in excess of 10,000 readers in their local communities.
- * At least 25 other weekly publications serve between 1,000 and 10,000 readers in their local communities.

Viewed together, the growing number of weekly newspapers demonstrates that the market for newspapers in New York is extremely competitive, and has remained diverse, despite the presence of two newspaper-broadcast combinations, one of which simultaneously operates a television duopoly and a cable news network.⁷³

4. *AM, FM and Satellite Radio Service in the New York DMA.*

There are 237 radio stations serving the New York DMA, with 116 separate owners.⁷⁴ The Table identifying these radio stations, including the community of license, owner, and format of each is attached as Appendix 4. These stations offer a tremendously diverse range of formats that provide the public in the DMA with news, information and opinion. Of these 237 stations in the DMA:

- * 55 English-language radio stations, operated by 38 different broadcasters, offer formats that focus on news, talk, sports, information, education and religion.
- * 21 stations operated by 11 different broadcasters offer Hispanic or ethnic formats.
- * 158 stations operated by 80 different broadcasters offer a variety of music and entertainment formats.
- * three stations owned by two different broadcasters provide a children's format.

⁷³ In addition, approximately 70 local magazines are published and distributed in the greater New York area. Appendix 3 contains a list of these magazines.

⁷⁴ Radio station counts and data have been supplied from the BIA database.

Even within the FCC's defined New York radio market, there are 149 stations with 84 separate owners. These stations similarly provide diverse sources of news and information:

- * 37 English-language stations operated by 26 different broadcasters have formats that focus on news, talk, sports, information, education and religion.
- * 19 stations operated by nine different broadcasters offer Hispanic or ethnic formats.
- * 92 stations operated by 57 different broadcasters offer music formats.
- * one station has a children's format.⁷⁵

In addition to these outlets, both XM and Sirius offer subscription satellite radio programming in New York, with XM offering 149 channels and Sirius offering 117 channels of seemingly endless format and variety.⁷⁶

5. *Traditional Media Revenue Share and Concentration Analyses.*

Analysis of the revenues and concentration for broadcasters and newspaper publishers confirms the "voice count" analysis demonstrating that common ownership of WPIX and *Newsday* has not adversely affected, and will not affect, competition in this market. First, the HHI for the broadcast and newspaper media in New York in 2005 was 772, significantly lower than the benchmark of 1000 that is indicative of a market that is "not concentrated," and significantly lower than the average of 1,175 for the top ten markets and the national average of 1,495.⁷⁷ Moreover, the level of concentration in the New York market has decreased in recent years, from approximately 800 in 2000-2004 to 772 in 2005; absent forced divestiture, the level

⁷⁵ Digital radio offers listeners additional programming choices.

⁷⁶ Attached as Appendix 5 are the program offerings for XM and Sirius.

⁷⁷ BIA Fratrik Report at 12-13. This HHI declines very slightly upon consummation of Tribune's agreement to sell *The Advocate* and *Greenwich Time*. See *supra* n.2.

of concentration for traditional media advertising revenue in New York will continue to reflect a market that is not concentrated.⁷⁸

Second, in New York, the top revenue share in the market, held by The New York Times Company at 16.8%, is markedly less than the national average (30.2%) and the average of the top 10 markets (24.4%), with significant shares spread across a larger number of owners. Tribune's estimated share is 11.2%,⁷⁹ and News Corp. and Dow Jones and Company each are estimated to have approximately 8% shares.⁸⁰ Most significantly, in New York nine media owners each have at least a 5% percent share of the "traditional" advertising market.⁸¹ This wide distribution of revenues results from "a large number of strong competitors owning several media outlets" and illustrates a "diverse and competitive market" for the presentation of ideas and the expenditure of advertising dollars in New York.⁸² And this analysis and trend do not even include the effects of cable advertising and non-traditional media such as the Internet, which when considered further dilute the level of concentration, making it abundantly clear that a waiver of the Rule in this instance is in the public interest.⁸³

⁷⁸ *Id.* at 14.

⁷⁹ Tribune's share drops slightly from 11.2% to 10.9% upon consummation of its agreement to sell *The Advocate* and *Greenwich Time*. See *supra* n.2.

⁸⁰ *Id.* at 8-9. Moreover, during the period of common ownership, Tribune's combined share has fallen from 11.59% of all revenue generated by traditional media to 11.20%. *Id.* at 10.

⁸¹ *Id.* at 9.

⁸² *Id.* at 13.

⁸³ *Id.* at 15.

6. *The Internet and Its Impact on the Local Market.*

In recent years, high-speed Internet access in the United States has skyrocketed, fundamentally changing the way Americans receive news and information. In 2002, the Commission readily acknowledged the “important role [of the Internet] in the available media mix” as “a commonly-used source for news, commentary, community affairs, and national/international information.”⁸⁴ Today, the prevalence of the Internet as a primary source of news and public affairs information is unmistakable. As of August 2005, North American consumers spent more hours each week using the Internet (5.9 hours) than reading newspapers (3.4 hours).⁸⁵ And although home broadband subscribers spend more time watching local and national television and listening to the radio, they still rely on online news sources more than their local newspaper.⁸⁶

These trends will continue as consumers purchase high-speed Internet access. According to the Pew Internet & American Life Project, home broadband adoption increased by 40 percent from 60 million Americans in March 2005 to 84 million Americans in March 2006.⁸⁷ Indeed, approximately one-quarter of the growth of daily online news consumption since 2002 can be attributed to the rise in residential broadband adoption.⁸⁸ Today’s Internet users have a multitude of online news sources from which to receive a diversity of information and

⁸⁴ 2003 Order, 18 FCC Rcd. at 13765-66.

⁸⁵ Forrester Research, August 2005; ClickZ, August 2005.

⁸⁶ John B. Horrigan, Associate Director for Research, Pew Internet & American Life Project, Online News, at ii (Mar. 22, 2006) (“Online News”).

⁸⁷ John B. Horrigan, Associate Director for Research, Pew Internet & American Life Project, Home Broadband Adoption 2006, at i (May 28, 2006) (“Home Broadband Adoption 2006”).

⁸⁸ Online News at 4.

commentary, not only including local daily newspaper, television station, and radio news sites, but also national television news sites from CNN and MSNBC with local pages, portals and aggregators such as Google and Yahoo!, international news sites such as BBC, local news blogs, alternative news sites such as Alternet or Newsmax, and news listservs.⁸⁹ Users' ability to control the amount and type of content they receive, as well as the method through which they receive it (for example, PDA or mobile phone alert, podcast, or streaming video file), will continue to fuel the popularity of online news sources over traditional print and broadcast media.

Internet usage in the New York market reflects national trends showing increasing adoption and use. In New York, more than 60% of the population in the DMA have access to the Internet.⁹⁰ Approximately 67% of New York's online users have a residential broadband connection, above the national average of 61.6%.⁹¹ In New York, websites owned and operated by Google, Yahoo!, and Microsoft lead audience measurement metrics, with their reach, number of pages viewed and used, and average usage days per month exceeding those of websites from traditional broadcasters and newspapers. The content available on these websites includes not only national news and information, but local news and issues as well, through "local portals" (akin to local editions) or aggregated access to offerings of news, information and entertainment pertaining to New York. Local portals, by design, compete head-to-head with local newspapers and cater to younger consumers who tend to access news content online rather than via traditional media (such as newspapers, television and radio) more readily and frequently than older consumers.

⁸⁹ *Id.* at 10-12.

⁹⁰ Scarborough Research, February 2005 – January 2006.

⁹¹ Nielsen/NetRatings, @Plan, Summer 2006 release.

As of September 2006, Yahoo.com, AOL.com, and Google.com were still the top three accessed websites in the New York market. These three sites were the only websites to reach more than 60% of the market for general use.⁹² MSN.com was the only other website to exceed general reach of 50%, at 58.4%.

Statistics for websites characterized as “news/information” similarly demonstrate that non-traditional media populate the top 20 websites accessed by the New York public, as reflected in the Table below:

Websites and Key Comparative Statistics – News/Information in New York⁹³

Website	Reach	Average Daily Visitors	Average Minutes per Usage Day	Average Usage Days/Visitor
New York Times Digital	31.4%	284,000	7.0	2.9
The Weather Channel	22.0%	489,000	1.5	7.0
AOL News	21.7%	326,000	2.6	4.8
MSNBC	17.7%	248,000	6.6	4.4
Yahoo! News	17.4%	248,000	3.3	4.5
CNN	17.2%	252,000	8.9	4.6
Tribune Newspapers	10.5%	101,000	3.8	3.0
Weatherbug Property	9.3%	308,000	4.4	10.5
NJ.Com websites	5.8%	57,000	5.5	3.1
ABCNEWS Digital	5.4%	47,000	9.5	2.7
USA TODAY websites	5.1%	49,000	4.9	3.0
CBSNEWS Digital	5.1%	33,000	4.1	2.0
Military.com	5.0%	24,000	1.0	1.5
NYDAILYNEWS.COM	4.7%	58,000	6.3	3.9
Netscape What's New	4.5%	131,000	1.2	9.1
Injersey	4.3%	38,000	7.4	2.7
Internet Broadcasting	4.3%	40,000	5.1	3.0
SLATE.COM	4.0%	20,000	2.1	1.5
WASHINGTONPOST.COM	3.9%	26,000	2.7	2.1
MSN News & Weather	3.9%	36,000	1.5	2.9

⁹² Yahoo.com reached 73.6%, Google.com reached 67.8% and AOL.com reached 64.9%.

⁹³ The source for Internet data is MyMetrix, 2006 comScore Networks, Inc.

As the Table demonstrates:

- * AOL News, Yahoo!News and MSNBC are still among the five most accessed websites in the market, but more than 55 websites access 1% or more of the market.⁹⁴
- * AOL News reaches 21.7% of all Internet users, MSNBC.com reaches 17.7 % of all Internet users, and Yahoo! News reaches 17.4% of all Internet users. On a monthly basis, these three sites each reach between 1.7 and 2.2 million unique visitors.
- * Today, *New York Times Digital* has the greatest reach in the market, with 31.4% of all Internet users. More than 3 million unique visitors access *New York Times Digital* website, more than any other website in the market.
- * The Weather Channel also is accessed by more than 2.1 million people, and has a reach of 22%, the second largest in the New York DMA.
- * Tribune's newspaper reach in the market, as of March 2006, was just over 10%, with just over 1 million unique visitors per month.
- * Fifty-two website operators reach more than 100,000 (1% of New York users) users per month in New York, including websites operated by traditional media like the in-market publishers of the *Daily News*, and *The New York Post*; the four major broadcast networks; and out-of-market publications like *USA Today* and the *Washington Post*. Numerous independent and non-traditional websites are included among the 52 websites, including sites operated by CNN (Time Warner), military.com, Netscape, Injersey, Internet Broadcasting, Slate.com, Wunderground.com, Court TV Online, and the BBC, all of which reach more than 2% of Internet users or 200,000 unique visitors.

In addition to providing original content, these websites also serve as aggregators of news. They direct users to stories and content of interest on other websites, thereby allowing consumers to choose the source of information that best meets their needs and interests. While some of these news websites are affiliated with traditional newspapers and broadcast stations, countless independent websites carry reports, commentary and information that compete with the more traditional outlets. Indeed, many websites have video streaming capability to convey these

⁹⁴ Reach data based upon Media Metrix data for March 2006.

materials. These national and local websites not only include the powerhouses identified above, but also include, for example, independent sites covering local issues:

News12.com	GothamGazette.com	NYC.indymedia.org
WSJ.com	DailyGotham.com	Timeout.com/newyork
NorthJersey.com	TheMorningNews.org	Cityguidemagazine.com
NY1.com	GothamCenter.org	NYCenet.edu
VillageVoice.com	NYC.gov	Mcny.org
Newsmax.com	NYCtourist.com	TheInsider.com/nyc
DrudgeReport.com	NY.com	NYSportsday.com
NPR.org	NewYork.craigslist.com	NYSpotscene.com
VillageVoiceMedia.com	NYCBloggers.com	QueensChronicle.com
BronxMall.com	LongIslandPress.com	Press.LongIsland.com
SILive.com	TheBestofStatenIsland.com	IndyPressNY.org

Finally, many websites allow visitors to provide comments or engage in debate on an endless number of local topics through email, chat rooms, discussion boards, and blogs. There are a multitude of New York blog websites on the Internet; as one website notes, “there are a million blogs in the naked city.”⁹⁵ In short, the Internet provides a strong source of competition for the eyes and intellects of television viewers and newspaper readers. It provides instantaneous links, generally at no charge, to constantly growing sources of news, opinion and entertainment, and exponentially increases the diversity of viewpoints in the New York market.

