

Multiple Ownership Showing

By the instant application, Univision Radio License Corporation, a subsidiary of Univision Communications Inc. ("Univision"), seeks to acquire radio stations KLOK(AM), San Jose and KBRG(FM), San Jose, California.

Radio Multiple Ownership

Stations KLOK(AM) and KBRG(FM) are licensed to San Jose, California, in the San Jose, California radio market. The San Jose radio market is embedded within the San Francisco, California radio market. Accordingly, analysis of ownership involving KLOK(AM) and KBRG(FM) must be made with respect to both the San Francisco and San Jose radio markets.

Univision, through subsidiaries, currently owns stations KVVZ(FM), Santa Clara, California, KSOL(FM), San Francisco, California, and KVVZ(FM), San Rafael, California. KVVZ(FM) is located in the San Jose radio market. Accordingly, analysis of ownership involving KVVZ(FM) must be made with respect to both the San Francisco and San Jose radio markets. KSOL(FM) and KVVZ(FM) are located in and home to the San Francisco market. Accordingly, analysis of ownership involving those stations must only be made with respect to the San Francisco market.

San Jose: In the San Jose market, Univision would own KVVZ(FM), Santa Clara, KBRG(FM), San Jose and KLOK(AM), San Jose, post-consummation. Attached as Attachment 1 hereto is a printout from BIA MediaAccess Pro showing that the San Jose radio market has 25 radio stations. Pursuant to Section 73.3555(a)(1)(iii) of the FCC's rules, 47 C.F.R. § 73.3555(a)(1)(iii), in a market with between 15 and 29 stations, a single entity may control up to six stations, not more than four of which are in the same radio service. Accordingly, common ownership of KVVZ(FM), KLOK(AM) and KBRG(FM) complies with the FCC's radio multiple ownership rules in the San Jose radio market.

San Francisco: In the San Francisco market, Univision would own KVVZ(FM), Santa Clara, KSOL(FM), San Francisco, KVVZ(FM), San Rafael, KBRG(FM), San Jose and KLOK(AM), San Jose. Attached as Attachment 2 hereto is a printout from BIA MediaAccess Pro showing that the San Francisco radio market has more than 45 radio stations. Pursuant to Section 73.3555(a)(1)(i) of the FCC's rules, 47 C.F.R. § 73.3555(a)(1)(i), in a market with 45 or more radio stations, a single entity may control up to eight radio stations, not more than five of which are in the same radio service. Accordingly, common ownership of KVVZ(FM), KSOL(FM), KVVZ(FM), KLOK(AM) and KBRG(FM) complies with the FCC's radio multiple ownership rules in the San Francisco radio market.

Radio-Television Cross-Ownership

The San Jose and San Francisco radio markets are located in the San Francisco-Oakland-San Jose television Dominant Market Area (“DMA”), as defined by Nielsen. In the San Francisco-Oakland-San Jose DMA, Univision currently owns two television stations, KDTV(TV), San Francisco, and KFSF(TV), Vallejo. Pursuant to Section 73.3555(c), 47 C.F.R. § 73.3555(c), the Commission’s radio-television cross-ownership rule is triggered when the Grade A contour of a commonly-owned television station wholly encompasses the community of license of the radio station. The rule is also triggered when the 1 mV/m contour of an FM station or the 2 mV/m contour of an AM station wholly encompasses the community of license of a commonly-owned television station. Where radio stations in different radio markets are involved, the rule must be satisfied in each radio market.

Attached as Attachment 3 is a map showing the Grade A contours of KDTV(TV) and KFSF-TV, the 1 mV/m contours of radio stations KSOL(FM), KVVZ(FM), KVVZ(FM), and KBRG(FM), and the 2 mV/m contour of KLOK(AM). The Grade A contour of KDTV(TV) wholly encompasses the communities of license of KBRG(FM), KLOK(AM), KSOL(FM), and KVVZ(FM). The 1 mV/m contour of KVVZ(FM) wholly encompasses the community of license of KDTV(TV). Thus, a one television, five radio station combination is created in both the San Francisco and San Jose radio markets.

