

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
One Ministries, Inc.) MB Docket No. 23-4
For Modification of the Television Market of) CSR 9006-A
Station KQSL, Fort Bragg, California)

MEMORANDUM OPINION AND ORDER

Adopted: April 28, 2023

Released: April 28, 2023

By the Senior Deputy Chief, Policy Division, Media Bureau:

I. INTRODUCTION

1. One Ministries, Inc., (One Ministries or Petitioner), licensee of commercial television station KQSL(DT), Fort Bragg, California (Facility ID No. 8378) (KQSL or Station), filed the above-captioned Petition1 requesting modification of the Station’s television market to include the communities in Santa Rosa, California served by Comcast2 systems on which KQSL is not currently being carried on a mandatory basis (Communities or Santa Rosa Communities). The Petitioner states that Santa Rosa is located within the San Francisco-Oakland-San Jose Designated Market Area (DMA) and, therefore, is presumptively part of KQSL’s market.3 The Petition is opposed by Comcast.4 One Ministries filed a Reply.5 For the reasons stated below, the Petition is denied.

II. BACKGROUND

A. Market Modification Procedures

2. Pursuant to section 614 of the Communications Act of 1934, as amended (the Act), and implementing rules adopted by the Commission in its Must Carry Order, commercial broadcast television

1 One Ministries, Inc. Petition for Special Relief for Modification of the Television Market for Station KQSL, MB Docket No. 23-4 (filed Dec. 19, 2022), https://www.fcc.gov/ecfs/document/1219001906354/1 (KQSL Petition or Petition). The Media Bureau issued a public notice seeking comment on the Petition. Special Relief and Show Cause Petitions, Public Notice, Report No. 0505 (MB Jan. 5, 2023).

2 The Petitioner states that according to the Commission’s Cable Operations and Licensing Systems (COALS) database, Comcast does business in the communities at issue herein under the name “Comcast of California/Connecticut/Michigan.” For ease of reference, the Petitioner refers to the relevant cable system as “Comcast” throughout its pleading. Petition at n.2. We do the same herein.

3 Petition at 1. Specifically, the Petitioner is seeking to add Santa Rosa (CA0658) and Santa Rosa (CA0255). Id. at n.3.

4 Opposition to One Ministries, Inc. Petition for Special Relief for Modification of the Television Market for Station KQSL, MB Docket No. 23-4 (filed Feb. 3, 2023) (Comcast Opposition). Comcast requested an extension of time to file its Opposition to which One Ministries consented. The Media Bureau granted Comcast’s extension as requested. See Email from Steven Broeckaert, Senior Deputy Chief, Policy Division, Media Bureau, FCC, to Robert Scott, MB Docket No. 23-4 (Jan. 5, 2023).

5 Reply to Opposition to Petition for Special Relief for Modification of the Television Market for Station KQSL, MB Docket No. 23-4 (filed Feb. 24, 2023) (Reply). One Ministries sought an unopposed extension of time to file its pleading, which was granted by the Media Bureau. See Email from Steven Broeckaert, Senior Deputy Chief, Policy Division, Media Bureau, FCC, to Ari Meltzer, Outside Counsel for One Ministries (Feb. 7, 2023).

stations are entitled to assert mandatory carriage rights on cable systems located within the station's market.⁶ A station's default market for this purpose is its DMA as defined by Nielsen Media Research.⁷ A DMA is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns. Essentially, each county in the continental United States is allocated to a market based on which stations receive a preponderance of total viewing hours in the county.⁸

3. Under the Act, however, the Commission also is directed to consider changes in a station's local market. Section 614(h)(1)(C) provides that the Commission may:

with respect to a particular television broadcast station, include additional communities within its television market or exclude communities from such station's television market to better effectuate the purposes of this section.⁹

In considering such requests, the Act provides that:

the Commission shall afford particular attention to the value of localism by taking into account such factors as –

- (I) whether the station, or other stations located in the same area, have been historically carried on the cable system or systems within such community;
- (II) whether the television station provides coverage or other local service to such community;
- (III) whether modifying the market of the television station would promote consumers' access to television broadcast station signals that originate in their State of residence;¹⁰
- (IV) whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage or coverage of sporting and other events of interest to the community; and
- (V) evidence of viewing patterns in cable and noncable households within the areas served by the cable system or systems in such community.¹¹

⁶ *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues*, MM Docket Nos. 90-4, 92-259, 92-295, Report and Order, 8 FCC Rcd 2965, 2976-77, paras. 42-47 (1993) (*Must Carry Order*).

⁷ Section 614(h)(1)(C) of the Act, as amended by the Telecommunications Act of 1996, provides that a station's market shall be determined by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns. 47 U.S.C. § 534(h)(1)(C). Section 76.55(e) requires that a commercial broadcast television station's market be defined by Nielsen Media Research's DMAs. 47 CFR § 76.55(e). *See also Definition of Markets for Purposes of the Cable Television Broadcast Signal Carriage Rules*, CS Docket No. 95-178, Order on Reconsideration and Second Report and Order, 14 FCC Rcd 8366 (1999).

⁸ *See Measurement and Reporting Geographies* (Nielsen Local Reference Supplement 2007-2008), <https://ecfsapi.fcc.gov/file/6519864809.pdf>.

⁹ 47 U.S.C. § 534(h)(1)(C).

¹⁰ The STELA Reauthorization Act of 2014, Pub. L. No. 113-200, 128 Stat. 2059 (2014), enacted December 4, 2014, added a new statutory factor, denominated as factor III above. *See also Amendment to the Commission's Rules Concerning Mkt. Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014*, MB Docket No. 15-71, Report and Order, 30 FCC Rcd 10406 (2015) (*STELAR Market Mod. Order*).