⁹⁵ www.nycbloggers.com (“here’s where to find 6264 of them” as of January 25, 2007). These blogsites include Gothamist (www.gothamist.com), About Last Night (www.terryteachout.com), Curbed: New York City Neighborhoods and Real Estate (www.curbed.com); Gawker: New York Media News and Gossip (www.gawker.com); MetroBlogging NYC (www.metblogs.com); New York Press (www.nypress.com); Greening New York’s Subways (http://blog.sciam.com/index.php?title=greening_new-york_s_subways&more); New York Hack (<http://newyorkhack.blogspot.com>); Overheard in New York (www.overheardinnewyork.com); Overheard in New York (www.overheardinnewyork.com); NYC Eats (<http://nyc.blogs.com/eats/>); and New York Observer Media Mob (www.themediamob.observer.com), to identify just a few.

D. Numerous Public Interest Benefits Result from Tribune's Ownership of WPIX and *Newsday*.

Over the past seven years, since the merger with Times Mirror, joint efforts between WPIX and *Newsday* have improved measurably WPIX's ability to cover news and contribute to its community. The combination provides programming and local public interest benefits that no television station on its own could otherwise offer. These benefits flow directly to the public, and would have been difficult to attain absent common ownership and Tribune's firm commitment to bringing news and public affairs programming benefits to the public.

News Coverage. As noted above, WPIX has expanded its regularly-scheduled local news programming from 24.5 hours per week to 27 hours per week during the period of common ownership of WPIX and *Newsday*. WPIX has drawn on the rich and deep resources of *Newsday* to enrich and expand its local and regional news and public affairs coverage. After the merger with Times Mirror, WPIX was able to access the 625-member staff of *Newsday*'s newsroom on Long Island, where the newspaper is published. In order to access *Newsday*'s resources, WPIX installed a camera and editing equipment in a bay in *Newsday*'s newsroom. WPIX embedded a reporter at this facility in the *Newsday* newsroom to gain the benefit of its reporters and editorial staff, which is more than ten times larger than that of WPIX. In this way, WPIX receives access to *Newsday*'s 24-hour per day newsgathering operations and local expertise on politics, sports, entertainment and current events. WPIX also takes advantage of joint training sessions for mid-level management in news conducted at *Newsday*'s facilities. With this access to the *Newsday*'s reporters and its extensive resources, WPIX has enhanced its news coverage and public affairs programs, and its coverage of important local issues.

Most dramatically, WPIX's enhanced ability to cover news events in New York was illustrated by coverage of the events of September 11, 2001, including the aftermath of the attack on the World Trade Center. In covering the attack and events in the days that followed, WPIX was able to access *Newsday* photographs, as well as expert reporters and databases from *Newsday*, other Tribune newspapers, and Tribune's Washington, D.C., Media Center. WPIX's enhanced coverage not only benefited New Yorkers, but viewers across the nation, who were able to watch the WPIX news coverage fed to Tribune stations across the country.

WPIX similarly has been able to enhance its coverage of the war in Iraq through access to Tribune newspaper reports, and most notably those available at *Newsday*. WPIX simply could not afford to dedicate its limited staff to coverage of the war, but through access to *Newsday* reporters that are dedicated to such coverage, not only can WPIX present expert coverage, but it can provide coverage with a local focus. Absent access to *Newsday* reporters and databases, WPIX would be forced to rely on other national sources for its coverage of the war in Iraq. WPIX also benefits from these resources in covering local events, including political campaigns, where WPIX can access *Newsday* correspondents covering these issues on a daily basis.

New Yorkers specifically have benefited from the increased ability of WPIX to cover Long Island events and issues as a result of the WPIX reporter embedded in the *Newsday* newsroom, because otherwise it can take more than two hours to reach parts of Long Island from WPIX's facility in Manhattan. Since the merger of Tribune and Times Mirror, WPIX has been able to increase its coverage of Long Island news and events. On average, WPIX now

broadcasts at least two stories per day focused on Long Island news, issues and events utilizing the reporter it has embedded in *Newsday*'s Long Island newsroom.

Public Affairs Programs and Specials. WPIX and *Newsday* also work together on certain public affairs specials and programs. These have included, for example, several political campaign debates, including a debate between the most recent New York City mayoral candidates. WPIX, with the assistance of *Newsday* staff and reporters, also has produced special public affairs programming on voter turn-out and participation in elections. In 2004, WPIX and *Newsday* worked jointly to conduct a poll for the elections.

Among the other broadcast topics that have been the subject of WPIX and *Newsday* cooperative efforts, sometimes including publications in *Newsday* or an "in-school" publication, are:

- * summer activities for children.
- * after school programs available in the community.
- * local athletes as role models for children.
- * literacy and reading skills.
- * volunteerism in local communities.
- * anti-smoking efforts, including "Kicking Ash."

WPIX and *Newsday* also have jointly produced and promoted other public affairs specials, including programs on adoptions, obesity, and local holiday events.

Public Service Programs. WPIX and *Newsday* also have worked together to promote and advance various public service programs throughout the New York DMA. For example, WPIX has worked with Alliance For Lupus on walks in New York, New Jersey and on

Long Island, and *Newsday* was able to promote the Long Island walk. WPIX and *Newsday* jointly have participated, with AM New York and *Hoy*, in food drives to help feed the less fortunate in the New York area. WPIX and *Newsday* also have jointly participated in the preparation and broadcast of promotional spots for Future Corps.

Tribune and its broadcast stations are committed to maintaining the highest standards of news and public affairs programming. Since Tribune acquired the Times Mirror, WPIX has succeeded in providing the public with enhanced news specials, news coverage, election coverage, public affairs programs, and public interest projects, as the examples discussed above demonstrate. The grant of a waiver of the Rule to permit continued common ownership will allow Tribune to continue to develop such quality news and public affairs programs for the greater New York area, without adversely impacting diversity in the New York DMA.

III. Tribune Should Be Permitted To Own WPIX And *Newsday* Pending Completion of the Commission's Action On The *FNPRM*.

Under the standard announced by the Commission in its *Notice of Inquiry* in 1998, a waiver pending a rulemaking is warranted “where protracted rulemaking proceedings are involved and where a substantial record exists on which to base a preliminary inclination to relax or eliminate a rule.”⁹⁶ Temporary relief pending the completion of rulemaking proceedings is particularly appropriate where the Commission can conclude that “the application before it falls within the scope of the proposals in the proceeding, and a grant of an interim waiver would be

⁹⁶ *Notice of Inquiry*, 13 FCC Rcd. at 11294.

consistent with the Commission's goals of competition and diversity."⁹⁷ From the facts set forth above, it is clear that the New York media marketplace is intensely competitive and diverse, and has not suffered harm as a result of Tribune's common ownership of WPIX and *Newsday* over the last six years. Instead, viewers in the market benefit from the enhanced news and public affairs programming that combined ownership makes possible. Thus, Tribune is entitled to a temporary waiver of the Rule pending completion of the Commission's protracted proceeding resolving the *FNPRM*.

A. A Substantial Record Exists In A Protracted Proceeding.

As Tribune demonstrates in this waiver request, the protracted nature of this rulemaking proceeding – “where a substantial record exists on which to base a preliminary inclination to relax or eliminate” the Rule – is uncontroverted. Almost four years ago, the Commission adopted findings that resulted in its elimination of the Rule; those findings were based on two years of proceedings that included at least three rounds of comments, and the conduct of multiple studies and hearings. As the Third Circuit's opinion in *Prometheus* makes clear, the relaxation of the blanket prohibition on cross-ownership of newspapers and broadcast stations is not in doubt. The Commission adopted, and the court upheld, at least three salient rationales for its elimination and relaxation of the Rule. First, the Commission concluded that newspaper-broadcast combinations generally “cannot adversely affect competition in any relevant product market,” thus making the Rule no longer necessary to protect competition.⁹⁸ Second, the Commission held that newspaper-broadcast combinations promote the public

⁹⁷ *Id.*

⁹⁸ *See 2003 Order*, 18 FCC Rcd. at 13748-49, 13752-53, 13767.

interest by delivering more and better local coverage of news and public affairs, and that the Rule actually inhibits such programming and benefits.⁹⁹ Finally, the Commission found that the record in the proceeding did not support the conclusion that “common ownership of broadcast stations and daily newspapers in the same community poses a widespread threat to diversity of viewpoint or programming.”¹⁰⁰ The Third Circuit did not take issue with these findings and conclusions — they stand. The Commission would be acting arbitrarily and capriciously if, in the context of the instant waiver request, it ignored the conclusions it reached in its rulemaking proceeding, especially those findings upheld by the Third Circuit.

The protracted procedural posture of this case, where Tribune has sought and the Commission has promised appropriate relief for more than a decade, further demonstrates the appropriateness of the grant of a temporary waiver pending the conclusion of the rulemaking proceeding:

- * More than ten years ago, in several adjudications, the Commission committed to commence a rulemaking regarding the Rule, with all Commissioners recognizing the public interest in relaxation of the rule.
- * More than seven years ago, the Commission concluded in its *1998 Biennial Regulatory Review* that the Rule needed to be modified.
- * In releasing its *2000 Biennial Regulatory Review*, the Commission confirmed this conclusion and in 2001, issued a Notice of Proposed Rulemaking to achieve this result.
- * In 2003, the Commission, after extended proceedings, including rounds of comments, studies and hearings, made detailed findings that supported its conclusion that the Rule was no longer justifiable, and repealed the Rule, replacing it with specific cross-media limits that would permit Tribune’s common ownership of WPIX and *Newsday*.

⁹⁹ *Id.* at 13753-54, 13756-57, 13759-60.

¹⁰⁰ *Id.* at 13767.

- * In 2004, the Third Circuit affirmed the portion of the Commission's *2003 Order* that the blanket ban contained in the Rule should be repealed, but remanded the proposed new rules for further support or amendment.
- * More than two years later, the Commission released its *FNPRM*, and despite a tentative conclusion not to revive the "diversity index" in its prior form, specifically asked whether it should retain the 2003 cross-media limits because they can be justified with additional evidence or analysis, or amend them.

The present case therefore involves the very type, indeed an almost perfect example, of the "protracted rulemaking proceeding" that the Commission envisioned warranting temporary relief for applicants; it is nothing like the situation where the Commission wished to avoid such interim relief requested based solely on the initiation of a quadrennial review.¹⁰¹ Tribune's request for a temporary waiver pending completion of the Commission's *FNPRM* is much more than a request based on "the mere initiation of a proceeding stating that the rule would be examined, or merely the fact that such a proceeding was on the horizon."¹⁰² As shown above, in extensive proceedings that have taken more than seven years, the Commission has adopted findings and conclusions that led it to repeal the Rule, and those findings were upheld by the Third Circuit.

B. Tribune's Request is Within the Scope of the Adopted Rule.

As part of this longstanding rulemaking proceeding, the Commission has adopted restrictions on the cross-ownership of broadcast stations and daily newspapers which, if effective, would permit the ownership combination that is the subject of Tribune's waiver request. The cross-media limits adopted to replace the Rule in the *2003 Order*, though stayed by the Third Circuit, would permit the common ownership of all of Tribune's media properties, with

¹⁰¹ *Notice of Inquiry*, 13 FCC Rcd. at 11294.

¹⁰² *UTV of San Francisco, Inc.*, 16 FCC Rcd. 14975, 14988 (2001) quoting *Renaissance Communications*, 13 FCC Rcd. 4717, 4719 (1998).

a wide margin of comfort. Tribune can therefore demonstrate that its request for an interim waiver pending the completion of these proceedings “falls within the scope of the proposals in the proceeding.”¹⁰³

The Commission’s longstanding policy, recognized in the *Notice of Inquiry*, of providing temporary waivers where specific rules have been proposed in rulemakings that, if adopted, would provide relief, is consistent with sound law and policy. As Tribune demonstrates, having adopted rules in 2003 that would not require divestiture, the Commission should not and cannot now reasonably force divestiture of one of Tribune’s media properties without providing a reasoned basis for departing from the limits adopted in the *2003 Order*. As the Commission must recognize, the Rule survives only in a procedural posture: the Commission eliminated the Rule based on the conclusion that it no longer was justified in its 1975 form as the result of current media conditions. The Rule was replaced by cross-media limits that were stayed pending appeal, and which now await further action by the Commission after the Third Circuit’s decision in *Prometheus*.¹⁰⁴ The Rule now is in effect not because the Commission believes it continues to serve the public interest, but because the Commission’s action to scrap and scale back the Rule has taken years to complete. In such a procedural posture, the Commission traditionally has granted temporary waivers pending the completion of rulemaking proceedings, and should do so here, both to comport with the Commission’s findings upheld by the Third

¹⁰³ *Notice of Inquiry*, 13 FCC Rcd. at 11294.

¹⁰⁴ *See supra* at 10-11.

Circuit, and to serve the public interest against forcing the divestiture of WPIX or *Newsday* pending the FCC's conclusion of its longstanding rulemaking proceeding.¹⁰⁵

C. The Public Interest Would Be Served by the Temporary Waiver.

The public interest would be disserved by Tribune's divestiture of WPIX or *Newsday*, and would be better served by continuation of the current ownership during the interim period in which the Commission resolves its proposal in the *FNPRM*.¹⁰⁶ Whether under the standard for an interim waiver pending a rulemaking or the fourth criterion for a waiver of the Rule under the 1975 standard – where, “*for whatever reason*, the purposes of the rule would be disserved”¹⁰⁷ – the Commission must grant waivers in precisely the kind of situation Tribune demonstrates here: where Tribune would comply with the proposed new rule and there is no diminution in the diversity of viewpoints in the market that has occurred or is likely to occur. Here, a waiver would foster the diversity of viewpoints and programming because the media marketplace in the New York DMA already is vibrant and diverse, and the combination of WPIX and *Newsday* has provided new and enhanced opportunities for news and public interest programming.

