

WFXR(DT), Roanoke, VA  
WWCW(DT), Lynchburg, VA  
FCC Form 315  
Exhibit 20

**REQUEST FOR CONTINUATION OF SATELLITE STATUS**

This exhibit is being filed in connection with applications for the transfer of control of GB Roanoke Licensing LLC and GB Lynchburg Licensing LLC, respectively the licensees of WFXR(DT), Roanoke, Virginia and WWCW(DT), Lynchburg, Virginia, to Nexstar Broadcasting, Inc. (“Nexstar”). Nexstar requests that the Commission allow WWCW to continue to operate as a “satellite” of WFXR, as it has been authorized to do since 1990.<sup>1</sup>

**A. The Commission’s Satellite Policy**

Television satellite stations are generally exempt from the restrictions of the Commission’s ownership rules.<sup>2</sup> Under a policy promulgated in 1991, operation as a satellite is presumed to be in the public interest if each of three conditions are met: (i) there is no City Grade contour overlap between the parent and the satellite, (ii) the proposed satellite would provide service to an underserved area, and (iii) no alternative operator is ready and able to purchase and operate the satellite as a full-service station. If the proposed satellite operation does not satisfy each of these factors, the Commission will evaluate the proposal on an *ad hoc* basis. In so doing, the Commission will assess the proposal’s “degree of departure” from the presumptive criteria and authorize satellite status if there are other public interest benefits or compelling circumstances that warrant approval.<sup>3</sup>

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<sup>1</sup> *In re Family Group V, Ltd., Debtor-in-Possession*, Memorandum Opinion and Order, 5 FCC Rcd 5547 (1990) (“1990 Satellite Waiver”); *Letter to Roanoke-Lynchburg TV Acquisition Corp.*, File Nos. BALCT-930212KE/KF (Video Serv. Div. 1993) (“1993 Satellite Waiver”).

<sup>2</sup> 47 C.F.R. § 73.3555, note 5.

<sup>3</sup> *Television Satellite Stations Review of Policy and Rules*, Report and Order, 6 FCC Rcd 4212 (1991) (“Satellite Policy”).

**B. WWCW Has Operated As a Satellite Since 1990**

WWCW has operated as a satellite for over two decades. The station was first granted satellite status in January of 1990.<sup>4</sup> Three years later in the context of an assignment application, the Commission had cause to evaluate whether WWCW should be granted continued satellite status under the 1991 Satellite Policy applicable today. There, the Commission found that continued satellite operation was warranted because (i) despite “substantial” City Grade overlap between the WFXR and WWCW (analog) contours, only by combined coverage could residents of the entire Roanoke metropolitan area<sup>5</sup> receive an unshadowed signal due to the atypical terrain between the two stations’ transmitters; and (ii) WWCW would be unlikely to survive as a stand-alone station “under even the most optimistic of projections.”<sup>6</sup>

**C. Continued Satellite Operation Is Warranted**

*Contour Overlap:* The first criterion of the presumptive waiver standard is no longer relevant in the digital environment.<sup>7</sup> As the Commission has recognized, there is no digital equivalent to the analog “City Grade contour and digital contour overlap is not relevant to satellite determinations.”<sup>8</sup> Nevertheless, the analog City Grade contours of WFXR and WWCW

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<sup>4</sup> 1990 Satellite Waiver.

<sup>5</sup> Lynchburg residents also benefited from combined coverage, the Commission noted, “in that they are able to enjoy a second television station licensed to their community.” 1993 Satellite Waiver at 3.

<sup>6</sup> *Id.* at 4. In its satellite waiver showing, the then-licensee of WWCW affirmed that only one other full-power station was licensed to Lynchburg. 1993 Satellite Waiver at 2.

<sup>7</sup> *Letter to LIN License Company, LLC*, DA 12-1576 (Oct. 2, 2012) at 2 (recognizing that “[f]ollowing 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.”).

<sup>8</sup> *In re J. Stewart Bryan III and Media General Communications Holdings, LLC*, DA 13-2140 (¶ 24) (rel. Nov. 8, 2013) (“[F]ollowing the digital transition, full-power television stations have a digital Principal Community contour that serves a much larger area than their former analog City

have always overlapped, as do their digital Noise Limited Service contours.<sup>9</sup> Accordingly, contour overlap should not preclude continued satellite status for WWCW.