¹¹ 47 U.S.C. § 534(h)(1)(C)(ii)(I)-(V). The legislative history of the provision states that:

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4. In order to establish a station's relationship to the community at issue as required by the Act, section 76.59(b) of the Commission's rules requires requests for market modification to be supported by the following evidence:

- (1) A map or maps illustrating the relevant community locations and geographic features, station transmitter sites, cable system headend locations, terrain features that would affect station reception, mileage between the community and the television station transmitter site, transportation routes and any other evidence contributing to the scope of the market;
- (2) Noise-limited service contour maps (for full-power digital stations) or protected contour maps (for Class A and low power television stations) delineating the station's technical service area and showing the location of the cable system headends or satellite carrier local receive facilities and communities in relation to the service areas;¹²
- (3) Available data on shopping and labor patterns in the local market;
- (4) Television station programming information derived from station logs or the local edition of the television guide;
- (5) Cable system channel line-up cards or other exhibits establishing historic carriage, such as television guide listings;
- (6) Published audience data for the relevant station showing its average all day audience (*i.e.*, the reported audience averaged over Sunday-Saturday, 7 a.m.-1 a.m., or an equivalent time period) for both cable and noncable households or other specific audience indicia, such as station advertising and sales data or viewer contribution records; and
- (7) If applicable, a statement that the station is licensed to a community within the same state as the relevant community.¹³

where the presumption in favor of [DMA] carriage would result in cable subscribers losing access to local stations because they are outside the [DMA] in which a local cable system operates, the FCC may make an adjustment to include or exclude particular communities from a television station's market consistent with Congress' objective to ensure that television stations be carried in the area in which they serve and which form their economic market.

* * * *

[This subsection] establishes certain criteria which the Commission shall consider in acting on requests to modify the geographic area in which stations have signal carriage rights. These factors are not intended to be exclusive, but may be used to demonstrate that a community is part of a particular station's market.

H.R. Rep. 102-628, 102d Cong., 2d Sess. 97 (1992). In adopting rules to implement section 614(h)(1)(C), the Commission indicated that requested changes should be considered on a community-by-community basis rather than on a county-by-county basis, and that they should be treated as specific to particular stations rather than applicable in common to all stations in the market. *Must Carry Order*, 8 FCC Rcd at 2977, n.139.

¹² See also 47 CFR § 76.59, Note to Paragraph (b)(2) ("Service area maps using Longley-Rice (version 1.2.2) propagation curves may also be included to support a technical service exhibit").

¹³ 47 CFR § 76.59(b). Petitions for special relief to modify television markets that do not include all of the above evidence, or reflect at least an effort to obtain the evidence, must be dismissed without prejudice at the outset of the proceeding, but may be re-filed at a later date with the appropriate filing fee. *La Plata County, Colorado Petitions for Modification of the Satellite Television Markets of KDVR-TV, KCNC-TV, KMGH-TV, and KUSA-TV, Denver, Colorado*, MB Docket Nos. 16-366, 16-367, 16-368, 16-369, Memorandum Opinion and Order, 34 FCC Rcd 5030, 5038, para. 16 (2019). See also *STELAR Market Mod Order*, 30 FCC Rcd at 10424, para. 22. Parties may submit

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B. KQSL

5. KQSL is licensed to Fort Bragg, California, a community located in Mendocino County, California.¹⁴ Its primary broadcast location is a site on top of Cahto Peak, near Laytonville, California using a directional antenna at 26 kW ERP that transmits the Station's signal north toward Eureka, east toward Red Bluff, and south over a portion of Sonoma County.¹⁵ In 2011, Comcast successfully petitioned to modify KQSL's market to exclude the Communities, as well as others outside the scope of the instant proceeding.¹⁶ In granting Comcast's petition, the Media Bureau (Bureau) found that KQSL had "no history of carriage and no discernible viewership in the communities at issue."¹⁷ It also found that the Station's noise-limited service contour did not cover the communities, that it was geographically distant from the communities at an average distance of 140 miles, and that it was separated from those communities by mountainous terrain.¹⁸ Finally, although KQSL stated that it "intended" to "provide Asian language programming targeted to Bay Area residents," the Bureau did not consider this expressed intention a sufficient basis for treating KQSL as a specialty station.¹⁹

C. The Petition

6. One Ministries asserts that the factors that previously caused the deletion of the Communities from KQSL's market no longer apply.²⁰ KQSL has constructed a distributed transmission system (DTS) that supplements KQSL's original transmitter atop Cahto Peak with a separate transmitter in Cloverdale.²¹ The Petitioner explains that the DTS construction supported the Bureau's grant of an earlier KQSL Petition to add Cloverdale to KQSL's television market in 2021.²² According to the Petitioner, KQSL further modified its DTS by moving its second DTS site to Geyserville, which resulted in improved coverage in portions of KQSL's contour that were terrain shielded from the main KQSL transmitter.²³ As a result, the Petitioner asserts that KQSL has extended its signal further south, allowing broader coverage across Sonoma County.²⁴ In addition, the Petitioner states that the DTS transmitter site is located 23 miles from Santa Rosa, thus supporting its inclusion in KQSL's market.²⁵ One Ministries describes KQSL as an independent, Christian television station that has served the San Francisco-

whatever additional evidence they deem appropriate and relevant. *Petition of Tobacco Valley Communications to Exclude Eureka and Communities in North Lincoln County from the Local Market of Several Spokane, Washington Broadcasters and Include it [sic] in the Local Market of Several Missoula, Montana Broadcasters*, MB Docket No. 15-152, Memorandum Opinion and Order, 31 FCC Rcd 8972, 8976, n.22 (MB 2016).

¹⁴ Petition at 2. KQSL's main studio is located at 2240 Professional Drive in Santa Rosa. *Id.* at 2-3.

¹⁵ FCC File No. BLCDDT-20090610AAS.

¹⁶ *In re Comcast Cable Communications, LLC for Modification of the San Francisco-Oakland-San Jose, California DMA*, Memorandum Opinion and Order, 26 FCC Rcd 14453 (2011) (*KQSL 2011 Order*).

¹⁷ *Id.* at 14463, para. 15.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Petition at 3.

²¹ LMS File No. 0000058621.

²² *In re One Ministries, Inc. for Modification of the Television Market of Station KQSL, Fort Bragg, California*, Memorandum Opinion and Order, 36 FCC Rcd 12391, 12396, para. 9 (2021) (*KQSL 2021 Order*).

²³ LMS File No. 0000187371.

²⁴ Petition at Exhibit A (Longley-Rice Analysis and Map); Exhibit E (Translator Contours).

²⁵ *Id.* at Exhibit B (Distances to Communities). According to the Petitioner, this Exhibit demonstrates that the distance from the DTS transmitter site to Santa Rosa is 31.3 miles by car and 22.9 miles "as the crow flies." *Id.* at n.13.

