

**EXHIBIT 20**  
**FCC Form 315**  
**Section IV, Question 8**

**Multiple Ownership Compliance**

As noted in Exhibit 6, this application with its companion applications seek consent to the transfer of control of the entity (Pilot Group GP LLC) that holds control of the Barrington Broadcasting Group television stations listed in Exhibit 8 (“Barrington TV Stations”) that will result from the proposed readjustment of the voting interests (but not equity interests) among the existing members of the entity. The transaction will neither alter the operations of the Barrington TV Stations nor create any new combinations implicating the FCC multiple ownership rules. The Barrington TV Stations include parent station KVII-TV, Channel 7, Amarillo, Texas, and its long-time satellite station KVIH-TV, Channel 12, Clovis, New Mexico. Both stations operate in the small Amarillo, Texas, Designated Market Area, the 131st-ranked DMA. To permit continued common ownership of the two same-market stations,<sup>1</sup> the parties respectfully request that the FCC continue to authorize the operation of KVIH-TV as a satellite of parent station KVII-TV pursuant to Note 5 of Section 73.3555 which exempts satellite stations from the limits of the multiple ownership rules.

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<sup>1</sup> As shown in the attached Technical Statement of consulting engineers du Treil, Lundin & Rackley, Inc. (Attachment A), the digital Noise Limited Service Contour (“NSLC”) overlap of the parent and satellite stations is negligible. The NLSC overlap area includes 459 square kilometers, which is only 1.1% of KVII-TV’s coverage area and 2.2% of KVIH-TV’s coverage area. The population in the overlap area includes just 4,334 persons, which is 1.2% of the population in KVII-TV’s area of coverage and 5% of the population in KVIH-TV’s area of coverage.

An applicant for satellite status is entitled to a presumption that the proposed satellite operation serves the public interest if it meets three criteria: (1) there is no City Grade overlap between the parent and satellite; (2) the proposed satellite would provide service to an unserved or underserved area; and (3) no alternative operator is ready and able to construct or to purchase and operate the satellite as a full-service station. *Television Satellite Stations*, 6 FCC Rcd 4212, 4213-14 (1991). If one or more of the presumptive criteria are not satisfied, the FCC nevertheless may grant the proposal on an *ad hoc* basis when compelling circumstances warrant. *Id.* at 4214.

Due to the existence of compelling circumstances in the small but geographically dispersed Amarillo, Texas DMA, the FCC has long authorized KVIH-TV to operate as a satellite station of KVII-TV. *See, e.g., McAlister Television Enterprises, Inc.*, 60 RR 2d 1379 (1986) [*“1986 Clovis Satellite Decision”*] (noting the history of satellite operations of the Clovis station by three previous owners, the continuing inability of the Clovis area to support a full-service, stand-alone television station and granting authority for the Clovis station to operate as a satellite of KVII-TV, Amarillo). The Commission more recently renewed the exempt satellite status of KVIH-TV in 2002<sup>2</sup> and again in 2005.<sup>3</sup> As confirmed by the attached statement from Brian E. Cobb (*“Cobb Statement”*), President of the brokerage and appraisal firm of CobbCorp LLC (*see* Attachment C), the core circumstances underlying the previous grants of satellite status continue

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<sup>2</sup> See Attachment B, Letter Decision of Chief, Video Division of Media Bureau, 1800E3-JLB [*“2002 Clovis Satellite Decision”*].

<sup>3</sup> See Attachment B, Letter Decision of Chief, Video Division of Media Bureau, DA 05-1693 [*“2005 Clovis Satellite Decision”*].

to exist today. Thus, renewing the satellite status of KVIH-TV would accord with well-established past precedent and continue to serve the public interest.

1. Lack Of City-Grade Overlap

With respect to the first criterion – lack of City Grade contour overlap – analog City Grade contours no longer exist following the digital transition. The FCC has recognized that digital Principal Community contours “serve much larger areas than their former analog City Grade contours” and that, therefore, “the digital Principal Community contour is not an equivalent standard to use in determining whether a proposed satellite station qualifies for the presumptive satellite exception to the duopoly rule.” *HBK NV LLC Transferor*, 25 FCC Rcd 2354, ¶ 7 (2010) [*HBK Decision*]. In the *HBK Decision*, the FCC relied, instead, on a showing that, prior to the digital transaction, “there was historically no City Grade overlap” between the parent and satellite station. As shown in the Technical Statement of consulting engineers du Treil, Lundin & Rackley, Inc. (*see* Attachment A, at 1, 3), the prior analog City Grade contours of parent station KVII-TV and satellite station KVIH-TV did not overlap.<sup>4</sup> The proposed transaction therefore satisfies the first criterion of the satellite presumption.

