

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

MM Docket No. 87-250

In re Applications of

GLOBAL INFORMATION File No. BPCT-861219KG
TECHNOLOGIES, INC.

TEXSTAR File No. BPCT-870212KM
COMMUNICATIONS, LTD.

FRONTIER File No. BPCT-870212KN
BROADCASTING, INC.

FREDERICKSBURG File No. BPCT-870212KP
CHANNEL 2

HAL S. WIDSTEN File No. BPCT-870212KT

STONEWALL File No. BPCT-870212KU
BROADCASTING, INC.

For Construction Permit for
New Television Station, Channel 2,
Fredericksburg, Texas

MEMORANDUM OPINION AND ORDER

Adopted: June 3, 1992;

Released: June 15, 1992

By the Review Board: MARINO (Chairman),
BLUMENTHAL and ESBENSEN.

1. Before the Review Board are exceptions to the *Initial Decision*, 4 FCC Rcd 5445 (1989) (*I.D.*), of Administrative Law Judge Edward Luton (ALJ) and to the *Supplemental Initial Decision*, 6 FCC Rcd 6912 (1991) (*S.I.D.*). The subject of these long-running proceedings is the construction permit for a new television station in Fredericksburg, Texas. The ALJ awarded the permit to Stonewall Broadcasting, Inc. (Stonewall), although he recognized that three of its competitors, TexStar Communications, Ltd., Fredericksburg Channel 2, and Hal S. Widsten, proposed superior coverage to populations residing in underserved areas. *I.D.*, ¶¶124-25. These three applicants were duly accorded moderate to substantial preferences over Stonewall for proposed coverage. *I.D.*, ¶149. Stonewall nevertheless was found to prevail on the strength of its integration proposal. *I.D.*, ¶ 152.

2. The record in this case indicates that *all* of the parties before us propose some degree of coverage to underserved areas. It is thus evident that comparative coverage is an important component to the ultimate comparative evaluation of the qualified applicants. A significant coverage advantage may potentially outweigh preferences received under the integration and diversification factors. *See, e.g.*,

Christian Broadcasting of the Midlands, Inc., 99 FCC 2d 578, 584 (Rev. Bd. 1984), *review denied*, 103 FCC 2d 375 (1986), *recon. denied*, 2 FCC Rcd 6404 (1987); *FBC, Inc.*, 95 FCC 2d 256, 258-62 (Rev. Bd. 1983), *recon. denied*, 96 FCC 2d 976 (Rev. Bd. 1984), *review denied*, FCC 85-309, released June 14, 1985.

3. In accordance with then-existing precedent, the joint engineering exhibit submitted into the record in the instant proceeding excluded from its computations the signals of any noncommercial television stations in determining the underserved areas and populations proposed to be served by the Fredericksburg applicants. However, the Commission subsequently modified that practice in *Channel 32 Broadcasting Co.*, 6 FCC Rcd 5188 (1991), *recon. dismissed*, 7 FCC Rcd 1694 (1992), where it stated that the signals of noncommercial television stations would no longer be exempt from consideration under the comparative coverage issue. In light of this policy change, further consideration of this proceeding requires that the parties supplement their joint engineering exhibit to demonstrate the effects, if any, of existing noncommercial educational television service on the areas and populations analysis under the comparative coverage issue. *See WCVQ, Inc.*, 6 FCC Rcd 7209 (Rev. Bd. 1991). The parties should also take this opportunity to correct any errors in the joint engineering exhibit previously submitted. *See Reply Exceptions of the Mass Media Bureau*, filed September 1, 1989.

4. The parties are directed to file their joint supplement within 20 days of the release of this order. In the event that the parties are unable to reach a joint stipulation, each party may file a status report on such date indicating its respective position and the Mass Media Bureau should comment on these positions no later than ten days thereafter. The applicants are further directed to comment on the extent to which any comparative coverage preferences may be warranted on the basis of the requested information, and the impact such preferences shall have, if any, on the comparative posture of this case.

5. ACCORDINGLY, IT IS ORDERED, That the parties ARE DIRECTED to file a submission in accordance with paragraphs three and four above.

FEDERAL COMMUNICATIONS COMMISSION

Joseph A. Marino
Chairman, Review Board