



Federal Communications Commission
Washington, D.C. 20554

DA 14-1757

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Communications Corporation of America
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Re: *Applications for Consent to Assignment of Licenses*
KVEO-TV, Brownsville, TX, Fac. ID No. 12523
KWKT-TV, Waco, TX, Fac. ID No. 12522
KYLE-TV, Bryan, TX, Fac. ID No. 60384
KTSM-TV, El Paso, TX, Fac. ID No. 67760
WGMB-TV, Baton Rouge, LA, Fac. ID No. 12520
KETK-TV, Jacksonville, MS, Fac. ID No. 55643
KADN-TV, Lafayette, LA, Fac. ID. No. 33261
WNTZ-TV, Natchez, MS, Fac. ID No. 16539
File Nos. BALCDT-20130503ACM, ACN, ABY, ACA,
ABR, ACP, ACH, ABV

Dear Counsel:

By this letter we grant the above-captioned uncontested applications for the assignment of eight television licenses from subsidiaries of Communications Corporation of America ("CCA") to Nexstar Broadcasting, Inc. ("Nexstar"). In connection with the sale, we also grant continued authority to operate station KYLE-TV, Bryan, Texas, as a satellite of KWKT-TV, Waco, Texas, pursuant to Note 5 of Section 73.3555 of the Commission's rules.¹

In *Television Satellite Stations*, the Commission adopted "a presumption that TV satellite operations are in the public interest if individual applicants can satisfy certain public interest criteria."²

¹ 47 C.F.R. § 73.3555, Note 5.

² *Television Satellite Stations Review of Policies and Rules*, Report and Order, 6 FCC Rcd 4212, 4213 (1991) (subsequent history omitted) ("*Television Satellite Stations*").

The presumptive satellite exemption to the duopoly rule is therefore 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 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 No objections have been filed against the requested continued “satellite exemption.”

According to the KYLE-TV Satellite Waiver Request, KYLE-TV has been operating as a satellite of KWKT-TV since KYLE-TV’s inception in 1996, and the Commission has authorized continued satellite status in 2004 and 2007.⁵

With regard to the first criterion, we recognize that, following the digital transition, full-power television stations have a digital Principal Community contour that serves a much larger area than their former analog City Grade contour, and that the first criterion of the presumptive standard is no longer relevant in the digital environment.⁶ However, prior to the digital transition, the analog City Grade contours of KYLE-TV and KWKT-TV did not overlap.⁷

Regarding the second criterion, Nexstar has demonstrated that KYLE-TV is located in an underserved area. The “transmission” test deems an area underserved where there are two or fewer full-service television stations licensed to a proposed satellite’s community of license.⁸ Here, according to Nexstar, the only other full-power television station licensed to Bryan, Texas is KBTX-TV, which is itself operated as a satellite of KWTX-TV, the CBS Network affiliate in Waco, Texas.⁹

With regard to the third criterion, the KYLE-TV Satellite Waiver Continuation Request does not present any evidence that the respective licensees have attempted to sell KYLE-TV separately as a full-service station. Instead, Nexstar submits a letter from Brian E Cobb, in which he concludes that it is his opinion that the satellite waiver should continue.¹⁰ Mr. Cobb states that several factors make the operation

³ *Id.* at 4213-14.

⁴ *Id.* at 4214.

⁵ File No. BALCDT-20130503ABY, Application, Exh. 18, Request for Continuation of Satellite Status (“KYLE-TV Satellite Waiver Continuation Request”) at 1-2 (citing *Silent Minority Group, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 15011 (MB 1996); *Letter to ComCorp. of Bryan License Corp.*, Letter Order, 22 FCC Rcd 17573 (Vid. Div. MB 2007) (“2007 Satellite Waiver”) (citing *Comcorp. of Bryan License Corp.*, Letter Order (MB 2004))).

⁶ *LIN License Co., LLC*, Letter Order, 27 FCC Rcd 12082, 12083 (MB Vid. Div. 2012)

⁷ KYLE-TV Satellite Waiver Continuation Request at 2 & Att. A: City Grade Contours of KWKT & KYLE Pre-Transition Configuration.

⁸ *Television Satellite Stations*, 6 FCC Rcd at 4215.

⁹ KYLE-TV Satellite Waiver Continuation Request at 3 (citing *2007 Satellite Waiver* at 2 (identifying KBTX as a satellite of KWTX); *Broadcasting & Cable Yearbook 2012* at A-1217, A-1306).

¹⁰ KYLE-TV Satellite Waiver Continuation Request at Att. B, Letter from Brian E. Cobb, President, CobbCorp, LLC to Chief, Video Division, Media Bureau, FCC (dated Apr. 25, 2013).

of KYLE-TV as a stand-alone full –service station impracticable: (1) the Waco-Temple-Bryan, Texas Nielsen Designated Market Area (“DMA”) is ranked 88th in size but only 98th in television revenue; (2) KYLE-TV’s signal reaches less than half of the geographic nature of the market, and its limited contour does not reach the two most populous counties in the market; (3) and the four major networks already have affiliates in the DMA. In addition, Nexstar points out that full-power stations licensed to Waco hold the market’s affiliations for MyNetworkTV, the CW, and Telemundo on their digital multicast channels.¹¹

While the instant request does not satisfy all of the criteria of the Commission’s presumptive satellite standard, we find that the Nexstar has set forth information sufficient to warrant continued satellite status for KYLE-TV pursuant to our *ad hoc* analysis. Given KYLE-TV’s long history as a satellite of KWKT-TV, the geographically challenging nature of their coverage areas, the limited advertising revenue opportunities, and the fact that all of the major networks are broadcast in the respective DMAs at issue, it is unlikely that an alternative operator would be willing and able to operate KYLE-TV as a stand-alone facility. We see no evidence in the record that continuing the satellite exemption will harm competition in the market. Indeed, we find that doing so will benefit the public interest by promoting access to broadcast services which may otherwise not be feasible. For the reasons discussed above, we find that the continued operation of KYLE-TV as a satellite of KWKT-TV would be in the public interest.

Furthermore, having reviewed the application, pleadings, and other facts before us, we conclude that, not only will grant of the applications comply with Commission rules, but that grant will serve the public interest, convenience, and necessity.

ACCORDINGLY, IT IS ORDERED, That the request for the continued operation of station KYLE-TV, Bryan, Texas, as a satellite of KWKT-TV, Waco, Texas, pursuant to the satellite exception to the duopoly rule, Section 73.3555, Note 5, of the Commission’s rules, IS GRANTED.

IT IS FURTHER ORDERED, That the above-referenced applications for consent to assign the licenses of KVEO-TV, Brownsville, TX; KWKT-TV, Waco, TX; KYLE-TV, Bryan, TX; KTSM-TV, El Paso, TX; WGMB-TV, Baton Rouge, LA; KETK-TV, Jacksonville, MS; KADN-TV, Lafayette, LA; WNTZ-TV, Natchez, MS (File Nos. BALCDT-20130503ACM, ACN, ABY, ACA, ABR, ACP, ACH, ABV) ARE GRANTED.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹¹ KYLE-TV Satellite Waiver Continuation Request at 4 (citing Advanced TVFactbook, *available at* <http://www.tvcablefactbook.com/subscription>) (last visited Apr. 25, 2013).