2. Service To Underserved Areas

Under the second criterion, an area is deemed underserved if, under the “transmission test,” there are two or fewer full-service stations already licensed to the satellite’s community of license. *See Television Satellite Stations*, 6 FCC Rcd at 4215. As the du Treil, Lundin & Rackley, Inc. Technical Statement confirms (*see* Attachment A, at 2), KVIH-TV

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<sup>4</sup> As also noted in the Technical Statement, even the more expansive digital Principal Community contours of KVII-TV and KVIH-TV do not overlap (*see* Attachment A, at 3).

remains the only television station licensed to Clovis, New Mexico. Because the satellite station serves an underserved area, continuing the satellite status of KVIH-TV meets the second criterion.

3. Unlikelihood Of Finding An Operator Willing and Capable Of Operating KVIH-TV As A Full-Service, Stand-Alone Station

The FCC has observed that “Clovis is just the type of market that the Commission’s satellite policy has been applied in past cases.”<sup>5</sup> Thus, the FCC has repeatedly found that the Clovis station has long operated as a satellite due to the lack of adequate population and economic base of the sparsely-populated coverage area of the station to support a viable full-service, stand-alone operation.<sup>6</sup>

The Cobb Statement (*see* Attachment C) confirms the continuing validity of the FCC’s prior satellite determinations.<sup>7</sup> As Mr. Cobb notes, the small outlying community of Clovis is located more than 100 miles from Amarillo, the population and economic center of the small but geographically dispersed television market. Due to the distance from Amarillo, the coverage contour of the Clovis satellite “does not include Amarillo or “another significant population center that would provide sufficient viewers and hence advertisers for KVIH-TV to survive as a stand-alone, full-service operation” (*see* Attachment C, at ¶ 5). Mr. Cobb further notes the small number of TV households in the entire Amarillo DMA – only 195,000 TV households – and the continuing decline in market rank, from 128 in 2002 to 131 as of today. He further notes, as

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<sup>5</sup> *See 1986 Clovis Satellite Decision*, at ¶ 10.

<sup>6</sup> *See Attachment B, 2005 Clovis Satellite Decision*, at 2.

<sup>7</sup> Mr. Cobb’s attached statement updates his statement provided in support of the satellite showing that was the subject of the *2002 Clovis Satellite Decision*.

shown in the Technical Statement, that the population within the coverage area of the Clovis satellite station includes less than 25% of the population within the coverage area of parent station KVII-TV.

The *1986 Clovis Satellite Decision* found that the Clovis station had a history of loss operations. Mr. Cobb confirms that KVIH-TV “has operated at a loss and requires the financial resources of KVII-TV in Amarillo to support its continued operations” (*see* Attachment C, at ¶ 4). He further notes that the economic conditions in the Amarillo, TX DMA have declined since 2006. (*Id.*) In its *2002 Clovis Decision*, the FCC found that “given [KVIH-TV’s] long history as a satellite, the sparse population residing within its predicted Grade B contour, and the Amarillo DMA [then] ranking of 128, it does not appear likely that an alternative operator would be willing to operate the satellite as a full-service station” (*see* Attachment B, *2002 Clovis Decision*, at 3 [footnote omitted]).<sup>8</sup> Having reviewed the current circumstances in the market, Mr. Cobb expresses his expert judgment “that is highly unlikely that a qualified buyer would be willing and able to operate KVIH-TV as a stand-alone station,” and that he would decline to attempt to sell KVIH-TV as a stand alone station (*see* Attachment C, at ¶ 7).

For these reasons and due to the lack of any realistic prospect for KVIH-TV to garner any meaningful network affiliation as a stand-alone station, the Cobb Statement determines that the Clovis station could not viably operate as a stand-alone station.

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<sup>8</sup> The FCC reaffirmed its determination on this point in the *2006 Satellite Decision*, in which it recognized that “despite extensive efforts to market KVII-TV and KVIH-TV over the past year ... no party has expressed any interest in acquiring KVIH-TV to operate other than as a satellite station” (*see* Attachment B, *2006 Satellite Decision*, at 2). Of course here, due to the internal reorganization nature of the instant transaction, there have not been efforts to sell these stations.

\* \* \*

The parties respectfully submit that the record amply supports a finding that compelling circumstances exist warranting the continued authorization of for KVIH-TV (Clovis) to operate as a satellite of KVII-TV (Amarillo). Such authorization, of course, would not diminish diversity or competition but would preserve the station's long-established status. Continuance of the existing satellite status provides the only realistic opportunity for KVIH-TV to continue to provide service to residents of the sparsely-populated Clovis area that have come to rely on its programming.

## **Attachment A**

Technical Statement of Consulting Engineers du Treil, Lundin & Rackley, Inc.

