

MULTIPLE OWNERSHIP COMPLIANCE

By this application, KWHY-22 Broadcasting, LLC (“KWHY-22”) proposes to acquire the FCC license for the radio station KPWR(FM), Los Angeles, California (FIN 35498) (the “Station” or “KPWR”), which is located in the Los Angeles, CA Nielsen Audio market (the “LA Market”). KWHY-22 is a wholly-owned subsidiary of Meruelo Television, LLC (“Meruelo”).

Current Ownership

Radio: Meruelo, through its subsidiaries, is currently the licensee of two radio stations: KDEY-FM, Ontario, California (FIN: 10099), which is located in the Riverside-San Bernardino, CA Nielsen Audio market, and KDAY(FM), Redondo Beach, California (FIN: 10100), which is located in the LA market.

Television: Meruelo, through its subsidiaries, is currently the licensee of television station KWHY-TV, Los Angeles, California (FIN: 26231).¹

The acquisition of the Station implicates two of the Commission’s multiple ownership rules:

- (1) the local radio ownership rule; and
- (2) the radio-television cross-ownership rule.

As demonstrated below, the acquisition of KPWR complies with both of these rules.

Local Radio Ownership Rule

Section 73.3555(a)(1)(i) of the Commission’s rules provides that in a radio market with 45 or more full-power, commercial and noncommercial radio stations, a single entity may not have a cognizable interest in more than eight commercial radio stations in total and not more than five commercial stations in the same service (AM or FM). As shown on the BIA Kelsey Media Access Pro FCC Geographic Market Definition Report attached hereto, there are more than 45 full-power commercial and noncommercial radio stations in the LA Market. Therefore, common ownership of eight radio stations, no more than five in the same service, is permitted.

Following consummation of transaction proposed in this application, Meruelo will hold an attributable interest in two radio stations in the LA Market, which is permitted under the local radio ownership rule.

¹ KWHY-22 is also the proposed assignee of television station KBEH-TV, which is also located in the Los Angeles television market. See FCC File No. BALCDT-20170428AAS.

Radio-Television Cross-Ownership

The radio-television cross-ownership rule is triggered when:

- an FM station's 60 dB μ (1 mV/m) contour encompasses the entire community of license of a commonly owned TV broadcast station; or
- an AM station's 2 mV/m contour encompasses the entire community of license of a commonly owned TV broadcast station; or
- a TV broadcast station's principal community contour encompasses the entire community of a commonly owned radio station. 47 C.F.R. § 73.3555(c).

Once triggered, Section 73.3555(c) permits an entity to control (a) one television and seven radio stations (to the extent permitted by the local radio multiple ownership rule) or (b) two television stations and six radio stations (to the extent permitted by the local radio multiple ownership rule) if the common ownership of two commercial television stations by that entity is permitted under the local television ownership rule, if the market contains at least 20 independently owned and operated media "voices." Accordingly, common ownership of one television station and two radio stations in a market complies with the Commission's radio-television cross-ownership rule.