¹⁰⁵ *Notice of Inquiry*, 13 FCC Rcd. at 11294; *see also National Exchange Carrier Association Petition To Amend Section 69.104*, 19 FCC Rcd. 13591 n.116 (2004) (“Grant of a waiver pending the result of a rulemaking proceeding is consistent with Commission precedent”); *Administration of the North American Numbering Plan*, 20 FCC Rcd. 2957 (2005) (granting a waiver of a rule to permit obtaining numbering resources directly from NANPA after considering hardship and equities to SBC); *2000 Biennial Regulatory Review of Part 68*, 15 FCC Rcd. 10525 (2000) (recognizing public interest in grant of interim waivers in anticipation of completing rulemakings that will effectuate a change in the rules to accommodate innovations on a permanent basis).

¹⁰⁶ *See id.*; *1975 Order*, 50 F.C.C.2d at 1085.

¹⁰⁷ *Newspaper-Broadcast NPRM*, 16 FCC Rcd. at 17285 (emphasis added).

Indeed, the Commission has granted a *permanent* waiver of the Rule for common ownership of a newspaper and a television station in the *very market* at issue here – the largest market in the country – as well as in a smaller market.¹⁰⁸ In both of these cases, the Commission recognized that the large television markets at issue, New York City and Chicago, were extremely competitive and diverse.¹⁰⁹ The market at issue here contains significantly more media competition and diversity than the New York City market analyzed in 1993 and the Chicago market analyzed in 1977.¹¹⁰ In those instances, the Commission granted the applicants *permanent* waivers of the Rule, much greater relief than the temporary waiver sought by Tribune for approval of the transfer of its stock from public shareholders to participants in the ESOP Plan.¹¹¹

¹⁰⁸ *Fox Stations*, 8 FCC Rcd. 5341 (1993); *Field*, 65 F.C.C.2d 959 (1977). The Commission also has granted two permanent waivers of the Rule for the common ownership of a daily newspaper and a radio station. See *Kortes Communications, Inc.*, 15 FCC Rcd. 11846 (2000); *Columbia Montour Broadcasting Co., Inc.*, 13 FCC Rcd. 13007 (1998).

¹⁰⁹ *Fox Stations*, 8 FCC Rcd. at 5351; *Field*, 65 F.C.C.2d at 959-60.

¹¹⁰ In *Fox Stations*, the Commission analyzed the New York City television market as follows: “New York City itself is encompassed by the city-grade signals of at least 10 full-power television stations other than WNYW and it is the community of license of 24 AM and FM radio stations. Eight cable systems serve the five boroughs of New York City, providing between 28 and 78 channels. And New York, which has four general interest daily newspapers, is the only city in the nation to support more than two dailies. Moreover, 22 weekly newspapers, many of which cater primarily to local news, are published in the city. Given the wide array of voices in New York City, any detriment to diversity caused by common ownership of the two media outlets would be negligible, even if we look only to its full-service television stations and four dailies.” *Fox Stations*, 8 FCC Rcd. at 5351. In *Field*, the Commission concluded simply: “the markets in question are dominated by multiple owners and network affiliates and support numerous other media outlets.” *Field*, 65 F.C.C.2d at 959.

¹¹¹ In *Fox Stations*, the waiver was granted to ensure the continued survival of the *New York Post*. *Fox Stations*, 8 FCC Rcd. at 5345. In *Field*, the waiver was granted to provide for the reacquisition of a distressed broadcast station by the previous licensee, which also owned a daily newspaper in the market. *Field*, 65 F.C.C.2d at 959. In neither of these cases was the “catch-all” fourth criterion necessary – except for the fact that the Commission had cautioned that its grant of waivers under the first three criteria would not be of permanent duration, and it wanted to grant a permanent waiver in very diverse and competitive television markets.

Tribune thus should receive a temporary waiver of the Rule pending completion of the *FNPRM* proceeding because the combination of WPIX and *Newsday* does not adversely alter the diversity or competitive nature of the market. As demonstrated extensively above, the New York DMA has only grown more diverse and competitive during the period of Tribune's common ownership of WPIX and *Newsday*. There are 23 television stations, 30 daily newspapers, and 237 radio stations that serve the largest market in the country, as well as numerous other sources of news and information of local interest, including cable channels, satellite radio stations, weekly newspapers and magazines, and Internet websites. Furthermore, there are direct and measurable public interest benefits in the form of increased and improved ability to provide news and public affairs programming on issues of local importance as a direct result of the common ownership of WPIX and *Newsday*.

Faced with these facts and its own conclusions, the Commission must grant Tribune an interim waiver pending completion of the rulemaking. The Commission should be near the conclusion of its protracted proceeding to replace the Rule. The rule adopted in June 2003, with which Tribune would be in compliance, may be amended during the course of proceedings on the *FNPRM*, but the Commission has not yet articulated any basis for such a conclusion. Until the Commission articulates some reasoned basis for an alternative rule that is consistent with the findings that resulted in the repeal of the Rule that was upheld by the Third Circuit, the Commission's articulated standards for a temporary waiver require that Tribune be granted such relief.

The Commission should recognize that under the principles enunciated in *RTNDA*, it cannot continue to enforce the Rule without careful analysis of its application, now

that the rationale for the Rule in its present form has been expressly undercut, and where facts have been shown that warrant the grant of a temporary waiver under the standard set forth in the *Notice of Inquiry*.¹¹² In *RTNDA*, the D.C. Circuit concluded that, having conducted rulemakings in which it found that the rationales underlying the political editorial and personal attack rules no longer survived, the Commission could not continue to enforce the rules against its television licensees without further detailed and factual support. The Commission had years earlier concluded that the balancing of objectives underlying those rules no longer supported their continued application.

In the same way, the Commission has now recognized that the Rule in its present form disserves the public interest, and must, at a minimum, be replaced. Having adopted such a conclusion in 2003, as well as new limits with which Tribune complies, the Commission cannot now reasonably force divestiture of one of Tribune's media properties without providing a reasoned basis for departing from the findings made after careful analysis in the *2003 Order*.

Moreover, it would be arbitrary and capricious for Tribune to be denied a temporary waiver to own WPIX and *Newsday* when WPIX could be owned in common with other market-leading television stations. At the time it adopted the Rule, the Commission justified its onerous restriction on the rights of newspaper owners by stating that owners of television and radio stations in the market also could not acquire a cross-ownership interest in another medium of mass communications.¹¹³ The Commission already has liberalized almost all of its other broadcast ownership rules and their corresponding waiver policies in response to the

¹¹² *RTNDA*, 184 F.3d at 887.

¹¹³ *1975 Order*, Reconsideration Order, 53 F.C.C.2d 589 (1975).

same changes in the media marketplace that warrant revision of the Rule. Most specifically, the Commission relaxed the Rule's companion prohibition on combined ownership of television stations and radio stations in the same market (the "one-to-a-market rule").¹¹⁴ At the same time that it relaxed the one-to-a-market rule, the Commission substantially revised the television "duopoly" rule, permitting the ownership of two television stations in the same market where at least eight independently owned stations would exist after the combination.¹¹⁵ Both of these rules, which were in effect at the time of the adoption of the Rule in 1975, were adopted based on precisely the same rationale that underlies the Rule, and then substantially modified for precisely the same reasons that the Commission adopted when it modified the Rule.¹¹⁶

Nevertheless, absent the grant of the requested temporary waiver, Tribune, as a newspaper publisher, may be denied the right to broadcast in a market where its station could be acquired by the licensee of another television station in that market. Thus, the top-ranked television station in New York City could be commonly-owned with WPIX, and both stations could be programmed with a single "voice," perhaps decreasing the amount of independent television broadcast news in the market. Tribune, however, would be prevented from independently programming WPIX and publishing *Newsday* in the same community. Such disparate treatment defies logic, and, consistent with the doctrine established in *Melody Music*,¹¹⁷ no longer can be supported, especially where all Tribune seeks is a waiver pending the long-

¹¹⁴ *Review of the Commission's Regulations Governing Television Broadcasting*, 14 FCC Rcd. 12903, 12947 (1999) ("Television Ownership Order").

¹¹⁵ *Id.* at 12932.

¹¹⁶ *See id.* at 2948-50.

¹¹⁷ *Melody Music, Inc. v. FCC*, 345 F.2d 730 (D.C. Cir. 1965) (requiring similar treatment of similarly situated FCC applicants and licensees).

overdue completion of the six-year old Commission proceeding to revise the Rule (promised for more than a decade).

The Commission also must grant Tribune's request for a temporary waiver of the Rule because the current application of the Rule in such circumstances violates Tribune's First Amendment right to free speech and Fifth Amendment equal protection right. The restriction violates the equal protection component of the Fifth Amendment's Due Process Clause because the Rule singles out and subjects newspaper owners such as Tribune to restrictions on speech that are not applied to other speakers, including other broadcast stations.¹¹⁸ "Laws that single out the press, or certain elements thereof," are subject to "heightened scrutiny."¹¹⁹ To survive scrutiny under this burden, discrimination among speakers "must be tailored to serve a substantial government interest."¹²⁰ The Rule cannot survive such heightened scrutiny because the burden of the restrictions on newspaper owners in contrast to other owners of "major media of mass communications" is no longer justifiable. While over 25 years ago the Supreme Court held that the regulations in question "treat newspaper owners in essentially the same fashion as other owners of the major media of mass communications,"¹²¹ today the speech of newspaper owners is singled out for unfavorable treatment in important ways not applicable to other owners of major media — cable television system owners, cable program networks, magazine publishers,

¹¹⁸ The Rule similarly discriminates against Tribune as a broadcaster, because cable networks can be commonly owned with newspapers and accumulate large numbers of other "voices" in ways that are unavailable to broadcasters.

¹¹⁹ *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 640-41 (1994).

¹²⁰ *Police Department of Chicago v. Mosley*, 408 U.S. 92, 99 (1972); *see also Minneapolis Star and Tribune Co. v. Minnesota Commissioner of Revenue*, 460 U.S. 575, 585, 592-93 (1983) (finding such differential regulation "presumptively unconstitutional" and that it "places a heavy burden on the [government] to justify its action").

¹²¹ *FCC v. NCCB*, 436 U.S. 775 (1978).

or Internet website providers, for example. The Commission's recent assessment of competition in the provision of video services, and its conclusions regarding the transformation of media over the past quarter-century, confirm that such media are "major media" free from the cross-ownership restriction.¹²²

The Commission has found, on the basis of an extensive record, that prohibiting common ownership of broadcast stations and newspapers in the largest markets unnecessarily restricts speech and specifically is likely to result in less local news and public affairs programming. The Third Circuit upheld the Commission's reasoning in these respects. Infringing Tribune's speech rights is particularly unjustified where Tribune media properties' market shares have declined during the period of common ownership, the Commission already has concluded that the risks to diversity are virtually non-existent, and application of the Rule would silence Tribune as a speaker in either television or newspaper publishing in New York.¹²³ To the extent that the Rule is overbroad or overly restrictive in achieving its goal, prohibiting more speech than is necessary to achieve its goals, application of the Rule and the thirty-year old waiver policy unnecessarily inhibits speech. To continue to apply the rule to Tribune in these circumstances cannot be justified, and the Commission must grant Tribune a temporary waiver to permit common ownership of WPIX and *Newsday* until its actions with respect to the *FNPRM* are final.

¹²² See *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, Eleventh Annual Report, FCC 05-13, MB Docket No. 04-227 (released Feb. 4, 2005); see also *2003 Order*, 18 FCC Rcd. at 13647-67.

¹²³ See *2003 Order*, 18 FCC Rcd. at 13804-06. That the Third Circuit has called into question the precise basis for the Commission's line-drawing does not alter this conclusion. The Commission's conclusions regarding the harm to speech interests caused by the Rule are untouched, as are its conclusions regarding the competing sources of information.