TECHNICAL STATEMENT  
IN SUPPORT OF  
TELEVISION SATELLITE OWNERSHIP ANALYSIS  
KVII-TV, AMARILLO, TEXAS  
KVIH-TV, CLOVIS, NEW MEXICO

Technical Narrative

This Technical Statement was prepared in support of a Television Satellite Ownership Analysis for KVII-TV, Amarillo, Texas and satellite station KVIH-TV, Clovis, New Mexico. The current digital and former analog facilities of the subject stations are summarized in the table below:

Call Sign	City of License	Facilities
KVII-TV	Amarillo, TX	DTV Ch. 7, 21.9 kW (ND), 519 m, BLCDT-20090612AHC Former Analog Ch. 7, 316 kW (ND), 519 m, BLCT-20010928ACW
KVIH-TV	Clovis, NM	DTV Ch.12, 5 kW (ND), 204 m, BLCDT-20091221AHU Former Analog Ch. 12, 178 kW (ND), 204 m, BLCT-1773

The predicted Principal Community (43 dBu) and Noise-Limited (36 dBu) contours for the subject stations were calculated and projected on a map as shown herein as Figure 1.<sup>1</sup> As indicated in Figure 1, there is no Principal Community contour overlap between KVII-TV and KVIH-TV. There is a small amount of Noise-Limited contour overlap between the respective facilities. Specifically, the KVII-TV Noise-Limited service land area consists of 41,070 square kilometers. The KVIH-TV Noise-Limited service land area consists of 20,920 square kilometers. The common Noise-Limited contour overlap area between the two encompasses 459 square kilometers. This amounts to 1.1% of the KVII-TV service area and 2.2% of the KVIH-TV service area.

The KVII-TV Noise-Limited service population consists of 354,106 persons. The KVIH-TV Noise-Limited service population consists of 86,686 persons. The population

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<sup>1</sup> Distances to the respective contours were determined based on the method outlined in Section 73.684 of the FCC Rules. Terrain data were derived from the U.S.G.S. 30-second computer database for each of the stations using radials evenly spaced every 10 degrees of azimuth.



within the common Noise-Limited overlap area amounts to 4,334 persons. This amounts to 1.2% of the KVII-TV service population and 5% of the KVIH-TV service population. The population figures are based on the 2000 U.S. Census data.

Also shown on Figure 1 are the predicted City Grade (77 dBu) contours for the former analog operations of KVII-TV and KVIH-TV. As indicated, there was no City Grade contour overlap between the former analog operations of KVII-TV and KVIH-TV.<sup>2</sup>

A study was conducted of the number of full-service television stations licensed to the respective communities of Amarillo and Clovis. This was based on examination of the FCC's CDBS database and cross-checked using the latest copy of the FCC Rules and *Broadcasting and Cable Yearbook 2010*. The results indicate that there are five full-service television stations licensed to Amarillo: KACV-TV (Ch. 9), KAMR-TV (Ch. 19), KCIT (Ch. 15), KFDA-TV (Ch. 10) and KVII-TV (Ch. 7). Station KVIH-TV (Ch. 12) is the only full-service television station licensed to Clovis.



