

Federal Communications Commission

FCC MB - CDBS Electronic Filing

Account number: 716209

**Description: AMENDMENT TO WKKW RENEWAL APPLICATION - CROSS-
OWNERSHIP SHOWING**

Application Reference Number: 20110524AGW

Successfully filed at Oct 14 2016 5:46PM

Based on the information supplied, no fee is required.

[Menu](#)

[Logout](#)

Federal Communications Commission Washington, D.C. 20554 FCC 303-S	Approved by OMB 3060-0110 (March 2011)	FOR FCC USE ONLY
APPLICATION FOR RENEWAL OF BROADCAST STATION LICENSE Read INSTRUCTIONS Before Filling Out Form		FOR COMMISSION USE ONLY FILE NO. - 20110524AGW

Section I - General Information- TO BE COMPLETED BY ALL APPLICANTS

1. Legal Name of the Licensee AJG CORPORATION Mailing Address P.O. BOX 542 <table> <tr> <td>City DELLSLOW</td> <td>State or Country (if foreign address) WV</td> <td>ZIP Code 26531 -</td> </tr> <tr> <td>Telephone Number (include area code) 3075543925</td> <td colspan="2">E-Mail Address (if available) LAURENMKELLEY@MAC.COM</td> </tr> <tr> <td>FCC Registration Number: 0016415861</td> <td>Facility ID Number 15253</td> <td>Call Sign WKKW</td> </tr> </table>			City DELLSLOW	State or Country (if foreign address) WV	ZIP Code 26531 -	Telephone Number (include area code) 3075543925	E-Mail Address (if available) LAURENMKELLEY@MAC.COM		FCC Registration Number: 0016415861	Facility ID Number 15253	Call Sign WKKW
City DELLSLOW	State or Country (if foreign address) WV	ZIP Code 26531 -									
Telephone Number (include area code) 3075543925	E-Mail Address (if available) LAURENMKELLEY@MAC.COM										
FCC Registration Number: 0016415861	Facility ID Number 15253	Call Sign WKKW									
2. Contact Representative MATTHEW H. MCCORMICK Mailing Address 1300 NORTH 17TH STREET 11TH FLOOR <table> <tr> <td>City ARLINGTON</td> <td>State or Country (if foreign address) VA</td> <td>Zip Code 22209 -</td> </tr> <tr> <td>Telephone Number (include area code) 7038120438</td> <td colspan="2">E-Mail Address (if available) MCCORMICK@FHHLAW.COM</td> </tr> </table>			City ARLINGTON	State or Country (if foreign address) VA	Zip Code 22209 -	Telephone Number (include area code) 7038120438	E-Mail Address (if available) MCCORMICK@FHHLAW.COM				
City ARLINGTON	State or Country (if foreign address) VA	Zip Code 22209 -									
Telephone Number (include area code) 7038120438	E-Mail Address (if available) MCCORMICK@FHHLAW.COM										
3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="checkbox"/> Governmental Entity <input type="checkbox"/> Noncommercial Educational Licensee <input type="checkbox"/> Other AMENDMENT ONLY <input type="checkbox"/> N/A (Fee Required)											
4. Purpose of Application <input type="checkbox"/> Renewal of license <input type="checkbox"/> Amendment to pending renewal application If an amendment, submit as an exhibit a listing by Section and Item Number the portions of [Exhibit 1] the pending application that are being revised.											
5. Facility Information: <input type="checkbox"/> Commercial <input type="checkbox"/> Noncommercial Educational											
6. Service and Community of License a. <input type="checkbox"/> AM <input type="checkbox"/> FM <input type="checkbox"/> FM Translator <input type="checkbox"/> LPFM <input type="checkbox"/> TV Translator <input type="checkbox"/> Low Power TV <input type="checkbox"/> Class A TV <input type="checkbox"/> Digital TV <input type="checkbox"/> Digital Translator or Digital LPTV <input type="checkbox"/> Digital Class A TV <table border="1"> <tr> <td colspan="2">Community of License /Area to be Served</td> </tr> <tr> <td>City: FAIRMONT</td> <td>State : WV</td> </tr> </table> b. Does this application include one or more FM translator station(s), or TV translator station(s), LPTV station(s), in addition to the station listed in Section I question 1? (The callsign <input type="checkbox"/> Yes <input type="checkbox"/> No			Community of License /Area to be Served		City: FAIRMONT	State : WV					
Community of License /Area to be Served											
City: FAIRMONT	State : WV										

	(s) of any associated FM translators, TV translators or LPTV stations will be requested in Section V).	
7.	Other Authorizations. List call signs, facility identifiers and location(s) of any FM booster or TV booster station(s) for which renewal of license is also requested.	[Exhibit 2] <input checked="" type="checkbox"/> N/A

NOTE: In addition to the information called for in Sections II, III, IV and V, an explanatory exhibit providing full particulars must be submitted for each item for which a "No" response is provided.

Section II - Legal - TO BE COMPLETED BY ALL APPLICANTS

1.	Certification. Licensee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Licensee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application, instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No
2.	Character Issues. Licensee certifies that the neither the licensee nor any party to the application has or has had any interest in, or connection with:	
	a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 3]
	b. any pending broadcast application in which character issues have been raised.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 4]
3.	Adverse Findings. Licensee certifies that, with respect to the licensee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 5]
4.	FCC Violations during the Preceding License Term. Licensee certifies that, with respect to the station(s) for which renewal is requested, there have been no violations by the licensee of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term. If No, the licensee must submit an explanatory exhibit providing complete descriptions of all violations.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]
5.	Alien Ownership and Control. Licensee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]
6.	Anti-Drug Abuse Act Certification. Licensee certifies that neither licensee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No
7.	Non-Discriminatory Advertising Sales Agreements. Commercial licensee certifies that its advertising sales agreements do not discriminate on the basis of race or ethnicity and that all such agreements held by the licensee contain nondiscrimination clauses. Noncommercial licensees should select "not applicable."	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A See Explanation in [Exhibit 8]

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States

because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing LAUREN M. KELLY DRISCOLL	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 10/14/2016

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section III - TO BE COMPLETED BY AM and FM LICENSEES ONLY

1.	Biennial Ownership Report: Licensee certifies that the station's Biennial Ownership Report (FCC Form 323 or 323-E) has been filed with the Commission as required by 47 C.F.R. Section 73.3615.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 9]
2.	EEO Program: Licensee certifies that:	
	a. The station's Broadcast EEO Program Report (FCC Form 396) has been filed with the Commission, as required by 47 C.F.R. Section 73.2080(f)(1). Specify FCC Form 396 File Number : B396 - 20110524AGS	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 10]
	b. The station has posted its most recent Broadcast EEO Public File Report on the station's website, as required by 47 C.F.R. Section 73.2080(c)(6).	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A See Explanation in [Exhibit 11]
3.	Local Public File. Licensee certifies that the documentation, required by 47 C.F.R. Section 73.3526 or 73.3527, as applicable, has been placed in the station's public inspection file at the appropriate times.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 12]
4.	Adherence to Minimum Operating Schedule. Licensee certifies that, during the preceding license term, the station has not been silent (or operating for less than its prescribed minimum operating hours) for any period of more than 30 days. If No, submit an Exhibit specifying the exact dates in the preceding license term on which the station was silent or operating for less than its prescribed minimum hours.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 13]
5.	Discontinued Operations. Licensee certifies that during the preceding license term, the station has not been silent for any consecutive 12-month period.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 14]
6.	Silent Station Licensee certifies that the station is currently on the air broadcasting programming intended to be received by the public.	<input checked="" type="radio"/> Yes <input type="radio"/> No
7.	Environmental Effects. Licensee certifies that the specified facility complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments. By checking "Yes" above, the licensee also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 15]

the site, tower, or antenna from radio frequency electromagnetic exposure in excess of FCC guidelines.		
8. Radio/Newspaper Cross-Ownership. Licensee certifies that neither the applicant nor any party to this application has an attributable interest in a newspaper which: (1) is published four or more days per week, (2) is in the dominant language in the market, and (3) is published in a community entirely encompassed by:		
a.	the 1 mV/m contour of one of the FM station(s)?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
b.	the 2 mV/m contour of one of the AM station(s)?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
If No to either Question 8.a or 8.b, has the Commission made a finding pursuant to Section 310(d) of the Communications Act that the newspaper/broadcast combination is in the public interest?		<input type="radio"/> Yes <input checked="" type="radio"/> No See Explanation in [Exhibit 16]

Exhibits

Exhibit 1

Description: PURPOSE OF AMENDMENT

IN LIGHT OF RECENT COMMISSION ACTION, THE COMMISSION'S STAFF HAS REQUESTED AN AMENDMENT TO THE INSTANT APPLICATION AND HAS AFFORDED THE APPLICANT THE OPPORTUNITY TO PROVIDE FURTHER SUPPORT FOR ITS RULE WAIVER REQUEST INCLUDED HEREIN AT EXHIBIT 16. SEE, LETTER TO MATTHEW H. MCCORMICK, ESQUIRE, DATED SEPTEMBER 15, 2016, FROM THE CHIEF, AUDIO DIVISION, MEDIA BUREAU (THE LETTER REQUEST). THIS AMENDMENT IS BEING SUBMITTED IN RESPONSE TO THE LETTER REQUEST AND TO PROVIDE THE ATTACHED 'REQUEST FOR WAIVER OF THE RADIO-NEWSPAPER CROSS-OWNERSHIP RULE.' ADDITIONALLY, A COPY OF THE 'PETITION FOR WAIVER OR STAY' INCORPORATED BY REFERENCE AT EXHIBIT 16 IS ATTACHED HERETO.

