

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554**

In re Applications of	)	
	)	
NEXSTAR MEDIA INC.	)	
For Renewal of Full Service Commercial	)	
Television Licenses:	)	
	)	
WPRI-TV, Providence, RI	)	File No. 0000204672
Facility ID No. 47404	)	Pleading File No. 0000211685
	)	
KRON-TV, San Francisco, CA	)	File No. 0000196514
Facility ID No. 65526	)	Pleading File No. 0000211686
	)	
KOIN, Portland, OR	)	File No. 0000201362
Facility ID No. 35380	)	Pleading File No. 0000211690
	)	
KUCW, Ogden, UT	)	File No. 0000192434
Facility ID No. 1136	)	Pleading File No. 0000211691
	)	
KLST, San Angelo, TX	)	File No. 0000188498
Facility ID No. 31114	)	Pleading File No. 0000211692
	)	
WCTX, New Haven, CT	)	File No. 0000204669
Facility ID No. 33081	)	Pleading File No. 0000211693
	)	
WTNH, New Haven, CT	)	File No. 0000204667
Facility ID No. 74109	)	Pleading File No. 0000211694
	)	
WIVB-TV, Buffalo, NY	)	File No. 0000209025
Facility ID No. 7780	)	Pleading File No. 0000211695
	)	
WNLO, Buffalo, NY	)	File No. 0000209026
Facility ID No. 71905	)	Pleading File No. 0000211696
	)	
KGPE, Fresno, CA	)	File No. 0000196515
Facility ID No. 56034	)	Pleading File No. 0000211697
	)	
WTEN, Albany, NY	)	File No. 0000209063
Facility ID No. 74422	)	Pleading File No. 0000211698
	)	
KHON-TV, Honolulu, HI	)	File No. 0000201718
Facility ID No. 4144	)	Pleading File No. 0000211699

WCIA, Champaign, IL	)	File No. 0000155411
Facility ID No. 42124	)	Pleading File No. 0000211700
	)	
WSAV-TV, Savannah, GA	)	File No. 0000128933
Facility ID No. 48662	)	Pleading File No. 0000211701
	)	
KGET-TV, Bakersfield, CA	)	File No. 0000196509
Facility ID No. 34459	)	Pleading File No. 0000216426
	)	
KAMR-TV, Amarillo, TX	)	File No. 0000188479
Facility ID No. 8523	)	Pleading File No. 0000216427

To: The Secretary, Federal Communications Commission  
 Attn: The Chief, Video Division, Media Bureau

**RESPONSE TO “FURTHER SUPPLEMENT TO INFORMAL OBJECTION”**

Nexstar Media Inc. (“Nexstar”), by its attorneys, hereby responds to the “Further Supplement to Informal Objection” (the “Supplement”) filed by WNAC, LLC (the “Objector”) against the pending license renewal applications of the captioned stations (the “Stations”). The Supplement is the latest installment in a series of pleadings filed by Objector against the Stations’ renewal applications in which Objector alleges that Nexstar falsely certified that the Stations’ online public inspection files (“OPIFs”) were complete. Yet, despite its repeated attempts, Objector does not establish a failure by Nexstar to meet the standard for renewal of the Stations’ licenses.<sup>1</sup> Accordingly, the Supplement (along with the pleadings that preceded it) must be dismissed or denied and the Stations’ licenses promptly renewed.

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<sup>1</sup> 47 U.S.C. § 309(k).

## I. DISCUSSION

The Supplement is a poorly disguised reply pleading that, like the Objector's predecessor filings, serves only to harass Nexstar and waste the Commission's time and resources. Objector filed an Informal Objection against the Stations' renewal applications on March 1, 2023, and supplemented it on March 3, 2023. It then filed a "Supplement to Informal Objection" on April 7, 2023, alleging that Nexstar violated Section 1.65 of the Commission's rules. Nexstar responded to the Informal Objection (and the April 7, 2023 supplement) on April 13, 2023 (the "Response").<sup>2</sup> On June 8, 2023, nearly two months later, Objector filed its latest "supplement," which amounts to a reply to Nexstar's Response save for the addition of two more Nexstar stations as subjects of its vexatious litigation campaign. Objector claims to file this latest volley "pursuant to 47 C.F.R. § 73.3587" of the Commission's rules,<sup>3</sup> but nothing therein contemplates either reply pleadings or serial "supplements" by an objector.<sup>4</sup> Captioning

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<sup>2</sup> See Nexstar's Response to Informal Objection (filed Apr. 13, 2023).

<sup>3</sup> Supplement at 2. See also Letter to SKMD Broadcasting Partnership, *et al.*, from Clay C. Pendarvis, Chief, Television Branch, File No. BALCT-9711171A (Jan. 15, 1998), at 3-4 n.4 (granting assignment application without awaiting reply pleading from informal objector, with staff noting that Section 1.45 pleading cycle is inapplicable to informal objections).

