



**Federal Communications Commission
Washington, D.C. 20554**

November 26, 2014

In Reply Refer to:
1800B3-CEG

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In re: **WFLS-FM, Fredericksburg, Virginia**
Facility ID No. 65641

WNTX(AM), Fredericksburg, Virginia
Facility ID No. 65640

WVBX(FM), Spotsylvania, Virginia
Facility ID No. 22484

WWUZ(FM), Bowling Green, Virginia
Facility ID No. 55174

W246BS, Fredericksburg, Virginia
Facility ID No. 142774

Lead File No. BALH-20140611ACJ

Assignment of Licenses

Dear Counsel:

We have before us the above-referenced application ("Application") seeking approval for the proposed assignments of the licenses for Stations WFLS-FM, Fredericksburg, WNTX(AM), Fredericksburg, WVBX(FM), Spotsylvania, WWUZ(FM), Bowling Green, and W246BS, Fredericksburg, all Virginia, from VA Newspaper Debtor Co. (formerly known as Free Lance-Star Publishing Co. of Fredericksburg, VA, Debtor-in-Possession) ("VND") to Free Lance-Star License, Inc. ("FLS").¹ The period for filing petitions to deny has run and the Application is unopposed. As set forth in greater detail

¹ For convenience, we refer to Free Lance-Star Publishing Co. of Fredericksburg, VA, Free Lance-Star Publishing Co. of Fredericksburg, VA, Debtor-in-Possession, and VA Newspaper Debtor Co. collectively as "VND."

below, we grant the Application conditioned upon FLS coming into compliance with the newspaper/broadcast cross-ownership (“NBCO”) rule within twelve months of the release of this decision letter. We do not anticipate granting extensions of this period.

Background. The current licensee, VND, owns the *Free Lance-Star* daily newspaper as well as the stations listed above. The NBCO rule prohibits common ownership of a daily newspaper and a full-power broadcast station (AM, FM, or TV) if the station's service contour encompasses the newspaper's city of publication.² In this case, the predicted 1 mV/m contours of FM Station WFLS-FM and the 2 mV/m contour of AM Station WNTX (“Stations”) encompass Fredericksburg, Virginia, the city in which the *Free Lance-Star* is published. This non-compliant combination of media properties was grandfathered, along with other pre-existing combinations, when the NBCO rule was adopted.³

On January 23, 2014, VND filed for voluntary bankruptcy in the United States Bankruptcy Court for the Eastern District of Virginia.⁴ On May 15, 2014, a bankruptcy auction was held that resulted in the sale of most of VND’s assets, including the Stations, to VND’s largest creditor, FLS.⁵ On May 27, 2014, the Bankruptcy Court issued an order approving the sale of the VND assets and granting FLS the right to acquire the Stations from VND out of bankruptcy. On June 11, 2014, VND filed the Application to assign the licenses for the Stations to FLS. Because the NBCO rule requires that the assignment of a grandfathered combination must comply with the NBCO rule, FLS requests an interim waiver to allow it to acquire and hold both the *Free Lance-Star* and the Stations until the Commission acts on the proposal in the pending 2014 Quadrennial proceeding to eliminate the newspaper/radio portion of the NBCO rule.⁶

In support of its waiver request, FLS states that the cross-ownership of the *Free Lance-Star* and the Stations creates beneficial “synergies,” such as the sharing of breaking news stories and alerts, cross-promotion, and financial efficiencies such as sharing a building.⁷ FLS also argues that the pendency of the 2014 Quadrennial NPRM is grounds for waiver, relying on a 1987 decision, *Capital Cities*,⁸ in which the Commission extended an existing 18-month waiver of the one-to-a-market rule pending Commission

² 47 C.F.R. § 73.3555(d).

³ *Amendment of Sections 73.34, 73.240, and 73.636 of the Commission’s Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations*, Second Report and Order, 50 FCC 2d 1046, 1078-1086 (1975) (“1975 Order”), *aff’d on recon.*, 53 FCC 2d 589 (1975) (“1975 Reconsideration Order”), *aff’d sub nom. FCC v. National Citizens Comm. for Broadcasting*, 436 U.S. 775 (1978).

