

## EXHIBIT 18

### Request for Waiver of Main Studio Rule

SP ComCorp LLC (the “Transferee”) hereby requests a continuation of the waiver of the Commission’s main studio rule that has allowed KYLE(TV), Bryan, Texas (the “Station”), to function as a satellite of KWKT(TV), Waco, Texas for essentially the entire existence of the station. The Commission’s rules do not require approval for KYLE(TV) to operate as a satellite because at least eight independently owned television stations will remain in the Waco-Temple-Bryan Designated Market Area (“DMA”) after the consummation of the transactions proposed in this application.<sup>1</sup> Nevertheless, the Transferee requests a waiver of the main studio rule to maintain the historic operating arrangement and service provided by KYLE(TV) for its rural viewers.<sup>2</sup>

The Commission will waive the main studio rule “when good cause exists.”<sup>3</sup> More specifically, the Commission traditionally grants a main studio waiver when the circumstances otherwise would justify granting a request for continued satellite authority.<sup>4</sup> Here, the Commission previously has granted satellite status to the only two full-service television stations licensed to Bryan, Texas, thereby recognizing that the geographic and economic features of the Waco-Temple-Bryan market make it impracticable to operate a full-service, stand-alone television station in Bryan. These same factors that justify continuation of authority to operate

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<sup>1</sup> See 47 C.F.R. § 73.3555 (2003). See list of stations and owners at Attachment A.

<sup>2</sup> See 47 C.F.R. § 73.1125.

<sup>3</sup> 47 C.F.R. § 73.1125(b)(2).

<sup>4</sup> See, e.g., *Shareholders of CBS Corp.*, 15 FCC Rcd 8230, 8244, ¶ 40 (2000) (granting a main studio waiver based on factors that otherwise would justify continued satellite authority under the *ad hoc* test).

KYLE(TV) as a satellite of KWKT(TV) also justify continuation of a main studio waiver for the Station.

The Commission twice has found that operation of KYLE(TV) as a satellite of KWKT(TV) would serve the public interest.<sup>5</sup> First, the City Grade contours of KYLE(TV) and KWKT-TV do not overlap.<sup>6</sup> KYLE(TV) also provides service to underserved areas, as only one other full-service television station is licensed to Bryan, Texas (KBTX-TV). Moreover, that full-service station is itself operated as a satellite of KWTX-TV, the CBS Network affiliate in Waco, Texas.<sup>7</sup> Finally, the Commission has recognized that the economic realities of the market make it unlikely that any alternative operator would be willing or able to operate KYLE(TV) or KBTX-TV as a stand-alone full-service station.<sup>8</sup>

The original permittee of KYLE(TV), Silent Minority Group, Inc., began operating the station as a stand-alone television station but quickly determined that it was financially unable to continue such operations.<sup>9</sup> The permittee attempted the sell the television station on a stand-alone basis. After it conducted considerable discussions with prospective buyers, it received offers only from other licensees in the market.<sup>10</sup> In 2004, the Commission recognized that the factors making it impossible to sell or operate KYLE(TV) as a stand-alone station remained

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<sup>5</sup> *Letter to Communications Corp. of America*, April 19, 2004 (“2004 Satellite Waiver”); *Silent Minority Group, Inc.*, 11 FCC Rcd 15011 (1996) (“1996 Satellite Waiver”).

<sup>6</sup> 2004 Satellite Waiver at 2, 1996 Satellite Waiver at ¶ 3. The facilities of KYLE(TV) and KWKT(TV) have not changed since the grant of the 2004 Satellite Waiver.

<sup>7</sup> *See* 2004 Satellite Waiver at 2 (identifying KBTX-TV as a satellite of KWTX-TV, Waco); *see also* Broadcasting & Cable Yearbook 2007 at B-210. The licensees of the ABC and NBC Network affiliates in the Waco-Temple-Bryan DMA own and operate low power television translators in Bryan, Texas.

<sup>8</sup> 2004 Satellite Waiver at 2; 1996 Satellite Waiver at ¶¶ 4-5.

<sup>9</sup> 1996 Satellite Waiver at ¶ 4.

<sup>10</sup> *Id.* at ¶¶ 4-5.

persuasive.<sup>11</sup> These factors have not changed in the intervening three years and continue to make operation of KYLE(TV) as a full-service station impracticable.

