

Request for Reauthorization of Satellite Stations

Assignor Red River Broadcast Co., LLC (“Red River”) currently owns and operates KVRR(TV), Fargo, North Dakota, along with full-power satellite television stations KJRR(TV), Jamestown, North Dakota, KNRR(TV), Pembina, North Dakota, and KBRR(TV), Thief River Falls, Minnesota. All four stations are licensed to communities, and operate, in the Fargo DMA. The satellite stations allow Red River to extend over-the-air broadcast coverage to serve portions of this geographically large DMA that would otherwise be underserved.

In 2019, the Commission adopted a procedure to “streamline” the process by which to seek reauthorization of television satellite stations.¹ In order to obtain streamlined processing, both parties to the application must certify that the underlying circumstances upon which the Commission relied in granting the current satellite authorization for each of the satellite stations have not changed materially since issuance of the most recent satellite authorization for each station. Applicants also must attach a copy of the Commission’s most recent decision authorizing satellite status.²

The Applicants hereby certify that the underlying circumstances upon which the Commission relied in granting the current satellite authorizations for KJRR(TV), KNRR(TV), and KBRR(TV) have not changed materially since the Commission granted the most recent satellite authorization for KJRR(TV) in 1987 and KNRR(TV) and KBRR(TV) in 1986.³

As required by the Commission’s streamlined reauthorization procedure, attached hereto are copies of the most recent decisions authorizing satellite status for each of the satellite stations.⁴

Continuing the satellite station status of KJRR(TV), KNRR(TV) and KBRR(TV) supports the public interest and is consistent with the circumstances of the Fargo DMA. The Fargo DMA is geographically very large with a relatively small population. The market is

¹ See *Streamlined Reauthorization Procedures for Assigned or Transferred Television Satellite Stations*, Report and Order, 34 FCC Rcd 1539 (2019).

² See *id.*, ¶ 6.

³ See *id.*, ¶ 9. All full-power television stations have transitioned from analog to digital broadcasting, as required by law, since the most recent issuance of satellite authorization for each of KJRR(TV), KNRR(TV), and KBRR(TV). Red River does not originate programming or maintain a local studio at this time for any of the satellite stations. However, the material underlying circumstances justifying grant of satellite status operations have not changed.

⁴ See *Applications of Ray Dudley Steed, Jr., d/b/a Steed Broadcasting, et al., for Construction Permit for a New Television Station, Jamestown, North Dakota*, MM Docket No. 87-291, Memorandum Opinion and Order (rel. Oct. 28, 1987) (KJRR(TV)), submitted as Attachment 5; Letter to Kenneth E. Satten, Esq., re KBRR(TV), Thief River Falls, MN, BPCT-860626KE and KNRR(TV), Pembina, ND, BPCT-860626KF (Aug. 19, 1986), submitted as Attachment 6.

ranked number 113⁵, spread across 36 counties in North Dakota and Minnesota.⁶ The Fargo DMA has only 265,790 television households⁷ and Red River estimates that it covers more than 40,000 square miles.⁸ Due to its vast size and low population density, all of the market's four full-power commercial stations, and its noncommercial television station (KFME(TV)), operate some combination of full-power satellite stations, low-power stations, and/or translator stations in order to facilitate placing an over-the-air signal to portions of the DMA that fall beyond the service contours of the primary television stations. Continuing the current status of KVRN(TV) and its three full-power satellite television stations is essential to permit a new licensee to continue free over-the-air broadcast service to the Fargo DMA in the same way that it has operated for more than thirty years, including vital television service to rural viewers.

⁵ See <https://ustvdb.com/markets/fargo-valley-city/>.

⁶ See <https://www.krgspec.com/MarketSearch.aspx?DMAID=187>.

⁷ See <https://ustvdb.com/markets/>.

⁸ In comparison, the Hartford and New Haven, Connecticut DMA includes close to four times the television households in slightly more than ten percent of the area.

James

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

FCC 87M-2690
0397

In re Applications of)	MM DOCKET NO. 87-291
)	
RAY DUDLEY STEED, JR., d/b/a)	
STEED BROADCASTING)	File No. BPCT-861223KL
)	
BAXTER BROADCASTING CORP.)	File No. BPCT-870327KJ
)	
RED RIVER BROADCAST CORP.)	File No. BPCT-870330KV
)	
JOHN J. GAROFALO d/b/a)	
SKYWAY TELEVISION, LTD.)	File No. BPCT-870331LL
)	
For Construction Permit)	
for a New Television Station)	
Jamestown, North Dakota)	

MEMORANDUM OPINION AND ORDER

Issued: October 27, 1987 ; Released: October 28, 1987

1. Under consideration are a "Motion for Summary Decision" filed by Red River Broadcast Corp. (Red River) on September 18, 1987; "Supplement to Motion for Summary Decision" filed by Red River on September 25, 1987; and "Mass Media Bureau's Consolidated Comments on Red River's Motion for Summary Decision" filed by the Bureau on October 9, 1987.¹

2. Red River seeks summary decision on the following issues:

To determine, with respect to Baxter Broadcasting Corp. and Red River Broadcast Corp., whether circumstances exist which would make a satellite operation necessary for Jamestown, North Dakota.