Appendix 1: Low Power Television Stations in the New York City DMA

Station	City	State	Channel
WBQM-LP	Brooklyn	NY	Ch. 3
WNYZ-LP	New York	NY	Ch. 6
W17CR	Plainview	NY	Ch. 17
W17CD	Stamford	CT	Ch. 17
W20CM	Port Jervis	NY	Ch. 20
W22BN	Danbury	CT	Ch. 22
WMBQ-CA**	Cranford	NJ	Ch. 22
W23AZ	Hackettstown	NJ	Ch. 23
W25BB	Pittstown	NJ	Ch. 25
W26CE	New York	NY	Ch. 26
W26DB	Port Jervis	NY	Ch. 26
WNNY-LP	New York	NY	Ch. 26
W27AL	Monticello	NY	Ch. 27
W27CB	Hempstead	NY	Ch. 27
W27CD	Stamford	CT	Ch. 27
W29CF	Hempstead	NY	Ch. 29
W30AZ	Liberty	NY	Ch. 30
WXNY-LP	New York	NY	Ch. 32
W32DC	Port Jervis	NY	Ch. 32
W34DI	Port Jervis	NY	Ch. 34
WPXO-LP	East Orange	NJ	Ch. 34
W35CI*	Sussex	NJ	Ch. 35
WNYX-LP	New York	NY	Ch. 35
W36AZ	Sussex	NJ	Ch. 36
W38BS	Morristown	NJ	Ch. 38
WPXU-LP	Amityville	NY	Ch. 38
WNYN-LP	New York	NY	Ch. 39
W42AE	Poughkeepsie	NY	Ch. 42
W42CX	Port Jervis	NY	Ch. 42
WKOB-LP	New York	NY	Ch. 42
W43CH	Belvidere	NJ	Ch. 43
W46DQ	Port Jervis	NY	Ch. 46
W49BE	Hackettstown	NJ	Ch. 49
W51BN	White Lake	NY	Ch. 51
W52DW	Port Jervis	NY	Ch. 52
W54CZ**	Morristown	NJ	Ch. 54
WLIG-LP**	Mineola	NY	Ch. 54
W55DK	Port Jervis	NY	Ch. 55
WRNN-LP	Nyack	NY	Ch. 57
W59EA	Port Jervis	NY	Ch. 59
W60AI	New York	NY	Ch. 60
WASA-LP	Port Jervis	NY	Ch. 64

Station	City	State	Channel
W65DZ	Bridgeport	CT	Ch. 65
Sources: Federal Communications Commission (www.fcc.gov) and Warren Television and Cable Factbook: Online (warren.365media.com) Current as of April 18, 2007			
* Off the air; construction permit applied for ** Licensed and silent			

Appendix 2: Weekly Newspapers in the New York City DMA

Newspaper	Greater New York City Location		Owner
	City	State	
Abbeville Herald	Bridgeport	CT	Hometown Publications
Advance News, The	Lakehurst	NJ	Advance Publications Inc
Advertiser-News, The	Monroe	NY	Straus Newspapers
America Magazine	New York	NY	America Press
Amityville Record ,The	Amityville	NY	ACJ Communication Inc
Astoria Times	Astoria	NY	News Corporation
Atlanticville	Long Branch	NJ	Greater Media Newspapers
Atom Tabloid Citizen Gazette	Rahway	NJ	Devine Media Enterprises Inc
Atom Tabloid, The	Township	NJ	Devine Media Enterprises Inc
Baldwin Herald	Baldwin	NY	Richner Communications Inc
Bay Ridge Courier	Brooklyn	NY	News Corporation
Bay Ridge Paper, The	Bay Ridge	NY	Brooklyn Papers, The
Bayonne Community News	Bayonne	NJ	Hoboken Reporter
Bayside Times, The	Bayside	NY	News Corporation
Beach Haven Times	Manahawkin	NJ	Gannett Company Inc
Beacon Free Press	Wappingers Falls	NY	Wappingers Falls Shopper Inc
Beacon Mailbag	Manahawkin	NJ	Gannett Company Inc
Beacon, The	Babylon Twp	NY	James, Alfred
Belleville Post	Belleville	NJ	Worrall Community Newspapers Inc
Belleville Times, The	Belleville	NJ	North Jersey Media Group Inc
Bellmore Life	Bellmore	NY	L&M Publications
Bergen News	Palisades Park	NJ	Bergen Newspaper Group
Bernardsville News	Bernardsville	NJ	Recorder Newspapers
Bethpage Tribune	Bethpage	NY	Nassau Tribune Publication
Bloomfield Life	Bloomfield	NJ	North Jersey Media Group Inc
Brick Township Town News	Brick	NJ	Muller, Edward
Bronx News, The	Bronx	NY	Hagedorn Communications Corp
Bronx Press-Review	Bronx	NY	Wolf, Andrew
Brookhaven Review	Brookhaven Twp.	NY	IOP Publishing
Brooklyn Graphic	Brooklyn	NY	News Corporation
Brooklyn Heights Press & Cobble Hill New	Brooklyn	NY	Brooklyn Eagle Publications

Newspaper	Greater New York City Location		Owner
	City	State	
Brooklyn Papers, The	Brooklyn	NY	Brooklyn Papers, The
Brooklyn Spectator The	Brooklyn	NY	Griffin, Frank
Business Travel News	New York	NY	VNU Business Media
Canarsie Courier	Brooklyn	NY	Canarsie Courier Publications, Inc
Canarsie Digest	Brooklyn	NY	News Corporation
Chelsea Clinton News	New York	NY	Manhattan Media
Chronicle, The	Somerville	NJ	Advance Publications Inc
Chronicle, The	Cranford	NJ	Advance Publications Inc
Citizen of Morris County	Denville	NJ	Recorder Newspapers
Citizen, The	Wantagh	NY	L&M Publications
Clarence Bee	Clarence	NY	Bee Group Newspapers
Clark Eagle	Clark	NJ	Worrall Community Newspapers Inc
Clifton Journal	Clifton	NJ	North Jersey Media Group Inc
Co-op City News	Bronx	NY	Hagedorn Communications Corp
Coast Star, The	Manasquan	NJ	Manser, James M
Commack News	Commack	NY	North Shore News Group
Commercial Leader	Lyndhurst	NJ	Savino, John
Community Journal	Wading River	NY	Budd, Bernadette
Cornwall Local	Cornwall	NY	Gil, Joseph
Courier Life, The	Brooklyn	NY	Luster, Edward
Courier Press, The	Reddick	CT	GateHouse Media Inc
Courier, The	Middletown	NJ	Bayshore News Inc
Cranbury Press, The	Dayton	NJ	Princeton Packet Inc
Cranford Chronicle	Cranford	NJ	Advance Publications Inc
Current, The	Hudson	NJ	Hudson Reporter Associates LP
Darien News-Review	Darien	CT	MediaNews Group Inc
Darien Times	Darien	CT	Hersam Acorn LLC
Delaware Valley News	Frenchtown	NJ	Huntington County Democrat Inc
East Hampton Independent	East Hampton	NY	East Hampton Independent News Co. Inc.
East Hampton Star, The	East Hampton	NY	East End Newspaper Group
East Meadow Beacon	Hempstead	NY	Nassau County Publications
East Orange Record	Maplewood	NJ	Worrall Community Newspapers Inc
Easton Courier	Easton	CT	Hometown Publications
Echoes-Sentinel	Sterling	NJ	Recorder Newspapers

Newspaper	Greater New York City Location		Owner
	City	State	
Ellenville Press	Ellenville	NY	Rondout Valley Publishing Co. Inc.
Enterprise, The	Hastings-on-Hudson	NY	White, Debra
Fairfield Citizen-News	Fairfield	CT	MediaNews Group Inc
Fairfield Minuteman	Fairfield	CT	Journal Register Co
Farmingdale Observer	Farmingdale	NY	Anton Community Newspapers
Floral Park Bulletin	Floral Park	NY	Nassau Border Papers Inc.
Floral Park Dispatch	Floral Park	NY	Anton Community Newspapers
Florham Park Eagle	Florham Park	NJ	Recorder Newspapers
Flushing Times, The	Flushing	NY	News Corporation
Forest Hills Ledger	Forest Hills	NY	News Corporation
Forest Hills/Rego Park Times	Maspeth	NY	Queens Ledger Newspaper Group
Forum of Queens	Ozone Park	NY	VPJ Publications
Forward, The	New York	NY	Forward Association Inc
Franklin Lakes/Oakland Suburban News	Ridgewood	NJ	North Jersey Media Group Inc
Franklin Square Bulletin	Floral Park	NY	Nassau Border Papers Inc.
Fresh Meadows Times, The	Fresh Meadows	NY	News Corporation
Garden City Life	Garden City	NY	Anton Community Newspapers
Garden City News	Garden City	NY	Litmor Publishing
Gateway, The	Floral Park	NY	Nassau Border Papers Inc.
Gazette Advertiser, The	Millbrook	NY	Journal Register Co
Gazette Leader	Elizabeth	NJ	Worrall Community Newspapers Inc
Gazette, The	Port Jervis	NY	Ottaway Newspapers Inc
Glen Cove Record Pilot	Glen Cove	NY	Anton Community Newspapers
Glen Oaks Ledger, The	Glen Oaks	NY	News Corporation
Glen Ridge Paper	Glen Ridge	NJ	Worrall Community Newspapers Inc
Glen Ridge Voice	Glen Ridge	NJ	North Jersey Media Group Inc
Glen Rock Gazette	Glen Rock	NJ	North Jersey Media Group Inc
Glendale Register	Glendale	NY	Queens Ledger Newspaper Group
Great Neck News	Great Neck	NY	Norris, Ed

Newspaper	Greater New York City Location		Owner
	City	State	
Great Neck Record	Great Neck	NY	Anton Community Newspapers
Greenpoint Gazette & Advertiser	Greenpoint	NY	Carrano, Ralph
Greenwich Post	Greenwich	CT	Hersam Acorn LLC
Greenwood Lake News and West Milford New	Greenwood Lake	NY	Chaimowitz, Anne
Hanover Eagle	Hanover	NJ	Recorder Newspapers
Harbor Watch (Metro New York)	Brooklyn	NY	Luster, Clifford
Harlem Valley Times	Amenia	NY	Journal Register Co
Hempstead Beacon, The	Hempstead	NY	Nassau County Publications
Herald, The	Lawrence	NY	Richner Communications Inc
Hicksville Illustrated News	Mineola	NY	Anton Community Newspapers
Hicksville Mid-Island Times	Hicksville	NY	Litmor Publishing
Hillsborough Beacon	Hillsborough	NJ	Princeton Packet Inc
Hoboken Reporter, The	Hoboken	NJ	Hudson Reporter Associates LP
Home And Store News, The	Ramsey	NJ	Orangetown Telegram, Inc.
Home News, The	Secaucus	NJ	Henckel, Gretchen
Home Reporter and Sunset News	Brooklyn	NY	Griffin, Frank
Housatonic Weekend	Fairfield	CT	Journal Register Co
Hunterdon County Democrat	Hunterdon	NJ	Advance Publications Inc
Hunterdon Observer	Flemington	NJ	Advance Publications Inc
Hunterdon Review	Northern Hunterdon	NJ	Recorder Newspapers
Huntington Herald	Shelton	CT	Hometown Publications
Hyde Park Townsman	Hyde Park	NY	Journal Register Co
Independent Press	Bloomfield	NJ	Advance Publications Inc
Independent Press of Bloomfield, The	Bloomfield	NJ	Worrall Community Newspapers Inc
Independent Republican	Goshen	NY	Wright, Eugene
Independent, The	Hazlet	NJ	Greater Media Newspapers
Irvington Herald	Irvington	NJ	Worrall Community Newspapers Inc
Islip Bulletin	Islip	NY	Tuthill, John T
Islip News	Islip	NY	Paley, Bernard
Item of Millburn & Short Hills, The	Millburn	NJ	North Jersey Media Group Inc

Newspaper	Greater New York City Location		Owner
	City	State	
Jamaica Times	Jamaica	NY	News Corporation
Jericho News Journal	Jericho	NY	Norris, Margaret
Jersey City Reporter, The	Jersey City	NJ	Hudson Reporter Associates LP
Kenilworth Leader	Kenilworth	NJ	Worrall Community Newspapers Inc
Kings Courier	Brooklyn	NY	News Corporation
Lacey Beacon, The	Lacey	NJ	Gannett Company Inc
Laurelton Times	Laurelton	NY	News Corporation
Lawrence Ledger, The	Lawrence Township	NJ	Princeton Packet Inc
Leader, The	Locust Valley	NY	Lally, Lawrence
Leader, The	Freeport	NY	L&M Publications
Levittown Tribune	Levittown	NY	Anton Community Newspapers
Lewisboro Ledger	Lewisboro	CT	Hersam Acorn LLC
Linden Leader	Linden	NJ	Worrall Community Newspapers Inc
Little Neck Ledger, The	Little Neck	NY	News Corporation
Long Beach Herald	Long Beach	NY	Richner Communications Inc
Long Island Advance	Long Island	NY	Tuthill, John T
Long Island Business News	Ronkonkoma	NY	Dolan Media Co
Long Island City/Astoria/Jackson Heights	Long Island City	NY	Queens Ledger Newspaper Group
Long Island Graphic	Freeport	NY	Richner Communications Inc
Long-Islander, The	Long-Islander	NY	Tribco LLC
Lumea Libera Romaneasca	New York	NY	From, Nidza
Madison Eagle	Madison	NJ	Recorder Newspapers
Mahwah Suburban News	Ridgewood	NJ	North Jersey Media Group Inc
Manhasset Press	Manhasset	NY	Anton Community Newspapers
Manhattan Spirit	Manhattan	NY	Manhattan Media
Manville News	Manville	NJ	Princeton Packet Inc
Massapequa Post	Massapequa	NY	James, Alfred
Massapequan Observer	Massapequa	NY	Anton Community Newspapers
Meadowbrook Times	East Meadow	NY	Richner Communications Inc
Merrick Beacon	Merrick	NY	Nassau County Publications

