

**EXHIBIT 18**

**DEMONSTRATION OF COMPLIANCE WITH LOCAL TELEVISION OWNERSHIP  
RULE AND REQUEST FOR CONTINUATION OF SATELLITE STATUS FOR  
STATIONS WIRS(TV), WTIN(TV), WKPV(TV), WJWN-TV, AND WNJX-TV**

**I. INTRODUCTION**

By this FCC Form 315 application, InterMedia Partners VII, L.P. (“InterMedia Partners VII”) and LIN Television Corporation seek Commission consent to acquire, through InterMedia Partners VII’s wholly owned subsidiaries, control of Televiscentro of Puerto Rico, LLC (“Televiscentro”), S&E Network, Inc. (“S&E Network”), and WNJX-TV, Inc., all of which are presently wholly owned subsidiaries of LIN Television Corporation (“LIN”). Televiscentro is the licensee of WAPA-TV, San Juan, Puerto Rico, WIRS(TV), Yauco, Puerto Rico, and WTIN(TV), Ponce, Puerto Rico; S&E Network is the licensee of WJPX(TV), San Juan, Puerto Rico, WKPV(TV), Ponce, Puerto Rico, and WJWN-TV, San Sebastian, Puerto Rico; and WNJX-TV, Inc. is the licensee of WNJX-TV, Mayaguez, Puerto Rico. In addition, InterMedia seeks Commission permission to maintain the satellite statuses of stations WTIN(TV), WNJX-TV, WKPV(TV), WIRS(TV), and WJWN-TV pursuant to the Note 5 exception to the local television ownership limitation contained in Section 73.3555(b) of the Commission’s rules. As demonstrated below, the proposed ownership and operation of these stations are fully consistent with the Commission’s multiple ownership rules and policies and with well-established precedent that recognizes the unique and difficult competitive and geographic circumstances facing television broadcasters in Puerto Rico.

**II. DESCRIPTION OF TRANSACTION**

The transfers of control contemplated in this transaction will occur as described below and depicted in the organizational charts attached as Attachment B. As shown in the Attachment

B chart entitled “Acquisition,” InterMedia Puerto Rico Holdings, LLC, a direct subsidiary of InterMedia Partners VII, will acquire 100 percent of the capital stock of S&E Network, Inc. InterMedia Puerto Rico, Inc., a direct subsidiary of InterMedia Puerto Rico Holdings, LLC will acquire 100 percent of the capital stock of WAPA America, Inc. (which does not hold any FCC licenses). InterMedia San Juan, Inc., a direct subsidiary of InterMedia Puerto Rico, Inc. and an indirect subsidiary of InterMedia Puerto Rico Holdings, LLC and InterMedia Partners VII, will acquire 100 percent of the capital stock of LIN Television of San Juan, Inc. The resulting ownership structure is shown in the Attachment B chart entitled “Post Acquisition.”

Immediately following the acquisition, certain subsidiaries of InterMedia Puerto Rico Holdings, LLC will undergo a restructuring as depicted in the Attachment B chart entitled “Restructuring.” As shown therein, InterMedia San Juan, Inc. will merge with and into LIN Television of San Juan, Inc. (LIN Television of San Juan, Inc. will be the surviving entity). LIN Television of San Juan, Inc. will then merge with and into Televiscentro (Televiscentro will be the surviving entity). As a result, Televiscentro will be a direct subsidiary of InterMedia Puerto Rico, Inc., and WNJX-TV, Inc. will be a direct subsidiary of Televiscentro. Approval for these *pro forma* transfers of control will be sought in a separately filed Form 316 application. Finally, as shown in the Attachment B chart entitled “Restructuring Continued,” WNJX-TV, Inc. will merge with and into Televiscentro. As a result, Televiscentro, as the surviving entity, will become the licensee of WNJX-TV. Approval for this *pro forma* assignment will be sought in a separately filed Form 316 application. The final ownership structure upon the completion of the restructuring is depicted in the Attachment B chart entitled “Post-Restructuring.”

InterMedia Partners VII, L.P. is controlled by its sole general partner, InterMedia Partners, L.P. InterMedia Partners, L.P. is controlled by its sole general partner, HK Capital

Partners, LLC. The limited partners of InterMedia Partners VII, L.P. are insulated in accordance with the Commission's rules. HK Capital Partners, LLC is controlled by its only two members, Leo Hindery, Jr. and Peter Kern. The LLC agreement for HK Capital Partners, LLC provides that Mr. Hindery and Mr. Kern must unanimously approve the decisions of HK Capital Partners, LLC, giving them each an effective 50 percent "voting" interest in that entity.

While there are no limited partners in InterMedia Partners, L.P., certain individuals have made an investment in that entity. While these investments do not rise to the level of a partnership interest under state law, and although these investors have no voting rights in InterMedia Partners, L.P., these investors are not insulated under the FCC's rules, and are, therefore, identified as attributable owners herein. HK Capital Partners, LLC is also the managing member of InterMedia Advisors, LLC, which provides investment advice and other services to InterMedia Partners VII, L.P. pursuant to a management agreement. InterMedia Advisors, LLC does not have any direct or indirect equity investment in InterMedia Partners VII, L.P., but certain of its principals are non-partner investors in InterMedia Partners, L.P. InterMedia Advisors, LLC and its principals who are non-partner investors in InterMedia Partners, L.P. are identified as attributable owners herein. An organization chart followed by a list of attributable owners is attached to this application as Exhibit 14.

### **III. REQUEST FOR CONTINUATION OF SATELLITE STATUS**

#### **A. Overview of the Puerto Rico Television Market**

By this application, InterMedia Partners VII seeks permission to continue the ongoing satellite operations of stations WTIN(TV) and WNJX-TV, which rebroadcast the programming of WAPA-TV, and WKPV(TV), WIRS(TV), and WJWN-TV, which rebroadcast the programming of WJPX(TV). The Commission recently reaffirmed that these satellite

relationships serve the public interest.<sup>1</sup> Since those decisions, the premises upon which those findings were based, and in particular the economic circumstances on Puerto Rico, have not changed and, if anything, have become more pronounced. Continuation of the stations' satellite statuses will permit InterMedia Partners VII to continue making high-quality programming available to residents living beyond the economic center of San Juan by maintaining signal coverage on the island generally equivalent to that enjoyed by the stations' major competitors.

Television stations licensed to communities on Puerto Rico are not ranked as part of United States television Designated Market Areas ("DMAs"). On numerous occasions, however, the Commission has treated Puerto Rico as a single market for purposes of the media ownership rules.<sup>2</sup> Moreover, advertisers who buy time consider the island to be a single market.<sup>3</sup> Thus, the financial viability of television stations licensed to Puerto Rico remains dependent upon reliable island-wide coverage. Yet, as the Commission is aware, Puerto Rico's mountainous topography

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<sup>1</sup> See *Application of T. Michael Whitney and LIN Television of San Juan, Inc.*, Memorandum Opinion and Order, 16 FCC Rcd 2297 (2001) ("Whitney") (granting LIN's request to operate WNJX-TV as a satellite of WAPA-TV); *Applications of Paxson Communications of San Juan, Inc. and LIN Television Corporation*, Memorandum Opinion and Order, 16 FCC Rcd 14139 (2001) ("Paxson") (permitting LIN to continue its attributable rebroadcasting agreement with WTIN(TV), which at the time was not licensed to LIN, and granting continued satellite exceptions for WKPV(TV) and WJWN-TV); *Broadcast Actions*, Public Notice, Report No. 45633 (Dec. 16, 2003) (approving the assignment of WIRS(TV) to Televiscentro and approving its operation as a satellite of station WJPX(TV)); *Broadcast Actions*, Public Notice, Report No. 45725 (rel. Apr. 29, 2004) (granting the voluntary assignment of the license for WTIN(TV) to Televiscentro).

<sup>2</sup> See *Paxson* ¶ 4; *Applications of Milton S. Maltz and Raycom Media, Inc.*, Memorandum Opinion and Order, 13 FCC Rcd 15527 (1998); see also *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*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd 13620, n.399 (2003) ("*Broadcast Ownership Order*").

<sup>3</sup> See *Paxson* ¶ 5.

prevents such coverage. Recognition of these facts has led Puerto Rico broadcasters to enter into various teaming relationships with other island stations - rebroadcast agreements, satellite arrangements, and local marketing agreements (“LMAs”) - or to implement unusual engineering solutions<sup>4</sup> to achieve necessary signal coverage. These teaming arrangements have been approved repeatedly by the Commission.<sup>5</sup>

**B. The Commission Has Tailored Its Regulation of Television Ownership in Puerto Rico to the Unique Nature of the Broadcast Market**

In its licensing and regulation of television stations located on Puerto Rico, the Commission has repeatedly recognized that the island is a geographically small and highly concentrated and competitive broadcast market (approximately 100 radio stations and 30 television stations located on an island that is only 125 miles long and 30 miles wide), which presents uniquely difficult challenges to television broadcasters.<sup>6</sup> These challenges stem from the island’s extreme topography and generally poor economic conditions, as well as the unusually large number of broadcast stations licensed to a comparatively small area. The Commission has responded to these challenges by developing a unique body of law applicable to

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<sup>4</sup> See *Siete Grande Television, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 5299 (1992) (granting waivers of technical rules to permit an unusual set of full power boosters to support a Ponce station).

<sup>5</sup> *Paxson* ¶¶ 9, 14-15.

<sup>6</sup> See *Paxson* ¶¶ 14-15; *Whitney* ¶ 4. See also *Applications of JEM Communications, Inc., (Assignor) and Interstate General Properties Limited Partnership, S.E. (Assignee)*, Memorandum Opinion and Order, 9 FCC Rcd 4874, ¶ 9 (1994) (“*JEM Communications*”); *Canal 48, Inc.*, Memorandum Opinion and Order, 8 FCC Rcd 2193, ¶ 7 (1993) (“*Canal 48, Inc.*”); *Hector Nicolau*, Memorandum Opinion and Order, 5 FCC Rcd 6370, ¶ 10 (1990) (“*Hector Nicolau*”); *Seglares Iglesia Catolica, Inc.*, Memorandum Opinion and Order, 2 FCC Rcd 7539, ¶¶ 6-7 (1987).

