

**REQUEST FOR CONTINUED SATELLITE EXCEPTION**

This application seeks Commission consent to assign the licenses for the following television stations from Smith Television of North Dakota License Holdings, Inc. (“STLH”) to North Dakota Television, L.L.C. (“NDTV”): KVLV-TV, Fargo, North Dakota; KFYZ-TV, Bismarck, North Dakota; KQCD-TV, Dickinson, North Dakota; KMOT(TV), Minot, North Dakota; and KUMV-TV, Williston, North Dakota (collectively, the “Stations”). The latter three stations (KQCD-TV, KMOT, and KUMV-TV) (collectively, the “Satellites”) have operated as satellite stations of KFYZ-TV since they each came on the air. When an affiliate of the current licensee, STC License Company (“STC”), acquired the Stations on October 31, 1998,<sup>1</sup> it demonstrated that the Satellites continued to qualify for the satellite exception contained in Note 5 to Section 73.3555 of the Commission’s rules.<sup>2</sup> In granting the STC Application, the Commission reaffirmed that the Satellites continue to qualify for the satellite exemption. For the reasons set forth below, STLH and NDTV (collectively, the “Applicants”) hereby request the continuation of the Note 5 satellite exception contained in Section 73.3555 of the Commission’s rules so that NDTV may own and operate the Satellites as well as KFYZ-TV following consummation of the proposed assignment.

The Satellites as well as primary Station KFYZ-TV, Bismarck, serve the Minot-Bismarck-Dickinson Designated Market Area (the “Bismarck DMA”). Each of the Satellites

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<sup>1</sup> See File No. BALCT-19980506IA, *et al.* (the “STC Application”).

<sup>2</sup> In support of its application, STC filed a “Request for Continued Satellite Exemption Pursuant to 47 C.F.R. §73.3555, Note 5” (“1998 Request”), which included an accompanying engineering exhibit, DMA TV household data, and a statement from a media broker. Each of those supporting exhibits is appended hereto as Attachments 1-3, respectively.

currently retransmits substantially all of KFYZ-TV's programming pursuant to the satellite exception contained in Note 5 to Section 73.3555 of the Commission's rules. In light of the nature of the Bismarck DMA, including the other commercial television stations in the market, the Applicants submit that the continued common ownership of KFYZ-TV and the Satellites would serve the public interest and satisfy the satellite exception contained in Note 5 to Section 73.3555 of the Commission's rules.

In the *Report and Order* in MM Docket No. 87-8, *Television Satellite Stations Review of Policy and Rules*, 6 FCC Rcd 4212 (1991), *on recon.*, *Second Further Notice of Proposed Rule Making*, 6 FCC Rcd 5010 (1991), *on further recon.*, *Review of the Commission's Regulations Governing Television Broadcasting*, 10 FCC Rcd 3524 (1995) (collectively, "*TV Satellite Order*"), the Commission adopted a presumption that television satellite operations are in the public interest if an applicant can satisfy the following public interest criteria: (1) there is no city-grade overlap between the parent station and the proposed satellite station; (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 stand-alone facility. 6 FCC Rcd at 4213-14. As demonstrated below, each of the Satellites satisfies the above criteria and qualifies for the presumption that continued operation as a satellite would serve the public interest.

**1. No City-Grade Overlap.**

As shown in the attached engineering study, there is no overlap between KFYZ-TV's city-grade contour and that of any of the Satellites. *See* Attachment 1 at Figure 1. There also is no overlap between the Grade A contours of the Satellites and that of KFYZ-TV. *Id.* at

Figure 2. None of the Stations has modified its authorized technical facilities since the Commission's grant of STC's request for a continued satellite waiver in May 1998. Thus, each of the Satellites continues to satisfy the first criterion in the *TV Satellite Order* for a satellite exception to Section 73.3555 of the rules.<sup>3</sup>

## **2. The Satellites Provide Service to Underserved Areas.**

The second criterion set forth in the *TV Satellite Order* is that the satellite station(s) must serve an underserved area. An applicant can demonstrate that an area is underserved using either of two tests. Under the "reception test," a satellite station's service area is underserved if no more than four (4) over-the-air television services provide coverage to 25 percent or more of the area within the proposed satellite's Grade B contour but outside the parent station's Grade B contour. 6 FCC Rcd at 4215.

In the STC Application, STC demonstrated that far more than 25 percent of the area within the Grade B contours of KMOT, KUMV-TV, and KQCD-TV – but outside the Grade B contour of KFYZ-TV – is served by fewer than five television services. *See* Attachment 1 at 2-3. Of the 21,364 square kilometers that are within KMOT's Grade B contour but outside the Grade B contour of KFYZ-TV, 96 percent of that area received no more than four television services. *Id.* Of the 24,488 square kilometers that are within KUMV-TV's Grade B contour but outside KFYZ-TV's Grade B contour, 98 percent are served by four or fewer

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<sup>3</sup> Although not directly relevant to this request, it should be noted that there is only marginal Grade B overlap between KFYZ-TV and the Satellites. As shown in the attached engineering study, there is no Grade B overlap between KFRY-TV and KUMV-TV. *See* Attachment 1 at Figure 3. Moreover, the Grade B contours of Stations KWCD-TV and KMOT have only marginal overlap with KFYZ-TV's Grade B contour. *Id.* The Grade B contours of (footnote continued on next page)

television services. *Id.* at 3. Similarly, of the 22,056 square kilometers that are within KQCD-TV's Grade B contour but outside KFYZ-TV's Grade B contour, 98 percent are served by four or fewer television services. *Id.*

There have been no material changes in the above data since 1998 because, as stated above, none of the Stations has modified its technical parameters. Moreover, of the stations identified in the engineering study that overlap any of the Satellites, two of them – K21EU and K31EQ – have had their authorizations cancelled and are no longer listed in the Commission's database. In addition, only three of the stations (KXND(TV), KXMD-TV, and K28EP) have made changes in their technical facilities since 1998.<sup>4</sup> However, KXND and KXMD-TV already were serving much of the area within the Grade B contours of one or more of the Satellites. The changes in those stations' operating parameters are unlikely to have a material effect on the underserved areas served by the Satellites. For example, K28EP previously served only three percent of the area within KQCD-TV's Grade B contour. There is no change that translator station K28EP could have made that would be so significant that it would have reduced the underserved area within KQCD-TV's Grade B contour below the 25 percent standard. Therefore, each of the Satellites continues to satisfy the second criterion for the satellite exception contained in Section 73.3555 of the rules.

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KQCD-TV and KMOT encompass no more than 1.9% and 0.9%, respectively, of the population within KFYZ-TV's Grade B contour. *See* Attachment 1 at 2.

<sup>4</sup> *See* CDBS database as of July 26, 2002.

**3. No Alternative Buyer is Ready and Able to Operate the Satellites as Stand-alone Stations.**

The third criterion established in the *TV Satellite Order* requires that there be no alternative buyer that is ready and able to purchase and operate the proposed satellite as a full-service, stand-alone station. *See, e.g., Roy M. Speer*, 11 FCC Rcd 14147, 14165-66 (1996) (reauthorizing satellite exemption in connection with transfer of control application even without evidence of efforts to sell satellite station separately when satellite was not “a financially viable stand-alone station”), *aff’d*, 11 FCC Rcd 18393 (1996). An analysis of the current Bismarck DMA demonstrates that none of the Satellites’ communities is economically capable of supporting a stand-alone station.

