

Before the  
Federal Communications Commission

Washington, DC 20554

In the Matter of	)	
	)	
CHESAPEAKE TELEVISION LICENSEE, LLC	)	
(Sinclair Broadcast Group, Inc.)	)	
	)	
Licensee of WBFF-DT Baltimore, MD	)	File No. 0000115674
	)	Facility Id. No. 10758
BALTIMORE (WNUV-TV) LICENSEE, INC.	)	
(Cunningham Broadcasting Corporation)	)	
	)	
Licensee of WNUV-DT Baltimore, MD	)	File No. 0000115578
	)	Facility Id. No. 7933
DEERFIELD MEDIA (BALTIMORE), INC.	)	
(Deerfield Media, Inc.)	)	
	)	
Licensee of WUTB-DT Baltimore, MD	)	File No. 0000115626
	)	Facility Id. No. 60552

To: The Commission

**Reply to Opposition to Motion for Substitution of Petitioner  
and Opposition to Motion to Dismiss Petition to Deny**

Eleanor Goldfield, by counsel, files this Reply to the Opposition of Chesapeake Television Licensee, LLC. (“Chesapeake”) (“Reply”) (“Opposition”) to her Motion for Substitution of Petitioner (“Motion”), and files this Opposition to Chesapeake’s Motion to Dismiss Petition to Deny.<sup>1</sup>

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<sup>1</sup> This Reply and Opposition also responds to the substantially identical “me too” Opposition to Motion for Substitution of Petitioner and Motion to Dismiss Petition to Deny, jointly filed by Baltimore (WNUV-TV) Licensee, Inc. (“Cunningham”) and Deerfield Media (Baltimore) Licensee, LLC (“Deerfield”). Counsel for Chesapeake claims that he was not served. The law firm, Pillsbury Winthrop Shaw Pittman LLP, (“Pillsbury”) represents Chesapeake (“Sinclair”) and the two side car companies, Cunningham and Deerfield. The Pillsbury firm was served and thus Sinclair was served. The joint representation of Sinclair and the ostensibly independent side car companies, begs the question of how three companies that are engaged in complex contract

The Opposition argues 1) that the Commission lacks any legal basis to grant the Motion; and, 2) Eleanor Goldfield does not have standing to serve as a petitioner in place of Ihor Gawdiak. Both arguments are strained and meritless.

The Opposition stops short of claiming that the Commission is without the authority to grant the Motion. Chesapeake simply states that it knows of no precedent for Commission substitution of a petitioner legally unrelated to the decedent. It further raises the absurd specter of a floodgate of viewers coming out of the woodwork if the Commission grants Eleanor Goldsmith's Motion.

Clearly the Commission has the authority to grant the Motion. In *Entercom* it allowed the executor son of his mother's estate to prosecute the mother's petition to deny, even though the son did not have standing in his own right to petition against a subsequent application by the station.<sup>2</sup> Eleanor Goldfield, on the other hand, lives within the Baltimore DMA and is a regular viewer of the stations seeking renewal of their licenses. As a resident and regular viewer, her interest in the Petition to Deny is every bit as compelling as Mr. Gawdiak's. She wants to replace him to vindicate the public interest for all viewers of these stations in the Baltimore DMA. There is no requirement that Ms. Goldfield have a legal relationship to Mr. Gawdiak. Rather, what is truly important is for the Commission to resolve the factual allegations against Sinclair and its front companies for the benefit of the public.<sup>3</sup>

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negotiation can be represented by the same communications counsel? The Pillsbury firm ethic's committee or general counsel's office has made the determination that there is no conflict, i.e. that the side car companies are not independent of Sinclair. The FCC should accept this as the admission against interest that it is.

<sup>2</sup> *Entercom License, LLC*, Hearing Designation Order, 31 FCC Rcd 12196, 12206 (2016).

<sup>3</sup> *In the Matter of Consent to Transfer Control of Certain Subsidiaries of TEGNA Inc. to SGCI Holdings III LLC*. Hearing Designation Order, DA 23-149, released February 24, 2023, at n. 48. "Furthermore, as the Commission has noted previously, '[v]iewed as a whole, the legislative history of section 309(d)(1) makes plain that Congress's unwavering goal has been to ensure that

The Opposition makes much of the fact that Ms. Goldfield did not reside within the Baltimore DMA at the time Mr. Gawdiak filed his Petition to Deny. This claim is irrelevant, since she now meets the standing qualifications for a petitioner. Had the Commission acted on the Petition to Deny during Mr. Gawdiak’s lifetime, Eleanor Goldfield would not be filing this Motion to secure the benefits of diverse programming for herself and other viewers of these stations.<sup>4</sup>

Chesapeake also faults Ms. Goldfield’s statement in her declaration that she has “personal knowledge of the facts alleged in the Petition to Deny,” oddly claiming that she does not, or did not at the time of filing, have direct knowledge of the underlying facts supporting the Petition to Deny. This semantic gambit cannot be taken seriously.<sup>5</sup>

Eleanor Goldfield opposes the Chesapeake Motion to Dismiss, since it is premised on the denial of her Motion and “the absence of any ‘party in interest’ to prosecute the late Mr.

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petitions advancing interests legitimately related to the purposes of the Act should be considered by the Commission.’ *Petition for Rulemaking to Establish Standards for Determining the Standing of a Party to Petition to Deny a Broadcast Application*, 82 F.C.C.2d 89, 95, para. 18 (1980).”

<sup>4</sup>Id., at n.137. “Nexstar-Tribune at 8453, para. 32 (citing Gray-Raycom Order, 33 FCC Rcd at 12361-62, para. 31) (finding that expanded access to Washington, DC news bureaus can produce transaction-specific public interest benefits to viewers and give stations access to new resources).”

<sup>5</sup> In the wake of the failed Sinclair Tribune merger, the Commission chose to resolve the lingering character and misrepresentation issues via a consent decree with Sinclair. This consent decree relied exclusively on several documents that Sinclair had provided to the Commission, finding that Sinclair had acted in good faith, yet imposing a large monetary fine on Sinclair. These documents are now in the public domain as the result of a protracted Freedom of Information Act proceeding. What is clear from these documents is that they do not resolve the very serious character and misrepresentation issues raised in the HDO. Mr. Gawdiak did not have the benefit of these documents when he filed his Petition to Deny. In fact, on June 8, 2020, Mr. Gawdiak filed a petition for reconsideration of the Commission’s Order and Consent Decree, released May 22, 2020, which the Commission has not acted upon. The release of the FOIA documents sheds new light on what happened behind closed doors. The pending license renewal proceeding is an opportunity for the FCC to fully examine Sinclair’s qualifications as an FCC licensee and to set appropriate character and misrepresentation issues for hearing.

Gawdiak's claims. She submits that she has shown good cause for the Commission to grant her Motion, as it will enable the proceeding to continue in the public interest.

Respectfully Submitted,

By: /s/ Arthur V. Belendiuk

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February 2, 2024

## CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2024, a true and correct copy of the forgoing was caused to be served on the following, as indicated:

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