Oakland-San Jose DMA for decades.²⁶ The Petitioner asserts that, in addition to improved signal coverage, KQSL has invested in delivering programming about Santa Rosa and is originating from the Station's main studio located in Santa Rosa to better serve viewers in the Communities who are not well served by other stations in the DMA.²⁷ It further contends that this is reflected in KQSL's viewership in Sonoma County, which demonstrates the strong connection between KQSL and the Communities.²⁸ One Ministries argues that the Communities are now properly within the Station's market and therefore the market should be modified accordingly.²⁹

7. The Petitioner notes that the Bureau has previously considered the effect of deploying a DTS on a station's market. Like KQSL, California stations KVMD and KILM had been the subject of market modifications that resulted in the deletion of a number of communities from their markets.³⁰ Both later built DTS and successfully petitioned to return the deleted communities to their markets.³¹

8. As noted above, Comcast opposes the Petition to add the Communities back into KQSL's market.³² Comcast argues that KQSL's new DTS does not warrant or justify a change in its market to cover the Santa Rosa Communities.³³ Comcast contends that the decisions cited by the Petitioner undermine, rather than support, its Petition, because in each case the analysis centered on new DTS operations that allowed the stations to deliver a good signal to all – or almost all – of the communities at issue.³⁴ Here, Comcast notes, KQSL's second DTS transmitter fails to cover any part of Santa Rosa.³⁵ According to Comcast, although the Petitioner claims that modified DTS signal “now extends further south,” it admits that the signal is now only “closer to Santa Rosa.”³⁶ Comcast asserts that because KQSL's over-the-air coverage fails to reach any part of the Santa Rosa Communities, its modified signal is a negative and decisive factor that warrants denial of the Petition under relevant Commission

²⁶ Petition at 2. Petitioner states that KQSL, then licensed to another broadcaster, signed on the air as KFWU in 1990. *Id.* at n.5.

²⁷ *Id.* at 2, 4.

²⁸ *Id.* at Exhibit C (KQSL Nielsen Ratings).

²⁹ *Id.* at 4.

³⁰ *Time Warner Cable Petition for Special Relief*, Memorandum Opinion and Order, 18 FCC Rcd 21384 (2003) (*KVMD 2003 Order*); *Time Warner Cable Petition for Modification of the Television Market of Television Station KHIZ(TV), Barstow, California*, Memorandum Opinion and Order, 18 FCC Rcd 20536 (MB 2003) (*KILM 2003 Order*). The Petitioner notes that at the time of the initial market modification order, the station's call sign was KHIZ. For clarity, the Petitioner refers to the station in this petition as KILM, and we do the same. Petition at n.23.

³¹ *KVMD Licensee Company, LLC for Modification of the Television Market of Station KVMD(TV), Twentynine Palms, CA*, Memorandum Opinion and Order, 36 FCC Rcd 2349 (MB 2020) (*KVMD 2020 Order*); *KAZN-TV Licensee, LLC for Modification of the Television Market for KILM, Barstow, California*, Memorandum Opinion and Order, 30 FCC Rcd 8126, 8131, para. 9, n.32 (MB 2015) (*KILM 2015 Order*).

³² Comcast Opposition at 1.

³³ *Id.* Comcast notes that in authorizing full power television stations to use DTS facilities, the Commission expressed concern that DTS must not be used to undermine localism and that a DTS service area should not shift a station's primary focus from its community of license. *Id.* at 1-2, citing *Digital Television Distributed Transmission System Technologies*, Report and Order, 23 FCC Rcd 16731 (2008) (*DTS Order*).

³⁴ Comcast Opposition at 3, citing *KILM 2015 Order*, 30 FCC Rcd at 8135-36, para. 21 (“KILM has submitted the supporting data to demonstrate that all of the Communities at issue here are within the KILM NLSC, are predicted to receive signals stronger than 41 dBu, and therefore now have over-the-air coverage.”); *KVMD 2020 Order*, 36 FCC Rcd at para. 9 (“According to the Petitioner, KVMD now places a noise limited service contour over almost all of the Communities and the Station is geographically proximate to those Communities.”).

³⁵ Comcast Opposition at 3-4.

³⁶ *Id.* at 4, citing Petition at 4 n.12.

precedent.³⁷

III. DISCUSSION

9. After evaluation of the five market modification factors enumerated below, we do not find sufficient support for modification of the Station's market to include the addition of the Santa Rosa Communities. Accordingly, the Petition is denied.

A. Statutory Factors

1. Historical Carriage

10. The first statutory factor we must consider is "whether the station, or other stations located in the same area, have been historically carried on the cable system or systems within such community."³⁸ When analyzing a station's historic carriage, consideration is given not only to carriage by the operator that is the subject of the request, but also to whether the station is carried by competitors in the relevant communities.³⁹

11. The Petitioner asserts that KQSL is currently and has previously been carried within the Santa Rosa Communities by a number of MVPDs.⁴⁰ Today, the Station is carried in the Communities on systems operated by AT&T U-verse, DirecTV, and DISH Network, and is also carried on a locally-focused streaming network called BayAreaBTV. Petitioner acknowledges that KQSL has been carried for a period of twelve years or less on each system.⁴¹ Additionally, the Petitioner states that although Comcast does not carry KQSL in Santa Rosa, it does carry the Station on its Healdsburg system in Windsor, California, which is adjacent to Santa Rosa, and in the nearby communities of Cloverdale, Geyserville, and Healdsburg, all of which are in the same county (Sonoma) as Santa Rosa.⁴²

12. In opposition, Comcast argues that KQSL lacked any historic carriage in the Santa Rosa Communities until just over a decade ago, notwithstanding more than 30 years of operation.⁴³ It argues that carriage in the Communities by DISH and DIRECTV fails to support the Petition, citing the *KQSL 2021 Order*'s observation that "'DMA-wide DBS carriage is of limited relevance to the question of historic carriage in communities.'" ⁴⁴ Comcast also contends that the Commission should give minimal weight to KQSL's carriage in Sonoma by AT&T's U-Verse, arguing that carriage by competitors pursuant to a retransmission consent agreement does not constitute meaningful evidence of historic carriage sufficient to compel mandatory carriage by a competing MVPD.⁴⁵ Moreover, Comcast disputes

³⁷ *Id.*

³⁸ 47 U.S.C. § 534(h)(1)(C)(ii)(I).

³⁹ *Petition for Modification of Philadelphia, PA Designated Market Area with Regard to Station WACP, Atlantic City, NJ*, Memorandum Opinion and Order, 29 FCC Rcd 1835, 1845, para. 19, n.77 (MB 2014).

⁴⁰ Petition at 10.

⁴¹ *Id.* and Exhibit D (Cable Provider Channel Lineups) and Exhibit O (Length of Carriage of KQSL by MVPDs). The Petitioner notes that KQSL has been carried on U-Verse since October 23, 2012; by DirecTV since April 1, 2015; and by DISH Network since October 26, 2011. *Id.* at 10.

