

**Before the  
Federal Communications Commission  
Washington, D.C. 20544**

In Re Petition of	)	
	)	
Hart County, Georgia	)	
	)	
For Modification of the Television Market	)	
of Station WSB-TV (ABC), Channel 2,	)	MB Docket 18-250
of Station WXIA (NBC), Channel 11,	)	File No. CSR-8963-A
of Station WAGA (FOX), Channel 5,	)	
of Station WGCL (CBS), Channel 46,	)	
Atlanta, GA with Respect to DISH Network	)	
and DIRECTV	)	

**JOINT OPPOSITION TO PETITION FOR SPECIAL RELIEF**

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## **Summary**

The Petition filed by Hart County, Georgia (through its Board of County Commissioners) to add Hart County to the local television markets of four Atlanta Stations for purposes of satellite carriage is based almost exclusively on claims that Hart County residents do not have access to “in-state” television stations from Atlanta that provide programming relevant to Georgians generally.

The Petition lacks required evidence, and four of the five statutory factors do not support market modification: (i) the Atlanta Stations are not historically carried in Hart County, (ii) the Atlanta Stations lack over-the-air coverage of, geographic proximity to, and a programming nexus to Hart County, (iii) there is ample and, indeed, superior technical coverage and local programming of specific interest to Hart County residents from the In-Market Stations, and (iv) the Atlanta Stations lack any meaningful audience in Hart County. There is, therefore, no accounting or assessment of the evidence that would weigh the totality of the statutory factors in favor of modification.

The fifth factor, “access to in-state programming” was added by Congress in 2014 to be considered along with four other historical factors. But that new factor is neither exclusive nor dispositive. Neither Congress nor the Commission ever declared or suggested that the other four, original statutory factors should be ignored, or that the Commission’s standardized evidentiary requirements should be waived, simply because modification would allow access to in-state television stations. To the contrary, in its 2015 STELAR Order, the Commission specifically held that “the in-state factor does not serve as a trump card negating the other four statutory factors.” This should be especially true in a petition like this one where there is no evidence that the Atlanta Stations to be imported into Hart County have expressed a specific

desire to be carried in that county or an intention to provide localized programming that is specifically targeted to the county.

For all of these reasons, the Petition must be denied.



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WYFF Hearst Television Inc., licensee of NBC affiliate WYFF(TV), Greenville, South Carolina (“WYFF”); Meredith Corporation, licensee of FOX affiliate WHNS(TV), Greenville, South Carolina (“WHNS”); Nexstar Broadcasting, Inc., licensee of CBS affiliate WSPA-TV, Spartanburg, South Carolina (“WSPA”); and WLOS Licensee LLC, licensee of WLOS(TV), Asheville, North Carolina (“WLOS”) (collectively, the “Opposition Parties”), through counsel and pursuant to Rule 76.7 of the Commission’s rules, respectfully file and serve this joint, Opposition to the Petition for Special Relief filed by the Board of Commissioners of Hart County, Georgia (the “Board”) seeking to modify the local television markets of NBC affiliate WXIA-TV, Atlanta, Georgia; FOX affiliate WAGA-TV, Atlanta, Georgia; CBS affiliate WGCL-TV, Atlanta, Georgia; and ABC affiliate WSB-TV, Atlanta, Georgia (the “Petition”) to include Hart County with respect to DISH Network (“DISH”) and DIRECTV. WXIA, WAGA, WGCL and WSB are collectively referred to herein as the “Atlanta Stations.” WYFF, WHNS, WSPA, and WLOS are collectively referred to herein as the “In-Market Stations.”

For the reasons discussed below, the Petition should be denied.

## **I. Background**

### **A. Localism is the Foundation of Market Modification Proceedings**

The market modification process exists to allow the Commission to alter a television station's local television market when doing so would allow broadcasters and MVPDs to "better serve the interests of local communities."<sup>1</sup> The touchstone for evaluating a market modification request is whether there is a sufficient nexus—i.e., a "local relationship"—between the television station and the relevant community.<sup>2</sup> To that end, the Commission "must afford particular attention to the value of localism"<sup>3</sup>—long defined as programming that "is responsive to the needs and interests of their communities of license"<sup>4</sup>—when judging the merits of a market modification petition.<sup>5</sup>

Until 2014, in the context of market modification for carriage on cable systems, Congress set four statutory factors for the Commission to consider and weigh in evaluating the local nexus between a television station and the relevant community:

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<sup>1</sup> *Amendment to the Commission's Rules Concerning Market Modification; Implementation of Section 102 of the STELA Reauthorization Act of 2014*, Report and Order, 30 FCC Rcd 10406, FCC 15-111 (2015) ("STELAR Order"), at ¶ 7.

<sup>2</sup> *La Plata County, Colorado, Petitions for Modification of the Satellite Television Markets of KDVR-TV, KCNC-TV, KMGH-TV, and KUSA-TV, Denver, Colorado*, Memorandum Opinion and Order, 32 FCC Rcd 1474, DA 17-204 (MB 2017) ("La Plata Order"), at ¶ 5 ("The rules enable a broadcast television station to be carried by a satellite carrier in such a new community if the station is shown to have a local relationship to that community.").

<sup>3</sup> Report from the Senate Committee on Commerce, Science, and Transportation accompanying S. 2799, 113<sup>th</sup> Cong., S. Rep. No. 113-322 (2014) ("Senate Commerce Committee Report"), at 10-11; 47 U.S.C. § 338(l)(2)(B); STELAR Order, at ¶ 8.

<sup>4</sup> *Designated Market Areas: Report to Congress Pursuant to Section 109 of the STELA Reauthorization Act of 2014*, 31 FCC Rcd 5463, DA 16-613 (MB 2016) ("2016 In-State Programming Report"), at ¶ 11.

<sup>5</sup> See Senate Commerce Committee Report, at 10-11.

- **Historical carriage.** Whether the station, or the other stations located in the same area—(a) have been historically carried on the cable system or systems within such community; and (b) have been historically carried on the satellite carrier or carriers serving such community;
- **Local Service by Out-of-Market Station.** Whether the television station provides coverage or other local service to such community;
- **Local Service By In-Market Stations.** Whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage of sporting and other events of interest to the community; and
- **Viewing patterns.** Evidence of viewing patterns in households that subscribe and do not subscribe to the services offered by multichannel video programming distributors within the areas served by such multichannel video programming distributors in such community.<sup>6</sup>

To evaluate each of these factors, the Commission imposed the following standardized evidentiary requirements relevant to establishing a local nexus between the station and the community:

- Maps illustrating the relevant community locations, mileage between the station and the community, geographic features, transportation routes, and station and MVPD facilities;
- Noise-limited service contour maps delineating the station's technical service area and showing the location of the cable system headends or satellite carrier local receive facilities and communities in relation to the service areas;
- Available data on shopping and labor patterns in the local market;
- Television station programming information derived from station logs or local television guides;
- MVPD line-up cards or television guides demonstrating historical carriage; and

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<sup>6</sup> 47 U.S.C. § 338(l)(2)(B).

- Audience data for MVPD and non-MVPD households, advertising or sales data.<sup>7</sup>

## **B. STELAR and the Addition of the “In-State” Programming Factor**

Congress enacted STELAR in 2014 to extend the market modification regime to satellite carriage.<sup>8</sup> It also added a fifth statutory factor—access to “in-state” television signals—to the existing four factors that the Commission must consider in conducting its overall localism analysis.<sup>9</sup> Congress added the new “in-state” programming factor so that the Commission could “consider the plight” of viewers in so-called “orphan” counties, who lack access to signals from “in-state” stations.<sup>10</sup>

Congress made clear, however, that it preserved the original four factors and that this new “access to in-state signals” factor is to be considered *along with* the other four factors. The new “in-state” factor does not replace, supersede, subsume, or in any way change the existing four factors, or the framework for how they are to be analyzed.<sup>11</sup> Indeed, while Congress added a new in-state programming factor to the multi-factor analysis, it did not provide any new or separate framework for evaluating orphan county petitions generally or for modifying or waiving the application of the original four factors in an orphan county context.

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<sup>7</sup> 47 C.F.R. § 76.59(b)(1)-(6); *see also Definition of Markets for Purposes of the Cable Television Broadcast Signal Carriage Rules*, Order on Reconsideration and Second Report and Order, 14 FCC Rcd 8366, FCC 99-116 (1999).

<sup>8</sup> *See* STELA Reauthorization Act of 2014, Pub. L. 113-200, 128 Stat. 2059 (2014) (“STELAR”).

<sup>9</sup> Specifically, the factor addressed “whether modifying the local market of the television station would promote consumers’ access to television broadcast station signals that originate in their State of residence[.]” STELAR § 102, 128 Stat. at 2060; 47 U.S.C. § 338(l)(2)(B).

<sup>10</sup> Senate Commerce Committee Report, at 11; STELAR Order, at ¶ 18.

<sup>11</sup> *See, e.g.,* Senate Commerce Committee Report, at 10-11 (explaining that all five factors must be taken into account).

Most critically, Congress did not state—either explicitly or implicitly—that access to in-state programming could be dispositive in any market modification proceeding. Nor did Congress suggest that “in-state” programming of statewide interest should be treated as a wholesale proxy for “local” programming with respect to counties underserved by “in-state” stations—especially with respect to the second statutory factor, the “local service” factor.<sup>12</sup>

### **C. The Commission’s Order Implementing STELAR**

Consistent with Congress’s directive, the Commission launched and completed a proceeding to implement Section 102 of STELAR.<sup>13</sup> In the resulting STELAR Order, the Commission heeded Congress’s direction to “consider the plight” of viewers living in orphan counties.<sup>14</sup> It determined how the new, third, “access to in-state signals” statutory factor should be construed, set forth the appropriate weight the new factor should be given, and explained that a petitioner will be “afforded credit for satisfying this factor simply by showing that the involved station is licensed to a community within the same state as the new community.”<sup>15</sup>

But the Commission did not alter or adjust the underlying test for evaluating market modification petitions. Rather, it specifically reaffirmed the totality of the five-factor test in the context of considering access to “in-state” signals:

*First*, the Commission emphasized the importance of considering *all five factors* in evaluating a market modification request, noting that the new “access to in-state signals” factor “is not universally more important than any of the other factors[.]”<sup>16</sup> Importantly, the Commission

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<sup>12</sup> See 47 U.S.C. § 338(l)(2)(B)(ii).

<sup>13</sup> See STELAR Order (MB Docket No. 15-71).

<sup>14</sup> See, e.g., STELAR Order, at ¶¶ 3, 14-15, 28.

<sup>15</sup> STELAR Order, at ¶ 18.

<sup>16</sup> STELAR Order, at ¶ 18.

ordered that “the in-state factor *does not serve as a trump card* negating the other four statutory factors.”<sup>17</sup>

*Second*, the Commission maintained the existing framework as to the other four factors, particularly the second statutory factor, “local service” by the station subject to market modification. It did not suggest that access to in-state signals alone would be sufficient to satisfy the longstanding “local service” factor (in addition to satisfying the third, “access to in-state signals” factor) where those in-state stations provide programming of general statewide interest but not programming specifically targeted to the local community. By contrast, the Commission explained the crucial difference between the “local service” second factor and the “access to in-state signals” third factor:

[U]nder factor two, we consider whether the station has aired programming, such as news, politics, sports, weather and other emergency information, *specifically targeted to the community at issue* (e.g., town council meeting, news or weather event that occurred in the community, local emergencies, etc.). Under factor three, we would consider whether the station has aired programming, such as news, politics, sports, emergency information, *specifically related to the state in which the community is located* (e.g., coverage of state politics and legislative matters, state sports team coverage, state emergency information, etc.).<sup>18</sup>

*Third*, the Commission did not modify, lessen, or waive any of the required evidentiary factors for petitions seeking to add “in-state” signals or forecast circumstances in which a waiver would even be appropriate.<sup>19</sup> The Commission specifically made these pre-STELAR, existing

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<sup>17</sup> STELAR Order, at ¶ 18 (emphasis added).

<sup>18</sup> STELAR Order, at ¶ 18 n.85 (emphasis added). As set forth in Section III.B., *infra*, this explanation from the Commission proves the error of the Bureau’s contention that “a distinction between ‘*state-related*’ programming and ‘*localized*’ programming’ . . . simply does not exist in the orphan county context.” La Plata Order, at ¶¶ 43, 52 (emphasis original).

<sup>19</sup> STELAR Order, at ¶ 20 (requiring that market modification requests “must include” at least the seven evidentiary requirements set forth in 47 C.F.R. § 76.59(b)(1)-(7)); *id.* ¶ 22 (holding that market modification requests that do not include the required evidence will be dismissed). The

evidentiary requirements applicable to market modification for satellite carriage “given the same language is used in both the cable and satellite statutory factors and the record provides no basis for adopting a different interpretation in the satellite versus cable context.”<sup>20</sup> Far from excusing noncompliance with these requirements, the Commission reaffirmed the importance of complying with them.

*Fourth*, a unique feature of market modification proceedings for satellite carriage is that, unlike in the cable market modification context, the Commission has permitted county governments to file petitions seeking market alterations. But, the Commission expressly recognized the difficulty that county governments might have in providing the required “specific evidence to demonstrate the five statutory factors” and “strongly encourage[d] county government petitioners to enlist the aid and cooperation of the station they wish to bring to their county” in order to “avoid dismissal” due to a lack of sufficient evidence.<sup>21</sup> The Commission therefore recommends that county governments consult with the affected television station before filing a petition for market modification because “without the willing participation of the affected broadcaster, modifying the market of a particular television station, in itself, would not result in consumer access to that station.”<sup>22</sup>

Here, the Petition does not reflect the intent of the Atlanta Stations to authorize carriage of their signals on satellite in Hart County, nor does the Petition reflect the programming that those stations intend to provide that is specifically targeted to viewers in Hart County—i.e., local news,

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Commission added to the six evidentiary requirements that predated STELAR the requirement that, when applicable, the petitioner provide a statement that the station is licensed to a community within the same state.

<sup>20</sup> STELAR Order, at ¶ 20.

<sup>21</sup> STELAR Order, at ¶ 14.

<sup>22</sup> STELAR Order, at ¶ 14.

sports, weather, etc. The letter from the Georgia Broadcasters Association (GAB) included in the Petition does not, and cannot, purport to speak for any of the Atlanta Stations individually. In any event, the GAB states that it “continues to support efforts to negotiate terms of targeted carriage arrangements to allow delivery of local, in-state, non-duplicative broadcast programming and to increase access to in-state news by Georgia viewers”—an outcome that generally would not require any market modification by the FCC.

#### **D. Not All Orphan Counties Are Similarly Situated**

In recent post-STELAR orphan county market modification proceedings, the Media Bureau has reduced the importance of geographic proximity tests and historic carriage and ratings data; given “substantial weight” to the “in-state” programming factor; and effectively allowed “in-state” programming to be counted twice by using it as a satisfactory showing of the second factor’s “local service.” Rather than giving “positive” or “negative” weight to the first, second, fourth, and fifth factors, the Media Bureau’s post-STELAR decisions have tended to pronounce these factors as “neutral” where there is no meaningful evidence to support them,<sup>23</sup> so that the only factor given any meaningful, positive weight on the scale is the in-state programming factor—which has the same practical effect of eliminating the other factors from the scale at all. The result of this flawed

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<sup>23</sup> See La Plata Order, at ¶¶ 24-59; *Gray Television Licensee, LLC, for Modification of the Satellite Television Market for WSAW-TV, Wausau, Wisconsin*, Memorandum Opinion and Order, 32 FCC Rcd 668, DA 17-74 (MB 2017), at ¶¶ 30, 32 (geographic proximity for second factor and fourth factor deemed neutral). In some cases the Media Bureau has found evidence in favor of the petitioners on some of those factors where meaningful evidence to support those factors has been submitted and there was no opposition filed. See *Harrison County, Texas, Petitions for Modification of the Satellite Television Markets of KLTV, Tyler, Texas and KFXK-TV, Longview, Texas*, Memorandum Opinion and Order, DA 18-573 (MB rel. June 1, 2018) (“Harrison County Order”) (Bureau found that evidence demonstrated that one of the in-state stations’ community of license of the Texas station was within the county, that the county was largely within the service contours of the in-state stations, there was some evidence of historical carriage on cable systems with the county, and where there was no opposition to the petitions (and therefore no showing of local service by the Shreveport stations)).



analysis is that the third factor, access to in-state programming, automatically becomes the dispositive factor in orphan county petitions, as the lack of any meaningful evidence regarding the other four factors is of little, if any, consequence.

This analysis is unsupported by STELAR and the STELAR Order. Among other things, it fails to recognize that not all orphan counties are similarly situated within the context of the five statutory factors, and that a per se grant of orphan county market modification petitions driven by one factor alone is improper.

For example, orphan counties in some states will have a stronger geographic nexus to an “in-state” station than other orphan counties in other states.<sup>24</sup> Additionally, in some cases the Bureau has determined that some in-state stations may already provide meaningful coverage of news and events occurring in orphan counties.<sup>25</sup> And evidence of historical carriage and ratings data may vary significantly across differently-situated orphan counties.<sup>26</sup> Given these differences, proper application of all five statutory factors and evidentiary requirements—as mandated by

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<sup>24</sup> Compare Harrison County Order, at ¶ 24 (“In the instant case, however, Petitioner has demonstrated not only that KFXK provides substantial over-the-air coverage of the County, but also that the Station offers local service through its programming and connection to the County. We thus find that the second statutory factor weighs in favor of the requested modification.”), to La Plata Order, at ¶ 53 (“In this case, we find that overall geographic proximity measures do not enhance the Petitioner’s case, and we thus consider them neutral.”).

<sup>25</sup> See Harrison County Order, at ¶¶ 23-24; *Monongalia County, West Virginia and Preston County, West Virginia, Petitions for Modification of the Satellite Markets for WDTV, Weston, West Virginia, and WBOY-TV and WVFX, Clarksburg, West Virginia*, Memorandum Opinion and Order, DA 18-113 (MB rel. Feb. 7, 2018) (“West Virginia Order”), at ¶¶ 22-23, 30-31, 38-39.

<sup>26</sup> See West Virginia Order, at ¶¶ 34, 42 (where evidence provided indicated Nielsen had not been able to measure viewing in the subject counties for at least 10 years, factor given neutral weight); *Electric Plant Board of the City of Russellville, Cumberland Cellular, Inc. d/b/a Duo County Telecom, and North Central Telephone Cooperative, Inc., for Modification of the Television Market for WBKO(TV), Bowling Green, Kentucky*, Memorandum Opinion and Order, 32 FCC Rcd 10255, DA 17-1183 (MB 2017), at ¶ 15 (where historical Nielsen data demonstrated some viewing in the communities at issue, positive weight given); Harrison County Order, at ¶¶ 27, 34 (where no evidence of viewing patterns presented, negative weight given).

Congress—must prevent a market modification in circumstances where there is little, if any, local nexus between the in-state stations and the orphan counties, particularly as it relates to evidence of local programming.

Although a “one-factor-fits-all-orphan-county-petition” is inappropriate, there are indeed situations where the five-factor analysis may support an orphan county’s request for modification. For example, it may very well have been appropriate for the Commission to grant market modifications filed by West Virginia’s Preston and Monongalia Counties to receive in-state West Virginia stations where the petition presented evidence of local signal coverage, extensive local programming from the in-state stations, and evidence of historical carriage on cable systems—and where the in-state stations at issue provide extensive local coverage of the West Virginia University, located in Monongalia County.<sup>27</sup> That petition was unopposed.