The primary factor which precludes the Satellites from being able to operate as stand-alone stations is that there are not enough viewers in their respective service areas to generate sufficient advertising revenue to support the stations. The Bismarck DMA, which currently is ranked as the 152<sup>nd</sup> largest television market,<sup>5</sup> is one of the most sparsely populated television markets in the country. There are only 136,060 television households scattered throughout the entire DMA, which covers more than half the state of North Dakota and, collectively, more than 40 counties in North Dakota, Montana, and South Dakota.<sup>6</sup> The Bismarck market extends from Rolette County (North Dakota) in the east to McCone County (Montana) in the west (approximately 320 miles), and from Rolette County in the north to

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<sup>5</sup> *See Broadcasting & Cable Factbook* at A-208 (2001).

<sup>6</sup> *See Television & Cable Factbook* at A-989, A-794 (2002).

Dewey County (South Dakota) in the south (approximately 315 miles).<sup>7</sup> The average population density of the entire DMA is fewer than one television household per square kilometer.<sup>8</sup> Even the most populated county in the DMA has only 26,470 television households.<sup>9</sup>

The geographic nature of the market itself demonstrates the necessity of having satellites serve the remote and sparsely populated areas of the Bismarck DMA. Indeed, every full-power commercial station in the market has at least one satellite station<sup>10</sup> because satellites offer the only feasible means of providing local, off-air television service to large segments of the DMA. As a result, no qualified party has inquired about operating any of the Satellites as a stand-alone facility. As stated above, appended hereto as Attachment 3 is a letter dated April 30, 1998, from Charles Giddens, an experienced media broker who served as Managing Director of Media Venture Partners at the time STC filed its 1998 Request. In his letter, Mr. Giddens stated that he never “considered listing any of the Satellites as a separate station” because he does not “believe that any of the Satellites could survive as a stand-alone station” given the sparse population of the Bismarck DMA. *See* Attachment 3. Mr. Giddens also noted that “the Satellites would be unable to afford the equipment and staff necessary to operate as a viable

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<sup>7</sup> The approximate geographic area of the Bismarck DMA was calculated based on rough estimates using the mileage figures contained in *Rand McNally Road Atlas* (1997).

<sup>8</sup> The approximate television household density of the Bismarck DMA was calculated based on (i) the number of TV households in the market (as reflected in *Television & Cable Factbook* at A-989 (2002)), and (ii) the geographic size of the various counties in the DMA (as set forth in Attachments 2 and 4 hereto):  $(136,060/166,328 \text{ sq. km}) = 0.82$  TV households per square kilometer. This calculation includes Dewey County (South Dakota), which was added to the Bismarck DMA this past year. *See Television & Cable Factbook* at A-989 (2002); Attachment 4.

<sup>9</sup> *See Broadcasting & Cable Yearbook* (2001) at A-208.

<sup>10</sup> *See Television & Cable Factbook* at A-990 to A-1008 (2002).

stand-alone station” or “compete with the other stand-alone stations in that DMA, each of which has one or more satellite stations” of its own. *Id.* Recent economic studies have confirmed that the market to buy or sell *any* individual television station is extremely weak.<sup>11</sup> In light of the imminent and substantial costs of constructing and operating digital facilities for each of the Stations, as well as the current economic recession which has adversely affected the entire broadcast industry, it is not feasible for any party to operate any of the Satellites as a stand-alone facility.<sup>12</sup> Accordingly, the Applicants respectfully submit that none of the Satellites could survive as a stand-alone operation.

### CONCLUSION

As demonstrated above, the facts and circumstances concerning the Stations establish that: (1) there is no city-grade contour overlap between KFYZ-TV and the Satellites; (2) each of the Satellites serves an underserved area; and (3) none of the Satellites would be economically viable as a stand-alone station. A grant of this request would not diminish diversity or competition in the Bismarck DMA, but it would merely preserve the status quo by maintaining the Satellites’ long-established relationship with KFYZ-TV. Given the rural and sparsely populated nature of the Bismarck market, there is every reason to believe that, absent

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<sup>11</sup> See, e.g., Mark Fratrik, PhD, Vice President, BIA Financial Network, *State of the Television Industry 2001, Ownership Report: What is Owned by Whom and Where* at 16: “The general poor health of the economy and the advertising marketplace has made it less attractive to purchase television stations. Added to that are the high costs of transitioning to digital television, especially for stations located in mid- to small- sized markets. . . . Taken all together these factors have depressed the buying and selling of television stations.”

<sup>12</sup> See, e.g., Steve McClellan, *Through a Crystal Ball Darkly, Broadcasting & Cable* at 5-8 (rel. September 10, 2001) (detailing continued depressed forecasts for television advertising market that is as bad as some analysts have ever seen).

their parent-satellite relationship with KFYZ-TV, the Satellites would be unable to survive, and, thus, many residents of western North Dakota would lose their only NBC-affiliated television service. Therefore, the public interest would be served by maintaining the status quo and permitting Stations KQCD-TV, KMOT, and KUMV-TV to continue to operate as satellites of KFYZ-TV pursuant to Note 5 of Section 73.3555 of the Commission's rules.



**ATTACHMENT 1**

**Engineering Statement of Jules Cohen, P.E.**

*Jules Cohen, P.E.*  
*Consulting Engineer*

ORIGINAL

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**ENGINEERING EXHIBIT  
PREPARED ON BEHALF OF  
STC LICENSE COMPANY**

Engineering Statement

The engineering exhibit of which this statement is part was prepared on behalf of STC License Company to describe the results of a study of overlap of the coverage of KFYZ-TV, Bismarck, with satellite stations KMOT, Minot, KUMV-TV, Williston, and KQCD-TV, Dickinson, all North Dakota. Included also in the study was a determination of the area within the KMOT, KUMV-TV and KQCD-TV Grade B contours, but not within the KFYZ-TV contour, with four or fewer television services. The operating parameters of the four stations are shown in Figure 7, herein.

As illustrated in Figures 1 and 2 of this exhibit, the Principal Community and Grade A contours of KFYZ-TV and the three satellite stations do not overlap. The contours were calculated pursuant to the rules of the Federal Communications Commission through the employment of a computer program that determines the height above average terrain (HAAT) for the 3.2 to 16.1 kilometer distance on designated radials, then calculates the contour distance by applying the effective radiated power and HAAT to the digitized FCC field strength data. In the present instance, the calculations were made on radials at fifteen-degree intervals over the full azimuthal range for each station.

The Grade B contours of KFYZ-TV and the three satellite stations are shown in Figure 3. Overlap by KFYZ-TV occurs with KMOT and KQCD-TV, but no overlap of

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Engineering Statement  
STC License Company

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Grade B contours is found between KFYZ-TV and KUMV-TV. A population and area analysis of the overlap is summarized in the following table. Population counts were accomplished through use of a computer program containing the 1990 U.S. Census data to the block level. The program includes all blocks whose centroids fall within the area to be counted. Areas were determined by polar planimeter, taking into account the map scale.

Station	Population (1990 U.S. Census)	Area (Sq. km.)
KFYR-TV Grade B	127,676	40,684
KMOT Grade B	80,859	22,521
KQCD-TV Grade B	37,958	24,873
Overlap, KFYZ/KMOT	1,148	957
Overlap, KFYZ/KQCD	2,404	2,634
Overlap, KFYZ by KMOT	0.9 %	2.4 %
Overlap, KMOT by KFYZ	1.4 %	4.2 %
Overlap, KFYZ by KQCD	1.9 %	6.5 %
Overlap, KQCD by KFYZ	6.3 %	10.6 %

Results of the study of other television services within the Grade B coverage areas of the satellite stations and outside the overlap with KFYZ-TV are illustrated in the maps of Figures 4, 5 and 6. The identifications of other stations serving portions of the area of interest are shown in Figures 8, 9 and 10, respectively.

