

Request for Continued Waiver of the Local Main Studio Rule

WJMN-TV (“WJMN”), licensed to Escanaba, Michigan, currently operates as a satellite of broadcast station WFRV-TV (“WFRV”), licensed to Green Bay, Wisconsin, and therefore, does not have its own main studio. In connection with the instant application for consent to the assignment of the WFRV and WJMN licenses from WFRV and WJMN Television Station, Inc. (“Assignor”) to Nexstar Broadcasting, Inc. (“Nexstar”), Nexstar respectfully requests that the FCC grant a continued waiver of the local main studio rule for WJMN. The FCC originally granted WJMN a waiver of the main studio rule in 2000 (the “2000 Waiver”).¹ The FCC granted a continuing waiver of the main studio rule in 2007 in connection with LMC BET Holdings, LLC’s application for consent to acquire control of the Assignor (the “2007 Waiver”).² As set forth below, the conditions underlying the FCC’s grants of the 2000 Waiver and 2007 Waiver remain valid today and warrant grant of a continuing waiver of the main studio rule for WJMN.

The FCC’s rules require that a local main studio be maintained either within the station’s community of license; within the principal contour of any AM, FM or television broadcast station licensed to the station’s community of license, or within 25 miles from the reference coordinates of the center of its community of license. *See* 47 C.F.R. §73.1125(a). However, a main studio may be maintained beyond these limits “when good cause exists . . . and when doing so would be consistent with the operation of the station in the public interest.” *See* 47 C.F.R. §73.1125(b). In 2000, the FCC found that the Escanaba market “is extremely limited in size, that no other station is licensed to that community and that maintenance of a main studio in Escanaba is not economically viable.” The FCC accordingly granted the waiver; and reaffirmed this finding again in 2007.³ These fundamental underlying conditions have not changed.

A. Market Size

WJMN is licensed to the community of Escanaba, Michigan, within the Marquette, Michigan, DMA. The Marquette DMA currently is ranked 179th out of 210 Nielsen DMAs in the United States.⁴ The Marquette DMA was ranked 177th out of the 210 DMAs when the 2000 Waiver was granted, and 178th when the 2007 Waiver was granted.⁵ The Marquette DMA today includes 87,670 Nielsen DMA households (which is 2,000 fewer than the number of DMA

¹ *See In the Matter of the Applications of the Shareholders of CBS Corporation (Transferor) and Viacom, Inc. (Transferee), for Transfer of Control of CBS Corporation and Certain Subsidiaries, Licensees of KCBS-TV, Los Angeles, CA, et al.*, 15 FCC Rcd 8230 (2000). The FCC also noted that a satellite exemption to permit WJMN’s operations as a satellite of WFRV-TV was no longer required pursuant to 47 C.F.R. §73.3555(b) because the stations are licensed to separate Designated Market Areas (“DMAs”). *See* 15 FCC Rcd at 8243.

² *Request for Continuing Waiver of Main Studio Rule for WJMN-TV, Escanaba, Michigan, Facility No. 9630*, 22 FCC Rcd 6794 (2007).

³ 15 FCC Rcd at 8244; 22 FCC Rcd at 6795.

⁴ *See* <http://www.tvnewscheck.com/station-directory> (last visited Apr. 7, 2011).

⁵ 22 FCC Rcd at 6795.

households in the Marquette DMA in 2007).⁶ Accordingly, WJMN resides in one of the smaller DMAs within the United States.

B. Community of License

As in 2000 and 2007, WJMN remains the only television station licensed to Escanaba, Michigan.

C. Economic Conditions

A review of economic data for the Escanaba/Marquette, Michigan area demonstrates that, consistent with the FCC's previous determination, WJMN's maintenance of a local main studio in its community of license remains economically not viable:

- Escanaba and Marquette, Michigan continue to have high unemployment rates, with unemployment rates ranging from 11.2-15.8% in Escanaba and 8.7-12.2% in Marquette for the period January 2010 through February 2011.⁷ When the FCC granted the 2007 Waiver, the unemployment rates for Escanaba and Marquette were 7.8 percent and 6.4 percent for December 2006, respectively.
- Escanaba is located in Delta County, Michigan. According to U.S. Census Bureau data, the 2009 median household income in Delta County (\$43,485) and Marquette County (\$43,599) remain below the median statewide income for Michigan (\$48,606).⁸
- The attached U.S. Census Bureau data also shows that from 2000 to 2009 the population for Delta County decreased by 4.25 percent while Marquette County's population increased by 1.7 percent for an overall decrease in population of 2.55 percent for the area.
- The foregoing statistics confirm that the economic conditions in Escanaba and the Marquette DMA have only declined since the grant of the 2007 Waiver.