Conversely, it was far less appropriate to grant a market modification petition in La Plata County, Colorado, where the petitioning county provided little more than a scintilla of evidence of meaningful local nexus between the Denver stations and La Plata county, where the Albuquerque stations submitted evidence of significant local coverage of the county, and where the crux of the petition was effectively based on obtaining access to “local” news in Denver —some 330 miles away. That petition was opposed by the Albuquerque stations. The Denver stations offered to provide their “*local, in-state, non-duplicative broadcast programming*”<sup>28</sup> (for which a market

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<sup>27</sup> See West Virginia Order.

<sup>28</sup> Petition for Special Relief (KDVR) of La Plata County, Colorado, MB Docket 16-366 (filed Sept. 7, 2016), at Exhibit H; Petition for Special Relief (KCNC) of La Plata County, Colorado, MB Docket 16-367 (filed Sept. 7, 2016), at Exhibit H; Petition for Special Relief (KMGH) of La Plata County, Colorado, MB Docket 16-368 (filed Sept. 7, 2016), at Exhibit H; and Petition for Special Relief (KUSA) of La Plata County, Colorado, MB Docket 16-369 (filed Sept. 7, 2016), at Exhibit H.

modification would not be required), but they did not express a desire to provide their duplicating network and syndicated programming (for which a market modification would be required).

In sum, modifying a local television market to promote access to in-state programming of statewide interest without evidence of a meaningful local nexus between the county and the in-state station does not comport with STELAR, the Commission's STELAR Order, or the principles of localism embedded in the statutory factors and evidentiary requirements.

## **II. The Petition Fails to Comply with Evidentiary Standards Required by the Commission's Rules.**

### **A. DISH's Feasibility Response Includes Conditions that Would Frustrate the Desired Goal of the Petition.**

STELAR provides that a market modification "shall not create additional carriage obligations for a satellite carrier if it is not technically and economically feasible for such carrier to accomplish such carriage by means of its satellites in operation at the time of the determination."<sup>29</sup> In its STELAR Order, the Commission stated that "[t]he Commission will not proceed to evaluate the five factors for a market modification with respect to a particular satellite carrier where it is shown that the resulting carriage obligation would not be technically and economically feasible at the time of the market determination."<sup>30</sup>

At the outset, it should be noted that the feasibility certifications submitted with the Petition are now more than two years old. Particularly in the case of DISH, which expressly reserved the right to amend its response based on technical or economic infeasibility, the Petition should be

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<sup>29</sup> 47 U.S.C. § 338(l)(3)(A).

<sup>30</sup> STELAR Order, at ¶ 30.

denied or, at the very least, required to be supplemented with new certifications from DISH and DIRECTV.<sup>31</sup>

Further, the response from DISH, included as Petitioner's Exhibit A, states that DISH may not, in fact, be technically or economically infeasible to retransmit the Atlanta Stations under certain conditions. DISH's reservations as to feasibility highlights the uncertainties and costs to consumers associated with a market modification. DISH notes that, even if Hart County is added to the markets of the Atlanta Stations, DISH cannot guarantee that it will be able to successfully reach an agreement with the Atlanta Stations to carry those stations in Hart County.<sup>32</sup> That is because the Atlanta Stations may or may not be able to reach an economic agreement with DISH regarding the terms for retransmission consent. In fact, DISH suggests that if any of the four Atlanta Stations were to deny DISH the right to retransmit its signal into Hart County, "it may be either technically or economically infeasible, or both, for DISH to launch a customer offering with only the remaining stations that did grant retransmission consent."<sup>33</sup> DISH further reserves the right to "charge additional fees" to subscribers in Hart County who want to receive the Atlanta Stations, and maintains that "[w]ithout the ability to offset the additional costs associated with a market modification, it would be 'economically infeasible' pursuant to 47 CFR 76.59(e) for DISH to comply with a market modification ordered by the FCC."<sup>34</sup>

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<sup>31</sup> See 47 U.S.C. § 338(l)(3); see also *Gray Television Licensee, LLC, for Modification of the Television Market for WYMT-TV, Hazard, Kentucky*, Memorandum Opinion and Order, DA 18-500 (MB rel. May 16, 2018) (denying market modification due, in part, to showing of technical and economic infeasibility).

<sup>32</sup> See Petition, at Exhibit A.

<sup>33</sup> See Petition, at Exhibit A.

<sup>34</sup> See Petition, at Exhibit A.

DISH's response, therefore, conditions feasibility upon both (i) reaching an economic retransmission consent agreement with all of the Atlanta Stations, and (ii) charging a fee to Hart County residents to receive such signals. This scenario does not square with the responses of the Georgia Association of Broadcasters or the residents of Hart County. The GAB letter focuses on carriage of local, nonduplicative programming of the Atlanta Stations, and there is no submission from Hart County demonstrating that all of the Atlanta Stations have committed to negotiate with DISH for the right to retransmit their full signals, including all of the network and syndicated programming. Further, the Board's own survey reveals that 43 percent of Hart County residents are not willing to pay extra for Atlanta Stations, and only 19 percent of residents are willing to pay extra.<sup>35</sup> The Board's own evidence, then, reveals that a market modification may not have the desired outcome sought by many residents of Hart County—the immediate addition of the Atlanta Stations to DISH at no extra charge to consumers—and that the feasibility of carriage of any Atlanta Station on DISH is uncertain at best.

**B. The Petition Lacks Required Evidence.**

The Petition does not include required evidence of (i) exhibits establishing historic carriage of the in-state stations in Hart County, and (ii) published audience data for the relevant in-state station or other “specific audience indicia.” The failure to comply with these procedural evidentiary requirements is grounds for dismissal,<sup>36</sup> so the Board (unable to show them) asks the Commission to waive these evidentiary requirements.

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<sup>35</sup> See Petition, at Exhibit G.

<sup>36</sup> See, e.g., *Sagamorehill Broadcasting of Wyoming/Northern Colorado, LLC*, Memorandum Opinion and Order, 22 FCC Rcd 12944, DA 07-3205 (MB 2007) (dismissing petition for failure to provide required data); *Withers Broadcasting Company of West Virginia*, Memorandum Opinion and Order, 20 FCC Rcd 17890, DA 05-2926 (MB 2005) (same).

The Opposition Parties acknowledge that the Media Bureau has recently waived certain evidentiary requirements in market modification petitions filed by other orphan counties. But nothing in the Commission’s STELAR Order contemplates a blanket waiver of evidentiary requirements for orphan county petitions solely because they are orphan counties. Nor does it suggest that certain evidentiary requirements are not applicable to orphan county petitions. Rather, the Commission’s STELAR Order implementing the “in-state” factor adopts the existing evidentiary requirements, and it explicitly references the need for county governments to “provide specific evidence to demonstrate the five statutory factors.”<sup>37</sup> Here, the County’s failure to provide evidence of historical carriage and ratings data, and other omissions, renders the Petition procedurally defective and subject to dismissal, and it also reflects the substantive failure to meet the first and third statutory factors, as discussed in more detail below.

### **III. The Statutory Factors Do Not Support Market Modification.**

Four of the five statutory factors weigh against modification because the Petition, on its face, demonstrates that the Board is entitled to no enhancement under these factors. First, the Board acknowledges that the signals of the Atlanta Stations are not historically carried in Hart County.<sup>38</sup> Second, the Board does not offer evidence of *local* programming with a nexus to Hart County—i.e., coverage of local news, weather, sports, or any issues relevant to the specific needs and interests of Hart County viewers. Nor does the Board provide evidence that the Atlanta Stations intend to provide or invest in such programming. Indeed, the Board’s own evidence shows that the Atlanta Stations provide no meaningful technical coverage of Hart County.<sup>39</sup> Third,

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<sup>37</sup> STELAR Order, at ¶ 14.

<sup>38</sup> See Petition, at Section III(5).

<sup>39</sup> See Petition, at Exhibits D and F.

the Board does not establish that the In-Market Stations fail to provide localized programming of interest to Hart County viewers. Finally, the Board offers no evidence that the Atlanta Stations achieve any meaningful audience share in Hart County.

The “in-state” programming factor supports grant of the Petition for the simple reason that the Atlanta Stations would provide “Georgia” programming to Hart County residents, as this factor essentially automatically favors every orphan county market modification petition because it was designed by Congress to do so. But Congress did not design a system where the “in-state” programming factor would supersede or otherwise excuse consideration of the other factors and allow access to statewide programming to be elevated above localized programming specifically targeted to the needs and interests of local communities.

**A. Historical Carriage**

The Board does not provide any evidence that the Atlanta Stations have been historically carried on any MVPD systems within Hart County. As set forth in the Opposition Parties’ Exhibits A through D attached hereto, the In-Market Stations have been historically carried on the cable and satellite systems in Hart County. In particular, WSPA is carried on Channel 7 on both DISH and DIRECTV and has been carried on those providers since at least 1999, as well as on cable systems serving Hart County for many years.<sup>40</sup> WHNS is carried on Channel 21 on both DISH and DIRECTV and has been carried on those providers since at least 2000, as well as on cable systems serving Hart County for many years.<sup>41</sup> WYFF is carried on DISH and DIRECTV on Channel 4 and has been carried on those providers since they began providing local-into-local

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<sup>40</sup> See Opposition Parties’ Exhibit B, Declaration of Mark Higgins (“Higgins Decl.”), at ¶ 4.

<sup>41</sup> See Opposition Parties’ Exhibit A, Declaration of Les Vann (“Vann Decl.”), at ¶ 4.

service in Hart County, as well as on cable systems serving Hart County for many years.<sup>42</sup> WLOS is carried on Channel 13 on both DISH and DIRECTV and appears to have been carried on those providers in Hart County since at least 2000, as well as on cable systems serving Hart County for many years.<sup>43</sup>

The lack of historical carriage of the Atlanta Stations and the evidence of historical carriage of the In-Market Stations weighs against market modification.<sup>44</sup>

### **B. Coverage and Local Service to Hart County**

To analyze a station's coverage or local service, the Commission considers a station's signal contour coverage over the communities, its proximity to the communities in mileage, and its provision of programming with a distinct nexus to the communities.<sup>45</sup> In this case, the coverage or local service factor weighs against market modification.

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<sup>42</sup> See Opposition Parties' Exhibit C, Declaration of John Humphries ("Humphries Decl."), at ¶ 4.

<sup>43</sup> See Opposition Parties' Exhibit D, Declaration of Joseph Fishleigh ("Fishleigh Decl."), at ¶ 4.

<sup>44</sup> See *Cablevision of Monmouth, Inc. for Modification of the ADI Market for Station WMBC-TV, Newton, NJ; Complaint of Mountain Broadcasting Corp. against Cablevision of Monmouth, Inc. Request for Carriage*, Memorandum Opinion and Order, 11 FCC Rcd 9314, DA 96-1266 (CSB 1996) ("Monmouth Order"), at ¶ 19 (concluding that, with respect to a specialized format station, "the lack of historical carriage and the dearth of audience is evidential significance when linked with other information regarding the market, including lack of Grade B coverage, geographic distance, and the absence of noncable audience share in the relevant communities. In these instances, we cannot discount the stations' existing carriage and audience as proper indicators of the scope of its market area.")

<sup>45</sup> See *California-Oregon Broadcasting, Inc. d/b/a Crestview Cable Communications, for Modification of the DMA for Stations: KFXO, NPG of Oregon, Inc., Bend, OR; KOHD, Three Sisters Broadcasting LLC, Bend, OR; KVTZ, NPG of Oregon, Inc., Bend, OR*, Memorandum Opinion and Order, 29 FCC Rcd 3833, DA 14-506 (2014), at ¶ 16.



**(a) Geographic Nexus and Technical Service**

The evidence of signal contour coverage submitted with Exhibit F of the Petition is inadequate to demonstrate any meaningful technical coverage of Hart County by the Atlanta Stations, and the Board does not contend otherwise.<sup>46</sup> By contrast, as demonstrated in the Opposition Parties' Exhibit E, each In-Market Station's noise limited service contour (NLSC) contains all or most of Hart County.

As demonstrated in Opposition Parties' Exhibit F, which corresponds to the County's Exhibit D, evidence of the strength of broadcast signals received in Hartwell, Georgia (the Hart County seat) shows that the In-Market Stations deliver strong NLSC service to Hartwell, while NLSC service from the Atlanta Stations is weak to non-existent in the same location. The relevant statistic is the column labeled "NM(db)," which shows the amount above or (if negative) below NLSC service at the location for each station listed. The data in this column shows that the Atlanta Stations have exceptionally weak (negative) NLSC coverage at Hartwell, Georgia, while the In-Market Stations provide strong NLSC coverage to Hartwell. Indeed, the stations at the top of the chart—the In-Market Stations—provide the strongest NLSC coverage to Hartwell.

The statements made in the Petition about over-the-air signal strength refer to an Exhibit E, but no exhibit labeled E was submitted with the as-filed Petition. As such, the data reported in Exhibit E is not available to be rebutted.<sup>47</sup> However, to the extent the Petition references to "signal strength" are tied to the geographic distance of the transmitter sites to Hartwell, Georgia, it must

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<sup>46</sup> Indeed, a single contour map for WAGA-TV was submitted with Exhibit F of the Petition. That is hardly sufficient evidence to support the Petition. Nonetheless, the missing contour maps for the other three Atlanta Stations would similarly demonstrate lack of technical coverage.

<sup>47</sup> See Petition, at Section III(2).

be noted that *geographic distance* to Hart County from the transmitter site is not the same as *strength* of over-the-air signals received in Hart County.

As to geographic distances, the Commission has previously found in the cable context that distances of 59-84 miles are “geographically distant.”<sup>48</sup> Here, the County’s own evidence presented in Exhibit D (“Dist miles” column) demonstrates that the distances from the transmitters of the Atlanta Stations and Hartwell are approximately 90 miles (WXIA), 89 miles (WAGA), 89 miles (WGCL), and 57 miles (WSB), and that the driving distances from the transmitter sites to the County are 82 miles (WXIA), 79 miles (WAGA), 79 miles (WGCL), and 86 miles (WSB).<sup>49</sup>

The Petition’s purported evidence of “shopping” patterns does not demonstrate a sufficient nexus between the Atlanta Stations and Hart County. The Opposition Parties submit that this survey lacks any scientific validity where it fails to provide any information about sample selection or other methodology and no evidence of statistical significance. Yet, even within the results as presented, the respondents do the largest percentage of their shopping “locally.” The evidence does not demonstrate that a substantial number of citizens commute to work in Atlanta or otherwise rely on Atlanta for regular shopping or services in a manner that would demonstrate any meaningful geographic nexus to the community.

As discussed herein, this is a case where the orphan county in question lacks geographic nexus and technical coverage, but that is not necessarily so in every market modification case. For example, in a recent decision granting a market modification by Harrison County, Texas, to

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<sup>48</sup> See Monmouth Order, at ¶ 17 (describing distances of 59-84 miles as “geographically distant”).

<sup>49</sup> See Petition, at III(1)(b). Again, there are inconsistencies in the County’s reference to exhibits in the Petition’s text and the actual exhibits attached to the as-filed petition. There is no “Exhibit D” that shows the driving distances cited in the Petition.

add two in-state Texas stations, the Bureau found that the stations' service contours included the county and one of the stations' community of license was actually located in the county.<sup>50</sup>

**(b) Local Service**

Most notably, neither the Petition nor the programming guides of the Atlanta Stations submitted by the Board demonstrate any significant coverage of local programming “specifically targeted” to Hart County.<sup>51</sup> Rather, the Petition appears to rely on Atlanta programming of “Georgia” news. There is no evidence that the Atlanta Stations currently cover local news, weather, sports, issues, political races, or events in Hart County. Nor is there evidence that the Atlanta Stations would provide such localized coverage if the Petition is granted.

The lack of any evidence of localized programming from the Atlanta Stations specifically targeted to Hart County is important because the Commission has clearly delineated the distinction between locally-targeted programming in factor two and state-related programming in factor three:

[U]nder *factor two*, we consider whether the station has aired programming, such as news, politics, sports, weather and other emergency information, *specifically targeted to the community at issue* (e.g., town council meeting, news or weather event that occurred in the community, local emergencies, etc.). Under *factor three*, we would consider whether the station has aired programming, such as news, politics, sports, emergency information, *specifically related to the state in which the community is located* (e.g., coverage of state politics and legislative matters, state sports team coverage, state emergency information, etc.).<sup>52</sup>

This distinction is also important to avoid the improper “double counting” of programming that is “state-related” programming for factor three purposes, by also considering the same programming to be “local programming” for factor two purposes. If availability of “state-related”

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<sup>50</sup> See Harrison County Order, at ¶¶ 22, 29.

<sup>51</sup> See Petition, at Exhibits H and I.

<sup>52</sup> STELAR Order, at ¶ 18 n.85 (emphasis added).

programming relevant to Georgians generally is sufficient to satisfy both factor three and factor two, then the clear demarcation between factors two and three outlined in both the statute and in the Commission’s STELAR Order is eradicated, and every orphan county would meet the “local service” requirement in factor two without having to provide any evidence of local programming specifically targeted to the orphan county. Factor two would be rendered wholly superfluous because it would be subsumed by factor three.

The Atlanta Stations’ provision of Atlanta programming and state-related programming is not a substitute for the provision of localized programming that specifically targets the needs and interests of Hart County viewers, as required by the second factor.<sup>53</sup> It is true, of course, that some state-related programming can certainly be a *component* of localism.<sup>54</sup> But Congress never intended for programming of statewide interest to be a proxy for localized programming specifically targeted to the local community under the second factor. Such a result would run counter to the very principle of localism and broadcasters’ public interest obligation to air programming “relevant to the tastes, needs and desires of the public they are licensed to serve.”<sup>55</sup> There is no basis to suggest that all Georgians—from Savannah on the coast to Dade County in

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<sup>53</sup> See STELAR Order, at ¶ 18, n. 85.

<sup>54</sup> The Media Bureau has previously cited the Senate Commerce Committee Report on STELAR as evidence that “local” programming includes “in-state” programming. See La Plata Order, at ¶ 22. But the portion of the Senate Commerce Committee Report to which the Bureau cites for the proposition that “local programming” is to include “programming originating from and about the State in which a consumer resides” does not deal with statutory factor two, or factor three, or any of the other factors.<sup>54</sup> In fact, that portion of the Senate Commerce Committee Report does not pertain to Section 102 of the Act or market modification petitions at all. Rather, it deals with Section 205 of the Act, wherein Congress explained that the Commission could consider “in-state programming” to be “local programming” *for the purposes of drafting a Commission “report to various named congressional committees on DMAs.”*

<sup>55</sup> *Deregulation of Radio*, Report and Order, 84 FCC 2d 968, FCC 81-17 (1981), at ¶ 32 (quoting *En Banc Programming Inquiry Statement*, 44 FCC 2303, 2314 (1960)).

the in the Appalachians—can have their “local” needs and interests adequately addressed solely through local or state political news from Atlanta, coverage of the Atlanta sports teams, and other Atlanta- or Georgia-focused programming.

