



Federal Communications Commission  
Washington, D.C. 20554

June 28, 2011

DA 11-1124

Released: June 28, 2011

WFRV and WJMN Television Station, Inc.  
c/o Robert J. Hoegle, Esq.  
Nelson Mullins Riley and Scarborough LLP  
101 Constitution Ave., NW, Suite 900  
Washington, DC 20001

Nexstar Broadcasting, Inc.  
c/o Gregory Masters, Esq.  
Wiley Rein  
1776 K St., NW  
Washington, DC 20006

Re: WFRV-TV, Green Bay, WI, ID No. 9635,  
Application for Assignment of License, File  
No. BALCT-20110407ACF, et al.

Dear Applicants:

This is in regard to the unopposed application to assign the licenses of WFRV-TV, Green Bay, Wisconsin and WJMN-TV, Escanaba, Michigan from WFRV and WJMN Television Station, Inc. ("WWTS") to Nexstar Broadcasting, Inc. ("Nexstar"). Nexstar has requested a continuing waiver of the main studio rule for WJMN-TV. Nexstar states that the station has been rebroadcasting the programming of WFRV-TV and that it will continue to do so. For the reasons stated below, we grant the application and the requested waiver.

Section 73.1125(a) of the Commission's Rules requires that a television broadcast station operate a main studio at one of the following locations: (1) within its community of license; (2) within the principal community contour of any AM, FM, or TV broadcast station licensed to its community of license; or (3) within 25 miles of the reference coordinates of the center of its community of license.<sup>1</sup> Under Section 73.1125(d)(2), a licensee may request a ruling from the Commission permitting it to locate its main studio outside of these locations.

In support of its waiver request, Nexstar first notes that we originally granted WJMN-TV a waiver of the main studio rule in 2000 ("2000 Waiver").<sup>2</sup> Nexstar then states that the Commission

---

<sup>1</sup> 47 C.F.R. § 73.1125(a).

<sup>2</sup> See *In the Matter of the Applications of Shareholders of CBS Corporation (Transferor) and Viacom, Inc. (Transferee) for Transfer of Control of CBS Corporation and Certain Subsidiaries*, 15 FCC Rcd 8230 (2000). The FCC also noted that a satellite exemption to permit WJMN-TV's operations as a satellite of WFRV-TV was no longer required pursuant to 47 C.F.R. § 73.3555(b) because the stations are licensed to separate Designated Market Areas ("DMAs"). See 15 FCC Rcd at 8243.

granted a further waiver of the main studio rule in 2007 ("2007 Waiver") in connection with LMC BET Holdings, LLC's application for consent to acquire control of the Assignor.<sup>3</sup>

Nexstar goes on to state that Escanaba, Michigan, WJMN-TV's community of license, is within the Marquette, Michigan DMA, which is ranked 179<sup>th</sup> out of the 210 Nielsen DMAs in the United States.<sup>4</sup> The Marquette DMA was ranked 177<sup>th</sup> out of 210 DMAs at the time of the 2000 Waiver and 178<sup>th</sup> at the time of the 2007 waiver.<sup>5</sup> The Marquette DMA includes 87,670 Nielsen DMA households, which is 2,000 fewer than in 2007.<sup>6</sup> Escanaba is located in Delta County, Michigan. According to U.S. Census Bureau data submitted by Nexstar, the population of Delta County decreased by 4.25 percent for the period from 2000 to 2009. During that same period, the population of Marquette County, which comprises the remainder of the DMA, increased by 1.7 percent, for an overall population decrease of 2.66 percent for the area. Nexstar states that Delta County Michigan has a media household income of \$43,485 and Marquette County has a median income of \$43,599, both of which are below the median statewide income for Michigan of \$48,606.

Based on Nexstar's showing, we are persuaded that a continued waiver of Section 73.1125(a) of the Commission's Rules will serve the public interest. We recognize that this is a small community that is economically depressed. In light of the current economic downturn, it is unlikely that this situation will change appreciably in the near future. Furthermore, Nexstar has demonstrated that it will take measures to ascertain the needs of the local community and to make it convenient for the listeners in the community to communicate with the local station by toll-free number.

In light of the above discussion, we find that the applicants are fully qualified, and we find that the grant of the assignment application would serve the public interest, convenience, and necessity.

Accordingly, the request of Nexstar Broadcasting, Inc. for a waiver of 47 C.F.R. § 73.1125(a) to permit the continued operation of station WJMN-TV, Escanaba, Michigan, without a main studio is GRANTED. IT IS FURTHER ORDERED, That the application to assign the license of WFRV-TV, Green Bay, Wisconsin and WJMN-TV, Escanaba, Michigan from WFRV and WJMN Television Station, Inc. to Nexstar Broadcasting, Inc., File Nos. BALCT- 20110407ACF and BALCT-20110407ACG ARE GRANTED.

Sincerely,



Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

<sup>3</sup> *Request for Continuing Waiver of Main Studio Rule for WJMN-TV, Escanaba, Michigan*, Memorandum Opinion and Order, 22 FCC Rcd 6794 (2007).

<sup>4</sup> See <http://www.tvnewscheck.com/station-directory> (April 7, 2011).

<sup>5</sup> *Request for Continuing Waiver of Main Studio Rule for WJMN-TV Escanaba, Michigan*, Memorandum Opinion and Order, 22 FCC Rcd at 6795.

<sup>6</sup> See <http://www.tvnewscheck.com/station-directory> (April 7, 2011).