

Request for Continuation of Satellite Station Status

SJL Acquisition, LLC ("SJL"), the transferree under the instant application requesting Commission consent to the transfer of control of commercial television stations KSNW(TV), KSNC(TV), KSNG(TV) and KSNK(TV), hereby respectfully requests that the Commission grant continued authority pursuant to Section 73.3555, Note 5 of the Commission's Rules, in order to allow station KSNC(TV) to operate as a satellite of KSNW(TV). Stations KSNG(TV) and KSNK(TV) are also operated as satellites of KSNW(TV), but as is shown by the technical statement of duTreil, Lundin & Rackley, attached as Exhibit A hereto, there is no Grade B contour overlap between KSNW(TV) and either KSNG(TV) or KSNK(TV). Therefore, continued satellite authority is required only for KSNC(TV)

KSNW(TV), KSNC(TV), KSNG(TV) and KSNK(TV), all affiliates of the NBC network, are all located in the Wichita-Hutchinson, Kansas Designated Market Area, as defined by A.C. Nielsen. Emmis Television License Corporation of Wichita ("Emmis") currently holds the Commission licenses for all four stations, and operates KSNW(TV) as the parent station, and KSNC(TV), KSNG(TV) and KSNK(TV) as satellite stations. The operation of KSNC(TV) is pursuant to previously granted satellite station authority (see *LINT Co.*, 15 FCC Rcd 18130). Thus, the satellite authority requested herein would merely enable the stations to continue to serve the public in the same parent satellite relationship as has been operating for at least the past five years. Given the nature of the Wichita-Hutchinson DMA, which encompasses a large majority of the territory in the State of Kansas, as well as part of Nebraska, it is common for television stations to operate with satellites in order to provide broad service to the population in the DMA. All four major network affiliates operate satellites in the DMA. Thus a grant of the requested satellite authority would enable Emmis, under SJL's control, to continue to provide service to the viewers in the DMA in the manner the subject stations have heretofore served them. Alternatively, a denial of this request would in all probability result in the proposed satellite stations being unable to continue to operate (see letter of Frank Higney attached hereto as Exhibit B) and the resulting loss of service to their viewers.

Satellite Status Criteria

Under the Commission's television satellite policy, set forth in *Television Satellite Stations*, 6 FCC Rcd 4212 (1991) (the "Satellite Order"), an applicant for assignment or transfer of a satellite station will be entitled to a presumption that a proposed satellite operation is in the public interest if it satisfies the three following criteria:

- (a) There is no City Grade contour overlap between the parent and the satellite stations;
- (b) The proposed satellite operates in an underserved area; and

(c) no alternative operator is ready and able to purchase and operate the proposed satellite as a full service station. Satellite Order at 4213-14.

1. No City Grade Overlap. As demonstrated by the technical statement of duTreil, Lundin and Rackley, attached hereto as Exhibit A, there is no overlap between the City Grade contour of station KSNW(TV), and the City Grade contours of any of KSNC(TV), KSNG(TV) or KSNK(TV). Therefore the first criterion is clearly met.

2. Satellite Serves an Underserved Area. The criterion that the satellite station serves an underserved area can be met by the "transmission test," i.e., by showing that the proposed satellite's community of license has two or fewer full service stations licensed to it. In each of the communities of license of KSNC(TV), KSNG(TV) and KSNK(TV), the proposed satellite is either the only full service station licensed to that community, or is one of only two full service stations licensed to that community (see Exhibit A). Therefore the second criterion is clearly met.

3. No Alternative Operator. Finally, a proposed satellite operator must show that no alternative operator is ready to purchase and operate the satellite as a full service station. KSNC(TV), KSNG(TV) and KSNK(TV) have already been authorized to operate as satellites of KSNW(TV), and control of the four stations was sold to SJL as a package. This is strong evidence that KSNC(TV), KSNG(TV) and KSNK(TV) are not able to be operated alone. In addition, Frank Higney, who has extensive experience in the television field and is associated with one of the nation's leading television brokerage firms, has opined that it would be futile to attempt to sell either KHAW-TV or KAIL-TV as a stand alone station (see Exhibit B). In light of these facts, the third criterion should be deemed to have been met.

Having demonstrated that the proposed satellites are presumptively entitled to continuation of their existing satellite status, SJL respectfully requests that the Commission grant this request, and grant the instant application for Commission consent, promptly.