⁴² Petition at Exhibit R (Comcast Channel Lineups for Nearby Communities).

⁴³ Comcast Opposition at 4-5. See also *KQSL 2011 Order* at 14463, para. 15 ("The record unambiguously demonstrates that KQSL has no history of carriage and no discernable viewership in the communities at issue [even though] KQSL has been on-the-air for over 20 years.").

⁴⁴ Comcast Opposition at 5, citing *KQSL 2021 Order* at para. 15.

⁴⁵ Comcast Opposition at 6. Although acknowledging that Commission precedent does not distinguish between voluntary and mandatory carriage by competitors for purposes of this factor, Comcast argues that a voluntary agreement to carry a station without must-carry rights is inconclusive as to a local nexus. *KQSL 2021 Order* at n.47. *Id.* at n.24.

that KQSL should be given historic carriage credit in Santa Rosa merely because Comcast recently began carrying the Station on its adjacent Healdsburg system pursuant to the *KQSL 2021 Order*.⁴⁶ Finally, Comcast disputes the relevance of the Station's carriage on the BayAreaBTV streaming service in the Communities, arguing that a broadcast station's availability on the Internet has no bearing on a market analysis pursuant to section 614 of the Communications Act.⁴⁷

13. In reply, One Ministries notes that in the *KVMD 2020 Order* the Bureau found that the first factor weighed in favor of the petitioner where it was determined that the station had carriage by other MVPDs within and immediately adjacent to the communities.⁴⁸ One Ministries argues that its Petition is even stronger because of the length of carriage of KQSL in Santa Rosa by the other named MVPDs.⁴⁹ Moreover, as in *KVMD*, the Petitioner asserts that “[Comcast] itself carries [KQSL] on one or more adjacent systems.”⁵⁰ Comcast does not dispute that KQSL is already carried on its Healdsburg system, which serves part of Sonoma County.⁵¹ The Petitioner argues that this demonstrates a nexus exists between KQSL and communities in Sonoma County, such as Santa Rosa.⁵² Moreover, the Petitioner argues that while Comcast suggests that such carriage should be discounted because it results from the *KQSL 2021 Order*, no authority is cited for this distinction.⁵³ The Petitioner contends that “[e]ven if this carriage in adjacent communities is not dispositive, it provides additional evidence of historical carriage.”⁵⁴

14. The Petitioner further argues that the fact that Comcast has not previously carried KQSL in Santa Rosa itself is irrelevant given the Station's recent change in circumstances.⁵⁵ In particular, the Bureau considered in the *KQSL 2011 Order* that, under a prior licensee, KQSL was broadcasting Retro Television Network, which was available on another San Francisco Station and the Station's sole transmitter was located northeast of Fort Bragg.⁵⁶ Since the acquisition of the Station by One Ministries, the Petitioner argues that it has completely changed KQSL's programming, which includes adding a significant amount of programming about and originating in Santa Rosa.⁵⁷ This is in addition to the construction and refinement of an additional transmitter near Cloverdale.⁵⁸ As such, the Petitioner asserts that “[t]hese changed circumstances directly contribute to the nexus between KQSL and Santa Rosa and

⁴⁶ *Id.*

⁴⁷ *Id.*, citing 47 U.S.C. § 534(h)(1)(C). Comcast notes that BayAreaBTV does not appear as an MVPD on the FCC's COALS system or hold a franchise. See California Pub. Utils. Comm'n, Video Franchising, Franchises issued by the PUC, available at <https://www.cpuc.ca.gov/regulatory-services/licensing/video-franchising#Franchises>. One Ministries responds that “[t]o the extent that BayAreaBTV's carriage of KQSL does not establish historical carriage because BayAreaBTV is an IP service, it nevertheless provides evidence of viewing patterns and KQSL's service to the Communities.” Reply at n.16.

⁴⁸ Reply at 6, citing *KVMD 2020 Order* at para. 16.

⁴⁹ *Id.* The Petitioner notes that the Bureau was unable to establish length of carriage from the record in the *KVMD* proceeding. *KVMD 2020 Order* at para. 16, n.54 (stating that there “is not enough information in the record to determine how long *KVMD* has been carried by these MVPDs”).

⁵⁰ *Id.* at para. 16.

⁵¹ Reply at 7.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.* at 7; *KQSL 2011 Order* at paras. 6-7.

⁵⁷ Reply at 7.

⁵⁸ *Id.*

render Comcast's prior carriage decisions inapposite."⁵⁹

15. Our rules and precedent make no distinction between mandatory and voluntary historic carriage, and we conclude that both types of carriage can evidence historic carriage. In this regard, we note that KQSL has been carried in Santa Rosa by one MVPD, U-Verse, for slightly over a decade. KQSL is also now being carried on Comcast's adjacent cable system in Healdsburg, but that carriage has been ongoing for fewer than two years.⁶⁰ Furthermore, Comcast correctly observes that DMA-wide DBS carriage is of limited relevance, and carriage by non-MVPDs, such as BayAreaBTV, is of no relevance, under this first factor. We therefore find that this first statutory factor weighs only slightly in favor of the requested modification.

2. Local Service

16. Second, we consider "whether the television station provides coverage or other local service to such community."⁶¹ This statutory factor can be satisfied by demonstrating the Station's signal coverage, its geographic proximity to the Communities, shopping and labor patterns between the Station's community of license and the Communities, as well as locally-focused programming broadcast by the Station.

17. *Signal Coverage.* Petitioner states that in 2021 KQSL began broadcasting using a DTS from a second transmitter site located in Sonoma County.⁶² In 2022, KQSL modified its Sonoma County DTS site to expand its signal coverage further south, closer to Santa Rosa.⁶³ The Petitioner acknowledges that KQSL's 41 dBu noise limited service contour does not reach Santa Rosa,⁶⁴ but notes that it supplements its over-the-air coverage with a number of translator stations, including KDAS-LD (Facility ID No. 129433) and KUKR-LD (Facility ID No. 182689), which are licensed to Santa Rosa, and KZHD-LD (Facility ID No. 126508), which is licensed to nearby Rohnert Park.⁶⁵ One Ministries states that KUKR-LD, KDAS-LD, and KZHD-LD place a digital contour over the Comcast headends serving Santa Rosa and surrounding areas.⁶⁶

18. In Opposition, Comcast argues that Commission precedent does not support relying on translator coverage to compensate for lack of over-the-air coverage by the primary signal.⁶⁷ Specifically, Comcast cites the *KQSL 2011 Order* stating that "translator 'coverage does not lessen the relevance of the parent's failure to place a Grade B contour over the subject cable communities as Grade B coverage is indicative of the station's natural market.'"⁶⁸

⁵⁹ *Id.*

⁶⁰ Comcast suggests that such carriage should be discounted because it results from the *KQSL 2021 Order*, but cites no authority supporting this premise. And indeed, One Ministries might reply by the same logic that its *lack* of carriage in Santa Rosa should be discounted because it results from the *KQSL 2011 Order*. In any case, we reject Comcast's argument.