⁴ *See The Free Lance-Star Publishing Co. of Fredericksburg, VA et al.*, Case No. 14-30315-KRH (Bankr. E.D. Va) (“Bankruptcy Court”). On April 3, 2014, the Commission granted an application approving the *pro forma* assignment of the Stations licenses from Free Lance-Star Publishing Co. of Fredericksburg, VA, to the same entity operating as debtor-in-possession, subsequently renamed VND. *See* FCC File Nos. BALH-20140218AEO-AES; *Broadcast Actions*, Public Notice, Report No. 48213 (April 8, 2014).

⁵ For convenience, we refer to various FLS-affiliated corporate entities under common control as “FLS.”

⁶ *See 2014 Quadrennial Regulatory Review—Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Further Notice of Proposed Rulemaking and Report and Order, 29 FCC Rcd 4371, 4435 *et seq.* (2014) (“2014 Quadrennial NPRM”).

⁷ Application, Exhibit 18 at 2-4.

⁸ *Capital Cities/ABC, Inc.*, Letter, 2 FCC Rcd 2539 (1987) (“*Capital Cities*”) (deferring divestiture obligations pending Commission action on the rulemaking initiated by *Amendment of Section 73.3555 of the Commission’s Rules, the Broadcast Multiple Ownership Rules*, Notice of Proposed Rulemaking, 2 FCC Rcd 1138 (1987)).

action on a rulemaking proposing to modify or eliminate that rule.⁹ FLS contends that continuance of the grandfathered NBCO in this case would not harm the public interest, “since the cross-ownership has caused no harm for over 50 years.”¹⁰ FLS argues that because the Commission has raised a “substantial question” whether the NBCO rule continues to serve the public interest, it would be inequitable to “force [FLS] into a premature divestiture” or to “prematurely disrupt the joint operation of FLS’s radio stations and newspaper . . . [before] Commission action on the newspaper-radio cross-ownership rule in the 2014 Quadrennial Regulatory Review, at which time the need for any divestitures may become moot.”¹¹ In a supplement to the Application filed October 27, 2014 (“Supplement”), FLS claims that its waiver request is also supported by the Commission’s August 8, 2014, decision in which the Media Bureau deferred a final ruling on a request for permanent waiver originally filed in 2004 until final Commission action in the 2014 Quadrennial proceeding.¹²

Discussion. The Commission’s Rules may be waived only for good cause shown.¹³ The Commission must give waiver requests “a hard look,” but an applicant for waiver “faces a high hurdle even at the starting gate”¹⁴ and must support its waiver request with a compelling showing.¹⁵ Waiver is appropriate only if both (1) special circumstances warrant a deviation from the general rule, and (2) such deviation better serves the public interest.¹⁶ FLS has failed to meet this burden with respect to the interim waiver sought.¹⁷

NBCO waivers. The Commission first prohibited the cross-ownership of newspapers and broadcast stations in 1975, as a way of promoting viewpoint diversity.¹⁸ The NBCO rule prohibits not only the creation of new newspaper/broadcast combinations but also (except in limited circumstances not

⁹ Application, Exhibit 18 at 5-6; *see* 47 C.F.R. § 73.3555(c) (limiting common ownership of television and radio stations in the same market).

¹⁰ Application, Exhibit 18 at 6.

¹¹ *Id.* FLS requests that if the Commission acts to retain the NBCO rule, FLS be given six months after the effective date of such action to either come into compliance with the rule or submit a request for a permanent waiver. *Id.*, n.13.

¹² *Fox Television Stations, Inc.*, Memorandum Opinion and Order, 29 FCC Rcd 9564 (2014) (“*Fox Supplemental Waiver*”).

¹³ 47 C.F.R. § 1.3.

¹⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (subsequent history omitted).

¹⁵ *Greater Media Radio Co., Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 7090 (1999) (citing *Stoner Broadcasting System, Inc.*, Memorandum Opinion and Order, 49 FCC 2d 1011, 1012 (1974)).

¹⁶ *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹⁷ Nor can we construe FLS’s request as a request for a permanent waiver. FLS does not provide the type of information that we have relied upon in the past when granting permanent waivers, such as data regarding the financial viability of the media properties at issue and the level of diversity in the relevant market. *See, e.g., Fox Supplemental Waiver*, 29 FCC Rcd 9564; *Fox Television Stations Inc.*, 8 FCC Rcd 5341, 5348 (1993), *aff’d sub nom. Metropolitan Council of NAACP Branches v. FCC*, 46 F.3d 1154 (D.C. Cir. 1995) (granting a waiver of the NBCO rule to allow reacquisition of the *New York Post* by its previous owner on the basis that the transaction might be pivotal to the newspaper’s survival); *Field Communications Corporation*, Letter, 65 FCC 2d 959, 961 (1977) (granting a waiver of the NBCO rule to allow reacquisition of a financially troubled UHF station).