The area within the KMOT Grade B contour, but not within the KFYZ-TV Grade B contour is 21,364 square kilometers. The coverage within the pertinent area of all

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commercial and educational television stations, television translators and low power television stations is shown in Figure 4. Three authorized stations cover the entire area. The area within the KMOV Grade B contour, but not within the KFYZ-TV Grade B contour, receiving four or fewer television services is 20,459 square kilometers, 96 percent of the total 21,364 square kilometer area.

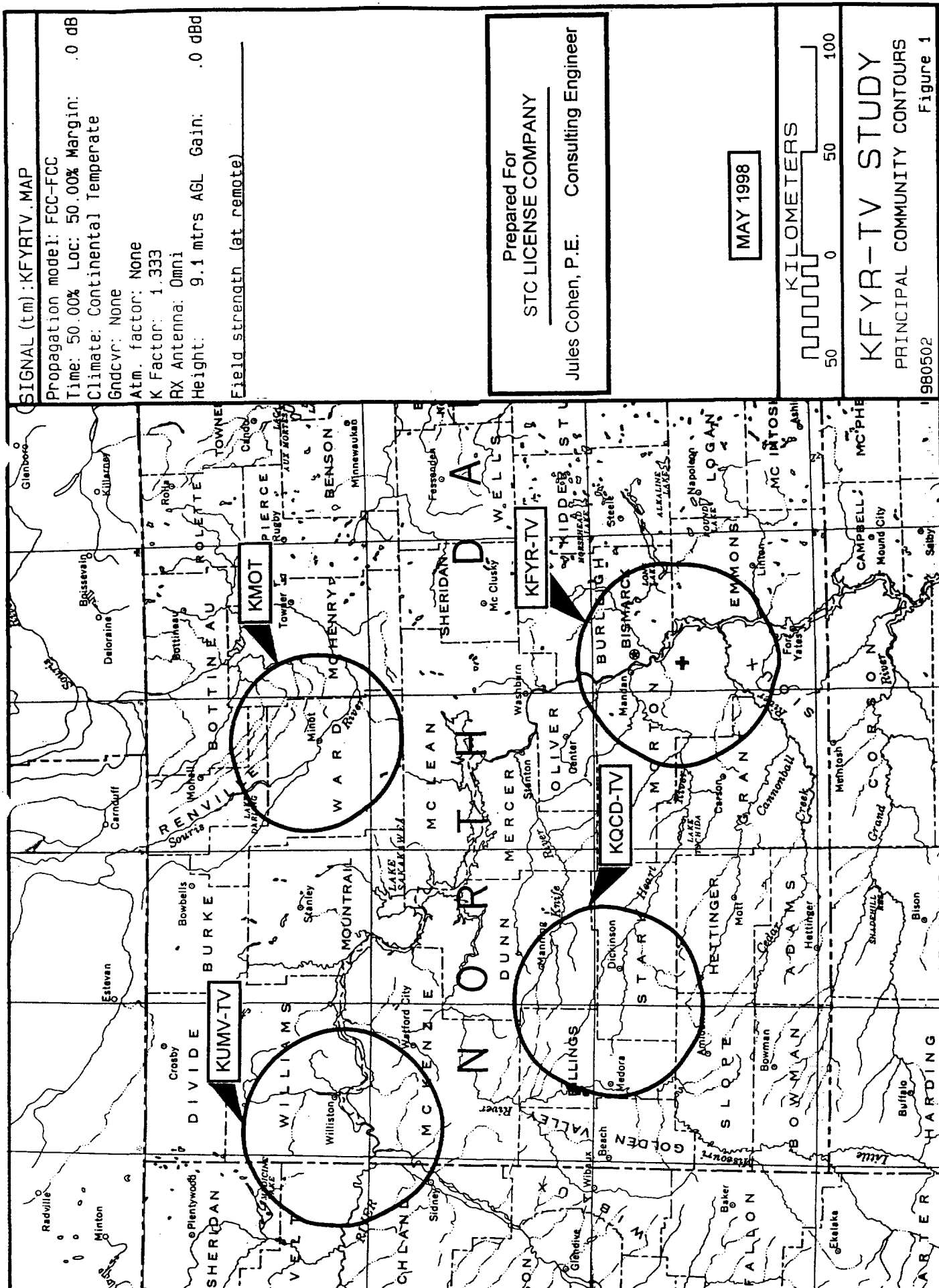
None of the Grade B contour of KUMV-TV is overlapped by the Grade B contour of KFYZ-TV. The coverage within the pertinent area of all commercial and educational television stations, television translators and low power television stations is shown in Figure 5. One authorized station covers the entire area. The area within the KUMV-TV Grade B contour, but not within the KFYZ-TV Grade B contour, receiving four or fewer television services is 24,488 square kilometers, 98 percent of the total area.

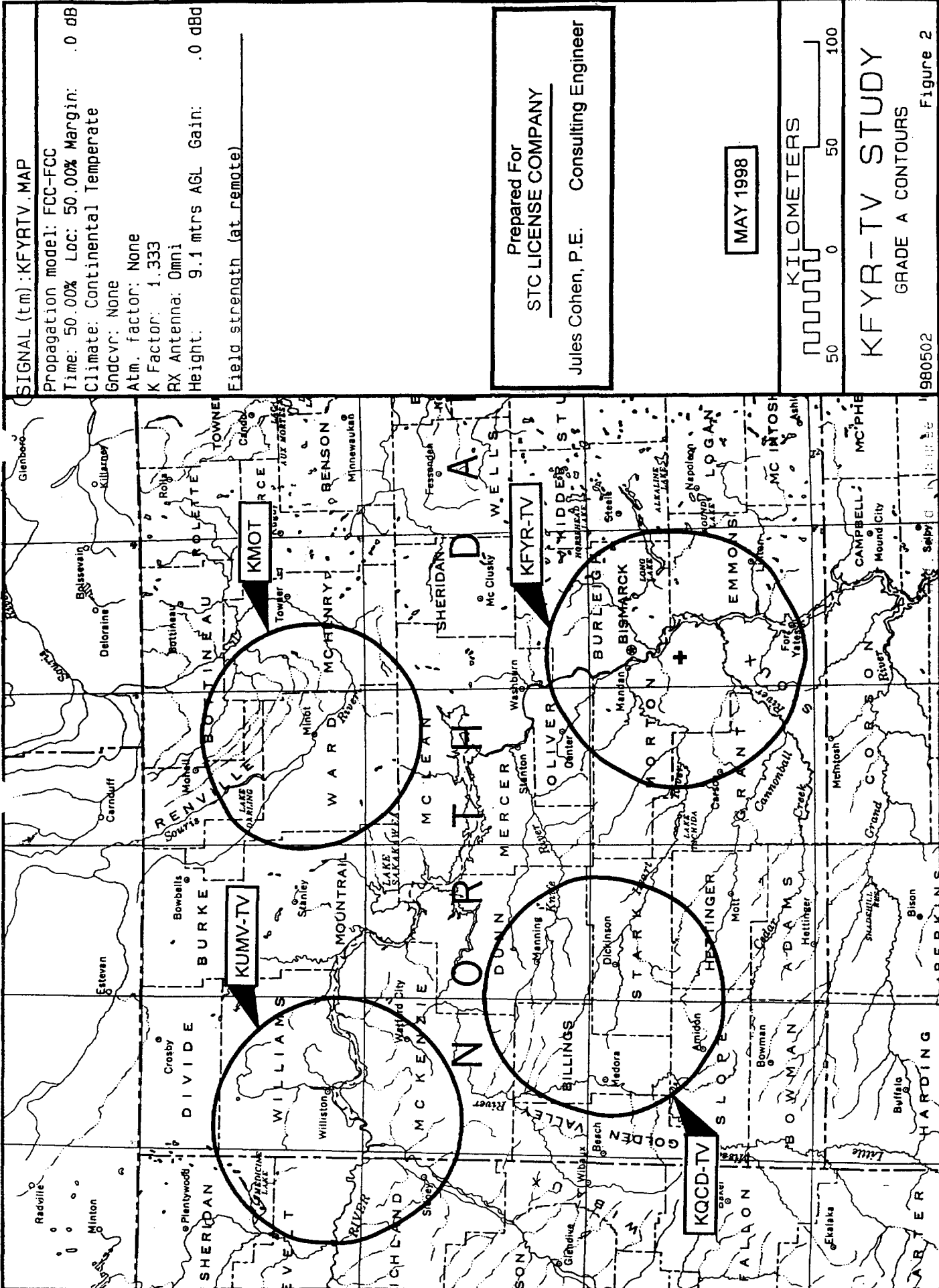
The area within the KQCD-TV Grade B contour, but not within the KFYZ-TV Grade B contour is 22,056 square kilometers. The coverage within the pertinent area of all commercial and educational television stations, television translators and low power television stations is shown in Figure 6. The area within the KQCD-TV Grade B contour, but not within the KFYZ-TV Grade B contour, receiving four or fewer television services is 21,596 square kilometers, 98 percent of the total 22,056 square kilometer area.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 5, 1998.