Attachment 1

Description
Request for Waiver of Radio-Newspaper Cross-Ownership Rule
Petition for Waiver or Stay

Exhibit 16

Description: CROSS-OWNERSHIP ISSUE

AJG CORPORATION IS PARTY TO A JOINT SALES AGREEMENT ('JSA') FOR WKKW(FM) WITH WEST VIRGINIA RADIO CORPORATION ('WV RADIO'). CERTAIN PARTIES HOLDING ATTRIBUTABLE INTERESTS IN WV RADIO ALSO HOLD ATTRIBUTABLE INTERESTS IN THE WEST VIRGINIA PUBLISHING COMPANY, WHICH PUBLISHES THE DOMINION POST, A DAILY NEWSPAPER IN MORGANTOWN, WEST VIRGINIA. THE COMMON OWNERSHIP OF WV RADIO AND THE DOMINION POST PREDATES THE COMMISSION'S NEWSPAPER/BROADCAST CROSS-OWNERSHIP RULE AND IS GRANDFATHERED. THE WKKW JSA WAS ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF SECTION 73.3555, NOTE 2(K), WHICH MADE SUCH ARRANGEMENTS ATTRIBUTABLE UNDER THE MULTIPLE OWNERSHIP RULE.

ON APRIL 7, 2006, WV RADIO FILED A PETITION REQUESTING A WAIVER OR STAY OF THE COMMISSION'S RULES TO ALLOW THE WKKW JSA TO CONTINUE. IN THE PETITION, WV RADIO SET FORTH THE REASONS WHY A WAIVER WOULD COMPLY WITH THE COMMISSION'S PUBLIC INTEREST STANDARD. THAT PETITION REMAINS PENDING, AND THE JUSTIFICATIONS SET FORTH THEREIN ARE INCORPORATED BY REFERENCE HEREIN.

Attachment 16

REQUEST FOR WAIVER OF RADIO-NEWSPAPER CROSS-OWNERSHIP RULE

West Virginia Radio Corporation (“WV Radio”) and AJG Corporation (“AJG”) hereby seek a waiver, under the particular circumstances described below, of the Section 73.3555(d) of the Commission’s Rules, which prohibits common ownership of a daily newspaper and a radio broadcast station when the newspaper’s community of publication and the radio station’s community of license are in the same radio market, and the radio station’s predicted service contour encompasses the community in which the newspaper is published (the “NBCO rule”).

AJG is the licensee of WKKW(FM), Facility Identification Number 15253, Fairmont, West Virginia. WV Radio shares common ownership with The West Virginia Newspaper Publishing Company, the publisher of *The Dominion Post*, a daily newspaper published in Morgantown, West Virginia. Additionally, WV Radio currently has an attributable interest in WKKW due to a joint sales agreement (“JSA”) with AJG, whereby WV Radio sells the advertising time of WKKW.

In light of these circumstances and through WKKW’s pending application for renewal of license, File No. BRH-20110524AGW, and a “Petition for Waiver or Stay,” filed April 7, 2006, AJG and WV Radio have previously sought a waiver of the Commission’s rules in order to permit the continuation of the JSA. The Commission has not yet acted on these requests, but in light of the Commission’s Order in *2014 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*, FCC 16-107, released August 25, 2016 (the “*2014 Quadrennial Review Order*”), the Commission’s staff has requested an amendment to the WKKW application for renewal of license. AJG was given the option, if it so chose, to provide further support of its waiver request in accordance with the *2014 Quadrennial Review Order*.

See, Letter to Matthew H. McCormick, Esquire, dated September 15, 2016, from the Chief, Audio Division, Media Bureau (the “Letter Request”). This amendment is being submitted in response to the Letter Request. AJG and WV Radio hereby renew their prior requests for waiver of the NBCO rule in order to allow the continuation of an arrangement which has for the past twenty years assisted WKKW in serving the public interest.

Although the *2014 Quadrennial Review Order* kept the NBCO ownership rule in place, the Commission at the same time recognized that certain newspaper – broadcast station combinations may serve the public interest. *2014 Quadrennial Report Order* at Paragraph 183. Accordingly, the Commission determined that it would consider requests to waive the NBCO Rule on a case-by-case basis. *Id.* In evaluating such waiver requests, the Commission will consider showings that grant of the requested waiver will not unduly harm viewpoint diversity in the affected market.

In the instant case, it is quite clear that there will be no harm whatsoever to the viewpoint diversity in the market. WKKW is located in the Morgantown-Clarksburg-Fairmont, West Virginia radio market. *The Dominion Post* is published in Morgantown, West Virginia, and WV Radio and its commonly owned affiliates are also the licensees of four other radio stations located within this radio market: WAJR(AM)/WVAQ(FM), Morgantown, West Virginia, WWLW(FM), Clarksburg, West Virginia, and WAJR-FM, Salem, West Virginia. By any measure, this particular radio market has a wide variety of radio stations which speak with the voices of many different owners. As demonstrated by the attached BIA report there is a total of 30 stations in the Morgantown-Clarksburg-Fairmont, WV market. These 28 stations are owned by 11 entities in addition to AJG and WV Radio, for a total number of 13 separate radio voices in

the market. The formats of the stations range from News/Talk to Classic Rock and from Nostalgia to Adult Contemporary, with equally varied editorial viewpoints.

Furthermore, there are four daily newspapers located within the WKKW service area. These include the *Times West Virginia*, published in Fairmont, West Virginia; *The Exponent Telegram*, published in Clarksburg, West Virginia; *the Inter-Mountain*, published in Elkins, West Virginia; and *The Daily Athenaeum*, a commercial newspaper published in Morgantown, West Virginia, by West Virginia University. These newspapers represent four additional voices in the market, as each of them is published by a different company.

Additionally, each of these newspapers has a website on which it includes current news. Furthermore, the websites for all of them have specific Opinion sections. These websites help to ensure that the editorial point of view of each newspaper reaches beyond those who subscribe to or read the print edition of the newspaper to readers all over the region who have an interest in local news and events.

Still further viewpoints in the area are represented by local television stations. While the city in which *The Dominion Post* is published and WKKW's community of license are located in the same radio market, they are not located in the same television DMA. Morgantown is located in the Pittsburgh DMA, while Fairmont lies within the Clarksburg-Weston DMA. Pittsburgh is the 23rd largest DMA in the United States, and includes nine full-power television stations, eight of which are licensed to different entities. The Clarksburg-Weston DMA, on the other hand, is not as big, but nonetheless, includes three commercial television stations, each with separate ownership. One of the television stations shares common ownership with one of the radio stations in the Morgantown-Clarksburg-Fairmont, WV radio market, however. Nonetheless, in one part of the market, television stations add at least two additional voices to the market, while

in another part of the market, there are eight additional voices. Both markets include television stations which are affiliates of each of the top four television networks and offer local news programming. One of these, WBOY-TV, recently added two additional subchannels of programming, licensed to two different networks. Through this programming, the stations provide multiple points of view with regard to the important issues and events of the times.

Likewise, many households in the market subscribe to either cable or satellite services. It is estimated that approximately 96 percent of the households in the Clarksburg-Weston DMA subscribe to cable or to alternate delivery services including satellite, satellite master antenna systems, or multipoint distribution systems (MDS). See, [http://admin.tvb.org/iframe/dma/Cable and ADS Penetration by DMA.asp](http://admin.tvb.org/iframe/dma/Cable_and_ADS_Penetration_by_DMA.asp) In the Pittsburgh DMA the percentage of households subscribing to cable or alternate delivery services is approximately 93 percent. *Id.* Multiple such services are available in the area, including Shentel Cable, Time Warner Cable, Suddenlink Communications, Atlantic Broadband Cable, Dish Network, and DirecTV. Each of these companies offers scores of different channels of widely varied programming, each of which adds its own voice to the marketplace of ideas.

It is worthy of note that it is not only conventional news and public affairs programming that can address and provide new perspectives on issues of importance to the community. Sometimes a song can more poignantly express a message, or fictional television programming may more compellingly portray a societal problem than a dry discussion program can possibly do. Therefore, it is important to remember that a varied array of radio formats such as are present in the Morgantown-Clarksburg-Fairmont, WV radio market and the varied array of programming available from both broadcast and cable television throughout the market add to

the diversity of expressed viewpoints, whether in the context of news and public affairs programming or not.

Adding even more to the diversity in the marketplace are a vast but indeterminate number of widely divergent voices of both national and local sources of entertainment, news, and opinions. Such sources include websites that aggregate local news from many different sources, including <http://www.topix.com/city/morgantown-wv> and <http://www.topix.com/city/fairmont-wv>; local government and community organization sources such as: <http://www.morgantownwv.gov/news/>, <http://visitbuckhannon.org/index.php/area-info>, and <http://www.mainstreetfairmont.org/news>; and more traditional websites associated with local radio and television stations. Additionally, <http://www.connect-bridgeport.com/> and <http://www.connect-clarksburg.com/> are websites which feature local news and information, including local sports, arts and entertainment news, and a community calendar. In addition, Connect-Bridgeport also provides information concerning local job opportunities, local schools, relocation to the area, and even an online trading post. Even discounting these popular, but less easily quantified, voices that offer the entire spectrum of local news and views, there are a minimum of 20 local media voices within the marketplace served by WKKW and *The Dominion Post*. This number does not include cable or satellite television or other, national voices which might have circulation in the market. While it is difficult to say exactly how many voices are enough, with at least 20 independent, traditional media voices, the likelihood is that they will cover the viewpoint gamut. In any event, it is clear that no one voice will be able to dominate the civic conversation, and that there will be no threat whatsoever to viewpoint diversity.

