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GEORGETOWN UNIVERSITY LAW CENTER

INSTITUTE FOR PUBLIC REPRESENTATION

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Director

Hope M. Babcock
Associate Director
Environmental Law Project

Angela J. Campbell
Associate Director
Citizens Communications Center Project

Christopher R. Day

J. Steven Farber
Fellows

April 16, 2001

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, NW
Washington, DC 20554

Re: *Ex Parte Communication*: DA 00-2246
Fox Television Stations, Inc. Applications for Assignment of Broadcast
Licenses and Assets of Chris-Craft Industries, Inc.
File Nos. BALCT-20000918ABB-ABD; BALCT-20000918ABF-ABS;
BALCT20000918ABU-ABZ; BALCT-20000918ACA-ACE

Dear Ms. Salas:

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 undersigned counsel, hereby file a supplement to their Petition to Deny and associated filings in the above-referenced proceeding.

One of the main issues in this proceeding is whether a waiver of the Newspaper/Broadcast Cross-Ownership Rule is necessary to ensure the continued publication of the *New York Post*. On April 11, 2001, Petitioners sent a letter to Mortimer B. Zuckerman, Chairman and Co-Publisher of the *New York Daily News* requesting his views on the marketability of the *New York Post* in the event the Commission were to require the divestiture of either the *New York Post* or WWOR-TV as a condition of approving Fox Television Stations, Inc.'s ("Fox") acquisition of the broadcast assets and licenses of Chris-Craft Industries, Inc. ("Chris-Craft"). A copy of that letter is attached as Exhibit A. On April 12, 2001, Petitioners received a written response from Mr. Zuckerman. In this letter, Mr. Zuckerman stated that he would be "prepared to make a bid to purchase the *New York Post*," subject to a due diligence review, and that he would be "prepared to operate it as an editorially independent newspaper,

Magalie Roman Salas
April 16, 2001
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subject to the execution of a Joint Operating Agreement or similar arrangement with the *Daily News*." A copy of this letter is attached as Exhibit B.

While Petitioners do not endorse or otherwise take a position on Mr. Zuckerman's or any other party's possible bid for the *New York Post*, Petitioners submit that Mr. Zuckerman's April 12, 2001, letter disproves News Corporation and Fox's contentions that the *New York Post* would cease to exist if the Commission required divestiture as a condition of the Fox/Chris-Craft transaction.

Should you have any questions regarding this letter or the attached letters, please do not hesitate to contact the undersigned.

Respectfully submitted,



Christopher R. Day
Angela J. Campbell

Counsel to the Petitioners

Attachments

cc: Chairman Michael K. Powell
Commissioner Harold Furchtgott-Roth
Commissioner Susan Ness
Commissioner Gloria Tristani
Roy Stewart, MMB
Barbara A. Kreisman, MMB
David Roberts, MMB
David Brown, MMB
James R. Bird, OGC
John C. Quale
Marvin J. Diamond
William S. Reyner, Jr.



Exhibit A

GEORGETOWN UNIVERSITY LAW CENTER
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Christopher R. Day
J. Steven Farr
Fellows

April 11, 2001

VIA FACSIMILE (212-210-2312)
& OVERNIGHT DELIVERY

Mortimer B. Zuckerman
Chairman and Co-Publisher, New York Daily News
Daily News, L.P.
450 West 33rd Street
New York, NY 10001

Re: Marketability of the New York Post

Dear Mr. Zuckerman:


As you are likely aware, on September 22, 2000, Fox Television Stations, Inc. ("Fox") and its ultimate parent company, The News Corporation Limited ("News Corporation"), filed an application with the Federal Communications Commission ("Commission") requesting approval to acquire the license and broadcast assets of WWOR-TV from Chris-Craft Industries, Inc. As part of this transaction, Fox and News Corporation have asked for a second permanent waiver of the Commission's Newspaper/Broadcast Cross-Ownership Rule to allow it to acquire WWOR-TV, while retaining control of the *New York Post* and Fox's existing New York City television station, WNYW. In its application, Fox and News Corporation have claimed that the *New York Post* is incurring continuing financial losses, and that the paper will almost certainly shut down if News Corporation is forced to divest the newspaper as a condition of Commission approval of the transaction.

As Chairman and Co-Publisher of one of the other major newspapers in the New York City area, we are writing to request your views on the condition of the newspaper business in New York City. Specifically, we are curious whether you would have any interest in purchasing the *New York Post* and in operating it as an editorially independent entity pursuant to a Joint Operating Agreement. In addition, we wanted to know, because of your knowledge of the New York newspaper market, whether you are aware of any other third-parties that might be interested in purchasing and operating the *New York Post* should the Commission require its divestiture.

Mortimer B. Zuckerman
April 11, 2001
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We greatly appreciate any information you may be able to provide pursuant to this request. Should you have any questions, please do not hesitate to contact us.

Sincerely,



Christopher R. Day
Angela J. Campbell

DAILY NEWS

MORTIMER B. ZUCKERMAN
Chairman & Co-Publisher

April 12, 2001

Mr. Christopher R. Day
Ms. Angela J. Campbell
Georgetown University Law Center
Institute of Public Representation
600 New Jersey Avenue, NW, Rm. 312
Washington, DC 20001-2022

Dear Mr. Day and Ms. Campbell:

In response to your letter of April 11th, allow me to advise you of the following:

In the event the Federal Communications Commission approves Fox Television Stations, Inc. applications to acquire licenses and broadcast assets of Chris-Craft Industries, Inc., subject to divestiture of the New York Post, I or my affiliates would be prepared to make a bid to purchase the New York Post. Of course, the final terms of our bid cannot be determined until we have had the opportunity to review appropriate information concerning that newspaper.

In the event I or my affiliates so purchase the New York Post, we would be prepared to operate it as an editorially independent newspaper, subject to the execution of a Joint Operating Agreement or similar arrangement with the Daily News.

Sincerely,



Mortimer B. Zuckerman