

Exhibit 18
Request for Continued Satellite Authority
for KLBY and KUPK

Knoxville TV LLC (“Knoxville TV”), proposed assignee of KLBY and KUPK, respectfully requests a continuation of the satellite waiver¹ previously granted to the assignor for its operation of KLBY, Colby, Kansas, and KUPK, Garden City, Kansas, as satellites of KAKE, Wichita, Kansas, pursuant to Note 5 of Section 73.3555 of the Commission’s rules. *See* 47 C.F.R. § 73.3555, Note 5.

Knoxville TV is informed that KLBY and KUPK have been operated as satellites of KAKE since at least 1988.² As is apparent from the attached map depicting current technical operations, KAKE’s noise limited service contour does not actually overlap either of the signals of KLBY or KUPK, indicating that the instant request for satellite status may, at first glance, be unnecessary. *See* Attachment 2 (Composite Coverage Map, KAKE-DT/KLBY-DT/KUPK-DT, prepared by Smith and Fisher Consulting Engineers). However, because the noise limited service contours of KLBY and KUPK overlap each other, and because the stations have been recognized and operated for many years as satellite stations of KAKE—and because the stations both operate pursuant to main studio waivers consistent with satellite status—Knoxville TV believes that the instant satellite waiver request is warranted and necessary.

The Commission’s satellite waiver policy provides that an applicant seeking satellite status is entitled to a presumption that the proposed satellite operation is in the public interest if the following three criteria are met: (1) no City Grade contour overlap exists between the parent and the satellite; (2) the proposed satellite station will provide service to an unserved or 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.

Knoxville TV respectfully urges the Commission to find, for the reasons set forth below, that KLBY and KUPK qualify for satellite status under the three-part presumptive waiver test. Alternatively, should the Commission determine that KLBY and KUPK do not meet all elements of the presumptive waiver test, Knoxville TV respectfully requests that the Commission “evaluate the proposal on an *ad hoc* basis and grant the application [in light of the] other compelling circumstances that warrant approval.”³

¹ Implicit in this request is also a request for a continued main studio waiver so that the KLBY and KUPK main studios may remain co-located with the KAKE main studio (which is currently located in Wichita, Kansas) within the noise limited service contour of KAKE. *See Request for Waiver of Main Studio Rule, KUPK, Garden City, Kansas*, Letter (Jan. 28, 2013) (granting main studio waiver request for KUPK); *Request for Waiver of Section 73.1125, KLBY(TV), Colby, Kansas*, Letter (July 23, 2003) (granting main studio waiver request for KLBY).

² *See Application of Sidney T. Warner*, Memorandum Opinion and Order, 3 FCC Rcd 4034 (1988), ¶5 (recognizing KUPK and KLBY as satellites of KAKE). KLBY may not have operated as a true satellite for a period of time in the past but operates as a true satellite of KAKE at this time.

³ *Television Satellite Stations Review of Policy and Rules*, Report and Order, 6 FCC Rcd 4212, ¶ 14 (1991) (“*Satellite Order*”).

First, there is no City Grade contour overlap between either KLBY and KAKE or KUPK and KAKE. While the Commission has acknowledged that the concept of City Grade contours has been largely mooted by the transition of full power television stations to digital-only operations,⁴ there was no overlap in the City Grade contours between KAKE and either of its satellites at the time of analog operations.⁵ See Attachment 1 (Composite Coverage Map, Analog KAKE/KLBY/KUPK, prepared by Smith and Fisher Consulting Engineers). Moreover, although not an equivalent of the analog City Grade contours, the current digital principal community contours of KAKE and KLBY and KAKE and KUPK, each of which are much larger than each station's analog City Grade contour, do not overlap at all. See Attachment 2.⁶ Thus, the first criterion is met.

Second, KLBY and KUPK each provide service to an unserved or underserved area. This criterion may be met by either a "transmission test" or a "reception test." Under the transmission test, which is relevant here, "a proposed satellite's community of license is considered underserved if there are two or fewer full-service stations already licensed to it. For purposes of this test, stations considered licensed to a community would include all educational, regular TV and TV satellite stations, but would exclude low power television and translator stations."⁷ KLBY is licensed to serve Colby, Kansas, and it is one of two (2) full service television stations licensed to this community. Similarly, KUPK is licensed to serve Garden City, Kansas, and it is one of two (2) full service television stations licensed to this community. The search results below were retrieved when Colby, Kansas, and Garden City, Kansas, respectively, were entered in CDDBS as the community of license city and state, with cancelled licenses or permits excluded. Thus, the second criterion is met.

