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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

JAN - 3 1991

Federal Communications Commission  
Office of the Secretary

In re ) MM DOCKET NO. \_\_\_\_\_  
)  
Amendment of 47 CFR §73.606(b), ) RM-6976  
Television Table of Allotments )  
(Ardmore, Oklahoma and Sherman, )  
Texas) )

TO: The Commission

ORIGINAL  
FILE

SUPPLEMENT TO APPLICATION FOR REVIEW  
AND  
REQUEST FOR EXPEDITED ACTION

K-Twelve, Ltd., a Texas limited partnership (K-Twelve), licensee of Television Broadcast Station KXII, Ardmore, Oklahoma, hereby respectfully submits this Supplement to its March 6, 1990 "Application for Review" of an action of the Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau, returning as "not acceptable for rule making" K-Twelve's "Petition for Rulemaking" dated July 27, 1989, as supplemented on October 20, 1989, seeking the reallocation of commercial television channel 12 from Ardmore, Oklahoma to Sherman, Texas, and modifying KXII's license to specify Sherman as its new community of license. Furthermore, K-Twelve respectfully requests the Commission to take expedited consideration of this matter. In support whereof, the following is shown:

1. The basis for this Supplement is the Commission's November 30, 1990 Memorandum Opinion and Order in MM Dkt. No. 88-526, FCC 90-374, 5 FCC Rcd 7094. Therein, the Commission clarified its policies relative to an existing television station seeking to specify a new community of license.

2. Therein, the Commission stated that "we believe waivers of the prohibition on the removal of an existing service representing a community's sole local transmission service may be warranted in limited circumstances". See ¶19. We believe the instant application does warrant a waiver and does, thereby, further implement the Commission's mandate in accordance with Section 307(b) of the Communications Act of 1934, as amended.

3. By seeking reallocation of Television Channel 12 from Ardmore, Oklahoma to Sherman, Texas, K-Twelve is not trying to move its station from a rural area to an urban area--nor even to a suburban area. The entire area served by Channel 12 is all rural. The two towns of Ardmore and Sherman are small--Ardmore has a population of 23,015; Sherman has a population of 31,466.<sup>1</sup>/ Ardmore is served by off-the-air signals of Grade A or better by two television stations--KTEN(TV), Channel 10, Ada, Oklahoma, and KXII(TV), the petitioner herein. Sherman receives Grade A service from

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<sup>1</sup>/Both figures obtained from U. S. Bureau of the Census, August, 1990 preliminary report.

only one television station--petitioner KXII--which serves Sherman with city-grade signal strength. Both KTEN and KXII maintain offices in Ardmore. However, only KXII maintains offices in Sherman. KXII's main studios are located in Sherman and have been so located for the past 24 years.

4. While television service to Ardmore is a primary consideration, the Commission also has the responsibility of considering whether or not the reallocation of the only facility in the area could serve a more significantly-sized population now without such service. Although KXII is, in fact, providing this service, it is presently forced by the Commission to operate in such a way which deprives KXII of the ability to receive full credit from the national ratings services (i.e., Arbitron, Nielsen) for the market which it is licensed to serve. This situation is stunting KXII's growth and in fact threatens KXII's very existence.

5. Sherman's Grayson County is significantly larger in population--38,300 television homes--compared to Ardmore's Carter County--17,700 television homes. The only off-the-air signal providing a minimum of Grade A service to virtually all of Grayson County is KXII. KXII maintains its main studios in Grayson County under prior authorization of the Commission. KXII relies upon Grayson County for a substantial portion of its revenues. AND YET THE ARBITRON AND NIELSEN ORGANIZATIONS REFUSE TO CREDIT GRAYSON COUNTY TO

KXII'S MARKET. The reason for this denial is that, since KXII's home county is considered to be Carter County, Oklahoma, Grayson County is assigned by Arbitron and Nielsen to the Dallas-Fort Worth market. This is because various of the Dallas-Fort Worth metroplex's eight commercial television stations are imported into Grayson County via cable television. Grayson County has a cable penetration figure of 69.7 percent. Since the combined viewing share of the Dallas-Fort Worth stations exceeds the viewing share of KXII in Grayson County, Grayson County is assigned by Arbitron and Nielsen to Dallas-Fort Worth and denied to KXII's market.

6. Should KXII's instant petition be granted and its city of license changed to Sherman, Texas, Arbitron's rules provide for KXII's "home county" to be assigned to KXII's market. Thus, KXII's market will thereafter reflect the true numerical viewing audience for KXII--which it does not at present. How important is this to the future existence of KXII? It is petitioner's belief that it can mean the difference between an early demise and loss of over-the-air service to the area and a protracted, indefinite, long tenure providing good local service to the area.

7. To demonstrate the need for a measured service in Sherman which will come about as a result of the granting of this city of license request, the Commission need only compare the relative revenues derived by KXII from the two

cities involved. In 1989, KXII received \$281,835 from local advertisers in Ardmore, Carter County; in the same period, KXII derived \$1,102,080 in local advertising from Sherman, Grayson County--all of this without the ability to show local and national advertisers the true audience share and program ratings for KXII. KXII's total operating expenses in 1989 were \$3,005,741. On January 1, 1991, CBS network compensation to local affiliates was reduced by twenty (20) percent. Without the ability to show network and national advertisers the true program ratings for KXII, revenue erosion will surely continue. The ability of KXII to render the same level of service will be impossible. Local television service to the area will suffer as a result. The granting of this petition will reverse these trends and will serve the public interest.

8. KXII currently broadcasts from a tall tower near Madill, Oklahoma. Under its proposal to be relicensed to Sherman, Texas, this transmitter site will not change. KXII will be serving the same areas of southern Oklahoma and north Texas that it serves presently. Indeed, it is impossible to move the station's transmitter any appreciable distance to the south because of existing stations on adjacent channels 11 and 13 in the Dallas-Fort Worth area.

9. Finally, expedited action is requested on this matter. KXII first petitioned the Commission on July 27,

1989. We have never been at the "Notice of Proposed Rule-making" stage. The Commission is requested to initiate the notice and comment period at the earliest time.

WHEREFORE, K-Twelve, Ltd. urges that its Application for Review BE GRANTED.

Respectfully submitted,

K-TWELVE, LTD.

By



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January 3, 1991