D. Programming

Although WJMN no longer requires a satellite waiver to operate as a satellite of WFRV, WJMN continues to rely on, and broadcast substantially all of, the programming provided by WFRV.

⁶ See <http://www.tvnewscheck.com/station-directory/dma/180> (last visited Apr. 7, 2011).

⁷ See Attached U.S. Department of Labor Statistical Abstracts.

⁸ See Attached U.S. Census Bureau State and County Quick Facts.

Further, Nexstar pledges to continue to maintain a toll-free number to permit the residents of Escanaba to contact the WFRV studio without long-distance charges and Nexstar will make outreach efforts to the Escanaba community to ensure that the community knows the means for contacting Nexstar with input regarding WJMN. Based on the foregoing, Nexstar respectfully requests that the FCC continue to waive the local main studio rule for WJMN.

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Local Area Unemployment Statistics

Series Id: LAUMC26215403, LAUMC26215404, LAUMC26215405, LAUMC26215406
Not Seasonally Adjusted
Area: Escanaba, MI Micropolitan Statistical Area
Area Type: Micropolitan areas
State/Region/Division: Michigan

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| Year | Period | labor force | employment | unemployment | unemployment rate |
|------|--------|-------------|------------|--------------|-------------------|
| 2010 | Jan | 18898 | 15920 | 2978 | 15.8 |
| 2010 | Feb | 18836 | 15931 | 2905 | 15.4 |
| 2010 | Mar | 18905 | 15951 | 2954 | 15.6 |
| 2010 | Apr | 18941 | 16370 | 2571 | 13.6 |
| 2010 | May | 19353 | 17007 | 2346 | 12.1 |
| 2010 | Jun | 19278 | 16918 | 2360 | 12.2 |
| 2010 | Jul | 19537 | 16914 | 2623 | 13.4 |
| 2010 | Aug | 19234 | 16958 | 2276 | 11.8 |
| 2010 | Sep | 18887 | 16752 | 2135 | 11.3 |
| 2010 | Oct | 18661 | 16578 | 2083 | 11.2 |
| 2010 | Nov | 18612 | 16474 | 2138 | 11.5 |
| 2010 | Dec | 18580(P) | 16440(P) | 2140(P) | 11.5(P) |
| 2011 | Jan | 18678 | 16369 | 2309 | 12.4 |
| 2011 | Feb | 18688(P) | 16446(P) | 2242(P) | 12.0(P) |

P : Preliminary.

Series Id: LAUMC26321003, LAUMC26321004, LAUMC26321005, LAUMC26321006
Not Seasonally Adjusted

Area: Marquette, MI Micropolitan Statistical Area
 Area Type: Micropolitan areas
 State/Region/Division: Michigan

Download:  .xls

| Year | Period | labor force | employment | unemployment | unemployment rate |
|------|--------|-------------|------------|--------------|-------------------|
| 2010 | Jan | 36000 | 31709 | 4291 | 11.9 |
| 2010 | Feb | 35907 | 31717 | 4190 | 11.7 |
| 2010 | Mar | 35854 | 31467 | 4387 | 12.2 |
| 2010 | Apr | 35922 | 32102 | 3820 | 10.6 |
| 2010 | May | 35267 | 31704 | 3563 | 10.1 |
| 2010 | Jun | 35407 | 31754 | 3653 | 10.3 |
| 2010 | Jul | 35832 | 31912 | 3920 | 10.9 |
| 2010 | Aug | 35451 | 31994 | 3457 | 9.8 |
| 2010 | Sep | 35736 | 32387 | 3349 | 9.4 |
| 2010 | Oct | 35789 | 32560 | 3229 | 9.0 |
| 2010 | Nov | 35875 | 32691 | 3184 | 8.9 |
| 2010 | Dec | 35493(P) | 32408(P) | 3085(P) | 8.7(P) |
| 2011 | Jan | 35384 | 32032 | 3352 | 9.5 |
| 2011 | Feb | 35783(P) | 32400(P) | 3383(P) | 9.5(P) |

P : Preliminary.