W. Jeffrey Reynolds

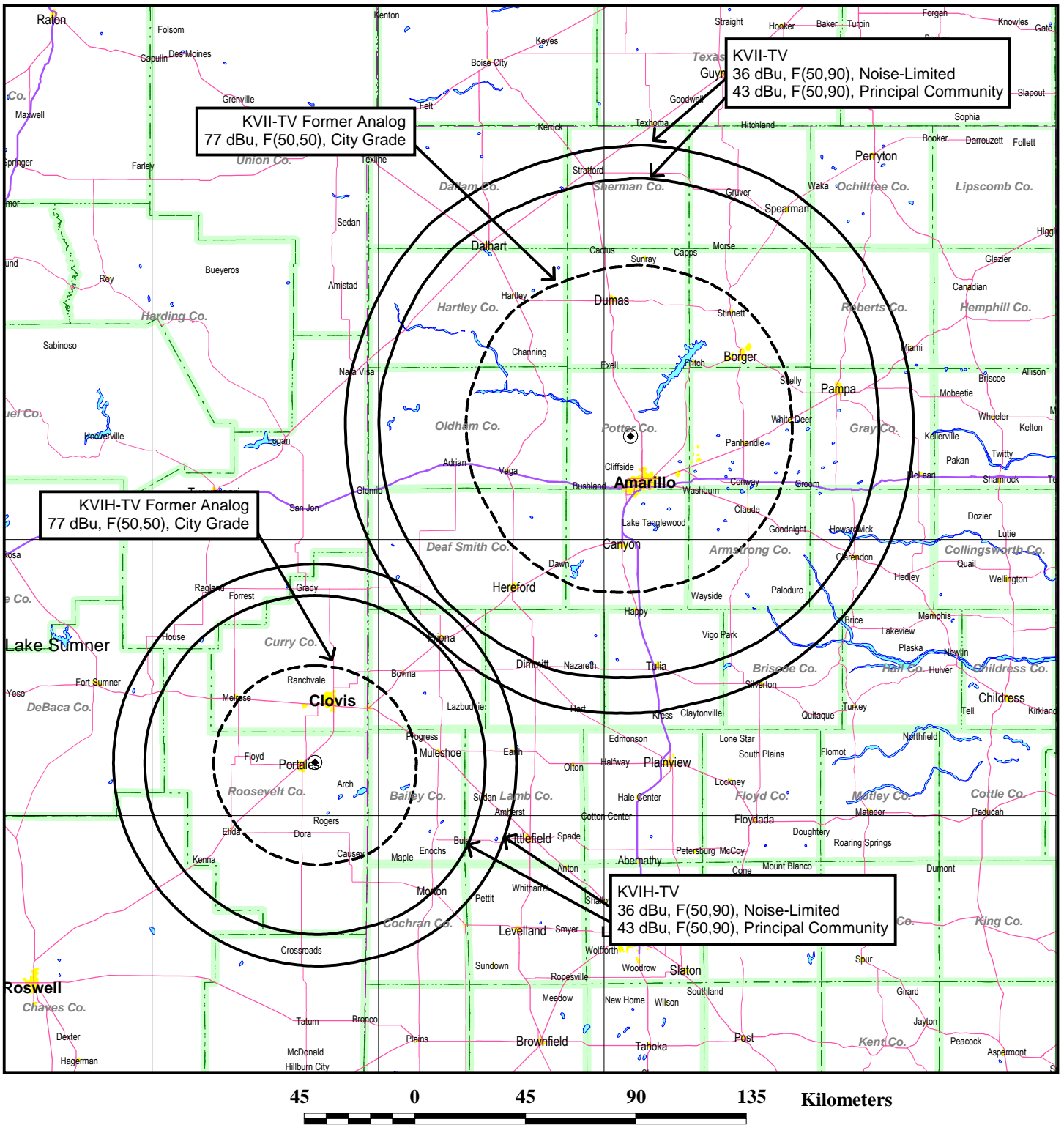
du Treil, Lundin & Rackley, Inc.  
201 Fletcher Avenue  
Sarasota, Florida 34237  
(941) 329-6000  
JEFF@DLR.COM

June 28, 2011

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<sup>2</sup> Distances to the respective digital contours were determined based on the method outlined in Section 73.625 of the FCC Rules. Terrain data were derived from the U.S.G.S. 3-second computer database for each of the stations using radials evenly spaced every 1 degree of azimuth.

Figure 1



# TV SATELLITE CONTOUR OVERLAP ANALYSIS

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

## **Attachment B**

FCC's 2002 and 2005 Clovis Satellite Decisions



Federal Communications Commission  
Washington, D.C. 20554  
OCT 25 2002

1800E3-JLB

KVII Operating, L.P.  
c/o Jerry V. Haines, Esq.  
Wiley Rein & Fielding, LLP  
1776 K Street, N.W.  
Washington, D.C. 20008

NVG-Amarillo, LLC  
c/o Elizabeth Hammond, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street, N.W.  
Suite 1100  
Washington, D.C. 20005

Mothers Opposed to Mistreatment  
of Minors, Inc.  
c/o Mark D. Schneider, Esq.  
Sidley Austin Brown & Wood  
1501 K Street, N.W.  
Washington, D.C. 20005

Re: KVII-TV, Amarillo, Texas,  
Facility ID 40446  
File No. BRCT-19980330KP  
File No. BALCT-20020815AAY

KVIH-TV, Clovis, New Mexico  
Facility ID 40450  
File No. BALCT-20020815ABD

Television Translator Stations:  
K24DU, Facility ID 40445  
File No. BALTT-20020815AAZ  
K26DR, Facility ID 40444  
File No. BALTT-20020815ABA  
K43BU, Facility ID 40448  
File No. BALTT-20020815AAB  
K57CW, Facility ID 40447  
File No. BALTT-20020815ABC

Dear Counsel:

This is in reference to the unopposed applications for assignment of the above-captioned television licenses from KVII Operating, L.P. (formerly Marsh Media, Inc.) (KVII) to NVG-Amarillo, LLC (NVG). NVG requests authorization to continue operating KVIH-TV, channel 12, Clovis, New

Mexico as a satellite of KVII-TV, channel 7, Amarillo, Texas. We also have before us the application for renewal of license for KVII-TV, which is opposed.