¹⁸ 1975 Order, 50 FCC 2d at 1074.

applicable here) the perpetuation of existing combinations through assignments or transfers.¹⁹ The 1975 rule is still in effect despite attempts by the Commission to modify the restriction.²⁰ In the *1975 Order*, the Commission expressly contemplated granting permanent or temporary waivers of the NBCO rule where divestiture would forcibly create a loss or disserve the purposes of the rule.²¹ It specified four such situations: (1) where there is an inability to dispose of an interest in order to conform to the rules; (2) where the only sale possible is at an artificially depressed price; (3) where separate ownership and operation of the newspaper and station cannot be supported in the locality; and (4) where, for whatever reason, the purposes of the rule would be disserved by divestiture.²² Under the fourth, catch-all waiver category, the Commission stated that it would examine any “special circumstances” advanced by the party as having a bearing on the appropriateness of granting a waiver.²³ However, the Commission stated that such “special circumstances” should not be premised on views rejected at the time the cross-ownership rule was adopted, as “we do not intend to relitigate resolved issues.”²⁴

Special circumstances. Here, FLS does not argue that its waiver request falls within any of the first three categories. Therefore, we analyze its request under the fourth, catch-all category of “special circumstances.” As detailed above, FLS bases its request on two arguments: (1) beneficial “synergies” between the *Free Lance-Star* and the Stations, including enhanced local news; and (2) the pendency of the 2014 *Quadrennial* proceeding. However, as it clearly stated in the *1975 Order* and subsequently reaffirmed, the Commission will not relitigate in waiver requests issues that were settled when the rule was adopted.²⁵ Cross-efficiency arguments were certainly considered and rejected in the *1975 Order*.²⁶ Therefore, FLS’s “synergies” argument cannot be accepted in support of its waiver request.²⁷ Moreover, the cross-efficiencies described in FLS’s waiver request would likely be found in virtually all pre-1975

¹⁹ This approach reflected the Commission’s policy goal that any new licensing should be expected to add to local diversity. See *1975 Order*, 50 FCC 2d at 1075.

²⁰ See, e.g., *2002 Biennial Regulatory Review*, Report and Order, 18 FCC Rcd 13620, 13747-67, 13790-807 (2003) (replacing the NBCO rule with cross-media limits, which were remanded by the Third Circuit in *Prometheus Radio Project v. FCC*, 373 F.3d 372, 402-03 (3d Cir. 2004)); *2006 Quadrennial Regulatory Review*, Report and Order and Order on Reconsideration, 23 FCC Rcd 2010, 2018-57 (2008) (adding a waiver provision to the NBCO rule, which was vacated and remanded on procedural grounds in *Prometheus Radio Project v. FCC*, 652 F.3d 431, 453 (3d Cir. 2011)).

²¹ *1975 Order*, 50 FCC 2d at 1077.

²² *1975 Order*, 50 FCC 2d at 1085. Although later applied to new newspaper/broadcast combinations, these waiver criteria were originally designed specifically for the divestiture of combinations, like this one, existing prior to adoption of the rule.

²³ *Id.* at 1085, n.47; see also, e.g., *Stockholders of Renaissance Communications Corp.*, Memorandum Opinion and Order, 12 FCC Rcd 11866, 11879-80 (1997) (“*Rennaissance Communications*”).

²⁴ *1975 Order*, 50 FCC 2d at 1085; see also, e.g., *Hopkins Hall Broadcasting, Inc.*, 10 FCC Rcd 9764, 9766 (1995) (“*Hopkins Hall*”) (“All of the arguments raised by [applicant] concerning improved news coverage, expertise, and operating efficiencies were considered and rejected in the rulemaking that led to passage of the present rule”).

²⁵ *1975 Order*, 50 FCC 2d at 1085; see also, e.g., *Capital Cities/ABC, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 5891, 5895 (1996).

²⁶ *1975 Order*, 50 FCC 2d at 1064-5, 1075 (explaining that while, historically, joint ownership had been beneficial as a way of pioneering new radio services, in a mature industry, diversity takes precedence); *Hopkins Hall*, 10 FCC Rcd at 9766.

newspaper/broadcast combinations.²⁸ Therefore, we cannot conclude that special circumstances exist that would warrant waiver here.