Colby, Kansas CDDBS Search Results:

⁴ See, e.g., *Applications of Local TV Holdings, LLC*, Memorandum Opinion and Order, 28 FCC Rcd 16850 (2013), ¶ 33 ("With respect to the first criterion, we note 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. Thus, the Principal Community Contour is not an equivalent standard to use in determining whether a satellite qualifies for the presumptive satellite exemption to the duopoly rule.").

⁵ See *Quincy Newspapers, Inc.*, Letter Decision, DA 15-1026 (Sept. 15, 2015) (noting lack of analog City Grade contour overlap prior to digital transition and granting satellite waiver request).

⁶ The digital principal community contours are shown on the map as "KLBY-DT City-Grade" and "KUPK-DT City-Grade."

⁷ *Satellite Order*, ¶ 19.

Station Search Results					
Call Sign	Facility Id	Service	Licensee	Status	Details
K21MM-D	186890	LD	LANDOVER 2 LLC	CP OFF AIR	Click for Details
K225BO	144624	FX	ARMADA MEDIA - MCCOOK, INC.	CP OFF AIR	Click for Details
K24LE-D	186891	LD	LANDOVER 2 LLC	CP OFF AIR	Click for Details
K28ND-D	186892	LD	LANDOVER 2 LLC	CP OFF AIR	Click for Details
K50NE-D	186893	LD	LANDOVER 2 LLC	CP OFF AIR	Click for Details
KCOK-LP	130305	TX	TURNER ENTERPRISES	CP OFF AIR	Click for Details
KLBY	65523	DT	GRAY TELEVISION LICENSEE, LLC	LICENSED	Click for Details
KRDQ	37124	FM	ROCKING M MEDIA, LLC	LICENSED	Click for Details
KTCC	12220	FM	COLBY COMMUNITY COLLEGE	LICENSED	Click for Details
KWGB	81915	FM	MELIA COMMUNICATIONS INC	LICENSED	Click for Details
KWKS	162115	DT	SMOKY HILLS PUBLIC TELEVISION CORP.	LICENSED	Click for Details
KXXX	37125	AM	ROCKING M MEDIA, LLC	LICENSED	Click for Details
KZCK	175547	FM	KANZA SOCIETY, INC.	LICENSED	Click for Details
NEW	144340	FX	RADIO ASSIST MINISTRY, INC.	CP APPLIED FOR	Click for Details
NEW	152573	FX	RADIO ASSIST MINISTRY, INC.	CP APPLIED FOR	Click for Details
NEW	152792	FX	RADIO ASSIST MINISTRY, INC.	CP APPLIED FOR	Click for Details
NEW	152930	FX	EDGEWATER BROADCASTING, INC.	CP APPLIED FOR	Click for Details

Garden City, Kansas CDBS Search Results:

