



Federal Communications Commission
Washington, D.C. 20554

February 26, 2016

America-CV Station Group, Inc.
c/o Francisco R. Montero, Esq.
1300 North 17th Street, 11th Floor
Arlington, VA 20009-3801

Re: *Application for Consent to Assignment of Licenses and Request for Continued Satellite Authority*
WKPV(TV), Ponce, PR, Fac. ID No. 58341
WJWN-TV, San Sebastian, PR, Fac. ID No. 58342
WIRS(TV), Yauco, PR, Fac. ID No. 39887
WJPX(TV), San Juan, PR, Fac. ID No. 58340
WPXO-LD, East Orange, NJ, Fac. ID No. 14311
WJAN-CD, Miami, FL, Fac. ID No. 60165
WFUN-LD, Miami, FL, Fac. ID No. 60542
File No. BTCCDT - 20160111ACN

Dear Counsel:

By this letter we grant the above-captioned uncontested application for the assignment of seven television licenses from Pedro V. Roig, Receiver ("Receiver") to America-CV Station Group, Inc. ("ACV"). In connection with the sale, we grant ACV continued authority to operate stations WKPV(TV), Ponce, PR, WJWN-TV, San Sebastian, PR, and WIRS(TV), Yauco, PR, as satellites of WJPX(TV), San Juan, PR, pursuant to the satellite exemption to the local television ownership rule.¹

In *Television Satellite Stations*, the Commission adopted "a presumption that TV satellite operations are in the public interest if individual applicants can satisfy certain public interest criteria."² The presumptive satellite exemption to the duopoly rule is therefore met if the following three public interest criteria are satisfied: (1) there is no City Grade overlap between the parent and the satellite; (2) the proposed satellite would provide service to an underserved area; and (3) no alternative operator is ready and able to construct or to purchase and operate the satellite as a full-service station.³ If an applicant does not qualify for the presumption, the Commission will evaluate the proposal on an *ad hoc* basis and grant the application if there are compelling circumstances that warrant approval.⁴ No objections have been filed against this requested continued "satellite exemption." The Commission last

¹ 47 C.F.R. § 73.3555, Note 5.

² *Television Satellite Stations Review of Policies and Rules*, Report and Order, 6 FCC Rcd 4212, 4213 (1991) (subsequent history omitted) ("*Television Satellite Stations*").

³ *Id.* at 4213-14.

⁴ *Id.* at 4214.

granted WIRS(TV), WKPV(TV), and WJWN-TV continued satellite status in 2008⁵ and before that, the stations had long continuously operated as satellites.⁶

With regard to the first criterion, we recognize that, following the digital transition, full-power television stations have a digital Principal Community contour that serves a much larger area than their former analog City Grade contour, and that the first criterion of the presumptive standard is no longer relevant in the digital environment.⁷

With regard to the second criterion, ACV has provided evidence that stations WIRS(TV), Yauco, PR, and WJWN-TV, San Sebastian, PR are located in underserved areas. The “transmission” test deems an area underserved where there are two or fewer full-service television stations (including commercial, noncommercial, and satellite stations) licensed to a proposed satellite’s community of license.⁸ WIRS(TV) is the only television station licensed to the community of Yauco, and WJWN-TV is the only full-service station licensed to the community of San Sebastian.⁹ As for WKPV(TV), ACV is unable to demonstrate that the station is located in an underserved area since there other full-service television stations licensed to the community of Ponce, PR.¹⁰ However, ACV contends that the Commission has not previously considered this fact to be an obstacle to granting the station continued satellite status considering the “stringent economic circumstances and the unusually severe terrain conditions” of Puerto Rico. Moreover, none of the other stations licensed to Ponce are independently owned; rather, all of the commercial stations are commonly owned with stations in San Juan or nearby Caguas.¹¹

With regard to the third criterion, an applicant must show that no alternative operator is ready and able to construct, or to purchase and operate, the proposed satellite as a full-service station. However, the applicant does not base satisfaction of the third criterion on efforts to sell the satellite stations. Rather, ACV contends that based on the economic conditions in Puerto Rico, it is clear that no alternative operator is available to acquire any of the satellite stations as stand-alone operations. The satellite stations are isolated from the island’s economic center in San Juan and none of the stations are able to generate any revenue through the sale of local advertising time. Thus, ACV contends that in the absence of the rebroadcast arrangement with station WJPX(TV), the stations would lack the financial resources to continue operations on their own.¹²

While the instant request does not satisfy the criteria of the Commission’s presumptive satellite standard, we find that ACV has set forth information sufficient to warrant continued satellite status for

⁵ See *S&E Network, Inc.*, 23 FCC Rcd 13295 (MB Vid. Div. 2008).

⁶ See Exhibit 16, Demonstration of Compliance with Local Television Ownership Rule and Request for Continuation of Satellite Status for Stations WIRS(TV), WKPV(TV), and WJWN-TV at 10-11 (“Continuing Satellite Waiver Request”). See also *Paxson Communications of San Juan, Inc.*, 16 FCC Rcd 14139 (2001) (granting continued satellite exceptions for WKPV(TV) and WJWN-TV); *Broadcast Actions*, Public Notice, Report No. 45633 (Dec. 16, 2003) (approving operation of WIRS(TV) as a satellite of station WJPX(TV)).

⁷ *LIN License Co., LLC*, Letter Order, 27 FCC Rcd 12082, 12083 (MB Vid. Div. 2012).

⁸ *Television Satellite Stations*, 6 FCC Rcd at 4215.

⁹ Continuing Satellite Waiver Request at 10-12.

¹⁰ *Id.* at 12.

¹¹ *Id.*

¹² *Id.* at 9-12.

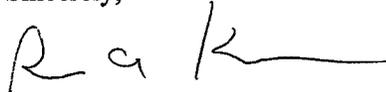
WIRS(TV), WKPV(TV), and WJWN-TV pursuant to our *ad hoc* analysis. Given these stations' long history as satellites of WJPX(TV), the small size and concentrated nature of the market which makes financial stability difficult to achieve, and the terrain and economic factors militating against successful full-service operation in Puerto Rico outside of San Juan, it does not appear likely that an alternative operator would be willing to operate these satellites as full-service stations. We see no evidence in the record that continuing the satellite exemption will harm competition in the market. Indeed, we find that doing so will benefit the public interest by promoting access to broadcast services which may otherwise not be feasible. For the reasons discussed above, we find that the continued operation of WIRS(TV), WKPV(TV), and WJWN-TV as satellites of WJPX(TV) would be in the public interest.

Furthermore, having reviewed the application and other facts before us, we conclude that, not only will grant of the application comply with Commission rules, but that grant will serve the public interest, convenience, and necessity.

ACCORDINGLY, IT IS ORDERED, That the request for the continued operation of stations WKPV(TV), Ponce, PR, WJWN-TV, San Sebastian, PR, and WIRS(TV), Yauco, PR, as satellites of WJPX(TV), San Juan, PR, pursuant to the satellite exception to the duopoly rule, Section 73.3555, Note 5, of the Commission's rules, IS GRANTED.

IT IS FURTHER ORDERED, That the above-referenced application for consent to assign the licenses of WKPV(TV), Ponce, PR, WJWN-TV, San Sebastian, PR, WIRS(TV), Yauco, PR, WJPX(TV), San Juan, PR, WPXO-LD, East Orange, NJ, WJAN-CD, Miami, FL, and WFUN-LD, Miami, FL (File No. BTCCDT - 20160111ACN) IS GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read 'B A K' followed by a long horizontal flourish.

Barbara A. Kreisman
Chief, Video Division
Media Bureau