Granting a market modification without meaningful evidence of a local nexus beyond programming of general statewide interest risks disrupting the economics of the local television marketplace without any corresponding benefit to localism. Indeed, the Commission itself has recognized that not every in-state station necessarily has an incentive to invest in providing *localized* programming that specifically targets the needs and interests of specific local communities, particularly when the location of the in-state station is geographically distant and demographically distinct from the community at issue.<sup>56</sup> The Commission recognized this marketplace reality when it recently rejected calls to depart from the existing DMA structure:

[C]hanging the market of a particular county from one DMA to another that is potentially composed of counties from the same state as the county may not necessarily increase the amount of local programming that the county receives due to the economics of broadcast television and the ability (or inability) to serve a geographically distant, but in-state county.<sup>57</sup>

There are, of course, situations where certain orphan counties have presented evidence of significant coverage of local programming specifically targeted to their communities. A recent example involved Preston and Monongalia Counties in West Virginia.<sup>58</sup> The Media Bureau found that the in-state stations at issue aired county-specific programming that included high school

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<sup>56</sup> See *In-State Broadcast Programming: Report to Congress Pursuant To Section 304 of the Satellite Television Extension and Localism Act of 2010*, Report, 26 FCC Rcd 11919, DA 11-1454 (MB 2011), at ¶ 48 (summarizing comments and examples submitted by National Association of Broadcasters).

<sup>57</sup> 2016 In-State Programming Report, at ¶ 88.

<sup>58</sup> See West Virginia Order.

sports, major weather events, major arrests, crime spree, road closures, and economic development projects aimed at certain neighborhoods in the counties.<sup>59</sup> The in-state stations also provided “extensive coverage” of West Virginia University, which is located in Monongalia County itself—an example of programming of statewide interest that was also, simultaneously, a matter of particular “local” interest to the residents of the orphaned county.<sup>60</sup> In that case, the evidence of “local service” was based on far more than local news from a distant In-State community (where the in-state stations were located (i.e., Clarksburg, West Virginia, the equivalent of Atlanta news in the present matter), or programming of interest to West Virginians generally. Rather, the petitions in the West Virginia proceeding demonstrated a history of the in-state stations’ provision of local service to the orphan counties—based on locally-oriented programming—sufficient to satisfy the local service factor.

Similarly, as discussed above, in the petition to add Harrison County, Texas to the local television market of in-state Texas stations, Harrison County was largely or entirely within the service contours of the Texas stations and, with respect to local programming coverage, the petitioners submitted examples of Harrison-specific news, sports, and weather stories.<sup>61</sup> Such evidence, however, is entirely lacking in this case. There is no evidence in the record that the Atlanta Stations are providing any such technical or local programming coverage to Hart County now, or that the Atlanta Stations plan to do so in the event of a market modification. Under the circumstances specific to this orphan county, factor two does not support market modification.

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<sup>59</sup> See West Virginia Order, at ¶¶ 22-23.

<sup>60</sup> See West Virginia Order, at ¶ 24.

<sup>61</sup> See Harrison County Order, at ¶¶ 22-23, 29-30.

**C. Access to In-State TV Broadcast Signals**

The FCC's STELAR Order presumes consumer access to in-state television signals is sufficient to satisfy this factor, and it is undisputed that the Atlanta Stations provide programming related to Georgia. But there should be no additional weight given to this factor in this case—especially in light of the evidence that the In-Market Stations provide coverage of local news and issues of interest to Hart County.

**D. Coverage by Other Stations of News, Issues, and Events of Interest to Hart County**

The Petition offers no evidence that the In-Market Stations fail to provide coverage of news, weather, sports, issues, and events of interest to Hart County viewers. Instead, the evidence attached as Opposition Parties' Exhibits A-D reflects that the In-Market Stations serve viewers living in Hart County, Elbert County, Franklin County, and Stephens County and their communities (the portions of Georgia that are in the In-Market Stations' DMA) in numerous ways, including through routine and consistent coverage of a significant number of regular local weather, news, sports, and election stories, as well as coverage of Georgia-oriented sports (in addition to North and South Carolina sports, which are also of interest to Hart County viewers).

In recent months, for example, the In-Market Stations have reported on numerous stories specific to Hart County, and the stations routinely cover local news of interest to viewers in Northeast Georgia, including Hart County, that involve local government, crime, and economic development.<sup>62</sup> In addition, WHNS, WSPA, and WYFF regularly provide Hart County weather information, including severe weather alerts, school closings, forecasts, and election results.<sup>63</sup> The In-Market Stations also routinely provide coverage of Georgia-centric sports during their

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<sup>62</sup> See Opposition Parties' Exhibits A-D.

<sup>63</sup> See Opposition Parties' Exhibits A-C.

newscasts, including coverage of the Atlanta Braves, University of Georgia football, the Atlanta Falcons, the Masters' golf tournament, and more.<sup>64</sup> The In-Market Stations provide additional, supplemental coverage of the same types on their websites as well, including, in many cases, online stories targeted to Hart, Elbert, Franklin, and Stephens Counties and their communities.<sup>65</sup>

The Petition complains that viewers in Hart County want to see Atlanta Falcons football games instead of Carolina Panthers games and that they would prefer to receive more coverage of the Georgia Bulldogs and less coverage of the Clemson Tigers. But the evidence reveals that these generalizations are unsupported by the evidence with respect to coverage, and that market modification would be a solution in search of a problem.

With respect to pro sports, the Atlanta Falcons played nine games on FOX last year, two games on NBC, two games on CBS, and two games on ESPN.<sup>66</sup> Of these 16 games, only five of them were played at the same time as the Carolina Panthers.<sup>67</sup> This means that at least eleven of the 16 Atlanta Falcons games should have been available to viewers in Hart County, either through the In-Market Stations or on ESPN. Petitioners' focus on access (or purported lack thereof) to coverage of the Atlanta United Major League Soccer team would not be affected by market modification, as the majority of the United's soccer games air on FOX sports cable channels—and

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<sup>64</sup> See Opposition Parties' Exhibits A-D.

<sup>65</sup> See Opposition Parties' Exhibits A-D.

<sup>66</sup> See "A Week by Week Look at the Falcons' 2017 Schedule," AJC.com (April 20, 2017), *available at* <https://www.ajc.com/sports/football/week-week-look-the-falcons-2017-schedule/mpY93tW35r6s4cxHhjRbPP/>.

<sup>67</sup> See "2017 Carolina Panthers Schedule," charlotteobserver.com (April 20, 2017), *available at* <http://www.charlotteobserver.com/sports/nfl/carolina-panthers/article145877524.html>.



occasionally on FOX.<sup>68</sup> Viewers watching the In-Market Stations and viewers watching the Atlanta Stations have identical access to these games.

With respect to college teams, the complaints about favoring Georgia over Clemson are betrayed by the availability of coverage of both teams by the In-Market stations and on cable networks. Clemson plays in the Atlantic Coast Conference (ACC), and ACC games generally are broadcast on television on ABC or the ACC Network. Georgia plays in the Southeastern Conference (SEC), and SEC games air on broadcast television on CBS. When Clemson and Georgia games do not air on ABC or CBS, respectively, they may air on cable sports channels such as ESPN or the SEC Network. In other words, there should be few, if any, scenarios in which Hart County viewers are unable to watch a Georgia Bulldogs game because of a competing Clemson Tigers game airing on one of the In-Market Stations.

In addition, the Dabo Swinney Show (the head football coach of Clemson) airing on WSPA pulls solid ratings in these Georgia counties—better, in fact, in some of those counties than in certain South Carolina counties.<sup>69</sup> And, by car, Hartwell, Georgia, is approximately 36 miles away from Clemson, South Carolina and 41 miles away from Athens, Georgia.<sup>70</sup> In short, the college football allegiances of Hart County residents are not so easily defined by the state boundary lines as the Petition would lead one to believe.

Finally, the Petition makes much of the fact that some of the In-Market Stations promote themselves with various “Carolina”-specific branding. It is undisputed that the overwhelming

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<sup>68</sup> See “2018 Atlanta United TV Schedule,” [dirtysouthsoccer.com](https://www.dirtysouthsoccer.com) (March 2, 2018), available at <https://www.dirtysouthsoccer.com/2018/1/4/16850088/2018-atlanta-united-tv-schedule>.

<sup>69</sup> See Higgins Decl., at ¶ 6.

<sup>70</sup> Clemson to Hartwell and Athens to Hartwell driving distances are available at <http://www.google.com/maps>.

majority of the Opposition Parties' viewers are located in South Carolina and North Carolina. It is only natural that a station may reflect that statistical fact when developing promotional campaigns. But it is not a station's marketing that matters here; instead, the relevant evidence is that of local service to Hart County provided by the In-Market Stations—which is amply demonstrated in Opposition Parties' Exhibits A-D.

**E. Viewing Patterns in Hart County**

The Petition offers no evidence relating to viewing patterns and audience share of the Atlanta Stations in Hart County. The Opposition Parties have reviewed Nielsen data for the In-Market Stations and the Atlanta Stations and submit that the data demonstrates that viewers in Hart County prefer the In-Market Stations over the Atlanta Stations.

**V. Conclusion**

The Petition seeks nothing more than a market modification based on the fact that Hart County residents do not receive programming from the Atlanta Stations. The Petition should be denied because (i) the Petition lacks the required evidence to support their requested relief, and (ii) the Petition fails upon any analysis of all five statutory factors. To grant a modification on these facts would require the Commission to turn a blind eye to all but one statutory factor—access to in-state programming. For all of these reasons, the Petition should be denied.

Respectfully submitted,

/s/

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*Counsel to WYFF Hearst Television Inc., Meredith  
Corporation, Nexstar Broadcasting, Inc., and  
WLOS Licensee LLC*

September 6, 2018

### **Certificate of Service**

The undersigned does hereby certify that I caused a copy of the foregoing **Joint Opposition to Petition for Special Relief** to be placed in the U.S. Mail, first-class postage prepaid, addressed as follows:

Hart County Board of Commissioners  
800 Chandler Street  
Hartwell, GA 30643

WLOS  
110 Technology Drive  
Asheville, NC 28803

WSB-TV  
601 West Peachtree Street, NE  
Atlanta, GA 30309

WXIA  
One Monroe Place NE  
Atlanta, GA 30324

WYFF  
505 Rutherford Street  
Greenville, SC 29609

WAGA  
1551 Briarcliff Road NE  
Atlanta, GA 30306

WHNS  
21 Interstate Court  
Greenville, SC 29615

WGCL  
425 14<sup>th</sup> Street NW  
Atlanta, GA 30318

WSPA-TV  
250 International Drive  
Spartanburg, SC 29303

DIRECTV, LLC  
Local-Into-Local Market Modification  
2260 East Imperial Highway  
El Segundo, CA 90245

Ms. Alison A. Minea  
Director & Senior Counsel, Regulatory Affairs  
Dish Network, LLC  
1110 Vermont Avenue, NW Suite 750  
Washington, DC 20005

This the 6<sup>th</sup> day of September, 2018

/s/  
\_\_\_\_\_  
Timothy G. Nelson  
BROOKS, PIERCE, MCLENDON,  
HUMPHREY & LEONARD, L.L.P.

**EXHIBIT A**

**DECLARATION AND VERIFICATION OF LES VANN**

### **Declaration and Verification of Les Vann**

I, Les Vann, hereby declare, under penalty of perjury, as follows:

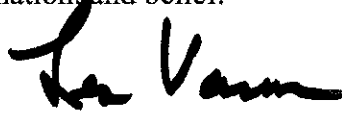
1. I am greater than eighteen years of age and am competent to make this Declaration and Verification.
2. I am the Vice President and General Manager of WHNS(TV) ("WHNS"), Greenville, South Carolina, and I have held this position since April 2017.
3. WHNS is the Fox affiliate for the Greenville-Spartanburg-Asheville-Anderson Designated Market Area. WHNS serves four counties located in Georgia, including Hart County, Franklin County, Elbert County, and Stephens County.
4. WHNS has been carried on DIRECTV and DISH in Hart County, Georgia, at least since February of 2000 (DIRECTV) and September of 2000 (DISH) in the Greenville-Spartanburg-Asheville-Anderson DMA. WHNS is carried on Channel 21 on DISH and on Channel 21 on DIRECTV in Hart County.
5. WHNS regularly provides local news, weather, school closings, and EAS alerts, and other information of local interest to the residents of Hart County and the other three Georgia Counties in the DMA. Since February 2016, WHNS has aired dozens of stories focused on Hart County, Franklin County, Elbert County, Stephens County, and their communities. Some recent examples are attached to this Declaration as Attachments 1, 2, and 3.
6. WHNS aired two Atlanta United soccer games during the team's inaugural season in 2017 and two games during the team's 2018 season.
7. WHNS aired ten Atlanta Falcons games during the 2016 regular season and 5 Atlanta Falcons games during the 2017 regular season.
8. I verify that the factual matters contained in the foregoing Joint Opposition to Petition for Special Relief are true and correct to the best of my information, knowledge, and belief.

**[signature appears on the following page]**

I declare, under penalty of perjury, that the foregoing Declaration and Verification is true and accurate to the best of my knowledge, information, and belief.

8-31-18

Date



Les Vann  
Vice President and General Manager  
WHNS(TV)

## **ATTACHMENT 1**

### **EXAMPLES OF WHNS PROGRAMMING COVERING HART COUNTY**



## Hartwell mission group comes home after being stranded in Haiti

*Posted: Jul 07, 2018 12:24 PM EDT Updated: Aug 10, 2018 12:36 AM EDT*

By Dal Kalsi and Amanda Shaw and Savannah Sondov



HARTWELL, GA (FOX Carolina) -

A group of missionaries from Hartwell, Georgia who have been stranded in Haiti were finally able to come home.

Pastor Jason Webb of Mount Olivet Baptist Church said he and 21 others spent a great week in Haiti serving the Lord, but the U.S. Embassy ordered them not to leave their mission camp headquarters Saturday due to protests and road blocks between the camp and the airport in Port Au Prince.

## Hartwell church mission group stranded in Haiti amid riots



*Posted: Jul 09, 2018 11:49 AM EDT*

By Amanda Shaw

A mission trip group from Mt. Olivet Baptist in Hartwell, Georgia, is unable to come home as planned amid violence and protests in Haiti. (7/9/18)

## **'Teeth and claws tearing at me': Grandma strangles rabid bobcat with bare hands during attack**

*Posted: Jun 15, 2018 3:51 PM EDT Updated: Jul 13, 2018 3:51 PM EDT*

By Amanda Shaw and Brandon LaVorgna



Photo of rabid bobcat before attack (Source: DeDe Phillips)

HARTWELL, GA (FOX Carolina) –

A grandmother in Hart County said she has seen bobcats before, but never like the one she encountered last week.

DeDe Phillips was walking to her truck on June 7 when she heard a neighbor's dog barking and spotted a bobcat by one of her vehicles. She went to take a picture of the bobcat but said she knew something wasn't right when started coming closer.

## **Dispatch: Fire crews respond to mobile home fire in Hart Co.**

*Posted: May 15, 2018 10:21 PM EDT Updated: Jun 12, 2018 10:21 PM EDT*



HART COUNTY, Ga. (FOX Carolina) -

Fire crews are responded to a mobile home fire on Pearl Road in Hart County Tuesday evening, dispatch confirms.

The call came in around 9:15 p.m. Dispatch does not know how extensive the fire is at this time. There are no reported injuries.

## Hart Co. deputies seek homicide suspect; considered armed and dangerous

*Posted: Mar 02, 2018 5:02 PM EST Updated: Apr 01, 2018 4:30 PM EDT*

By Savannah Sondov



Tyrus Clark. (Source: Hart Co. Sheriff's Office).

HART COUNTY, Ga. (FOX Carolina) –

The Hart County Sheriff's Office is seeking a suspect in connection with a homicide. Deputies said they responded to a call of suspicious activity on Eagle Grove School Road Friday morning around 8:00 a.m.

The body of 43-year-old Marilyn Patrice Rucker Clark was found on scene, deputies said.

## Five firefighters treated for chemical exposure after battling house fire

*Posted: Apr 28, 2018 10:10 PM EDT Updated: May 29, 2018 12:21 PM EDT*



Scene of Hart Co. house fire (Source: Mercedes Cole)

HARTWELL, GA (FOX Carolina) –

Officials with Hart County Fire Department said five firefighters were sent to the hospital following a house fire on Saturday.

The fire started at home on Anderson Highway around 7 p.m. Fire officials said the firefighters were hospitalized at AnMed due to possible exposure to a chemical.

## Hartwell mayor confirms health insurance cancellations for city employees

*Posted: Apr 03, 2018 6:17 PM EDT Updated: May 01, 2018 6:17 PM EDT*



HARTWELL, GA (FOX Carolina) –

The mayor of Hartwell confirmed on Tuesday that the city will no longer provide health insurance for its employees. The change will go in to effect on May 1.