FLS's second ground for waiver, the pendency of the 2014 *Quadrennial* proceeding, likewise fails to satisfy the waiver standard. The Commission has repeatedly stated that the initiation of a rulemaking is insufficient grounds for waiver.²⁹ The issue before us is not whether a rulemaking proceeding is pending but whether the public interest would be served by a grant of the waiver.³⁰ As the Commission stated in the 1998 *Biennial Review NOI*,

[W]e believe it is important to review and restate our approach to granting conditional waivers of broadcast ownership rules which are under active consideration by the Commission in a rulemaking or inquiry proceeding. Generally, *we have not granted conditional waivers of a broadcast ownership rule simply on the grounds that the rule was the subject of an ongoing rulemaking or inquiry proceeding*, believing that such a blanket approach would make our enforcement processes unworkable and would subject our regulatees to undesirable levels of uncertainty. Perhaps more importantly, such an approach would necessarily assume that compliance with the subject rule during the pendency of its review was not in the public interest, an assumption which would ordinarily lack a substantial record basis at the notice of inquiry or notice of proposed rulemaking stage of a proceeding.³¹

The Commission went on to note that in certain limited instances, it has “consciously departed from this general approach” and expressly established an interim waiver policy allowing waivers conditioned on compliance with the outcome of the proceeding.³² However, such an interim policy was notably absent from the 2014 *Quadrennial NPRM* and we decline to create one on an *ad hoc* basis here. Therefore, given the lack of any other acceptable special circumstances presented by FLS, we will not grant an interim waiver of the NBCO rule solely on the grounds that the rule is the subject of an ongoing rulemaking.

²⁸ See, e.g., *Renaissance Communications*, 12 FCC Rcd at 11887 (“certain of the benefits identified by Tribune, such as enhanced news gathering and public service campaigns, appear to be of the type that would exist in virtually all newspaper/broadcast combinations and, consequently, cannot be regarded as demonstrating exceptional circumstances.”).

²⁹ See, e.g., *New Rushmore Radio Inc.*, Letter, 29 FCC Rcd 3265, 3267 (MB 2014) (“*New Rushmore*”) (“The Commission does not routinely waive rules merely because they could be modified in the future as a result of a pending rulemaking.”); *Shareholders of Tribune Company*, Memorandum Opinion and Order, 22 FCC Rcd 21266, 21276 (2007) (“*Tribune*”) (holding that speculation regarding the likelihood of compliance with a proposed future rule is “not sufficient to overcome our long-standing policy against granting waivers pending the outcome of rulemakings...”); *RKO General*, Memorandum Opinion and Order, 3 FCC Rcd 5262, 5263 (1988).

³⁰ *Stockholders of Renaissance Communications Corporation*, Order, 13 FCC Rcd 4717, 4718 (1998) (“*Renaissance Communications IP*”) (“[F]or purposes of determining whether an interim waiver should be granted in a particular case, what is important is whether the public interest would be served by a grant of the waiver. Whether the Commission specifically contemplates changing a rule in a manner that would provide relief to the party seeking the waiver is only one factor in the public interest calculus.”); 1998 *Biennial Regulatory Review*, Notice of Inquiry, 13 FCC Rcd 11276, 11294-5 (1998) (“1998 *Biennial Review NOI*”) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969)).

³¹ 1998 *Biennial Review NOI*, 13 FCC Rcd at 11294-95 (emphasis added).

³² *Id.* (citing as an example the interim waiver policy for the television duopoly rule set out in *Review of the Commission's Regulations Governing Television Broadcasting*, Second Further Notice of Proposed Rulemaking, 11 FCC Rcd 21655, 21681 (1996)).

Capital Cities does not control here, for several reasons. First, it did not concern the NBCO rule. In *Capital Cities*, the Commission granted a waiver of the one-to-a-market rule, which generally proscribes the common ownership of a television and radio station in the same market.³³ We have developed different waiver criteria for each of the various cross-ownership rules, such as the NBCO rule, the one-to-a-market rule, and the television duopoly rule.³⁴ In this context, we note that the NBCO rule, specifically, has been waived rarely since its inception.³⁵ Second, and more importantly, to the extent that *Capital Cities* could be read to establish the principle that a pending rulemaking proceeding generally justifies grant of a waiver, it has been superseded by subsequent decisions. In 1998, the Commission noted that although there had apparently been some “confusion” over the import of *Capital Cities* with respect to interim waivers, “it should now be clear that the mere initiation of a proceeding stating that the rule would be examined, or merely the fact that such a proceeding was on the horizon, would not be sufficient to warrant an interim waiver.”³⁶ In the 1998 *Biennial Review NOI*, the Commission reiterated that “to the extent that [the *Capital Cities* waiver decision] suggests that the pendency of a proceeding by itself would be sufficient basis for a waiver, it is superseded...”³⁷ In a number of subsequent decisions, the Commission reaffirmed this policy.³⁸ Given the weight of countervailing precedent, we find that *Capital Cities* does not mandate that we grant a waiver solely on the basis of the pending 2014 *Quadrennial* rulemaking proceeding.³⁹