As the Commission acknowledged in both the 1990 and 1993 Satellite Waivers, the terrain on which the two stations' transmitters are situated is atypical. WWCW's transmitter is located on the eastern foothills of the Blue Ridge Mountains, while WFXR's transmitter is located on the opposite side of the mountain range, in the western foothills. As a result, the "real world" analog overlap of the two stations was considerably smaller than the overlap predicted using standard methodology.<sup>10</sup> Furthermore, although the Commission does not consider digital contour overlap in making satellite determinations,<sup>11</sup> it is worth noting that the atypical terrain separating the transmitters of WWCW and WFXR has a similar diminishing effect on the stations' digital contour overlap.

*Service to Underserved Areas:* In its Satellite Policy, the Commission indicated that a community with two or fewer full-power stations licensed to it would be considered "underserved."<sup>12</sup> Other than WWCW, the only other full-power television station licensed to

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Grade contour. Thus, the principle community contour is not an equivalent standard to use in determining whether a satellite qualifies for the presumptive satellite exemption to the duopoly rule."); *see also Selenka Communications, LLC*, 25 FCC Rcd 278, 279 (¶ 3) (2010).

<sup>9</sup> *See Attachment A* (showing overlap between the stations' analog and digital contours).

<sup>10</sup> *See* 1993 Satellite Waiver at 2; *see also id.* at 4 ("Here, the city grade contours of [WFXR] and [WWCW] intersect, creating an overlap.... But that substantial overlap is mitigated by the fact that the delivery of a reliable [ ] city grade signal to virtually all of the metropolitan Roanoke area is made possible only by the combined coverage of the two stations.").

<sup>11</sup> *In re J. Stewart Bryan III and Media General Communications Holdings, LLC*, DA 13-2140 (¶ 24) (rel. Nov. 8, 2013); *see also Selenka Communications, LLC*, 25 FCC Rcd 278, 279 (¶ 3) (2010).

<sup>12</sup> Satellite Policy, 6 FCC Rcd at 4215.

Lynchburg, Virginia is WSET-TV.<sup>13</sup> Lynchburg is thus an “underserved area” within the meaning of the Policy.

*Viability as Full-Service Station:* In both of its decisions approving satellite status for WWCW, the Commission concluded that the station was unlikely to be viable as a full-service station.<sup>14</sup> This remains equally true (if not more so) today. According to an analysis provided by Brian E. Cobb, Founder and President of CobbCorp, LLC, a nationally recognized brokerage and appraisal firm, operating WWCW as a stand-alone full-service station would not be feasible financially.

Although the Roanoke-Lynchburg Designated Market Area (“DMA”) is the nation’s 66th largest, the estimated market revenue of the market is considerably smaller, ranked just 78th. This is an “unusual disparity” attributable to the underlying economic condition of the area.<sup>15</sup> Given the market’s small revenue base, it is unlikely that WWCW would be economically viable as a stand-alone, independent station. Indeed, the “economically challenged [Roanoke-Lynchburg] market has already had stations go dark.”<sup>16</sup> Even if a stand-alone WWCW were able to retain its CW affiliation, neither its over-the-air broadcast signal nor its cable carriage cover enough of the market to allow the station to compete for revenues sufficient to operate and adequately serve the needs of the community.<sup>17</sup>

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<sup>13</sup> Television & Cable Factbook 2012 at A-1343.

<sup>14</sup> 1993 Satellite Waiver at 2-3; 1990 Satellite Waiver, 5548 (¶ 8). In fact, the Commission concluded that *neither* WWCW *nor* WFXR could operate as full-service stations. *Id.*

<sup>15</sup> Letter from Brian E. Cobb, President, CobbCorp, LLC, to Barbara Kreisman, Esq, Chief, Video Division, Media Bureau, FCC (Nov. 1, 2013), attached hereto as Attachment B.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* Nexstar notes that neither WWCW nor WFXR, on a stand-alone basis, is able to reach all of the cable headends in the DMA with a good quality signal via over-the-air delivery.

For the foregoing reasons, Nexstar respectfully requests that the Commission continue to authorize WWCW to operate as a satellite of WFXR.

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Accordingly, without a continuation of the satellite waiver, neither WWCW nor WFXR will be able to provide a signal to all cable headends in the DMA without significant cost to the stations, thereby reducing the ability of viewers to receive the stations through cable services as well.