#### PENDING APPLICATION FOR RENEWAL OF LICENSE OF KVII-TV

On July 1, 1998, Mothers Opposed to the Mistreatment of Minors, Inc. (MOMM) filed a petition to deny the application filed by Marsh Media, Inc. for renewal of license for KVII-TV, requesting that the Commission deny the application or designate it for hearing. In its petition, MOMM alleged, *inter alia*, that Stanley Marsh III, the principal owner of the licensee, engaged in various activities involving abuse of, or sexual misconduct with minors, and also used the threat of negative exposure on KVII-TV to coerce minors to submit to abuse. MOMM also alleged that Marsh had been indicted on five felony counts for alleged misconduct related to his activities with minors, and acknowledged that while it could not point to any final adjudications of a felony conviction, it believed that Marsh's alleged nonbroadcast misconduct is the type of "shocking" misconduct that the Commission has deemed cognizable under its character inquiry, even in the absence of a criminal conviction.<sup>1</sup>

At Exhibit 6 of the pending assignment applications, KVII reports that: (1) the criminal action referred to by MOMM was resolved in 1998 in Potter County, Texas Court, which, pursuant to a plea agreement, dismissed all felony charges against Marsh and accepted his nolo pleas with regard to two misdemeanors, trespass and unlawful restraint; and (2) a related civil litigation was settled in May 2001. In addition, MOMM filed a supplement to its petition to deny the renewal application in May 2001, stating that it "understands that Marsh plans to sell the station and . . . believes that the FCC approval of the assignment of the station license from Marsh to an unaffiliated, independent third-party buyer would both satisfy the concerns raised in the Petition and serve the public interest."

We agree that the allegations made by MOMM raise serious questions regarding Marsh's qualifications to remain a Commission licensee. However, because consummation of the proposed assignments of license would result in the divestiture of all of Marsh's broadcast interests, we will grant the KVII-TV renewal application, conditioned upon prompt consummation of the transactions proposed in the above-captioned assignment applications. The Commission will consider these unresolved character issues in the event that Stanley Marsh III seeks, in the future, to acquire an interest in any other broadcast licensee, or KVII fails to comply with the condition imposed on the grant of the KVII-TV renewal application.

#### CONTINUING SATELLITE EXCEPTION

NVG proposes to continue operating KVIH-TV, Clovis, New Mexico as a satellite of KVII-TV, Amarillo, Texas, pursuant to Note 5 of Section 73.3555 of the Commission's rules, which exempts satellite stations from application of the local television multiple ownership rules.<sup>2</sup> The Commission originally granted Marsh Media, Inc. a continuing satellite waiver for KVIH-TV in 1986.<sup>3</sup> NVG contends that the circumstances underlying the previous grant of continuing satellite status have not changed.

<sup>1</sup> See *Policy Regarding Character Qualifications*, 6 FCC Rcd 3448, 3450, n.5 (1991) ("Where an applicant has allegedly engaged in nonbroadcast misconduct so egregious as to shock the conscience and evoke almost universal disapprobation, such conduct might be a matter of Commission concern even prior to adjudication by another body.")

<sup>2</sup> 47 C.F.R. § 73.3555, Note 5.

<sup>3</sup> *McAlister Television Enterprises, Inc.*, 60 RR 2d 1379 (1986).

Pursuant to the Commission's television satellite policy, as set forth in *Television Satellite Stations*, an applicant for satellite status is entitled to a presumption that the proposed satellite operation is in the public interest if it meets three criteria: (1) there is no City Grade overlap between the parent and the satellite; (2) the proposed satellite would provide service to an underserved area; and (3) no alternative operator is ready and able to construct or to purchase and operate the satellite as a full-service station.<sup>4</sup> Applications meeting these criteria, when un rebutted, will be viewed favorably by the Commission. If an applicant cannot qualify for the presumption, the Commission will evaluate the proposal on an *ad hoc* basis, and grant the application if there are compelling circumstances that warrant approval.<sup>5</sup>

With respect to the first criterion, NVG has supplied an engineering exhibit demonstrating that no City Grade overlap exists between KVIH-TV and KVII-TV. With respect to the second criterion, NVG has demonstrated, by using our "transmission" test, that the respective area is underserved. The "transmission" test deems an area underserved if there are two or fewer full-service television stations licensed to a proposed satellite's community of license.<sup>6</sup> Here, KVIH-TV is the only television station licensed to Clovis, New Mexico.

With respect to the third criterion, an applicant must show that no alternative operator is ready and able to construct, or to purchase and operate, the proposed satellite as a full-service station.<sup>7</sup> In support, NVG submits an August 15, 2002 letter from Brian E. Cobb, an experienced media broker, who opines that if KVIH-TV were converted to a full-service station:

It is highly probable that it would be financially unsuccessful and at a significant competitive disadvantage. A coverage map of the station shows that it is unable to adequately cover the DMA. In fact, the coverage does not include Amarillo or any other significant population center that would provide enough viewers and hence advertisers for KVIH to survive as a stand-alone. Even if it were possible for KVIH-TV to serve a greater portion of the market, it would have little prospect of garnering affiliation agreements with any of the major networks. If KVIH were forced to broadcast as an independent, competing against the other stations that currently serve the market would make the prospects of economic survival slim.