⁶¹ 47 U.S.C. § 534(h)(1)(C)(ii)(II).

⁶² Petition at 12.

⁶³ *Id.* at Exhibit A (Longley-Rice Analysis and Maps); Exhibit E (Translator Contours).

⁶⁴ Reply at 8. The noise-limited service contour, or NLSC, of a modern digital station is the equivalent of an analog "Grade B" contour.

⁶⁵ Petition at Exhibit E (Translator Contours).

⁶⁶ *Id.* More specifically, the Petitioner states that Comcast's Rohnert Park headend is encompassed. Petition at n.55 and Exhibit E (Translator Contours) and Exhibit F (Comcast Headends).

⁶⁷ Comcast Opposition at 7.

⁶⁸ *Id.*, citing *KQSL 2011 Order* at para. 13, n.61, 15 (quoting *Time Warner New York City Cable Group*, 11 FCC Rcd 6528, 6539 (1996)). Comcast notes that the *KQSL 2011 Order* is fully consistent with longstanding

(continued...)

19. *Geographic Proximity.* Petitioner contends that the Commission will consider the distance between the DTS transmitter site and the relevant communities to demonstrate geographic proximity.⁶⁹ One Ministries notes that the DTS transmitter is located 23 miles from Santa Rosa,⁷⁰ and that the DTS transmitter site is connected to Santa Rosa via major transportation routes, including U.S. Highway 101.⁷¹

20. In response, Comcast argues that One Ministries erroneously emphasizes the distance between Santa Rosa and its secondary DTS in Geyserville, rather than the distance between Santa Rosa and its primary transmitter or KQSL's community of license, Fort Bragg.⁷² Comcast argues that the Commission's DTS rules are intended to improve service to a station's "local" community, not to the community in which it locates a DTS.⁷³ Comcast notes that the distance between Fort Bragg and Santa Rosa is at least 110 miles by car, and 90.4 miles as the crow flies.⁷⁴ Comcast asserts that the location of KQSL's new DTS does nothing to minimize the mountainous terrain and travel distance that creates a natural geographic barrier separating Fort Bragg and Santa Rosa.⁷⁵ For instance, the minimum driving distance on major transportation routes between Santa Rosa and Fort Bragg is two hours and twenty

Commission precedent, *citing Time Warner Cable for Modification of Television Station WGOT-TV*, Memorandum Opinion and Order, 14 FCC Rcd 12118, para. 4 (1999) ("The Commission has held that translator coverage does not lessen the relevance of the parent station's failure to place technical signal coverage over the subject's communities and that translators are secondary service stations explicitly not entitled to carriage in their own right, particularly where, as here they are not serving their traditional role of filling gaps in the station's coverage area but are extending the station's coverage beyond the reach of the parent stations' signal contour). Comcast further notes that the sole case relied upon by One Ministries for its claim that it can rely on translators to establish its coverage area rested on other statutory factors in that unopposed petition and did not consider the station's over-the-air coverage as a basis for the decision. *See Petition* at 13 n.54 (citing *Mapale LLC for Modification of the Miami, Florida DMA*, Memorandum Opinion and Order, 24 FCC Rcd 8366, para. 9 (2009); *Mapale LLC*, 24 FCC Rcd at 8375, para. 13 (summarizing the decisional factors).

⁶⁹ Petition at 13, citing *KVMD 2020 Order* at paras. 18, 25.

⁷⁰ *Id.* at Exhibit B (Distances to Communities) (showing that the distance from the Geyserville transmitter site to Santa Rosa is 31.3 miles driving and 22.9 as the crow flies). Petitioner argues that this compares favorably to the WRNN cases, which added communities up to 100 miles from the station's community of license. *WRNN License Company, LLC for Modification for the Television Market of Station WRNN-TV, New Rochelle, New York*, Memorandum Opinion and Order, 35 FCC Rcd 1838 (MB 2020) (*WRNN Altice Order*) (adding a community that was 101.7 miles from New Rochelle); *WRNN License Company, LLC for Modification of the Television Market of Station WRNN-TV, New Rochelle, New York*, Memorandum Opinion and Order, 35 FCC Rcd 9363 (MB 2020) (*WRNN Comcast Order*) (adding communities up to 77 miles from New Rochelle as the crow flies and 86 miles driving).

⁷¹ *Id.* at Exhibit Q (Major Transportation Route Between DTS Site and Communities). *See also* Exhibit G (Major Transportation Routes Between Communities and Fort Bragg) (showing that Fort Bragg is connected to Santa Rosa via major transportation routes including US Highway 1, State Highway 20, and US Highway 101).

⁷² Comcast Opposition at 9. Contra One Ministries, Comcast argues that the *KVMD 2015 Order* did not suggest that the distance from the DTS transmitter to the communities at issue held any decisional significance. *Id.* at 10.

⁷³ *Id.*, citing *DTS Order* at para. 20. Comcast states that the Petitioner does not provide the distance from its secondary transmitter site to Fort Bragg. Comcast states that it calculated the distance to be approximately 70 miles using the coordinates for those locations provided by the Petitioner in Exhibit B. *See Nissenblatt Declaration* at Exhibit A.

⁷⁴ *Id.*; Petition at Exhibit G (driving distances); *id.* at 13-14 (crow flies distances). Comcast argues that the WRNN cases are easily distinguished, as they involved communities that were generally encompassed by the station's NLSC despite their distance from the community of license. *Id.* at 10.