Puerto Rico that recognizes the necessity of rebroadcasting or satellite arrangements among the island's television stations.

**1. Puerto Rico's Mountainous Terrain Prevents Island-Wide Coverage**

Puerto Rico's topography is "dominated by a central mountain range that runs east to west along the island."<sup>7</sup> As the Commission has recognized, the extension of Grade B service by television stations located in Puerto Rico is constrained by the island's mountainous terrain, which has a "significant limiting affect [sic] on the actual over-the-air coverage of television stations operating on the island."<sup>8</sup> In a 1993 decision, the Commission described the impact of terrain on Puerto Rico broadcasters as follows:

Puerto Rico is a highly concentrated broadcast market having more than 100 radio stations and more than 30 licensed or authorized television stations, with San Juan dominating the island's economy. Puerto Rico, as an island, is approximately 125 miles long (east to west) and thirty miles wide (north to south), bisected east to west by a central mountain range which effectively blocks television signals directed across its heights.... In fact, we have previously determined that useful television service for stations in Puerto Rico usually does not extend beyond the Grade A contour and is sometimes not satisfactory within that area.<sup>9</sup>

Despite the lack of over-the-air coverage and the poor cable and DBS penetration on the island,<sup>10</sup> advertisers expect their messages to reach all of the island's population centers.

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<sup>7</sup> Declaration of Jose E. Ramos, Attachment A, at ¶ 6 ("Declaration of Jose E. Ramos")

<sup>8</sup> *Nicolau* ¶ 10; *see also Canal 48, Inc.* ¶ 7 (noting that "the area between the stations is mountainous, and none of the stations is likely to be received much beyond their immediate communities of license").

<sup>9</sup> *Canal 48, Inc.* ¶ 7.

<sup>10</sup> The percentage of TV households subscribing to cable on Puerto Rico is only about 25 percent. *See Television & Cable Factbook* at F-3 (2006) (stating that there are 345,000 subscribers to basic cable on Puerto Rico); MediaFax Ratings at Attachment E (stating

Because no single station can reach all or even most of the island, Puerto Rico television stations have developed a long-standing practice of entering into rebroadcast agreements to provide service to the entire market. According to Jose E. Ramos, general manager of stations WAPA-TV and WJPX(TV), “commercial stations outside of the San Juan area can only survive by serving as satellite stations (formally or informally), and the primary stations in San Juan can only succeed financially by rebroadcasting their programming island-wide.”<sup>11</sup> These symbiotic relationships are intended to provide the island-wide coverage demanded by advertisers while providing the economic and programming support needed by non-San Juan stations to survive. As a result, the generally stronger stations in the eastern section of the island have for many years been teamed with – and provided financial and technical support to – the generally weaker stations in the other parts of the island.<sup>12</sup>

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that there are 1,371,910 television households on Puerto Rico), and Declaration of Jose E. Ramos at ¶ 7. By contrast, the percentage of television households in the United States subscribing to cable was 59.7 percent at the end of the first half of 2005. *See Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming, Twelfth Annual Report*, 21 FCC Rcd.2503, ¶¶ 8, 10 (2006)(“2006 Video Competition Report”) (stating that there are 109.6 million television households in the United States, of which 65.4 million subscribe to cable). The percentage of TV households on the island subscribing to DBS is only approximately 20 percent. *See* Declaration of Jose E. Ramos at ¶ 7. By contrast, 23.8 percent of television households in the United States subscribe to DBS. *See 2006 Video Competition Report* ¶¶ 8, 13 (noting that there are 109.6 million television households in the United States, of which 26.1 million subscribe to DBS).

<sup>11</sup> Declaration of Jose E. Ramos at ¶ 7.

<sup>12</sup> *Paxson* ¶¶ 16-19.

**2. Puerto Rico's Generally Poor Economic Conditions And Related Factors Unique to Puerto Rico Necessitate Rebroadcast Arrangements**

Problems caused by Puerto Rico's mountainous terrain are aggravated by the generally poor economic conditions on the island and, more specifically, in the population centers beyond San Juan. These disparities can be illustrated with reference to data collected by the United States Census Bureau in the year 2000, which indicate that the median per capita income in San Juan in 1999 was \$12,437.<sup>13</sup> By contrast, the median per capita incomes for the communities of license for the stations involved in the instant transactions were dramatically lower. The 1999 median per capita income in Mayaguez was \$8,003, in Ponce was \$7,276, in San Sebastian was \$5,681, and in Yauco was \$6,434.<sup>14</sup> The gross national income per capita, a measurement of the income actually accruing to residents of the island, is currently only about 30 percent of the United States' average.<sup>15</sup> And, the average wage earned by island residents is a mere 54 percent of the average earned by mainland residents.<sup>16</sup> The Commonwealth of Puerto Rico also "stands out for the extraordinarily low proportion of its population that is employed."<sup>17</sup> In 1990, the

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<sup>13</sup> See United States Census Bureau, *Puerto Rico -- Municipio GCT-P14. Income and Poverty in 1999*, U.S. Census Bureau American FactFinder (2000), available at [http://factfinder.census.gov/servlet/GCTTable?\\_geo\\_id=04000US72&-mt\\_name=DEC\\_2000\\_SF3\\_U\\_GCTP14\\_ST2&-ds\\_name=DEC\\_2000\\_SF3\\_U](http://factfinder.census.gov/servlet/GCTTable?_geo_id=04000US72&-mt_name=DEC_2000_SF3_U_GCTP14_ST2&-ds_name=DEC_2000_SF3_U).

<sup>14</sup> *Id.*

<sup>15</sup> Barry P. Bosworth and Susan M. Collins, *Economic Growth*, in *The Economy of Puerto Rico* 18 (Susan M Collins, Barry P. Bosworth, and Miguel A. Soto-Class eds., 2006) (noting that income per capita "rose from a little more than 20 percent of the U.S. average in 1950 to roughly 40 percent by the early 1970s. But it has drifted down to only about 30 percent in recent years.").

<sup>16</sup> *Id.* at 45.

<sup>17</sup> *Id.* at 18.

unemployment rate on the island was 14.2 percent.<sup>18</sup> By the year 2000, however, the percentage of the island's jobless population had decreased to 10.1 percent.<sup>19</sup> In a few short years, however, the employment trend on the island had again taken a turn for the worse. By 2004, the total unemployment rate on the island had climbed to 12 percent.<sup>20</sup>

The island's high unemployment rate and poor wages have contributed to an "overall slowdown of the Puerto Rico economy over the last few years."<sup>21</sup> The decline in general retail sales ranges between an estimated five to ten percent.<sup>22</sup> Sales of automobiles, a "very important industry and economic indicator on Puerto Rico," have declined at least ten percent.<sup>23</sup> These reductions have led to a corresponding downturn in the sale of television advertising on the island. According to Jose E. Ramos, the amount of television advertising sold by stations across Puerto Rico in 2006 will decline by approximately ten percent as compared to 2005 totals.<sup>24</sup>

These premises considered, the Commission's previous conclusions that "economic conditions existing in Puerto Rico indicate that satellite operations or rebroadcast arrangements are a necessity," even in cases where the stations' communities of license and their surrounding

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<sup>18</sup> *Id.* at 39.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Declaration of Jose E. Ramos at ¶ 3.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

areas are not technically unserved or underserved, retain their vitality and urgency.<sup>25</sup> The Commission has recognized that the satellite arrangements are necessary to bring service to all residents of the island: “[W]ithout the use of satellite operation or rebroadcast arrangements, television operations and programming choices beyond San Juan would be limited.”<sup>26</sup> This recognition carries equal force today.

### **3. Stations Operating Under Satellite Status On Puerto Rico Would Not Be Economically Viable on Stand-Alone Bases**

The Commission has acknowledged that satellite stations on Puerto Rico could not subsist as stand-alone local commercial stations. “[S]atellite operations or rebroadcast arrangements are essential to the provision of programming choices” to communities that are “effectively isolated from the island’s economic center in San Juan.”<sup>27</sup> For the most part, advertisers who buy time on Puerto Rico broadcast stations expect to reach consumers across the island. Thus, as a general matter, time is not sold by the satellite stations on the island for local, targeted spots. As a result, three of the five satellite stations in this transaction, WKPV(TV), WIRS(TV), and WJWN-TV, generate no local revenues. As explained by Jose E. Ramos, it would be impossible for these satellite stations to survive without affiliation to a San Juan station.<sup>28</sup>

WAPA-TV provides a separate signal feed for the western portion of the island, providing the opportunities for the insertion of advertisements targeted to residents of the west

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<sup>25</sup> *Hector Nicolau* ¶ 10.

<sup>26</sup> *Id.*

<sup>27</sup> *Canal 48, Inc.* ¶ 8.

<sup>28</sup> Declaration of Jose E. Ramos at ¶ 5.

coast cities of Ponce and Mayaguez. These residents are reached by WAPA-TV's satellite stations, WTIN(TV) and WNJX-TV. The revenues generated from these insertions into the WAPA-TV feed are minimal and represent the only station advertising revenues from the western portion of the island.<sup>29</sup> Two other television stations on the western portion of Puerto Rico, WORA-TV, Mayaguez, Puerto Rico and WOLE-TV, Aguadilla, Puerto Rico, both of which are unaffiliated with this transaction, also sell advertising inventory targeted to west coast residents.<sup>30</sup> As Jose E. Ramos attests, the combined west coast-targeted advertisement sales for all four stations comprise less than two percent of the total island-wide television advertising market.<sup>31</sup> Thus, revenues generated from west coast advertising sales would be grossly insufficient to sustain satellite stations located on the western part of the island on stand-alone bases.