Pursuant to Section 73.3555(c)(2)(i), 47 C.F.R. § 73.3555(c)(2)(i), a single entity may own up to two television and six radio stations or one television and seven radio stations in any market in which at least 20 independent media voices will remain post-consummation, assuming the combination also satisfies the Commission’s rules regarding television duopoly¹ and radio multiple ownership.² The number of independent media voices in a market includes the television stations located in the DMA of the commonly-owned television station, independently owned radio stations located in the radio market of either the radio or the television station, as well as certain newspapers and cable systems. As shown in Attachment 4, there are sufficient television, newspaper and cable voices in the San Francisco-Oakland-San Jose television DMA to satisfy the 20-voice requirement with respect to both the San Francisco and San Jose radio markets. As sufficient voices have been demonstrated, additional independent radio voices present in each market have not been detailed here, but are identified in Attachments 2 and 3. Accordingly, the proposed combination complies with the FCC’s radio-television cross-ownership rules in the San Francisco and San Jose radio markets.

¹ The FCC’s television duopoly rule, Section 73.3555(b), 47 C.F.R. § 73.3555(b), requires that there be at least eight independent television stations in the DMA with contours that overlap the television stations to be commonly-owned. Univision has previously demonstrated such compliance. Moreover, Attachment 4 demonstrates that at least eight such stations exist in the San Francisco-Oakland-San Jose DMA.

² Such compliance is demonstrated above.

It is noted that the Grade A contour of KFSF-TV does not wholly encompass San Jose, nor do the 1 mV/m contour of KBRG(FM) nor the 2 mV/m contour of KLOK(AM) encompass Vallejo. Accordingly, no new cross-ownership combination is created by the proposed transaction with respect to Univision's ownership of KFSF-TV. Nevertheless, as demonstrated above, sufficient voices would be present in the market to permit the common ownership of two television and five radio stations.

It is also noted that the 2 mV/m contour of KLOK(AM) wholly encompasses the communities of Modesto and Stockton, in the Sacramento-Stockton-Modesto television DMA and Modesto and Stockton radio markets. Univision, through subsidiaries, is the licensee of television stations KUVS-TV, Modesto, and KTFK-TV, Stockton. Univision does not own any other radio stations in the Sacramento market. Pursuant to Section 73.3555(c)(2), 47 C.F.R. § 73.3555(c)(2), the common ownership of one radio and two television stations is permitted in any market in which the television duopoly rule is satisfied.³ Accordingly, the proposed combination complies with the FCC's radio-television cross-ownership rules in the Modesto and Stockton radio markets.

The 2 mV/m contour of KLOK(AM) and the 1 mV/m contour of KBRG(FM) wholly encompass the community of Monterey in the Monterey-Salinas-Santa Cruz radio market. Pursuant to the Commission's decision in Shareholders of Hispanic Broadcasting Corporation, 18 FCC Rcd 18834 (2003), Univision is deemed to have an attributable interest in television stations owned by Entravision Communications Corporation if they are affiliated with a Univision network and Univision has the right to approve the sale of such station. Accordingly, Univision is attributed ownership of KSMS-TV, Monterey, owned by Entravision. In addition, Univision owns radio station KSQL(FM), Santa Cruz, in the Monterey-Salinas-Santa Cruz radio market.

Pursuant to Section 73.3555(c)(2)(ii), 47 C.F.R. § 73.3555(c)(2)(ii), a single entity may own up to two television and four radio stations so long as at least 10 independent media voices will remain post-consummation. As shown in Attachment 5, more than 10 independent radio voices are present in the Monterey-Salinas-Santa Cruz radio market. As sufficient voices have been demonstrated, additional independent television, newspaper and cable voices present in the market have not been detailed here, and the proposed combination complies with the FCC's radio-television cross-ownership rule in the Monterey-Salinas-Santa Cruz radio market.

³ Univision has previously demonstrated such compliance. See FCC File No. BALCT-20030429AAK.