Newspaper	Greater New York City Location		Owner
	City	State	
Merrick Life/The Community Newspapers	Merrick	NY	L&M Publications
Messenger, The	Garfield	NJ	Bergen Newspaper Group
Mid Island News,The	Centereach	NY	North Shore News Group
Mid-Hudson Times	Newburgh	NY	Wallkill Valley Publications Inc.
Midland Park Suburban News	Ridgewood	NJ	North Jersey Media Group Inc
Millbrook Round Table	Millbrook	NY	Journal Register Co
Millerton News,The	Millerton	NY	Lakeville Journal Co. LLC
Mineola American	Mineola	NY	Anton Community Newspapers
Monroe Courier	Monroe	CT	Hometown Publications
Montauk Pioneer	Montauk	NY	News Communications
Montclair Times	Montclair	NJ	North Jersey Media Group Inc
Morris News-Bee	Morristown	NJ	Recorder Newspapers
Mount Olive Chronicle	Chester	NJ	Recorder Newspapers
Mountainside Echo	Mountainside	NJ	Worrall Community Newspapers Inc
Neighbor News	Rockaway	NJ	North Jersey Media Group Inc
New Canaan Advertiser	New Canaan	CT	Hersam Acorn LLC
New Egypt Press	New Egypt	NJ	Journal Register Co
New Hyde Park Herald Courier	Williston Park	NY	Norris, Margaret
New Hyde Park Illustrated	New Hyde Park	NY	Anton Community Newspapers
New Paltz Times	Ulster Co.	NY	Ulster Publications
New York Magazine	New York	NY	C & L Publishing & Entertainment Inc.
New York Observer,The	New York	NY	Kushner, Jared
News of the Highlands,The	Highland Falls	NY	News Of The Highlands Incorporated
News Transcript	Freehold	NJ	Greater Media Newspapers
News-Record	Maplewood	NJ	Worrall Community Newspapers Inc
News-Record	Rahway	NJ	McCormick, Lisa
News-Review, The	Riverhead	NY	Times Review Newspapers
Newtown Bee, The	Newtown	CT	Smith, Scudder
Nordisk Tidende	New York	NY	Norse News Inc.
North Bergen Reporter, The	North Bergen	NJ	Hudson Reporter Associates

Newspaper	Greater New York City Location		Owner
	City	State	
			LP
North Brunswick Sentinel	North Brunswick	NJ	Greater Media Newspapers
North County News, The	Yorktown	NY	Northern Tier Publishing
North Jersey Prospector, The	Clifton	NJ	North Jersey Media Group Inc
Northport Journal, The	Northport	NY	Tribco LLC
Nutley Journal	Nutley	NJ	Worrall Community Newspapers Inc
Nutley Sun	Nutley	NJ	North Jersey Media Group Inc
Observer Tribune	Mendham	NJ	Recorder Newspapers
Observer, The	Hasbrouck Heights	NJ	Hasbrouck Heights Publishing
Observer, The	Northport	NY	Paley, Jennifer
Oceanside-Island Park Herald	Oceanside	NY	Richner Communications Inc
Orange County Post	Washingtonville	NY	Spear, John
Orange Transcript	Orange	NJ	Worrall Community Newspapers Inc
Our Town	Maywood	NJ	Hornes, Jim & Camille
Our Town Newspaper	New York	NY	Manhattan Media
Oyster Bay Enterprise Pilot	Oyster Bay	NY	Anton Community Newspapers
Palisadian	New Milford	NJ	Nesoff, Bob
Park Slope Paper-Windsor Terrace Edition	Park Slope	NY	Brooklyn Papers, The
Parkchester News	Bronx	NY	Hagedorn Communications Corp
Parsippany Life	Rockaway	NJ	North Jersey Media Group Inc
Pascack Valley Community Life	Pascack Valley	NJ	North Jersey Media Group Inc
Passaic Valley Today	West Paterson	NJ	North Jersey Media Group Inc
Patent Trader, The	Northern Westchester	NY	Gannett Company Inc
Patriot	Clark	NJ	Devine Media Enterprises Inc
Pelham Weekly, The	Pelham	NY	Klien, Maggie
People's Weekly World	New York	NY	Long View Publishing Co
Phoenix, The	Brooklyn	NY	Hasty, Dozier
Photo News	Monroe	NY	Straus Newspapers

Newspaper	Greater New York City Location		Owner
	City	State	
Pike County Dispatch	Milford	PA	Doty-Lloyd, Sue
Plainview/Old Bethpage Herald	Plainview	NY	Anton Community Newspapers
Port Times-Record, The	Port Jefferson	NY	Times-Beacon-Record Newspapers
Port Washington News	Port Washington	NY	Anton Community Newspapers
Press Journal	Englewood	NJ	Bergen Newspaper Group
Progress, The	Caldwell	NJ	Recorder Newspapers
Putnam County Press	Mahopac	NY	Hall, Don
Putnam Courier-Trader, The	Putnam	NY	Taconic Press
Queens Courier	Queens	NY	Schnaps, Victoria
Queens Ledger	Maspeth	NY	Queens Ledger Newspaper Group
Queens Tribune	Fresh Meadows	NY	Tribco LLC
Queens Village Times	Queens Village	NY	News Corporation
Rahway Progress	Rahway	NJ	Worrall Community Newspapers Inc
Ramsey Reporter, The	Ramsey	NJ	North Jersey Media Group Inc
Ramsey Suburban News	Ridgewood	NJ	North Jersey Media Group Inc
Randolph Reporter, The	Randolph Twp.	NJ	Recorder Newspapers
Record Press	Westfield	NJ	Advance Publications Inc
Record, The	Huntington	NY	Tribco LLC
Record-Review	Bedford	NY	S I Communications Inc
Redding Pilot	Redding	CT	Hersam Acorn LLC
Register Herald	Pine Plains	NY	Journal Register Co
Richmond Hill Times	Richmond Hill	NY	News Corporation
Ridgefield Press	Ridgefield	CT	Hersam Acorn LLC
Ridgewood Ledger	Ridgewood	NY	News Corporation
Ridgewood News	Ridgewood	NJ	North Jersey Media Group Inc
River Reporter	Narrowsburg	NY	Stewart, Laura
Riverdale Press	Riverdale	NY	Wolf, Andrew
Riverdale Review	Bronx	NY	Bronx Press
Rockaway Journal	Far Rockaway	NY	Richner Communications Inc
Rockland County Times	Rockland Co.	NY	Citizen Publishing Co
Rockville Centre Herald	Rockville Centre	NY	Richner Communications Inc
Roselle Park Leader	Roselle Park	NJ	Worrall Community

Newspaper	Greater New York City Location		Owner
	City	State	
			Newspapers Inc
Roslyn News	Roslyn	NY	Anton Community Newspapers
Roxbury Register	Landing	NJ	Recorder Newspapers
Sag Harbor Express	Sag Harbor	NY	Coles, Pat
Saugerties Post Star	Saugerties	NY	GateHouse Media Inc
Scarsdale Inquirer	Scarsdale	NY	S I Communications Inc
Seaford/Wantagh Observer	Seaford	NY	Pokerss, Jackson
Secaucus Reporter	Secaucus	NJ	Hudson Reporter Associates LP
Sentinel, The	East Brunswick	NJ	Greater Media Newspapers
Sentinel, The	New Windsor	NY	E W Smith Publications
Shelter Island Reporter	Shelter Island	NY	Times Review Newspapers
Smithtown Messenger	Smithtown Twp.	NY	Diperi, Sal
Smithtown News, The	Smithtown	NY	Paley, Bernard
Somerset Messenger-Gazette	Somerset	NJ	Advance Publications Inc
Somerset Spectator, The	Somerset	NJ	United Publications
South Bay's Official Shopping Newspaper	Lindenhurst	NY	Long Island Media Group LLC
South Bergenite	Rutherford	NJ	North Jersey Media Group Inc
South Brunswick Post	South Brunswick	NJ	Princeton Packet Inc
South Plainfield Reporter	Somerville	NJ	Advance Publications Inc
South Shore Record	Woodmere	NY	Richner Communications Inc
Southampton Independent	Southampton	NY	East Hampton Independent News Co. Inc.
Southampton Press, The	Southampton	NY	Louchheim, Joe
Southern Dutchess News	Wappingers Falls	NY	Wappinger Falls Shopper Inc
Southern Ulster Pioneer	Ulster	NY	Ulster Publications
Sparta Independent	Sparta	NY	Straus Newspapers
Spectator Leader	Roselle	NJ	Worrall Community Newspapers Inc
Spring Creek Sun	Spring Creek	NY	Spring Creek Towers
Springfield Leader	Springfield	NJ	Worrall Community Newspapers Inc
Star Gazette, The	Washington	NJ	Advance Publications Inc
Staten Island Register	Staten Island	NY	Staten Island Media Group
Stony Brook Press	Stony Brook	NY	Stony Brook Press
Stony Brook Statesman, The	Stony Brook	NY	D'Allessandro, Frank
Stratford Bard, The	Stratford	CT	Journal Register Co

Newspaper	Greater New York City Location		Owner
	City	State	
Stratford Star	Stratford	CT	Hometown Publications
Stute	Hoboken	NJ	Stute Publisher Inc
Suburban News/Elizabeth City News	Elizabeth	NJ	Advance Publications Inc
Suburban News/Village Gazette	Ridgwood	NJ	North Jersey Media Group Inc
Suburban Trends	Passaic	NJ	North Jersey Media Group Inc
Suburban, The	Old Bridge	NJ	Greater Media Newspapers
Suburbanite	Englewood	NJ	North Jersey Media Group Inc
Suffolk County News	Sayville	NY	Cuthill, John
Suffolk Life Newspapers	Suffolk	NY	Willmott Sr, David
Suffolk Times, The	Southold Town	NY	Times Review Newspapers
Sullivan County Democrat	Sullivan	NY	Stabbert Jr, Fred
Summit Herald & Dispatch, The	New Providence	NJ	Advance Publications Inc
Summit Observer	Summit	NJ	Worrall Community Newspapers Inc
Sun Bulletin	Teaneck	NJ	Bergen Newspaper Group
Syosset/Jericho Tribune	Jericho	NY	Anton Community Newspapers
The News Leader	North Arlington	NJ	Leader/Post Newspapers
Three Village Herald	Setauket	NY	Dunaies, Leah
Three Village Times	Elmont	NY	Anton Community Newspapers
Times Newsweekly	Queens	NY	Times Newsweekly Inc
Times, The	Nesconset	NY	Times-Beacon-Record Newspapers
Times, The	Scotch Plains	NJ	Watchung Communications
Today Newspapers	Wayne	NJ	North Jersey Media Group Inc
Town Journal	Ridgewood	NJ	North Jersey Media Group Inc
Town News	Ridgewood	NJ	North Jersey Media Group Inc
Township Journal, The	Andover	NY	Straus Newspapers
Traveler-Watchman, The	Southold	NY	KontoKosta, Emanuel
Trumbull Times	Trumbull	CT	Hometown Publications
Twin-Boro News	Bergenfield	NJ	North Jersey Media Group Inc
Two River Times, The	Red Bank	NJ	Dyer Communications

Newspaper	Greater New York City Location		Owner
	City	State	
Ulster County Townsman	Woodstock	NY	Johnson Newspaper Corp
Union City Reporter	Hoboken	NJ	Hudson Reporter Associates LP
Union Leader	Union	NJ	Worrall Community Newspapers Inc
Uniondale Beacon, The	Uniondale	NY	Nassau County Publications
Vailsburg Leader	Vailsburg	NJ	Worrall Community Newspapers Inc
Valley Stream Herald	Valley Stream	NY	Richner Communications Inc
Verona-Cedar Grove Times	Verona	NJ	North Jersey Media Group Inc
Village Beacon-Record, The	Rocky Point	NY	Times-Beacon-Record Newspapers
Village Herald	Lynbrook	NY	Richner Communications Inc
Village Times Herald, The	Setauket	NY	Times-Beacon-Record Newspapers
Villager, The	New York	NY	Community Media Group
Voice Ledger, The	LaGrange	NY	Journal Register Co
Waldwick Suburban News	Ridgewood	NJ	North Jersey Media Group Inc
Wallkill Valley Times	Walden	NY	Wallkill Valley Publications Inc.
Warren Reporter	Warren	NJ	Advance Publications Inc
Warwick Advertiser, The	Warwick	NY	Straus Newspapers
Warwick Valley Dispatch	Warwick	NY	Wright, Eugene
Wave of Long Island	Rockaway Peninsula	NY	Locke, Susan
Weehawken Reporter, The	Weehawken	NJ	Hudson Reporter Associates LP
West Essex Tribune	Livingston	NJ	Shciuk, Jennifer
West Hempstead Beacon	W. Hempstead	NY	Nassau County Publications
West New York Reporter	Hoboken	NJ	Hudson Reporter Associates LP
West Orange Chronicle	West Orange	NJ	Worrall Community Newspapers Inc
Westbury Times	Westbury	NY	Anton Community Newspapers
Westfield Leader	Westfield	NJ	Corbin, Horace
Westmore News	Port Chester	NY	Westmore News Inc
Weston Forum	Weston	CT	Hersam Acorn LLC