#### **IV. PROPOSED CONTINUED SATELLITE OPERATIONS OF STATIONS WIRS(TV), WTIN(TV), WKPV(TV), WJWN-TV, AND WNJX-TV**

Pursuant to the Commission's general television satellite policy, a television applicant's proposed satellite operation presumptively will serve the public interest upon the satisfaction of three criteria: (1) the proposed satellite will provide service to an underserved area; (2) no alternative operator is ready and able to construct or purchase and operate the satellite as a full-service station; and (3) no city grade overlap exists between the parent and the satellite.<sup>32</sup> The

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<sup>29</sup> *Id.* at ¶ 4.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *See Television Satellite Stations*, Report and Order, 6 FCC Rcd 4212, ¶ 12(1991) (“*Television Satellite Policy*”).

Commission also will evaluate satellite proposals on *ad hoc* bases<sup>33</sup> and, in the case of stations licensed to Puerto Rico, on the basis of the discrete body of law developed by the Commission to foster television service on the island. For instance, the Commission has employed a flexible analysis in determining whether satellite stations on Puerto Rico could be purchased or operated as full-service stations, an analysis that acknowledges the unique economic and geographic obstacles faced by broadcasters on the island and takes into consideration the stations' histories and financial viability. The Commission already has performed multiple satellite analyses for stations WIRS(TV), WTIN(TV), WKPV(TV), WJWN-TV, and WNJX-TV, in each case finding the operation of the stations as satellites to stations located in San Juan to be in the public interest, and, ultimately, approving the common ownership of the stations with their present respective full service and satellite operation statuses. The circumstances undergirding these findings have, if anything, strengthened since the Commission last reviewed the satellite operation of the stations, and the public interest would be best served by permitting the stations' satellite operations to continue.

*WTIN(TV)*. In 2001, the Commission ruled that *WTIN(TV)* qualified as a non-owned satellite station of *WAPA-TV*.<sup>34</sup> This finding was reaffirmed when the Commission approved the voluntary assignment of the station to Televiscentro in April 2004.<sup>35</sup> The unique circumstances surrounding the operation of *WTIN(TV)* warrant its continued treatment as a

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<sup>33</sup> *Id.* ¶ 14.

<sup>34</sup> *See Paxson* ¶ 14. *See also Hector Nicolau* ¶ 6 (noting that *WTIN(TV)* has long been operated as a satellite station and, at that time, “rebroadcast[] the programming of *WPRV-TV*”).

<sup>35</sup> *Broadcast Actions*, Public Notice, Report No. 45725 (rel. Apr. 29, 2004).

satellite station. Although the proposal to designate WTIN(TV) as a satellite did not satisfy the presumptive criteria regarding city grade contour overlaps and provision of service to an underserved area, the Commission nonetheless found that unique circumstances,<sup>36</sup> including the small size of the Puerto Rico media market and the island's generally mountainous topography and poor economic conditions, justified grant of satellite status to the station. As demonstrated above, these factors overwhelmingly support continued satellite status for WTIN(TV). In addition, then as now, WTIN(TV) could not achieve financial viability as a stand-alone station.<sup>37</sup> As noted above, although a minimal amount of time on the station is sold by WAPA-TV to advertisers specifically targeting Ponce residents, the revenues generated from those advertising sales prove too insignificant to permit operation of WTIN(TV) as a stand-alone commercial broadcast station.<sup>38</sup>

*WNJX-TV*. Operation of WNJX-TV as a satellite station to WAPA-TV was last approved by the Commission in 2001.<sup>39</sup> The unique circumstances surrounding the station's operations call for its continued treatment as a satellite station.

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<sup>36</sup> Five other television stations are licensed to Ponce, Puerto Rico: WKPV(TV), WQTO(TV), WSTE(TV), WSUR-TV, and WVOZ-TV. Since the Commission approved the satellite operation of WTIN(TV), there have been no essential changes to the station or its city grade contours. *See* Engineering Statement on Behalf of InterMedia Partners VII, L.P. re Section 73.3555 of the FCC Rules Regarding Television Stations WAPA-TV, San Juan, Puerto Rico and Satellite Stations WTIN(TV), Ponce, Puerto Rico, WNJX-TV, Mayaguez, Puerto Rico, November 2006, Attachment C, at 4 (“Engineering Statement for WTIN(TV) and WNJX-TV”).

<sup>37</sup> *See* Declaration of Jose E. Ramos at ¶ 5.

<sup>38</sup> *Id.*

<sup>39</sup> *See Whitney* ¶ 1.

Given the distance between San Juan and Mayaguez on the other end of the island, city-grade contour overlap does not exist between WNJX-TV's and WAPA-TV's contours.<sup>40</sup> Satellite operation of WNJX-TV does not, however, technically serve an underserved area under the Commission's transmission or reception standards. Because Puerto Rico is a geographically small and highly concentrated broadcast market, it is difficult for any station to show a sufficient lack of predicted Grade B service to satisfy the reception test. Under real world circumstances, however, the Commission has found that the availability of Grade B service is substantially less due to Puerto Rico's mountainous terrain.<sup>41</sup> Moreover, television service to Mayaguez remains highly dependent on rebroadcast of programming from stations located in other parts of the island. Of the three stations in Mayaguez, one is commonly owned and operated with another island station, and the other two rebroadcast the programming of other island stations.

There also is substantial and long-standing evidence of the inability of station WNJX-TV to operate as a full-service, stand-alone station. The Commission repeatedly has acknowledged that the Ponce area on the south-central coast of Puerto Rico lacks the economic base to sustain full-service operations.<sup>42</sup> In addition, as noted in the Declaration of Jose E. Ramos, the station

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<sup>40</sup> *Whitney* ¶ 3. *See also* Engineering Statement for WTIN(TV) and WNJX-TV, Attachment C, at 3.

<sup>41</sup> *Whitney* ¶ 4.

<sup>42</sup> *See, e.g., Paxson* ¶ 14 (explaining that television service to the Ponce area is "severely limited by topography" and the population within Ponce is "small and relatively poor"); *Canal 48, Inc.* ¶ 8 (noting that "it appears that satellite operations or rebroadcast arrangements are essential to the provision of programming choices to Ponce, a community that is effectively isolated from the island's economic center in San Juan").

does not generate any advertising revenues that would permit the operation of the station as a standalone entity.<sup>43</sup>

Thus, under established policy and precedent, the Commission should continue to authorize operation WNJX-TV as a satellite of WAPA-TV.

*WIRS(TV)*. Fewer than three years ago, the Commission approved the operation of *WIRS(TV)* as a satellite to *WJPX(TV)*.<sup>44</sup> The station's circumstances warrant the continuation of this arrangement. First, Yauco, *WIRS(TV)*'s community of license, qualifies as an underserved area under the Commission's transmission test because *WIRS(TV)* remains the only television station licensed to that community.<sup>45</sup> Second, there is substantial and long-standing evidence of the station's inability to operate as a full-service, stand-alone station. The Declaration of Jose E. Ramos demonstrates that operation of the station as a full-service, stand-alone station is not a financially viable option.<sup>46</sup> As Mr. Ramos attests, *WIRS(TV)* does not generate any revenues through the sale of local advertising time.<sup>47</sup> Thus, in the absence of the rebroadcast arrangement with station *WJPX(TV)*, *WIRS(TV)* would lack the financial wherewithal to continue operations.

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<sup>43</sup> Declaration of Jose E. Ramos at ¶ 5.

<sup>44</sup> *Broadcast Actions*, Public Notice, Report No. 45633 (Dec. 16, 2003) (approving the assignment of *WIRS(TV)* to Televiscentro and approving its operation as a satellite of station *WJPX(TV)*).

<sup>45</sup> *See Broadcasting & Cable Yearbook 2006* at B-102 (2006) ("*Broadcasting & Cable Yearbook 2006*"). Under the transmission test, a community is deemed underserved if two or fewer full-service stations are licensed to it. *See Television Satellite Policy* ¶ 19.

<sup>46</sup> Declaration of Jose E. Ramos at ¶ 5.

<sup>47</sup> *Id.*

As was the case when the Commission last examined the satellite arrangement between WJPX(TV) and WIRS(TV), there is an area of city grade overlap between the 80 dBu signal contours of stations on the northeast coast in the vicinity of San Juan and small pockets of overlap on the north-central coast.<sup>48</sup> The Commission has concluded that the central mountain range that separates Yauco and San Juan, the communities of license of WIRS and WJPX, “causes significant signal blockage,” thus warranting grant of satellite status to stations located on the opposite side of the mountain range from their parent stations.<sup>49</sup> The Commission has granted satellite status to stations located on the mainland in circumstances where the city grade contours of the two stations overlapped.<sup>50</sup> The circumstances described in those cases remain

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<sup>48</sup> There is also similar overlap between the 80 dBu contours of WIRS(TV) and WAPA-TV (although WIRS(TV) does not rebroadcast WAPA-TV’s broadcast service). Due to Puerto Rico’s mountainous terrain, as the Commission has previously recognized, the standard predictive methodology does not produce meaningful results. This finding is equally applicable here, because the engineering facilities for the stations have not materially changed since the last time the Commission reviewed them in the context of a request for satellite status. *See* Engineering Statement on Behalf of InterMedia Partners, VII, L.P. Re Section 73.3555 of the FCC Rules Regarding Television Stations WJPX(TV), San Juan, Puerto Rico and Satellite Stations WKPV(TV), Ponce, Puerto Rico, WIRS(TV), Yauco, Puerto Rico, WJWN-TV, San Sebastian, Puerto Rico, November 2006, Attachment D, at 3 (“Engineering Statement for WKPV(TV), WIRS(TV), and WJWN-TV”).