Emphasizing the lack of any impairment to diversity is the fact that grant of the requested waiver would result in no change at all to the long-standing *status quo*. Due to evolving rules

and the pending waiver request, WV Radio has sold the commercial time of WKKW for the last twenty years. As has been previously noted, the tie between WKKW and WV Radio originated as a time brokerage agreement in 1996, and with a change in WKKW's licensee, later was changed to a joint sales agreement in 2000. Thus, the instant waiver request will result in no change whatsoever in the existing number of independent voices in the market.

Furthermore, pursuant to the outstanding JSA, WV Radio provides no programming other than advertisements to WKKW. *See*, attached declaration of Dale Miller. Even if it did, however, the staff which is responsible for the content of *The Dominion Post* is entirely separate from the staff which produces and airs the programming on WKKW. *Id.* Indeed, WV Radio and *The Dominion Post* have taken opposing editorial views on a number of occasions. It is anticipated that WKKW and *The Dominion Post* will continue to maintain entirely separate staffs, which will not consult with each other as to the events or issues that they cover or the positions that they take. No programming or program content whatsoever will be provided to WKKW by *The Dominion Post* or any of its owners or employees. *Id.* These practices will ensure that there is no loss whatsoever to any diversity of viewpoint as a result of the requested rule waiver.

In fact, it is a denial of such a waiver that would lessen the diversity of viewpoints in the market. As noted above, for the past twenty years, WKKW has received the financial support that comes from having its sales of advertising time conducted by the larger WV Radio organization. That financial support is necessary in order to maintain quality programming, including news and public affairs programming. Without the financial stability that WKKW has long enjoyed due to its relationship with WV Radio, it will not be able to maintain the vibrancy of its programming and the strength of its voice in the market. Accordingly, it is not the

requested waiver, but a failure to grant it, that would create a loss of diversity of voices in the market.

Therefore, in light of the large number of independent media voices that will remain in the market, and the fact that the requested waiver would only continue the longstanding *status quo*, the instant request for waiver of the NBCO rule should be approved.

FCC Geographic Market Definition for Morgantown-Clarksburg-Fairmont, WV

Call Letters	AM/FM	Freq	Type Station	Format	Home Market	Market Designtn Date	Home Mkt Rank	Owner	City & State of License	County of License
WAJR	AM	1440	C	Tlk/Nws/Spt	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia Radio Corporation	Morgantown, WV	Monongalia
WAJR	FM	103.3	C	News/Talk	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia Radio Corporation	Salem, WV	Harrison
WCLG	AM	1300	C	Clsc Hits	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	p AJG Corporation	Morgantown, WV	Monongalia
WCLG	FM	100.1	C	Rock	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	p AJG Corporation	Morgantown, WV	Monongalia
WETT	FM	104.1	C	Soft AC	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Withers Broadcasting Co	Bridgeport, WV	Harrison
WFGM	FM	93.1	C	Clsc Hits	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	AJG Corporation	Barrackville, WV	Marion
WFSP	AM	1560	C	Talk	Morgantown-Clarksburg-Fairmont, WV	12/22/2004	175	WFSP Radio LLC	Kingwood, WV	Preston
WFSP	FM	107.7	C	Oldies	Morgantown-Clarksburg-Fairmont, WV	12/22/2004	175	WFSP Radio LLC	Kingwood, WV	Preston
WGIE	FM	92.7	C	Country	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Burbach Broadcasting	Clarksburg, WV	Harrison
WGYE	FM	102.7	C	Country	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Burbach Broadcasting	Mannington, WV	Marion
WKJL	FM	88.1	NC	ChrsContem	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Educational Media Foundation	Clarksburg, WV	Harrison
WKKW	FM	97.9	C	Country	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	AJG Corporation	Fairmont, WV	Marion
WKMM	FM	96.7	C	Country	Morgantown-Clarksburg-Fairmont, WV	12/22/2004	175	MarPat Corporation	Kingwood, WV	Preston
WLQL	FM	89.7	NC	Religion	Morgantown-Clarksburg-Fairmont, WV		175	Light of Life Community Inc	Star City, WV	Monongalia
WMMN	AM	920	C	Sports	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Spectrum Radio Fairmont LLC	Fairmont, WV	Marion
WOBG	FM	105.7	C	Clsc Rock	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Burbach Broadcasting	Salem, WV	Harrison
WPDX	AM	750	C	Country	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Tschudy Communications Corp	Clarksburg, WV	Harrison
WPDX	FM	104.9	C	Country	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Tschudy Communications Corp	Clarksburg, WV	Harrison
WRLF	FM	94.3	C	Clsc Rock	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Spectrum Radio Fairmont LLC	Fairmont, WV	Marion
WTCS	AM	1490	C	Tlk/Nws/Spt	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Spectrum Radio Fairmont LLC	Fairmont, WV	Marion
WVAQ	FM	101.9	C	CHR	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia Radio Corporation	Morgantown, WV	Monongalia
WVPM	FM	90.9	NC	Nws/Tlk/Clc	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia Educational Public Broadcasting	Morgantown, WV	Monongalia
WVUS	AM	1190	NC	Religion	Morgantown-Clarksburg-Fairmont, WV	12/22/2004	175	Light of Life Community Inc	Grafton, WV	Taylor
WWLW	FM	106.5	C	AC	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia Radio Corporation	Clarksburg, WV	Harrison
WWVU	FM	91.7	NC	Alternative	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia University Board of Governors	Morgantown, WV	Monongalia
WXKX	AM	1340	C	Sports	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Burbach Broadcasting	Clarksburg, WV	Harrison
WYXA	FM	90.1	NC	ChrsContem	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Educational Media Foundation	Clarksburg, WV	Harrison
WZST	FM	100.9	C	80s & 90s	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Spectrum Radio Fairmont LLC	Westover, WV	Monongalia

Number of Stations in Geographic Market 28

Previous Stations in Geographic Market

WBRB	FM	101.3	C	Country		08/02/2005	0	Cat Radio Inc	Buckhannon, WV	Upshur
WBTQ	FM	93.5	C	News/Talk		08/02/2005	0	West Virginia Radio Corporation	Buckhannon, WV	Upshur

"C" - Commercial Station; "NC" - Non Commercial Station

"p" indicates pending sale to owner listed

FCC Geographic Market Definition for Morgantown-Clarksburg-Fairmont, WV

Call Letters	AM/ FM	Freq	Type Station	Format	Home Market	Market Designtn Date	Home Mkt Rank	Owner	City & State of License	County of License
-----------------	-----------	------	-----------------	--------	-------------	----------------------------	---------------------	-------	----------------------------	----------------------

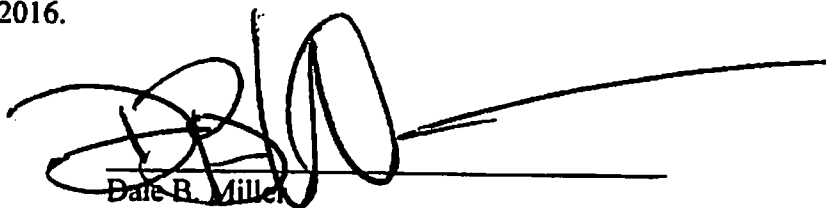
DECLARATION

I, Dale B. Miller, hereby declare and state as follows:

I am the President of West Virginia Radio Corporation. As such I am familiar with the operations of the company and its affiliates. I have read the foregoing Request for Waiver of the Radio-Newspaper Cross-Ownership Rule.

I hereby declare under penalty of perjury that the facts contained therein are true and correct to the best of my knowledge and belief.

Executed this 13th day of October, 2016.


Dale B. Miller

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

File: West Virginia Radio
Morgantown #4

PLEASE STAMP
AND RETURN
THIS COPY TO
FLETCHER, HEALD & HILDRETH

In the Matter of)
)
West Virginia Radio Corporation,)
Joint Sales Agreement for)
)
Radio Station WKKW(FM),)
Fairmont, WV (Facility ID No. 15253))

RECEIVED

APR - 7 2006

Federal Communications Commission
Office of Secretary

To: Office of the Secretary, Federal Communications Commission

Attn: Chief, Audio Division, Media Bureau

PETITION FOR WAIVER OR STAY

West Virginia Radio Corporation ("WVR"),¹ by its attorneys and pursuant to Section 1.3 of the Commission's rules (47 C.F.R. § 1.3), hereby requests a waiver of the Commission's requirement to terminate, by September 3, 2006, an attributable Joint Sales Agreement ("JSA") that does not comply with the Commission's current rules prohibiting the common ownership of a newspaper and a broadcast station.² In the alternative, WVR requests that the Commission stay the effective date of such requirement with respect to the newspaper/broadcast cross-ownership rule until after the Commission completes its reconsideration of the newspaper/broadcast cross-ownership rule. The station with respect to which relief is requested is WKKW(FM), Fairmont,

¹ WVR is the licensee of Stations WAJR(AM) and WVAQ(FM), Morgantown, West Virginia, and WFBY(FM), Weston, West Virginia. The following commonly-owned affiliates of WVR are the licensees of the following stations: West Virginia Radio Corporation of Clarksburg is the licensee of Station WWLW(FM), Clarksburg, West Virginia. West Virginia Radio Corporation of Salem is the licensee of Station WAJR-FM, Salem, West Virginia. West Virginia Radio Corporation of Elkins is the licensee of Stations WDNE(AM) and WDNE-FM, Elkins, West Virginia and provides programming to Station WELK(FM), Elkins, West Virginia, under a local marketing agreement. West Virginia Radio Corporation of Charleston is the licensee of Stations WCAW(AM) and WCHS(AM), Charleston, West Virginia; WKAZ(FM), Miami, West Virginia; WKWS(FM), Charleston, West Virginia; WRVZ(FM), Pocatalico, West Virginia, and WSWW(AM) and WVAF(FM), Charleston, West Virginia. West Virginia Radio Corporation of Buckhannon is the licensee of Stations WBRB(FM) and WBUC(AM), Buckhannon, West Virginia.