Station Search Results					
Call Sign	Facility Id	Service	Licensee	Status	Details
K25JU-D	168869	LD	GARZA, ENRIQUETA	CP OFF AIR	Click for Details
K27HX	128931	TX	TRINITY BROADCASTING NETWORK	CP OFF AIR	Click for Details
K29JU-D	184072	LD	EICB-TV EAST, LLC	CP OFF AIR	Click for Details
K300BC	140519	FX	COMMUNITY BROADCASTING, INC.	LICENSED	Click for Details
K43LI	129434	TX	TRINITY BROADCASTING NETWORK	CP OFF AIR	Click for Details
K48MV-D	184071	LD	EICB-TV EAST, LLC	CP OFF AIR	Click for Details
KAAS-LP	11968	LD	KSAS LICENSEE, LLC	LICENSED	Click for Details
KANZ	33372	FM	KANZA SOCIETY, INC.	LICENSED	Click for Details
KBFZ-LP	192918	FL	BUFFALO BROADCASTING SYSTEM	LICENSED	Click for Details
KGCE-LD	182305	LD	HIGH PLAINS BROADCASTING LLC	LICENSED	Click for Details
KGGS	160947	AM	STECKLINE COMMUNICATIONS, INC.	LICENSED	Click for Details
KGKT-LP	129107	TX	MARCIA T. TURNER tr/as TURNER ENTERPRISES	CP OFF AIR	Click for Details
KIUL	67041	AM	STECKLINE COMMUNICATIONS, INC.	LICENSED	Click for Details
KKJQ	33690	FM	KBUF PARTNERSHIP	LICENSED	Click for Details
KSGC-LP	192967	FL	ST. GABRIEL COMMUNICATIONS, INC.	LICENSED	Click for Details
KSNG	72361	DT	LIN LICENSE COMPANY, LLC	LICENSED	Click for Details
KUPK	65535	DT	GRAY TELEVISION LICENSEE, LLC	LICENSED	Click for Details
KZGC-FM	174936	FM	TEMPLO APOSTOLES Y PROFETAS BETHEL	LICENSED	Click for Details
NEW	155413	FX	EDUCATIONAL MEDIA FOUNDATION	CP APPLIED FOR	Click for Details

Third, no alternative operator is ready and able to construct or to purchase and operate either satellite as a full-service station. As discussed in the attached Letter of Larry Patrick, it is infeasible that any buyer could be found to operate either KLBY or KUPK as a non-satellite, stand-alone station. See Attachment 3 (Letter of Larry Patrick). As described in the Letter, neither KLBY nor KUPK are an attractive investment for several reasons, including the large geographic area of the market encompassing different population centers, low population growth of the market, relatively low advertising revenue and advertising revenue growth of the market, significant competition among network-affiliated stations in the market, the lack of an available, viable programming

network affiliation, and the inability of either station to provide a signal capable of reaching the two largest cities in the market. Knoxville TV respectfully submits that the professional opinion of Mr. Patrick that neither KLBY nor KUPK present a viable stand-alone broadcasting opportunity satisfy the third criterion under the presumptive waiver analysis.⁸

* * * * *

⁸ If these factors do not satisfy the third criterion for a presumptive waiver, then Knoxville TV respectfully requests consideration under the *ad hoc* framework.

ATTACHMENT 1

(Composite Coverage Map, Analog KAKE/KLBY/KUPK)