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Local Area Unemployment Statistics

Series Id: LAUMC26215403, LAUMC26215404, LAUMC26215405, LAUMC26215406
 Not Seasonally Adjusted
 Area: Escanaba, MI Micropolitan Statistical Area
 Area Type: Micropolitan areas
 State/Region/Division: Michigan

| Year | Period | labor force | employment | unemployment | unemployment rate |
|------|--------|-------------|------------|--------------|-------------------|
| 1996 | Jan | 17493(s) | 15773(s) | 1720(s) | 9.8(s) |
| 1996 | Feb | 17606(s) | 15944(s) | 1662(s) | 9.4(s) |
| 1996 | Mar | 17673(s) | 16147(s) | 1526(s) | 8.6(s) |
| 1996 | Apr | 17709(s) | 16050(s) | 1659(s) | 9.4(s) |
| 1996 | May | 18583(s) | 16928(s) | 1655(s) | 8.9(s) |
| 1996 | Jun | 18964(s) | 17383(s) | 1581(s) | 8.3(s) |
| 1996 | Jul | 18801(s) | 17322(s) | 1479(s) | 7.9(s) |
| 1996 | Aug | 19033(s) | 17828(s) | 1205(s) | 6.3(s) |
| 1996 | Sep | 18682(s) | 17607(s) | 1075(s) | 5.8(s) |
| 1996 | Oct | 18547(s) | 17585(s) | 962(s) | 5.2(s) |
| 1996 | Nov | 18687(s) | 17484(s) | 1203(s) | 6.4(s) |
| 1996 | Dec | 18271(s) | 16932(s) | 1339(s) | 7.3(s) |
| 1996 | Annual | 18337(s) | 16915(s) | 1422(s) | 7.8(s) |
| 1997 | Jan | 18279(s) | 16571(s) | 1708(s) | 9.3(s) |
| 1997 | Feb | 18343(s) | 16628(s) | 1715(s) | 9.3(s) |

| | | | | | |
|-------------|---------------|----------|----------|---------|--------|
| 2005 | Annual | 20614(d) | 19177(d) | 1437(d) | 7.0(d) |
| 2006 | Jan | 20432 | 18845 | 1587 | 7.8 |
| 2006 | Feb | 20504 | 18753 | 1751 | 8.5 |
| 2006 | Mar | 20802 | 18960 | 1842 | 8.9 |
| 2006 | Apr | 20879 | 19227 | 1652 | 7.9 |
| 2006 | May | 21158 | 19833 | 1325 | 6.3 |
| 2006 | Jun | 21427 | 20104 | 1323 | 6.2 |
| 2006 | Jul | 22453 | 21042 | 1411 | 6.3 |
| 2006 | Aug | 21546 | 20220 | 1326 | 6.2 |
| 2006 | Sep | 21086 | 19884 | 1202 | 5.7 |
| 2006 | Oct | 20722 | 19672 | 1050 | 5.1 |
| 2006 | Nov | 20942 | 19505 | 1437 | 6.9 |
| 2006 | Dec | 20920 | 19288 | 1632 | 7.8 |

s : Reflects 2000 Census-based geography and new model-based controls at the state level.
d : Reflects revised inputs, reestimation, and new statewide controls through 2005.

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Local Area Unemployment Statistics

Series Id: LAUMC26321003, LAUMC26321004, LAUMC26321005, LAUMC26321006
 Not Seasonally Adjusted
 Area: Marquette, MI Micropolitan Statistical Area
 Area Type: Micropolitan areas
 State/Region/Division: Michigan

