

Compliance with the Radio-Television Cross Ownership Rule

This radio-television cross ownership rule compliance showing is submitted in connection with the pending application filed by Ramar Communications II, Ltd. (“Ramar”) to change the community of license of Station KSTQ-FM from Plainview to New Deal, Texas. *See* FCC File No. BPH-20070521AGR.

Ramar is the licensee of Station KJTV-TV, Lubbock, Texas, and the following radio stations relevant to this analysis:

<u>Call Letters</u>	<u>Community of License</u>	<u>County</u>
KSTQ-FM	New Deal, Texas*	Lubbock
KJTV(AM)	Lubbock, Texas	Lubbock
KXTQ-FM	Lubbock, Texas	Lubbock
KLZK(FM)	Brownfield, Texas	Terry

* Community of license proposed in FCC File No. BPH-20070521AGR

New Deal and Lubbock, Texas are located in Lubbock County, Texas, which is part of the Lubbock, Texas Radio Metro, as defined by Arbitron. Brownfield, Texas, the community of license of Ramar’s KLZK(FM), is located in Terry County, Texas, which is not part of any radio metro market. However, KLZK(FM) is reported as home to the Lubbock, Texas Radio Metro.

In its 2002 Biennial Regulatory Review Report and Order, *2002 Biennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 18 FCC Rcd 13620 (2003), the Commission concluded that the radio-television cross ownership rule no longer served the public interest and repealed the rule. *Id.* at 13768. However, the Third Circuit’s stay of the effective date of the FCC’s multiple ownership rules imposed in 2003 remains in effect as to the repeal of the radio-television cross ownership rule. *See Prometheus Radio Project v. FCC*, 373 F.3d 372, 435 (3d Cir. 2004) (denying

motion to lift stay of the radio-television cross-ownership rule). Ramar thus remains subject to the radio-television cross ownership rule.

The radio-television cross ownership rule is triggered when either (i) the Grade A contour of a television station encompasses the community of license of a commonly owned radio station, or (ii) when the 1 mV/m contour of an FM station or the 2 mV/m contour of an AM station encompasses the community of license of a commonly owned television station.

As demonstrated on the contour overlap study included at Attachment 1, the 1 mV/m contours of KSTQ-FM, KLZK(FM) and KXTQ-FM, and the 2 mV/m contour of KJTV(AM), encompass Lubbock, Texas, the community of license of KJTV-TV. In addition, the Grade A contour of KJTV-TV encompasses Lubbock, Texas, the community of license of KJTV(AM) and KXTQ-FM, and New Deal, Texas, the proposed community of license of KSTQ-FM. The Grade A contour of KJTV-TV does not encompass Brownfield, Texas, the community of license of KLZK(FM).

Although the radio-television cross-ownership rule is triggered by contour encompassment, the Commission determines compliance with the rule on an Arbitron Metro basis.

Under the radio-television cross-ownership rule, an entity may control up to two commercial television stations and four commercial radio stations in an Arbitron Metro market if at least 10 independently owned and operated media voices would remain in the market post-acquisition. *See* 47 C.F.R. § 73.3555(c)(2)(ii) (2002). As the charts below indicate, there will be at least 21 independently owned and operated media voices in the Lubbock, Texas Metro following the grant of the instant application. Specifically, there

will be at least 14 independent radio voices, five independent television voices,¹ one independent newspaper voice and one independent cable system voice. As a result, Ramar may have an attributable interest in one commercial television station and up to four commercial radio stations in the Lubbock, Texas Metro.

Three of Ramar's radio stations (KJTV(AM), KSTQ-FM and KXTQ-FM) are located within the Lubbock, Texas Metro. Although KLZK(FM) is not licensed to a community within the Lubbock, Texas Metro or any other radio metro market, the Lubbock, Texas Metro serves as a functionally equivalent radio market for KLZK(FM) under Section 73.3555(c)(3)(ii)(C) since (i) the application of the radio-television cross ownership rule to KLZK(FM) is triggered by the encompassment of Lubbock, Texas by KLZK(FM)'s 1 mV/m contour, (ii) KLZK(FM) is reported as home to the Lubbock, Texas Metro, and (iii) KLZK(FM) competes with radio stations in the Lubbock, Texas radio metro.

In the event that the FCC determines that the Lubbock, Texas Metro is not a functionally equivalent radio market for KLZK(FM), Ramar submits that a functionally equivalent market for KLZK(FM) also can be ascertained using the interim contour-overlap methodology. In this regard, Ramar has determined the 5 mV/m (for AM) or 3.16 mV/m (for FM) contours of 29 radio stations overlap or intersect the 3.16 mV/m contour of KLZK(FM). The AM and FM ComStudy overlap reports prepared by Ramar are included at Attachment 3. Attachment 3 also contains a table that groups these 29 radio stations by licensee/owner. As indicated on that table, using this alternative

¹ Attachment 2 contains two maps depicting the Grade B contours of the television stations in the Lubbock, Texas DMA that overlap the Grade B contour of KJTV-TV.

approach to defining the KLZK(FM) radio market reveals that there are 15 independent radio voices in the KLZK(FM) radio market.

Accordingly, Ramar's attributable interest in KJTV-TV and its four commercial radio stations (KSTQ-FM, KJTV(AM), KXTQ-FM and KLZK(FM)) fully complies with the radio-television cross ownership rule.