¹ The Petition for Leave to Amend referred to in the Bureau's comments relates to the amendment filed by Red River on September 25, 1987, regarding its change from a totally satellite operation to primarily a satellite operation.

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To determine, with respect to all of the applicants, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

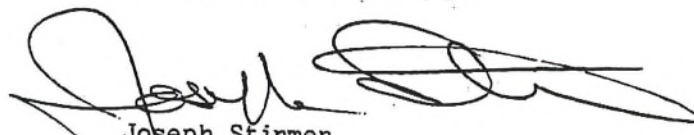
3. In support of its request for summary decision on the air hazard issue, Red River alleges that its proposed antenna will be located on the existing tower of low power television station K32AP; that the FAA has issued a determination of no hazard to air navigation regarding such tower; that the height of the tower approved by the FAA will not be increased; and that, in view of the foregoing, there is no genuine issue of material fact relating to the air hazard issue, and, thus, Red River is entitled to summary decision on such issue. This view is shared by the Presiding Judge and, accordingly, summary decision on the air hazard issue is appropriate pursuant to the provisions of Section 1.251 of the Commission's Rules.

4. In its original application, Red River proposed to operate the Jamestown station as a 100 percent satellite of KVRN(TV), Channel 7, Fargo, North Dakota. As a result of this proposal, an issue was specified to determine whether circumstances exist which would make a satellite operation necessary for Jamestown, North Dakota. Since designation, Red River has amended its application to provide that it will now operate its proposed station "primarily as a satellite," rather than as a 100 percent satellite, of KVRN(TV). In this regard, Red River will establish studio facilities in Jamestown to provide local origination and intends to broadcast a maximum of five percent local programming from its Jamestown studio which will include among other things local sports, weather, and public affairs programming.

5. Red River supports its request for summary decision by arguing that the Jamestown market is economically depressed and that other satellite operations have been authorized to similarly situated communities in North Dakota. More importantly, Red River will establish a studio in Jamestown from which a maximum of five percent local programming will be originated. The proposal to establish a new studio in Jamestown and to originate local programming therefrom constitutes a sufficient basis for resolution of the satellite issue in Red River's favor. Pete J. Stathakas, 59 RR 2d 169 (1985); and Capitol Broadcasting Co., 54 RR 2d 811 (1983). Therefore, the Presiding Judge will grant summary decision on this issue as well as the air hazard issue.

Accordingly, IT IS ORDERED that the "Motion for Summary Decision" filed by Red River Broadcast Corp. on September 18, 1987, and supplemented on September 25, 1987, IS GRANTED, and the air hazard issue and the satellite operation issue ARE RESOLVED in favor of Red River Broadcast Corp.

FEDERAL COMMUNICATIONS COMMISSION


Joseph Stirmer
Administrative Law Judge

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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

AUG 29 1986

IN REPLY REFER TO:

8940-MLB

Kenneth E. Satten, Esq.
Wilkinson, Barker, Knauer & Quinn
1735 New York Avenue, N.W.
Washington, D.C. 20006

Re: KBRR(TV)
Thief River Falls, MN
BPCT-860626KE

KNRR(TV)
Pembina, ND
BPCT-860626KF

Dear Mr. Satten:

This is with respect to the above-captioned applications of Fargo Broadcasting Corp. (FBC) for an increase in the visual effective radiated power (ERP) of Stations KBRR(TV) in Thief River Falls, Minnesota, and KNRR(TV) in Pembina, North Dakota.

Both stations operate as 100 percent satellites of Station KVRN-TV, Fargo, North Dakota, and there is presently no Grade B overlap. Grant of the applications, however, would result in an overlap of the Grade B contours of the satellite stations, in apparent violation of Section 73.3555 of the Commission's Rules. Section 73.3555(a)(3) provides that "no license for a television broadcast station shall be granted to any party . . . if such party directly or indirectly owns, operates or controls one or more television broadcast stations and the grant of such license will result in any overlap of the Grade B contours of the existing and proposed stations" Note 5 to that rule provides that a station operating "primarily as a satellite" is exempt from the rule's proscriptions and is evaluated on a case-by-case basis.

FBC argues that the power increases are necessary to improve service to rural areas that are not presently reached by cable. It states, however, that the proposed increases would result in a de minimis overlap of only 301 square miles (780 square kilometers) with a population of 2,698. The overlap would constitute only 2.9 percent of the service area of both stations with 1.7 percent of their combined population. By contrast, FBC notes that the stations' combined gain area would be 1,815 square miles (4,699 square kilometers) with a population of more than 12,000. It further asserts that the changes will result in first television service to 1,991 persons in a 374 square mile (979 square kilometer) area. Finally, FBC contends that the Commission has authorized satellite stations where overlap would exist as a means of providing television service to

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small communities having an insufficient economic base to support a full-service television operation. It maintains that such is the case here and concludes that grant of the applications is therefore warranted.

We have considered the reasons provided by FBC, and we believe that grant of the applications would be in the public interest. Accordingly, FBC's applications for changes in the facilities of Stations KBRR(TV) and KNRR(TV) ARE GRANTED.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen F. Stewart".

~~For~~ Roy J. Stewart, Chief
Video Services Division
Mass Media Bureau