**ATTACHMENT 2**

**LIST OF WHNS STORIES COVERING  
HART, ELBERT, FRANKLIN, AND STEPHENS COUNTIES**

## WHNS NEWS STORIES COVERING HART, ELBERT, FRANKLIN, AND STEPHENS COUNTIES

COUNTY	STORY SLUG	ON-AIR	DATE
HART	Firefighters battling blaze at Georgia canola plant	NO	9-Dec-16
HART	Woman killed in rollover crash in Hart Co.	NO	3-Feb-17
HART	Storms sent trees crashing down, partially tore roofs off homes in Hart Co.	YES	6-Apr-17
HART	Severe storm rips through Hart County	YES	6-Apr-17
HART	Deputies seek armed and dangerous suspect in Hart Co.	YES	13-Jul-17
HART	Nestle Purina brings hundreds of jobs, \$320 million investment to Hart Co.	YES	27-Sep-17
HART	Sheriff identifies 23-year-old drowning victim pulled from Lake Hartwell	YES	29-Nov-17
HART	Hart County teacher charged with child molestation	YES	7-Dec-17
HART	DHEC conducting SC investigation after confirmed cases of drug-resistant TB in Northeast GA	YES	30-Jan-18
HART	Deputies: Man arrested after child porn found during burglary investigation	YES	1-Feb-18
HART	Hart County deputies seek suspect wanted in homicide	YES	2-Mar-18
HART	Man accused of killing wife, a mother of 3, arrested in Anderson Co.	YES	7-Mar-18
HART	Hartwell mayor confirms health insurance cancellations for city employees	YES	3-Apr-18
HART	Doctor who practiced in Upstate, NE Georgia arrested on child molestation charges	YES	10-Apr-18
HART	Police: Grandmother arrested after baby killed in dog attacked received multiple past citations	YES	12-Apr-18
HART	Five firefighters treated for chemical exposure after battling house fire	YES	28-Apr-18
HART	Hart Co. deputies seek suspect wanted in homicide (update)	YES	2-Mar-18
HART	Dispatch: fire crews working to control house fire in Hart Co.	YES	15-May-18
HART	Hart County grandma strangles bobcat during attack	YES	15-Jun-18
HART	Hartwell mission group stranded in Haiti amid riots	YES	7-Jul
HART	Hartwell mission group comes home from Haiti	YES	13-Jul-18
STEPHENS	Toccoa home destroyed in fire	YES	13-Feb-16
STEPHENS	Inmate dies after being found unresponsive in Stephens Co. jail	NO	26-Feb-16
STEPHENS	Deputies searching for stolen giraffe statue, possibly spooted in Anderson Co.	NO	13-Apr-17
STEPHENS	Upstate law enforcement, Hazmat respond after unknown substance found in Toccoa, GA	NO	22-Jun-17
STEPHENS	Georgia State Patrol identifies 3 teens killed in Stephens Co. crash	YES	30-Jul-17
STEPHENS	Investigators issue 30 arrest warrants, seize one pound of meth in 8-month-long drug bust	YES	31-Jul-17
STEPHENS	Troopers: Upstate man to face charges after chase began in GA, ended in crash in SC	NO	16-Aug-17
STEPHENS	Investigators issue 30 arrest warrants, seize one pound of meth in 8-month-long drug bust	NO	28-Aug-17
STEPHENS	GA teen injured in hit-and-run, driver still on the loose	YES	1-Feb-18
STEPHENS	GA teen injured in hit-and-run, driver still on the loose (update)	YES	1-Feb-18
STEPHENS	Massive sinkhole opens up in Stephens Co.	YES	16-May-18
STEPHENS	Stephens Co. voters divided, but pass Sunday alcohol sales in Stephens Co, City of Toccoa	YES	23-May-18
STEPHENS	Remains of soldier killed in Korean War laid to rest	YES	2-Aug-18
STEPHENS	Shooting in Toccoa	YES	8-Aug-18
STEPHENS	GBI: Man accused of murdering Toccoa teen also charged in another shooting	YES	10-Aug-18
STEPHENS	Final salute for Army Cpl. Terrell Fuller (of Stephens County)	YES	11-Aug-18
ELBERT	Georgia man urges everyone to not drive distracted after wife paralyzed	YES	28-Aug-16

ELBERT	GBI: Man dead in Elberton officer-involved shooting	YES	27-Oct-16
ELBERT	Deputies: Suspect in custody after man found dead at gas station	YES	16-Mar-17
ELBERT	Woman killed, deputy hurt when patrol car crashes into another car	YES	10-Apr-17
ELBERT	Elbert County Schools cancel classes for total solar eclipse	NO	13-Aug-17
ELBERT	Murder suspect arrested in Upstate extradited back to Georgia	YES	5-Oct-17
ELBERT	Sheriff: 3 in custody after missing elderly man found dead in pond	YES	9-Jan-18
ELBERT	Deputies: 3 arrested in connection with fatal shooting of 86-year-old man	YES	10-Jan-18
ELBERT	GA homeowner finds most wanted Anderson County suspect hiding on property	YES	25-Jan-18
ELBERT	Police: Teen charged with making terrorist threats about shooting up Elbert Co. High School	YES	15-Mar-18
ELBERT	Coroner: Investigation underway after missing man found in Elbert County	YES	2-May-18
ELBERT	Train collides with pickup truck in Elberton	YES	21-May-18
ELBERT	Elberton Police working to identify bank robbery suspect	YES	26-Jun-18
ELBERT	GBI: Missing teen's body, car found in pond in Elbert County	YES	18-Jul-18
ELBERT	GA students head back to the classroom this week	YES	30-Jul-18
FRANKLIN	Deputies: Lavonia man arrested on carjacking charges	NO	8-Sep-16
FRANKLIN	Store managers, workers react to Lavonia police shootings	YES	13-Dec-16
FRANKLIN	Watch: Lavonia police officer discharged from hospital after shooting	YES	20-Dec-16
FRANKLIN	Business sells decals, t-shirts in support of Lavonia officers shot in the line of duty	YES	21-Dec-16
FRANKLIN	Heavy traffic on I-85 in Franklin County after truck catches fire, one lane blocked	NO	26-Dec-16
FRANKLIN	Man accused of shooting two Lavonia officers due in court Wednesday	YES	4-Jan-17
FRANKLIN	Lavonia police department to honor wounded officers	YES	12-Jan-17
FRANKLIN	Lavonia officers: He took a bullet for me, He's my brother.	YES	18-Jan-17
FRANKLIN	Deputies: YouTuber behind popular gun videos arrested on drug charges in Franklin County	NO	28-Aug-17
FRANKLIN	Lavonia Police searching for suspect after robbery at Dollar General	NO	3-Sep-17
FRANKLIN	New GBI initiative aims to slow down opioid crisis	YES	16-Nov-17
FRANKLIN	GBI: Foul play suspected after 2 found dead in Franklin Co.	YES	22-Nov-17
FRANKLIN	Police seek suspect who passed teller note saying "gun now" during Franklin Co. bank robbery	YES	12-Jan-18
FRANKLIN	Video shows liquor store clerk attacked by robbery suspect in motorcycle helmet	YES	29-Jan-18
FRANKLIN	Lavonia police searching for "armed, dangerous" robbery suspect	YES	30-Jan-18
FRANKLIN	Lavonia PD police lieutenant dies unexpectedly	YES	9-Feb-18
FRANKLIN	Police seek suspect who passed teller note saying "gun now"	YES	9-Feb-18
FRANKLIN	Greenville man sentenced to 100 years in shooting of two Georgia officers	YES	9-Mar-18
FRANKLIN	Sheriff: After nearly a week on the run, "dangerous" suspect captured in Franklin County	YES	14-Mar-18
FRANKLIN	Fire officials investigating suspicious weekend fire at old Georgia schoolhouse	YES	14-Mar-18
FRANKLIN	NASCAR issues statement after former driver James Hylton, son killed in crash	YES	28-Apr-18
FRANKLIN	GBI: 11-year-old hid while gunman shot 3 with shotgun Franklin Co. home	YES	14-May-18
FRANKLIN	Deadly deputy-involved shooting under investigation in Carnesville	YES	14-May-18
FRANKLIN	2.4 magnitude earthquake in Franklin County, per preliminary report	NO	30-May-18
FRANKLIN	GBI: Investigation ongoing after body recovered from creek in Royston	YES	11-Jun-18
FRANKLIN	Lavonia's first Chick-Fil-A is now open!	NO	12-Jul

**ATTACHMENT 3**

**SCREENSHOTS OF WHNS STORIES COVERING  
HART, ELBERT, FRANKLIN, AND STEPHENS COUNTIES (NEWS, ELECTION, AND  
WEATHER COVERAGE)**

**WHNS-TV, FOX CAROLINA NEWS  
COVERAGE SCREENSHOTS FROM  
HART COUNTY**





LIVE



GA MURDER SUSPECT FOUND IN THE UPSTATE  
HART COUNTY





OF A MOVIE—A HART COUNTY  
GRANDMOTHER FORCED TO KILL A  
BOBCAT WITH HER BARE HANDS!

**BREAKING NEWS**

**HOUSE FIRE**  
HARTWELL, GA

PEARL RD.

9:15 P.M.

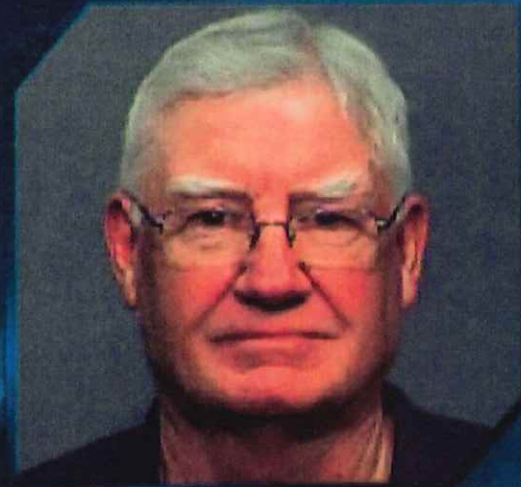
CREW EN ROUTE

Hart County





CHARGED



BATTERY. RECORDS SHOW BEESON  
PREVIOUSLY PRACTICED IN  
HARTWELL AND ANDERSON

## NESTLÉ PURINA TO INVEST \$320 MILLION IN NEW PET-FOOD FACTORY

- \$320 investment
- 240 new jobs over 5 years
- Expected to open in 2018
- Production expected to begin in 2019

Hartwell, GA

NEW MANUFACTURING AND  
DISTRIBUTION CENTER IN  
HARTWELL

2017-09-27 16:53:25.00



**WARNING AFTER TWO CONFIRMED CASES OF  
MULTI-DRUG RESISTANT TB**



**Hart County, GA**

CASE IS BEING EVALUATED...IN  
HART COUNTY. OTHERS WHO HAVE  
BEEN IN CONTACT WITH THOSE



BAPTIST CHURCH

LIVE

PRAISE AND  
OUR TEAM  
SUN. 8&11AM SS10

MISSIONARIES STRANDED IN HAITI AMID RIOTS

HARTWELL, GA



**LIVE**



**CHURCH GROUP STUCK IN HAITI RETURNS HOME**

**HARTWELL**



10:35 77°

**LIVE**

# CHURCH GROUP STUCK IN HAITI RETURNS HOME

HARTWELL



10:36 77°

**WHNS-TV, FOX CAROLINA NEWS  
SCREENSHOTS FROM WEATHER  
GRAPHICS THAT INCLUDE HART  
COUNTY**





# SNOW ACCUMULATION

TUES. NIGHT - WED. AM



SCHOOL  
CLOSINGS

LAURENS CO. SCHOOLS DIST. 55  
CLOSED

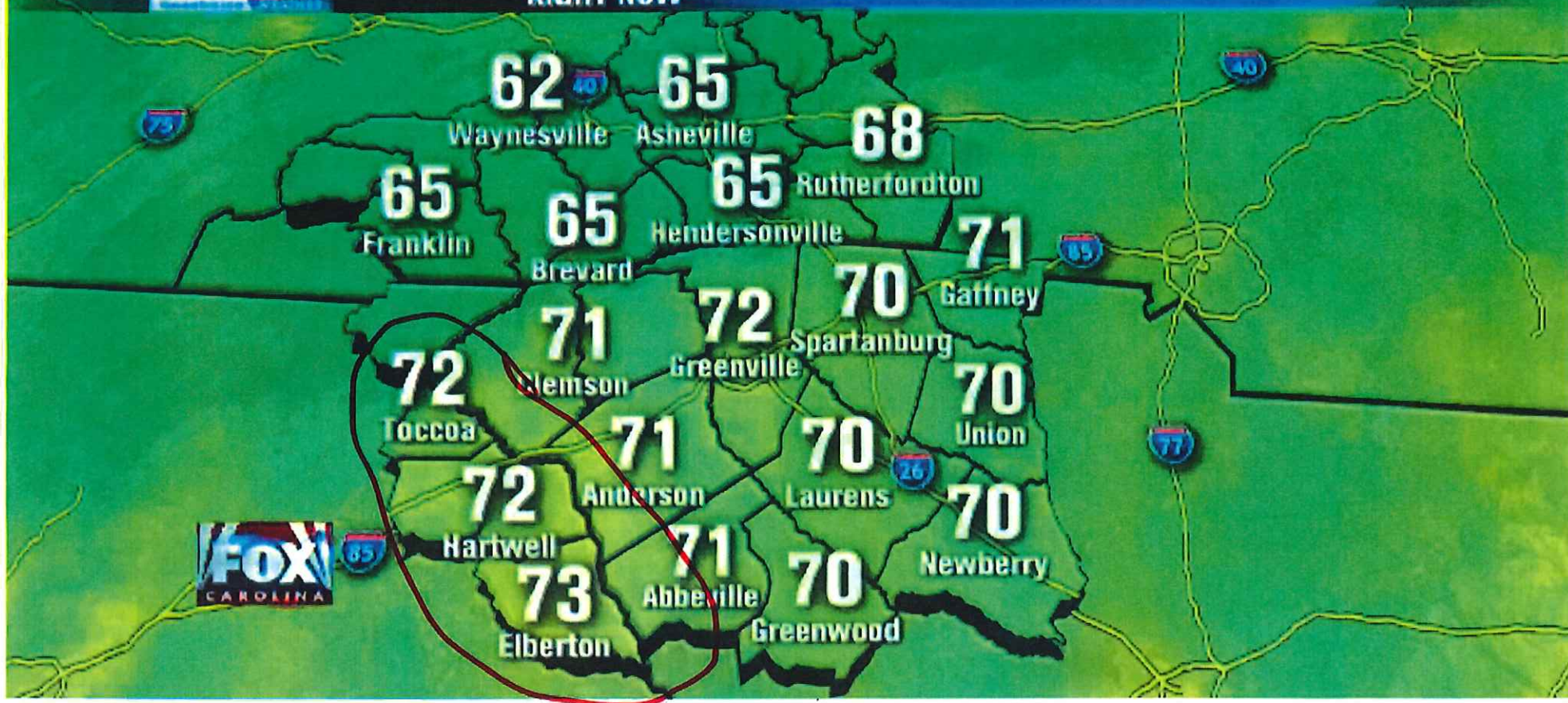
11:21 44°





# TEMPERATURES

RIGHT NOW

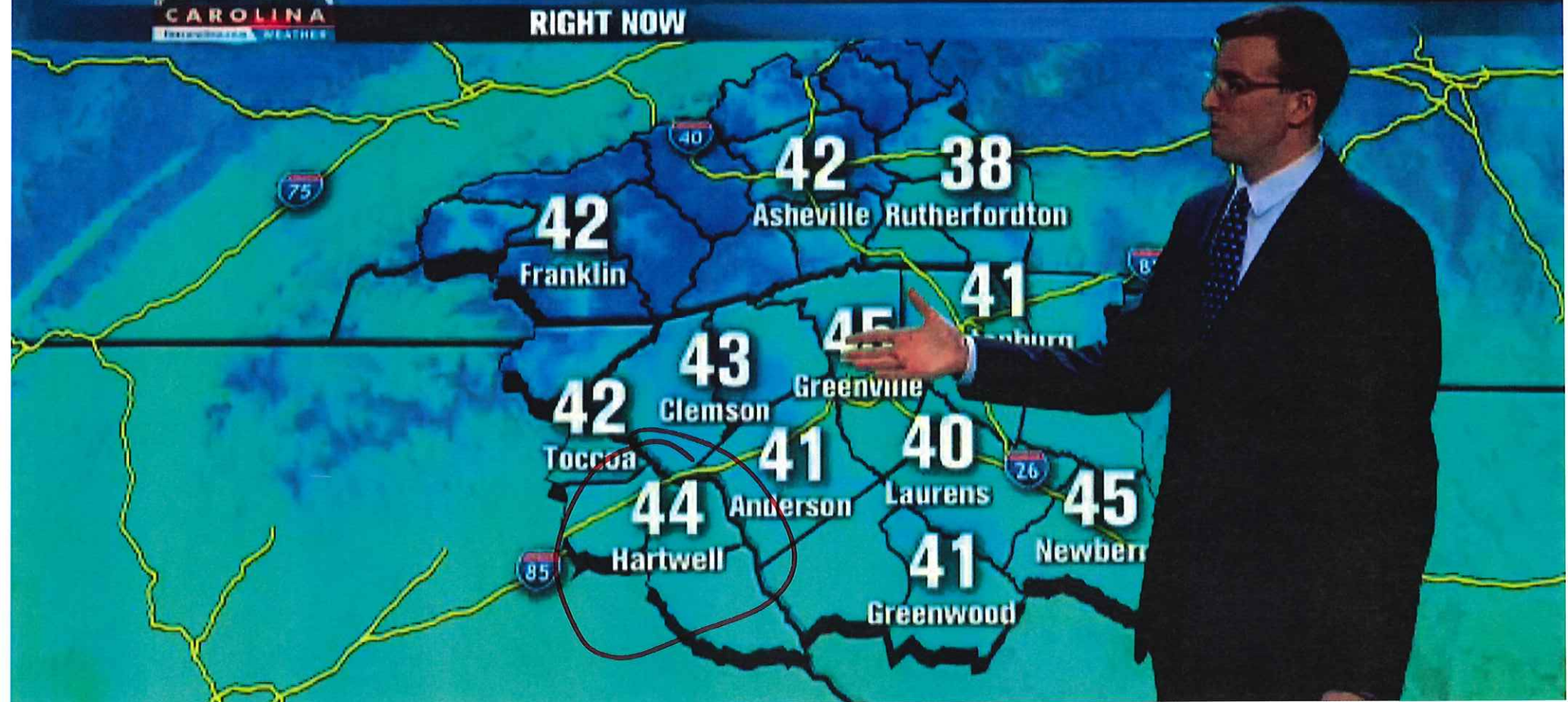






# TEMPERATURES

RIGHT NOW







Newberry

# SNOW ACCUMULATION

THROUGH NOON WED.



SCHOOL SINGS  
read into the remainder of the Upstate this morning, becoming locally heavy at

8:16

**WHNS-TV, FOX CAROLINA NEWS  
SCREENSHOT FROM  
WEATHER ADVISORY/WARNING BUG –  
HART COUNTY**





Winter Weather Advisory  
Hart



CHURCH  
CLOSINGS

EBENEZER WELCOME BAPTIST CHURCH - LANDRU  
EVENING SERVICES CANCELED

5:25 28°

**LIVE**

Winter Weather Advisory  
Hart

WINTER WEATHER

**FREEZING RAIN**

TRAVELERS REST





Winter Weather Advisory  
Hart

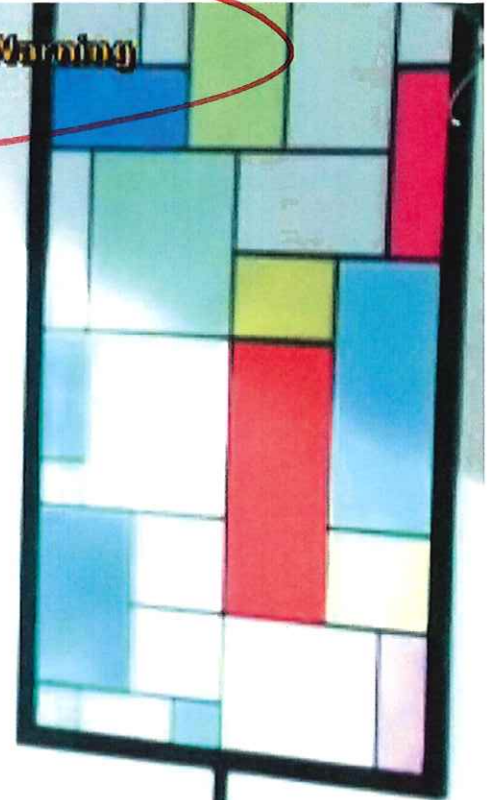


**CHURCH  
CLOSINGS**

**WHITE OAK BAPTIST CHURCH - GREENVILLE**  
MORNING SERVICES CANCELED, OPENING AT 6:00 PM

**6:34 33°**

Severe T-Storm Warning  
Hurt



**WHNS-TV, FOX CAROLINA NEWS  
SCREENSHOT FROM  
SCHOOL CLOSINGS TICKER –  
HART COUNTY**



Eastern Polk

I-85 North @ MM 54.3

01-17-18



CHRIS SCOTT

FOX CAROLINA TRAFFIC



SCHOOL  
CLOSINGS

HART COUNTY SCHOOLS  
CLOSED

7:16

32°



**FOX**  
CAROLINA

**SCHOOL  
CLOSINGS**

**HART COUNTY SCHOOLS  
CLOSED**

**7:13 59°**

ches of rain are possible along with 40-50 mph winds. Both the rain and wind will intensify this afternoon.





# SNOW ACCUMULATION

THROUGH NOON WED.