<sup>49</sup> *See JEM Communications* ¶ 16. *See also Paxson* ¶ 10; *Hector Nicolau* ¶ 10.

<sup>50</sup> *See, e.g., Applications of Precht Communications, Inc. (Transferor) and The DGH Company (Transferee)*, Memorandum Opinion and Order, 13 FCC Rcd 8659 (1998) (“*Precht Communiations*”); *Applications of AT&T Corp. (Transferor) and LIN Holdings Corp. (Transferee)*, Memorandum Opinion and Order, 13 FCC Rcd 4633 (1998). In *Precht Communications*, the Commission concluded that departure from the presumptive criteria was justified by competing considerations, including the fact that the proposed satellite station was the only station licensed to its community of license (Kalispell, Montana); provided the only Grade B service to significant portions of the community of license and surrounding area; and presented particularly difficult operating conditions, including “sparse market revenues,” a disadvantaged signal, competition from stations in the larger neighboring markets of Missoula and Spokane, and unusually high

remarkably similar to those facing WIRS. Indeed, it is apparent that WIRS would still qualify for satellite status even if it were located on the mainland. When the additional burdens – both economic and geographical - facing broadcast stations in Puerto Rico are factored in, it is clear that WIRS(TV) will continue to best serve the interests of the residents of Puerto Rico as a satellite of WJPX(TV).

*WKPV(TV) and WJWN-TV.* In 1994, the Commission granted authority to operate stations WKPV(TV) and WJWN-TV as satellites to WJPX-TV, San Juan. That authority was continued in 1996 and again in 2001. As was the case then, there is no city grade overlap between WJPX-TV and either WKPV(TV) or WJWN-TV. Although the predicted city grade contours of the two satellite stations overlap, the Commission has concluded in the past that no actual overlap exists between the two stations when terrain is considered.<sup>51</sup>

With regard to the presumptive criterion regarding provision of service to an underserved market, the San Sebastian area to which WJWN-TV is licensed remains “underserved,” with that facility being the only full-service station licensed to that community.<sup>52</sup> While Ponce, to which WKPV(TV) is licensed, does not qualify as “underserved,” the Commission “due to the stringent

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programming/operating expenses. The Commission concluded that these circumstances precluded a knowledgeable broadcaster from attempting a stand-alone operation and that satellite status was warranted despite the presence of city grade overlap. *Precht Communications* ¶ 14.

<sup>51</sup> *Paxson* ¶ 18. This finding is equally applicable here. See Engineering Statement for WKPV(TV), WIRS(TV), and WJWN-TV at 3-4 (explaining that there have been no essential changes in the technical operations of the stations or their city grade contours since the last transfer of the ownership).

<sup>52</sup> *Broadcasting & Cable Yearbook 2006* at B-102.

economic circumstances and the unusually severe terrain conditions on the island”<sup>53</sup> Thus, the Commission “has not previously considered this fact to be an obstacle to satellite status.”<sup>54</sup>

As demonstrated in the Declaration of Jose E. Ramos, neither WKPV(TV) nor WJWN-TV would be economically viable as a stand-alone station.<sup>55</sup> As discussed above, neither station generates any revenues through the sale of local advertising. The continued satellite operations of these facilities are crucial to the stations’ financial viability.

Thus, the bases for the Commission’s prior decisions regarding the satellite operations of these stations remains unchanged. Accordingly, authorizing continued operation of WKPV(TV) and WJWN-TV as satellites of WJPX-TV is consistent with Commission precedent and will serve the public interest.

#### **V. COMPLIANCE WITH LOCAL TELEVISION OWNERSHIP RULE**

Section 73.3555(b) of the Commission’s rules generally prohibits the common ownership of two full service television stations with overlapping Grade B signal contours. The rule, however, in pertinent part, allows such common ownership or control of two television stations in the same DMA (or the functional equivalent thereof) if: (1) at least one of the stations is not ranked for all-day audience share among the top four in the DMA; and (2) at least eight independently owned and operating full-power commercial and non-commercial television stations would remain after the transaction in the DMA in which the communities of license of the television stations in question are located. The Commission previously found LIN’s

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<sup>53</sup> *JEM Communications* ¶ 5. See also *Canal 48, Inc.* ¶ 7.

<sup>54</sup> *Paxson* ¶ 18.

<sup>55</sup> Declaration of Jose E. Ramos at ¶ 5.

ownership of two full-service television stations and five satellite stations to be in compliance with the local television ownership rule.<sup>56</sup> Circumstances in the Puerto Rico television market have not changed since the Commission reached this conclusion. Only one of the stations at issue in this transaction, WAPA-TV, ranks among the top four most-viewed stations on the island.<sup>57</sup> And, as before, there are substantially more than eight full-power independent stations (commercial and non-commercial) licensed to Puerto Rico.<sup>58</sup> Thus, the instant transactions comply with the local television ownership rule.

The Commission is currently considering whether and how to revise the local television ownership rule. Although the Commission revised the local television ownership rule in the 2003 *Broadcast Ownership Order*,<sup>59</sup> the U.S. Court of Appeals for the Third Circuit

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<sup>56</sup> *Paxson* ¶ 20 (“Thus, we find that LIN’s ownership of WAPA-TV and WJPX-TV, together with its continued rebroadcast of WAPA-TV on WTIN(TV) would be in the public interest. Further, we find that LIN has adequately supported a determination that grant of continued satellite exception for WKPV(TV) and WJWN-TV would be in the public interest.”). Although LIN did not own WTIN at the time of the *Paxson* decision, the Commission analyzed and approved the transaction under consideration in that order on the assumption that LIN held an attributable ownership interest in the station. *See Paxson* ¶ 6. The Commission later approved the purchase of WTIN by Televiscentro, a wholly owned subsidiary of LIN, in 2004. *Broadcast Actions*, Public Notice, Report No. 45725 (rel. Apr. 29, 2004) (granting the voluntary assignment of the license for WTIN(TV) to Televiscentro of Puerto Rico).

<sup>57</sup> *See* MediaFax Ratings at Attachment E. The other stations comprising the top four are WIPR-TV, San Juan, Puerto Rico, WKAQ-TV, San Juan, Puerto Rico, and WLII(TV), Caguas, Puerto Rico.

<sup>58</sup> *Broadcasting & Cable Yearbook 2006* at B-101-B-102.

<sup>59</sup> *See Broadcast Ownership Order* App. H Rule Changes (modifying 47 C.F.R. § 73.3555(b)). In *Broadcast Ownership Order*, the Commission revised its local television ownership rule to permit the common ownership of more than one full-power commercial television stations licensed in the same DMA, if (1) at the time that the application is filed, no more than one of the stations is ranked among the top four stations in the DMA, based on the most recent all-day audience share; and (2) either (i) no more than two

subsequently stayed the effectiveness of the revised rule<sup>60</sup> and, upon review, remanded the numerical limits of the new rule for further justification by the Commission.<sup>61</sup> In July 2006, the Commission released a *Further Notice of Proposed Rulemaking* seeking comment on how to address the issues raised by the Third Circuit.<sup>62</sup> Regardless of whether or when the revised rule becomes effective, the satellite stations will remain non-attributable under both existing and revised local television ownership rules. Consequently, the proposed satellite operation of the stations is permissible under either the existing or revised local television ownership rule.

## VI. CONCLUSION

As the foregoing demonstrates, the proposed continued satellite operation of stations WTIN(TV), WNJX-TV, WKPV(TV), WIRS(TV), and WJWN-TV fully satisfy the criteria established by the FCC for satellite operation in Puerto Rico. In addition, the transfers contemplated herein will not result in any violation of the Commission's local television ownership rules. Accordingly, grant of this application, including approval of the continued satellite operations of stations WTIN(TV), WNJX-TV, WKPV(TV), WIRS(TV), and WJWN-TV is consistent with Commission rules and precedent and will serve the public interest.

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commercial television stations in a DMA with 17 or fewer full-power commercial and non-commercial television stations will be commonly owned; or (ii) no more than three commercial television stations in a DMA with 18 or more full-power commercial and non-commercial television stations will be commonly owned. *Id.*

<sup>60</sup> See *Prometheus Radio Project v. FCC*, No. 03-3388, 2003 U.S. App. LEXIS 18390 (3rd Cir., Sept. 3, 2003).

<sup>61</sup> See *Prometheus Radio Project v. FCC*, 373 F.3d 372 (3<sup>rd</sup> Cir. 2004).

<sup>62</sup> See *2006 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Further Notice of Proposed Rulemaking, MB Docket No. 06-121, FCC 06-93 (rel. July 24, 2006).

**ATTACHMENT A**  
**DECLARATION OF JOSE E. RAMOS**

## DECLARATION OF JOSE E. RAMOS

1. My name is Jose E. Ramos. My business address is State Road 19 km 0.5, Guaynabo, Puerto Rico 00966.

2. I have served as General Manager of WAPA-TV, San Juan, Puerto Rico, since December 1997, and I have served in that same capacity for WJPX(TV), also licensed to San Juan, since August 2001, when that station was acquired by LIN Television Corp. In that role, I am responsible for all matters relating to the operations of those stations, as well as their satellite operations, WTIN(TV), Ponce, Puerto Rico, WNJX-TV, Mayaguez, Puerto Rico, WKPV(TV), Ponce, Puerto Rico, WIRS(TV), Yauco, Puerto Rico, and WJWN-TV, San Sebastian, Puerto Rico. This declaration is submitted in support of the applications to the Federal Communications Commission (“FCC”) for transfer of control of the licensees of these stations from LIN Television Corporation to InterMedia Partners VII, L.P. (the “FCC Applications”).

3. Television advertising in 2006 will decline island-wide by about 10 percent compared to 2005. This is a reflection of the overall slowdown of the Puerto Rico economy over the last few years. Estimates of the decline in general retail sales range from 5 to 10 percent. Estimated declines in auto sales – a very important industry and economic indicator on Puerto Rico – start at 10 percent.

