

Federal Communications Commission
Washington, D.C. 20554

SMH-1800E3

DA 08-165

Released: January 29, 2008

Tucker Broadcasting of Traverse City, Inc.
c/o Clifford M. Harrington Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037

Re: *Application for Assignment of Licenses*
WGTU(TV), Traverse City, Michigan
WGTQ(TV), Sault Ste. Marie, Michigan
File Nos. BALCT-20070917ADG, ADH
Facility ID Nos. 59280, 59279

Request for Continuing Satellite Authorization
WGTQ(TV), Sault Ste. Marie, Michigan

Dear Counsel:

This is in reference to the above-captioned applications for assignment of licenses from MTC License LLC to Tucker Broadcasting of Traverse City, Inc. ("Tucker"). As part of this transaction, Tucker requests continuing satellite authority for WGTQ(TV), Sault Ste. Marie, Michigan, which operates as a satellite of WGTU(TV), Traverse City, Michigan, pursuant to the satellite exemption to the duopoly rule.¹ The stations have Grade B overlap and are located within the Cadillac-Traverse City, Michigan, DMA ("Traverse City DMA").

In *Television Satellite Stations*,² the Commission established the requirement that all applicants seeking to transfer or assign satellite stations justify continued satellite status by demonstrating compliance with a three-part "presumptive" satellite exemption standard applicable to new satellite stations. The presumptive satellite exemption is met if the following three public interest criteria are satisfied: (1) there is no City Grade overlap between the parent and the satellite; (2) the proposed satellite would provide service to an underserved area; and (3) no alternative operator is ready and able to construct or to purchase and operate the satellite as a full-service station.³ If an applicant does not

¹ See 47 C.F.R. § 73.3555, Note 5.

² *Television Satellite Stations Review of Policy and Rules*, MM Docket No. 87-8, Report and Order, FCC Rcd 4212, 4215 (1991) ("Television Satellite Stations") (subsequent history omitted).

³ *Id.* at 4213-14.

qualify for the presumption, the Commission will evaluate the proposal on an *ad hoc* basis, and grant the application if there are compelling circumstances that warrant approval.⁴

As to the first criterion, Tucker has submitted an engineering study, which demonstrates that there is no City Grade contour overlap between WGTQ(TV) and WGTU(TV). With respect to the second criterion, Tucker has demonstrated, using our transmission test, that the respective area is underserved. The “transmission” test deems an area underserved if there are two or fewer full-service television stations licensed to a proposed satellite’s community of license.⁵ Tucker maintains that there are only two television stations licensed to Sault Ste. Marie, WGTQ(TV) and WWUP(TV), both operating as satellites.

Regarding the third criterion, an applicant must show that no alternative operator is ready and able to construct, or to purchase and operate, the proposed satellite as a full-service station.⁶ In support of its continuing waiver request, Tucker submits a declaration from Stancel Riley, a broker with Wachovia Capital Markets, LLC (“Wachovia”), demonstrating that there are no alternative operators ready and able to purchase and operate the proposed satellite as a full-service station. In this regard, Riley states that Wachovia has been marketing WGTQ(TV) for a period of 12 months to approximately 143 potential bidders. However, no party submitted any bid for the station as a stand alone facility. Furthermore, Tucker asserts that each of the other commercial television operations in the Traverse City DMA operates with a principal station coupled with a satellite.

We find that the instant request satisfies the Commission’s presumptive satellite standard. The Commission has expressly recognized the difficulties faced by television stations operating in or near the Upper Peninsula of Michigan and has granted satellite status to numerous stations on that basis.⁷ The Commission most recently approved continued satellite operation for WGTQ(TV) in 2003. In making this determination, the Commission relied, in part, on an expert’s declaration that no potential buyer showed an interest in operating the station as a full-service facility. Likewise, Tucker has again demonstrated the unfeasibility of finding a purchaser willing to operate the station on a stand alone basis. We, therefore, find that the continued operation of WGTQ(TV) as a satellite of WGTU(TV) would be in the public interest. In view of the foregoing, and having determined that Tucker is qualified in all respects, we find that a grant of the above-referenced application would serve the public interest, convenience and necessity.

ACCORDINGLY, the request of Tucker Broadcasting of Traverse City, Inc. for the continued operation of WGTQ(TV), Sault Ste. Marie, pursuant to the satellite exception to the duopoly rule, Section 73.3555, Note 5, of the Commission’s rules, **IS GRANTED**.

⁴ *Id.* at 4212.

⁵ *Id.* at 4215.

⁶ *Id.*

⁷ See *GRK Productions Joint Venture*, 13 FCC Rcd 12168 (1998).

FURTHERMORE, the above-referenced application for consent to assign the licenses for WGTU(TV), Traverse City, Michigan and WGTQ(TV), Sault Ste. Marie, Michigan (File Nos. BALCT-20070917ADG, ADH) **ARE GRANTED**.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Julian L. Shepard, Esq.