² See 2002 Biennial Regulatory Review, 18 FCC Rcd 13620, 13746 (2003); *Prometheus Radio Project v. FCC*, No. 03-3388 (3rd Cir. Sept. 3, 2004).

West Virginia (the "Station"). WVR has managed the advertising sales of the Station since 1996 under a time brokerage agreement ("TBA") and, since 2000, a JSA. Attribution of the Station to WVR due to the JSA would not implicate the local radio ownership rules but would place WVR out of compliance with the newspaper/broadcast cross-ownership rule due to WVR's common ownership with the publisher of *The Dominion Post*, a daily newspaper published in Morgantown, West Virginia.

In its 2003 revision of its media ownership rules, the Commission amended the newspaper/broadcast cross-ownership rule such that the common ownership of both the Station and *The Dominion Post* to WVR would have been permissible.³ In its consideration of the Commission's revised media ownership rules, the US Court of Appeals for the Third Circuit upheld the Commission's decision not to retain a ban on newspaper/broadcast combinations.⁴ Although the revised ownership rules were remanded on other grounds, both the Commission and the Court agreed that a flat ban on newspaper/broadcast combinations is not necessary to protect diversity and that relations between newspapers and broadcast stations can, in fact, promote localism and the public interest.⁵ The Commission is actively reconsidering the newspaper/broadcast cross-ownership rule and there is a high probability that the Commission will eliminate or modify the newspaper/broadcast cross-ownership rule such that the JSA in this case would be permissible. To force the termination or divestiture of the JSA at this point would needlessly disrupt the long-established relations between WVR, the Station and its advertisers and undermine the economic viability of the Station without any countervailing benefit to the public.

³ See 2002 Biennial Regulatory Review, 18 FCC Rcd at 13800-13807.

⁴ *Prometheus v. FCC*, 373 F3d 372, 398-400 (3rd Cir. 2004).

⁵ *Id.* at 398.

I. Background

WVR and its commonly-owned affiliates are the licensees of radio stations in northern West Virginia, including four stations located in the Morgantown-Clarksburg-Fairmont, West Virginia, Arbitron Market: WAJR(AM) and WVAQ(FM) in Morgantown, West Virginia; WWLW(FM), Clarksburg, West Virginia; and WAJR-FM, Salem, West Virginia. WVR also is commonly-owned with The West Virginia Newspaper Publishing Company, which publishes *The Dominion Post*. *The Dominion Post* has been owned and controlled by the same family for three generations, starting in 1923.⁶ The common ownership of *The Dominion Post* and WVR's Morgantown, West Virginia, stations predates the newspaper/broadcast cross-ownership rule and therefore is grandfathered.⁷

In 1996, WVR entered into a TBA for the Station with the then-licensee of the Station, Fantasia Broadcasting, Inc. ("Fantasia"). At that time, the Station was severely underperforming and at risk of failing. Indeed, when WVR began providing programming and sales services under the TBA, the Station had no advertising sales revenues at all. In 2000, Fantasia sold the Station to its current licensee, Descendants Trust, Lauren M. Kelley, Trustee ("Descendants Trust"). At that point, the TBA with WVR terminated and WVR ceased providing programming to the Station. WVR and Descendants Trust, however, entered into a JSA, pursuant to which WVR continued to be responsible for selling all of the advertising time on the Station. WVR retains the revenue from these sales and pays Descendants Trust a monthly fee. WVR has no input or control over the programming of the Station apart from its sale of the advertising time on the Station.⁸

⁶ See *Mission Statement and History – About The Dominion Post Newspaper*, <<http://olive.dominionpost.com/dp/aboutus/#mission>>.

⁷ See Declaration of Dale B. Miller, attached hereto as Exhibit A (the "Miller Declaration").

⁸ See Miller Declaration.

A critical element in the Station's turnaround since the mid-1990s has been that the Station's advertising sales operations have been conducted and supported by WVR's large and highly experienced sales staff. For the past ten years, the Station's sole source of revenue has been a guaranteed monthly fee paid by WVR. This monthly fee currently is \$77,600, or \$931,200 annually, with additional fees paid to Descendants Trust if sales revenues reach certain specified targets. This level of support has financed a significant improvement in the Station's programming over the years, which has allowed the Station to emerge as one of the most stable and popular stations in the market. Despite this success, as a single station without experience in sales, it would be difficult for the Station to create its own sales staff in the short term and it could not hope to build a staff with the size and experience of the WRV sales department. Moreover, WVR's sales staff can achieve results that Descendants Trust could not achieve on its own due to WVR's longstanding relationships in the market and ability to combine advertising opportunities on the Station with advertising opportunities on WVR's area stations. In the absence of the requested waiver or stay, however, WVR and Descendants Trust will be required to terminate the JSA on September 3, 2006, placing the economic viability of the Station in doubt.⁹

II. But for the Ban on Newspaper/Broadcast Cross-ownership, the WVR JSA Complies with the Commission's Ownership Rules

WVR is not seeking reconsideration or modification of the Commission's decision to consider JSA interests attributable under the multiple ownership rules. As noted above, attribution of the Station to WVR would not cause WVR to be in violation of the Commission's local ownership rules for radio. As demonstrated in the attached BIA Market Report, there are

⁹ See Miller Declaration. Declaration of Lauren M. Kelley, attached hereto as Exhibit B (the "Kelley Declaration").

30 stations in the Morgantown-Clarksburg-Fairmont, West Virginia, Market.¹⁰ In markets with 30 stations, the Commission's local radio ownership rules permit a single entity to hold attributable interests in up to seven commercial radio stations, with up to four stations in the same service (AM or FM).¹¹ Even with the attribution of the Station to WVR, WVR would hold attributable interests in just five commercial radio stations (one AM radio station and four FM radio stations) in the market. Indeed, but for the impact of the currently applicable newspaper/broadcast cross-ownership rule, WVR could own the Station outright without violating the Commission's ownership rules.

As described above, common ownership of *The Dominion Post* and the WVR stations is grandfathered under the Commission's rules. No such exception, however, would apply to the Station if the Commission were to deem it attributable to WVR. Under the currently applicable newspaper/broadcast cross-ownership rule, common ownership of *The Dominion Post* and the Station would not be permitted because the Station's 1 mV/m contour entirely encompasses the city of Morgantown, West Virginia. Thus, the sole issue for WVR and the Station is the application of the Commission's newspaper/broadcast cross-ownership rule to the relationships between *The Dominion Post*, WVR, and the Station due to the attribution of the Station to WVR, effective September 3, 2006.

III. The Commission and the Third Circuit Previously Rejected a Blanket Prohibition on Newspaper/Broadcast Cross-ownership

In the 2002 *Biennial Regulatory Review*, the Commission concluded that a blanket prohibition on newspaper/broadcast cross-ownership could not be justified on the basis of protecting competition, localism or diversity.¹² Specifically, the Commission found that most

¹⁰ See BIA Market Report, Morgantown-Clarksburg-Fairmont, WV, Market, attached hereto as Exhibit C.

¹¹ See 47 C.F.R. § 73.3555(a)(ii) (2005).

¹² 2002 *Biennial Regulatory Review*, 18 FCC Rcd at 13748.

advertisers do not view newspapers and radio stations as close substitutes, limiting the competitive impact of newspaper and radio cross-ownership.¹³ In addition, the record amassed by the Commission indicated that the newspaper/broadcast cross-ownership prohibition did not effectively promote broadcasters' provision of local news and information programming. In fact, in many cases, the combination of the newsgathering resources of local newspapers, combined with the reach of broadcast media, actually *enhanced* the provision local news and information.¹⁴ As such, the Commission concluded, "the rule is not necessary to promote localism (and may in fact harm localism)."¹⁵ Finally, the Commission concluded that "[A]gainst the backdrop of the last 27 years' growth in the number, breadth, and scope of informational and entertainment media available and the benefits that may accrue from common ownership ... a blanket prohibition on the common ownership of broadcast stations and daily newspapers in all communities and in all circumstances can no longer be justified as necessary to achieve and protect diversity."

In place of the blanket ban on newspaper/broadcast cross-ownership, the Commission created a general cross ownership limit, which would have permitted, among other things, newspaper/broadcast cross-ownership in small to medium sized markets (*i.e.*, Designated Market Areas, or "DMAs," with four to eight full power television stations) for entities that complied with the applicable local radio ownership rule and held no cognizable interest in any television station in the market and unlimited newspaper/broadcast cross-ownership in large markets (*i.e.*, DMAs with nine or more full power television stations).¹⁶ It is worth noting that, under this

¹³ *Id.* at 13749.

¹⁴ *Id.* at 13753-13759.

¹⁵ *Id.* at 13749.

¹⁶ *Id.* at 13802-13804.

cross-ownership limit, the JSA in this case would have been permissible, as the Pittsburgh DMA, which includes Morgantown, has eleven full power television stations.¹⁷

On review, the Third Circuit fully supported the Commission's conclusions with respect to the ban on newspaper/broadcast cross-ownership, stating that "reasoned analysis supports the Commission's determination that the blanket ban on newspaper/broadcast cross-ownership was no longer in the public interest."¹⁸ Given that both the Commission and the Court unreservedly concluded that a blanket prohibition on newspaper/broadcast cross-ownership does not serve the public interest, there is little doubt that the prohibition will be lifted, at least in DMAs as large as Pittsburgh, when the Commission concludes its media ownership proceeding on remand from the Third Circuit.