4. The broadcast television stations operating in San Juan account for over 95 percent of the revenues for broadcast television stations on the island. Only an estimated two percent of revenues for all broadcast stations on Puerto Rico are derived from local sales of advertising for stations located on the western part of the island, specifically WNJX-TV, WTIN(TV), WORA-TV and WOLE-TV. For these stations,

advertisements targeted to consumers on the western part of the island are “dropped in” to the programming transmitted by the broadcast signals of stations operating in San Juan.

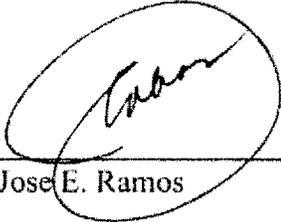
5. Of the stations that are the subject of the FCC Applications, only WAPA-TV and WJPX(TV) in San Juan, Puerto Rico, and satellite stations WNJX-TV, Mayaguez, Puerto Rico, and WTIN(TV), Ponce, Puerto Rico, derive any revenues from local sales. As stated above, the revenues derived from operation of satellite station WNJX-TV and WTIN(TV) are minimal, and none of the remaining satellite stations derive any revenues from local sales of advertising time. More importantly, although the minimal sales on these two satellite stations may be characterized as “local” sales, they are inserted in the programming originating from the San Juan primary stations. Without that programming, the satellite stations would not be able to generate even those minimal local sales. As a result, none of the satellite stations involved in the FCC Applications could exist as independent commercial stations.

6. Puerto Rico’s topography is dominated by a central mountain range that runs east to west along the length of the island. This mountainous terrain has required the use of multiple broadcast stations to reach all portions of Puerto Rico, which is a necessity for broadcasters seeking to sell advertising time on the island. Therefore, commercial stations outside of the San Juan area can only survive by serving as satellite stations (formally or informally), and the primary stations in San Juan can only succeed financially by rebroadcasting their programming island-wide. This symbiotic relationship has enabled broadcasters to extend free, over-the-air broadcast television service to residents in all portions of the island.

7. Over-the-air reception of broadcast signals remains critically important on Puerto Rico. The percentage of TV households subscribing to cable on Puerto Rico is only about 25 percent, which is far below that which is present on the mainland; while the percentage of TV households subscribing to DBS is only approximately 20 percent.

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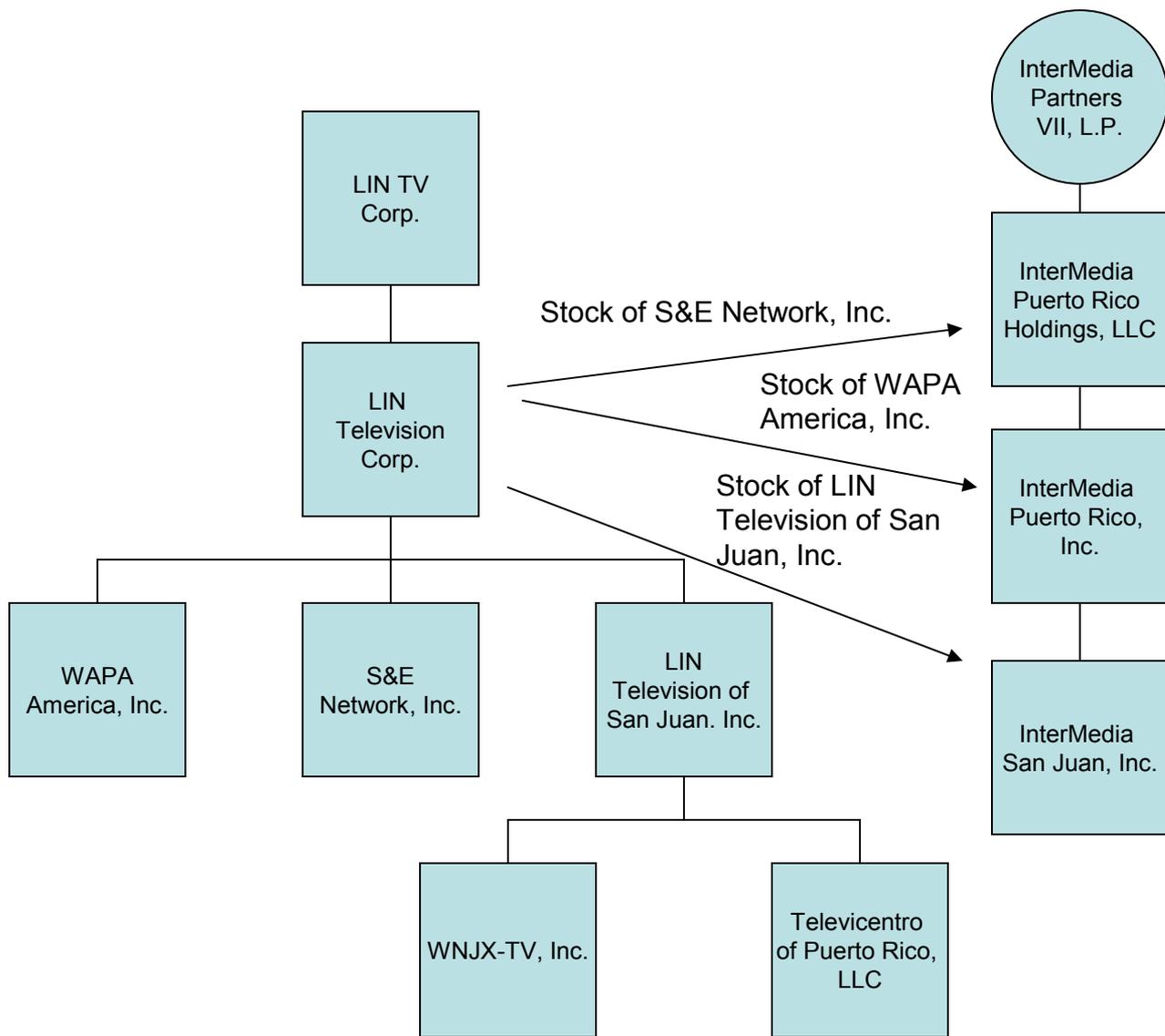
I declare under penalty of perjury that the foregoing is true and correct. Executed  
on this \_\_ day of November, 2006.