Newberry



**SCHOOL CLOSINGS**

**HART COUNTY SCHOOLS  
CLOSED**

**8:16 30°**

will spread into the remainder of the Upstate this morning, becoming locally heavy at times. Total accum



# TRACKING IRMA



SCHOOL  
CLOSINGS

HART COUNTY SCHOOLS  
CLOSED

9:59

64°

2017-09-10 22:00:02.08



**WHNS-TV, FOX CAROLINA NEWS  
SCREENSHOTS FROM GEORGIA  
ELECTION TICKER, INCLUDING HART  
COUNTY RACES**





**BOB INGRAM**

**VOTER**

**You  
Decide  
2018**

**HARTWELL SUNDAY  
ALCOHOL SALES**

**FOR  
AGAINST**

**284  
154**

**64.8%  
35.2%**

**PRECINCTS  
REPORTING**

**100%**

**You  
Decide  
2018**

HART CO. SPECIAL  
PURPOSE LOCAL  
OPTIONS SALES TAX

YES

1,362

73.7%

NO

487

26.3%

PRECINCTS  
REPORTING

**100%**





# FUTURECAST - EURO

12:00 PM THURSDAY

RAIN RAIN SNOW

Salt Lake City Denver Wichita  
Albuquerque Dallas  
Paso Houston  
Memphis Atlanta Greenville Raleigh  
Jacksonville Tampa



CO



US HOUSE OF  
REPRESENTATIVES,  
DISTRICT 9 - DEM.

JOSH MCCALL (D)  
DAVE COOPER (D)

6,936 53%  
6,224 47%

PRECINCTS  
REPORTING **100%**

2018-05-23 16:13:45.07



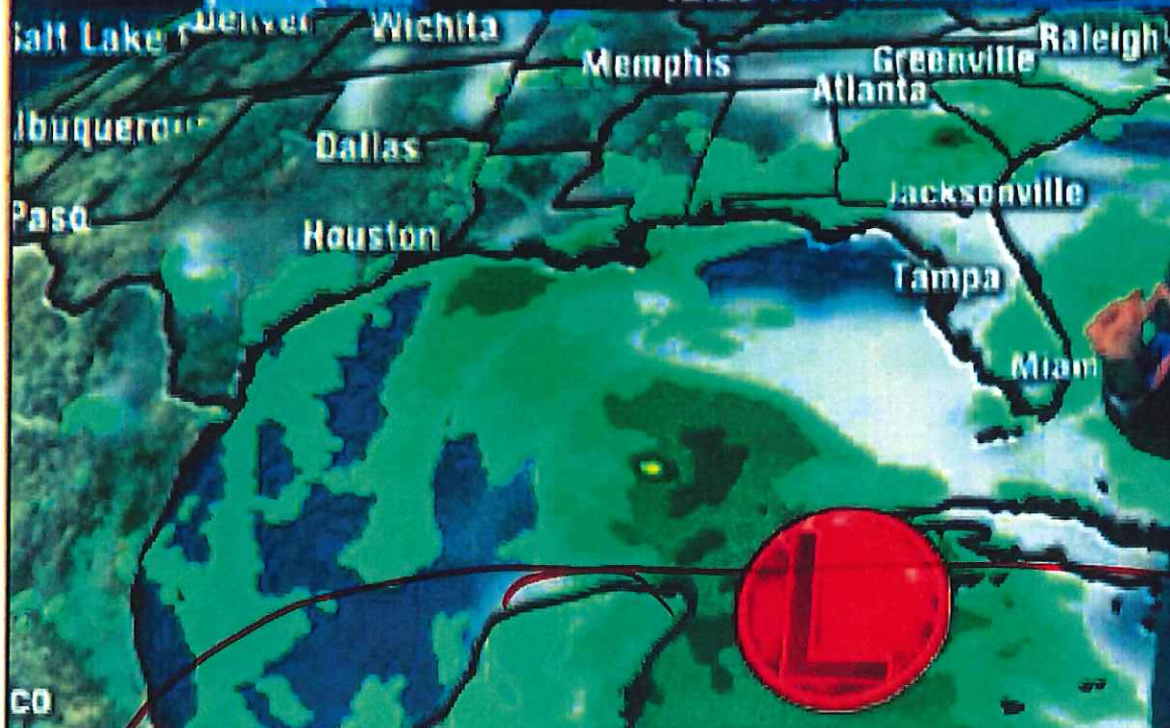




# FUTURECAST - EURO

12:00 PM THURSDAY

RAIN SNOW



You Decide 2018

GA GOVERNOR -  
REPUBLICAN

CASEY CAGLE (R)  
BRIAN KEMP (R)

236,498 39%  
154,913 26%

PRECINCTS  
REPORTING 99%

2018-05-23 16:13:50.04







# FUTURECAST - GFS

5:00 AM FRIDAY

TEAM 1

STACEY

Greensboro

Asheville

Hendersonville

Greenville

Anderson

Greenwood

Hattanooga

ome

You Decide  
2018

GA GOVERNOR -  
DEMOCRAT

✓ STACEY ABRAMS (D)  
STACEY EVANS (D)

122,531 76%  
130,253 24%

PRECINCTS  
REPORTING 99%

2018-05-23 16:14:05.11



**EXHIBIT B**

**DECLARATION AND VERIFICATION OF MARK HIGGINS**



## **Declaration and Verification of Mark Higgins**

I, Mark Higgins, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Verification.
2. I am the Vice President and General Manager, Nexstar Broadcasting, Inc., the licensee of television station WSPA-TV ("WSPA"), Spartanburg, South Carolina, and I have held this position since January 2017. Prior to that (under previous ownership), effective as of October 2016, I held the position of President and General Manager of WSPA.
3. WSPA is the CBS affiliate for the Greenville-Spartanburg-Asheville-Anderson Designated Market Area. WSPA serves four counties located in Georgia, including Hart County, Franklin County, Elbert County, and Stephens County.
4. WSPA has been carried on DISH and DIRECTV in Hart County, Georgia, at least since December 29, 1999. WSPA is carried on Channel 7 on DISH and on Channel 7 on DIRECTV in Hart County.
5. WSPA regularly provides local news, weather, school closings, traffic and EAS alerts, and other information of local interest to the residents of Hart County and the other three Georgia Counties in the DMA. Since January 2017, WSPA has aired dozens of stories focused on Hart County, Franklin County, Elbert County, Stephens County, and their communities. Some recent examples are attached to this Declaration as Attachments 1 and 2.
6. WSPA airs The Dabo Swinney Show (Swinney is Clemson University's football coach). The show performs better in terms of ratings in some of the four Georgia Counties located in the Greenville-Spartanburg-Asheville-Anderson than it does in some South Carolina counties.
7. I verify that the factual matters contained in the foregoing Opposition to Petition for Special Relief are true and correct to the best of my information, knowledge, and belief.

**[signature appears on the following page]**

I declare, under penalty of perjury, that the foregoing Declaration and Verification is true and accurate to the best of my knowledge, information, and belief.

9-4-18  
Date

Mark Higgins  
Mark Higgins  
Vice President and General Manager  
Nexstar Broadcasting, Inc.

## **ATTACHMENT 1**

### **EXAMPLES OF WSPA PROGRAMMING COVERING HART COUNTY**

## Body found at Lake Hartwell after drowning reported

By: WSPA Staff

Posted: Jul 16, 2018 09:12 PM EDT

Updated: Jul 17, 2018 01:49 PM EDT



UPDATE - The body of Juber Lemus was found around 11:15 a.m. Tuesday, according to Ryan Herring with Anderson Technical Rescue. His family says he is an immigrant from El Salvador and they are trying to raise money to send him back home for burial. If you would like to donate you can visit the [GoFundMe page](#).

## Chief: Investigation could not determine chemical that sent firefighters to hospital

By: Nicole Ford

Posted: Apr 28, 2018 09:31 PM EDT

Updated: May 01, 2018 05:54 AM EDT



HART Co., GA (WSPA) - After an investigation by GBI and the Hart County Sheriff's Office, it's unknown what chemical sent five firefighters to the hospital.

Two firefighters were taken to the hospital after they fell ill while fighting a fire on Saturday evening. Three more firefighters were later hospitalized after they also fell ill.

## Woman gets 10 years probation after grandson killed by dogs in Hart Co.

By: WSPA Staff

Posted: Apr 12, 2018 04:48 PM EDT

Updated: Apr 12, 2018 10:18 PM EDT



HARTWELL, GA (WSPA) - A woman whose grandson was killed after he was attacked by pit bulls at her home was sentenced to 10 years probation.

According to a Superior Court clerk, Sandra Adams, of Hart County, was sentenced Thursday after she pleaded guilty to involuntary manslaughter.

## Hartwell, Ga. doctor arrested on child molestation, other charges

By: [WSPA Staff](#)

Posted: Apr 10, 2018 02:51 PM EDT

Updated: Apr 10, 2018 08:15 PM EDT



HART COUNTY, GA (WSPA) - A Hartwell, Ga. doctor surrendered to law enforcement in Arizona following a investigation into child molestation.

According to a Georgia Bureau of Investigation news release, Tommy Beeson, M.D., was charged with five counts of aggravated sexual battery, seven counts of child molestation and two counts of sexual battery.

## Hartwell city employees to lose insurance starting May 1

By: [WSPA Staff](#)

Posted: Apr 04, 2018 02:53 PM EDT

Updated: Apr 05, 2018 06:29 AM EDT





HARTWELL, GA (WSPA) - The Hartwell mayor confirmed that employees will soon lose their health insurance.

Mayor Brandon Johnson said city employees' insurance coverage is set to end at midnight on April 30.

City of Hartwell employees are currently insured by Blue Cross Blue Shield.

## Suspect in deadly Georgia shooting arrested in Upstate

By: [WSPA 7News](#)

Posted: Mar 06, 2018 01:16 PM EST

Updated: Mar 06, 2018 01:17 PM EST



Tyrus Clark (Source: Anderson Co. Detention Center)

Tyrus Clark (Source: Anderson Co. Detention Center)

ANDERSON Co., SC (WSPA) - A fugitive named as a murder suspect in Georgia is now in custody in the Upstate. Officials with the Anderson County Detention Center confirm Tyrus Clark was booked into jail at 2:26 a.m. Tuesday. The Georgia Bureau of Investigations and Hart County Sheriff's Office sent out an alert Friday naming Clark as a suspect in the shooting death of Marilyn Clark.

## 2 cases of multi-drug resistant TB confirmed in Northeast Ga.

By: [Jenni Mathews](#)

Posted: Jan 30, 2018 08:01 PM EST

Updated: Jan 30, 2018 08:01 PM EST



(WSPA) - Two cases of multi-drug resistant tuberculosis have been confirmed in Northeast Georgia.

According to a news release, the Georgia Department of Public Health's TB Program has been assisting with an investigation into the drug resistant TB in the North Health District, or District 2.

**ATTACHMENT 2**

**LIST OF WSPA STORIES COVERING  
HART, ELBERT, FRANKLIN, AND STEPHENS COUNTIES**

## WSPA NEWS STORIES COVERING HART, ELBERT, FRANKLIN, AND STEPHENS COUNTIES

<u>County</u>	<u>News Story</u>	<u>Date</u>	<u>On-Air</u>
Elbert	Georgia students go back to class this week	7/30/18	Y
Elbert	Body of Missing Teen found in GA pond	7/19/18	Y
Elbert	Train vs. Truck crash in Elberton	5/21/18	Y
Elbert	Student Brings 2 BB Guns to School	4/23/18	
Elbert	Elbert Co. Student Arrested	3/15/18	
Elbert	Elbert Co. Schools Cancel Classes	8/13/17	
Elbert	Woman killed in crash w/Elbert County Deputy	8/10/17	
Elbert	Severe Weather / Storm Reports	4/5/17	Y
Elbert	One In Custody After Body Found	3/16/17	
Franklin	GA lawmaker uses racial slur in TV series	7/23/18	
Franklin	1 Dead, 3 Wounded in shooting involving GA Deputy	5/14/18	
Franklin	\$565K marijuana grow operation found in Franklin Co.	4/30/18	
Franklin	Former NASCAR driver & son killed in Franklin Co. crash	4/28/18	
Franklin	Manhunt for armed suspects ends in Lavonia	3/20/18	Y
Franklin	Deputies Searching for armed man in Franklin Co.	3/15/18	
Franklin	Suspect dead after shootout with GA deputies	3/14/18	Y
Franklin	Lavonia Officers discuss shooter's plea deal	2/14/18	Y
Franklin	Man accused in Lavonia Police shooting pleads guilty	2/8/18	
Franklin	Suspect in Lavonia Business Robbery In Custody	1/29/18	
Franklin	Pendleton Coach takes job in Franklin Co. High School	1/18/18	Y
Franklin	Warrant issued for Lavonia Bank Robbery Suspect	1/18/18	
Franklin	Carjacking suspect captured in Franklin County	9/15/17	
Franklin	Help Police find suspect in Lavonia Bank Robbery	9/2/17	Y
Franklin	Olympic swimmer teaches kids to swim in NE GA	8/10/17	Y
Franklin	Former Upstate Mayor arrested in Franklin Co.	6/25/17	
Franklin	Ceremony honors Lavonia Police officers shot	2/11/17	
Franklin	Lavonia Police shooter suspect back in court	1/4/17	Y
Hart	Body found on Lake Hartwell after drowning report	7/16/18	Y
Hart	Investigation into what sent 5 Hart County FF to hospital	5/1/18	Y
Hart	5 Firefighters out of hospital in Hart County	5/1/18	
Hart	Woman gets 10 yrs probation in Hart County	4/12/18	Y
Hart	Hartwell GA. Doctor arrested in child molestation charges	4/10/18	Y
Hart	Hartwell city employees to lose health insurance	4/5/18	Y
Hart	Suspect in deadly GA shooting arrested in Upstate	3/6/18	
Hart	Upstate part of NE Georgia TB Investigation	2/1/18	Y

Hart	Two cases of drug resistant TB found in NE Georgia	1/20/18	
Hart	Hart County Teacher Charged with 2nd Count	12/14/17	
Hart	Hart County Teacher Charged with Child Molestation	12/6/17	
Hart	Nestle bringing 240 new jobs to Hartwell, GA	9/27/17	
Hart	Property searched for Hart County missing woman	9/18/17	
Hart	Toddler killed by dogs, grandmother charged	8/1/17	Y
Hart	Deputies searching for Hart Co. armed robbery suspect	7/13/17	
Stephens	Teen hit by Jeep. Search for driver underway	1/31/18	
Stephens	2 cases of drug resistant TB confirmed in NE GA	1/20/18	
Stephens	30 arrests, 1 pound of met seized after drug bust	7/31/17	
Stephens	Missing teen in Stephens County found	11/14/17	

**EXHIBIT C**

**DECLARATION AND VERIFICATION OF JOHN HUMPHRIES**



### **Declaration and Verification of John Humphries**

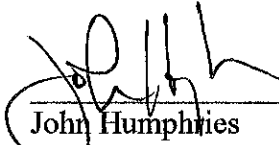
I, John Humphries, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Verification.
2. I am the President and General Manager of WYFF(TV) (“WYFF”), Greenville, South Carolina, and I have held this position since July 2016. I also served as Director of Sales for WYFF from 2006 to 2012.
3. WYFF is the NBC affiliate for the Greenville-Spartanburg-Asheville-Anderson Designated Market Area. WYFF serves four counties located in Georgia, including Hart County, Franklin County, Elbert County, and Stephens County.
4. WYFF has been carried on DISH and DIRECTV in Hart County, Georgia, at least since each launched local-into-local service in the Greenville-Spartanburg-Asheville-Anderson DMA. WYFF is carried on Channel 4 on DISH and on Channel 4 on DIRECTV in Hart County.
5. WYFF regularly provides local news, weather, school closings, traffic and EAS alerts, and other information of local interest to the residents of Hart County and the other three Georgia Counties in the Greenville-Spartanburg-Asheville-Anderson DMA. Since June 2017, WYFF has aired dozens of stories focused on Hart County, Franklin County, Elbert County, Stephens County, and their communities. Some recent examples are attached to this Declaration as Attachments 1, 2, and 3.
6. I verify that the factual matters contained in the foregoing Opposition to Petition for Special Relief are true and correct to the best of my information, knowledge, and belief.

**[signature appears on the following page]**

I declare, under penalty of perjury, that the foregoing Declaration and Verification is true and accurate to the best of my knowledge, information, and belief.

9/6/2018  
Date

  
John Humphries  
President and General Manager  
WYFF(TV)

**ATTACHMENT 1**

**EXAMPLES OF WYFF PROGRAMMING COVERING HART COUNTY**

## Woman describes being attacked by rabid bobcat she choked to death

Dede Phillips' hands, arms, face injured in attack



Updated: 8:14 PM EDT Jun 15, 2018



### HART COUNTY, Ga. —

A 46-year-old Georgia woman described being attacked by a rabid bobcat that she choked to death after it jumped her.

Dede Mealor Phillips, of Hartwell, had just put a "Women who behave rarely make history" bumper sticker on her truck last Thursday evening and she was about to take a picture of it, when she saw the bobcat and snapped a picture of it.

## Elections results for Georgia Primary

Stacey Abrams has won the Democratic primary in Georgia's gubernatorial race



Updated: 11:08 PM EDT May 22, 2018



## County results for Georgia primary



Updated: 7:10 AM EDT May 22, 2018

Franklin Co. Board of Education Post 3 GOP			
Candidate	Party	Votes	Percentage
★ Randall Gailey	R	1,209	52%
Jeremy Madden	R	1,105	48%
Total		2,314	
<div><div></div><div>0%100%</div><div>100% Reporting 7 of 7 Precincts</div></div>			

Franklin Co. Board of Education Post 5 GOP			
Candidate	Party	Votes	Percentage
★ Robin Cato	R	1,330	57%
David Mayfield, Sr.	R	1,020	43%
Total		2,350	
<div><div></div><div>0%100%</div><div>100% Reporting 7 of 7 Precincts</div></div>			

Franklin County Jail Bond Referendum			
Candidate	Party	Votes	Percentage
★ No		1,822	67%
Yes		885	33%
Total		2,707	
<div><div></div><div>0%100%</div><div>100% Reporting 10 of 10 Precincts</div></div>			

## Child hides under bed while man shoots 3 people in home, GBI officials say

Deputy shoots, kills suspected gunman late Sunday in Hart County



Updated: 2:06 PM EDT May 14, 2018

Deputy shoots, kills gunman; three others hurt, GBI says  
by WYFF US





## CARNESVILLE, GA —

A child hid underneath a bed inside a home while a man shot three people, according to the Georgia Bureau of Investigation.

GBI officials said Hart County, Georgia, deputies were called about 10 p.m. Sunday to the home on Roberts Lane in Carnesville about a domestic disturbance.

## Former NASCAR driver from the Upstate killed in crash

James Hylton, Jr. died in an early morning crash Saturday



Updated: 4:47 PM EDT Apr 28, 2018



## HART COUNTY, GA —

A former NASCAR driver who made his home in the Upstate died in a crash early Saturday morning.

The Hart County Coroner's Office confirmed to WYFF News 4 James Hylton, Sr. and his son James Hylton, Jr. were both killed when the truck they were in went off-road, went airborne, and flew into the bank of a nearby creek.

## Murder-suicide investigation underway, Sheriff says

Two bodies found inside a home in Hart County



Updated: 2:01 PM EST Dec 23, 2017



SOURCE: WYFF News 4

**Hart County, G.A. —**

Hart County Sheriff Steve Thomas says two bodies were found inside a home.