Mr. Cobb concludes that if KVII asked him to act as a broker to attempt to sell KVIH-TV as a stand-alone station, "I would decline since I feel that the financial viability to a new owner would be limited and I would be doing the buyer a disservice."

We are unable to find that NVG's showing meets the third criterion of our "presumptive" satellite standard. NVG does not provide any detailed information regarding efforts to sell KVIH-TV, other than the statement by Mr. Cobb that he would not act as broker in connection with any such efforts. Nevertheless, although this showing does not meet our "presumptive" satellite standard, NVG's showing is strong enough to justify continued satellite status for KVIH-TV under an *ad hoc* basis. We find that given the station's long history as a satellite, the sparse population residing within its predicted Grade B contour,<sup>8</sup> and the Amarillo DMA ranking of 128, it does not appear likely that an alternative operator would be willing to operate the satellite as a full-service station. Based upon the foregoing, we are persuaded that the factors upon which we based our satellite authorizations in 1986 have not changed to

<sup>4</sup> *Television Satellite Stations*, 6 FCC Rod 4212, 4213-14 (1991) (subsequent citations omitted).

<sup>5</sup> *Id.* at 4214.

<sup>6</sup> *Id.* at 4215.

<sup>7</sup> *Id.*

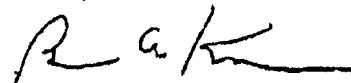
<sup>8</sup> The KVIH-TV contour encompasses an area of 19,618 square kilometers with a population of 87,073.

such an extent as to alter the determination here. Under the circumstances in this case, we find that "compelling circumstances" exist for continuing the station's satellite status. Thus, we conclude, continued operation of KVIH-TV as a satellite of KVII-TV would serve the public interest.

We have carefully examined the applications and pleadings submitted herein, and conclude that the conditional renewal of license for station KVII-TV, to permit KVII to divest all of its ownership interests in broadcast stations, will serve the public interest. We further find the proposed assignee fully qualified and that a grant of the assignment applications will serve the public interest.

Accordingly, IT IS ORDERED, That the petition to deny the KVII-TV renewal application, filed by Mothers Opposed to the Mistreatment of Minors, Inc., IS DISMISSED, and the above-referenced application for renewal of license for station KVII-TV, Amarillo, Texas (File No. BRCT-19980330KP) IS GRANTED, subject to the condition that KVII consummate the assignment of its licenses for KVII-TV, Amarillo, Texas, KVIH-TV, Clovis, New Mexico (File Nos. BALCT-20020815AAY and BALCT-20020815ABD), and related television translator stations, within thirty (30) days after grant of the applications for consent to the assignment of the licenses to NVG-Amarillo, LLC is no longer subject to appeal. IT IS FURTHER ORDERED, That NVG's request for continued satellite authorization, pursuant to Note 5 of Section 73.3555 of the Commission's rules, 47 C.F.R. § 73.3555, for KVIH-TV, Clovis, New Mexico to operate as a satellite of KVII-TV, Amarillo, Texas, and the above-referenced applications for assignment of license ARE GRANTED.

Sincerely,

  
Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

20 F.C.C.R. 10813, 20 FCC Rcd. 10813, 2005 WL 1421117 (F.C.C.)

Federal Communications Commission (F.C.C.)

Letter  
**\*\*1 NVG**  
 -  
**AMARILLO**  
 , INC.  
 C/O ELIZABETH HAMMOND, ESQ.  
 DRINKER, BIDDLE & REATH, LLP  
 BARRINGTON BROADCASTING TEXAS COR-  
 PORATION  
 C/O WILLIAM H.  
**FITZ**  
 , ESQ.  
 COVINGTON & BURLING

DA 05-1693

Released: June 17, 2005

**\*10813 NVG-Amarillo, Inc.**

c/o Elizabeth Hammond, Esq.

Drinker, Biddle & Reath, LLP  
 Suite 1100  
 1500 K St., NW  
 Washington, DC 20005

Barrington Broadcasting Texas Corporation

c/o William H. **Fitz**, Esq.