  
Jose E. Ramos 11/6/06

# Attachment B

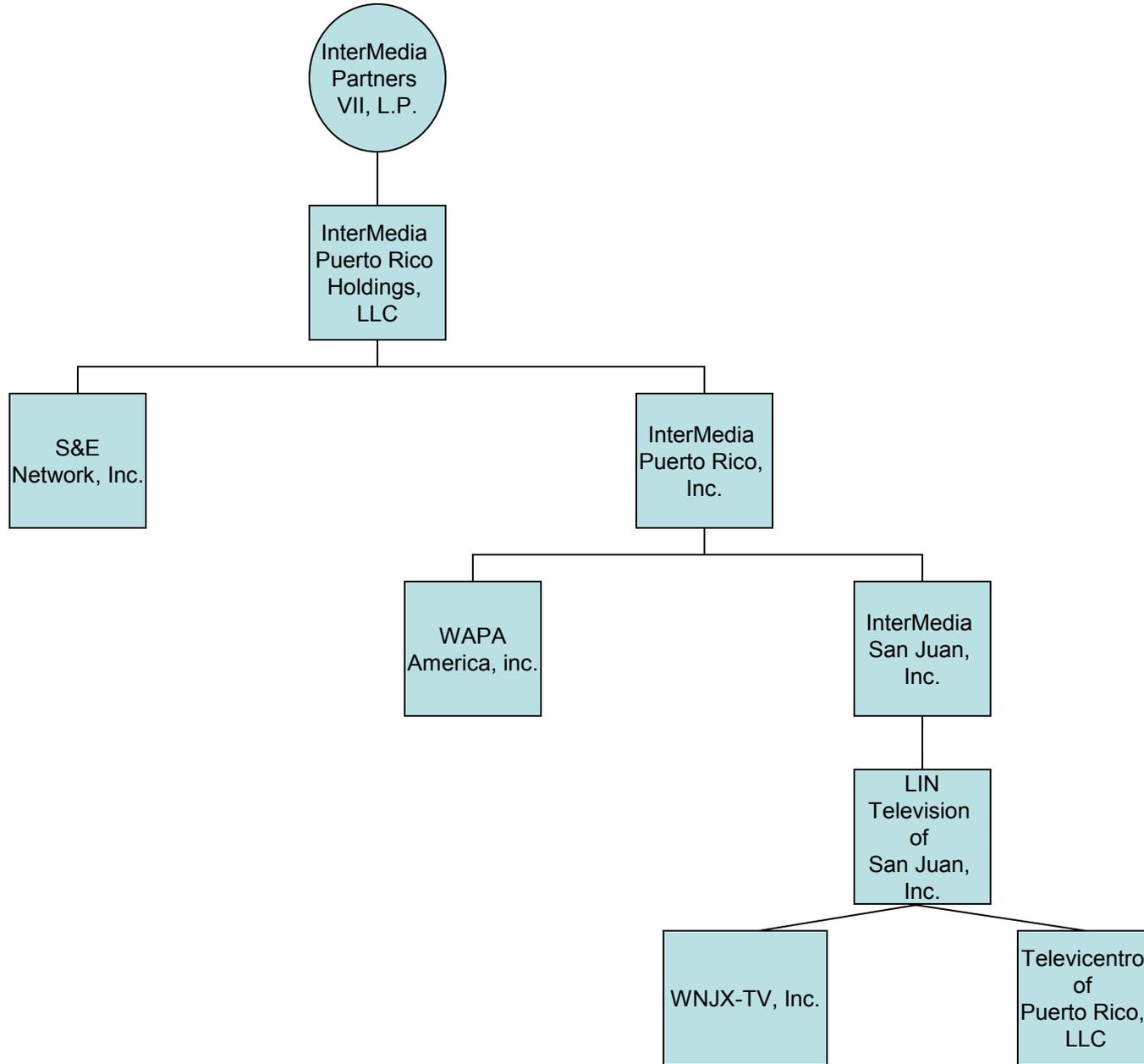
## Deal Structure

# Acquisition

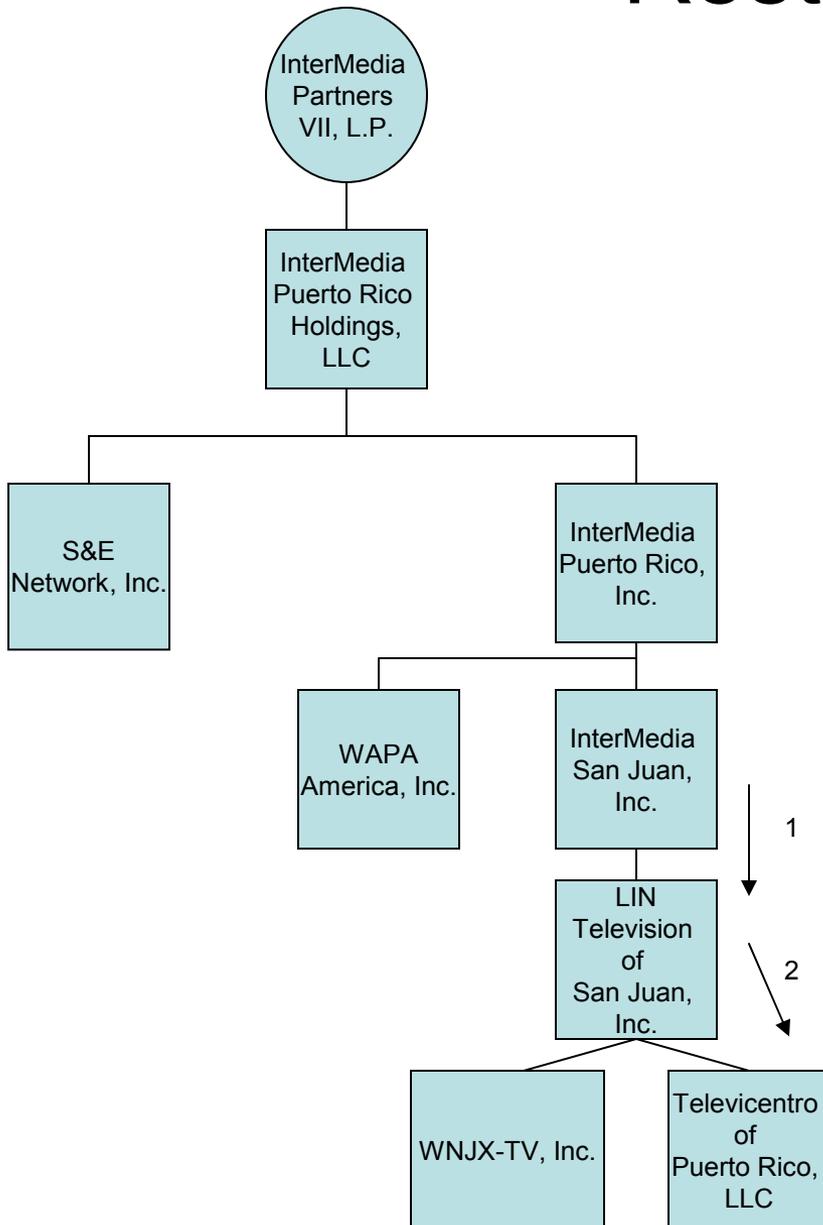


- (i) InterMedia Puerto Rico Holdings, LLC acquires the stock of S&E Network, Inc.
- (ii) InterMedia Puerto Rico, Inc. acquires the stock of WAPA America, Inc. and (iii) InterMedia San Juan, Inc. acquires the stock of LIN Television of San Juan, Inc.

# Post-Acquisition



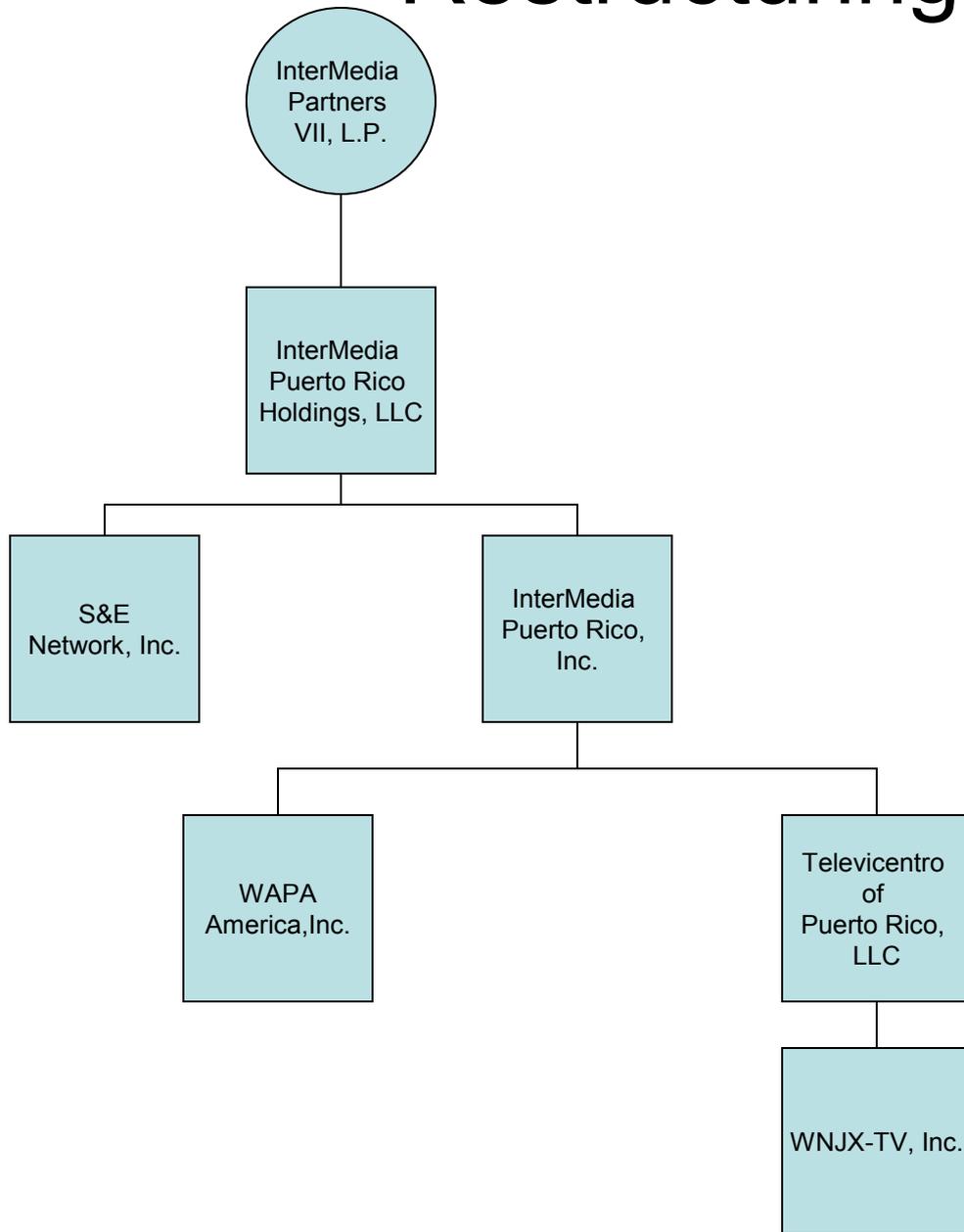
# Restructuring



Step 1: InterMedia San Juan, Inc. merges with and into LIN Television of San Juan, Inc.

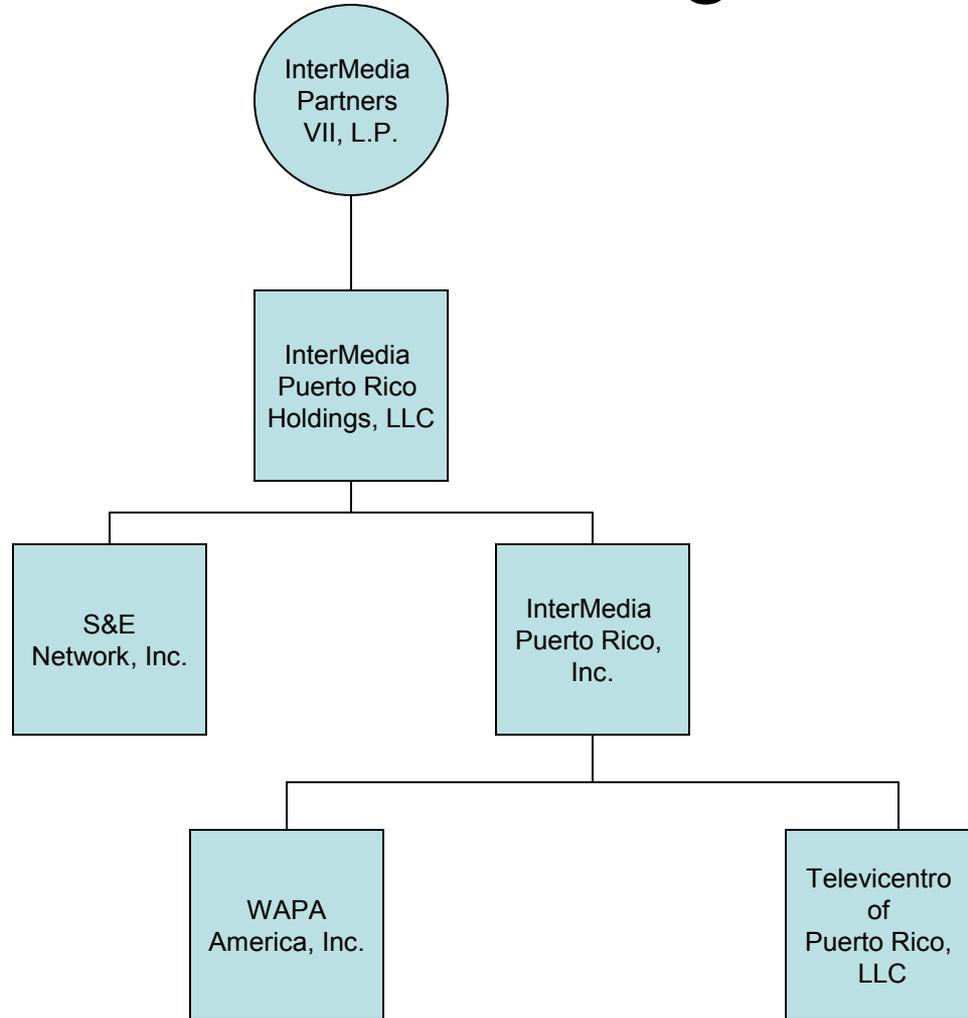
Step 2: LIN Television of San Juan, Inc. merges with and into Televiscentro of Puerto Rico, LLC. Televiscentro of Puerto Rico, LLC becomes the corporate parent of WNJX-TV, Inc.

