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VIA LMS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
45 L Street NE
Washington, DC 20554

Re: *Informal Objection to Mission Broadcasting, Inc.'s Application for Renewal of WPIX-TV*, File No. 0000210811

Dear Ms. Dortch:

Comcast Cable Communications, LLC (“Comcast”) submits this informal objection to the renewal application of Mission Broadcasting, Inc. (“Mission”) for television broadcast station WPIX.¹ To grant renewal of a broadcast license, the Commission must find, among other things, that “(a) the station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of this chapter or the rules and regulations of the Commission; and (c) there have been no other violations by the licensee of this chapter or the rules and regulations of the Commission, which, taken together, would constitute a pattern of abuse.”² There are complaints pending before the Commission alleging serious violations of its rules and regulations by Mission with respect to WPIX. Consistent with longstanding agency precedent, the Commission should suspend processing of the renewal application until such complaints are fully resolved.

On July 1, 2021, Comcast filed a Petition for Declaratory Ruling (“Petition”) that Mission’s sidecar relationship with Nexstar has given Nexstar *de facto* control and ownership of WPIX in violation of the Commission’s national television ownership rule and Nexstar’s specific commitment

¹ See File No. 0000210811, Renewal of License, WPIX (Facility ID Number 73881) (filed Feb. 15, 2023), <https://enterpriseefiling.fcc.gov/dataentry/public/tv/draftCopy.html?displayType=html&appKey=25076f91859c3b3e01859cf30a8703ea&id=25076f91859c3b3e01859cf30a8703ea&goBack=N>.

² 47 U.S.C. § 309(k)(1).

to divest the station in the *Nexstar/Tribune Order*.³ If the Commission determines that Nexstar has assumed *de facto* control or other attributable interests in WPIX, as demonstrated in the Petition, it will raise the additional question of whether Mission – or *Nexstar* – was the real party in interest in the application to acquire WPIX from Scripps.⁴ Mission and Nexstar proceeded to abuse clauses in their retransmission consent contracts with Comcast to extract higher, non-market retransmission consent fees that have harmed consumers in the New York marketplace.⁵

Relatedly, on December 12, 2022, Comcast filed a complaint, which alleges violations of the good faith retransmission negotiations rules, including with respect to WPIX, against both Mission and Nexstar.⁶ Among other things, the Good Faith Complaint shows that, in their most recent carriage negotiations with Comcast, Mission and Nexstar once more colluded to seek non-market terms by holding renewal of their entire station portfolios hostage to Nexstar’s *de facto* control of WPIX.⁷

³ See Petition for Declaratory Ruling of Comcast Cable Communications, LLC that Nexstar Media Group, Inc.’s Relationship with WPIX-TV Violates 47 C.F.R. § 73.3555(e) and the *Nexstar/Tribune Order* (filed July 1, 2021), <https://www.fcc.gov/ecfs/document/10702278919219/1> (“Petition”). In March 2022, the Media Bureau informed counsel for Comcast, Nexstar, and Mission that the Petition would be classified as an informal complaint. See Letter from Holly Saurer, Chief Media Bureau, to Lynn R. Charytan, Comcast Cable Communications, and Jonathan A. Friedman, Willkie Farr & Gallagher LLP (Mar. 18, 2022).

⁴ See, e.g., *Applications of Tribune Media Company (Transferor) and Sinclair Broadcast Group, Inc. (Transferee)*, Hearing Designation Order, 33 FCC Rcd. 6830 (2018) (designating transaction applications for hearing based on real party-in-interest questions). This concern is particularly relevant to the broadcast license renewal process. Schedule 303-S specifically requires that the applicant certify as to whether a licensee or any other party to the renewal is or was involved with any broadcast application in which character issues have been raised. See Application for Renewal of Broadcast Station License at 3, <https://transition.fcc.gov/Forms/Form303-S/303s.pdf>.

⁵ See Petition at 2, 15-17; *Tribune Media Company (Transferor) and Nexstar Media Group, Inc. (Transferee), et al.*, Memorandum Opinion and Order, 34 FCC Rcd. 8436 ¶ 29 (2019) (explaining that public interest harms exist where retransmission consent fee increases are “not the product of competitive marketplace considerations”) (internal citations omitted). Charter has filed a similar complaint with the Commission alleging the same pattern of abuse and collusion involving WPIX. See *Nexstar Violating Ownership Cap, Charter Says*, Communications Daily (Apr. 20, 2022), https://communicationsdaily.com/article/view?search_id=663648&p=1&id=1227400&BC=bc_64338b0307210 (“Nexstar is violating the 39% broadcast ownership limit by negotiating retransmission consent rates for Mission Broadcasting’s WPIX New York through a local marketing agreement, said Charter Communications in an informal complaint sent to the FCC Media Bureau last week. The complaint makes accusations similar to a Comcast petition from July Both complaints argue Nexstar dodged FCC ownership and retransmission consent rules by divesting WPIX to Scripps to buy Tribune but retaining an option to repurchase the station, transferring that option to Mission, and then operating WPIX through an LMA once Mission bought it.”).

⁶ See Verified Complaint of Comcast Cable Communications, LLC Against Nexstar Media Group, Inc. and Mission Broadcasting, Inc. for Failure to Negotiate Retransmission Consent in Good Faith, MB Docket No. 22-443, File No. CSR-9005-C, (Dec. 12, 2022) (“Good Faith Complaint”).

⁷ See generally *id.*

The detailed evidence supporting Comcast's complaints demonstrates serious violations of the Commission's rules and regulations. Resolution of these complaints is essential prior to the renewal required under section 309(k)(1). The Commission should therefore suspend processing of Mission's renewal application for WPIX until the complaint proceedings are resolved.⁸ Doing so will also preserve the Commission's discretion to impose appropriate terms, conditions, and other remedies for the alleged violations.⁹

Respectfully submitted,

/s/ Jonathan A. Friedman

Jonathan A. Friedman

Counsel for Comcast Cable Communications, LLC

⁸ See, e.g., *Application of WPIX, Inc., New York, N.Y. for Renewal of License of Station WPIX, New York, N.Y.*, Memorandum Opinion and Order, 18 FCC 2d 1057 (1969) (affirming the Bureau's decision to set aside grant of the licensee's renewal application while an investigation was pending); *Application of WDGC-FM, School District #99 for Renewal of License for Station WDGC-FM Downers Grove, Illinois*, 36 FCC Rcd. 16382 (MB 2021) (granting a broadcast license renewal subject to the conditions of a consent decree after the Commission had "suspended processing of the Application pending its investigation into Licensee's [numerous] violations" of the Commission's rules).

⁹ See, e.g., 47 U.S.C. § 503(b)(6)(A) (limiting the Commission's ability to impose monetary forfeitures to remedy broadcaster violations during a prior license term once a license renewal application has been granted).