Covington & Burling  
 1201 Pennsylvania Avenue, NW  
 Washington, DC 20004-2401  
 Re: KVII-TV, Amarillo, Texas, Application for As-  
 signment, File No. BALCT-20050414AAY, ID No.  
 40446; KVIH-TV, Clovis, New Mexico, Application  
 for Assignment, File No. BALCT-20050414AAZ, ID  
No. 40450

Dear Applicants:

This is in reference to the applications to assign the licenses of stations KVII-TV, Amarillo, Texas and KVIH-TV, Clovis, New Mexico from **NVG-Amarillo, Inc.** (NVG) to Barrington Broadcasting Texas Corporation (Barrington). As part of the assignment applications, Barrington requests authorization to continue operating KVIH-TV as a satellite of KVII-TV pursuant to Note 5 of Section 73.3555 of the Commission's Rules.<sup>[FN1]</sup>

Pursuant to the Commission's television satellite policy, as set forth in [Television Satellite Stations](#),<sup>[FN2]</sup> an applicant is entitled to a presumption that the proposed satellite operation is in the public interest if it meets three criteria: (1) there is no City Grade overlap between the parent and the satellite; (2) the proposed satellite would provide service to an underserved area; and (3) no alternative operator is ready and able to construct or to purchase and operate the satellite as a full-service station.<sup>[FN3]</sup> Applications meeting these criteria, when un rebutted, will be viewed **\*10814** favorably by the Commission. If an applicant cannot qualify for the presumption, the Commission will evaluate the proposal on an *ad hoc* basis, and grant the application if there are compelling circumstances that warrant approval.<sup>[FN4]</sup>

With regard to the first criterion, Barrington has submitted an Engineering Statement that demonstrates there is no City Grade overlap between the two stations. With regard to the second criterion, an area is deemed underserved if, under the "transmission test," there are two or fewer full-service stations licensed to the satellite's community of license.<sup>[FN5]</sup> KVIH-TV is the only television station licensed to Clovis, New Mexico. Therefore, the application meets the first two criteria for satellite operations.

With regard to the third criterion, Barrington cites two previous Commission decisions regarding KVIH-TV to demonstrate that the Clovis station has long operated as a satellite because the sparsely-populated coverage area lacks either an adequate population or a sufficient economic base to support a full-service, stand-alone operation.<sup>[FN6]</sup> There are five full-service commercial stations providing service to the Amarillo market, which has declined two market



ranks to number 130 since the Commission approved the existing satellite operation. In addition, there are only 87,000 people living within the Grade B contour of the Clovis station. Barrington's request includes a statement by the media brokerage and appraisal firm of Kalil & Co. (Kalil) to further support its argument. Kalil states that Clovis is located more than 100 miles from Amarillo and its coverage contour does not include Amarillo or any other significant population centers that would provide sufficient viewers and advertising to support full-service operations. Kalil goes on to state that "the station has operated at a loss and requires the financial resources of KVII-TV in Amarillo to support its continued operations." Barrington contends that the financial support of the parent is especially important because of the need to convert KVIH-TV to full power digital operations. Barrington also contends that there is no realistic prospect for KVIH-TV to obtain a network affiliation as a stand-alone station. Kalil states that, despite extensive efforts to market KVII-TV and KVIH-TV over the past year, including talking to over 75 potential buyers, no party has expressed any interest in acquiring KVIH-TV to operate other than as a satellite station. For all these reasons, Kalil concludes that it is highly unlikely that any qualified buyer would be willing and able to purchase and operate KVIH-TV on a stand-alone basis.

**\*\*2** We agree with Barrington that it has met the requirements for a favorable presumption under the three-prong satellite standard and that it has demonstrated that the continued operation of KVIH-TV as a satellite of KVII-TV would be in the public interest.

**\*10815** Having found the applicants fully qualified, we conclude that grant of the subject applications would serve the public interest. Accordingly, the applications to assign KVII-TV, Amarillo, Texas and KVIH-TV, Clovis, New Mexico (File Nos. BALCT-20050414AAY and BALCT-20050414AAZ, ID No. 40450) from **NVG-Amarillo, Inc.** to Barrington Broadcasting Texas Corporation are GRANTED. Further, Barrington's request for continued operation of KVIH-TV as a satellite of KVII-TV is GRANTED.

Sincerely,  
Barbara A. Kreisman  
Chief  
Video Division

Media Bureau

FN1. [47 C.F.R. § 73.3555](#), Note 5.

FN2. [Television Satellite Stations, 6 FCC Rcd 4212 \(1991\)](#), *subsequent citations omitted*.

FN3. [Id. at 4213-14](#).

FN4. *Id.*

FN5. *Id.* at 4215.

FN6. Citing [McAlister Television Enterprises, Inc., 60 RR 2d 1379 \(1986\)](#); Letter Decision of Barbara A. Kreisman, Chief, Video Division, Media Bureau, to KVII Operating, L.P., *et al.* dated October 25, 2002.