First, due to the large geographic expanse of the Waco-Temple-Bryan DMA, KYLE(TV) provides a viewable over-the-air signal to less than half of the geographic area of the market, and the Station's Grade B contour does not reach the two most populous counties in the market. The community of Bryan is very small relative to the size of the entire market, with all of Brazos County accounting for less than twenty percent of the market's television households. Any potential owner of KYLE(TV) as a full-service television station also would have a difficult time obtaining a network affiliation. Affiliates of all four major networks, as well as Univision, currently operate in the market. Full power television stations licensed to Waco also hold the market's affiliations for MyNetworkTV, the CW, and Telemundo on their digital multicast channels.<sup>12</sup> Finally, KYLE(TV) might face significant competition from television stations licensed to the Houston, Texas DMA, the tenth largest television market, which is immediately adjacent to Brazos County.

For these reasons, the Commission in the 2004 Satellite Waiver found that KYLE(TV) would be unlikely to survive as a full-service television station and that continued operation of KYLE(TV) as a satellite of KWKT(TV) would serve the public interest. These same "compelling circumstances," which have not materially changed since 2004 and that otherwise

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<sup>11</sup> 2004 Satellite Waiver at 2.

<sup>12</sup> See "Waco-Temple-Bryan, TX Market Overview," BIA Financial Network, Investing in Television 2007 1st Edition (2007); *see also*, <http://www.kxxv.com>.

would justify authorizing KYLE(TV) to operate as a satellite, also justify granting a main studio waiver for the television station.<sup>13</sup>

KYLE(TV) has operated as a satellite station essentially since its inception, and it has served the needs of the residents of Bryan admirably in that form. Granting a main studio rule waiver therefore would preserve the *status quo* as it has existed since shortly after the Station began operating. Furthermore, it would place KYLE(TV) on a level economic playing field with the other full-power television station licensed to Bryan, which is also operated as a satellite. Finally, it is unlikely that KYLE(TV) could survive if the Commission required it to operate as a full-service, stand-alone television station while its competitor continued to operate as a satellite.

For these reasons, the Transferee respectfully requests that the Commission grant a waiver of the main studio rule to allow the continued operation of KYLE(TV) in the same manner through which it has served the public interest since shortly after the Station began operations more than a decade ago.

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<sup>13</sup> Cf. *Mark III Media, Inc.*, 21 FCC Rcd at 6256-57 (granting a main studio waiver for stations that traditionally operated as satellites); *Shareholders of CBS Corp.*, 15 FCC Rcd at ¶ 40 (same).

ATTACHMENT A

Ownership of Stations Licensed Within the Waco-Temple-Bryan DMA

Station	Community	Licensee	Group Owner	Network
KCEN-TV	Temple	Channel 6, Inc.	N/A	NBC
KXXV(TV)	Waco	Centex Television LP	R.H. Drewery Group	ABC Telemundo*
KWTX-TV	Waco	Gray Television Licensee, Inc.	Gray Television, Inc.	CBS CW*
KBTX-TV	Bryan	Gray Television Licensee, Inc.	Gray Television, Inc.	CBS (Satellite to KWTX-TV)
KWKT(TV)	Waco	ComCorp. of Texas License Corp.	Communications Corp. of America	FOX MyNetworkTV*
KYLE(TV)	Bryan	ComCorp. of Bryan License Corp.	Communications Corp. of America	FOX (satellite to KWKT(TV))
KAKW-TV	Killeen	KAKW License Partnership, L.P.	Univision Communications, Inc.	Univision
KAMU-TV	College Station	Texas A&M University	N/A	PBS
KWBU-TV	Waco	Brazos Valley Public Broadcasting Foundation	Baylor University	PBS
KNCT	Belton	Central Texas College	N/A	PBS

\*Digital multicast affiliation

Channel 6, Inc. also operates KMAY-LP in Bryan, TX as a translator for KCEN-TV (See license renewal application, FCC File No. BRCT-20060331AWH).

Centex Television LP also operates KRHD-LP in Bryan, TX as a translator for KXXV(TV) (See FCC Form 323 biennial ownership report for KXXV, FCC File No. BOA-20060331AEW).