⁷⁵ Comcast Opposition at 9.

minutes and Comcast asserts that is not considered a realistic commuting option.⁷⁶

21. *Shopping and Labor Patterns.* Petitioner claims that KQSL's community of license, Fort Bragg, and Santa Rosa share strong economic connections because Santa Rosa is the closest mid-sized city to Fort Bragg, a tourist destination.⁷⁷ It also asserts that Fort Bragg and the Communities share many of the same demographic characteristics and service offerings⁷⁸ that result in frequent travel between the two communities.⁷⁹ Additionally, the Petitioner argues that labor patterns also connect Fort Bragg to the Santa Rosa Communities, but provides only circumstantial evidence in favor of this theory.⁸⁰

22. Comcast argues that Petitioner's assertions regarding Fort Bragg's status as a tourist destination and its demographic makeup are irrelevant,⁸¹ and that no Census data or other data is presented that supports the Petitioner's assertions of economic or labor connections.⁸² Comcast asserts that these arguments were reviewed by the Commission in the *KQSL 2021 Order*, which concluded that "One Ministries has failed to demonstrate meaningful economic connections between Fort Bragg and any of the Communities."⁸³ Comcast argues that no evidence is presented to show that residents of the Santa Rosa Communities regularly commute to Fort Bragg, shop there, or are connected to Fort Bragg in any meaningful way.⁸⁴ In reply, the Petitioner states that "[b]ecause the factors regarding shopping and labor patterns remain unchanged from the 2021 Petition [it] does not address them any further . . . except to note that unlike many of the communities in the 2021 Petition, Santa Rosa is on the same side of the Bay as Fort Bragg and there is daily bus service between the communities."⁸⁵

23. *Locally-Focused Programming.* Petitioner states that "a significant part of KQSL's broadcast schedule includes programming that originates in Santa Rosa and/or specifically targets viewers

⁷⁶ *Id.*, citing Petition at Exhibit G.

⁷⁷ Petition at 14, 15.

⁷⁸ *Id.* at Exhibit I (discussing that the closest major stores such as Best Buy, Burlington Coat Factory, REI, and DSW and some car repair services for Fort Bragg residents are located in Santa Rosa). In addition, the Petitioner states that the main newspaper for Fort Bragg, the Press Democrat, is headquartered in Santa Rosa. *Id.*

⁷⁹ *Id.* at 14-15.

⁸⁰ *Id.* at 15 (noting that, according to U.S. Census data, 2.95 percent of the workforce in Fort Bragg have what it terms "super commutes" in excess of 90 minutes, and asserts without supporting evidence that some of them probably work in or near Santa Rosa). The Petitioner explains that although Census data "does not provide granular detail as to where those 'super commuters' work it stands to reason that at least a portion of them work in or near Santa Rosa . . ." The Petitioner also refers to Exhibit I as supporting a connection between Fort Bragg and Santa Rosa ("demonstrating how the economies of Mendocino and Sonoma counties are interconnected, especially through the creation of the Sonoma-Mendocino Economic Development District, which engages in regional and economic development planning for the two counties."). *Id.* at n.64.

⁸¹ Comcast Opposition at 12-13.

⁸² *Id.*

⁸³ *Id.*, citing *KQSL 2021 Order* at para. 26.

⁸⁴ *Id.* at 12. Comcast argues that the Petitioner offers only circumstantial evidence relevant to the Santa Rosa Communities regarding distances between shopping locations, including references to distances between Costco locations, shopping centers, and specialty car dealerships, yet provides no support for these assertions. *See* Petition at Exhibit I. Comcast asserts that neither the Petitioner's analysis of commuting patterns nor the inclusion of the Mendocino Coast County Commerce maps in Fort Bragg speaks to the commuting of residents in the community. Comcast argues that while the Petitioner assumes that a portion of these commuters are traveling from Fort Bragg to Santa Rosa, it is unrealistic to assume that a significant portion of the work force is traveling near five hours on a regular basis to commute between the two communities. *Id.* at 13-14.

⁸⁵ Reply at 13.

in Santa Rosa with information about Santa Rosa.”⁸⁶ In that regard, the Petitioner states that the Station broadcasts six hours of programming per week, including the Santa Rosa News aired Monday through Friday at an early morning hour and a show airing twice weekly called Everything Santa Rosa.⁸⁷ The Petitioner further states that KQSL serves religious communities in Santa Rosa through its weekly broadcast of the service at Promise Center Church in Santa Rosa on Sunday mornings.⁸⁸ In addition, the Petitioner notes local program Everyday Revival also reaches religious communities in Santa Rosa and is recorded and produced at the One Ministries studios in Santa Rosa.⁸⁹ To further support Santa Rosa and surrounding communities, the Petitioner states that KQSL airs programs produced by other local churches and ministries located within the region.⁹⁰ Lastly, the Petitioner states that KQSL airs Total Living Network (TLN) which is produced in the region and airs general interest programming, as well as Mornings on the Dove, which provides weather forecasts and some local and regional news and public interest stories.⁹¹ It also argues that a number of third party comments filed in this proceeding support the connection between KQSL’s programming and Santa Rosa.⁹²

24. Comcast argues that a station does not demonstrate that it is “local” for purposes of must carry rights “solely by airing some occasional programming associated with some of the communities in question.”⁹³ Comcast points out that in the *KQSL 2021 Order*, the Bureau found One Ministries’ evidence of local programming unpersuasive.⁹⁴ It asserts that of the six hours of local programming detailed by the Petitioner, much appears to be general interest programming of religious or multicultural content, and much of the remainder provides little information of local interest.⁹⁵ Comcast asserts that programming tailored to religious interests or specific ethnic groups, without more, is general interest programming deserving of no special credit as local programming with a market nexus.⁹⁶

25. We find that the second statutory factor weighs firmly against KQSL’s Petition. As acknowledged by the Petitioner, the Santa Rosa Communities are not covered by the Station’s NLSC, and relying on translator coverage does not compensate for a lack of over-the-air coverage by the primary

⁸⁶ Petition at 16.

⁸⁷ *Id.* The Petitioner recites a few examples of stories covered on the Santa Rosa News and Everything Santa Rosa in the categories of crime, political issues, election and local business issues, as well as what it terms as issues of community interest. Petition at Exhibit M (News Headlines Regarding Santa Rosa that Recently Aired). In addition, the Petitioner states that KQSL also aired locally produced public service announcements to direct viewers to the Sonoma County wildfire preparedness page and to promote non-profit organizations in Santa Rosa. Petition at Exhibit P (KQSL Santa Rosa Public Service Announcements).

⁸⁸ *Id.* at 17; Exhibit K (KQSL Program Schedule) and Exhibit L (Programs of Interest to Santa Rosa).

⁸⁹ *Id.* at Exhibit K (KQSL Program Schedule).

⁹⁰ *Id.* at 18. The Petitioner notes that these programs include “Nada Es Imposible Para Dios” produced in Redwood City. The Petitioner also names other programming produced by local churches and ministries located in communities geographically proximate to the Santa Rosa Communities. *See* Petition at n.77.