20 F.C.C.R. 10813, 20 FCC Rcd. 10813, 2005 WL 1421117 (F.C.C.)

END OF DOCUMENT

## **Attachment C**

Statement of Brian Cobb, President of CobbCorp LLC



July 6, 2011

Barbara Kreisman, Esq.  
Chief, Video Division  
Media Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: Application for Transfer of Control  
KVII-TV, Amarillo, Texas (Parent)  
KVIH-TV, Clovis, New Mexico (Satellite)

In connection with the above-referenced application, I have been requested by the parties thereto to supply you with information related to the continued operation of KVIH-TV, Clovis, New Mexico, as a satellite of parent station KVII-TV, Amarillo, Texas. This statement addresses the feasibility of operating and marketing KVIH-TV as a stand-alone operation rather than as a satellite. The stations are licensed to Barrington Amarillo License LLC, an indirect licensee subsidiary of Barrington Broadcast Group LLC ("Barrington").

1. By way of background, I have more than 35 years of experience in the broadcast industry as an owner, manager and broker of broadcast stations. I am the founder and President of CobbCorp LLC, a nationally recognized full-service media brokerage and appraisal firm. During the past 30 years, I have personally been involved in the brokerage of hundreds of television stations in the United States. I am also a member and past president of the National Association of Media Brokers.
2. I am familiar with the Amarillo, TX Designated Market Area ("Amarillo DMA") in which parent station KVII-TV and its satellite KVIH-TV are located, the DMA's surrounding television markets, the signals of the television stations available in the market, the level of competition among them, and related market data. I prepared a statement in support of continuing the long-time satellite status of KVIH-TV, which was relied on by the FCC in its 2002 decision approving the acquisition of KVII-TV and KVIH-TV by NVG-Amarillo, LLC. I am familiar with and have reviewed the 2005 decision approving the acquisition of the stations by Barrington, including the FCC's grant of continued satellite exemption status of KVIH-TV. As summarized below, it continues to be my professional judgment that, as the FCC has previously found, KVII-TV could not feasibly operate as a stand-alone station.
3. The Amarillo DMA, the 131st-ranked television market, is served by commercial stations affiliated with ABC, CBS, NBC and Fox, a religious station and two ETV stations. KVII-TV and its satellite KVIH-TV air programming from the ABC network and from CW. Since I prepared my earlier report regarding KVIH-TV in 2002, the market ranking of the Amarillo DMA has declined three positions, from 128 to 131. There are only 195,000 television households in the Amarillo DMA.
4. While a small television market, the Amarillo DMA is geographically expansive, including a number of outlying rural counties distant from Amarillo, the population and



economic center of the market. KVIH-TV's community of license, Clovis, is a small community of approximately 33,200 persons located more than 100 miles from Amarillo, the major city in the DMA with a population of approximately 190,000 persons. As noted in the Technical Statement prepared by du Treil, Lundin & Rackley, Inc. for the transfer of control application, KVIH-TV's coverage area includes less than 25% of the population included within the coverage area of parent station KVII-TV. The coverage area of the satellite does not contain any other significant population centers that would provide sufficient viewers and advertising to support full-service operations. The Amarillo DMA has not only declined in market ranking, but according to BIA, the market now ranks 139<sup>th</sup> in television advertising revenue. Since the time of the FCC decision in 2005 to permit continued satellite status, the television advertising market revenue was less in 2010 than in 2005. Our firm is aware and has spoken with ownership regarding the stations, and KVIH-TV has operated at a loss and requires the financial resources of KVII-TV in Amarillo to support its continued operations

5. If KVIH-TV converted to a full service station, it would operate at a serious competitive disadvantage, and it is highly probable that it would not be viable and thus could not continue providing service to residents of the outlying areas. As noted above the signal of the station is unable to adequately cover the television market. The coverage does not include Amarillo or another significant population center that would provide enough viewers and hence advertisers for KVIH-TV to survive as a stand-alone, full-service operation. Moreover, as noted, the major ABC, CBS, FOX and NBC affiliations are already taken by other stations, and there would be no realistic prospect that a stand-alone Clovis station could take one of these affiliations away. If KVIH-TV were forced to operate as a stand-alone station, competing against the other stations that currently serve the market, its prospects of economic survival would be virtually impossible.
6. For these reasons, including the insufficiency of the signal to cover key portions of the DMA, the limited population and economic base in the KVIH-TV coverage area, and the lack of any realistic prospect to obtain a major network affiliation as a stand-alone station, it is my opinion that KVIH-TV could not operate as a viable stand-alone station in the Amarillo DMA. For the station to survive and provide service to the community, it needs to continue operations as a satellite of a viable sister facility.
7. Based on these facts, my judgment remains that it is highly unlikely that a qualified buyer would be willing and able to operate KVIH-TV as a stand-alone station. Because KVIH-TV could not, in my judgment, operate viably as a stand-alone station, I would decline to be retained to market it as a full-service station.

If you have any questions concerning the foregoing opinions, I will be available to respond to them.

Sincerely,

Brian Cobb