IV. The Requested Waiver or Stay Would Serve the Public Interest

In light of this pending action, Commission should not apply its JSA divestiture policy as of September 3, 2006, in cases involving JSAs subject to the soon-to-be eliminated newspaper/broadcast cross-ownership rule. Divestiture in this case would cause needless harm without any countervailing benefits to the public. As noted above, WVR has provided advertising sales services to the Station for ten years, first under the TBA with Fantasia and later under the JSA with Descendants Trust. The Station had no advertising revenue prior to WVR's provision of sales services and presently has no sales staff or back office support systems in place. Forcing the termination of the JSA at this point would disrupt the long-established relationships between WVR, the Station, and its advertisers and force the Station to replace a large, experienced sales staff with a smaller, newly formed and inexperienced one that will be unable to offer the same combination of advertising opportunities currently offered to

¹⁷ *Broadcasting & Cable Yearbook 2006*, B-193 (2006).

¹⁸ *Prometheus Radio Project v. FCC*, 373 F3d at 398.

advertisers. This fundamental shift in the Station's operations threatens the Station's ability to continue providing high-quality programming, if not the very economic viability of the Station.¹⁹

Permitting the parties to continue the JSA arrangement, on the other hand, would have no negative effects in the relevant markets. As WVR has no editorial control over the programming of the Station, the current JSA arrangement does not in any way threaten to limit the diversity of viewpoints in the market.²⁰ Diversity is further protected by the sheer number and variety of other media outlets in the relevant markets. As noted above, there are thirty radio stations in the Morgantown-Clarksburg-Fairmont, West Virginia, Arbitron Market.²¹ The Pittsburgh DMA, which includes Morgantown, the community in which *The Dominion Post* is published, is the twenty-second largest DMA in the country with eleven full power television stations and the Adelphia cable system serving Morgantown provides access to well over 100 different channels.²² Additionally, there are four other daily newspapers published in the area served by the Station: the *Times West Virginia*, published in Fairmont, West Virginia; *The Inter-Mountain*, published in Elkins, West Virginia; *The Exponent Telegram*, published in Clarksburg, West Virginia; and the *Daily Atheneum*, a commercial newspaper published by West Virginia University in Morgantown.²³

Finally, the JSA in this case raises no competitive concerns in the relevant markets. As WVR has provided advertising sales services for the Station for the past ten years, the requested waiver or stay would merely preserve the status quo in the relevant markets until such time as the newspaper/broadcast cross-ownership rule is repealed or amended. Moreover, the incidental common ownership interest between the Station and *The Dominion Post* has had no apparent

¹⁹ See Miller Declaration; Kelley Declaration.

²⁰ *Id.*

²¹ See BIA Market Report, attached hereto at Exhibit C.

²² See *Broadcast & Cable Yearbook 2006*, B-193; Exhibit D.

²³ *Editor & Publisher Yearbook 2005*, I-441-443 (2005).

impact on competition and is unlikely to have such an impact in the future. In the *2002 Biennial Regulatory Review*, the Commission found that most advertisers do not view newspapers and radio stations as close substitutes.²⁴ That is certainly the case here. Indeed, *The Dominion Post* has disparaged its radio competitors (including WVR) as substitutes for newspaper advertising.²⁵ Moreover, *The Dominion Post* does not provide news or other content to the Station.²⁶ Apart from the common ownership of WVR and the publisher of *The Dominion Post*, there are no formal or informal relationships between *The Dominion Post* and the Station and there are no plans to develop any such relationships.²⁷ Given the complete lack of any effect on diversity or competition that has resulted from the common ownership of WVR and the publisher of *The Dominion Post*, grant of the requested waiver or stay would have no conceivable competitive impact on the relevant local markets.

IV. Conclusion

As demonstrated herein, the termination of the JSA would be enormously disruptive to the Station, WVR, and advertisers in the relevant markets. Such disruption and resulting harms are simply not warranted, given the overwhelming likelihood that the Commission will soon act to eliminate or modify the newspaper/broadcast cross-ownership rule. Permitting the JSA to continue, on the other hand, would merely preserve the status quo and would not result in any harm to diversity, competition or the public interest. WRV therefore requests that the Commission grant a waiver of its rules attributing a cognizable interest in the Station to WRV under to the newspaper/broadcast cross-ownership rule. In the alternative, WRV requests that the effective date of Commission's rules requiring the termination or divestiture of existing JSAs

²⁴ *2002 Biennial Regulatory Review*, 18 FCC Rcd at 13745.

²⁵ See Exhibit E.

²⁶ Miller Declaration.

²⁷ *Id.*

that result in non-compliance with the newspaper/broadcast cross-ownership rule be stayed until one hundred and eighty (180) days after the Commission completes its reconsideration of the newspaper/broadcast cross-ownership rule. In unlikely event that the JSA in this case remains in conflict with the new cross-ownership rule, this period of time will permit the parties to the JSA to conduct an orderly unwinding of the JSA and establish new business arrangements that will permit the continued economic viability of the Station.

Respectfully submitted,

WEST VIRGINIA RADIO CORPORATION

By:


Harry C. Martin
Jeffrey J. Gee

Its Attorneys

Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209

(703) 812-0511

April 7, 2006

Exhibit A

Declaration of Dale B. Miller

Declaration of Dale B. Miller

I, Dale B. Miller, do hereby declare and state under penalty of perjury as follows:

1. I am the President of West Virginia Radio Corporation ("WVR"). I have oversight responsibility for and am familiar with the operations of the radio broadcast stations owned and operated by WVR, as well as the Joint Sales Agreement ("JSA") arrangement with Descendants Trust, Lauren M. Kelley, Trustee ("Descendants Trust") for radio broadcast station WKKW(FM), Fairmont, West Virginia (the "Station").
2. WVR is commonly-owned with The West Virginia Newspaper Publishing Company, which publishes *The Dominion Post*, a daily newspaper published in Morgantown, West Virginia.
3. The common ownership of *The Dominion Post* and WVR's Morgantown, West Virginia, stations has existed since well before 1975 and is grandfathered under the Commission's rules.
4. On May 10, 1996, WVR entered into a Time Brokerage Agreement (the "TBA") for the Station with the then-licensee of the Station, Fantasia Broadcasting, Inc. ("Fantasia").
5. At that time, the Station was severely underperforming and at risk of failing. When WVR began providing programming and sales services under the TBA, the Station had zero dollars of advertising sales on its books. During the term of the TBA, the Station greatly improved in both ratings and profitability.
6. In 2000, Fantasia sold the Station to Descendants Trust. On November 8, 2000, the TBA with Fantasia was terminated and WVR ceased providing programming to

the Station. At the same time, WVR and Descendants Trust, entered into a JSA, pursuant to which WVR continued to be responsible for selling all of the advertising time on the Station.

7. Under the terms of its JSA arrangement with Descendants Trust, WVR retains the revenue from the sale of advertising time on the Station and pays Descendants Trust a monthly fee of \$77,600. Additional fees are paid to Descendants Trust when sales revenues exceed certain levels.

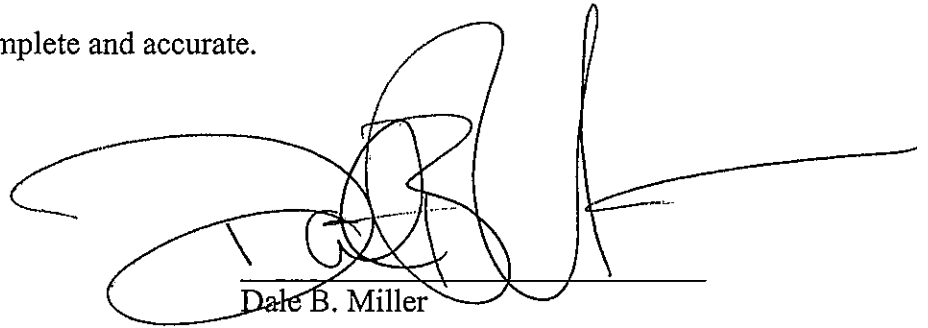
8. Pursuant to the terms of the JSA arrangement, WVR has no input or control over the programming of the Station apart from its sale of the advertising time on the Station. In addition, *The Dominion Post* provides no content for the Station and there are no current plans for *The Dominion Post* to do so in the future.

9. WVR has a large and experienced sales staff and well developed back office support systems in place for the sale of advertising time on the Station and WVR's stations.

10. WVR often sells advertising time on the Station in combination with advertising time on WVR's stations, a service many of WVR's advertisers find unique and valuable.

11. The advertising from *The Dominion Post* that is attached to the "Petition for Waiver or Stay" as Exhibit E was run in *The Dominion Post* on March 24, 2004.

12. I have reviewed the foregoing "Petition for Waiver or Stay" and to the best of my knowledge, information, and belief formed after due inquiry, the facts set forth in such Petition are true, complete and accurate.



A handwritten signature in black ink, appearing to read "Dale B. Miller", is written over a horizontal line. The signature is stylized with large, overlapping loops and a long horizontal stroke extending to the right.

