



Federal Communications Commission
Washington, D.C. 20554

April 3, 2001

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Re: Applications for Assignment of Licenses from Subsidiaries of
Chris-Craft Industries, Inc. to Fox Television Stations, Inc., File
Nos. BALCT-20000918ABB, et al.

Gentlemen,

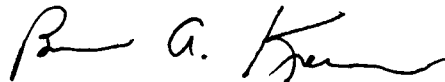
On September 18, 2000, you filed applications on behalf of your clients to assign the licenses of the television stations held by subsidiaries of Chris-Craft Industries, Inc. (Chris-Craft) to Fox Television Stations, Inc. (FTS). We note that a petition to deny was filed by the Office of Communication, Inc. of the United Church of Christ, *et al.* (Petitioners). We also note that pursuant to a Public Notice dated October 3, 2000, DA 00-2246, this proceeding was designated as permit-but-disclose for *ex parte* purposes. On December 21, 2000, we requested additional information regarding, *inter alia*, the financial condition of the *New York Post*. While we have not reached any conclusions regarding the applications and pleadings, by this letter we seek additional information to aid in our review of certain issues. Our continuing review of these applications is not limited to the matters raised in this letter.

As discussed in our previous letter, the Commission granted a permanent waiver of the television/newspaper cross-ownership rule, 47 C.F.R. § 73.3555(d), to FTS in *Fox Television Stations, Inc.*, 8 FCC Rcd 5341 (1993), that permitted FTS to own television station WNYW(TV), New York, while another subsidiary of News Corp. owned the *New York Post*. In the application, FTS contends that this original waiver is sufficient to permit the continued ownership of the *New York Post* and WNYW(TV) by News Corp. subsidiaries and to permit FTS to acquire an additional television station in the New York City DMA, WWOR-TV, Secaucus, New Jersey. In the alternative, FTS argues that it should be granted an interim waiver to permit ownership of the *New York Post* and the two New York City DMA television stations pending the outcome of a rulemaking on whether to revise the television/newspaper cross-ownership rule. FTS states that the "economic viability" of the *New York Post* "remains in question," and contends that the waiver is necessary to "avoid the threat to diversity that could result from the premature divestiture of [this] greatly improved, but still struggling," newspaper. Fox Assignment Application, Assignee's Exhibit 4, at 23, 26.

As we discussed in the December 21 letter, the application contains only general statements, not supported by affidavits, regarding the current financial condition of the *New York Post*. Although some information on this issue was submitted in response to our December 21 letter, we believe that additional information is necessary if we are to evaluate properly FTS's claims regarding the financial condition of the newspaper. We therefore request that you provide any available, independently audited certified financial statements, prepared in accordance with Generally Accepted Accounting Principles (GAAP), or similarly probative statements that support your contentions regarding the *New York Post's* financial viability. The documents requested should be accompanied by an explanation and analysis of their contents made by a properly qualified expert with personal knowledge of the accuracy of the facts contained therein. We will entertain requests for confidential treatment of the foregoing financial information consistent with our protective order procedures in this proceeding. *Protective Order*, DA 01-528 (released March 1, 2001).

The requested information must be submitted in the form of an amendment to the applications, accompanied by a declaration of a person having personal knowledge of the truth of any factual statements made. See 47 C.F.R. § 1.16. The applicants should provide the requested information as soon as possible, but in any event within 15 days from the receipt of this letter. Petitioners will be provided 10 days from receipt of the applicants' amendment to file a response. As the Bureau's evaluation of the license assignment applications at this point cannot proceed further without the additional information requested in this letter, the 180-day clock has stopped on day 154 until we receive sufficient information to allow the Bureau to proceed. Copies of the amendment must be served on Barbara J. Kreisman, Chief, Video Services Division, Mass Media Bureau and Angela J. Campbell, counsel for Petitioners, subject, if necessary, to a permissible protective order.

Sincerely,



Barbara A. Kreisman
Chief, Video Services Division
Mass Media Bureau

cc: Angela Campbell, Esq.