

S U P P L E M E N T M U L T I P L E O W N E R S H I P C O M P L I A N C E

Summary. As the result of rule changes that became effective on February 7, 2018, the parties hereto no longer require, and do not request a failing station waiver, as set forth in Attachment 18 to the application referenced above. Instead, as set forth in this Supplement, the proposed assignee is in full compliance with the test for permitted joint ownership under the new rules, Section 73.3555 (b)(ii) of the Rules and Regulations, 47 CFR Section 73.3555 (b)(ii).

Rule Changes. Section 73.3555 was substantially modified by the *Order on Reconsideration in the 2014 Quadrennial Regulatory Review*, FCC 17-156, released on November 20, 2017, 33 FCC Rcd. 9802, 83 F. Reg. 733 (January 8, 2018). The relevant rule changes became effective on February 7, 2018. The rule now provides as follows (Sec. 73.3555(b):

- (b) Local television multiple ownership rule. (1) An entity may directly or indirectly own, operate, or control two television stations licensed in the same Designated Market Area (DMA) (as determined by Nielsen Media Research or any successor entity) if:
 - (i) The digital noise limited service contours of the stations (computed in accordance with § 73.622(e)) do not overlap; or
 - (ii) At the time the application to acquire or construct the station(s) is filed, 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, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service.

The former Sec. 73.3555(b)((1)(ii), requiring of such combined ownership that at least eight independent stations would remain post-merger, has been sunset. That clause was the only reason that the parties hereto needed to seek a waiver, under Note 7. With the demise of that rule, the transaction is fully compliant without waiver.

Applying the New Rule to this Proposal. The proposed assignee is the licensee of KVUI (TV), Pocatello, ID (Facility ID 78910) and proposes here to acquire KPIF (TV), Pocatello (Facility ID 86205). Both stations are in the Idaho Falls – Pocatello (Jackson) DMA, number 162 in the ranking of TV homes (Estimates as of January 1, 2018). Nielsen has informed the applicants that, in the most recent November, 2017, sweeps the stations in this DMA ranked as follows:

NIELSEN STATION INDEX

NOVEMBER 2017:

SUNDAY-SATURDAY 7:00A-1:00A DAYPART

NET WEEKLY CIRCULATION

Idaho Falls-Pocatello (Jcks)

CALL LETTERS	Affili- ation	DMA CUME %
KIFI-TV 8.1	ABC	52.0
KPVI-DT 6.1	NBC	51.9
KIDK 3.1	CBS	51.0
KXPI-LD 34.2	FOX	34.8
KISU-TV 10.1	PBS	22.7
ESPN	CBL	14.0
FXNC	CBL	13.7
HGTV	CBL	10.0
Hallmark	CBL	9.3
HIS	CBL	9.0

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Both stations in the combination proposed here fall outside the top five, and in the most recent November measurement period neither made it into the book at all. While it could be argued that KXPI-LD, as a low power TV station, should not be counted “among the top four stations in the DMA” that is unnecessary to decide here. Excluding KXPI-LD from the analysis, both stations in this proposed combination still fall below the top four and are fully rule compliant.

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