**KLBY
CITY-GRADE**

**KLBY
GRADE B**

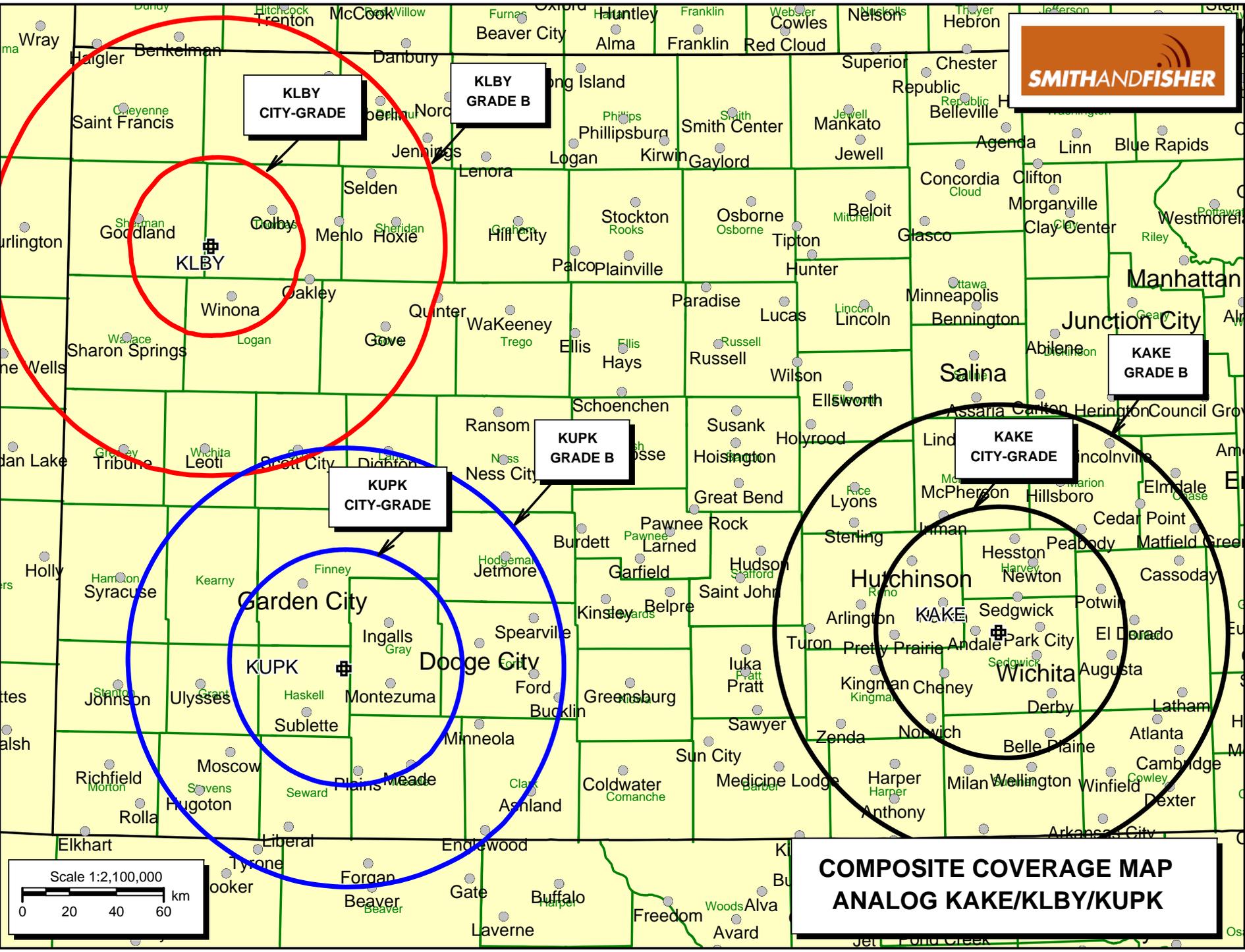
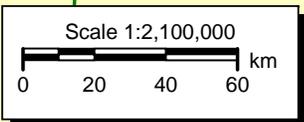
**KAKE
GRADE B**

