

73.3335 Rule Compliance

The Assignee is in compliance with the FCC' Multiple Ownership Rules. Here, the Assignee is the current Licensee of WICU-TV, Erie, Pennsylvania. The Assignee proposes the acquisition of WEHP (FM), Lawrence Park, Pennsylvania which is inside the Erie Market. At the time of this application's submission, the FCC's Radio Television Cross-Ownership Rule had been abolished. As such, at the time of the filing the Assignee's ownership of a TV station and Radio Station is perfectly acceptable.

On September 23, 2019, the U.S. Court of Appeals for the Third Circuit, in *Prometheus Radio Project v. FCC*, overturned the FCC's Decision to eliminate the TV/Radio Rule and other Multiple Ownership Rules and remained the matter back to the FCC. This means that's now that this application must be reviewed under the old TV/Radio standard.

Under the "old" Rule, TV/Radio ownership restrictions are based on a sliding scale that varies by the size of the market:

1. In markets with at least 20 independently owned "media voices" (defined as full power TV stations and radio stations, major newspapers, and the cable system in the market) an entity can own up to two TV stations and six radio stations (or one TV station and seven radio stations).
2. In markets with at least 10 independently owned "media voices" an entity can own up to two TV stations and four radio stations.
3. In the smallest markets an entity may own two TV stations and one radio station.

As stated above, WICU-TV and WEHP (FM) are located in Erie, Pennsylvania. The number of media voices is as follows:

1. Eleven independent radio companies in Erie (excluding WEHP). Please find attached BIA Information. There are twenty-one total Radio Station in the Erie Market
2. Four independent full powered TV Station companies (excluding WICU-TV) in the Erie market (Nexstar Media, Lilly Broadcasting, Edge Spectrum Inc., and Public Broadcasting of Pennsylvania).
3. Three independent cable systems in the Erie market (Spectrum Cable, Xfinity Cable and Armstrong Cable).
4. One major newspaper in Erie, the *Erie Times-News*.

Total number of "Media Voices" is nineteen.

Under the "old Rules" the Assignee can up to two TV Stations and four Radio Stations. Therefore, under the old rules which are now back in effect, the acquisition of this single FM station is acceptable.



FCC Geographic Market Definition for Erie, PA

Call Letters	AM/FM	Freq	Type	Station	Format	Home Market	Market Designtn Date	Home Mkt Rank	Owner	City & State of License	County of License
WQHZ	FM	102.3	C	Clsc Rock		Erie, PA	07/02/2003	180	Cumulus Media Holdings Inc	Erie, PA	Erie
WRIE	AM	1260	C	Sports		Erie, PA	07/02/2003	180	Cumulus Media Holdings Inc	Erie, PA	Erie
WXKC	FM	99.9	C	AC		Erie, PA	07/02/2003	180	Cumulus Media Holdings Inc	Erie, PA	Erie
WXTA	FM	97.9	C	Country		Erie, PA	07/02/2003	180	Cumulus Media Holdings Inc	Edinboro, PA	Erie
WFSE	FM	88.9	NC	Altve/Rock		Erie, PA	07/02/2003	180	Edinboro University of Pennsylvania	Edinboro, PA	Erie
WEFR	FM	88.1	NC	Religion		Erie, PA	07/02/2003	180	Family Stations Incorporated	Erie, PA	Erie
WERG	FM	90.5	NC	Alternative		Erie, PA	07/02/2003	180	Gannon University	Erie, PA	Erie
WWCB	AM	1370	C	Cntry/Sprts		Erie, PA	07/02/2003	180	Greater Corry Area Broadcasting LLP	Corry, PA	Erie
WFNN	AM	1330	C	Sports		Erie, PA	07/02/2003	180	iHeartMedia Inc	Erie, PA	Erie
WJET	AM	1400	C	News/Talk		Erie, PA	07/02/2003	180	iHeartMedia Inc	Erie, PA	Erie
WRKT	FM	104.9	C	Rock		Erie, PA	07/02/2003	180	iHeartMedia Inc	North East, PA	Erie
WRTS	FM	103.7	C	Top 40		Erie, PA	07/02/2003	180	iHeartMedia Inc	Erie, PA	Erie
WTWF	FM	93.9	C	Country		Erie, PA	07/02/2003	180	iHeartMedia Inc	Fairview, PA	Erie
WXBB	FM	94.7	C	Adult Hits		Erie, PA	07/02/2003	180	iHeartMedia Inc	Erie, PA	Erie
WCTL	FM	106.3	C	ChrsContem		Erie, PA	07/02/2003	180	Inspiration Time Inc	Erie, PA	Erie
WZTE	AM	1530	NC	News/Talk		Erie, PA	07/02/2003	180	Inspiration Time Inc	Union City, PA	Erie
WMCE	FM	88.5	NC	Oldies		Erie, PA	07/02/2003	180	Lake Erie College of Osteopathic Medicine Inc	Erie, PA	Erie
WPSE	AM	1450	C	BusNw/Sprt		Erie, PA	07/02/2003	180	Penn State University	Erie, PA	Erie
WQLN	FM	91.3	NC	Cls/Jaz/Nws		Erie, PA	07/02/2003	180	Public Broadcasting of Northwest Pennsylvania	Erie, PA	Erie
WEHP	FM	92.7	C	CHR		Erie, PA	11/19/2012	180	p SJL Broadcast Management Corp	Lawrence Park, PA	Erie
WCGM	FM	102.7	NC	ChrsContem		Erie, PA	12/08/2010	180	p Williamsport Broadcasting Inc	Wattsburg, PA	Erie

Number of Stations in Geographic Market 21

Previous Stations in Geographic Market

"C" - Commercial Station; "NC" - Non Commercial Station

"p" indicates pending sale to owner listed