April 6, 2006

Exhibit B

Declaration of Lauren M. Kelley

Declaration of Lauren M. Kelley

I, Lauren M. Kelley, do hereby declare and state under penalty of perjury as follows:

1. I am the sole trustee of Descendants Trust, which is the licensee of WKKW(FM), Fairmont, West Virginia (the "Station"). I have oversight responsibility for and am familiar with the operations of the Station, including the Joint Sales Agreement ("JSA") arrangement with West Virginia Radio Corporation ("WVR") for the Station.
2. Descendants Trust acquired the Station from Fantasia Broadcasting, Inc. on November 8, 2000. On that date Descendants Trust entered into a JSA arrangement with WVR.
3. Under the terms of its JSA arrangement with Descendants Trust, WVR is responsible for selling all of the advertising time on the Station and retains all of the revenue from such sales. In return, WVR pays Descendants Trust a monthly fee, which currently is \$77,600. Additional fees are paid to the Trust if sales revenues reach certain specified levels.
4. Pursuant to the terms of the JSA arrangement, WVR has no control over the programming of the Station apart from its sale of the advertising time on the Station. In addition, *The Dominion Post* provides no content for the Station and there are no current plans for *The Dominion Post* to do so in the future.
5. The monthly fees paid by WVR under the JSA arrangement are the Station's sole source of revenue. This revenue stream, however, has allowed the Station to consistently remain one of the top rated stations in the market.
6. Descendants Trust has never had its own sales staff or back office support systems for the sale of advertising on WKKW.
7. It would be very difficult to recruit and retain a sales staff of comparable size and quality to that provided by WVR under the terms of the JSA arrangement. Developing such a

staff would take a significant investment of capital and time. The Descendants Trusts' current studio and office facilities are small; if the Station were to hire its own sales team, it would necessitate a costly relocation of the Station's offices. Furthermore, if Descendants Trust were to hire its own sales staff, it would be a very long time before that staff could match the expertise of the current WVA staff and could develop the same depth of relationships with advertisers as the WVA staff enjoys. If Descendants Trust were compelled to hire its own sales staff this coming September, the Station undoubtedly would suffer a significant drop in revenues for a substantial period of time, thereby hampering the Trust's programming efforts. Depending how long it took to rebuild sales on the Station, the economic viability of the Station would be threatened.

8. I have reviewed the foregoing "Petition for Waiver or Stay" and to the best of my knowledge, information, and belief formed after due inquiry, the facts set forth in such Petition are true, complete and accurate.

April 6, 2006
Date

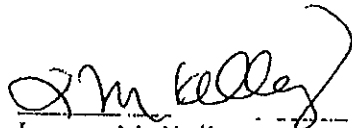

Lauren M. Kelley

Exhibit C

**BIA Market Report for the
Morgantown-Clarksburg-Fairmont, West Virginia, Market**



FCC Geographic Market Definition for

Call Letters	AM/FM	Freq	Type	Station	Format	Home Market	Market			City & State of License	County of License
							Designth	Home Mkt	Owner		
							Date	Rank			
WAJR	AM	1440	C	Tik/Nws/Spt	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia Radio Corporation	Morgantown, WV	Monongalia
WCLG	AM	1300	C	Oldies	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Bowers Broadcasting Corp	Morgantown, WV	Monongalia
WKWK	FM	97.9	C	Country	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Descendants Trust	Fairmont, WV	Marion
WFSP	AM	1560	C	Nws/Tlk/Gsp	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	12/22/2004	175	WFSP Inc	Kingwood, WV	Preston
WXKX	AM	1340	C	Sports	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Burbach Broadcasting	Clarksburg, WV	Harrison
WZST	FM	100.9	C	Country	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Tschudy Communications Corp	Westover, WV	Monongalia
WTBZ	AM	1260	C	Gospel	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	12/22/2004	175	Appalachian Radio LLC	Grafton, WV	Taylor
WMMN	AM	920	C	Nws/Spt/Tlk	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Fantasia Broadcasting Inc	Fairmont, WV	Marion
WPDX	AM	750	C	Nostalgia	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Tschudy Communications Corp	Clarksburg, WV	Harrison
WPDX	FM	104.9	C	Country	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Tschudy Communications Corp	Clarksburg, WV	Harrison
WOBG	AM	1400	C	Adlt Strnd	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Burbach Broadcasting	Clarksburg, WV	Harrison
WWLW	FM	106.5	C	AC	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia Radio Corporation	Clarksburg, WV	Harrison
WTCS	AM	1490	C	Tik/Nws/Spt	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Fantasia Broadcasting Inc	Fairmont, WV	Marion
WVAQ	FM	101.9	C	CHR	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia Radio Corporation	Morgantown, WV	Monongalia
WGIE	FM	92.7	C	Country	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Burbach Broadcasting	Clarksburg, WV	Harrison
WKMM	FM	96.7	C	Country	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	12/22/2004	175	p MarPat Corporation	Kingwood, WV	Preston
WRLF	FM	94.3	C	Cisc Rock	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Fantasia Broadcasting Inc	Fairmont, WV	Marion
WGYE	FM	102.7	C	Country	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Burbach Broadcasting	Mannington, WV	Marion
WCLG	FM	100.1	C	Rock	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Bowers Broadcasting Corp	Morgantown, WV	Monongalia
WDCI	FM	104.1	C	Soft AC	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Coshocton Broadcasting Company	Bridgeport, WV	Harrison
WOBG	FM	105.7	C	Cisc Rock	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Burbach Broadcasting	Salem, WV	Harrison
WBVQ	FM	93.1	C	Variety	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Descendants Trust	Barrackville, WV	Marion
WDKL	FM	95.9	NC	ChrsContem	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	12/22/2004	175	Educational Media Foundation	Grafton, WV	Taylor
WFSP	FM	107.7	C	Oldies	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	12/22/2004	175	WFSP Inc	Kingwood, WV	Preston
WOTR	FM	96.3	C	Gsp/Tlk/Cst	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Allman, James W.	Lost Creek, WV	Harrison
WAJR	FM	103.3	C	News/Talk	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia Radio Corporation	Salem, WV	Harrison
WKJL	FM	88.1	NC	Christian	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	He's Alive Inc	Clarksburg, WV	Harrison
WVPM	FM	90.9	NC	Nws/Tlk/Inf	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	West Virginia Educational Public Broadcasting	Morgantown, WV	Monongalia
WWVU	FM	91.7	NC	AOR	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	University of West Virginia	Morgantown, WV	Monongalia
WZWA	FM	90.1	NC	Religion	Morgantown-Clarksburg-Fairmont, WV	Morgantown-Clarksburg-Fairmont, WV	07/02/2003	175	Maranatha Broadcasting Inc (WV)	Clarksburg, WV	Harrison

Number of Stations in Geographic Market 30

Previous Stations in Geographic Market

WBTQ FM 93.5 C Hot AC Elkins-Buckhannon-Weston, WV 08/02/2005 271 Elkins Radio Corp

"C" - Commercial Station; "NC" - Non Commercial Station

"p" indicates pending sale to owner listed



FCC Geographic Market Definition for

Call Letters	AM/FM	Freq	Station Type	Format	Home Market	Market			City & State of License	County of License
						Designtn Date	Home Mkt Rank	Owner		
WBRB	FM	101.3	C	Country	Elkins-Buckhannon-Weston, WV	08/02/2005	271	Cat Radio Inc	Buckhannon, WV	Upshur

"C" - Commercial Station; "NC" - Non Commercial Station

"p" indicates pending sale to owner listed

Exhibit D

**Channel Lineup for
Adelphia Cable Entertainment of Morgantown, West Virginia**

Adelphia Cable Entertainment

Community : Morgantown WV

Channel	Network	Station/Service	Key
2	KDKA	KDKA	Broadcast Basic
3	COMMUNITY CHANNEL	Community Channel	Broadcast Basic
4	WTAE	WTAE	Broadcast Basic
5	WDTV	WDTV	Broadcast Basic
6	WPGH	WPGH	Broadcast Basic
7	TV GUIDE	TV GUIDE	Broadcast Basic
8	WNPB	WNPB	Broadcast Basic
9	WCWB	WCWB	Broadcast Basic
10	QVC	QVC	Broadcast Basic
11	WPXI	WPXI	Broadcast Basic
12	WBOY	WBOY	Broadcast Basic
13	WQED	WQED	Broadcast Basic
14	WVFX	WVFX	Broadcast Basic
15	GOVT ACCESS	Government Access	Broadcast Basic
16	WPCB	WPCB	Broadcast Basic
17	HN	Headline News	Broadcast Basic
18	TBN	Trinity Broadcasting Network	Broadcast Basic
19	SHOPNBC	SHOPNBC (formerly Valuvision)	Broadcast Basic
20	HALLMARK	Hallmark	Broadcast Basic
21	INSP	The New Inspirational Network	Broadcast Basic
22	WNPA	WNPA	Broadcast Basic
23	HSN	Home Shopping Network	Broadcast Basic
24	EWTN	Eternal Word Television Network	Broadcast Basic
25	C-SPAN	C-SPAN	Broadcast Basic
26	C-SPAN2	C-SPAN2	Broadcast Basic
27	WGN	WGN	Broadcast Basic
28	PIN	Product Information Network	Broadcast Basic
29	LIFETIME	Lifetime Television	Expanded Basic
30	A&E	Arts & Entertainment	Expanded Basic
31	HISTORY	The History Channel	Expanded Basic
32	CNN	CNN	Expanded Basic
33	FOX NEWS CHANNEL	Fox News Channel	Expanded Basic
34	TBS	TBS	Expanded Basic
35	ESPN	ESPN	Expanded Basic
36	ESPN2	ESPN2	Expanded Basic
37	FOXSP PITTSBURGH	Fox Sports Pittsburgh	Expanded Basic