Newspaper	Greater New York City Location		Owner
	City	State	
Westport Minuteman, The	Westport	CT	Journal Register Co
Westport News	Westport	CT	MediaNews Group Inc
Westsider, The	Manhattan	NY	Manhattan Media
Williston Times	Williston Park	NY	Litmor Publishing
Wilton Bulletin	Wilton	CT	Hersam Acorn LLC
Wilton Villager, The	Norwalk	CT	Hour Publishing Co Inc
Woodside Herald	Woodside	NY	Sabba Printing
Wyckoff Suburban News	Ridgewood	NJ	North Jersey Media Group Inc
Yonkers Home News & Times	Yonkers	NY	Martinelli Publications
Source: BIA Financial Network Current as of April 30, 2007			

Appendix 3: Local Magazines in the New York City DMA

Magazine
Alicubi Journal
ArcadeProject
ArtNet
Axiom
Back in the Bronx
Big Takeover
Body Magazine/fashion Market Magazine
Channel Seven
CITY
City Legacy
City Limits Magazine
Computeruser New York Metro Habitat Magazine
Cross Currents
Drift Magazine
Easy Life
Fairfield review
Film Journal International
Flatiron
Gotham Magazine
Greenlight LI Magazine
gURL
Hamptons Magazine
LI Boating World
Manhattan Bride Magazine
Manhattan File Magazine
MetroSports
MetroSports New York
Montauk Life
My Smithsonian
New York Artist Series
New York Arts Magazine
New York Blade News
New York City Guide
New York City Voices
New York Cooperator
New York Hangover
New York Home
New York Magazine
New York Review of Books
New York Trash
Nor'east Saltwater
North Fork Magazine

OOBR (“the off-off broadway review”)
Paper Magazine
Parentguide
PDN-Photo District News
Photography in New York International
Plastics Technology
Plug-In
Prophet
Relix
Review NYC
Social Life
SoHo ART
SoHo Journal
South Brunswick Magazine
Spark Magazine
Steppin’ Out Magazine
Sugar Magazine
The City Review
The Fairfield County Bee
The Hampton Sheet
The Manhattanite
The New York City Onion
The New York Dog Magazine
The NonProfit Times
The Utopian
The Westchester WAG
Time Out New York
Urban Desires
Yellow Rat Bastard
Source: 2005 ABC Magazine Market Coverage Report, Mondo Times, and Yahoo Current as of April 30, 2007

Appendix 4: AM and FM Radio Stations in the New York City DMA

Call sign	AM/FM	Community of License	Owner	Format
WABC*	AM	New York, NY	Citadel/ABC	News/Talk
WADB*	AM	Asbury Park, NJ	Millennium Radio Group	Adlt Stndrd
WADO*	AM	New York, NY	Univision	Spn/Nws/Spt
WALK*	AM	East Patchogue, NY	Clear Channel Communications	Nostalgia
WALK*	FM	Patchogue, NY	Clear Channel Communications	AC
WALL	AM	Middletown, NY	Cumulus Broadcasting Inc	Children
WAMK	FM	Kingston, NY	WAMC/Northeast Public Radio	Nws/Tlk/Inf
WARY*	FM	Valhalla, NY	Westchester Community College	Variety
WAWZ*	FM	Zarephath, NJ	Pillar of Fire	ChrsContemp
WAXQ*	FM	New York, NY	Clear Channel Communications	Clsc Rock
WBAB*	FM	Babylon, NY	Cox Radio Inc	AOR
WBAI*	FM	New York, NY	Pacifica Foundation	Eclectic
WBAZ*	FM	Bridgehampton, NY	Cherry Creek Radio LLC	Lite AC
WBBR*	AM	New York, NY	Bloomberg Communications Inc	News
WBEA*	FM	Southold, NY	Cherry Creek Radio LLC	Hot AC
WBGD	FM	Brick, NJ	Brick Township Board of Education	Educational
WBGO*	FM	Newark, NJ	Newark Public Radio	Jazz
WBHX	FM	Tuckerton, NJ	Press Communications LLC	Soft AC
WBJB*	FM	Lincroft, NJ	Brookdale Community College	AAA/NPR
WBLI*	FM	Patchogue, NY	Cox Radio Inc	Adult CHR
WBLS*	FM	New York, NY	Inner City Broadcasting Corporation	Urban
WBNR	AM	Beacon, NY	Pamal Broadcasting Ltd	Adlt Stndrd
WBPM	FM	Saugerties, NY	Pamal Broadcasting Ltd	Oldies
WBWZ	FM	New Paltz, NY	Clear Channel Communications	Hot AC
WBZB*	FM	Westhampton, NY	Business Talk Radio	Bus. Talk
WBZO*	FM	Bay Shore, NY	Barnstable Broadcasting Incorporated	Oldies
WCAA*	FM	Newark, NJ	Univision	Reggaeton
WCBS*	FM	New York, NY	CBS Radio	Jack
WCBS*	AM	New York, NY	CBS Radio	News
WCHR	FM	Manahawkin, NJ	Millennium Radio Group	Clsc Rock

WCHR	AM	Flemington, NJ	Nassau Broadcasting Partners LP	Religion
WCTC*	AM	New Brunswick, NJ	Greater Media Inc	Talk
WCTZ*	FM	Stamford, CT	Cox Radio Inc	Adult Hits
WCUM	AM	Bridgeport, CT	Radio Cumbre Broadcasting	Span/Trpcl
WCVH	FM	Flemington, NJ	Hunterdon Central High School	Variety
WCWP*	FM	Brookville, NJ	Long Island University Public Radio	Pub/Nws/Jaz
WCZX	FM	Hyde Park, NY	Cumulus Broadcasting Inc	AC
WDAQ	FM	Danbury, CT	Berkshire Broadcasting Corporation	Hot AC
WDBY*	FM	Patterson, NY	Cumulus Broadcasting Inc	Hot AC
WDDM*	FM	Hazlet, NJ	Domestic Church Media Foundation Inc	Ethnic
WDFH*	FM	Ossining, NY	Westchester Council for Public Broadcasting	Alternative
WDHA*	FM	Dover, NJ	Greater Media Inc	AOR
WDJZ	AM	Bridgeport, CT	Peoples Broadcasting Network LLC	Divrs/Gospl
WDLC	AM	Port Jervis, NY	PJ Radio LLC	Oldies
WDNB	FM	Jeffersonville, NY	Bold Gold Media Group	Country
WDRE*	FM	Calverton-Roanoke, NY	Jarad Broadcasting Company Incorporated	CHR/Rhymc
WDST	FM	Woodstock, NY	CHET-5 Broadcasting LP	AAA
WDVR	FM	Delaware Township, NJ	Penn-Jersey Educational Radio Corp	Variety
WEBE*	FM	Westport, CT	Cumulus Broadcasting Inc	AC
WEDW*	FM	Stamford, CT	Connecticut Public Broadcasting Inc	Info/News
WEHM*	FM	Southampton, NY	Cherry Creek Radio LLC	Progressive
WEHN*	FM	East Hampton, NY	Cherry Creek Radio LLC	Bus News
WELG	AM	Ellenville, NY	Clear Channel Communications	Country
WEOK	AM	Poughkeepsie, NY	Cumulus Broadcasting Inc	Children
WEPN*	AM	New York, NY	ABC/Disney	Sports
WEZN	FM	Bridgeport, CT	Cox Radio Inc	AC
WFAF*	FM	Mount Kisco, NY	Cumulus Broadcasting Inc	Clsc Rock
WFAN*	AM	New York, NY	CBS Radio	Sprts/Talk
WFAR	FM	Danbury, CT	Danbury Community Radio Inc	Ethnc/Relgn
WFAS*	AM	White Plains, NY	Cumulus Broadcasting Inc	Adlt Stndrd
WFAS*	FM	White Plains, NY	Cumulus Broadcasting Inc	AC

WFDU*	FM	Teaneck, NJ	Fairleigh Dickinson University	AAA
WFGB	FM	Kingston, NY	Sound of Life Inc	ChrsContemp
WFME*	FM	Newark, NJ	Family Stations Inc	Religion
WFMU*	FM	East Orange, NJ	Auricle Communications	Variety
WFNP	FM	Rosendale, NY	State University of New York	Variety
WFNY*	FM	New York, NY	CBS Radio	Talk/Rock
WFOX*	FM	Norwalk, CT	Cox Radio Inc	Clsc Rock
WFRH	FM	Kingston, NY	Family Stations Inc	Religion
WFRS*	FM	Smithtown, NY	Family Stations Inc	Religion
WFSO	FM	Olivebridge, NY	Redeemer Broadcasting Inc	Religion
WFTU*	AM	Riverhead, NY	Five Towns College	Alternative
WFUV*	FM	New York, NY	Fordham University	AAA/Folk
WGBB*	AM	Freeport, NY	WGBB-AM Inc	Talk
WGCH*	AM	Greenwich, CT	BusinessTalkRadio.net Inc	Nws/Tlk/BNw
WGHQ	AM	Kingston, NY	Pamal Broadcasting Ltd	Talk
WGHT*	AM	Pompton Lakes, NJ	Mariana Broadcasting Inc	Oldies
WGNY	FM	Newburgh, NY	Sunrise Broadcasting Corporation	AC
WGNY	AM	Newburgh, NY	Sunrise Broadcasting Corporation	Oldies
WGWR	FM	Liberty, NY	Sound of Life Inc	ChrsContemp
WHCR*	FM	New York, NY	City College of New York	Variety
WHCY	FM	Blairstown, NJ	Clear Channel Communications	Hot AC
WHFM*	FM	Southampton, NY	Cox Radio Inc	AOR
WHLI*	AM	Hempstead, NY	Barnstable Broadcasting Incorporated	MOR
WHPC*	FM	Garden City, NY	Nassau Community College	Variety
WHTG*	AM	Eatontown, NJ	Press Communications LLC	Oldies
WHTG*	FM	Eatontown, NJ	Press Communications LLC	Modern Rock
WHTZ*	FM	Newark, NJ	Clear Channel Communications	CHR
WHUD*	FM	Peekskill, NJ	Pamal Broadcasting Ltd	AC
WHVW	AM	Hyde Park, NY	Ferraro, Joseph-Paul	Variety
WICC	AM	Bridgeport, CT	Cumulus Broadcasting Inc	Talk
WINE	AM	Brookfield, CT	Cumulus Broadcasting Inc	Sports
WINS*	AM	New York, NY	CBS Radio	News
WJDM*	AM	Elizabeth, NJ	Multicultural Radio Broadcasting Inc	Span/Chrst

WJFF	FM	Jeffersonville, NY	Radio Catskill	Educational
WJLK*	FM	Asbury Park, NJ	Millennium Radio Group	Hot AC
WJRZ	FM	Manahawkin, NJ	Greater Media Inc	Oldies
WJSV*	FM	Morristown, NJ	Morris School District	AOR
WJUX	FM	Monticello, NY	Bridgelight LLC	Christian
WKCR*	FM	New York, NY	Columbia University	Variety
WKDM*	AM	New York, NY	Multicultural Radio Broadcasting Inc	Ethnic
WKIP	AM	Poughkeepsie, NY	Clear Channel Communications	AdStd/Nstlg
WKJY*	FM	Hempstead, NY	Barnstable Broadcasting Incorporated	AC
WKMB*	AM	Stirling, NJ	King's Temple Ministry Inc	Christian
WKMK	FM	Ocean Acres, NJ	Press Communications LLC	Country
WKNJ*	FM	Union Township, NJ	Kean University	Variety
WKNY	AM	Kingston, NY	Cumulus Broadcasting Inc	AC
WKRB*	FM	Brooklyn, NY	Kingsborough Community College	CHR
WKTU*	FM	Lake Success, NY	Clear Channel Communications	CHR/Rhyme
WKWZ*	FM	Syosset, NY	Syosset Central School District	Educational
WKXP	FM	Kingston, NY	Cumulus Broadcasting Inc	Country
WLAD	AM	Danbury, CT	Berkshire Broadcasting Corporation	FullService
WLIB*	AM	New York, NY	Inner City Broadcasting Corporation	Talk
WLIE*	AM	Islip, NY	Starboard Media Foundation Inc	Bus News
WLIM*	AM	Patchogue, NY	Polnet Communications Ltd	Spanish
WLIR*	FM	Hampton Bays, NY	Jarad Broadcasting Company Incorporated	Modern Rock
WLIU*	FM	Southampton, NY	Long Island University Public Radio	Pub/Nws/Jaz
WLJP	FM	Monroe, NY	Sound of Life Inc	ChrsContemp
WLKA	FM	Tafton, PA	Educational Media Foundation	ChrsContemp
WLNA*	AM	Peekskill, NY	Pamal Broadcasting Ltd	Adlt Stndrd
WLNG*	FM	Sag Harbor, NY	Main Street Broadcasting Co Inc	Oldies
WLTW*	FM	New York, NY	Clear Channel Communications	Lite AC