| Year | Period | labor force | employment | unemployment | unemployment rate |
|------|--------|-------------|------------|--------------|-------------------|
| 1996 | Jan | 31219(s) | 28605(s) | 2614(s) | 8.4(s) |
| 1996 | Feb | 31171(s) | 28801(s) | 2370(s) | 7.6(s) |
| 1996 | Mar | 31012(s) | 28741(s) | 2271(s) | 7.3(s) |
| 1996 | Apr | 30969(s) | 28839(s) | 2130(s) | 6.9(s) |
| 1996 | May | 31467(s) | 29426(s) | 2041(s) | 6.5(s) |
| 1996 | Jun | 31887(s) | 29968(s) | 1919(s) | 6.0(s) |
| 1996 | Jul | 31618(s) | 29958(s) | 1660(s) | 5.3(s) |
| 1996 | Aug | 31476(s) | 29965(s) | 1511(s) | 4.8(s) |
| 1996 | Sep | 31526(s) | 30140(s) | 1386(s) | 4.4(s) |
| 1996 | Oct | 31833(s) | 30608(s) | 1225(s) | 3.8(s) |
| 1996 | Nov | 32051(s) | 30492(s) | 1559(s) | 4.9(s) |
| 1996 | Dec | 31811(s) | 30068(s) | 1743(s) | 5.5(s) |
| 1996 | Annual | 31503(s) | 29634(s) | 1869(s) | 5.9(s) |
| 1997 | Jan | 30798(s) | 28500(s) | 2298(s) | 7.5(s) |
| 1997 | Feb | 31813(s) | 29539(s) | 2274(s) | 7.1(s) |

| | | | | | |
|-------------|---------------|----------|----------|---------|--------|
| 2005 | Annual | 35892(d) | 33895(d) | 1997(d) | 5.6(d) |
| 2006 | Jan | 35907 | 33779 | 2128 | 5.9 |
| 2006 | Feb | 36601 | 34109 | 2492 | 6.8 |
| 2006 | Mar | 36730 | 34077 | 2653 | 7.2 |
| 2006 | Apr | 36521 | 34091 | 2430 | 6.7 |
| 2006 | May | 36535 | 34613 | 1922 | 5.3 |
| 2006 | Jun | 36507 | 34567 | 1940 | 5.3 |
| 2006 | Jul | 36553 | 34479 | 2074 | 5.7 |
| 2006 | Aug | 36261 | 34300 | 1961 | 5.4 |
| 2006 | Sep | 36610 | 34718 | 1892 | 5.2 |
| 2006 | Oct | 36622 | 34934 | 1688 | 4.6 |
| 2006 | Nov | 36612 | 34586 | 2026 | 5.5 |
| 2006 | Dec | 36804 | 34462 | 2342 | 6.4 |

s : Reflects 2000 Census-based geography and new model-based controls at the state level.
d : Reflects revised inputs, reestimation, and new statewide controls through 2005.

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State & County QuickFacts

Delta County, Michigan

| People QuickFacts | Delta County | Michigan |
|---|--------------|------------------------|
| Population, 2009 estimate | 36,918 | 9,969,727 |
| Population, percent change, April 1, 2000 to July 1, 2009 | -4.2% | 0.3% |
| Population estimates base (April 1) 2000 | 38,520 | 9,938,492 |
| Persons under 5 years old, percent, 2009 | 5.5% | 6.2% |
| Persons under 18 years old, percent, 2009 | 20.5% | 23.6% |
| Persons 65 years old and over, percent, 2009 | 19.5% | 13.4% |
| Female persons, percent, 2009 | 50.7% | 50.8% |
| White persons, percent, 2009 (a) | 95.3% | 81.2% |
| Black persons, percent, 2009 (a) | 0.3% | 14.2% |
| American Indian and Alaska Native persons, percent, 2009 (a) | 2.3% | 0.6% |
| Asian persons, percent, 2009 (a) | 0.3% | 2.4% |
| Native Hawaiian and Other Pacific Islander, percent, 2009 (a) | Z | Z |
| Persons reporting two or more races, percent, 2009 | 1.7% | 1.6% |
| Persons of Hispanic or Latino origin, percent, 2009 (b) | 0.8% | 4.2% |
| White persons not Hispanic, percent, 2009 | 94.6% | 77.4% |
| Living in same house in 1995 and 2000, pct 5 yrs old & over | 66.5% | 57.3% |
| Foreign born persons, percent, 2000 | 1.0% | 5.3% |
| Language other than English spoken at home, pct age 5+, 2000 | 2.5% | 8.4% |
| High school graduates, percent of persons age 25+, 2000 | 86.1% | 83.4% |
| Bachelor's degree or higher, pct of persons age 25+, 2000 | 17.1% | 21.8% |
| Persons with a disability, age 5+, 2000 | 7,106 | 1,711,231 |
| Mean travel time to work (minutes), workers age 16+, 2000 | 18.8 | 24.1 |
| Housing units, 2009 | 20,256 | 4,541,680 |
| Homeownership rate, 2000 | 79.6% | 73.8% |
| Housing units in multi-unit structures, percent, 2000 | 13.1% | 18.8% |
| Median value of owner-occupied housing units, 2000 | \$80,000 | \$115,600 |
| Households, 2000 | 15,836 | 3,785,661 |
| Persons per household, 2000 | 2.40 | 2.56 |
| Median household income, 2008 | \$43,485 | \$48,606 |
| Per capita money income, 1999 | \$18,667 | \$22,168 |
| Persons below poverty level, percent, 2008 | 13.8% | 14.4% |
| Business QuickFacts | Delta County | Michigan |
| Private nonfarm establishments, 2008 | 1,168 | 229,310 ¹ |
| Private nonfarm employment, 2008 | 13,076 | 3,636,241 ¹ |
| Private nonfarm employment, percent change 2000-2008 | -3.2% | -10.7% ¹ |
| Nonemployer establishments, 2008 | 2,200 | 640,719 |
| Total number of firms, 2002 | 3,213 | 735,531 |
| Black-owned firms, percent, 2002 | F | 6.0% |

