

Satellite Showing for KWAB-TV

This application seeks consent to the assignment of licenses of KWES-TV, Odessa, Texas and KWAB-TV, Big Spring, Texas Midessa Television, LP to KWES License Company, LLC ("KWES License"). KWES License hereby respectfully requests that the Commission grant continued authority pursuant to Section 73.3555, Note 5 of the Commission's rules, to operate KWAB-TV as a satellite station of KWES-TV.

KWES-TV and KWAB-TV are located in the Odessa-Midland, Texas Designated Market Area ("DMA"). Both stations are NBC affiliates (KWAB retransmits the programming of KWES). The system of parent and satellite stations has served the viewers of this DMA well, and grant of the instant request will ensure continuity in the provision of NBC network programming throughout this DMA. Conversely, a denial of this request will likely result in the proposed satellite station being unable to continue operations, thus depriving viewers of the service upon which they rely. See Letter of Brian E. Cobb, President of CobbCorp, LLC, a nationally-recognized media brokerage firm, attached as Exhibit 2.

In support of its request, KWES License demonstrates herein that the satellite operation of KWAB-TV is presumptively in the public interest pursuant to the Commission's three-part test set forth in *Television Satellite Stations*, 6 FCC Rcd 4212 (1991) ("Satellite Order"):

- (1) there is no city-grade contour overlap between the parent and the satellite;
- (2) the satellite provides service to an underserved area; and
- (3) no alternative operator is ready and able to purchase and operate the satellite as a full-service station.

In the instant case, as shown in the Engineering Statement attached as Exhibit 1, there is no city-grade contour overlap between the stations. Thus, the first criterion of the Satellite Order is satisfied.

The second prong of the Commission's presumptive test, which requires that the satellite station provide service to an "underserved area," can be satisfied upon a showing that the satellite station's community of license has two or fewer full-service stations already licensed to it. As evidenced by the Commission's records and Exhibit 1, KWAB-TV is the only television station licensed to Big Spring, Texas. Thus, the second criterion under the Satellite Order is satisfied.

Finally, in satisfaction of the third criterion of the Satellite Order, no alternative operator is ready to purchase and operate KWAB-TV as a full-service, stand-alone station. The stations have long operated as parent and satellite, with KWAB providing the local and network programming of KWES to outlying communities that otherwise would be deprived of such service. Further, as indicated in the attached letter from Brian E. Cobb (Exhibit 2 hereto), KWAB-TV simply is not viable as a stand-alone station. The

station would essentially be a start up facility with no prospect of major affiliation or full market coverage. Indeed, Mr. Cobb notes that he would highly reluctant even to list KWAB-TV on the market, because he would not be comfortable offering a property that could damage the financial well-being of a prospective buyer.

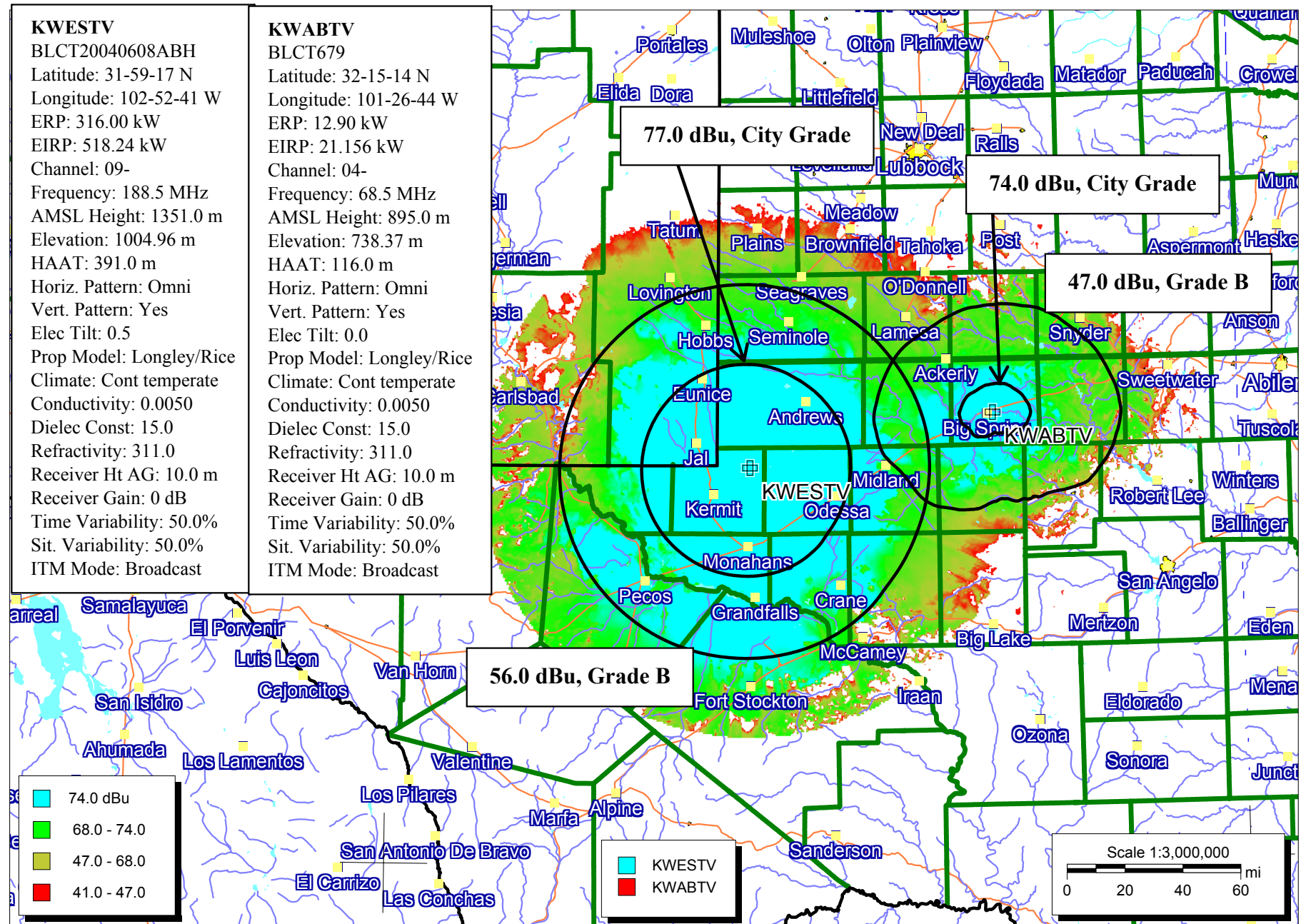
In light of the foregoing, the proposed assignee respectfully requests that the Commission continue to permit operation of KWAB-TV as a satellite of KWES-TV.