WLVG*	FM	Center Moriches, NY	Barnstable Broadcasting Incorporated	Soft AC
WMCA*	AM	New York, NY	Salem Communications Corporation	Chrst/Talk
WMCX*	FM	West Long Branch, NJ	Monmouth University	Alternative
WMGQ*	FM	New Brunswick, NJ	Greater Media Inc	Rock AC
WMJC*	FM	Smithtown, NY	Barnstable Broadcasting Incorporated	AC
WMNJ*	FM	Madison, NJ	Drew University	AOR
WMNR	FM	Monroe, CT	Monroe Board of Education	Classical
WMOS*	FM	Montauk, NY	Citadel Communications	Clsc Rock
WMSC*	FM	Upper Montclair, NJ	Montclair State University	Alternative
WMTR*	AM	Morristown, NJ	Greater Media Inc	Oldies
WNJM	FM	Manahawkin, NJ	New Jersey Public Broadcasting Authority	Nws/Tlk/Inf
WNJP	FM	Sussex, NJ	New Jersey Public Broadcasting Authority	Nws/Tlk/Inf
WNLK*	AM	Norwalk, CT	Cox Radio Inc	News/Talk
WNNJ	FM	Newton, NJ	Clear Channel Communications	Clsc Rock
WNNJ	AM	Newton, NJ	Clear Channel Communications	Oldies
WNSW*	AM	Newark, NJ	Multicultural Radio Broadcasting Inc	Korean
WNTI	FM	Hackettstown, NJ	Centenary College for Women	Variety
WNYC*	AM	New York, NY	WNYC Radio	Talk/News
WNYC*	FM	New York, NY	WNYC Radio	News
WNYE*	FM	New York, NY	NYC Board of Education	Educational
WNYG*	AM	Babylon, NY	Multicultural Radio Broadcasting Inc	ChrsContemp
WNYH*	AM	Huntington, NY	Win Radio Broadcasting Corporation	Korean
WNYK*	FM	Nyack, NY	Nyack College	Classical
WNYU*	FM	New York, NY	New York University	Alternative
WOBM	AM	Lakewood Township, NJ	Millennium Radio Group	Adlt Stndrd
WOBM	FM	Toms River, NJ	Millennium Radio Group	Soft Rock
WOR*	AM	New York, NY	Buckley Broadcasting Corporation	News/Talk
WOSR	FM	Middletown, NY	WAMC/Northeast Public Radio	Nws/Tlk/Inf
WOSS*	FM	Ossining, NY	Union Free School District #1	Urban CHR

WPAT*	AM	Paterson, NJ	Multicultural Radio Broadcasting Inc	Ethnc/Intnl
WPAT*	FM	Paterson, NJ	Spanish Broadcasting System	Spanish AC
WPDA	FM	Jeffersonville, NY	Cumulus Broadcasting Inc	Clsc Rock
WPDH	FM	Poughkeepsie, NY	Cumulus Broadcasting Inc	Clsc Rock
WPKF	FM	Poughkeepsie, NY	Clear Channel Communications	CHR
WPKM	FM	Montauk, NY	WPKN Inc	Variety
WPKN	FM	Bridgeport, CT	WPKN Inc	Variety
WPLJ*	FM	New York, NY	Citadel/ABC	AC
WPOB*	FM	Plainview, NY	Plainview-Old Bethpage Central School District	Variety
WPSC*	FM	Wayne, NJ	William Patterson College of New Jersey	Alternative
WPUT*	AM	Brewster, NY	Cumulus Broadcasting Inc	Sports
WQCD*	FM	New York, NY	Emmis Communications	Jazz
WQEW*	AM	New York, NY	New York Times Co	Kids/Top40
WQHT*	FM	New York, NY	Emmis Communications	Urban CHR
WQXR*	FM	New York, NY	New York Times Co	Classical
WRAT	FM	Point Pleasant, NJ	Greater Media Inc	AOR/ClRck
WRCN*	FM	Riverhead, NY	Barnstable Broadcasting Incorporated	Clsc Rock
WRCR*	AM	Spring Valley, NY	Alexander Broadcasting Inc	Soft AC
WRDR*	FM	Freehold Township, NJ	Bridgelight LLC	Christian
WREF	AM	Ridgefield, CT	Berkshire Broadcasting Corporation	Oldies
WRHU*	FM	Hempstead, NY	Hofstra University	Variety
WRHV	FM	Poughkeepsie, NY	WMHT Educational Telecommunications	Classical
WRIV*	AM	Riverhead, NY	Tria, Vincent	Adlt Stndrd
WRKI	FM	Brookfield, CT	Cumulus Broadcasting Inc	Clsc Rock
WRKL*	AM	New City, NY	Polnet Communications Ltd	Polish
WRKS*	FM	New York, NY	Emmis Communications	Urban AC
WRLI*	FM	Southampton, NY	Connecticut Public Broadcasting Inc	Cls/Nws/Tlk
WRNJ	AM	Hackettstown, NJ	WRNJ Radio	Old/Nws/Tlk
WRNQ	FM	Poughkeepsie, NY	Clear Channel Communications	Soft Rock
WRPJ	FM	Port Jervis, NY	Sound of Life Inc	ChrsContemp
WRPR*	FM	Mahwah, NJ	Ramapo College of New Jersey	CHR

WRRB	FM	Arlington, NY	Cumulus Broadcasting Inc	Alternative
WRRV	FM	Middletown, NY	Cumulus Broadcasting Inc	Alternative
WRSU*	FM	New Brunswick, NJ	Rutgers University Board of Governors	Variety
WRVP*	AM	New Rochelle, NY	Radio Vision Cristiana Management Corp	Span/Chrst
WRWC	FM	Ellenville, NY	Clear Channel Communications	Soft AC
WRWD	FM	Highland, NY	Clear Channel Communications	Country
WRXC	FM	Shelton, CT	Monroe Board of Education	Classical
WSHR*	FM	Lake Ronkonkoma, NY	Sachem Central School District Holbrook	Jazz
WSHU*	AM	Westport, CT	Sacred Heart University Incorporated	News/Clscl
WSHU	FM	Fairfield, CT	Sacred Heart University Incorporated	Clscl/News
WSIA*	FM	Staten Island, NY	College of Staten Island	Alternative
WSKQ*	FM	New York, NY	Spanish Broadcasting System	Span/Trpcl
WSLX*	FM	New Canaan, CT	St. Luke's Foundation Inc	Classical
WSNR*	AM	Jersey City, NJ	Rose City Radio Corporation	Ethnic
WSOU*	FM	South Orange, NJ	Seton Hall University	MdRck/PubSv
WSPK	FM	Poughkeepsie, NY	Pamal Broadcasting Ltd	CHR
WSTC*	AM	Stamford, CT	Cox Radio Inc	News/Talk
WSUF*	FM	Fairfield, CT	Sacred Heart University Incorporated	Talk
WSUL	FM	Monticello, NY	Watermark Communications LLC	Hot AC
WSUS	FM	Franklin, NJ	Clear Channel Communications	Soft Rock
WTBQ	AM	Warwick, NJ	FST Broadcasting Corp	Talk/Oldes
WTHE*	AM	Mineola, NY	Universal Broadcasting	Gospel
WTSX	FM	Port Jervis, NY	PJ Radio LLC	AC
WUSB*	FM	Stony Brook, NY	State University of New York	Educational
WVBH	FM	Beach Haven West, NJ	Priority Radio Inc	ChrsContemp
WVIP*	FM	New Rochelle, NY	Hudson Westchester	Nostalgia
WVKR	FM	Poughkeepsie, NY	Vassar College	Alternative
WVNJ*	AM	Oakland, NJ	Universal Broadcasting	Adlt Stndrd
WVOF	FM	Fairfield, CT	Fairfield University	Variety
WVOS	AM	Liberty, NY	Watermark Communications LLC	Country

WVOS	FM	Liberty, NY	Watermark Communications LLC	Country
WVOX*	AM	New Rochelle, NY	Hudson Westchester	Nws/Tlk/Inf
WVPH*	FM	Piscataway, NJ	Piscataway High School	Educational
WWDJ*	AM	Hackensack, NJ	Salem Communications Corporation	Chrst/Talk
WWFS*	FM	New York, NY	CBS Radio	AC
WWLE	AM	Cornwall, NY	Stewart, Charles	News
WWNJ	FM	Dover Township, NJ	Mercer County Community College	Classical
WWPR*	FM	New York, NY	Clear Channel Communications	Urban
WWPT*	FM	Westport, CT	Westport, CT Board of Education	AOR
WWRL*	AM	New York, NY	Access.1 Communications	Urban/Talk
WWRU*	AM	Jersey City, NJ	Multicultural Radio Broadcasting Inc	Korean
WWRV*	AM	New York, NY	Radio Vision Cristiana Management Corp	Span/Chrst
WWTR*	AM	Bridgewater, NJ	Greater Media Inc	Oldies
WWYY	FM	Belvidere, NJ	Access.1 Communications	AC
WWZY*	FM	Long Branch, NJ	Press Communications LLC	Soft AC
WXBA*	FM	Brentwood, NY	Brentwood Union Free School District	Variety
WXCI	FM	Danbury, CT	Western Connecticut State University	New Age
WXHD	FM	Mount Hope, NY	Auricle Communications	Variety
WXMC*	AM	Parsippany-Troy Hill, NJ	Chladek, James	Span/Chrst
WXPk*	FM	Briarcliff Manor, NY	Pamal Broadcasting Ltd	AAA
WYGG*	FM	Asbury Park, NJ	Minority Business & Housing Development Inc	Variety
WYRS	FM	Manahawkin, NJ	WYRS Broadcasting	Christian
WZAA*	FM	Garden City, NY	Univision	Reggaeton
WZAD	FM	Wurstsboro, NY	Cumulus Broadcasting Inc	AC
WZRC*	AM	New York, NY	Multicultural Radio Broadcasting Inc	Ethnic

* Station is within the FCC New York City radio market.

Sources: BIA Financial Network, Federal Communications Commission (www.fcc.gov)
Current as of April 30, 2007

Appendix 5: Satellite Radio Stations in the New York City DMA

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 4	The 40s	Big Band/Swing/40s Hits	Ch. 1	SIRIUS Hits 1	Top 40 Hits
Ch. 5	The 50s	50s Hits	Ch. 2	StarLite	Lite Pop
Ch. 6	The 60s	60s Hits	Ch. 3	SIRIUS Love	Love Songs
Ch. 7	The 70s	70s Hits	Ch. 4	Movin' Easy	Easy Listening
Ch. 8	The 80s	80s Hits	Ch. 5	SIRIUS Gold	The '50s
Ch. 9	The 90s	90s Hits	Ch. 6	'60s Vibrations	The '60s
Ch. 10	America	Classic Country	Ch. 7	Totally '70s	The '70s
Ch. 11	Nashville, Regional News and Talk	90s & Today Country	Ch. 8	Big '80s	The '80s
Ch. 12	X Country	Americana	Ch. 9	The Pulse	The '90s & Now
Ch. 13	Willie's Place	Traditional Country	Ch. 10	The Bridge	Mellow Rock
Ch. 14	Bluegrass Junction	Bluegrass	Ch. 11	BBC Radio 1	New Music from the U.K.
Ch. 15	The Village	Folk	Ch. 12	Super Shuffle	SIRIUS Super Mix
Ch. 16	Highway 16	New Country Hits	Ch. 13	Elvis Radio	All Elvis Presley
Ch. 17	US Country	Superstar Country Hits of 80's and 90's	Ch. 14	Classic Vinyl	Early Classic Rock
Ch. 20	Top 20 on 20	Top 20 Hits	Ch. 15	Classic Rewind	Later Classic Rock
Ch. 21	KISS	Contemporary Hits	Ch. 16	The Vault	Deeper Classic Rock
Ch. 22	Mix	Modern Adult Hits	Ch. 17	Jam_ON	Jam Bands
Ch. 23	The Heart	All Love Songs 24/7	Ch. 18	The Spectrum	Adult Album Rock
Ch. 24	Sunny	Soft Pop Oldies	Ch. 19	Buzzsaw	Classic Hard Rock
Ch. 26	Flight 26	Modern Hits 90s & Now	Ch. 20	Octane	Pure Hard Rock
Ch. 27	Cinemagic	Movie Soundtracks	Ch. 21	Alt Nation	Alternative Rock