³³ 47 C.F.R. § 73.3555(c); *Capital Cities*, 2 FCC Rcd at 2529-40.

³⁴ See *Stockholders of CBS*, Memorandum Opinion and Order, 11 FCC Rcd 3733, 3754-5 (1995) (“CBS”) (“[T]he Commission has developed detailed standards for permanent waiver of its one-to-a-market rule, its television duopoly rule, and the television satellite exemption to the multiple ownership rules.”). Therefore, even in the same decision, waiver requests for each cross-ownership rule are generally analyzed separately. See, e.g., *Tribune*, 22 FCC Rcd at 21273 *et seq.*; *Capital Cities/ABC, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 5841, 5862-3 (1996) (“*Disney*”). Waivers involving the television duopoly rule, for example, have focused on the extent of the overlap, the number of media voices available in the overlap area, the distinctiveness of the respective markets, the independence of the stations’ operations, and the concentration of economic power resulting from the combination. See *Disney*, 11 FCC Rcd at 5862-3. On the other hand, there are three standards for waivers of the one-to-a-market rule: the “top 25/30 voices” standard, the “failed station” standard, and the five-factor “case-by-case” standard. *CBS*, 11 FCC Rcd at 3765.

³⁵ See, e.g., *Counterpoint Communications, Inc.*, Memorandum Opinion and Order, 20 FCC Rcd 8582, 8584-5 (2005) (noting that the Commission had granted only four permanent waivers of the NBCO rule since 1975, as well as several temporary waivers granting a specific period of time to come into compliance).

³⁶ *Renaissance Communications II*, 13 FCC Rcd at 4718 (“The Commission’s position with respect to interim waivers pending rulemaking has apparently not been clearly articulated, as evidenced by the court’s opinion. In light of this confusion, we believe it would be unduly harsh for *Tribune* not to receive some further interim relief.”).

³⁷ 1998 *Biennial Review NOI*, 13 FCC Rcd at 11295 (citing *Capital Cities/ABC, Inc.*, Letter, 4 FCC Rcd 5498 (1989) (replacing *Capital Cities*’ interim waiver with a permanent waiver under the “top 25 markets/30 voices” standard)).

³⁸ See *supra*, note 29.

³⁹ The case before us is also distinguishable from the recent *Fox Supplemental Waiver* decision, cited in FLS’s Supplement, in which the Commission deferred a final ruling on a request for permanent waiver originally filed in 2004 until final Commission action in the 2014 *Quadrennial* proceeding. See *Fox Supplemental Waiver*, 29 FCC Rcd at 9576-78. In the *Fox Supplemental Waiver* decision, the original waiver request was based on the Commission’s relaxation of the NBCO rule in its decision in the 2002 biennial ownership review process, a decision that was subsequently stayed and remanded by the U.S. Court of Appeals for the Third Circuit. *Id.* at 9578. In a 2008 supplement to its permanent waiver request, Fox argued that its combination also met the standard for a permanent waiver of the NBCO rule set out in a 2008 decision. See *supra*, note 20. This decision was also