  
Jules Cohen, P.E.





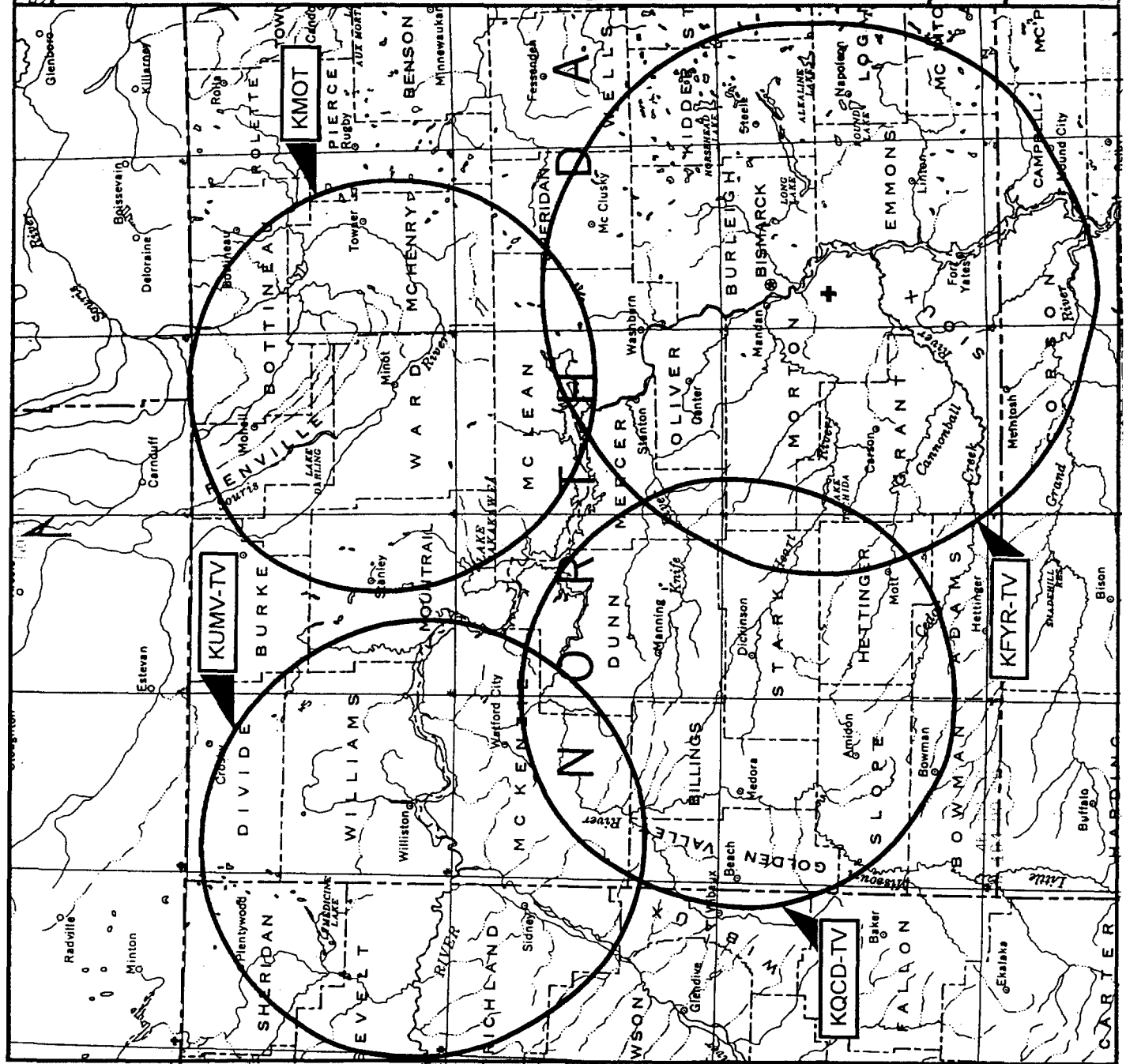
SIGNAL (tm):KFYRTV.MAP  
Propagation model: FCC-FCC  
Time: 50.00% Loc: 50.00% Margin: 0 dB  
Climate: Continental Temperate  
Gndcvt: None  
Atm. factor: None  
K Factor: 1.333  
RX Antenna: Omni  
Height: 9.1 mtrs AGL Gain: 0 dBd  
Field strength (at remote)

Prepared For  
STC LICENSE COMPANY  
Jules Cohen, P.E. Consulting Engineer

MAY 1998



KFYR-TV STUDY  
GRADE A CONTOURS  
980502  
Figure 2



SIGNAL (tm):KFYRTV,MAP

Propagation model: FCC-FCC

Time: 50.00% Lpc: 50.00% Margin: .0 dB

Climate: Continental Temperate

Gndcvt: None

Atm. factor: None

K Factor: 1.333

RX Antenna: Omni

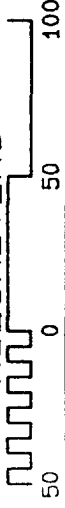
Height: 9.1 mtrs AGL Gain: .0 dBd

Field strength (at remote)