Thomas says his office, with assistance from the Georgia Bureau of Investigation, have been working a scene in the county.

He says preliminary information suggests this is probably murder-suicide.

## ATTACHMENT 2

### LIST OF WYFF STORIES COVERING HART, ELBERT, FRANKLIN, AND STEPHENS COUNTIES

DATE	COUNTY	STORY SLUG	SEGMENT
8/6/2018	Hart County	Strong Storms	WX
7/24/2018	Hart County	Primary Election Runoff	VO
6/15/18	Hart County	Grandmother Kills Bobcat	PKG
5/22/2018	Hart County	Ga Hart Alcohol Sales	PKG
5/14/2018	Hart County	Officer involved shooting	Sky 4 VO
4/29/2018	Hart County	Hart CO Firefighters	FONT
4/12/2018	Hart County	GBI arrests of Hart CO man in Ariz on Child Molestation charges	FONT
3/14/2018	Hart County	Highway 29 Hart CO Fatal car wreck	VO
9/10/2017	Hart County	Hart and Franklin Closed due to hurricane	School Ticker
8/2/2017	Hart County	Hart Co dog mauling	FONT
7/20/2017	Hart County	Dads store robbed	FONT
7/17/2017	Hart County	Missing boaters boat runs aground in Hart co on Lake Hartwell	VO/PKG
6/20/2017	Hart County	Hart co business arson fire	VO
5/21/2018	Elbert County	Elbert County Train Crash	FONT
3/16/2018	Elbert County	Elbert HS Student Arrest	FONT
1/11/2018	Elbert County	Elbert County Murder Arrest	SIDE PANEL
12/15/2017	Elbert County	Tree Shaped Cell Tower	PKG
10/6/2017	Elbert County	Elbert County Homicide	MAP
7/20/2017	Elbert County	Granite Death	FONT
6/14/2017	Elbert County	Georgia Prison Escapes	VO
5/22/2018	Franklin County	Franklin County Jail Referendum	FONT
5/14/2018	Franklin County	Deputy Involved Shooting	VO/SOT
1/22/2018	Franklin County	Teri Program	VO
12/23/2017	Franklin County	Murder Suicide	MAP
11/30/2017	Franklin County	Franklin County Assault and Stalking	MAP
11/22/2017	Franklin County	Franklin County Death Investigation	MAP
5/22/2018	Stephens County	Stephens County Alcohol Sales	FONT
5/16/2018	Stephens County	Toccoa Sinkhole	VO
11/14/2017	Stephens County	Missing Teen	FONT
6/22/2017	Stephens County	Toccoa Tornado	VO
6/16/2017	Stephens County	County Line Movie Premiere	VO

**ATTACHMENT 3**  
**SCREENSHOTS OF WYFF STORIES COVERING**  
**HART, ELBERT, FRANKLIN, AND STEPHENS COUNTIES (NEWS, ELECTION, AND**  
**WEATHER COVERAGE)**

## NEWS COVERAGE



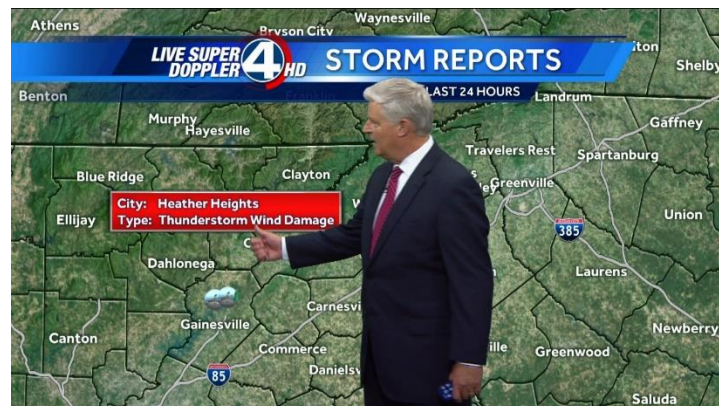




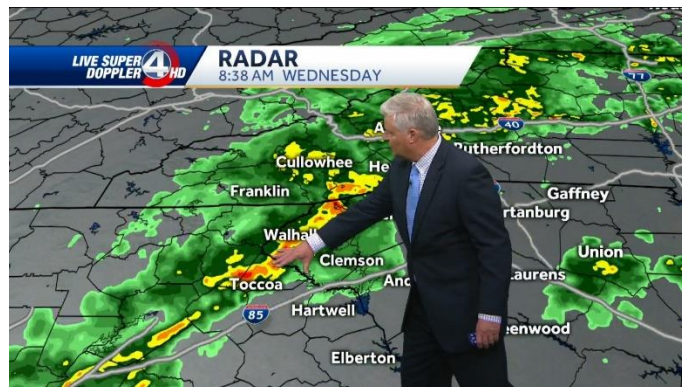
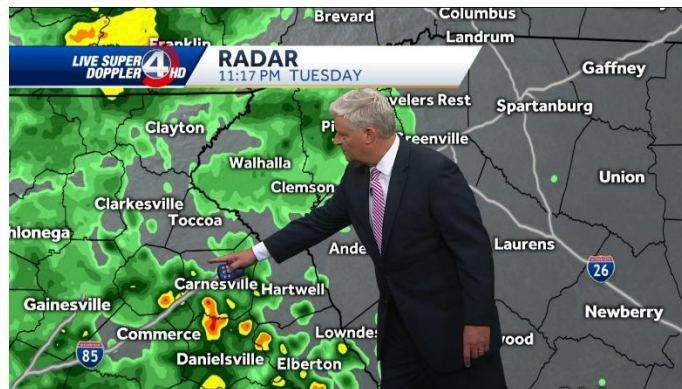




## WEATHER COVERAGE









## ELECTION COVERAGE



**RACE FOR GOVERNOR**  
GEORGIA

REPUBLICAN

BRIAN KEMP

DEMOCRAT

STACEY ABRAMS

18-7-24 2300

★ COMMITMENT 2018 **GEORGIA** REPORTING 99%  
LT. GOVERNOR - GOP

REPUBLICAN


GEOFF DUNCAN  
277,957 50%


REPUBLICAN

DAVID SHAFER  
276,256 50%

18-7-24 2300

★ COMMITMENT 2018 **GEORGIA** REPORTING 99%  
SECRETARY OF STATE - GOP


BRAD RAFFENSPERGER  
REPUBLICAN  
328,464 62%


DAVID BELLE ISLE  
REPUBLICAN  
202,938 38%

18-7-24 2300

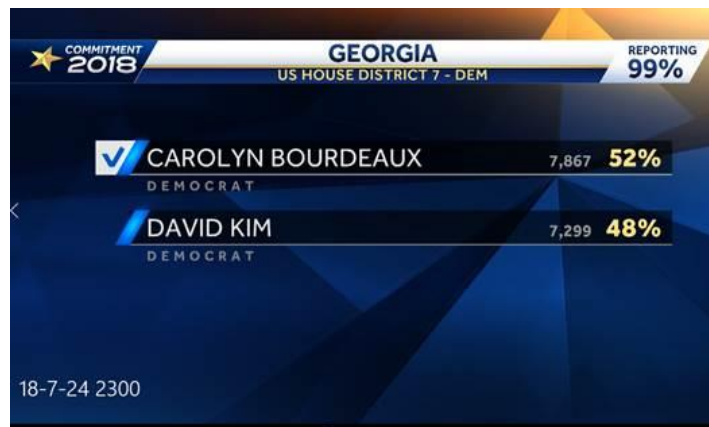
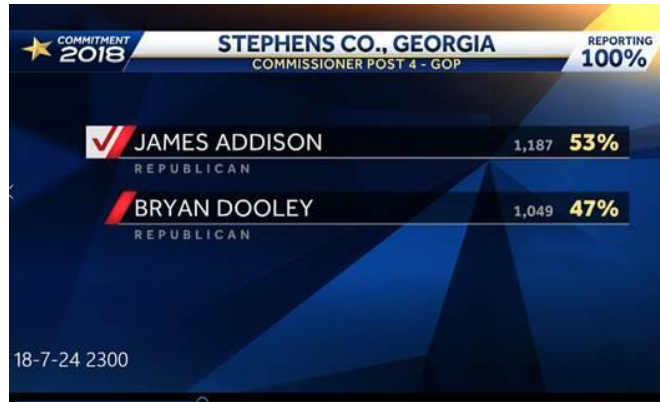
★ COMMITMENT 2018 **GEORGIA** REPORTING 99%  
SCHOOL SUPERINTENDENT - DEM

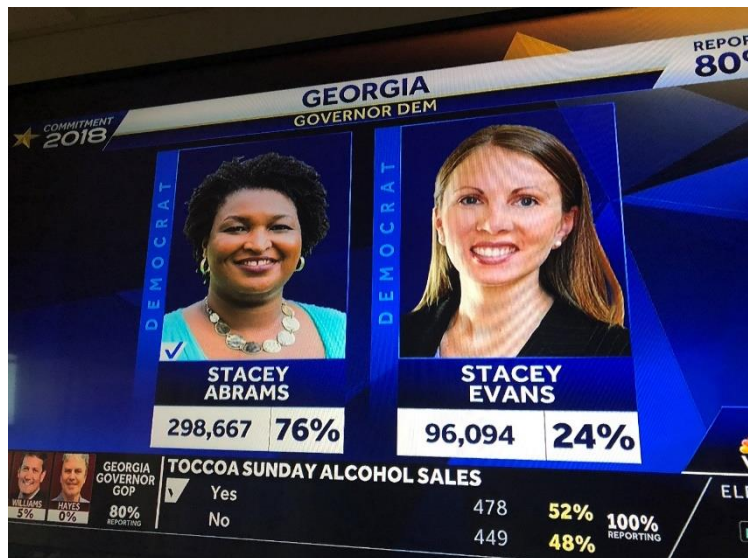
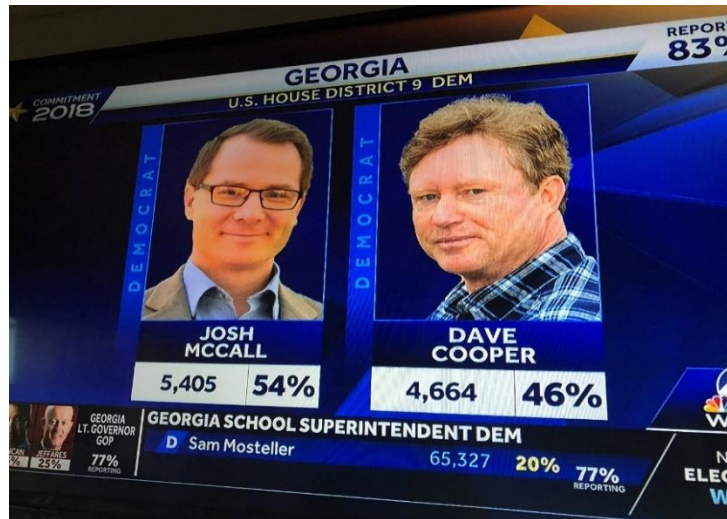

OTHA THORNTON  
DEMOCRAT  
85,751 59%

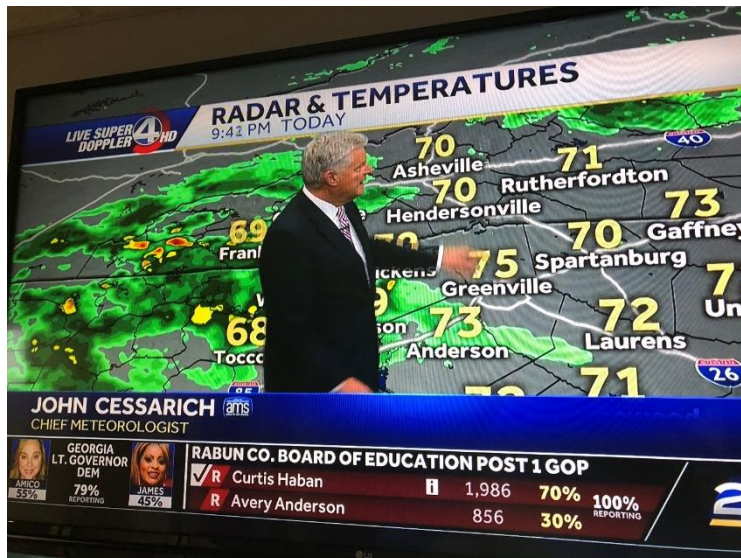
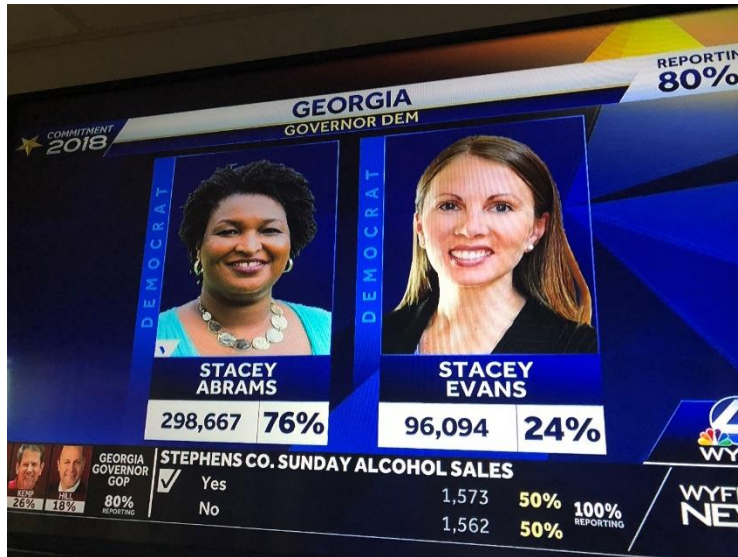

SID CHAPMAN  
DEMOCRAT  
59,378 41%

18-7-24 2300











Houston New Orleans  
**TROPICAL WEATHER**  
 11:01 PM TUESDAY  
 LIVE SUPER DOPPLER 4 HD

50%

San Salvador

GEORGIA STATE HOUSE DISTRICT 28 GOP  
 95% REPORTING  
 GASAWAY 43%

**STEPHENS CO. COMMISSIONER POST 4 GOP**  
 R Jim Ledford 467 18%  
 R Henry Moore 196 8%  
 100% REPORTING

Houston New Orleans  
**TROPICAL WEATHER**  
 1:43 PM TUESDAY  
 LIVE SUPER DOPPLER 4 HD

50%

Salvador

GEORGIA STATE HOUSE DISTRICT 28 GOP  
 95% REPORTING  
 GASAWAY 43%

**STEPHENS CO. COMMISSIONER POST 4 GOP**  
 R James Addison 1,039 40%  
 R Bryan Dooley 755 29%  
 100% REPORTING

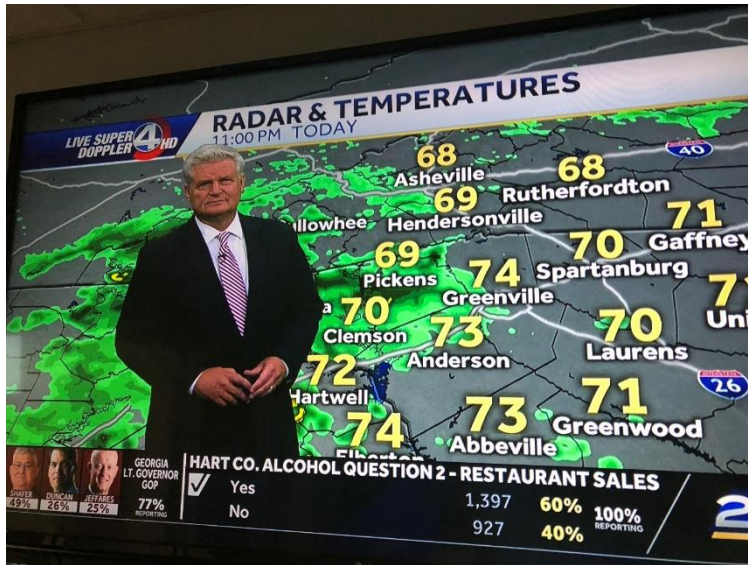
Houston New Orleans  
**TROPICAL WEATHER**  
 11:01 PM TUESDAY  
 LIVE SUPER DOPPLER 4 HD

50%

ador

GEORGIA SEC. OF STATE DEN  
 9% 19% 78% REPORTING

**STEPHENS CO. BOARD OF EDUCATION DIST. 3 POST 1 GOP**  
 ✓ R Kay Reed 1,400 55%  
 R Joel Blackwell 1,146 45%  
 100% REPORTING





FRIDAY

SKY 4

MUDSLIDES DAMAGE 40 STRUCTURES IN WESTERN NORTH CAROLINA

4 WYFF

GEORGIA GOVERNOR GOP

✓ R Robin Cato	1,330	57%	100% REPORTING
R David Mayfield, Sr.	1,020	43%	

ELECTION RESULTS ON THE

SEARCH:

WINGING IN THE BALANCE

4 WYFF

GEORGIA GOVERNOR GOP

✓ R Randall Gailey	1,209	52%	100% REPORTING
R Jeremy Madden	1,105	48%	

ELECTION RESULTS ON THE

SEARCH: W

WINGING IN THE BALANCE

4 WYFF

GEORGIA GOVERNOR GOP

✓ R Lee Vaughn	1,399	68%	100% REPORTING
R Frank Eaves	650	32%	

WYFF NEWS

**EXHIBIT D**

**DECLARATION AND VERIFICATION OF JOSEPH FISHLEIGH**

### **Declaration and Verification of Joseph Fishleigh**


I, Joseph Fishleigh, hereby declare, under penalty of perjury, as follows:

1. I am greater than eighteen years of age and am competent to make this Declaration and Verification.
2. I am the General Manager of WLOS(TV) (“WLOS”), Asheville, North Carolina, and I have held this position since June 2017. I also served as Director of Sales for WLOS from 2009 until May 2017.
3. WLOS is the ABC affiliate for the Greenville-Spartanburg-Asheville-Anderson Designated Market Area. WLOS serves four counties located in Georgia, including Hart County, Franklin County, Elbert County, and Stephens County.
4. Based on a review of corporate records, it is my understanding that WLOS has likely been carried on DISH and DIRECTV in Hart County, Georgia, at least since each September of 2000 (DISH) and June of 2000 (DIRECTV). WLOS is carried on Channel 13 on DISH and on Channel 13 on DIRECTV in Hart County.
5. WLOS provides news, weather, and other information of local interest to the residents of Hart County and the other three Georgia Counties—Franklin County, Elbert County, and Stephens County—in the Greenville-Spartanburg-Asheville-Anderson DMA. Some recent examples are attached to this Declaration as Attachment 1.
6. I verify that the factual matters contained in the foregoing Joint Opposition to Petition for Special Relief are true and correct to the best of my information, knowledge, and belief.

**[signature appears on the following page]**

I declare, under penalty of perjury, that the foregoing Declaration and Verification is true and accurate to the best of my knowledge, information, and belief.

