

VIDEO SERVICES
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April 11, 2001

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Applications Seeking Consent to the Assignment of
Chris-Craft Television Station Licenses to
Fox Television Stations, Inc.
File Nos. BALCT-20000918ABC, et al.

Dear Ms. Salas:

By letter dated April 10, the Office of Communication, Inc. of the United Church of Christ, Academy of Latino Leaders in Action, Black Citizens for a Fair Media, Center for Media Education, Consumer Federation of America, Consumers Union, New York Metropolitan Association of the United Church of Christ, Rainbow/PUSH Coalition, and Valley Community Access Television ("Petitioners"), through their counsel, object to the request of The News Corporation Limited ("News Corp"), filed April 9, for confidential treatment of certain financial information relating to the *New York Post*. As set forth in News Corp's request, the information is proprietary and competitively sensitive, and News Corp does not make this type of information available to the public.¹ Additionally, public disclosure of the information is likely to cause substantial harm to the competitive position of the *Post* by allowing competitors to use the information to disadvantage the paper at a time when competition in the New York market has become increasingly fierce. News Corp, however, indicated that it would provide the

¹ See Letter dated April 9, 2001, to Ms. Magalie Roman Salas, Secretary, Federal Communications Commission, from Arthur M. Siskind, Senior Executive Vice President, The News Corporation Limited, Request for Confidentiality and a Protective Order Pursuant to 47 C.F.R. § 0.459 and 5 U.S.C. § 552(b)(4).

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information to counsel for Petitioners subject to the outstanding Protective Order,² so long as it is revised to cover the new information.

Petitioners raise no new arguments with respect to whether the financial information concerning the *Post* should receive confidential treatment. Rather, they ask the Commission to determine whether "portions of documents, filed by Fox and News Corporation do not contain actual financial information subject to confidential treatment." Pet. Letter at 3. Also, Petitioners assume that the ten-day period for their response to News Corp's submission will not run until "the date of access to the pertinent financial information." *Id.*

Petitioners' objection is a transparent attempt to delay Commission completion of the processing of the assignment applications. As noted above, News Corp, as in the case of its earlier submission of confidential information, offered to make the information available to the Petitioners pursuant to the outstanding Protective Order. This is the same Protective Order which News Corp and Petitioners negotiated, agreed to and jointly filed with the Commission on February 8, 2001.

Indeed, on the day of filing its request for confidential treatment, April 9, News Corp offered to make the information immediately available to counsel for Petitioners, provided that the Protective Order was appropriately revised. Petitioners have so far declined this offer.

Had they availed themselves of the previously negotiated Protective Order, Petitioners could have reviewed the submission and made whatever arguments they deemed appropriate. Receipt of the information pursuant to the Protective Order is **without prejudice to any argument Petitioners choose to make with respect to whether or not the information should be made publicly available**. Indeed, having access to the information should make it easier for Petitioners to present their arguments as to whether or not confidentiality is warranted. Thus delay appears to be their true motivation.

In view of the Petitioners' dilatory tactics, the Commission should not toll the running of the ten-day response period, and, indeed, News Corp submits that

² See Order Adopting Protective Order, DA 01-528 (adopted Feb. 27, 2001); Supplemental Protective Order, DA 01-579 (adopted Mar. 2, 2001).

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the ten-day period should be deemed to have commenced on the day that counsel for Petitioners could have received the information, i.e. April 9, which means that any comment from the Petitioners should be on file with the Commission by April 19.

If Petitioners continue to refuse to avail themselves of the previously agreed upon Protective Order, the Commission should complete the processing of the above-referenced applications without further consideration of submissions from Petitioners with respect to the financial information. The applications are now ripe for Commission action, and News Corp urges the Commission to grant them without delay.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

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and Fox Television Stations, Inc.

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