Prepared For  
STC LICENSE COMPANY  
Jules Cohen, P.E. Consulting Engineer

MAY 1998

KILOMETERS



KFYR-TV STUDY  
GRADE B CONTOURS

980502

Figure 3

SIGNAL (tm):KFYRTV,MAP

Propagation model: FCC-FCC

Time: 50.00% Loc: 50.00% Margin: .0 dB

Climate: Continental Temperate

Gndcvt: None

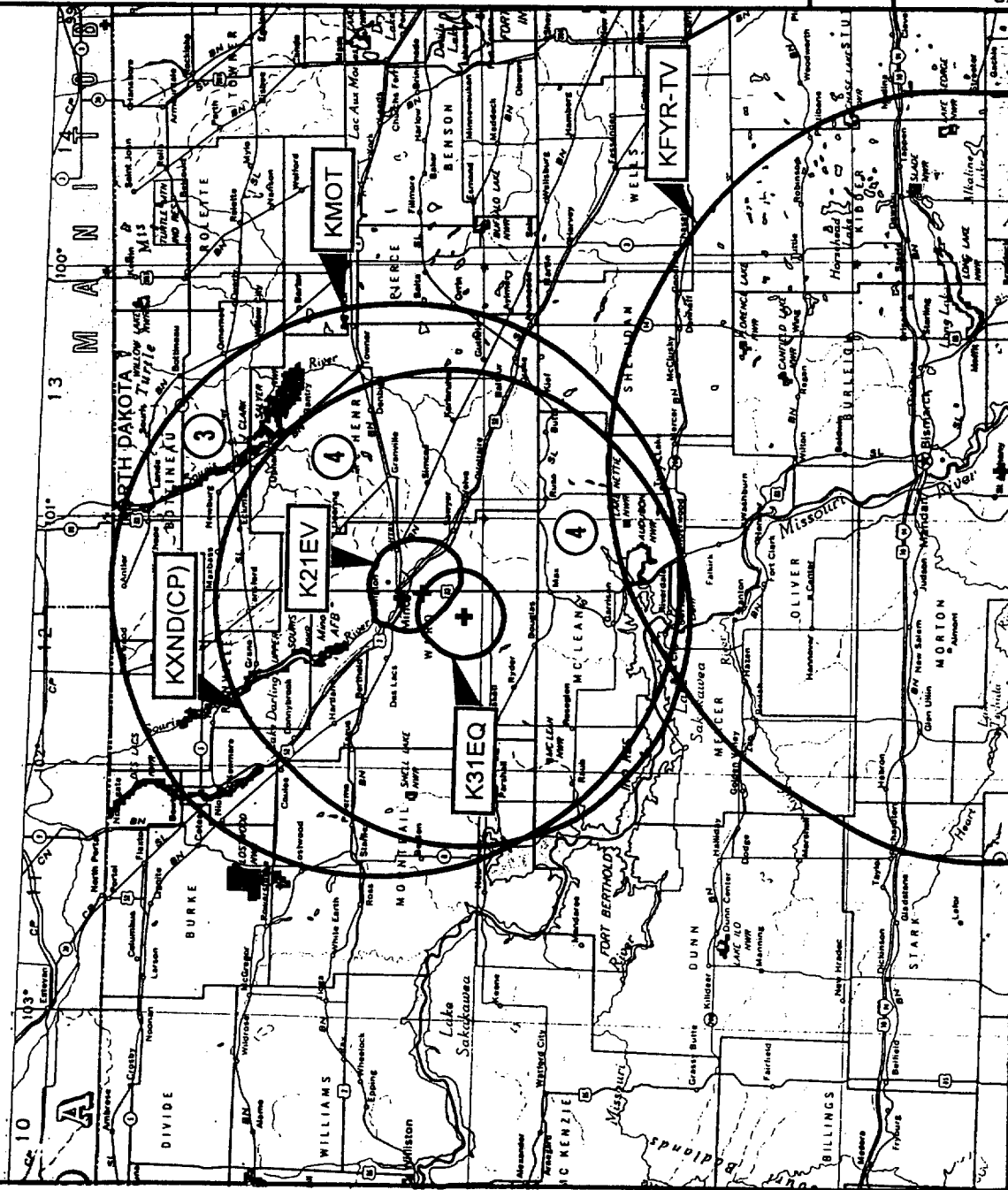
Atm. factor: None

K Factor: 1.333

RX Antenna: Omni

Height: 9.1 mtrs AGL Gain: .0 dBd

Field strength (at remote)



- Notes:
1. Full service and satellite TV contours are Grade B.
  2. Translator contours are protected.
  3. Entire KMOT area served by KSRE, KXMC-TV and KMCY(CP) all Minot.
  4. Circled numerals are number of services other than KMOT.

MAY 1998

KILOMETERS



KMOT, MINOT, ND  
OTHER SERVICES STUDY

980502

Figure 4



**SIGNAL (tm):KFYRTV.MAP**

Propagation model: FCC-FCC  
 Time: 50.00% Loc: 50.00% Margin: .0 dB  
 Climate: Continental Temperate  
 Gndcvt: None  
 Atm. factor: None  
 K Factor: 1.333  
 RX Antenna: Omni  
 Height: 9.1 mtrs AGL Gain: .0 dBD  
 Field strength (at remote)

- Notes:
1. Full service and satellite TV contours are Grade B.
  2. Translator contours are protected.
  3. Entire KUMV-TV area served by KWSE, Williston.
  4. Circled numerals are number of services other than KUMV-TV.