# Restructuring Continued



Step 3: WNJX-TV, Inc. merges with and into Televiscentro of Puerto Rico, LLC. Televiscentro of Puerto Rico, LLC becomes the licensee of WNJX-TV.

# Post-Restructuring



**ATTACHMENT C**

**ENGINEERING STATEMENT ON BEHALF OF INTERMEDIA PARTNERS VII, L.P.  
RE SECTION 73.3555 OF THE FCC RULES REGARDING TELEVISION STATIONS  
WAPA-TV, SAN JUAN, PUERTO RICO AND SATELLITE STATIONS WTIN(TV),  
PONCE, PUERTO RICO, WNJX-TV, MAYAGUEZ, PUERTO RICO, NOVEMBER 2006**

ENGINEERING STATEMENT  
ON BEHALF OF  
INTERMEDIA PARTNERS, VII, L.P.  
RE SECTION 73.3555 OF THE FCC RULES  
REGARDING TELEVISION STATIONS  
WAPA-TV, SAN JUAN, PUERTO RICO  
AND SATELLITE STATIONS  
WTIN(TV), PONCE, PUERTO RICO  
WNJX-TV, MAYAGUEZ, PUERTO RICO  
NOVEMBER 2006

COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington )  
 ) ss  
District of Columbia )

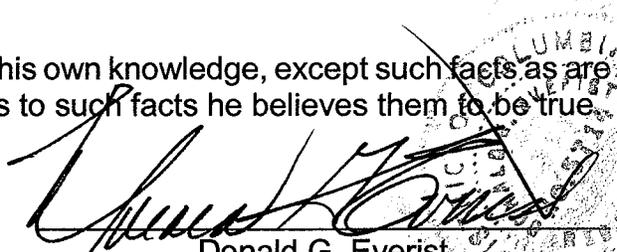
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President, Secretary and Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

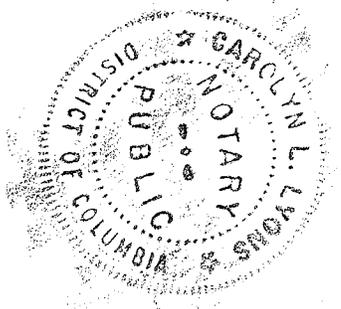
That his qualifications are a matter of record in the Federal Communications Commission;

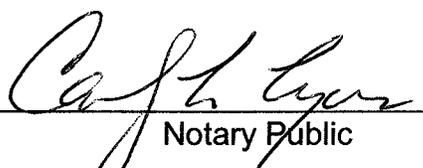
That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true

  
Donald G. Everist  
District of Columbia  
Professional Engineer  
Registration No. 5714

Subscribed and sworn to before me this 2<sup>nd</sup> day of November, 2006.



  
Notary Public

My Commission Expires: 2/28/2008

This engineering statement has been prepared on behalf of InterMedia Partners, VII, L.P. ("InterMedia Partners VII"). It provides information to accompany InterMedia Partners VII's request for continuation of satellite status pursuant to Section 73.3555 of the Commission's Rules for television stations WAPA-TV, licensed to San Juan, Puerto Rico (Facility ID 52073) NTSC Ch. 4(-), 53.7 kW non-directional ERP and 873 meters HAAT and satellite stations WTIN(TV), Ponce, Puerto Rico (Facility ID 26681) NTSC Ch. 14(Z), 1070 kW Max DA ERP and 861 meters HAAT and WNJX-TV, Mayaguez, Puerto Rico (Facility ID 73336) NTSC Ch. 22(Z), 4201 kW Max DA ERP and 658 meters HAAT (CP Mod-FCC File No. BPCT-20030306ABR).

A study or analysis of the predicted principal contours was performed for WAPA-TV, WTIN(TV) and WNJX-TV when LIN Television Corporation, through its wholly owned subsidiaries, Televiscentro of Puerto Rico, LLC and WNJX-TV, Inc., acquired the FCC authorizations for the stations. For both WNJX and WTIN, the analysis was performed in 2001.

The facilities for each station abstracted from CDBS are as follows:

WAPA-TV, San Juan, Puerto Rico, Ch. 4(-), 53.7 kW ND ERP, 873 Meters HAAT

NAD-27

N 18° 06' 42" Latitude

W 66° 03' 05" Longitude

Satellite Stations

WTIN(TV), Ponce, Puerto Rico, Ch. 14(Z), 1070 kW Max DA ERP, 861 meters  
HAAT

NAD-27

N 18° 10' 11" Latitude

W 66° 34' 38" Longitude

WNJX-TV, Mayaguez, Puerto Rico, Ch. 22(Z), 4201 kW Max DA ERP, and 658  
meters HAAT (CP Mod–FCC File No. BPCT-20030306ABR)

NAD-27

N 18° 09' 00" Latitude

W 66° 59' 00" Longitude

WAPA-TV

Examination of a printout of the FCC technical database for television station WAPA-TV dated August 26, 1996 reveals that the current WAPA-TV technical facilities are identical to those originally authorized in the license received in FCC file number 871110KU. The effective radiated power, HAAT, RC/AMSL, mode of operation, and the transmitter coordinates remain unchanged.

WTIN(TV)

For television station WTIN(TV), examination of a printout of the FCC technical database dated August 26, 1996 reveals that the current WTIN(TV) technical facilities are basically those technical parameters from the construction permit, (FCC File No. BPCT-

941103KF), which was subsequently licensed (FCC File No. BLCT-19971208KF) after minor modification. The effective radiated power, HAAT, RC/AMSL, mode of operation, and the transmitter coordinates remain unchanged from that now licensed.

#### WNJX-TV

For television station WNJX-TV, examination of the engineering report entitled, "Technical Statement Prepared on Behalf of TV Station WAPA-TV, San Juan, Puerto Rico dated November 23, 1999," prepared by W. Jeffrey Reynolds of Du Treil, Lundin and Rackley, was performed. In that report, it was determined<sup>1</sup> that there was no overlap of the City Grade contours between the authorized WAPA-TV facilities and that proposed by WNJX-TVs pending application for "Modification of its Construction Permit (BMPCT-990908AA) to operation on Channel 22 with a directional antenna maximum ERP of 4170 kW and an HAAT of 676 Meters."<sup>2</sup>

Subsequently, a modification of construction permit was filed (FCC File No. BPCT-20030306ABR) that requested a change "to relocate to a different tower in the same antenna farm and decrease. . . HAAT from 676 meters to 658 meters. No other changes were proposed, including no change in the geographic coordinates of the transmitter site, directional antenna system or ERP."<sup>3</sup> However, it is noted that there is a slight discrepancy

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<sup>1</sup>Corrected by amendment dated March 10, 2000.

<sup>2</sup>Abstracted from Paragraph 2 of the November 23, 1999 engineering report.

<sup>3</sup>Abstracted from Paragraph 2 of the report entitled, "Technical Exhibit Application for Modification of Construction Permit, FCC File No. BPCT-19990908AAA Facility ID 73336, NTSC Station WNJX-TV, Mayaguez, Puerto Rico Ch. 22 4201 kW (Max-DA) 658

between the application and an August 13, 1999 engineering statement (FCC File No. BMPCT-19990908AAA) which revealed that the application requested an ERP of 4201 kW and not 4170 kW.<sup>4</sup>

Therefore, the only change was a slight reduction in HAAT from 676 meters to 658 meters. This change had no significant impact on the station's technical operations.

#### Summary

Since the last transfer of these stations to their current owners, there have been no essential changes in the technical operations of these stations or their City Grade contours.

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Meters dated March 6, 2003.”

<sup>4</sup>Engineering Report entitled, “Technical Exhibit Application for Modification of TV Construction Permit TV Station WNJX-TV, Mayaguez, Puerto Rico dated August 13, 1999 Ch. 22 4201 kW (Max DA) 676 Meters.”