BLCT20040608ABH
Latitude: 31-59-17 N
Longitude: 102-52-41 W
ERP: 316.00 kW
EIRP: 518.24 kW
Channel: 09-
Frequency: 188.5 MHz
AMSL Height: 1351.0 m
Elevation: 1004.96 m
HAAT: 391.0 m
Horiz. Pattern: Omni
Vert. Pattern: Yes
Elec Tilt: 0.5
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 311.0
Receiver Ht AG: 10.0 m
Receiver Gain: 0 dB
Time Variability: 50.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast

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BLCT679
Latitude: 32-15-14 N
Longitude: 101-26-44 W
ERP: 12.90 kW
EIRP: 21.156 kW
Channel: 04-
Frequency: 68.5 MHz
AMSL Height: 895.0 m
Elevation: 738.37 m
HAAT: 116.0 m
Horiz. Pattern: Omni
Vert. Pattern: Yes
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June 30, 2008

Ms. Monica Desai
Chief – Television Branch
Federal Communications Commission
445 12th Street S.W.
Room 3-C740
Washington, DC 20554

Re: Application for continuation of satellite status of KWAB (TV) licensed to Big Spring, Texas

Dear Ms. Desai:

In regard to the above-referenced application, I have been requested by the proposed licensee to comment on the continued operation of KWAB (TV) as a satellite of KWES (TV). This letter addresses the feasibility of operating and marketing the satellite station as a full service stand-alone operation versus continuing to employ KWAB as a satellite of KWES.

By way of background, I have over forty years of experience in the broadcast industry as an owner, manager and broker of broadcast stations. I am President of CobbCorp, a media brokerage, appraisal and merchant banking firm specializing in television station transactions. I was a founding partner of Media Venture Partners, a nationally recognized media brokerage firm, and I was responsible for the brokerage and appraisal of television stations for Media Venture Partners. Over the past twenty five years, I have been involved in the brokerage of more television stations than any other media broker. I am a past President of the National Association of Media Brokers, in addition to belonging to NAPTE and NAB.

I believe that I am uniquely qualified to opine on whether KWAB licensed to Big Spring is capable of functioning as a full service independently operated facility in the Odessa-Midland DMA. Additionally, I have been involved in a previous media transaction in the Odessa-Midland market involving a different station.

I have reviewed relevant data regarding the stations as well as the advertising and economic environment in the market. Accordingly, I believe I am in a position to reach certain conclusions concerning KWAB and its satellite position in the market. Based on my transaction and appraisal experience as well as management and ownership history, I believe that the Big Spring station would be unable to effectively compete in the Odessa-Midland DMA.

Since Big Spring is part of the Odessa-Midland DMA, a station located in Big Spring would compete with the other full power stations serving Odessa, Midland and the remainder of the DMA. If an attempt were made to operate KWAB as a full service

facility, there would be virtually no opportunity to garner a major network affiliation including Univision since they are all contracted for in the Odessa-Midland DMA. In fact the My TV Network and the CW are also offered in this small market that garners barely over \$20 million in annual television advertising revenue. The current grade B signal of the station does not reach Odessa or Midland, a necessity to compete in the market. Major outlays for equipment (including digital studio, production and satellite-receive facilities) and personnel to staff an entirely separate station would be necessary to provide full service programming including local news and public affairs as well as other local programming to prospective viewers. With full power commercial stations competing in Odessa-Midland with programming from the major networks, the level of competition is not only intense, but the opportunity to procure programming attractive to viewers and of the quality that it currently airs would be negligible.

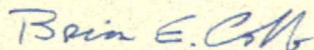
If our firm was asked to list KWAB for sale I would have little interest in doing so. I would consider the listing on a stand-alone basis as having minimal market value, and I would not be comfortable offering a property that could damage the financial well-being of a prospective buyer. I also doubt that a ready, willing and financially able buyer would be available to purchase a start up facility with the prospect of no major affiliation or full market coverage.

The FCC has previously recognized that KWAB is not able to compete as a stand-alone station and that its current satellite status serves the public interest.

Since the time of the FCC's last approval of satellite status, there have been no significant changes in the market that would justify operating KWAB as a stand-alone station. In fact, KWAB is a good example of why some stations in certain situations should be satellites. KWAB by carrying KWES and its network programming provides free over-the-air television to outlying communities which otherwise would be deprived of such service since they cannot economically support and sustain a stand-alone television station.

In summary, as a result of the lack of over the air coverage of Odessa and Midland, the lack of an available major network affiliation, and the inability to procure quality programming, it is my opinion that KWAB could not operate successfully as a stand-alone station, much less provide its own news, public affairs and other local programming. For the station to survive and provide quality service to its community, it must continue to operate as a satellite of a more viable facility.

Sincerely,



Brian E. Cobb
President