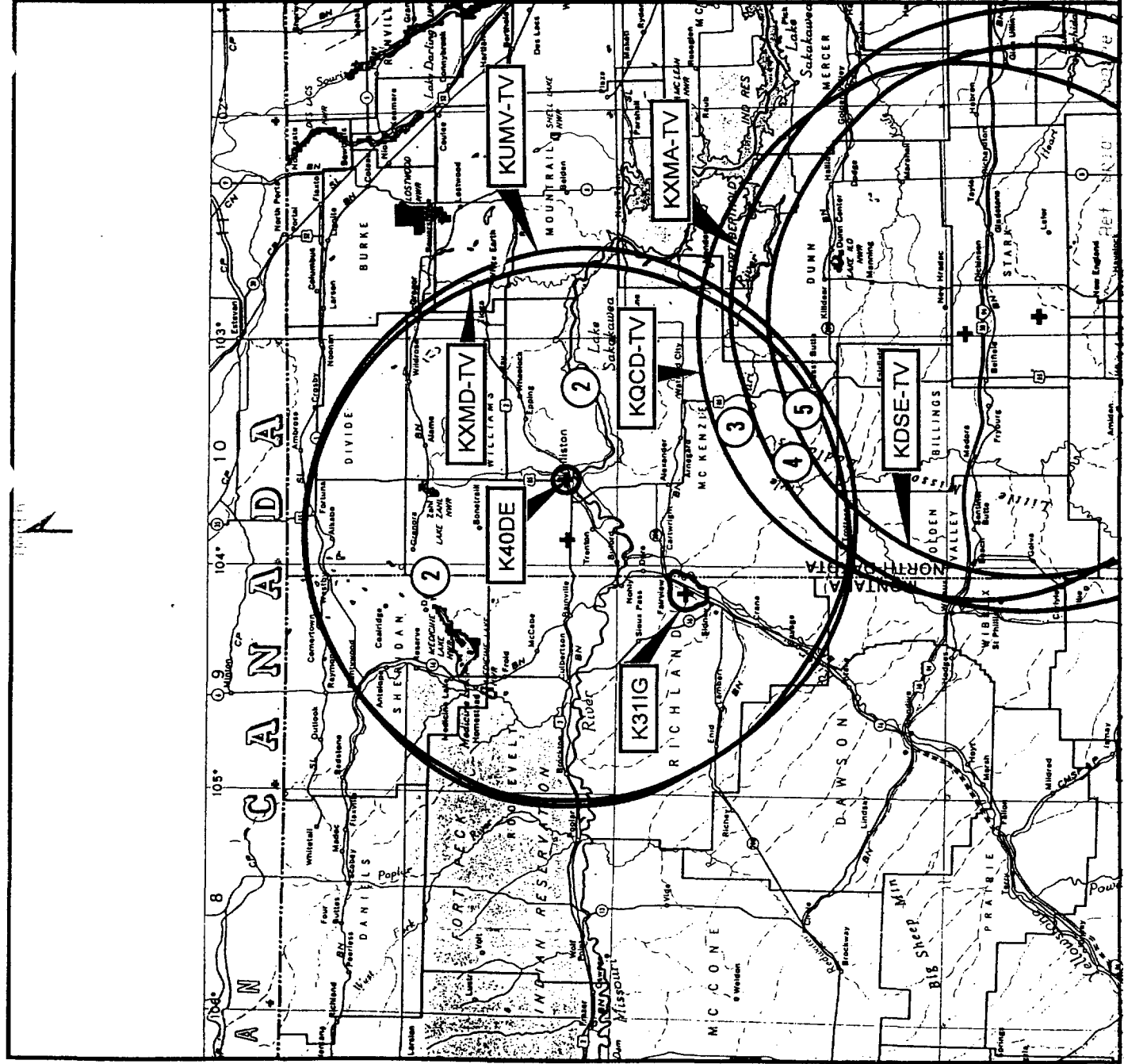
MAY 1998

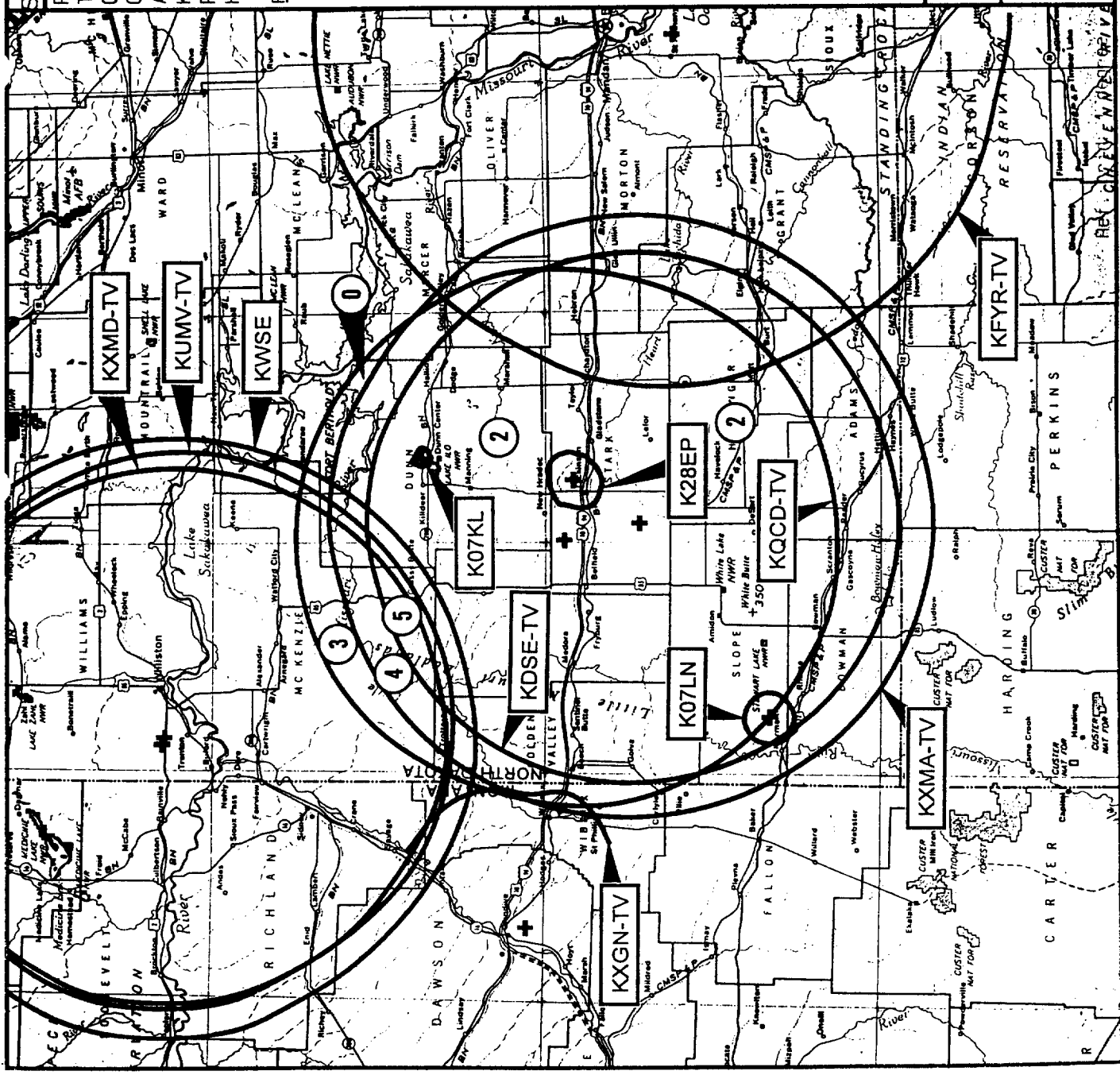


KUMV-TV, WILLISTON, ND  
 OTHER SERVICES STUDY

980502

Figure 5





SIGNAL (tm): KFYRTV.MAP

Propagation model: FCC-FCC

Time: 50.00% Loc: 50.00% Margin: .0 dB

Climate: Continental Temperate

Gndcvt: None

Atm. factor: None

K Factor: 1.333

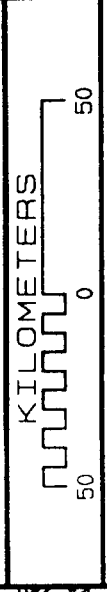
RX Antenna: Omni

Height: 9.1 mtrs AGL Gain: .0 dBS

Field strength (at remote)

- Notes:
1. Full service and satellite TV contours are Grade B.
  2. Translator contours are protected.
  3. Circled numerals are number of services other than KUMV-TV.

MAY 1998



KQCD-TV, DICKINSON, ND

OTHER SERVICES STUDY

980502

Figure 6

**Identification of Television Stations in Figures 1, 2 and 3**

<u>Call</u>	<u>Community</u> (ND)	<u>Channel</u>	<u>ERP</u> (kW)	<u>HAAT</u> (meters)	<u>Coordinates</u> (° - ' - ")
KFYR-TV	Bismarck	5	100	427	46 - 36 - 19 N 100 - 48 - 30 W
KMOT	Minot	10	214	207	48 - 12 - 56 N 101 - 19 - 05 W
KUMV-TV	Williston	8	166	323	48 - 08 - 02 N 103 - 51 - 36 W
KQCD-TV	Dickinson	7	316	223	46 - 56 - 49 N 102 - 59 - 17 W

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*Consulting Engineer*

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Figure 8

**Identification of TV Stations and Translators in Figure 4**

<u>Call</u>	<u>Community</u> (ND)	<u>Channel</u>	<u>ERP</u> (kW)	<u>HAAT</u> (meters)	<u>Coordinates</u> (° - ' - ")	<u>% of Area Served*</u>
KSRE	Minot	6	100	323	48 - 03 - 03 N 101 - 23 - 24 W	100
KXMC-TV	Minot	13	316	344	48 - 03 - 02 N 101 - 20 - 29 W	100
KMCY(CP)	Minot	14	513	829	48 - 03 - 13 N 101 - 23 - 05 W	100
K21EU(CP)	Minot	21	1.00	152 (max)	48 - 12 - 56 N 101 - 19 - 05 W	3
KXND(CP)	Minot	24	1820	253	48 - 03 - 03 N 101 - 23 - 24 W	66
K31EQ(CP)	Minot	31	9.12	137 (max)	48 - 09 - 48 N 101 - 17 - 53 W	3

\* Percent of area within KMOT Grade B but outside Grade B of KFYZ-TV and with four or fewer reception services other than KMOT.

