

**EXHIBIT 17: DEMONSTRATION OF COMPLIANCE WITH LOCAL TELEVISION  
MULTIPLE OWNERSHIP RULE**

**A. Introduction**

This application seeks the FCC's consent to the assignment of the license for commercial television station KCNS(DT) (Fac. ID 71586), San Francisco, CA, Digital Channel 39, from MTB San Francisco Licensee LLC ("Assignor") to NRJ TV San Fran License Co, LLC ("NRJ TV San Fran" or "Assignee"). KCNS(DT)'s community of license is located in the San Francisco–Oakland–San Jose, CA designated market area ("DMA").

NRJ TV San Fran is a wholly-owned subsidiary of NRJ TV San Fran OpCo, LLC, a Delaware limited liability company, which in turn is wholly owned by NRJ TV, LLC ("NRJ HoldCo"), also a Delaware limited liability company. Certain individuals who, by virtue of their indirect ownership interest in NRJ HoldCo, will have an attributable interest in KCNS(DT) following the proposed assignment of license,<sup>1</sup> also may be considered to have an attributable interest in KTNC-TV (Fac. ID 21533), Concord, CA.<sup>2</sup> KTNC-TV's community of license, like KCNS(DT)'s, is located in the San Francisco–Oakland–San Jose, CA DMA.

The Commission's local television multiple ownership rule, commonly known as the TV duopoly rule, permits having attributable interests in two television stations in the same DMA if the following two-part test is satisfied: (1) at least one of the stations is not ranked among the top four stations in the DMA, based on the most recent all day (9 a.m.–midnight) audience share, at the time an application is filed proposing an assignment of license or transfer application that would give rise to the attributable

---

<sup>1</sup> J. Daniel Sullivan, U. Bertram Ellis, Jr., David Pulido, Janet Schoff, and James V. Sandry are the members of Titan Broadcast Management, LLC, which wholly owns 5 Star Spectrum, LLC, which is a member of NRJ Holdco. W. Lawrence Patrick and his wife Susan Patrick are the members of Drumcree, LLC, which is a member of NRJ Holdco.

<sup>2</sup> TTBG/KTNC License Sub, LLC is the licensee of KTNC-TV (Fac. ID 21533), Concord, CA, which is also in the San Francisco–Oakland–San Jose DMA. The indirect parent company of TTBG/KTNC License Sub, LLC is TTBG LLC. J. Daniel Sullivan, U. Bertram Ellis, Jr., David Pulido, James V. Sandry, and Janet Schoff are officers of TTBG LLC. J. Daniel Sullivan is a non-voting member and chairman, and W. Lawrence Patrick is a voting member, of the board of managers of TTBG LLC.

interests in the two television stations; and (2) there will remain at least eight independently-owned full-power television stations (commercial and noncommercial) in the DMA following the proposed transaction.<sup>3</sup> Assignee demonstrates below that it satisfies both parts of this test.

**B. The Proposed Transaction Satisfies the Top Four/Eight Voices Test of Section 73.3555(b).**

Neither KCNS(DT) nor KTNC-TV is affiliated with one of the major television networks. KCNS(DT) is an independent station. KTNC-TV is affiliated with Estrella TV.

Neither KCNS(DT) nor KTNC-TV was ranked among the top four stations in the San Francisco–Oakland–San Jose, CA DMA in the most recent all day (9 a.m.–midnight) audience share tabulation. Accordingly, the first part of the top four/eight voices test is satisfied.

Attachment 1 of this Exhibit demonstrates compliance with the second part of the test, *i.e.*, it shows there will be eight or more independently-owned full-power TV stations in the San Francisco–Oakland–San Jose, CA DMA following consummation of the proposed assignment of license. Under Section 73.3555(b), only TV stations that have service contour overlap with KCNS(DT) or KTNC-TV may be counted for purposes of the “eight voices” part of the test. Attachment 1A shows that 22 of the 23 full-power TV stations in the San Francisco–Oakland–San Jose, CA DMA, including KCNS(DT) and KTNC-TV, have overlapping service contours. Attachment 1B shows that 16 of these 22 stations with overlapping service contours, which is well above the minimum of eight, will remain independently-owned after the license for KCNS(DT) is assigned to NRJ TV San Fran.

Accordingly, both parts of the two-part test are satisfied, and the proposed assignment complies with the local television multiple ownership rule.

---

<sup>3</sup> 47 C.F.R. § 73.3555(b).

