

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	MM Docket No. 96-197
	)	
Newspaper/Radio Cross-Ownership	)	
Waiver Policy	)	

**ORDER**

**Adopted: December 5, 1996**

**Released: December 5, 1996**

Comment Date: February 7, 1997

Reply Comment Date: March 7, 1997

By the Chief, Mass Media Bureau:

1. On October 1, 1996, the Commission adopted a *Notice of Inquiry* ("NOI") in this proceeding regarding its policy for waiving the newspaper/radio cross ownership restriction set forth in Section 73.3555(d) of the Commission's Rules, 47 C.F.R. § 73.3555(d). The *NOI* invited comment on a variety of questions related to possible revisions to the Commission's current waiver policy. Comments were due to be filed by December 9, 1996, and reply comments by January 8, 1997.

2. On November 7, 1996, the Commission released three notices of proposed rule making concerning (1) the broadcast attribution rules, which define what constitutes a "cognizable interest" in applying the broadcast multiple ownership rules, *Further Notice of Proposed Rule Making* in MM Docket Nos. 94-150/92-51/87-154, FCC 96-436 ("*Attribution Further Notice*"); (2) the local television ownership rules, including the television duopoly rule and the radio-television cross-ownership rule, *Second Further Notice of Proposed Rule Making* in MM Docket Nos. 91-221/87-8, FCC 96-438 ("*Local TV Ownership Second Further Notice*"); and (3) the national television ownership rule, *Notice of Proposed Rule Making* in MM Docket Nos. 96-222/91-221/87-8, FCC 96-437. The comment date established for each of these three rulemaking proceedings is February 7, 1997, and the due date for reply comments is March 7, 1997.

3. On November 27, 1996, the law firm of Haley Bader & Potts filed a *Request For Extension Of Comment Date* ("*Request*") to extend the comment and reply comment deadlines in connection with the *NOI* in MM Docket No. 96-197 to February 7, 1997 and March 7, 1997, respectively. In support of its *Request*, Haley Bader & Potts asserts that the above-referenced

rule makings raise issues that are strongly related to those raised in the *NOI*. Specifically, Haley Bader & Potts asserts that the *Attribution Further Notice*, in seeking comment on how best to define what constitutes a cognizable ownership interest, has a direct impact on the issue of when Commission ownership rules will apply to ownership interests in a newspaper and a radio station in the same market. In addition, Haley Bader & Potts points out that the *Local TV Ownership Second Further Notice* deals with issues related to those raised in the *NOI*. In light of the commonality of the issues raised by the *NOI* and the subsequently initiated rule makings, Haley Bader & Potts, which proposes to file comments in response to the *NOI* on behalf of broadcast and newspaper clients, requests that the *NOI* comment and reply comment deadlines be extended so as to coincide with the comment and reply comment deadlines in the three rulemaking proceedings.

4. We are mindful that Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, articulates a Commission policy that extensions of time for filing comments in rule making proceedings are not to be routinely granted. Nevertheless, we find that good cause exists for granting the requested extension of the comment and reply comment deadlines. As Haley, Bader & Potts points out, the issues raised by the *Attribution Further Notice* are relevant to the newspaper/radio cross-ownership rule in that the attribution rules define what constitutes a cognizable ownership interest in a radio station or daily newspaper. In addition, many of the same competition and diversity concerns that underlie the newspaper/radio cross-ownership restriction are also raised in our examination of the television duopoly rule and radio-television cross-ownership rule. Given the similarity of the issues raised in the *NOI* and the three rulemaking proceedings, we believe it is appropriate that they share the same comment and reply comment deadlines. This will enable interested parties to submit more complete comments regarding the interrelated issues raised by these separate proceedings. This, in turn, will result in a more comprehensive record for the Commission to consider in assessing whether to revise its newspaper/radio cross-ownership waiver policy as well as its broadcast attribution and television ownership rules.

5. Accordingly, IT IS ORDERED that the request filed by Haley Bader & Potts for an extension of time in which to file comments and reply comments in response to the *Notice of Inquiry* in MM Docket 96-197 IS GRANTED.

6. IT IS FURTHER ORDERED, that the time for filing comments in the above-captioned proceeding IS EXTENDED to February 7, 1997, and the time for filing reply comments IS EXTENDED to March 7, 1997.

7. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Sections 0.204(b), 0.283, and 1.45 of the Commission's Rules, 47 C.F.R. §§ 0.204(b), 0.283, and 1.45.

## FEDERAL COMMUNICATIONS COMMISSION



Roy J. Stewart  
Chief, Mass Media Bureau