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 28	On Broadway	Show Tunes	Ch. 22	First Wave	Classic Alternative
Ch. 29	U-Pop	Global Chart Hits	Ch. 23	Hair Nation	80s Hair Bands
Ch. 30	XM HitList	Today's Hits	Ch. 24	Lithium	90s Alternative
Ch. 32	The Message	Christian Pop & Rock	Ch. 25	Underground Garage	Garage Rock
Ch. 33	Spirit	Gospel	Ch. 26	Left of Center	New/College/Indie Rock
Ch. 34	enLighten	Southern Gospel	Ch. 27	Hard Attack	Heavy Metal
Ch. 40	Deep Tracks	Deep Album Rock	Ch. 28	Faction	Punk, Hip-Hop, Hard Rock Mix
Ch. 41	Boneyard	Hard Rock/Hairbands – XL	Ch. 29	Punk	Punk Rock
Ch. 42	Liquid Metal	Heavy Metal – XL	Ch. 30	The Coffee House	Singer-Songwriters and Acoustic
Ch. 43	XMU	Indie/College Rock	Ch. 31	Radio Margaritaville	Escape to Margaritaville
Ch. 44	Fred	Classic Alternative	Ch. 32	Reggae Rhythms	Reggae
Ch. 45	XM Café	Soft Alternative	Ch. 33	Area 33	Trance & Progressive House
Ch. 46	Top Tracks	Classic Rock	Ch. 34	Boombox	Breakbeats/Old Skool
Ch. 47	Ethel	Modern Rock	Ch. 35	Chill	Smooth Electronic
Ch. 48	Squizz	Hard Alternative – XL	Ch. 36	The Beat	Dance Hits
Ch. 49	Big Tracks	Later Classic Rock	Ch. 37	The Strobe	Disco/Classic Dance
Ch. 50	The Loft	Acoustic Rock	Ch. 40	Hip-Hop Nation	Non-stop Hip-Hop 24/7
Ch. 52	The Verge	New/Emerging Artists	Ch. 43	BackSpin	Old Skool Rap
Ch. 53	Fungus	Punk/Hardcore/Ska – XL	Ch. 45	Shade 45	Shady's Uncut Hip-Hop
Ch. 54	Lucy	Modern Rock Hits	Ch. 50	Hot Jamz	Hip-Hop and R&B Hits

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 60	Soul Street	Classic Soul	Ch. 51	Heart & Soul	R&B Hits
Ch. 62	Suite 62	Adult R&B Hits	Ch. 53	Soul Town	Hip-Hop/R&B
Ch. 64	The Groove	Old Skool R&B	Ch. 60	New Country	Today's Country Hits
Ch. 65	The Rhyme	Snoop Dogg's Classic Hip/Hop/Rap – XL	Ch. 61	Prime Country	'80s & '90s Country Hits
Ch. 66	RAW	New Uncut Hip-Hop – XL	Ch. 62	The Roadhouse	Classic Country
Ch. 67	The City	Urban Contemporary	Ch. 63	Outlaw Country	Outlaw country
Ch. 68	The Heat	Rhythmic Top 40	Ch. 65	Bluegrass	Bluegrass
Ch. 70	Real Jazz	Traditional Jazz	Ch. 66	Spirit	Christian Hits
Ch. 71	Watercolors	Smooth Jazz	Ch. 68	Praise	Gospel
Ch. 72	Beyond Jazz	Modern Jazz	Ch. 70	Planet Jazz	Contemporary Jazz
Ch. 73	High Standards	American Standards	Ch. 71	Jazz Café	Smooth Jazz
Ch. 74	Bluesville	Blues	Ch. 72	Pure Jazz	Classic Jazz
Ch. 75	Hear Music	The Voice of Music at Starbucks	Ch. 73	Spa 73	New Age
Ch. 76	Fine Tuning	Eclectic	Ch. 74	SIRIUS Blues	Blues
Ch. 77	Audio Visions	New Age	Ch. 75	Standard Time	Standards/ Swing
Ch. 78	Escape	Easy Listening	Ch. 77	Broadway's Best	Broadway Show Music
Ch. 80	The Move	Underground Dance	Ch. 80	Symphony Hall	Symphonic and Chamber Music
Ch. 81	BPM	Dance Hits	Ch. 85	Metropolitan Opera Radio	Opera
Ch. 82	The System	Electronica	Ch. 86	SIRIUS Pops	Classical Pops
Ch. 83	Chrome	Disco	Ch. 90	Universo Latino	Latin Pop Mix
Ch. 84	XM-Chill	Chill Music	Ch. 92	Rumbon	Reggaeton/Tropical
Ch. 90	Fuego	Reggaeton	Ch. 93	bande a part	New French-language Music

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 91	Viva	Latin Pop Hits	Ch. 94	CBC Radio 3	Canadian Indie Music
Ch. 92	Aguila	Regional Mexican	Ch. 95	Iceberg Radio	Canadian Adult Alternative
Ch. 94	Caliente	Tropical	Ch. 97	Reggae Rhythms	Reggae
Ch. 100	Air Musique	New & Emerging Music – Broadcast in French	Ch. 100	Howard 100	Howard Stern
Ch. 101	The Joint	Reggae	Ch. 101	Howard 101	Howard Stern
Ch. 102	Sur La Route	Pop Hits Broadcast in French	Ch. 102	SIRIUS Stars	The SIRIUS Difference
Ch. 110	XM Classics	Traditional Classical	Ch. 103	Blue Collar Comedy	All-American Comedy with universal appeal
Ch. 112	Vox	Opera/ Classical Vocals	Ch. 104	Raw Dog	Comedy Uncensored
Ch. 113	XM Pops	Popular Classical	Ch. 105	Laugh Break	Comedy
Ch. 115	Radio Disney	Radio Disney	Ch. 106	The Foxxhole	Comedy
Ch. 116	XM Kids	Children	Ch. 107	E! Entertainment Radio	E! Entertainment Radio
Ch. 120	XM Live	Concerts/ Festivals/ Special Features	Ch. 108	Maxim Radio	Maxim Radio
Ch. 121	FOX News	FOX News	Ch. 109	SIRIUS OutQ	America's GLBT Radio Station
Ch. 122	CNN	CNN News	Ch. 110	Court TV Radio	Court TV Radio
Ch. 123	CNN Headline News	CNN Headline News	Ch. 111	Cosmo Radio	Cosmo Radio
Ch. 124	ABC News & Talk	ABC News & Talk	Ch. 112	Martha Stewart Living Radio	How-to and homekeeping
Ch. 125	The Weather Channel	The Weather Channel	Ch. 114	LIME	Healthy living with a twist
Ch. 126	CNN en Español	CNN in Spanish	Ch. 115	Radio Disney	Radio Disney

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 127	CNBC	CNBC	Ch. 116	Kids Stuff	Kids
Ch. 129	Bloomberg Radio/Business	Bloomberg Radio/Business	Ch. 118	RadioClassics	Classic Radio Shows
Ch. 131	BBC World Service	BBC World Service	Ch. 119	Sports Play-by-Play 4	Play-by-Play
Ch. 132	C-SPAN Radio	C-SPAN Radio	Ch. 120	ESPN Radio	ESPN Radio
Ch. 133	XM Public Radio	XM Public Radio	Ch. 121	ESPNEWS	ESPN News
Ch. 140	ESPN Radio	Sports	Ch. 122	Sports Play-by-Play 1	Sports Talk and Play-by-Play
Ch. 141	ESPNEWS	The Definitive 24-hour Sports News Network	Ch. 123	SIRIUS Sports Action	Sports Talk and Play-by-Play
Ch. 142	FOX Sports Radio	Sports Talk	Ch. 124	SIRIUS NFL Radio	Nonstop NFL Talk
Ch. 143	XM Sports Guide	Sports	Ch. 125	Sports Play-by-Play 2	Play-by-Play
Ch. 144	XM Sports Nation	Sports	Ch. 126	Sports Play-by-Play 3	Play-by-Play
Ch. 145	IndyCar Series Racing	IndyCar Series Racing	Ch. 127	NBA Radio on SIRIUS	NBA Radio on SIRIUS
Ch. 146	PGA TOUR Network	Golf Talk	Ch. 128	SIRIUS NASCAR Radio	24/7/365 NASCAR
Ch. 147	XM Deportivo	Spanish Sports Talk	Ch. 129	CNBC	CNBC
Ch. 150	XM Comedy	Uncensored Comedy – XL	Ch. 130	Bloomberg Radio	Bloomberg Radio
Ch. 151	Laugh USA	Comedy	Ch. 131	Fox News Channel	Fair and Balanced News
Ch. 152	Extreme XM	Extreme Talk	Ch. 132	CNN	The Most Trusted Name in News
Ch. 153	Laugh Attack	Uncensored Comedy –XL	Ch. 133	CNN Headline News	CNN Headline News
Ch. 154	National Lampoon Comedy Radio	Comedy	Ch. 134	NPR Now	NPR Now
Ch. 155	Take Five	Women’s Talk & Lifestyle	Ch. 135	NPR Talk	NPR Talk
Ch. 156	Oprah & Friends	Oprah & Friends	Ch. 137	CBC Radio One	National/International News

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 161	WSIX	Nashville Country	Ch. 138	Premiere Plus	Canadian Current Affairs
Ch. 162	E! Entertainment Radio	Entertainment	Ch. 139	C-SPAN Radio	C-SPAN Radio
Ch. 163	Sonic Theater	Books & Drama	Ch. 140	World Radio Network	News Around the World
Ch. 164	Radio Classics	Old Time Radio	Ch. 141	BBC World Service News	BBC World Service News
Ch. 165	Talk Radio	Experts Talk	Ch. 143	ABC News & Talk	ABC News & Talk
Ch. 166	America Right	Conservative Talk	Ch. 144	SIRIUS Patriot	Conservative Values
Ch. 167	Air America Radio	Progressive Talk	Ch. 145	Fox News Talk Channel	FOX News Talk
Ch. 168	FOX News Talk	FOX News Talk	Ch. 146	SIRIUS Left	Liberal Talk
Ch. 169	The Power	African-American Talk	Ch. 147	Road Dog Trucking	Talk for Truckers
Ch. 170	FamilyTalk	Christian Talk	Ch. 148	New York	Traffic & Weather
Ch. 171	Open Road	Truckers' Channel	Ch. 159	The Catholic Channel	The Catholic Channel
Ch. 172	Sport Plus	Men's Lifestyle and Sports Talk - Broadcast in French	Ch. 160	EWTN Global Catholic Network	EWTN Radio Catholic Network
Ch. 173	WLW	News Talk	Ch. 161	Christian Talk	Christian Talk
Ch. 174	MLB Play by Play en Español	Play-by-Play MLB Action en Español	Ch. 181	ESPN Deportes	ESPN Deportes Radio
Ch. 175	MLB Home Plate	24/7 Major League Baseball Channel	Ch. 182	CNN En Español	CNN En Español
Ch. 176	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 183	Radio Korea	Korean Language Radio
Ch. 177	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 184	SIRIUS Weather & Emergency	SIRIUS Weather & Emergency

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 178	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 185	Canada Weather	Canada Weather
Ch. 179	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 187	Info Plus	All News Radio
Ch. 180	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 188	RCI Plus	International Talk
Ch. 181	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 192	Rock Velours	Canadian Soft Rock
Ch. 182	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 193	Energie 2	Pop, Rock & Urban Music
Ch. 183	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 198	Playboy Radio	Smart, sexy and sophisticated programming
Ch. 184	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 185	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 186	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 187	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 188	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 189	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 190	College Sports-ACC	ACC Sports			
Ch. 191	College Sports-ACC	ACC Sports			
Ch. 192	College Sports-ACC	ACC Sports			
Ch. 193	College Sports-PAC-10	PAC-10 Sports			
Ch. 194	College Sports-PAC-10	PAC-10 Sports			
Ch. 195	College Sports-PAC-10	PAC-10 Sports			
Ch. 196	College Sports-Big 10	Big Ten Sports			
Ch. 197	College Sports-Big 10	Big Ten Sports			
Ch. 198	College Sports-Big 10	Big Ten Sports			

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 199	College Sports-SEC	SEC Sports			
Ch. 200	College Sports-SEC	SEC Sports			
Ch. 201	College Sports-SEC	SEC Sports			
Ch. 202	The Virus	Opie & Anthony! – XL			
Ch. 203	College Sports-Big East	Big East Sports			
Ch. 204	Home Ice	NHL Talk and Play-by-Play			
Ch. 205	Home Ice	NHL Talk and Play-by-Play			
Ch. 206	Home Ice	NHL Talk and Play-by-Play			
Ch. 207	Home Ice	NHL Talk and Play-by-Play			
Ch. 208	Home Ice	NHL Talk and Play-by-Play			
Ch. 209	Home Ice	NHL Talk and Play-by-Play			
Ch. 211	New York, NY	Local Traffic and Weather			
Ch. 243	ReachMD	Channel for Healthcare Professionals			
Ch. 244	Canada 360	News & Information			
Ch. 245	Quoi de Neuf	News & Information in French			
Ch. 247	XM Emergency Alert 24/7	24/7 Emergency Information			
Sources: XM Radio, Sirius Satellite Radio Current as of April 20, 2007					