**KAKE
CITY-GRADE**

**KUPK
CITY-GRADE**

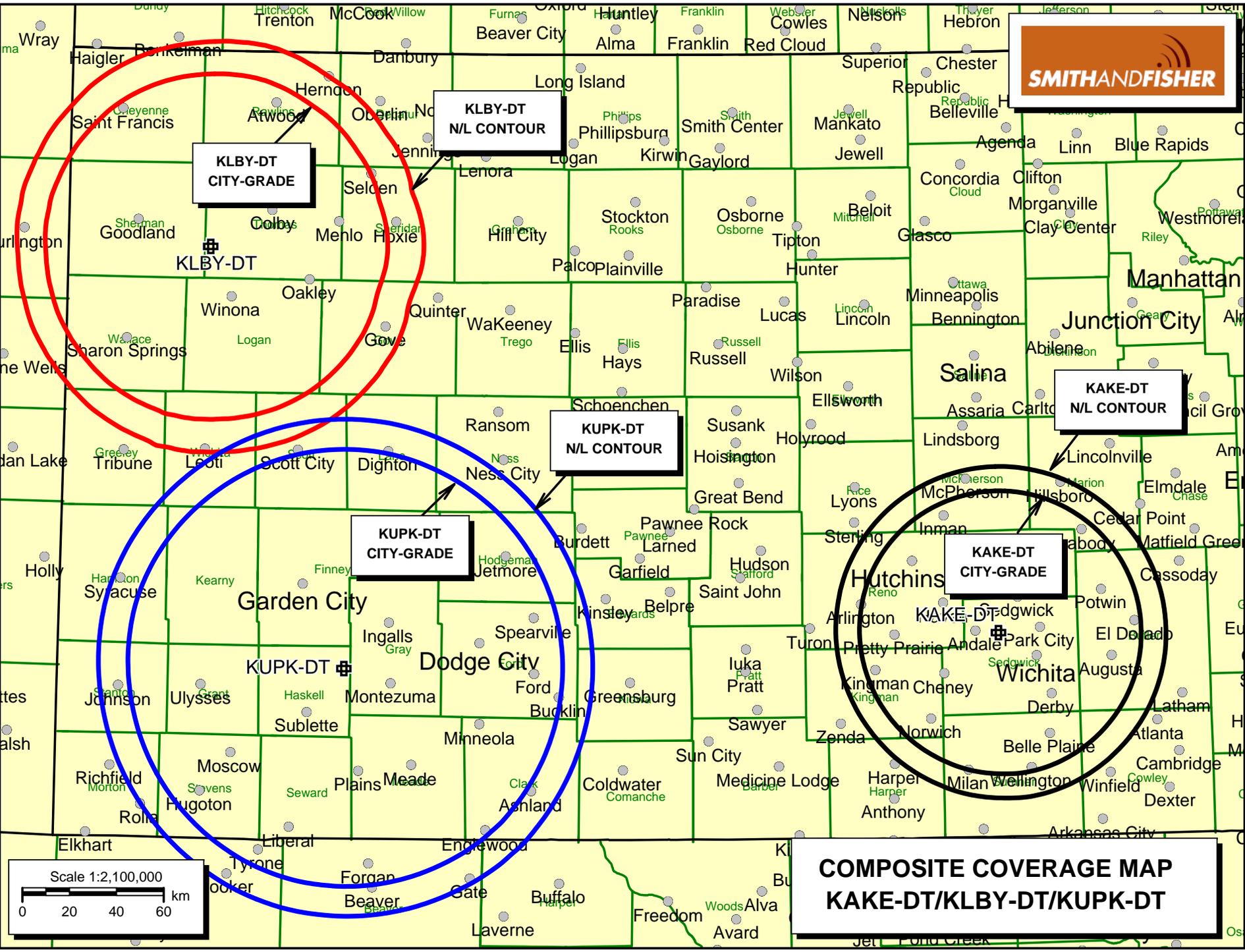
**KUPK
GRADE B**

**COMPOSITE COVERAGE MAP
ANALOG KAKE/KLBY/KUPK**



ATTACHMENT 2

(Composite Coverage Map, KAKE-DT/KLBY-DT/KUPK-DT)



**KLBY-DT
CITY-GRADE**

**KLBY-DT
N/L CONTOUR**

KLBY-DT

**KUPK-DT
CITY-GRADE**

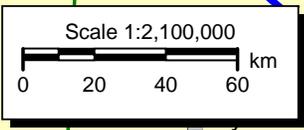
**KUPK-DT
N/L CONTOUR**

KUPK-DT

**KAKE-DT
CITY-GRADE**

**KAKE-DT
N/L CONTOUR**

KAKE-DT



**COMPOSITE COVERAGE MAP
KAKE-DT/KLBY-DT/KUPK-DT**

ATTACHMENT 3

(Letter of Larry Patrick)



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October 12, 2015

Mr. William Lake
Chief-Media Bureau
Federal Communications Commission
445 12th Street S.W.
Room 3-C740
Washington, D.C. 20554

Re: KAKE-TV, Wichita, KS
KUPK-TV, Garden City, KS
KLBY-TV, Colby, KS

Dear Mr. Lake:

I have been asked to opine on the continued operation of KUPK-TV and KLBY-TV as satellites of KAKE-TV with regard to the transfer application of the above television properties. KAKE-TV is the ABC affiliate in the Wichita-Hutchinson DMA. KUPK-TV and KLBY-TV have operated as a long time satellites of KAKE-TV. This letter addresses the feasibility of operating and marketing KUPK-TV and KLBY-TV as full-service standalone operations versus their continued operation as satellites of KAKE-TV.

I am Managing Partner of Patrick Communications, a leading media brokerage firm in the industry with over \$7.5 billion in transactions. I have been involved in the broadcast industry for over forty years and my firm has sold 170 television stations in the past ten years, more than any other brokerage firm. In addition to Patrick Communications, I served from 2005 to 2008 as Chairman of the Board of ION Media Networks, the licensee of 60 television stations. I am also a past president of the National Association of Media Brokers and am the current chairman of the National Association of Broadcasters Educational Foundation, and past chairman of the National Association of Broadcaster's PAC. I also own a minority interest in television stations in New York, Los Angeles, Chicago, Boston, Philadelphia, San Francisco, San Diego, Houston and Harrisburg-York. In addition, I speak regularly to industry groups and have a long history of experience in both television operations and transactions.