*Jules Cohen, P.E.*  
*Consulting Engineer*

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Figure 9

**Identification of TV Stations and Translators in Figure 5**

<u>Call</u>	<u>Community</u> (ND)	<u>Channel</u>	<u>ERP</u> (kW)	<u>HAAT</u> (meters)	<u>Coordinates</u> (° - ' - ")	<u>% of Area Served*</u>
KXMA-TV	Dickinson	2	100	256	46 - 43 - 30 N 102 - 54 - 56 W	6
KWSE	Williston	4	79.4	278	48 - 08 - 30 N 103 - 53 - 34 W	100
K05KK	Poplar**	5	0.124 (DA)	86 (max)	48 - 07 - 40 N 105 - 04 - 21 W	<1
KQCD-TV	Williston	7	316	223	46 - 56 - 49 N 102 - 59 - 17 W	11
KDSE-TV	Dickinson	9	214	246	46 - 43 - 34 N 102 - 54 - 56 W	2
KXMD-TV	Williston	11	174	299	48 - 08 - 22 N 103 - 53 - 24 W	99
K13IG	Sidney**	13	0.238	72 (max)	47 - 47 - 03 N 104 - 07 - 35 W	1
K40DE	Williston	40	0.851	31 (max)	48 - 08 - 43 N 103 - 37 - 16 W	<1

\* Percent of area within KUMV-TV Grade B but outside Grade B of KFYZ-TV and with four or fewer reception services other than KUMV-TV.

\*\* Montana.

*Jules Cohen, P.E.*  
*Consulting Engineer*

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Figure 10

**Identification of TV Stations and Translators in Figure 6**

<u>Call</u>	<u>Community</u> (ND)	<u>Channel</u>	<u>ERP</u> (kW)	<u>HAAT</u> (meters)	<u>Coordinates</u> (° - ' - ")	<u>% of Area Served*</u>
KXMA-TV	Dickinson	2	100	256	46 - 43 - 30 N 102 - 54 - 58 W	92
KWSE	Williston	4	79.4	278	48 - 08 - 30 N 103 - 53 - 34 W	15
KXGN-TV	Glendive**	5	14.8	152	47 - 03 - 15 N 104 - 40 - 45 W	<1
K07KL	Dunn Center	7	0.011 (DA)	74 (max)	47 - 22 - 07 N 102 - 38 - 00 W	<1
K07LN	Marmath	7	0.024 (DA)	361 (max)	46 - 20 - 25 N 103 - 45 - 18 W	<1
KUMV-TV	Williston	8	166	323	48 - 08 - 02 N 103 - 51 - 36 W	12
KDSE	Dickinson	9	214	246	46 - 43 - 34 N 102 - 54 - 56 W	80
KXMD-TV	Williston	11	174	299	48 - 08 - 22 N 103 - 53 - 24 W	10
K28EP	Dickinson	28	1.1 (DA)	193 (max)	46 - 55 - 15 N 102 - 43 - 42 W	3

\* Percent of area within KQCD-TV Grade B but outside Grade B of KFYZ-TV and with four or fewer reception services other than KQCD-TV.

\*\* Montana.

**ATTACHMENT 2**

**Bismarck DMA TV Household Data**

MINOT - BISMARCK - DICKINSON DMA (153)			
State	County	TV Households	Area (sq. km)
Montana	Daniels	890	3,693.7
	McCone	780	6,844.3
	Richland	3,850	5,398.0
	Roosevelt	3,600	6,101.1
	Sheridan	1,740	4,342.5
	Wibaux	490	2,303.4
North Dakota	Adams	1,080	2,558.8
	Billings	400	2,982.4
	Bottineau	3,190	4,321.9
	Bowman	1,370	3,009.8
	Burke	1,170	2,858.3
	Burleigh	24,410	4,229.9
	Divide	1,190	3,261.9
	Dunn	1,380	5,205.9
	Emmons	1,880	3,910.9
	Golden Valley	780	2,595.2
	Grant	1,380	4,298.3
	Hettinger	1,290	2,932.7
	Kidder	1,190	3,500.8
	Logan	960	2,571.1
	McHenry	2,470	4,854.2
	McIntosh	1,580	2,526.0
	McKenzie	2,150	7,102.2
	McLean	3,670	5,466.0
	Mercer	3,350	2,707.7
	Morton	9,020	4,989.4
	Mountrail	2,460	4,724.2
	Oliver	790	1,874.0
	Pierce	1,970	2,636.4
	Renville	1,180	2,265.7
	Rolette	4,630	2,337.6
	Sheridan	690	2,517.0
	Sioux	960	2,834.0
	Slope	300	3,154.5
	Stark	8,530	3,466.1
	Ward	21,640	5,213.6
	Wells	1,960	3,292.8
	Williams	7,700	5,362.7
South Dakota	Campbell	780	1,905.8
	Corson	1,260	6,405.2
	Perkins	1,560	7,437.9
Totals		131,670	159,993.9



**ATTACHMENT 3**

**Letter Dated April 30, 1998 From Charles Giddens**



## MEDIA VENTURE PARTNERS

WASHINGTON, D.C. • ORLANDO • CINCINNATI • SAN FRANCISCO

April 30, 1998

Mr. Clay Pendarvis  
Chief, TV Branch  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Dear Mr. Pendarvis:

I acted as one of two brokers for the sale of KFYZ-TV, Bismarck, North Dakota ("KFYZ-TV"), and its satellite stations KQCD-TV, Dickinson, North Dakota, KMOT-TV, Minot, North Dakota, and KUMV-TV, Williston, North Dakota (collectively, the "Satellites"), from Meyer Broadcasting Company to STC Broadcasting, Inc. and STC License Company (collectively, "STC"). During the entire time my associate and I worked on the sale of the stations, no prospective buyer ever inquired about acquiring any of the Satellites for stand-alone operation. In addition, based on our years of experience in the field of media brokerage, we never considered listing any of the Satellites as a separate station. Nor do we believe that any of the Satellites could survive as a stand-alone station.

The Satellites must remain affiliated with KFYZ-TV. The Minot-Bismarck-Dickinson Designated Market Area ("DMA") is a very small market -- only the 151st market in the country, with fewer than 134,000 television households (according to the 1998 Television and Cable Factbook). Moreover, the DMA, which encompasses more than half of the state of North Dakota, as well as counties in neighboring states, is very sparsely populated: Ward County, in which Minot is located, contains only 22,260 television households, and Stark County, in which Dickinson is located, has even fewer -- 8,500 television households. Williams County, in which Williston is located, has a mere 7,800 television households. Based on these demographics, the Satellites would be unable to afford the equipment and staff necessary to operate as viable stand-alone stations, even if any were able to affiliate with some network. In addition, because any of the Satellites that began operating as a stand alone would remain within the Minot-Bismarck-Dickinson DMA, it would have to compete with the other stand-alone commercial stations in that DMA, each of which has one or more satellite stations in order to transmit news and other programming throughout the DMA.

In my professional judgment, there is no way that any of the Satellites could survive as a stand-alone station. I have been active in media brokerage since 1984 and am fully qualified to evaluate the viability of the Satellites. If you need further clarification, please do not hesitate to call.

Cordially,

Charles Giddens  
Managing Director

**ATTACHMENT 4**

**U.S. Census Data Regarding Dewey County South Dakota**

Table 8. Population and Housing Units, 1970 to 1990; Area Measurements and Density: 1990—Con.