**ATTACHMENT D**

**ENGINEERING STATEMENT ON BEHALF OF INTERMEDIA PARTNERS, VII, L.P.  
RE SECTION 73.3555 OF THE FCC RULES REGARDING TELEVISION STATIONS  
WJPX(TV), SAN JUAN, PUERTO RICO AND SATELLITE STATIONS WKPV(TV),  
PONCE, PUERTO RICO, WIRS(TV), YAUCO, PUERTO RICO, WJWN-TV, SAN  
SEBASTIAN, PUERTO RICO, NOVEMBER 2006**

ENGINEERING STATEMENT  
ON BEHALF OF  
INTERMEDIA PARTNERS, VII, L.P.  
RE SECTION 73.3555 OF THE FCC RULES  
REGARDING TELEVISION STATIONS  
WJPX(TV), SAN JUAN, PUERTO RICO  
AND SATELLITE STATIONS  
WKPV(TV), PONCE, PUERTO RICO  
WIRS(TV), YAUCO, PUERTO RICO  
WJWN-TV, SAN SEBASTIAN, PUERTO RICO  
NOVEMBER 2006

COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington )  
 ) ss  
District of Columbia )

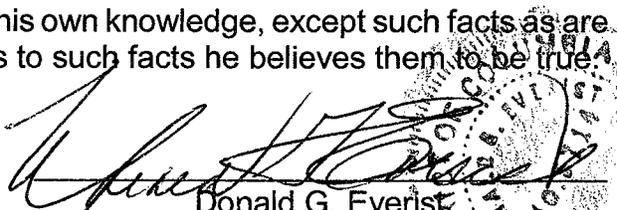
Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President, Secretary and Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

  
Donald G. Everist  
District of Columbia  
Professional Engineer  
Registration No. 5714

Subscribed and sworn to before me this 6<sup>th</sup> day of November, 2006.



  
Notary Public

My Commission Expires: 2/28/2008

This engineering statement has been prepared on behalf of InterMedia Partners, VII, L.P. ("InterMedia Partners, VII"). It provides information to accompany InterMedia Partners VII's request for continuation of satellite status pursuant to Section 73.3555 of the Commission's Rules for television stations WJPX(TV), licensed to San Juan, Puerto Rico (Facility ID 58340) NTSC Ch. 24 (Z), 676 kW Max DA ERP and 582 meters HAAT and satellite stations WKPV(TV), Ponce, Puerto Rico (Facility ID 58341) NTSC Ch. 20 (Z), 77.6 kW Max DA ERP and 288 meters HAAT; WIRS(TV), Yauco, Puerto Rico (Facility ID 39887) NTSC Ch. 42(Z), 1510 kW Max DA ERP and 852 meters HAAT; and WJWN-TV, San Sebastian, Puerto Rico (Facility ID 58342) NTSC Ch. 38 (Z), 85.1 kW Max DA ERP and 332 meters HAAT.

A study or analysis was performed on the predicted principal contours for WJPX(TV) and satellite stations WKPV(TV), WIRS(TV) and WJWN-TV when LIN Television Corporation through its wholly owned subsidiaries, Televiscentro of Puerto Rico, LLC and S&E Network, Inc., acquired the FCC authorizations for the stations. For WKPV and WJWN, the analysis was performed in 2001; for WIRS, the analysis was performed in 2003.

The present facilities for each station abstracted from CDBS are as follows:

WJPX(TV), San Juan, Puerto Rico, Ch. 24 (Z), 676 kW Max DA ERP, 582 Meters HAAT

NAD-27

North Latitude: N 18° 16' 45"

West Longitude: W 65° 51' 14"

Satellite Stations

WKPV(TV), Ponce, Puerto Rico, Ch. 20 (Z), 77.6 kW Max DA ERP, 288 meters

HAAT

NAD-27

North Latitude: N 18° 04' 49"

West Longitude: 66° 44' 53"

WIRS(TV), Yauco, Puerto Rico, Ch. 42(Z), 1510 kW Max DA ERP, 852 meters

HAAT

NAD-27

North Latitude: 18° 10' 10"

West Longitude: 66° 34' 36"

WJWN-TV, San Sebastian, Puerto Rico Ch. 38 (Z), 85.1 kW Max DA ERP,  
332 meters HAAT

North Latitude: 18° 19' 06"

West Longitude: 67° 10' 42"

WJPX(TV)

For television station WJPX(TV), examination of the technical database dated August 26, 1996 revealed that the facility on that date is almost identical to that now licensed. The exception is that an engineering statement entitled, "Technical Exhibit Application for Construction Permit NTSC Station WJPX (Facility ID 58340), San Juan,

Puerto Rico Ch. 24 676 kW (Max-DA) 582 Meters, dated August 15, 2000", was submitted along with an application for construction permit (FCC File No. BPCT-20000821ABY) that requested to correct transmitter coordinates. In Paragraph One, it states, "this application proposes only to correct the site coordinates to reflect the tower registration." Thus, the filing made insignificant changes to the technical operations of the station. The correction adjusted the latitude coordinates in the CDBS by two geographical seconds. This application for construction permit was granted by the FCC and represents the currently licensed facility (FCC File No. BLCT-20000821ACE).

WKPV(TV)

For television station WKPV(TV), examination of the report entitled, "Technical Exhibit Application for TV Construction Permit Station WKPV, Ponce, Puerto Rico Ch. 20, 78 kW (Max-DA) 288 Meters, dated April 13, 1998", was performed. The examination revealed that the facilities described therein continue to form the basis of the current operation.

WIRS(TV)

For television station WIRS(TV), examination of the technical database dated August 26, 1996 reveals that the facilities are unchanged and form the basis of the current operation.

WJWN-TV

For television station WJWN-TV, examination of the technical database dated August 26, 1996 reveals that there has been no change in technical parameters from that

currently authorized. Examination of the filing (FCC File No. BMLCT-20030516ACI)<sup>1</sup> reveals that the only change was in the replacement of the existing antenna per Section 73.1690(c)(3) of the FCC Rules. The technical exhibit states in the heading “Response to Paragraph 11–Replacing a Directional Antenna”, that “the horizontal plane relative field patterns for the existing Bogner and proposed Dielectric antennas are identical.”

#### Summary

Since the last transfer of these stations to the current ownership configuration, there have been no essential changes in the technical operations of these stations or their City Grade contours.

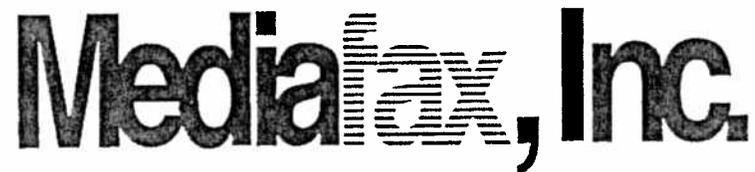
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<sup>1</sup>Engineering Statement entitled, “Technical Exhibit Application for Modification of License NTSC Station WJWN-TV Facility ID 58342 San Sebastian, Puerto Rico Ch. 38 85.1 kW (Max-DA) 332 Meters, dated May 15, 2003.”

**ATTACHMENT E**  
**MEDIAFAX RATINGS**

People Meter Service

People Meter Service



**TELEVISION AUDIENCE MEASUREMENTS**

*SPECIAL REPORT*

**AUGUST 28, 2006 – OCTOBER 1, 2006**

**PUERTO RICO TELEVISION MARKET**

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People Meter Service

People Meter Service



# Broad Day-Part Audience Estimates

August 28, 2006 to October 1, 2006

Total Puerto Rico

Day Time Station	# of Qtr Hrs	Average Quarter Hour Ratings																								
		Household		HH Rating Trends				Persons					Men					Women								
		R T G	S H R	AUG 06	JUL 06	JUN 06	Year ago	All 2+	Children		Teens			18- 24	25- 34	35- 49	18- 49	25- 54	18+	18- 24	25- 34	35- 49	18- 49	25- 54	18+	WW 18+
									6-11	12-17	Girls															
Std. Error for Rating of 5		1						1	1	1	2	2	2	1	1	1	1	2	2	1	1	1	1	1	1	1
Std. Error for Rating of 20		1						1	2	3	2	4	3	4	3	2	2	1	4	4	3	2	2	1	2	
<b>TOTAL WEEK</b>																										
<b>6:00AM-Sign-off</b>																										
Telemundo	2800	10.1	27					5	3	2	3	3	3	4	4	4	4	4	4	5	4	7	6	6	6	5
Televisi3n	2800	9.0	24					4	1	1	1	1	2	2	4	3	3	5	2	2	5	3	4	5	3	3
TU TV	2800	1.2	3					1	1	-	-	-	-	-	-	-	-	1	-	1	1	1	1	1	1	1
SuperSiete	2800	0.2	1					-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Univisi3n	2800	12.0	32					5	4	4	4	5	3	4	4	4	4	4	5	7	7	7	7	8	5	5
WJPX	2800	0.4	1					-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LBAO	2800	1.5	4					1	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1	-
CBCO	2800	2.7	7					1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
CBAO	2800	0.7	2					-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Tot Aud	2800	37.4	100					17	11	10	11	12	11	13	16	14	15	17	14	15	22	18	20	22	16	16
<b>Sign-on-Sign-off</b>																										
Telemundo	3360	8.7	26					4	2	2	2	2	3	3	4	3	3	4	4	3	6	5	5	5	4	4
Televisi3n	3360	7.9	24					3	1	1	1	1	2	2	4	3	3	4	1	2	4	3	3	4	2	2
TU TV	3360	1.1	3					-	-	-	-	-	-	-	-	-	-	-	1	-	1	1	1	1	-	-
SuperSiete	3230	0.2	1					-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Univisi3n	3360	10.6	32					5	3	3	4	4	3	3	3	3	3	3	4	6	6	6	6	7	5	5
WJPX	3360	0.3	1					-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LBAO	3360	1.3	4					-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1	-
CBCO	3360	2.4	7					1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
CBAO	3360	0.7	2					-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
Tot Aud	3360	33.0	100					15	9	9	9	10	10	11	14	12	13	15	12	13	19	16	17	19	13	13

Total Puerto Rico Market

SEPTEMBER 2006

Blank Station Off-Air (47)  
 \*\* Trend Data Unavailable  
 0 No Viewing Reported (Applicable only to RTG & Aud. Proj.)

\* Sample Size Below Minimum  
 - Less than 0.5 Ratings