

**MULTIPLE OWNERSHIP COMPLIANCE
and
MAIN STUDIO WAIVER (73.1125)**

For the reasons set forth herein, the Assignee submits that the proposed acquisition of KGWC-TV (Casper) KGWR-TV (Rock Springs) and KGWL-TV (Lander) will comply with 47 CFR Section 73.3555 (b)(1). Furthermore, a waiver of the main studio rule (47 CFR Sec. 73.1125) for stations KGWR-TV (Rock Springs) and KGWL-TV (Lander) is warranted.

I.

MULTIPLE OWNERSHIP COMPLIANCE (73.3555 (b)(1))

The FCC record will show that in 2002, the current licensee (Chelsey Broadcasting) acquired the subject stations. See, BALCT-20020619ABN. At that time, Chelsey requested that the FCC grant its application under the provisions of 73.3555 (b) (1) which, at that time provided and now provides, in pertinent part, as follows:

(b) Local television multiple ownership rule. 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) only under one or more of the following conditions:

- (1) The Grade B contours of the stations (as determined by §73.684 of this part) do not overlap; or
- (2) [Omitted]

In granting its consent to the aforementioned acquisition, the Commission found that the stations

qualified for treatment under section 73.3555 (b) (1) because the Grade B Contours of the stations did not overlap, or, as in the case of KGWR and KGWL the overlap of less than 1% of the geographic area (Rocky Mountains) and less than 1% of the population (8 persons) was *de minimis*. The Commission's letter ruling dated August 29, 2002 is attached hereto. Also attached hereto and incorporated by reference is Chelsey's statement of compliance (2002 Benedek/Chelsey Application Exhibit 14 (Supplement)) with the 73.3555 (b)(1) filed in conjunction with the 2002 purchase.

There has been no change in the technical operation of the stations which would affect the coverage of the grade B contour. Thus, the grant of the instant application meets the requirements of 47 CFR Sec. 73.3555(b)(1) as it did in 2002.

II.

MAIN STUDIO WAIVER (73.1125)

Mark III is requesting a continuation of the waiver of the main studio rule (47 CFR Sec. 73.1125) which was granted to the current licensee in 2002. A copy of that main studio waiver request submitted by Chelsey is contained within 2002 Benedek/Chelsey Application Exhibit 14 (Supplement), and is incorporated herein by reference.

Mark III intends to operate the stations as Chelsey has since acquiring the stations last year. Mark III requests the Commission to waive the main studio rule (73.1125) for the same reasons as contained in the 2002 Benedek/Chelsey application (Exhibit 14, Annex 2), which waiver justification is incorporated herein by reference and adopted by the assignee.

For the reasons noted in the FCC's August 29, 2002 decision the Assignee, Mark III, submits that a waiver of the main studio rule is in the public interest and should be granted.