38	TNT	TNT	Expanded Basic
39	FX	Fx	Expanded Basic
40	ANIMAL PLANET	Animal Planet	Expanded Basic
41	DISNEY	The Disney Channel	Expanded Basic
42	NICK	Nickelodeon	Expanded Basic
43	NOGGIN	Noggin	Expanded Basic
44	MSNBC	MSNBC	Expanded Basic
45	CNBC	CNBC	Expanded Basic
46	CMT	CMT	Expanded Basic
47	MTV2	MTV 2	Expanded Basic
48	VH-1	VH1	Expanded Basic
49	MTV	MTV	Expanded Basic
50	TWC	The Weather Channel	Expanded Basic
51	COMEDY	Comedy Central	Expanded Basic
52	TLC	The Learning Channel	Expanded Basic
53	DISCOVERY	The Discovery Network	Expanded Basic
54	SCI-FI	Sci-Fi	Expanded Basic
55	USA	USA Network	Expanded Basic
56	E!	E!	Expanded Basic
57	BRAVO	Bravo	Expanded Basic
58	HGTV	HGTV	Expanded Basic
59	SPIKE TV	Spike TV	Expanded Basic
60	TV LAND	TV Land	Expanded Basic
61	CARTOON	Cartoon Network	Expanded Basic
62	TRAVEL	Travel Channel	Expanded Basic
63	AMC	American Movie Classics	Expanded Basic
64	COURT	Court TV	Expanded Basic
65	FOOD NETWORK	Food Network	Expanded Basic
66	FAMILY CHANNEL	ABC Family Channel	Expanded Basic
67	INDEPENDENT TELEVISION	Independent Television	Expanded Basic
68	SPEED CHANNEL	Speed Channel	Expanded Basic
69	OXYGEN	Oxygen	Expanded Basic
70	STYLE	Style	Expanded Basic
71	PCNC	Pittsburgh Cable News Channel	Expanded Basic
72	BET	Black Entertainment Television	Expanded Basic
101	DISC KIDS	Discovery Kids	Digital-Basic
102	DISC SCIENCE	The Science Channel	Digital-Basic
103	DISC HOME	Discovery Home	Digital-Basic
104	DISC TIMES	Discovery Times Channel	Digital-Basic
105	DISC HEALTH	Discovery Health	Digital-Basic

106	MILITARY CHANNEL	Military Channel	Digital-Basic
107	GAC	Great American Country	Digital-Basic
108	GAMESHOW NETWORK	Game Show Network	Digital-Basic
109	BBCAMERICA	BBC Americas	Digital-Basic
110	AMERILIFE	American Life	Digital-Basic
111	WPXI WEATHER PLUS	WPXI Weather Plus	Digital-Basic
113	INSPLIFE	Inspirational Life	Digital-Basic
114	AZN TELEVISION	AZN Television	Digital Basic Plus
115	BIOGRAPHY	Biography Channel	Digital Basic Plus
116	THCI	History Channel International	Digital Basic Plus
117	TOON DISNEY	Toon Disney	Digital-Basic
118	SOAPNET	SoapNet	Digital-Basic
120	NAT GEO	National Geographic	Digital-Basic
121	GOLF	The Golf Channel	Digital-Basic
125	FOX SOCCER	Fox Soccer Channel	Digital-Basic
126	OLN	Outdoor Life Network	Digital Basic Plus
127	OUTDOOR CHANNEL	Outdoor Channel	Digital-Basic
128	BLOOMBERG	Bloomberg	Digital-Basic
129	G4	Gaming Network	Digital-Basic
130	FIT TV	Fit TV	Digital-Basic
131	ESPN CLASSIC	ESPN Classic	Digital-Basic
132	ESPN NEWS	ESPN News	Digital-Basic
133	ESPNU	ESPNU	Digital Basic Plus
134	DIY	DIY	Digital-Basic
135	FINE LIVING	Fine Living	Digital Basic Plus
136	CNBCWRLD	CNBC World	Digital Basic Plus
138	FUSE	FUSE	Digital-Basic
139	MTV JAMS	MTV Jams	Digital-Basic
140	WE	WE: Women's Entertainment	Digital-Basic
141	TCM	Turner Classic Movies	Digital-Basic
143	VH1 COUNTRY	VH1 Country	Digital-Basic
144	VH1 ROCK	VH1 Classic Rock	Digital-Basic
146	FOX MOVIE CHANNEL	Fox Movie Channel	Digital-Basic
147	IFC	Independent Film Channel	Digital Basic Plus
152	NICK GAS	Nick GAS	Digital-Basic
153	NICK TOO	Nick Too	Digital-Basic
154	NICKTOONS	Nicktoons Network	Digital-Basic
155	VH1 SOUL	VH1 Soul	Digital-Basic
156	BLACK FAMILY	Black Family Channel	Digital-Basic
158	WORD	WORD	Digital-Basic

160	MTV HITS	MTV Hits	Digital-Basic
161	LOGO	LOGO	Digital-Basic
163	LIFE MOVIES	Lifetime Movies	Digital-Basic
164	SUNDANCE	Sundance	Digital Basic Plus
165	FOX REALITY	Fox Reality	Digital Basic Plus
166	FUEL	FUEL	Digital Basic Plus
171	FOXSPATLANTIC	Fox Sports Digital Atlantic	Digital Basic Plus
172	FOXSPCENTRAL	Fox Sports Digital Central	Digital Basic Plus
173	FOXSPPACIFIC	Fox Sports Digital Pacific	Digital Basic Plus
177	NFL NETWORK	NFL Network	Digital-Basic
201	HBO	HBO	HBO Digital
202	HBO2	HBO 2	HBO Digital
203	HBO SIGNATURE	HBO Signature	HBO Digital
204	HBO FAMILY	HBO Family	HBO Digital
205	HBO COMEDY	HBO Comedy	HBO Digital
206	HBO ZONE	HBO Zone	HBO Digital
207	HBO LATINO	HBO Latino	HBO Digital
208	HBO	HBO	HBO Digital
209	HBO2	HBO 2	HBO Digital
210	HBO SIGNATURE	HBO Signature	HBO Digital
211	HBO FAMILY	HBO Family	HBO Digital
214	HBO LATINO	HBO Latino	HBO Digital
221	SHOWTIME	Showtime	Showtime Unlimited
222	SHOW TOO	Showtime Too	Showtime Unlimited
223	SHOWCASE	Showtime Showcase	Showtime Unlimited
224	SHOW EXTREME	Showtime Extreme	Showtime Unlimited
225	SHOW BEYOND	Showtime Beyond	Showtime Unlimited
226	SHOWTIME	Showtime	Showtime Unlimited
227	SHOW TOO	Showtime Too	Showtime Unlimited
228	SHOWCASE	Showtime Showcase	Showtime Unlimited
229	SHOW EXTREME	Showtime Extreme	Showtime Unlimited
230	SHOW BEYOND	Showtime Beyond	Showtime Unlimited
231	TMC	The Movie Channel	Showtime Unlimited
232	TMCXTRA	TMCxtra	Showtime Unlimited
233	TMC	The Movie Channel	Showtime Unlimited
234	TMCXTRA	TMCxtra	Showtime Unlimited
235	FLIX	Flix	Showtime Unlimited
236	FLIX	Flix	Showtime Unlimited
241	STARZ	Starz	Starz Super Pak
242	STARZ	Starz	Starz Super Pak

243	STARZEDG	Starz Edge	Starz Super Pak
244	STARZKID	Starz Kids & Family	Starz Super Pak
245	STARZ CINEMA	Starz Cinema	Starz Super Pak
246	STARZ CINEMA	Starz Cinema	Starz Super Pak
247	STARZINB	Starz in Black	Starz Super Pak
248	ENCORE	Encore	Digital Basic Plus
248	ENCORE	Encore	Encore Movie Pak
249	ENCORE	Encore	Digital Basic Plus
249	ENCORE	Encore	Encore Movie Pak
250	ENC LOVE	Encore Love	Digital Basic Plus
250	ENC LOVE	Encore Love	Encore Movie Pak
251	ENC LOVE	Encore Love	Digital Basic Plus
251	ENC LOVE	Encore Love	Encore Movie Pak
252	ENC WESTERNS	Encore Westerns	Digital Basic Plus
252	ENC WESTERNS	Encore Westerns	Encore Movie Pak
253	ENC WESTERNS	Encore Westerns	Digital Basic Plus
253	ENC WESTERNS	Encore Westerns	Encore Movie Pak
254	ENC MYSTERY	Encore Mystery	Digital Basic Plus
254	ENC MYSTERY	Encore Mystery	Encore Movie Pak
255	ENC MYSTERY	Encore Mystery	Digital Basic Plus
255	ENC MYSTERY	Encore Mystery	Encore Movie Pak
256	ENC DRAMA	Encore Drama	Digital Basic Plus
256	ENC DRAMA	Encore Drama	Encore Movie Pak
257	ENC DRAMA	Encore Drama	Digital Basic Plus
257	ENC DRAMA	Encore Drama	Encore Movie Pak
258	ENC ACTION	Encore Action	Digital Basic Plus
258	ENC ACTION	Encore Action	Encore Movie Pak
259	ENC ACTION	Encore Action	Digital Basic Plus
259	ENC ACTION	Encore Action	Encore Movie Pak
260	ENC WAM!	Encore Wam!	Digital Basic Plus
260	ENC WAM!	Encore Wam!	Encore Movie Pak
268	WMAX	Womens Max	Cinemax Digital
269	AT MAX	At Max	Cinemax Digital
270	CINEMAX	Cinemax	Cinemax Digital
271	MOREMAX	More Max	Cinemax Digital
272	ACTION MAX	Action Max	Cinemax Digital
273	THRILLER MAX	Thriller Max	Cinemax Digital
274	CINEMAX	Cinemax	Cinemax Digital
275	MOREMAX	More Max	Cinemax Digital
276	ACTION MAX	Action Max	Cinemax Digital