<sup>4</sup> It is more than a little ironic that, while lobbing further pleadings at its own leisurely pace, Objector attempts without basis to hold Nexstar to strict Section 1.65 amendment periods supposedly triggered by its objection. Specifically, Objector repeatedly cites the "30-day outside time limit" established by Section 1.65 and implies that the 30-day "clock" began ticking when Objector filed its Informal Objection. See, e.g., Supplement at 7. Not so. Despite Objector's self-congratulatory position that the voluminous screen shots it attached to the original Informal Objection constituted irrefutable "evidence" of wrongdoing, the fact of the matter is that Nexstar had to conduct an investigation to determine whether and, if so, why an issue existed. Nexstar filed amendments to the license renewal applications of the 14 stations named in the original Informal Objection fewer than 30 days after it completed its investigation. The same is true with respect to KGET-TV, Bakersfield, CA (FID 34459) and KAMR-TV, Amarillo, TX (FID 8523), the two stations added in the instant Supplement.

the pleading as a “supplement” is—to borrow a term from Objector— a “gossamer thin”<sup>5</sup> attempt to skirt the Commission’s rules.<sup>6</sup>

As a reply to Nexstar’s Response, the Supplement is substantively deficient. Repeated attempts notwithstanding, Objector yet again fails to establish that the Stations do not meet the standard for license renewal under Section 309(k) of the Communications Act of 1934, as amended. As Nexstar explained in the Response, it did not even remotely intend to deceive the Commission with regard to the completeness of the Stations’ OPIFs.<sup>7</sup> In making its original certifications, Nexstar reasonably relied on the information provided it by station personnel, who were themselves responsible for uploading political file materials. Following its investigation into the issues raised in the Informal Objection, Nexstar amended<sup>8</sup> its license renewal applications in an abundance of caution.<sup>9</sup> Suggesting that the FCC should designate the Stations’ renewal applications for hearing is ridiculous; the FCC has declined to do so even where it found a licensee

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<sup>5</sup> Supplement at 3.

<sup>6</sup> This is particularly true for KGET-TV and KAMR-TV, which were not included in the original Informal Objection. There is therefore nothing to “supplement” with respect to those two stations.

<sup>7</sup> Response at 5 n.9.

<sup>8</sup> Objector also takes issue with the language used by Nexstar in its disclosures, describing it as “vague,” “half-hearted,” and “rote.” Supplement at 7-8. Whatever Objector’s preferred language may be, the FCC’s rules do not dictate the words a licensee must use when disclosing late political file uploads.

<sup>9</sup> Additionally, upon receiving Objector’s Supplement, Nexstar corporate management audited the OPIF compliance of all of its stations with currently pending renewal applications other than the fourteen named in Objector’s original Informal Objection. Within 30 days of concluding its investigation, Nexstar filed amendments to the pending renewal applications where appropriate. This included amendments to the applications of KGET-TV and KAMR-TV, the stations added in the Supplement.

(unlike Nexstar) to have “no reasonable basis for believing its certification was correct.”<sup>10</sup>

Even if the FCC would consider an unintentional failure to include a political file disclosure in 16 license renewal applications a “pattern,” no “abuse” has occurred. Nexstar has established policies and procedures to ensure political file materials are uploaded in a manner consistent with FCC rules and policy. Nexstar has conducted many trainings on the subject for all of its stations and also provided its stations with manuals, guidelines, and other reference materials. However, Nexstar stations are not perfect, and lapses will occur despite reasonable efforts to prevent them. This may be particularly true during election seasons when station staff are exceptionally busy.<sup>11</sup>

Objector also alleges, without a scintilla of evidence, that Nexstar “chose not to disclose [late political uploads] in an attempt to avoid the burdens and risks that attend a Consent Decree....”<sup>12</sup> This is nonsense. Nexstar routinely files exhibits informing the Commission about late uploads. For eleven of the fourteen stations named in the original Informal Objection, Nexstar certified “no” in response to the question asking whether documentation had been timely uploaded to the station’s public file. Such exhibits demonstrate that Nexstar has established a reasonable practice of disclosing information to the Commission and that any failure with regard to political file disclosures was not

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<sup>10</sup> See, e.g., *In re Gendreau Broadcast LLC Application to Renew License for KMCN(FM), Clinton, Iowa*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 23-466 (rel. May 31, 2023).

<sup>11</sup> Indeed, as Nexstar explained in its Response, some of the obstacles that resulted in late uploads were outside the control of the Stations, including technical failure of the FCC’s OPIF website, the COVID-19 pandemic, and employee turn-over.

<sup>12</sup> Supplement at 6.

the result of deceit. Additionally, Nexstar has entered into consent decrees with the Commission before, accepting the “burdens and risks” associated therewith.<sup>13</sup>

Having thus failed to establish even a prima facie case that the Stations do not meet the standard for license renewal, Objector resorts to the sensational, asserting that Nexstar’s late uploads have “undermine[d] the fair conduct of elections and the balanced education of this country’s electorate about political issues of national importance.”<sup>14</sup> Odd, then, that the only entity that has complained about untimely uploads is Objector, an entity that is pursuing private litigation against Nexstar for matters wholly unrelated to its stations’ online public inspection files. None of the Stations received any complaints from any political candidate or party, or any issue advertiser, about the contents of their political files. The notion that Objector is defending democracy or participants in the political process is laughable; the only interest Objector is serving is its own.

## **II. CONCLUSION**

Objector’s repetitive allegations are insufficient to raise a question under Section 309(k) as to the grantable status of the Stations’ license renewal applications. Accordingly, the Commission should dismiss or deny Objector’s specious and redundant pleadings and promptly renew the Stations’ licenses.

Respectfully submitted,

NEXSTAR MEDIA INC.

Dated: August 4, 2023

By:           /s/ Kathryn C. Dickerson /s/  
Gregory L. Masters

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<sup>13</sup> See, e.g., *In re of Application for Renewal of Licenses of Nexstar Broadcasting, Inc. and Compliance with the Children’s Television Act of 1990, as implemented by Section 73.671, and Section 73.3526(e)(11)(iii) of the Commission’s Rules*, Order, FCC 19-85 (rel. Sept. 4, 2019).

<sup>14</sup> Supplement at 4.

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**Certificate of Service**

I, Kathryn Dickerson, do hereby certify that I have on this 4th day of August 2023, caused a copy of the foregoing “Response to Further Supplement to Informal Objection” to be served upon the following:

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