

Federal Communications Commission  
Washington, D.C. 20054

In Reply, Refer to: 1800B3-DT

**DA 07-1636**  
**Released: April 6, 2007**

LMC BET Holdings, LLC  
c/o Robert L. Hoegle, Esq.  
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Suite 900  
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Washington, DC 20001

Re: Request for Continuing Waiver of Main Studio Rule for  
WJMN-TV, Escanaba, Michigan  
Facility ID No. 9630

Dear Counsel:

This concerns the above-referenced request (the “Liberty Request”) for a continuing waiver of Section 73.1125, the Commission’s main studio rule, filed by LMC BET Holdings, LLC. (“Liberty”). Specifically, Liberty seeks authority to continue operating station WJMN-TV without a main studio, utilizing the main studio of WFRV-TV, Green Bay, Wisconsin. Liberty has submitted this request in connection with its pending application to acquire control of WFRV and WJMN Television Station, Inc., licensee of WFRV-TV, Green Bay, Wisconsin and WJMN-TV, Escanaba, Michigan from CBS Corporation.<sup>1</sup>

*Background.* Since 1969, station WJMN-TV, Escanaba, Michigan, was operated as a 100-percent satellite station of WFRV-TV, Green Bay, Wisconsin without a main studio.<sup>2</sup> The Commission approved continuing satellite status for WJMN-TV in 1991 and in 1995.<sup>3</sup> In 2000, when a satellite exemption was no longer required because of the new ownership rules, the Commission granted an application for assignment of the station’s license and a waiver of the main studio rule<sup>4</sup> for WJMN-TV (the “2000 Waiver”) to permit continued operation of WJMN-TV without a main studio.<sup>5</sup> The grant of the 2000 Waiver was based on the licensee’s showing that “the Escanaba market is extremely limited in size, that no other television station is licensed to that community, and that maintenance of a main studio in Escanaba is not economically viable.”<sup>6</sup>

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<sup>1</sup> File No. BALCT-20070212BBC.

<sup>2</sup> See *Midwest Communications, Inc.*, 7 FCC Rcd 159, 160 (1991).

<sup>3</sup> See *Shareholders of CBS Corp.*, 15 FCC Rcd 8230, 8244 (2000).

<sup>4</sup> 47 C.F.R. § 73.1125.

<sup>5</sup> See *Shareholders of CBS Corp.*, 15 FCC Rcd at 8244.

<sup>6</sup> *Id.*

*Waiver Showing.* Liberty maintains that the bases for the Commission's grant of the 2000 Waiver remain valid today and warrant continued grant of the waiver. The Escanaba market is located within the Marquette, Michigan, DMA. The Marquette DMA, ranked 177<sup>th</sup> out of the 210 markets in the country when the 2000 Waiver was granted, is now ranked 178<sup>th</sup> in the nation, according to Liberty. Therefore, Liberty argues, Escanaba continues to be located in a small market. Furthermore, Liberty maintains, WJMN remains the only television station licensed to Escanaba. Finally, Liberty argues that Escanaba is located in an economically depressed area "that would not support the location of a local main studio."<sup>7</sup> To support this assertion, Liberty presents information showing that the 2006 unemployment rates in the counties surrounding Escanaba (6.9% in Delta County and 5.8% in Marquette County) were higher than the national average of 4.6%; that the 2003 median household income in those counties (\$37,221 in Delta County and \$36,993 in Marquette County) was significantly below the median statewide income for Michigan (\$46,291); and that the population levels for the counties were essentially stagnant (from 2000 to 2005, the population of Delta County declined by 0.4%, while the population of Marquette County increased by 0.2%).<sup>8</sup>

*Discussion.* We believe that the public interest will be served by granting a continuing main studio waiver for WJMN-TV to permit this station to operate without a main studio, utilizing the studio of WFRV-TV, Green Bay, Wisconsin. The Commission has previously recognized station WJMN-TV as a satellite of WFRV-TV, and WJMN-TV has operated without a main studio for many years. WJMN continues to rely upon WFRV for much of its programming. Furthermore, the Marquette DMA is ranked 178<sup>th</sup>, and no other television station is licensed to Escanaba. In addition, Liberty provides current market data to support its claim that the economically depressed community of Escanaba continues to be unable to support a full-service station.

However, we would like to ensure that Liberty takes adequate measures to guarantee that it maintains awareness of the needs and interests of its local viewers. We will require Liberty to maintain a toll-free number that will permit the residents of Escanaba to contact the WFRV studio without long-distance charges. We also encourage Liberty to engage in and maintain dialogue with residents of Escanaba to make widely known the means for contacting Liberty with input regarding WJMN-TV. Overall, in light of its showing here, we believe that Liberty has demonstrated that it can and will serve the needs and interests of Escanaba, even without a main studio.

Accordingly, the request of LMC BET Holdings, LLC for a continuing waiver of 47 C.F.R. § 73.1125 for WJMN-TV, Escanaba, Michigan **IS HEREBY GRANTED.**

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>7</sup> Liberty Request at 2.

<sup>8</sup> *Id.*