9-4-18  
Date

  
\_\_\_\_\_  
Joseph Fishleigh  
General Manager  
WLOS(TV)

## **ATTACHMENT 1**

### **EXAMPLES OF WLOS PROGRAMMING COVERING HART, ELBERT, FRANKLIN, AND STEPHENS COUNTIES**



## Georgia Grandmother wins life-and-death battle with rapid bobcat; kills it with bare hands



A woman in Georgia won a life-and-death struggle with a rabid bobcat after she managed to strangle it to death. (File photo: via MGN Online)

By Larry D. Curtis June 15, 2018

A woman in Georgia won a life-and-death struggle with a rabid bobcat after she managed to strangle it to death with her bare hands.

"I thought, 'Not today.' There was no way I was going to die," DeDe Phillips said to OnlineAthens.com. "I'm very lucky." Phillips lives in Hart County, northeast of Atlanta where she was reportedly was attacked by the animal after it attacked her unprovoked.

## Still not over yet: Showers and storms possible Friday

Friday, June 1st 2018



ASHEVILLE, N.C. (WLOS) — Flooding continues on the French Broad at Blantyre and Fletcher, with Asheville's section running very high. . . .

There is a greater chance for severe weather in Upstate SC and northeast Georgia. Flash flooding is possible if storms return, and trees may fall due to strong winds.

## **Stacey Abrams, who could become first ever black woman governor in U.S., wins primary**



May 22, 2018

ATLANTA (AP) — Stacey Abrams won Georgia's Democratic primary in the gubernatorial race Tuesday, becoming the state's first woman nominee for governor from either major party.

## **Retired NASCAR driver James Hylton, 83, killed in car wreck**



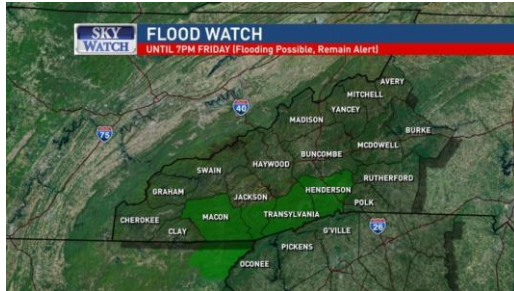
April 30, 2018

CARNESVILLE, Ga. (AP) — Former NASCAR driver James Hylton, the 1966 Rookie of the Year, was killed in a traffic accident Saturday, authorities said. He was 83.

Hylton and his son, 61-year-old James Hylton Jr., died at the scene of the crash, which happened on Interstate 85 in Carnesville a little after 6 a.m., according to the Georgia State Patrol. Both were from Inman, South Carolina.

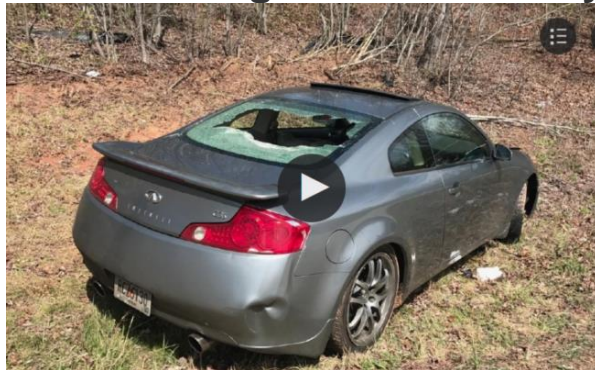
## Flood Watch in effect for parts of WNC, northeast Georgia

Thursday, January 11th 2018



HENDERSON COUNTY, N.C. (WLOS) — The National Weather Service has issued a Flood Watch for parts of the North Carolina mountains and northeast Georgia through 7 p.m. Friday.

## Suspect shot in head during incident involving high-speed chase through Macon County



April 7, 2017

MACON COUNTY, N.C. (WLOS) — Macon County deputies responded to a high-speed chase early Friday morning, with suspects driving from Rabun County, Georgia, into Macon County on U.S. 441.

Deputies from Habersham County, Georgia, were pursuing a suspect after the car the suspect was driving was spotted after being reported stolen.

## Ga. Supreme Court justices don Falcons gear to support home team's Super Bowl dream



ATLANTA (WGXA) - The Georgia Supreme Court honored the Atlanta Falcons on Tuesday during a Special Session after the football team clinched their place in the Super Bowl in Sunday's game against the Green Bay Packers

The nine justices donned Falcons caps during their session on Tuesday to wish them well in their pursuit of a Super Bowl win on Feb. 5 against the New England Patriots.

## Man accused of shooting two Georgia officers has long criminal history in Upstate



Dec. 13, 2016

LAVONIA, GA (WLOS) — A man from the Upstate is now facing charges after Georgia authorities say he shot two police officers.

## 2 Georgia police officers shot, injured serving warrant; suspect killed in shootout



Dec. 12, 2016

CRAWFORD COUNTY, Ga --- Two Georgia police officers were injured early Monday morning while serving a search warrant in Crawford County, an official with the Georgia Bureau of Investigation confirmed.

## Four Dead after Plane Crash on Georgia, SC State Line



October 2, 2015

OCONEE COUNTY, S.C. -- Four people are dead after a small plane crash near the Georgia and South Carolina state line on Friday afternoon.

Just after 3 p.m. on Oct. 3, witnesses say they saw a plane go down in a wooded area of Oconee County in the Tabor Community



# Regular Coverage of Atlanta Braves During Baseball Season

## Braves beat Rays 5-2 for seventh straight road win

by DIJO SCANLON, Associated Press | Thursday, May 10th 2018



Atlanta Braves' Freddie Freeman runs the bases after hitting a home run off Tampa Bay Rays' pitcher Evan Longoria during the third inning of a baseball game Wednesday, May 9, 2018, in St. Petersburg, Fla. (AP Photo/Chris O'Hara)



[VIEW PHOTO GALLERY](#)  
8 photos

## Teheran no-hitter into 7th, Braves blank Mets 11-0 for sweep

by RONALD BLUM, AP Baseball Writer | Friday, May 4th 2018



Atlanta Braves' Jacob deGrom is congratulated by teammates after striking out four batters in an eight-inning no-hitter against the New York Mets on a weekday night during the seventh inning of a baseball game, Thursday, May 3, 2018, in New York. (AP Photo/John Manchillo)



[VIEW PHOTO GALLERY](#)  
7 photos

## Braves' Acuna youngest to homer in 1-0 game since 1935

by DIJO SCANLON, Associated Press | Wednesday, May 9th 2018



Atlanta Braves' Ronald Acuna Jr. swings the bat during the first inning of a baseball game Wednesday, May 9, 2018, in St. Petersburg, Fla. (AP Photo/Chris O'Hara)



[VIEW PHOTO GALLERY](#)  
5 photos

## Cubs throw out 2 runners at home, rally to beat Braves 3-2

by PAUL NEWBERRY, AP Sports Writer | Wednesday, May 23rd 2018



Atlanta Braves' Ronald Acuna Jr. swings the bat during the first inning of a baseball game Wednesday, May 23, 2018, in Atlanta. Chicago won 3-2. (AP Photo/John Manchillo)