⁹¹ *Id.*

⁹² *Id.* Several dozen supportive Comments were filed in this proceeding. *See* MB Docket No. 23-4 in the Commission’s Electronic Comment Filing System (ECFS). One Ministries draws particular attention to a number, including those from the Santa Rosa Nazarene Church, the Pursuit Church, CBC Events, the Will Call, and River of Life Christian Church.

⁹³ Comcast Opposition at 15, citing *Market Modifications of the New York Area of Dominant Influence*, 12 FCC Rcd 12262, 12270 at para. 16.

⁹⁴ Comcast Opposition at 15, citing the *KQSL 2021 Order* at para. 26.

⁹⁵ Comcast Opposition at 15-19.

⁹⁶ *Id.* at 16. *Cf. Coxcom, LLC, Modification of the Market for WMDE, Dover, Delaware*, Memorandum Opinion and Order, 30 FCC Rcd 10978, 10999 at para. 16 (1999).

signal. With regard to geographic proximity, we agree with Comcast that the Petitioner incorrectly emphasizes the distances between the Santa Rosa Communities and its secondary DTS in Geyserville, rather than the greater distance between Santa Rosa and its primary transmitter or KQSL's Community of License, Fort Bragg. Additionally, One Ministries has failed to demonstrate meaningful economic connections between Fort Bragg and the Santa Rosa Communities. Finally, although Petitioner demonstrates that KQSL airs more locally-produced and locally-focused programming than it did in 2021, we find this amount of programming, standing alone, insufficient to demonstrate that the Station provides "coverage or other local service" to the Santa Rosa Communities. Taking all of these considerations into account, and in particular KQSL's failure to place a good quality signal over the Communities even after the expansion of its distributed transmission system, we conclude that the second statutory factor weighs firmly against modification in this case.

3. Promoting Consumer Access to Local Stations

26. The third statutory factor we consider is "whether modifying the market of the television station would promote consumers' access to television broadcast station signals that originate in their State of residence."⁹⁷ This factor is intended to ensure that MVPD subscribers are "receiving news, politics, sports, emergency information, and other television programming relevant to their home state" and "relevant to their everyday lives."⁹⁸ A petitioner is considered to satisfy this factor if the involved station is licensed to a community within the same state as the new community.⁹⁹ This factor may be given increased weight if the station provides programming specifically related to the subscribers' state of residence, and may be given even more weight if subscribers in the existing market have little or no access to such in-state programming.¹⁰⁰

27. In support of this factor, the Petitioner states that KQSL is licensed to Fort Bragg, California and broadcasts from its original transmitter supplemented by a second DTS all located in California, which is the state in which the Communities are located.¹⁰¹ Comcast argues that KQSL does not merit special credit for its in-state location because this factor was intended to promote access to some in-state broadcasting to subscribers in "border" areas (i.e., "Orphan Counties").¹⁰² Comcast is incorrect. KQSL is a licensed California station that broadcasts from transmitters in California, which is where the Communities at issue are located. We therefore find that this factor weighs in favor of the modification, but do not find sufficient evidence in the record to give this factor increased weight.

4. Carriage of Other Eligible Stations

28. Fourth, we consider "whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage or coverage of sporting and other events of interest to the community."¹⁰³ In general, this factor is interpreted as enhancing a station's market modification petition if other stations do not sufficiently serve the communities at issue; however,

⁹⁷ 47 U.S.C. § 534(h)(1)(C)(ii)(III).

⁹⁸ *STELAR Market Mod. Order*, 30 FCC Rcd at 10407, para. 1, 10420, para. 18 (citing Report from the Senate Committee on Commerce, Science, and Transportation accompanying S. 2799, 113th Cong., S. Rep. No. 113-322, at 11 (2014)).

⁹⁹ *STELAR Market Mod. Order*, 30 FCC Rcd at 10420, para. 18.

¹⁰⁰ *Id.*

¹⁰¹ Petition at 3-4, 18-19.

¹⁰² Comcast Opposition at 19, citing *STELAR Market Mod. Order*, 30 FCC Rcd 10406, 10408, para. 3, nn.5-6 (2015).

¹⁰³ 47 U.S.C. § 534(h)(1)(C)(ii)(IV).

other stations' service to the communities rarely has counted against a petition.¹⁰⁴

29. The Petitioner states that “[u]pon information and belief, KQSL is the only television broadcast station that provides dedicated daily news coverage of issues of concern to residents in Santa Rosa.”¹⁰⁵ The Petitioner asserts that “[t]he only full power or Class A station licensed to Santa Rosa, KDTV-CD, is a translator whose local coverage is limited to broadcasting Santa Rosa City Council meetings.”¹⁰⁶ The Petitioner does not dispute that Comcast systems serving the Santa Rosa Communities carry other television stations, but contends “that [while they] provide coverage of news, sports, and other issues of interest to San Francisco and the DMA as a whole, none are focused on Santa Rosa.”¹⁰⁷

30. In response, Comcast states that its system serving Santa Rosa carries as many as 21 broadcast stations licensed to communities in and around the San Francisco Bay area with as many as 45 different programming streams including multicast signals, many of which provide extensive coverage of local news and sporting events, as well as “Asian- and Spanish language/targeted programming.”¹⁰⁸ Comcast argues that “[e]ven if KQSL were to provide significant or unique programming specifically targeting Santa Rosa, which it does not, the coverage provided by these other stations would undermine any special benefits associated with KQSL.”¹⁰⁹

31. One Ministries replies that Comcast attempts to minimize its local interest programming as including “general interest” religious programs.¹¹⁰ However, as noted above, the Petitioner points to Santa Rosa News and Everything Santa Rosa as broadcasting news stories of specific interest to residents and adds that even KQSL’s religious programming has a local focus.¹¹¹ The Petitioner argues that “[i]n an attempt to blunt the effect of KQSL’s significant local programming,” Comcast points to the many stations that it carries in the DMA and the amount of overall news coverage these stations provide.¹¹² The Petitioner states that a review of the “Issues and Programs Report” for the stations Comcast references in its Opposition confirms that “their coverage of Santa Rosa and issues of concern to Santa Rosa residents is sporadic at best.”¹¹³

32. Given the large number of stations that Comcast carries on its system that serve the Santa Rosa Communities that provide coverage of news, sports, and other programming, we cannot agree with Petitioner that absolutely none serve the interests of the residents at issue and KQSL is the only station uniquely qualified to serve the Communities. Accordingly, consistent with our precedent, we assign no

¹⁰⁴ *Petition for Modification of Dayton, OH Designated Mkt. Area with Regard to Television Station WHIO-TV, Dayton, OH*, Memorandum Opinion and Order, 28 FCC Rcd 16011, 16019, para. 22 (MB 2013). *See also Tennessee Broadcasting Partners*, 23 FCC Rcd at 3947, para. 49.