State & County QuickFacts

Marquette County, Michigan

| People QuickFacts | Marquette County | Michigan |
|---|---------------------|------------------------|
| Population, 2009 estimate | 65,703 | 9,969,727 |
| Population, percent change, April 1, 2000 to July 1, 2009 | 1.7% | 0.3% |
| Population estimates base (April 1) 2000 | 64,629 | 9,938,492 |
| Persons under 5 years old, percent, 2009 | 4.9% | 6.2% |
| Persons under 18 years old, percent, 2009 | 18.2% | 23.6% |
| Persons 65 years old and over, percent, 2009 | 14.6% | 13.4% |
| Female persons, percent, 2009 | 49.8% | 50.8% |
| White persons, percent, 2009 (a) | 94.4% | 81.2% |
| Black persons, percent, 2009 (a) | 1.6% | 14.2% |
| American Indian and Alaska Native persons, percent, 2009 (a) | 1.8% | 0.6% |
| Asian persons, percent, 2009 (a) | 0.6% | 2.4% |
| Native Hawaiian and Other Pacific Islander, percent, 2009 (a) | Z | Z |
| Persons reporting two or more races, percent, 2009 | 1.5% | 1.6% |
| Persons of Hispanic or Latino origin, percent, 2009 (b) | 1.0% | 4.2% |
| White persons not Hispanic, percent, 2009 | 93.5% | 77.4% |
| Living in same house in 1995 and 2000, pct 5 yrs old & over | 58.3% | 57.3% |
| Foreign born persons, percent, 2000 | 1.4% | 5.3% |
| Language other than English spoken at home, pct age 5+, 2000 | 4.4% | 8.4% |
| High school graduates, percent of persons age 25+, 2000 | 88.5% | 83.4% |
| Bachelor's degree or higher, pct of persons age 25+, 2000 | 23.7% | 21.8% |
| Persons with a disability, age 5+, 2000 | 9,271 | 1,711,231 |
| Mean travel time to work (minutes), workers age 16+, 2000 | 17.7 | 24.1 |
| Housing units, 2009 | 34,681 | 4,541,680 |
| Homeownership rate, 2000 | 69.8% | 73.8% |
| Housing units in multi-unit structures, percent, 2000 | 21.8% | 18.8% |
| Median value of owner-occupied housing units, 2000 | \$77,200 | \$115,600 |
| Households, 2000 | 25,767 | 3,785,661 |
| Persons per household, 2000 | 2.35 | 2.56 |
| Median household income, 2008 | \$43,599 | \$48,606 |
| Per capita money income, 1999 | \$18,070 | \$22,168 |
| Persons below poverty level, percent, 2008 | 14.2% | 14.4% |
| Business QuickFacts | Marquette County | Michigan |
| Private nonfarm establishments, 2008 | 1,726 | 229,310 ¹ |
| Private nonfarm employment, 2008 | 21,716 | 3,636,241 ¹ |
| Private nonfarm employment, percent change 2000-2008 | 5.3% | -10.7% ¹ |
| Nonemployer establishments, 2008 | 3,336 | 640,719 |
| Total number of firms, 2002 | 4,473 | 735,531 |
| Black-owned firms, percent, 2002 | F | 6.0% |