I have previously brokered sales of television stations in the Wichita-Hutchinson DMA and I have also provided numerous opinions to the FCC on satellite waivers. I am very familiar with the Wichita-Hutchinson market and the various television station signals, competition and market conditions there, as well as the current television economic environment and station transactional market. I believe that I am qualified to opine on the viability and marketability of KUPK-TV and KLBY-TV as standalone television stations.

There are six primary independent owners of full power commercial television stations in the market. Seven television networks are represented including ABC, NBC, CBS, FOX, CW, My and Univision. The stations affiliated with ABC, CBS, NBC and FOX each also have full power satellites to cover the DMA.

Ranked as the 65th largest DMA in the U.S., the Wichita-Hutchinson market covers an extremely large geographic area encompassing many different population centers. Its geographic size essentially mandates the use of satellites to properly serve the viewing public. The population growth for the market was 0.5 percent for the past five years, and population growth of 0.4 percent is projected through 2019. In addition, according to BIA Kelsey, the market is ranked only 80th in terms of television advertising revenue, a level well below its population rank of 65th. This indicates a television economy where there is significantly less advertising revenue available for the pool of stations than most markets of comparable population size. Total DMA television advertising dollars increased by just 3.3 percent from 2009 to 2014. BIA Kelsey projects growth over the next five years of only 2.4 percent and much of that is attributable to the 2016 election cycle.

The competition among the major network affiliated stations in this DMA is very strong. The CBS affiliate, KWCH-TV and its satellites garner 33.3 percent of the DMA revenue. The NBC affiliate, KSNW-TV is a distant second with 22.1 percent of the revenue. KAKE-TV and its satellites KUPK-TV and KLBY-TV, the subjects of this letter, rank third in the market with an estimated revenue share of 21.6 percent according to BIA-Kelsey. The CW, My Network and Univision affiliates, none of which have satellites, all have revenue shares ranging from 1.8 percent to 3.5 percent.

Given this level of competition, KAKE-TV needs its satellite stations, KUPK-TV and KLBY-TV, the subjects of this letter, to effectively compete with the other owners in the market. The level of service provided to the various communities that make up this geographically challenging market would be diminished significantly if KAKE-TV was forced to operate without KUPK-TV and KLBY-TV.

Further, neither KUPK-TV nor KLBY-TV would be able to operate as viable standalone full power stations. On their own, the stations do not provide signals capable of covering the combined market or Wichita or Hutchinson, the two largest cities in the DMA. Also, given that all of the major network affiliations are already present in the DMA, there would be no primary network and little secondary television programming available to KUPK-TV or KLBY-TV. The stations would not have access to programming sufficient to viably compete for audience and

revenue. More importantly, not only would the stations have to function with limited signals and without primary network programming, viewers in the coverage area would be denied ABC network programming via over-the-air service, as well as all the local news, weather and public service programming that KAKE-TV provides via its satellites KUPK-TV and KLBY-TV, to these viewers. It is precisely this type of DMA that illustrates the importance of satellites in reaching a geographically large market.

As a broker, if I were asked to market the KUPK-TV or KLBY-TV solely to out-of-market entities, I would be hard-pressed to identify any potential viable buyers. Neither station is marketable as a standalone operation. Given the low chance of success in finding any buyer other than an in-market-buyer, I would decline to take the listing as I would have to invest in a widespread effort including personal and telephonic contact, direct mail, and possibly trade press advertising in order to try and find a qualified out-of-market buyer. The cost of these efforts would be prohibitive, and would take a significant investment of my time as well. It is my opinion that even if an out-of-market buyer was found after an exhaustive marketing effort that it would only be at a very depressed price.

Therefore, based on my twenty years of media brokerage experience, it is my opinion that no knowledgeable and experienced television operator could be found that would provide a viable full service operation with either KUP-TV or KLBY-TV and that an effort to find a qualified out-of-market buyer would either be fruitless or at a very depressed price.

I do hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Sincerely,

A handwritten signature in cursive script that reads "W. Lawrence Patrick".

W. Lawrence Patrick
Managing Partner