¹⁰⁵ Petition at 19.

¹⁰⁶ *Id.* at 19-20.

¹⁰⁷ *Id.* at 20.

¹⁰⁸ Comcast Opposition at 20 -21 and Exhibit E (Nissenblatt Declaration). For example, Comcast states that “the system carries multiple San Francisco stations that regularly cover news and events from the Community,” including: KPIX (CBS), KNTV (NBC), KGO (ABC), KTVU (FOX), and KRON (IND). Comcast also names several other channels on the system that carry “Asian-and Spanish-language/targeted programming” such as KDTV, licensed to Santa Rosa (Spanish language programming); KTSF (Asian language programming on primary and multicast); KICU (certain Asian language multicast/targeted programming); and KSTS and KSFS (Spanish language/targeted programming and local news). *Id.*

¹⁰⁹ *Id.* at 21.

¹¹⁰ Reply at 16.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.* at 17 and Declaration of Keith Leitch, President of One Ministries, Inc. The Petitioner states that one station, KEMO-TV, was previously licensed to Santa Rosa and rebroadcast municipal meetings. *Id.*

weight to this factor.

5. Viewing Patterns

33. The fifth statutory factor focuses on “evidence of viewing patterns” in cable and noncable households “within the areas served by” the cable system or systems in such community.¹¹⁴ The Bureau has explained that, with respect to a specialty station like KQSL, this factor is generally given less weight.¹¹⁵ The Petitioner states that KQSL does not have a full subscription to Nielsen or a Nielsen encoder.¹¹⁶ However, the Petitioner states that “KQSL obtained relevant information through a trial subscription that Nielsen confirmed can be used for the instant petition.”¹¹⁷

34. The Petitioner provides Nielsen data showing KQSL’s viewership in Sonoma County is higher than that in the rest of the San Francisco market.¹¹⁸ One Ministries argues that “KQSL’s strong ratings in Sonoma County reflect its ‘invest[ment] to improve its over-the-air signal coverage through its implementation of a . . . DTS transmission facility.’”¹¹⁹ As such, the Petitioner asserts that this demonstrates a “‘sincere desire’” to serve Santa Rosa.¹²⁰

35. In opposition, Comcast argues that One Ministries provides extremely limited evidence of meaningful viewing patterns and ultimately does nothing to demonstrate significant viewership specifically in the Santa Rosa Communities, as opposed to Sonoma County more broadly.¹²¹ They argue that even the viewership that is demonstrated (2.6% of households, 2.5% of viewers) is “miniscule,” fails to show significant viewership in the Communities, and should be weighed against One Ministries’ Petition.¹²² In addition, Comcast asserts that because KQSL is not carried on the Comcast system serving the Communities, the continued exclusion of Santa Rosa from KQSL’s television market would neither disrupt established viewing patterns nor deprive the Station of any existing audience.¹²³

36. The Petitioner replies that it has presented the best available viewing patterns in the Communities in the form of viewership data.¹²⁴ One Ministries argues that Comcast fails to account for its status as a specialty station and KQSL’s limited carriage on Comcast systems serving Sonoma County.¹²⁵ In that light, the Petitioner argues that its demonstrated reach in a market with as many stations in San Francisco, including the 21 carried by Comcast, “is impressive and demonstrates the

¹¹⁴ 47 U.S.C. § 534(h)(1)(C)(ii)(V).

¹¹⁵ *KILM 2015 Order*, 30 FCC Rcd at 8137, para. 24.

¹¹⁶ Petition at 20.

¹¹⁷ *Id.* The Petitioner has requested a waiver of the requirement of 47 CFR § 76.59(b)(6) to provide published audience data for the Station. We need not issue a waiver, however, because the Petitioner has provided “other audience indicia” as contemplated by the rule itself. The record also contains some comments indicating local viewership in the Communities. *See e.g.*, Marie Crane Comments (stating that Marie Crane lives in Santa Rosa and watches Everything Santa Rosa on KQSL).

¹¹⁸ Petition at Exhibit C (KQSL Nielson Ratings, showing data for households and for persons two years old and older for Sonoma County, CA and the San Francisco-Oakland-San Jose Designated Market Area).

¹¹⁹ *Id.* *See KILM 2015 Order* at 8137, para. 25.

¹²⁰ *Id.*

¹²¹ Comcast Opposition at 22.

¹²² *Id.* at 22-23.

¹²³ *Id.*

¹²⁴ Reply at 17.

¹²⁵ *Id.* at 18.

significant appeal of KQSL's programming in Sonoma County."¹²⁶

37. With regard to our evidentiary requirements, section 76.59(b)(6) of our rules requires published audience data for the relevant station or other specific audience indicia, such as station advertising and sales data or viewership contribution records.¹²⁷ In this case, while the Petitioner did not provide published audience data for KQSL, it did present limited data obtained through a Nielsen trial subscription. This evidentiary submission is not indicative of significant viewership. While this factor is given less weight with respect to a specialty station like KQSL, we nonetheless find that it weighs against modification of KQSL's market.

6. Conclusion

38. We conclude that the facts do not support the grant of the Petition to modify the market of KQSL, Fort Bragg, California, to include the Santa Rosa Communities served by Comcast. Taken together, the first and third statutory factors weigh only somewhat in favor of the modification. We give no weight to the fourth statutory factor, and the second and fifth statutory factors weigh against the request. Based upon our overall evaluation of the five statutory factors and for the reasons discussed herein, we deny the Petition with regard to the Santa Rosa Communities.

IV. ORDERING CLAUSES

39. Accordingly, **IT IS ORDERED**, pursuant to section 614(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 534, and section 76.59 of the Commission's rules, 47 CFR § 76.59, that the captioned Petition for Special Relief (MB Docket No. 23-4, CSR 9006-A) filed by One Ministries, Inc., LLC **IS DENIED**.

40. This action is taken pursuant to authority delegated by section 0.283 of the Commission's rules.¹²⁸

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert
Senior Deputy Chief, Policy Division
Media Bureau

¹²⁶ *Id.*

¹²⁷ 47 CFR § 76.59(b)(6).

¹²⁸ 47 CFR § 0.283.