

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

In the matter of
In the Matters of
Channel 3, L.L.C.,
Assignee
and
Price Broadcasting, Inc.
Assignee
For Consent to Assign the Construction Permit for
New Television Station, Channel 3, Price, Utah;
And
Logan 12, Inc.
For License to Cover the Construction Permit for
New Television Station KUTH(TV), Channel 12,
Logan, Utah;
And
TV 6, L.L.C.
For License to Cover the Construction Permit for
New Television Station KBCJ(TV), Channel 6,
Vernal, Utah.
File No. BAPCT-20011018AFQ,
ID No. 842771
File No. BLCT-20011128ABP,
ID No. 69694
File No. BMPCT-20001004AEE,
ID No. 83729

MEMORANDUM OPINION AND ORDER

Adopted: October 1, 2004

Released: November 23, 2004

By the Commission: Commissioner Adelstein approving in part, dissenting in part and issuing a statement;
Commissioner Copps dissenting and issuing a statement.

1. The Commission has before it for consideration an application filed by KM Communications, Inc. (KM) seeking review of the September 2, 2002, letter decision by the Chief, Video Division, Media Bureau granting an application to assign the construction permit for a new television station on Channel 3 at Price, Utah (Price CP) from Channel 3, L.L.C. to Price Broadcasting, Inc. (PBI). Pending at the same time as the assignment application was an application for a license to cover the construction permit held by Logan 12, Inc., (Logan 12) for KUTH(TV), Channel 12, Logan, Utah. That application remained

pending for further technical review at the time of the decision, but has since been granted.<sup>1</sup> There was also a related application to modify the construction permit held by TV 6, L.L.C. (TV6) for KBCJ(TV), Channel 6, Vernal, Utah, which is still pending for further technical review.<sup>2</sup> The three applicants have a common parent, Equity Broadcasting Corporation (EBC). KM filed an informal objection to the three applications and the objection was denied by the Bureau in the September 2, 2002, letter decision.

2. In its timely filed application for review, KM argues that the set of applications approved by the Bureau create a violation of our local multiple ownership rules, specifically the television duopoly rule. *See* 47 C.F.R. § 73.3555(b). KM also argues that the Bureau relied on a novel interpretation of that rule in reaching its decision.

3. KM relies on essentially the same arguments it raised in its informal objection. We have reviewed the Bureau's disposition of KM's petition and the arguments set forth in KM's application for review. We find that the Bureau properly interpreted and applied the television duopoly rule to the facts of this case. The Bureau's decision was correct and there is no reason to disturb it. *See WAMC, Inc.*, 10 FCC Rcd 12219 (1995).

4. Accordingly, IT IS ORDERED, That the application for review filed by KM Communications, Inc. IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>1</sup> File No. BLCT-20011128ABP, granted June 26, 2003.

<sup>2</sup> File No. BMPCT-20001004AEE .

**STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS  
DISSENTING**

*Re: Channel, L.L.C., Assignee, and Price Broadcasting, Inc. Assignee For Consent to Assign the Construction Permit for New Television Station, Channel 3, Price, Utah; and Logan 12, Inc. For License to Cover the Construction Permit for New Television Station KUTH(TV), Channel 12, Logan, Utah; And TV 6, L.L.C. For License to Cover the Construction Permit for New Television Station KBCJ(TV), Channel 6, Vernal, Utah*

In the transaction before us, one company sought to acquire three television stations whose contours overlap notwithstanding that the Commission's media consolidation rules prohibit one company from owning three stations in a market. While this application was pending, the company sought to modify the construction permit for one station to reduce the station's coverage, thereby avoiding a technical violation of our ownership rules. The Commission has previously stated its concerns about proposed modifications designed solely to avoid overlap problems under our media concentration protections, particularly when a modification would result in less than maximum use of the facilities. Yet, here, the Bureau granted the modification without any analysis and apparently without even investigating whether the modification was designed to circumvent our media ownership limits. I therefore dissent.

**STATEMENT OF  
COMMISSIONER JONATHAN S. ADELSTEIN  
APPROVING IN PART AND DISSENTING IN PART**

*Re: Channel, L.L.C., Assignee, and Price Broadcasting, Inc. Assignee For Consent to Assign the Construction Permit for New Television Station, Channel 3, Price, Utah; and Logan 12, Inc. For License to Cover the Construction Permit for New Television Station KUTH(TV), Channel 12, Logan, Utah; And TV 6, L.L.C. For License to Cover the Construction Permit for New Television Station KBCJ(TV), Channel 6, Vernal, Utah*

I am concerned that the Bureau failed to analyze adequately the public interest effect of a request to reduce power to avoid a violation of our media ownership rules, thereby reducing service to the public. The Commission has previously recognized that a reduction of service simply designed to circumvent our media ownership rules may not serve the public interest. I nevertheless approve the Bureau's attribution decision.