Other public interest and equitable considerations. FLS states that “it would be difficult to argue that temporary continuance of FLS’s grandfathering would harm the public interest, since the cross-ownership has caused no harm for over 50 years.”⁴⁰ We disagree. By adopting a prospective rule, which would enhance diversity only through gradual, voluntary divestitures, the Commission sought to balance the harm caused to licensees and local communities by divestitures with the harm to diversity posed by the perpetuation of such combinations.⁴¹ In doing so, the Commission acknowledged the significant public services performed by licensees (often newspaper owners) who had pioneered radio service before it became profitable.⁴² It also noted the value of continuity of ownership to the local community, in contrast to ownership by outside interests who would “lack the long knowledge of the community and would have to begin raw.”⁴³ Thus VND (and Fredericksburg) are the logical beneficiaries of the grandfathering policy, but FLS is not. In this respect, we observe that in the landmark NBCO waiver cases *Field* and *Fox*, both assignees were *reacquiring* the media properties at issue, having previously either controlled the property or had a continuing financial interest in it.⁴⁴ This is not the case here, where the proposed transaction would result in completely new ownership of the relevant media properties. Finally, we disagree with FLS that denial of the waiver request would “force it...into a premature divestiture.”⁴⁵ Rather, FLS bid on this media combination in the full knowledge that it would be subject to immediate divestiture under the Rules.⁴⁶ For all these reasons, we find that FLS has not shown that application of the Rules in this case, which does not appear to substantially differ from any other transaction contemplated by the *1975 Order*, is either inequitable or against the public interest.

Conclusion/Actions. As discussed above, we find that FLS has not demonstrated that special circumstances are present in this case that would warrant waiver of the NBCO rule. However, we will grant a temporary waiver for twelve months to allow the orderly resolution of the bankruptcy proceeding while requiring FLS to come into compliance with the NBCO rule. We find that it is in the public interest to allow FLS, as creditor, twelve months to obtain full value for the station assets, which as noted were

remanded by the Court. *Id.* Thus, Fox’s permanent waiver request had been pending through ten years and two court remands of the relevant standard. In light of Fox’s “unique” circumstances (including, among other things “two television stations, one newspaper, the number one media market”) the Commission declined to make a final ruling on Fox’s permanent waiver request, affording the licensee 90 days after final Commission action in the *2014 Quadrennial* proceeding to either comply with the rule in effect at that time or file a new waiver request. *Id.* The equitable considerations in *Fox*, as well as the information Fox provided regarding diversity in the relevant market, are not present in this case.

⁴⁰ Application, Exhibit 18, at 6.

⁴¹ *1975 Reconsideration Order*, 53 FCC 2d at 589 (“In addition to the theoretical advantage of greater diversity, the Commission determined that it was necessary to take into account the impact of any possible divestiture requirement on the public and affected parties alike.”).

⁴² *1975 Order*, 50 FCC 2d at 1078; *FCC v. Nat’l Citizens Comm. for Broadcasting*, 436 U.S. 775, 805 (1978).

⁴³ *1975 Order*, 50 FCC 2d at 1078.

⁴⁴ See *Hopkins Hall*, 10 FCC Rcd at 9764; *supra* note 17.

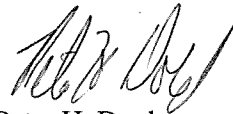
⁴⁵ Application, Exhibit 18, at 6.

⁴⁶ See *Tribune*, 27 FCC Rcd at 14252 (finding that application of the NBCO rule would not be unduly harsh because “[a]ll of these combinations represent properties that Tribune knew were non-compliant when it acquired them.”).

obtained at a court-ordered bankruptcy auction.⁴⁷ In the alternative, if the Commission eliminates the NBCO Rule pursuant to the *2014 Quadrennial NPRM* within this twelve month divestiture period, FLS may retain the combination if permitted to do so under the new rule, subject to any conditions therein. We also condition this temporary waiver on FLS's compliance with any other requirements the Commission may apply, pursuant to the *2014 Quadrennial NPRM*, to other holders of temporary NBCO waivers.

Accordingly, IT IS ORDERED, that the Application to assign the licenses for Stations WFLS-FM, Fredericksburg, WNTX(AM), Fredericksburg, WVBX(FM), Spotsylvania, WWUZ(FM), Bowling Green, and W246BS, Fredericksburg, all Virginia, from VA Newspaper Debtor Co. to Free Lance-Star License, Inc. (File No. BALH-20140611ACJ) IS GRANTED. IT IS FURTHER ORDERED, that Free Lance-Star License, Inc. IS GRANTED a temporary waiver of the newspaper/broadcast cross-ownership rule, 47 C.F.R. § 73.3555(d), for twelve months from the release of this letter.

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

⁴⁷ See, e.g., *Disney*, 11 FCC Rcd 5841 (granting a 12-month waiver period to allow an orderly divestiture); *Tribune*, 27 FCC Rcd 14239 (granting a 12-month waiver period to “facilitate an orderly disposition of these assets from bankruptcy”). Cf. *New Rushmore*, 29 FCC Rcd at 3269 (in a non-bankruptcy context, allowing a 60-day waiver period to come into compliance with the one-to-a-market rule).