278	5STARMAX	5Star Max	Cinemax Digital
279	OUTERMAX	Outer Max	Cinemax Digital
300	PPV INFO	PPV Information	Digital PPV (Movies & Events)
301	PPV1	HITS PPV 1	Digital PPV (Movies & Events)
302	PPV2	HITS PPV 2	Digital PPV (Movies & Events)
303	PPV3	HITS PPV 3	Digital PPV (Movies & Events)
304	PPV4	HITS PPV 4	Digital PPV (Movies & Events)
305	PPV5	HITS PPV 5	Digital PPV (Movies & Events)
306	PPV6	HITS PPV 6	Digital PPV (Movies & Events)
307	PPV7	HITS PPV 7	Digital PPV (Movies & Events)
308	PPV8	HITS PPV 8	Digital PPV (Movies & Events)
309	PPV9	HITS PPV 9	Digital PPV (Movies & Events)
340	PLAYBOY	Playboy Channel	Playboy Subscription Digital
341	PLAYBOY	Playboy Channel	Adult PPV Digital
342	HOT NET	Hot Net	Adult PPV Digital
343	SPICE	Spice	Adult PPV Digital
344	SPICE2	Spice 2	Adult PPV Digital
345	HOT CHOICE	Hot Choice	Adult PPV Digital
401	MC SHOWCASE	MC Showcase	Digital Music (MC or DMX)
402	MC TODAY	MC Todays Country	Digital Music (MC or DMX)
403	MC COUNTRY	MC Classic Country	Digital Music (MC or DMX)
404	MC BLUEGRASS	MC Bluegrass	Digital Music (MC or DMX)
405	MC R&B/HIP-HOP	MC R&B and Hip-Hop	Digital Music (MC or DMX)
406	MC CLASSIC R&B	MC Classic R&B	Digital Music (MC or DMX)
407	MC SMOOTH R&B	MC Smooth R&B	Digital Music (MC or DMX)
408	MC R&B HITS	MC R&B Hits	Digital Music (MC or DMX)
409	MC RAP	MC Rap	Digital Music (MC or DMX)
410	MC METAL	MC Metal	Digital Music (MC or DMX)
411	MC ROCK HITS	MC Rock Hits	Digital Music (MC or DMX)
412	MC ARENA ROCK	MC Arena Rock	Digital Music (MC or DMX)
413	MC CLASSIC ROCK	MC Classic Rock	Digital Music (MC or DMX)
414	MC ALTERNATIVE	MC Alternative	Digital Music (MC or DMX)
415	MC RETROACTIVE	MC Retroactive	Digital Music (MC or DMX)

416	MC ELECTRONICA	MC Electronica	Digital Music (MC or DMX)
417	MC DANCE	MC Dance	Digital Music (MC or DMX)
418	MC ADULT ALTERNATIVE	MC Adult Alternative	Digital Music (MC or DMX)
419	MC SOFT ROCK	MC Soft Rock	Digital Music (MC or DMX)
420	MC HIT LIST	MC Hit List	Digital Music (MC or DMX)
421	MC PARTY	MC Party Favorites	Digital Music (MC or DMX)
422	MC 90s	MC 90s Channel	Digital Music (MC or DMX)
423	MC 80s	MC 80s Power Hits	Digital Music (MC or DMX)
424	MC 70s	MC 70s Super Hits	Digital Music (MC or DMX)
425	MC SOLID GOLD	MC Solid Gold Oldies	Digital Music (MC or DMX)
426	MC SINGERS	MC Singers & Standards	Digital Music (MC or DMX)
427	MC BIG BAND&SWING	MC Big Band & Swing	Digital Music (MC or DMX)
428	MC EASY	MC Easy Listening	Digital Music (MC or DMX)
429	MC SMOOTH JAZZ	MC Smooth JazzDig	ital Music (MC or DMX)
430	MC JAZZ	MC Jazz	Digital Music (MC or DMX)
431	MC BLUES	MC Blues	Digital Music (MC or DMX)
432	MC REGGAE	MC Reggae	Digital Music (MC or DMX)
433	MC SOUNDSCAPES	MC Soundscapes	Digital Music (MC or DMX)
434	MC CLASSICAL	MC Classical Masterpieces	Digital Music (MC or DMX)
435	MC OPERA	MC Opera	Digital Music (MC or DMX)
436	MC LITE CLASS	MC Lite Classical	Digital Music (MC or DMX)
437	MC SHOW TUNES	MC Show Tunes	Digital Music (MC or DMX)
438	MC CHRISTIAN	MC Contemporary Christian	Digital Music (MC or DMX)
439	MC GOSPEL	MC Gospel	Digital Music (MC or DMX)
440	MC RADIO DISNEY	MC Radio Disney	Digital Music (MC or DMX)
441	MC SOUNDS	MC Sounds of Season	Digital Music (MC or DMX)
442	MC MUSICA URBANA	MC Musica Urbana	Digital Music (MC or DMX)
443	MC SALSA	MC Salsa Y Merengue	Digital Music (MC or DMX)
444	MC ROCK'EN ESP	MC Rock 'En Espanol	Digital Music (MC or DMX)
445	MC POP LATINO	MC Pop Latino	Digital Music (MC or DMX)
501	ESPN PAK	ESPN PPV	Sports PPV
502	ESPN PAK	ESPN PPV	Sports PPV
503	ESPN PAK	ESPN PPV	Sports PPV
504	ESPN PAK	ESPN PPV	Sports PPV
505	ESPN PAK	ESPN PPV	Sports PPV
506	ESPN PAK	ESPN PPV	Sports PPV
531	NHL/MLB SEASON PACKAGES	NHL/MLB Sports PPV	Sports PPV
532	NHL/MLB SEASON PACKAGES	NHL/MLB Sports PPV	Sports PPV
533	NHL/MLB SEASON	NHL/MLB Sports PPV	Sports PPV

	PACKAGES		
534	NHL/MLB SEASON PACKAGES	NHL/MLB Sports PPV	Sports PPV
535	NHL/MLB SEASON PACKAGES	NHL/MLB Sports PPV	Sports PPV
536	NHL/MLB SEASON PACKAGES	NHL/MLB Sports PPV	Sports PPV
537	NHL/MLB SEASON PACKAGES	NHL/MLB Sports PPV	Sports PPV
538	NHL/MLB SEASON PACKAGES	NHL/MLB Sports PPV	Sports PPV
539	NHL/MLB SEASON PACKAGES	NHL/MLB Sports PPV	Sports PPV
540	NHL/MLB SEASON PACKAGES	NHL/MLB Sports PPV	Sports PPV
702	KDKA HD	KDKA High Definition	Broadcast HD (High Definition)
704	WTAE HD	WTAE HD	Broadcast HD (High Definition)
711	WPXI HD	WPXI HD	Broadcast HD (High Definition)
713	WQED HD	WQED (High Definition)	Broadcast HD (High Definition)
750	HD HBO	HBO HD	HBO HD (High Definition)
751	HD SHOWTIME	Showtime HD	Showtime HD (High Definition)
752	HD STARZ	Starz HD	Starz HD (High Definition)
753	HD CINEMAX	Cinemax HD	Cinemax HD (High Definition)
770	HD NET	HD NET	HD PLUS TIER
771	HDN MOVIES	HD NET MOVIES	HD PLUS TIER
772	ESPN HD	ESPN HD	HD PLUS TIER
773	ESPN2 HD	ESPN2 HD	HD PLUS TIER
774	INHD1	iNDemand HD	HD PLUS TIER
775	INHD2	iNDemand HD 2	HD PLUS TIER
776	DISC HD	Discovery HD	HD PLUS TIER
777	NFL HD	NFL Network HD	HD PLUS TIER

Exhibit E

Advertisements from The Dominion Post

New Research Reveals:

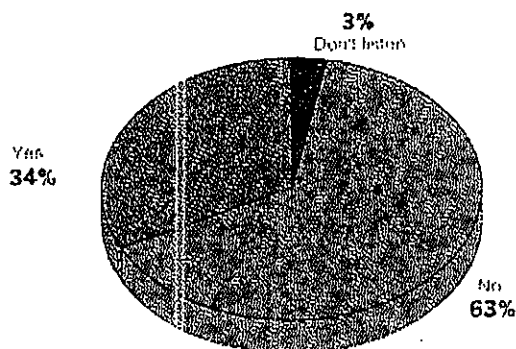
Most adults in our market DO NOT listen to radio.

4 in 10 adults (40%) listen to the radio between 7 am and 8 am, and even fewer listen between 5 pm and 6 pm (32%), the most listened-to time slots.

7 a.m. to 8 a.m.



5 p.m. to 6 p.m.



Source: American Opinion Research August, 2003. Total adults in Morgantown area market 90,890

For more information on this revealing new local Market Research project, call your Account Executive today. (304) 291-9449

THE DOMINION
Post
Nobody delivers like we do

New Research Reveals:

We are the top advertising source.

When asked what their primary source for local sales and shopping information was, local consumers responded as follows:

	ALL ADULTS(%)	EXCLUDING STUDENTS(%)
NEWSPAPERS	56	61
The Dominion Post	50	57
Daily Atheneum	4	1
Other newspapers	2	3
TELEVISION	10	7
NBC	3	2
CBS	1	1
FOX	1	1
ABC	1	1
Other television	4	2
WEEKLY NEWSPAPERS	8	9
Penny Saver	4	4
Other weeklies	4	5
MAIL	8	6
RADIO	3	3
AT THE STORE	2	2
INTERNET	2	1
OTHER	2	1
DON'T KNOW	9	9

Source: American Opinion Research August, 2003. Total adults in Montgomery Area market 93,890

For more information on this revealing new local Market Research project, call your Account Executive today. (304) 291-9449

THE DOMINION
Post
Nobody delivers like we do