EXHIBIT A
(Technical Statement)

TECHNICAL STATEMENT
IN SUPPORT OF SATELLITE APPLICATION
FOR STATION:
KSNW(TV), WICHITA, KANSAS;
SATELLITES: KSNG(TV), KSNC(TV) AND KSNK(TV)

This Technical Statement was prepared concerning station KSNW(TV), Wichita, Kansas (Channel 3, 100 kW, 304 m); in support of a television satellite application. The facilities requested are summarized as follows:

KSNW(TV) Proposed Television Satellite Stations
KSNG(TV), Garden City, KS, Channel 11, 200 kW, 244 m
KSNC(TV), Great Bend, KS, Channel 2, 100 kW, 296 m
KSNK(TV), McCook, NE, Channel 8, 295 kW, 216 m

Analysis

The predicted City Grade and Grade B contours of KSNW(TV) and the proposed satellite stations, KSNG(TV), KSNC(TV) and KSNK(TV), were calculated based on the conventional FCC method outlined in Section 73.684 of the FCC Rules. The predicted contours were projected on a map included herein as Figure 1. As indicated therein, there is no City Grade contour overlap between KSNW(TV) and any of the three satellite stations.

A "transmission test" analysis was conducted to determine other full service television stations licensed to the respective communities of the proposed satellite stations: Garden City, KS; Great Bend, KS; and, McCook, NE. This analysis produced the following results summarized in the table below:

Call Sign / Community	Number of TV Transmission Services to Community	Call Signs of TV Transmission Services
KSNG / Garden City, KS	2	KSNG(TV), KUPK-TV
KSNC / Great Bend, KS	1	KSNC(TV)
KSNK / McCook, NE	1	KSNK(TV)

I certify that this statement was prepared by me or under my direction and it is true and correct to the best of my knowledge and belief.