**ATTACHMENT 1A: TV Station Contours**

**FIGURE 1  
COVERAGE CONTOUR STUDY  
STATIONS WITH CONTOURS OVERLAPPING  
KCNS OR KTNC-TV IN THE  
SAN FRANCISCO-OAKLAND-  
SAN JOSE DMA**

prepared January 2011 for  
**NRJ TV San Fran License Co, LLC**

Cavell, Mertz & Associates, Inc.  
Manassas, Virginia

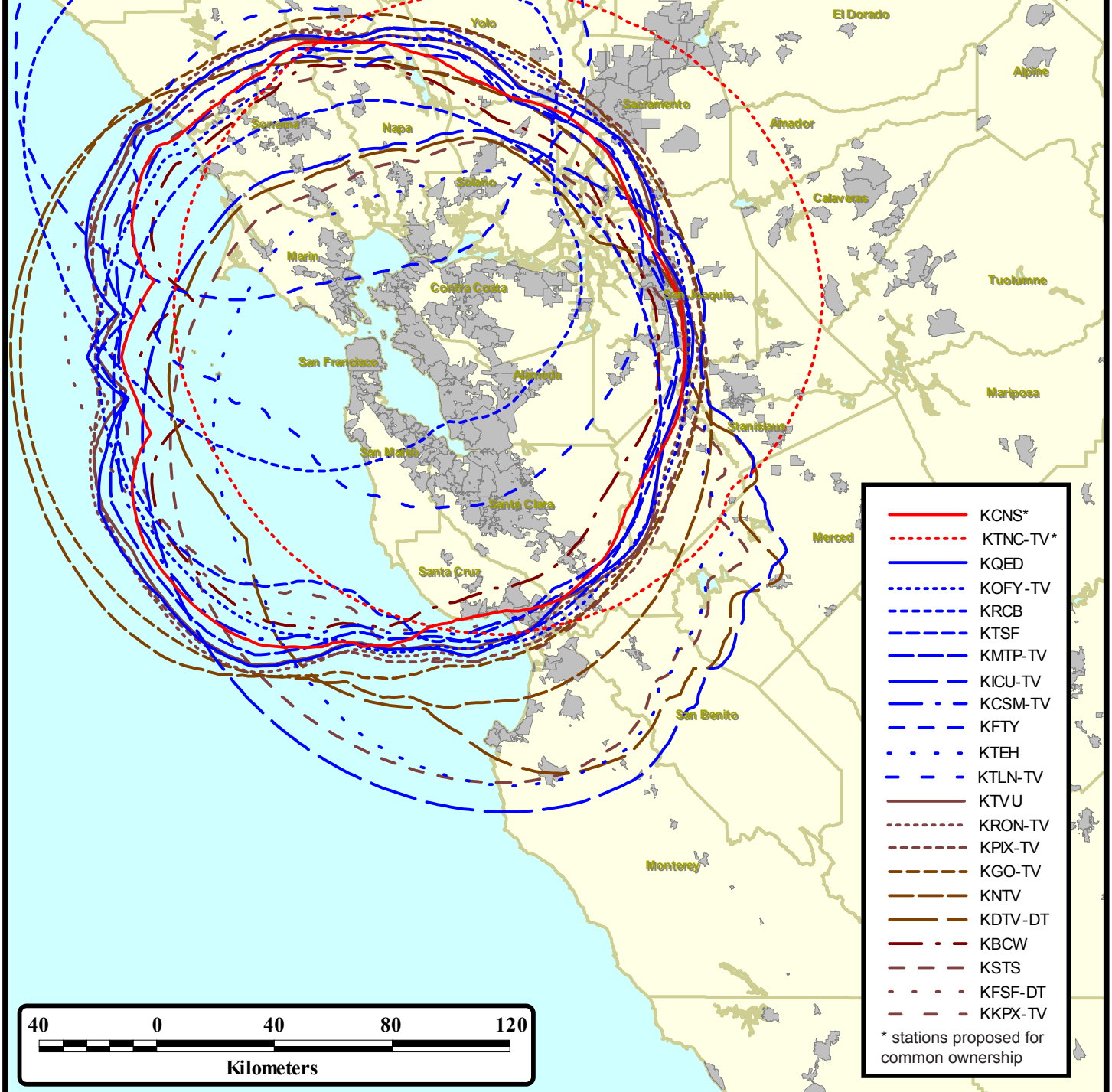


Table I  
**COVERAGE CONTOUR STUDY STATION DATA**  
**Nielsen® DMA – San Francisco-Oakland-San Jose<sup>1</sup>**  
 prepared for  
**NRJ TV San Fran License Co, LLC**

<u>Call Sign</u>	<u>City</u>	<u>State</u>	<u>Network Affiliation</u>
KCNS	San Francisco	CA	IND <sup>2</sup>
KTNC-TV	Concord	CA	Estrella TV <sup>2</sup>
KBQR	Fort Bragg	CA	IND <sup>3</sup>
KOFY-TV	San Francisco	CA	IND
KTSF	San Francisco	CA	IND
KICU-TV	San Jose	CA	IND
KFTY	Santa Rosa	CA	IND
KTLN-TV	Novato	CA	IND
KQED	San Francisco	CA	ETV
KRCB	Cotati	CA	ETV
KMTP-TV	San Francisco	CA	ETV
KCSM-TV	San Mateo	CA	ETV
KTEH	San Jose	CA	ETV
KTVU	Oakland	CA	Fox
KRON-TV	San Francisco	CA	My Network
KPIX-TV	San Francisco	CA	CBS
KGO-TV	San Francisco	CA	ABC
KNTV	San Jose	CA	NBC
KDTV-DT	San Francisco	CA	Univision
KBCW	San Francisco	CA	CW
KSTS	San Jose	CA	Telemundo
KKPX-TV	San Jose	CA	ION
KFSF-DT	Vallejo	CA	Telefutura