[For information concerning historical counts, see "User Notes." Density is computed using land area. For definitions of terms and meanings of symbols, see text]

State County County Subdivision Place	Population				Housing units				1950 area measurements				1950 density			
									Total area		Land area		Population per---		Housing units per---	
	1990	1980	1970		1990	1980	1970		Square Kilometers	Square miles	Square kilometers	Square miles	Square kilometer	Square mile	Square kilometer	Square mile
Day County Valley township	51	103	116	†—Con.	25	34	36		93.1	35.9	92.5	35.7	6	1.4	3	7
Waubay city	647	675	696		341	362	293		3.5	1.4	3.5		184.9	462.1	97.4	243.6
Waubay township	491	516	494		1 018	1 083	835		154.7	59.7	119.1	46.0	1.5	10.7	4.1	10.5
Webster city	2 017	2 452	2 557	†	1 018	1 083	835		3.9	1.5	3.9		517.2	1 344.7	261.0	678.7
Webster township	324	249	176		117	83	57		89.2	34.5	86.6	33.4	3.7	9.7	1.4	3.5
Wheatland township	111	122	148		50	50	45		94.2	36.4	93.7	36.2	1.2	3.7	1.4	3.5
York township	43	68	93		25	29	31		92.3	35.7	88.5	34.2	1.5	1.3	3	7
Deuel County	4 522	5 289	5 686		2 208	2 330	2 188		1 649.2	636.8	1 615.1	623.6	2.8	7.3	1.4	3.5
Altamont town	48	58	54		24	23	25		3.6	1.4	3.6		13.3	34.3	6.7	17.1
Antelope township	109	143	160		46	51	62		102.7	39.7	94.5	36.5	1.2	3.0	5	1.3
Antelope Valley township	45	82	86		28	31	36		49.7	19.2	49.7	19.2	3.9	10.1	6	1.6
Astoria town	155	153	153		79	89	68		4	2	4		387.5	775.0	197.5	395.0
Blom township	140	150	213		64	75	70		92.7	35.8	92.7	35.8	1.5	3.9	7	1.8
Brandt town	123	129	132		62	64	68		3.2	1.3	3.2		38.4	94.6	19.4	47.7
Brandt township	159	162	194		96	96	132		92.9	35.8	92.9	35.8	1.7	4.4	6	1.6
Clear Lake city	1 247	1 310	1 157	†	599	562	469		8.3	3.2	8.3	3.0	199.9	415.7	75.5	196.3
Clear Lake township	188	246	243		77	80	70		100.2	38.7	96.8	37.4	1.8	4.6	8	2.0
Gary city	214	354	366		163	169	145		1.8	7	1.8		132.2	391.4	90.6	232.9
Glenwood township	102	155	187		43	53	61		112.8	43.6	111.0	42.9	9	2.4	4	1.0
Goodwin town	126	139	114		48	53	41		1.2	5	1.2		105.0	252.0	40.0	96.0
Goodwin township	188	219	269		84	80	92		104.6	40.4	104.6	40.4	1.8	4.7	8	2.1
Grange township	128	167	208		54	63	66		93.2	36.0	93.2	36.0	1.4	3.6	6	1.5
Havana township	194	220	222		73	77	95		107.6	41.5	107.6	41.5	1.8	4.7	7	1.8
Herrick township	171	162	222		64	62	68		113.4	43.8	111.6	43.1	1.5	4.0	6	1.5
Hidewood township	110	148	187		44	52	55		92.9	35.8	92.9	35.8	1.2	3.0	5	1.2
Low township	141	196	207		57	57	65		92.7	35.8	92.7	35.8	1.2	3.0	5	1.2
Norden township	263	312	370		279	286	230		143.5	55.3	139.9	53.9	1.9	4.9	2.0	5.2
Portland township	102	133	163		53	53	43		93.0	35.7	83.4	32.2	1.0	2.6	4	1.0
Rome township	102	112	163		48	48	53		93.0	35.7	83.4	3	1.2	3.0	5	1.2
Sandhavia township	215	281	367		101	125	134		145.6	56.2	141.6	54.7	1.5	3.9	7	1.8
Toronto town	201	236	216		105	117	104		8	3	8		251.3	670.0	131.3	350.0
Deuel County	5 523	5 365	5 170		2 123	1 871	1 554		6 334.4	2 445.7	5 961.3	2 302.8	9	2.4	4	9
Eagle Butte city (pt.)	475	335	530	†	161	177	152		1.6	6	1.6		791.7	2 375.0	301.7	905.0
Isabel city	3 303	3 322	394		1 170	1 193	150		1.6	6	1.6		199.4	531.7	105.6	281.7
North Deuel unorg.	1 423	1 384	1 351		517	414	336		2 350.2	907.4	2 344.9	905.4	1.4	3.7	1.3	3.3
North Eagle Butte CDP	819	351	357		351	333	336		1.8	7	1.8		790.6	2 032.9	287.2	738.6
South Deuel unorg.	517	660	625		252	257	210		3 980.9	1 537.0	3 616.1	1 396.2	2	6	1	3
Timber Lake city									1.1	4	1.1		470.0	1 292.5	229.1	630.0
Douglas County	3 746	4 181	4 569	†	1 517	1 595	1 527		1 124.5	434.2	1 123.1	433.6	3.3	8.6	1.4	3.5
Armour city	824	117	925		399	393	356		2.5	1.0	2.5		341.6	854.0	155.6	399.0
Belmont township	149	117	149		36	39	55		88.9	34.3	88.9	34.3	9	2.4	3	9
Cherter township	89	154	134		36	49	48		73.3	28.3	73.3	28.3	1.2	3.1	1.3	3.3
Clark township	177	206	239		68	71	78		72.6	28.0	72.4	28.0	2.4	6.3	2.4	2.4
Clark city	619	644	695	†	259	263	224		1.7	7	1.7		364.1	884.3	152.4	370.0
Dorinda city	235	230	260		148	154	139		2.0	8	2.0		117.5	293.8	74.0	185.0
East Ordale township	151	153	128		39	40	32		41.0	15.8	41.0	15.8	3.7	9.6	1.0	2.5
East Ordale township	97	104	141		39	37	39		76.3	29.5	76.3	29.5	1.3	3.3	4	1.0
Garfield township	116	189	214		40	50	62		90.8	35.1	90.3	35.1	3.3	8.6	1.1	2.8
Grandview township	233	209	243		83	85	83		76.2	29.4	76.2	29.4	3.1	7.9	1.1	2.8
Holland township																
Independence township	175	204	223		62	63	65		93.4	36.0	93.4	36.0	1.9	4.9	7	1.7
Iowa township	144	167	195		43	55	55		93.0	35.9	93.0	35.9	1.5	4.0	1.2	3.2
Joubert township	181	193	229		70	67	68		75.4	29.1	75.4	29.1	2.4	6.2	2.4	2.4
Joubert township	144	180	225		47	53	54		92.0	35.3	92.0	35.3	1.6	4.1	1.3	3.3
Valley township	148	180	221		53	50	57		94.1	36.3	93.7	36.2	1.6	4.1	1.5	1.5
Walnut Grove township	152	201	218		63	69	61		75.4	29.1	75.4	29.1	2.0	5.2	2.2	2.2
Washington township	149	172	200		57	57	61		75.6	29.2	75.6	29.2	2.0	5.2	2.0	2.0
Adams County	4 356	5 159	5 548	†	2 004	2 111	1 939		2 981.7	1 151.2	2 987.2	1 145.7	1.5	3.8	7	1.7
Adrian township	103	124	139		8	10	13		92.3	35.7	92.3	35.6	1.2	6	1	2
Belle township	105	145	167		24	29	18		83.5	36.1	83.5	36.1	1.1	2.9	1.3	3
Bowdle city	599	644	687		269	296	257		1.6	6	1.6		368.1	981.7	180.6	481.7
Bowdle township	36	69	110		33	36	34		91.2	35.2	91.1	35.2	8	2.2	2.2	2.2
Bryant township	36	65	94		18	23	34		92.0	35.4	91.7	35.4	4	1.0	3.4	1.0
Chesland township	52	66	94		34	32	27		93.6	36.2	89.8	34.7	6	1.5	4.2	1.5
Chesland township	33	65	65		15	18	16		93.6	36.1	93.4	36.1	3	9	2.2	2.2
Cloyd Valley township	31	42	61		14	20	19		93.8	36.2	93.3	36.0	4	9	3.4	8.7
Concord township	424	372	188		299	275	192		91.6	35.4	89.0	35.4	3.8	12.3	3.4	8.7
Concord Lake township	72	77	97		23	24	24		93.3	36.0	93.2	36.0	4.8	2.0	2.2	2.6