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April 9, 2001

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**By Hand Delivery**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Applications for Assignment of Licenses from Subsidiaries of Chris-Craft Industries, Inc. to Fox Television Stations, Inc., File Nos. BALCT-20000918ABB-ABD, BALCT-20000918ABF-ABS, BALCT-20000918ABU-ABZ, BALCT-20000918ACA-ACE

Request for Confidentiality and a Protective Order Pursuant to 47 C.F.R. § 0.459 and 5 U.S.C. § 552(b)(4)

Dear Ms. Salas:

In a letter, dated April 3, 2001, from Barbara A. Kreisman, Chief, Video Services Division, Mass Media Bureau, to William S. Reyner, Jr., John C. Quale, and Marvin J. Diamond (the "April FCC Letter") regarding the above-referenced proceedings, the Federal Communications Commission ("FCC" or "Commission") requested "any available, independently audited certified financial statements, prepared in accordance with Generally Accepted Accounting Principles (GAAP), or similarly probative statements that support [our] contentions regarding the *New York Post's* financial viability." Accordingly, submitted herewith are (i) the Declaration of David F. Devoe, Senior Executive Vice President & Chief Financial Officers of The News Corporation Limited ("News Corp."), which provides the Statements of Operation for the *New York Post* showing the actual results of operations (including occupancy and rental costs) for the fiscal years ended June 30, 1999 and 2000 and for the six months ended December 31, 2000, and the forecast results of operations for the full fiscal year ending June 30, 2001 (based on actual results to date) and (ii) the Declaration of Arthur M. Siskind, Senior Executive Vice President and Group General Counsel of News Corp., which provides (a) a list of capital improvement costs incurred since the *New York Post* was reacquired in 1993 and (b) a list of the costs being incurred by the *New York Post* in connection with the construction of a new printing plant in the South Bronx, including projections of the annual financing costs of the investment in the new printing plant and a list of increases in annual

operating expenses for the new printing plant over and above the operating expenses incurred at the old printing plant.

By letter dated January 22, 2001, News Corp. submitted to the Commission information regarding the current financial condition of the *New York Post* and requested confidential treatment of such information and disclosure of such information solely pursuant to a protective order, the proposed form of which was attached thereto. The January 22 letter also incorporated an earlier confidentiality request filed, on behalf of News Corp., on December 13, 2000. On March 1, 2001, the Commission released an order adopting a protective order, which was amended by an order released March 5, 2001 (the "Protective Order").

News Corp. respectfully requests, pursuant to 47 C.F.R. § 0.459 and 5 U.S.C. § 552(b)(4), for the reasons set forth in the December 13 and January 22 letters (which are incorporated herein by reference), confidential treatment of the enclosed financial information of the *New York Post*.<sup>1</sup> Furthermore, News Corp. respectfully requests that the financial information submitted herewith be subject to the Protective Order. In connection therewith, News Corp. requests that Paragraph 2 of the Protective Order be amended by adding the following at the end of the last sentence:

"Confidential Document" shall also mean the financial information and data submitted by News Corp, with a request for confidential treatment, in response to the letter, dated April 3, 2001, from Barbara A. Kreisman, Chief, Video Service Division, Mass Media Bureau, to William S. Reyner, Jr., John C. Quale, and Marvin J. Diamond. As used herein, Confidential Document may refer to the singular or the plural.

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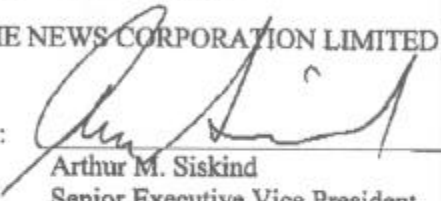
<sup>1</sup> The representations made in the December 13 and January 22 letters with respect to the financial information submitted therewith also apply to the financial information submitted herewith. Specifically, News Corp. considers the financial information submitted herewith to be proprietary and competitively sensitive, and does not make this type of information available to the public. Moreover, public disclosure of these documents is likely to cause substantial harm to the competitive position of the *New York Post* by allowing competitors to use such information to disadvantage the paper with readers and advertisers at a time when competition in the New York market has become increasingly fierce.

News Corp. also requests that, in its decision regarding the above-referenced applications, the Commission refrain from publicly revealing any confidential information.

Respectfully submitted,

THE NEWS CORPORATION LIMITED

By:

  
Arthur M. Siskind  
Senior Executive Vice President

cc: Roy J. Stewart  
Barbara Kreisman  
Angela J. Campbell (without attached confidential documents)  
Christopher R. Day (without attached confidential documents)

**Declaration of David F. DeVoe**

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**Declaration of Arthur M. Siskind**

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