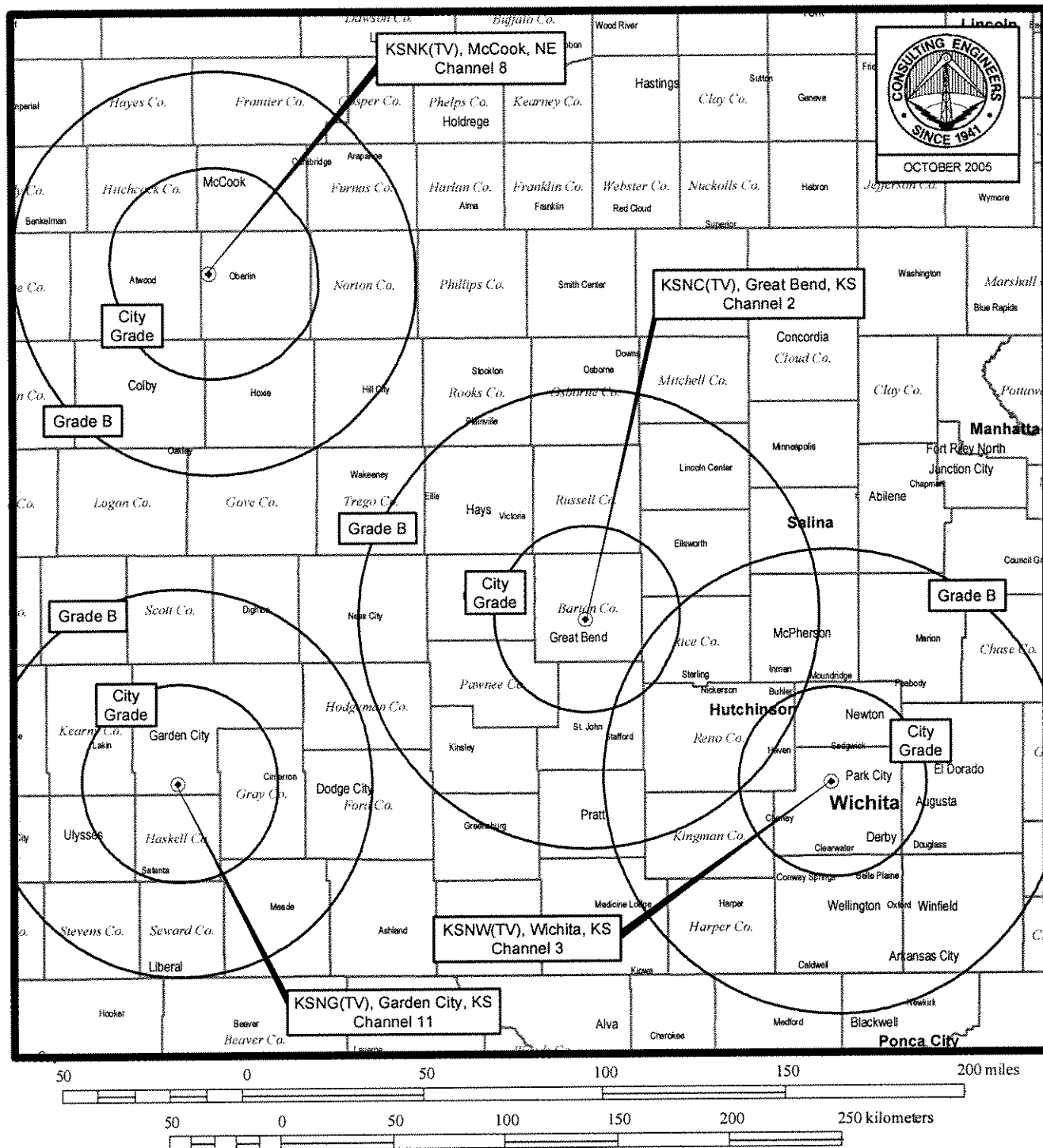


Louis Robert du Treil, Jr., P.E.

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, Florida 34237

October 4, 2005

Figure 1



PREDICTED CITY GRADE AND GRADE B CONTOURS

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

EXHIBIT B
(Higney Letter)

Kalil & Co., Inc.

3444 N. Country Club • Suite 200 • Tucson, Arizona 85716
(520) 795-1050 • FAX: (520) 322-0584

FRANK J. HIGNEY
Vice President

OCTOBER 5, 2005

Ms. BARBARA KREISMAN
CHIEF, VIDEO DIVISION
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET, S.W.
WASHINGTON, D.C. 20554

RE: KSNW(TV), WICHITA, KS
KSNC(TV), GREAT BEND, KS
KSNK(TV), MCCOOK, NE
KSNG(TV), GARDEN CITY, KS

DEAR Ms. KREISMAN:

KALIL & CO., INC. HAS BEEN REQUESTED TO PROVIDE AN OPINION REGARDING THE FEASIBILITY OF OPERATING KSNC(TV), KSNK(TV), AND KSNG(TV), CURRENTLY BROADCASTING AS SATELLITES OF KSNW(TV), WICHITA, AS FULL-SERVICE STAND-ALONE TELEVISION OPERATIONS WITH NO TECHNICAL, SALES OR PROGRAMMING SUPPORT FROM THEIR PARENT STATION. ALSO MADE WAS A REQUEST THAT WE PROVIDE AN OPINION WHETHER IT WAS LIKELY OR UNLIKELY THAT THE CURRENT LICENSEES OF THESE STATIONS WOULD BE ABLE TO FIND ALTERNATIVE OPERATORS WILLING AND ABLE TO OPERATE THE SATELLITE STATIONS AS FINANCIALLY VIABLE, FULL-SERVICE, STAND-ALONE FACILITIES.

KSNW(TV), WICHITA, SERVES THE WICHITA-HUTCHINSON, KS, TELEVISION DMA WITH KSNC(TV), GREAT BEND, KSNG(TV), GARDEN CITY, AND KSNK(TV), MCCOOK, SERVING AS SATELLITE OPERATIONS. THE WICHITA-HUTCHINSON DMA, RANKED 66TH BY NIELSEN, IS AN EXPANSIVE TV MARKET COVERING 65 COUNTIES OVER THE WESTERN TWO-THIRDS OF THE STATE OF KANSAS, MAKING THIS ONE OF THE LARGER AND MORE GEOGRAPHICALLY DISPERSED TELEVISION DMA'S IN THE COUNTRY. THERE ARE 20 FULL-POWER TELEVISION STATIONS OPERATING IN THE MARKET, WITH THE MAJORITY OF THEM ACTING AS SATELLITES FOR THE PRIMARY SIGNALS SERVING WICHITA-HUTCHINSON. THE NEED FOR SATELLITE OPERATIONS TO COVER THIS

Ms. BARBARA KREISMAN
FEDERAL COMMUNICATIONS COMMISSION
RE: OPINION - KSNW(TV), KSNC(TV), KSNK(TV), KSNG(TV)
OCTOBER 5, 2005
PAGE 2 OF 3

MARKET IS UNDERScoreD BY THE FACT THAT SOME COMMUNITIES SUCH AS GARDEN CITY, GOODLAND AND COLBY ARE 200 TO 300 MILES REMOVED FROM WICHITA.