Facilities selected for this study are operating facilities. Authorized facilities that have yet to be constructed were not considered. Coverage contours shown in **Figure 1** are the digital service contours as defined in the Commission's Rules for the individual stations with an adjustment for the "dipole factor" where appropriate. The contours for stations under consideration for common ownership are shown in red. Independent and non-commercial stations are depicted by the blue contours. Network affiliated stations are depicted by the brown contours

<sup>1</sup> As shown in the 2010 Broadcasting and Cable Yearbook. Call signs were updated as necessary.

<sup>2</sup> Stations under consideration for common ownership.

<sup>3</sup> Coverage contour for KBQR is not included **Figure 1** since there is no overlap with the contours for the stations under consideration for common ownership.

**ATTACHMENT 1B: Full-Power, Operational TV Stations in  
San Francisco–Oakland–San Jose, CA Designated Market Area**

According to information available in the Television and Cable Factbook 2010 and the Commission’s CDBS database, and as summarized below, there are sixteen (16) independently-owned full-power commercial and noncommercial television stations in the San Francisco–Oakland–San Jose, CA DMA.

<b><u>Voice Count</u></b>	<b><u>Station</u></b>	<b><u>Channel (Network)</u></b>	<b><u>Community of License</u></b>	<b><u>Licensee (Ultimate Owner)</u></b>
1	KBCW(DT)	45 (CW)	San Francisco, CA	San Francisco Television Station KBCW Inc. (CBS Corporation)
	KPIX-TV	29 (CBS)	San Francisco, CA	CBS Broadcasting Inc. (CBS Corporation)
2	KDTV-DT	51 (UNV)	San Francisco, CA	KDTV License Partnership, G.P. (Univision Corporation)
	KFSF-DT	34 (TEL)	Vallejo, CA	Telefutura San Francisco LLC (Univision Corporation)
3	KFTY(DT)	32 (IND)	Santa Rosa, CA	High Plains Broadcasting License Company LLC
4	KGO-TV	7 (ABC)	San Francisco, CA	KGO Television, Inc. (Disney Enterprises, Inc.)
5	KICU-TV	36 (IND)	San Jose, CA	KTVU Partnership (Cox Enterprises)
	KTVU(DT)	44 (FOX)	Oakland, CA	KTVU Partnership (Cox Enterprises)
6	KKPX-TV	41 (ION)	San Jose, CA	ION Media San Jose License, Inc.
7	KNTV(DT)	12 (NBC)	San Jose, CA	NBC Telemundo License Co. (NBC Universal)
	KSTS(DT)	49 (TMO)	San Jose, CA	NBC Telemundo License Co. (NBC Universal)
8	KOFY-DT	19 (IND)	San Francisco, CA	KBWB License, Inc. (Granite Broadcasting Group)
9	KRON-TV	38 (MNT)	San Francisco, CA	Young Broadcasting of San Francisco (Young Broadcasting Group, Inc.)
10	KTLN-DT	47 (IND)	Novato, CA	Christian Communications Chicagoland
11	KTSF(DT)	27 (IND)	San Francisco, CA	Lincoln Broadcasting Company

12	KCNS(DT) <sup>□</sup>	39 (IND)	San Francisco, CA	MTB San Francisco Licensee LLC
	KTNC-TV <sup>□</sup>	14 (Estrella)	Concord, CA	TTBG/KTNC License Sub, LLC
—	KBQR(DT) <sup>4</sup>	8 (IND)	Fort Bragg, CA	Jeff Chang
13	KMTP-TV*	33 (ETV)	San Francisco, CA	Minority Television Project Inc.
14	KQED(DT)*	30 (ETV)	San Francisco, CA	Northern California Public Broadcasting, Inc.
	KTEH(DT)*	50 (ETV)	San Jose, CA	Northern California Public Broadcasting, Inc.
15	KRCB(DT)*	23 (ETV)	Cotati, CA	Rural California Broadcasting Corp.
16	KCSM-TV*	43 (ETV)	San Mateo, CA	San Mateo County Community College District

**LEGEND:**

- \* Noncommercial Educational Television Station
- Stations Proposed for Common Ownership

---

<sup>4</sup> Station not counted in the analysis of voices as it has no service contour overlap with KCNS(DT) or KTNC-TV.