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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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May 2, 2001

12254-078

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington D.C. 20554

Re: Application seeking Consent to the Assignment of Chris-Craft Television  
Licenses to Fox Television Stations, Inc.  
File Nos. BALCT-20000918ABB, et al.

Dear Ms. Salas:

On May 1, 2001, representatives of Fox Television Stations, Inc. ("Fox") met with Commissioner Ness and her senior advisor, Mark Schneider, to discuss the above-captioned applications for assignment of broadcast licenses. Fox was represented at the meeting by Mike Regan, Maureen O'Connell, and the undersigned.

The Fox representatives reviewed the arguments Fox has previously presented on the record regarding its proposed acquisition of Chris-Craft and, in particular, regarding the uniquely diverse and competitive media market in the New York DMA. The Fox representatives provided copies of previously submitted materials as well as the enclosed summary (drawn from prior pleadings) of facts pertaining to the New York market.

Please contact me if you have any questions.

Sincerely,



James L. Casserly

Enclosure

cc: Commissioner Susan Ness  
Mark Schneider  
Angela Campbell (via facsimile)

### Talking Points Re: New York Market

The New York DMA is probably the most diverse and competitive in the U.S.

- New York is the most populous DMA in the U.S. (19.2 million population; 6.9 million households) and spans 29 counties in 4 States
- There are 20 full power television stations licensed to the New York DMA
- cable penetration in the New York DMA is 75%, and there are at least 7 different cable operators serving the market
  - Cable and DBS provide New York households with hundreds of program channels
  - There are 23 sources of cable television news available to cable subscribers in the New York market, including 6 local/regional cable news networks
- Internet penetration in New York is at 42%
  - At least 16 different web sites are New York based or New York oriented
- Twenty-five daily newspapers are published in the DMA, and 12 daily newspapers have spill-in coverage. There are well over a hundred weekly newspapers published in the market, as well as magazines and other periodicals

The common ownership of WNYW-TV (Channel 5), WWOR-TV (Channel 9) and *The New York Post* poses no threat to competition or diversity in this vibrant market

- Channel 5 and Channel 9 rank 5<sup>th</sup> and 6<sup>th</sup> in household ratings, respectively, in the New York market (both May and July Sweeps, 9 AM to midnight)
- Once Fox owns both Channel 5 and Channel 9, there will still be 19 separate television owners in the market
- The circulation of *The New York Post* covers only 5.2% of the households in the New York DMA on any given day
- *The New York Post* ranks 5<sup>th</sup> in circulation among the daily newspapers published in the New York DMA, behind *The Times*, *The Daily News*, *Newsday* and *The Newark Star-Ledger*
- *The New York Post* is a “second read” for the majority of its circulation. Sixty-six percent (66%) of the readers of *The Post*'s daily edition, and seventy-two percent (72%) of the readers of its Sunday edition, also rely on another local newspaper (*The Times*, *The News* or *Newsday*) for their news.
- *The New York Post* accounts for only 1.9% of the advertising dollars spent on newspapers in the New York DMA, and obviously an even smaller percentage of the total advertising dollars in the market. In contrast, *The Times* accounts for

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over 25% of newspaper ad dollars, *The Daily News* accounts for almost 10%, *Newsday* accounts for over 8% and *The Newark Star-Ledger* 5.7%.

- *The Post* continues to lose money. Nevertheless, News Corporation is spending \$200 million on a new, state-of-the-art plant to be located in the South Bronx. This building project, which should be completed by December 2001, will bring many benefits to that New York City community
- *The Post* and Channel 5 are operated as independent entities, with no sharing of staff or facilities