KSNC(TV), GREAT BEND, REACHES AN ESTIMATED 50,000 HOUSEHOLDS ON AVERAGE, ACCORDING TO THE *TV/CABLE FACTBOOK*, WHICH REPRESENTS ONLY 11% OF THE DMA'S APPROXIMATE TOTAL OF 450,000 HOUSEHOLDS. KSNK(TV) AND KSNG(TV) RESPECTIVELY AVERAGE ONLY 19,000 HOUSEHOLDS AND 34,000 HOUSEHOLDS. EACH OF THE REGIONS COVERED BY THESE STATIONS RECEIVES NATIONAL NETWORK COVERAGE FROM OTHER SATELLITE SIGNALS.

CONSEQUENTLY, ANY AND EACH OF THE SIGNALS WE ARE DISCUSSING WOULD NOT BE ABLE TO AFFILIATE WITH A MAJOR BROADCAST NETWORK. THIS WOULD BE PROBLEMATIC IN THAT THESE SIGNALS ARE SIGNIFICANTLY DISADVANTAGED TO START BECAUSE THEY DO NOT COVER THE MAJOR POPULATION CENTERS OF WICHITA AND HUTCHINSON AND WOULD NOT AVAIL THE STATIONS TO THE POOL OF ADVERTISING DOLLARS IN THE ECONOMIC CENTERS. FURTHERMORE, THE REVENUE POOL IN THE COMMUNITIES SERVED WOULD NOT BE SUFFICIENT TO SUPPORT A TOTALLY INDEPENDENT TELEVISION OPERATION THAT MUST COMPETE FOR PROGRAMMING AT PRICES THAT ARE BEING PAID IN A TOP-75 TELEVISION MARKET, AS WELL AS THE OTHER OPERATIONAL COSTS AND CAPITAL COSTS, INCLUDING DIGITAL BUILD-OUT, OF A STAND-ALONE TELEVISION OPERATION.

IT IS MY OPINION THAT THE SIGNAL COVERAGE ISSUES IN CONCERT WITH THE ECONOMIC REALITIES OF THE MARKETPLACE RENDER THE ECONOMIC VIABILITY OF KSNC(TV), KSNK(TV), AND KSNG(TV) AS STAND-ALONE OPERATIONS NIL.

KALIL & Co., INC. IS A NATIONALLY RECOGNIZED MEDIA BROKERAGE FIRM, WHICH HAS BEEN ONE OF THE LEADERS IN RADIO AND TELEVISION BROKERAGE FOR THE PAST 35 YEARS. DURING THE PAST FIVE YEARS, KALIL & Co. HAS PARTICIPATED IN THE SALE OF MORE TELEVISION STATIONS THAN ANY OTHER MEDIA BROKERAGE FIRM IN THE COUNTRY.

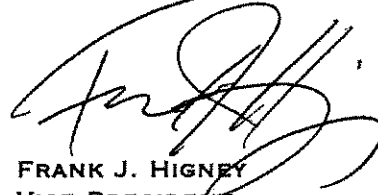
I HAVE BEEN A VICE PRESIDENT OF THE FIRM FOR THE PAST THIRTEEN YEARS. PRIOR TO JOINING KALIL & Co., I SERVED AS CHIEF OPERATING OFFICER FOR BROADCAST INVESTMENT ANALYSTS, THE LEADING APPRAISAL FIRM IN THE BROADCAST INDUSTRY.

Ms. BARBARA KREISMAN
FEDERAL COMMUNICATIONS COMMISSION
RE: OPINION - KSNW(TV), KSNC(TV), KSNK(TV), KSNG(TV)
OCTOBER 5, 2005
PAGE 3 OF 3

CONSEQUENTLY, I HAVE EVALUATED AND APPRAISED HUNDREDS OF
TELEVISION PROPERTIES THROUGHOUT THE UNITED STATES.

SINCERELY,

KALIL & CO., INC.

A handwritten signature in black ink, appearing to read "Frank J. Higney", is written over the printed name and title.

FRANK J. HIGNEY
VICE PRESIDENT
OCTOBER 5, 2005

FJH:BR