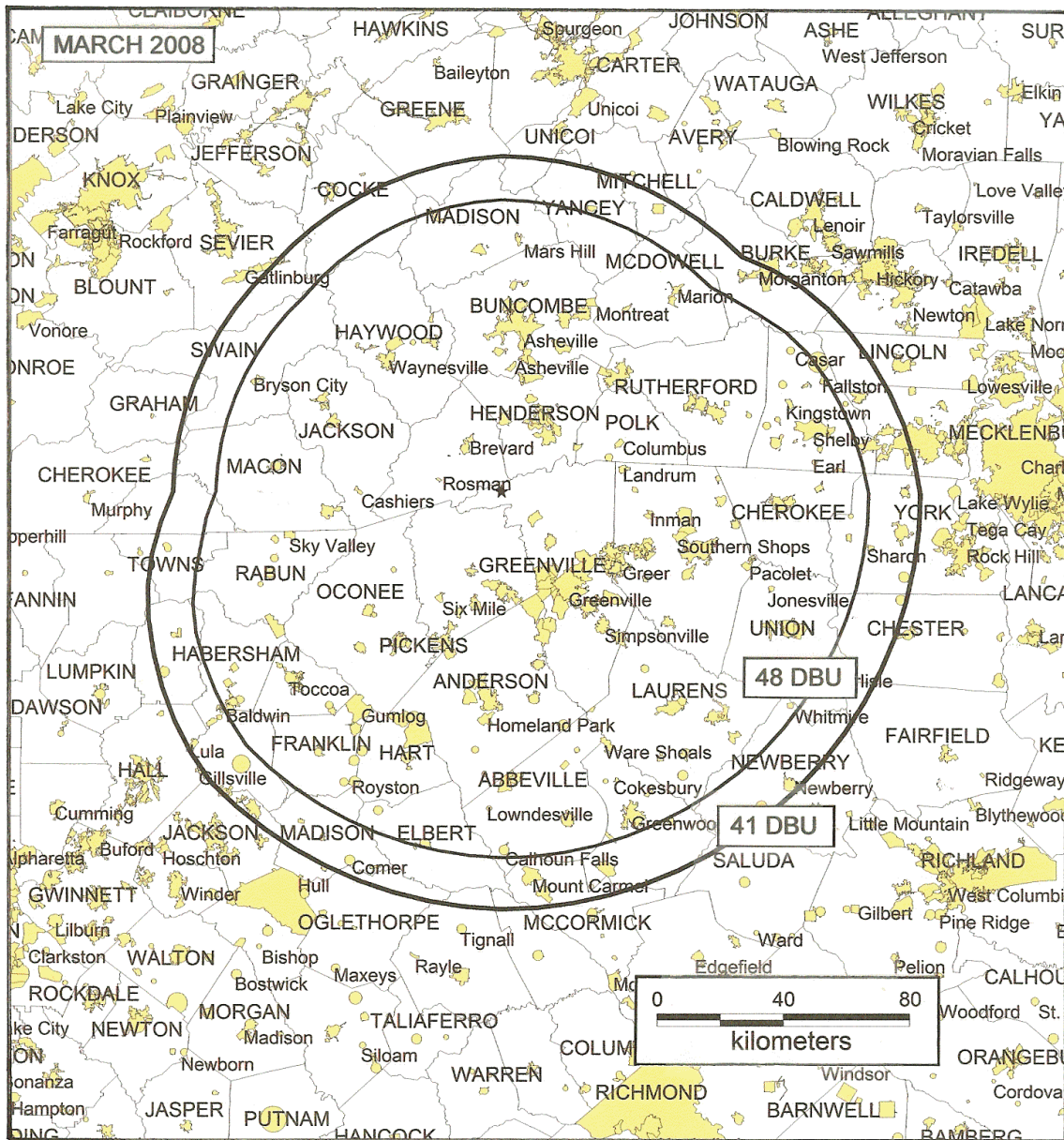


[VIEW PHOTO GALLERY](#)  
8 photos

**EXHIBIT E**

**WYFF, WSPA, WHNS, AND WLOS CONTOUR MAPS**

FIGURE 3

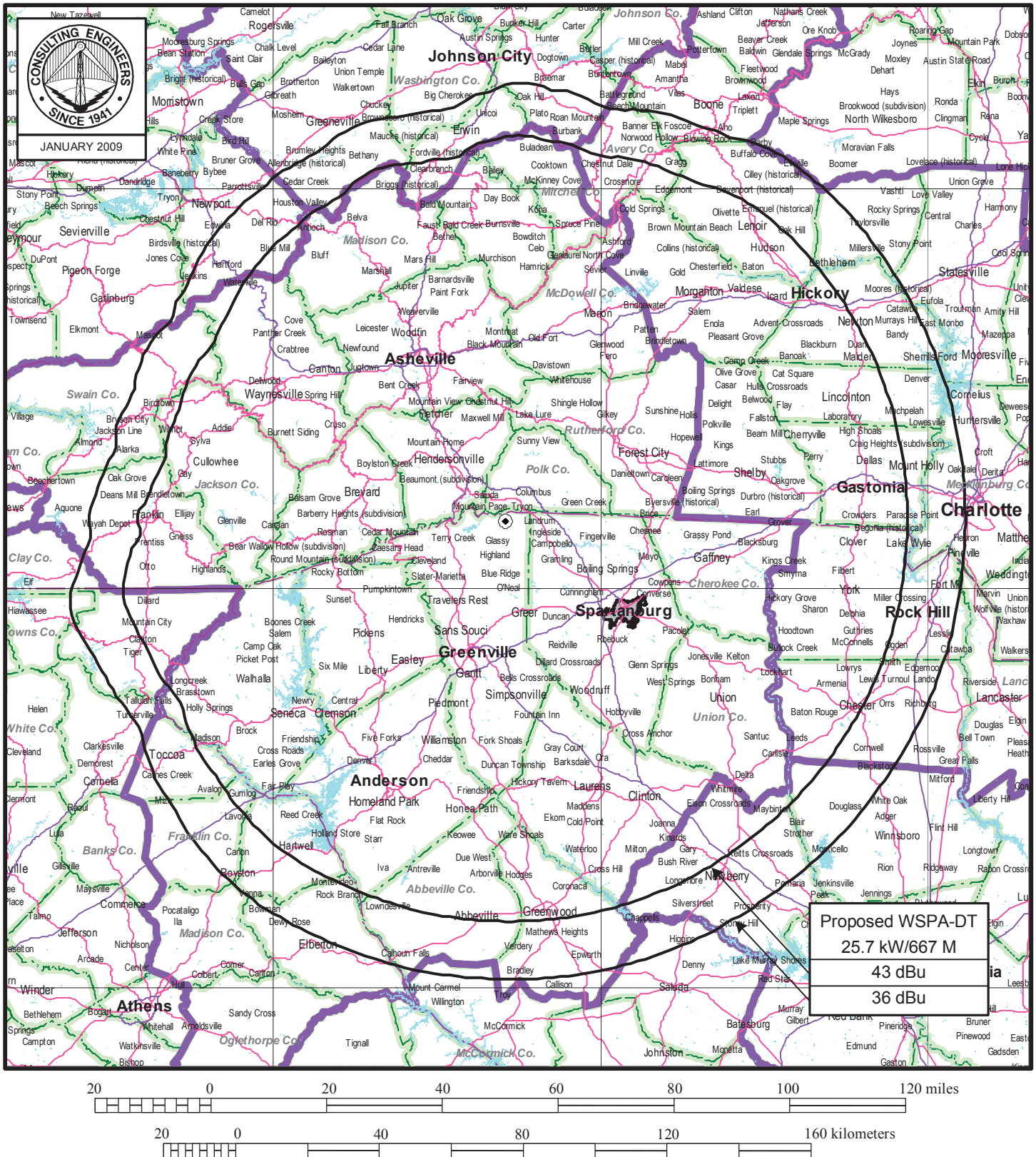


### CALCULATED CONTOURS

WYFF HEARST-ARGYLE TELEVISION, INC.  
STATION WYFF-DT, GREENVILLE, SOUTH CAROLINA  
CHANNEL 36 1000KW 596 METERS

Bernard R. Segal, P. E. Consulting Engineer



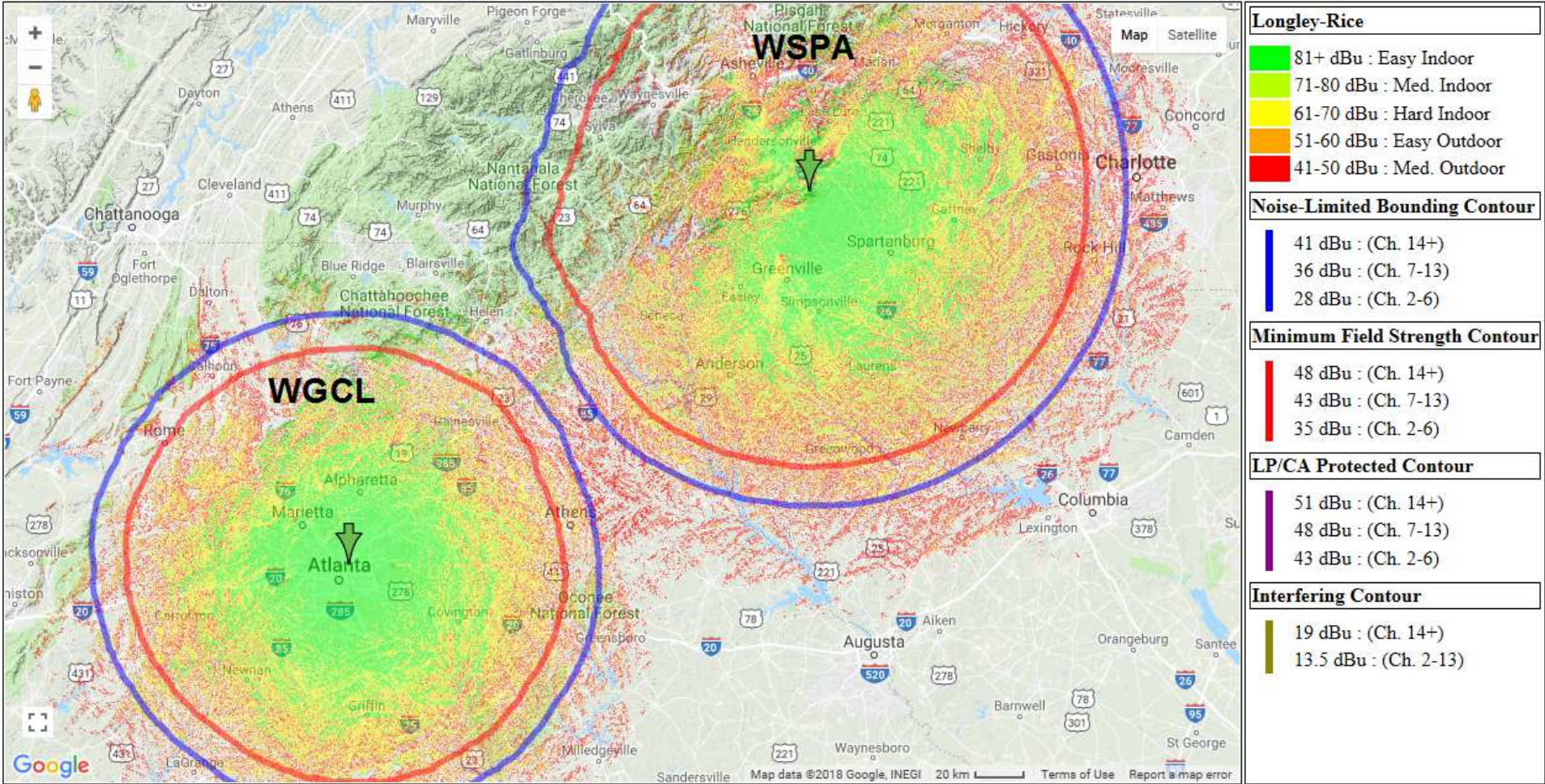


## PREDICTED COVERAGE CONTOURS

STATION WSPA-DT  
SPARTANBURG, SOUTH CAROLINA  
CH 7 25.7 kW 667 M

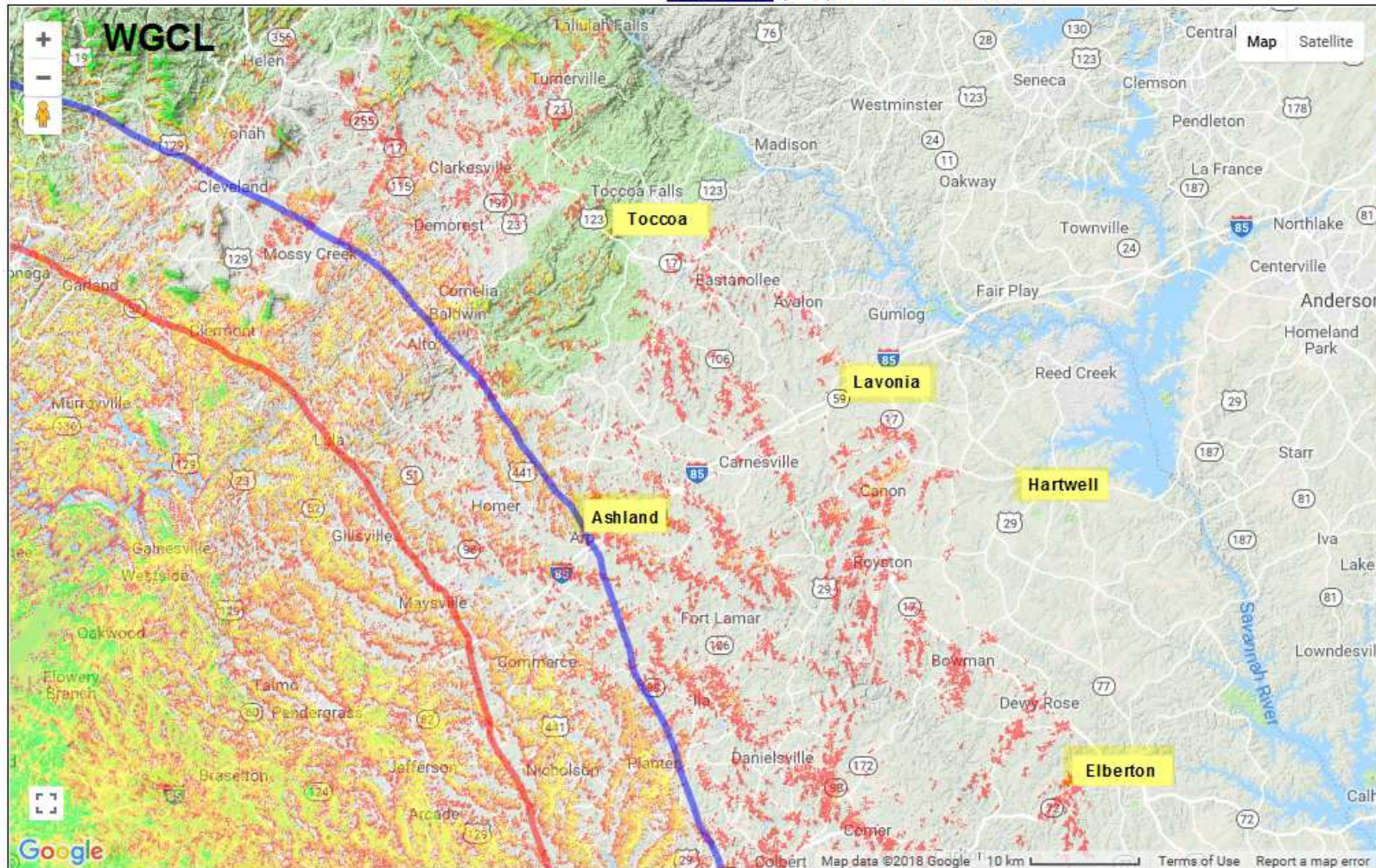
du Treil, Lundin & Rackley, Inc Sarasota, Florida







# WGCL-TV (46-1) BLCDT-20060113ACO



## Longley-Rice

- 81+ dBu : Easy Indoor
- 71-80 dBu : Med. Indoor
- 61-70 dBu : Hard Indoor
- 51-60 dBu : Easy Outdoor
- 41-50 dBu : Med. Outdoor

## Noise-Limited Bounding Contour

- 41 dBu : (Ch. 14+)
- 36 dBu : (Ch. 7-13)
- 28 dBu : (Ch. 2-6)

## Minimum Field Strength Contour

- 48 dBu : (Ch. 14+)
- 43 dBu : (Ch. 7-13)
- 35 dBu : (Ch. 2-6)

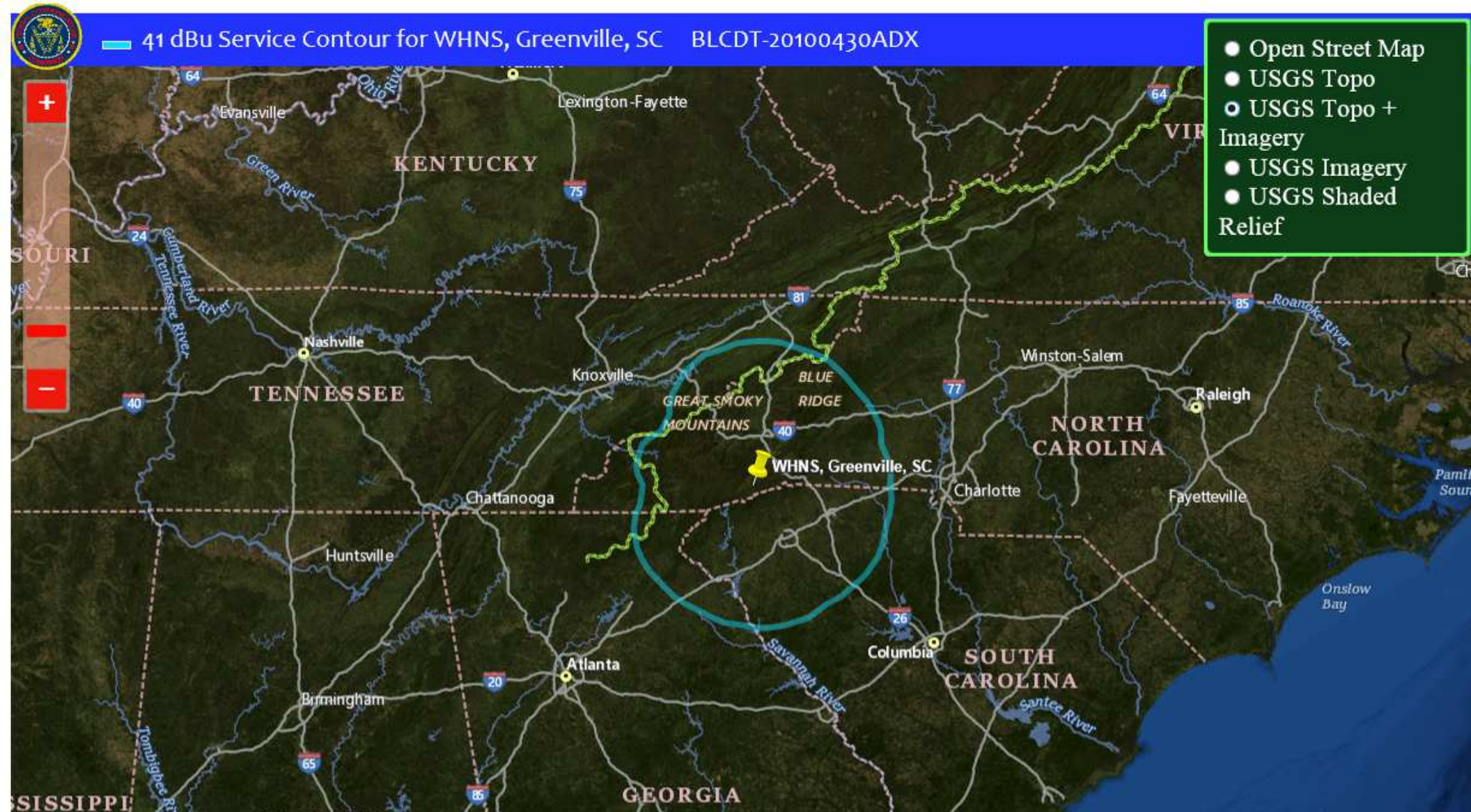
## LP/CA Protected Contour

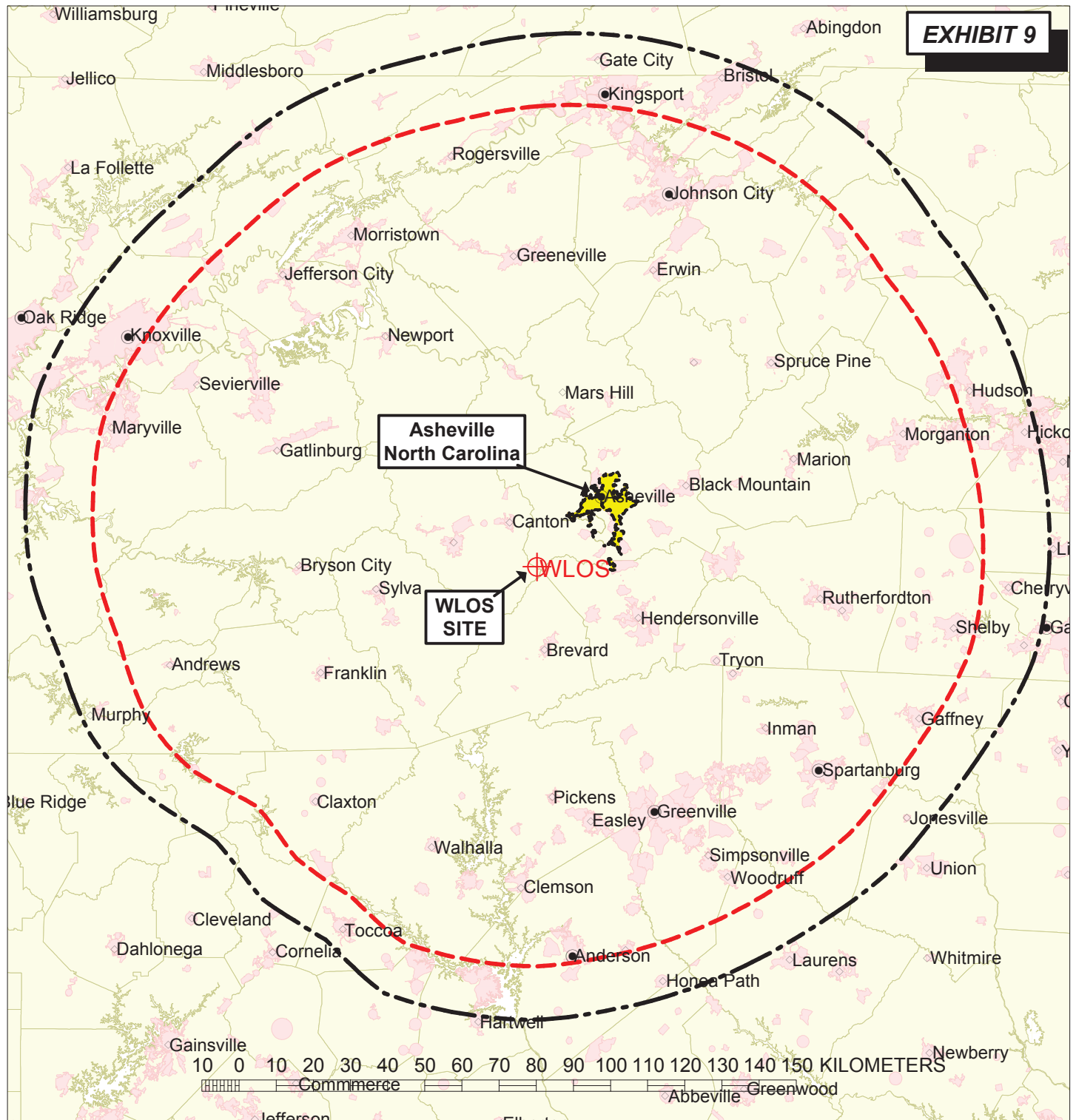
- 51 dBu : (Ch. 14+)
- 48 dBu : (Ch. 7-13)
- 43 dBu : (Ch. 2-6)

## Interfering Contour

- 19 dBu : (Ch. 14+)
- 13.5 dBu : (Ch. 2-13)







## PREDICTED COVERAGE CONTOURS

WLOS - Channel 13 - Asheville, North Carolina  
DTV - 50 kW DA - 849.4 meters HAAT

-----  
**PREDICTED 43 dBu F(50,90)**  
**DTV Principal Community Contour**

-----  
**PREDICTED 36 dBu F(50,90)**  
**DTV Noise Limited Contour**

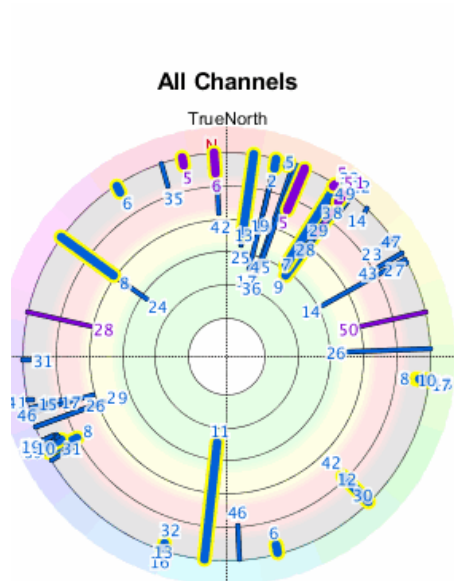
MARCH 2010

**CARL T. JONES**  
**CORPORATION**

**EXHIBIT F**  
**SIGNAL STRENGTH AND DISTANCE**



## Hartwell, GA (Hart County) – Current Channels All Channels



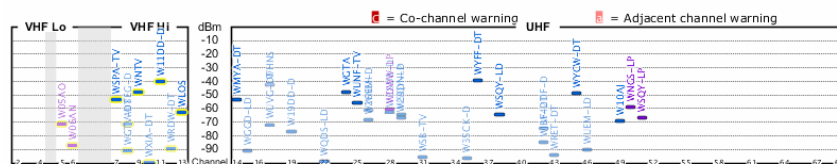
### Search Criteria

Hartwell, GA  
Postal code 30643

db datecode  
201801291705

[www.tvfool.com](http://www.tvfool.com)

Channel			Signal			Dist miles	Azimuth	
CallSign	Real	(Virt)	Netwk	NM(dB)	Pwr(dBm)		True	(Mgn)
WYFF-DT	36	(4.1)	NBC	51.5	-39.4	LOS	55.5	19° (26°)
W11DD-D	11			50.6	-40.2	LOS	2.8	186° (192°)
WHNS	17		Fox	48.5	-42.4	LOS	58.9	14° (20°)
WGTA	24			43.3	-47.5	LOS	30.7	305° (312°)
WNTV	9	(29.1)	PBS	43.0	-47.9	LOS	50.3	36° (42°)
WYCW-DT	45	(62.1)	CW	42.2	-48.6	LOS	63.8	20° (26°)
WMYA-DT	14	(40.1)	MyN	37.8	-53.1	LOS	42.9	62° (68°)
WSPA-TV	7	(7.1)	CBS	37.6	-53.2	LOS	67.1	33° (39°)
WUNF-TV	25	(33.1)	PBS	35.1	-55.7	LOS	74.6	8° (14°)
WNEH	26		PBS	29.3	-61.5	LOS	43.7	88° (94°)
W28DB-D	28			28.4	-62.5	LOS	50.2	36° (42°)
WLOS	13	(13.1)	ABC	28.3	-62.5	LOS	74.6	8° (14°)
WSQY-LP	29	(51.1)		26.5	-64.4	LOS	50.3	36° (42°)
WSQY-LD	38			26.3	-64.5	LOS	50.3	36° (42°)
W29DN-D	29			24.3	-66.5	LOS	30.3	250° (256°)
W26EM-D	26			22.2	-68.6	LOS	30.3	250° (256°)
W10AJ	49	(10.1)		22.1	-68.8	LOS	50.1	36° (42°)
WNGS-LP	50			20.1	-58.7	LOS	22.9	77° (84°)
W08EG-D	8			19.1	-71.8	LOS	30.3	306° (312°)
WUVG-DT	17		Uni	19.0	-71.8	LOS	55.3	254° (260°)
WDWW-LP	28			18.7	-60.2	LOS	51.1	282° (289°)
W42DF-D	42			16.5	-74.3	LOS	53.8	357° (3°)
W19DD-D	19			13.7	-77.2	LOS	58.6	14° (20°)
WSQY-LP	51			12.1	-66.7	LOS	50.3	36° (42°)
W05AO	5			7.3	-71.6	LOS	40.8	22° (29°)
WJBF-DT	42	(6.1)	ABC	5.8	-85.1	2Edge	90.8	136° (142°)
WRDW-DT	12	(12.1)	CBS	1.8	-89.0	2Edge	90.2	136° (142°)
WUEM-LD	46			0.8	-90.1	2Edge	39.5	176° (182°)
WGGD-LD	15			-0.1	-90.9	1Edge	59.3	255° (261°)
WGTV-DT	8	(8.1)	PBS	-0.3	-91.1	2Edge	79.1	242° (248°)
WRET-DT	43	(49.1)	PBS	-3.5	-94.3	2Edge	73.2	60° (66°)
WSB-TV	31		ABC	-5.2	-96.1	2Edge	56.8	239° (246°)
W35CK-D	35			-5.8	-96.7	LOS	50.0	341° (347°)
WQDS-LD	22			-7.7	-98.6	2Edge	47.9	38° (44°)
W06AN	6			-8.3	-87.1	LOS	53.8	356° (3°)
WXIA-DT	10	(11.1)	NBC	-9.0	-99.8	Tropo	90.2	243° (249°)
WGCL-DT	19	(46.1)	CBS	-10.1	-101.0	Tropo	89.0	245° (252°)
WPCH-TV	20	(17.1)		-10.3	-101.2	Tropo	89.0	245° (252°)
WAGA-DT	27	(5.1)	Fox	-10.4	-101.2	Tropo	89.0	245° (251°)
WNGS-LD	33			-10.4	-101.2	1Edge	39.4	34° (41°)
WAGT-CD	30			-11.8	-102.7	2Edge	90.8	136° (142°)
WBTB	23		CBS	-11.9	-102.8	Tropo	121.2	54° (61°)
W10AJ	10			-12.0	-90.9	LOS	50.1	36° (42°)
W0LO-TV	8		ABC	-12.5	-103.3	Tropo	125.2	97° (103°)
WSB-TV	46		ABC	-12.6	-103.4	1Edge	55.3	254° (260°)
WUPA	43		CW	-12.8	-103.7	Tropo	89.0	245° (252°)
WHSG-TV	44	(63.1)	Ind	-13.0	-103.9	Tropo	89.0	245° (252°)
WSB-DT	39	(2.1)	ABC	-13.4	-104.2	Tropo	91.5	244° (250°)
WUVG-DT	48	(34.1)	Uni	-13.4	-104.3	Tropo	89.0	245° (252°)
WATL-DT	25	(36.1)	MyN	-13.9	-104.7	Tropo	89.0	245° (252°)
W02AG-D	2			-14.4	-105.3	2Edge	58.8	14° (20°)

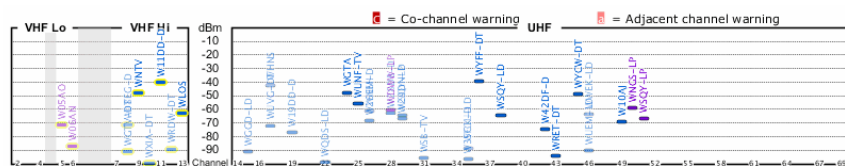
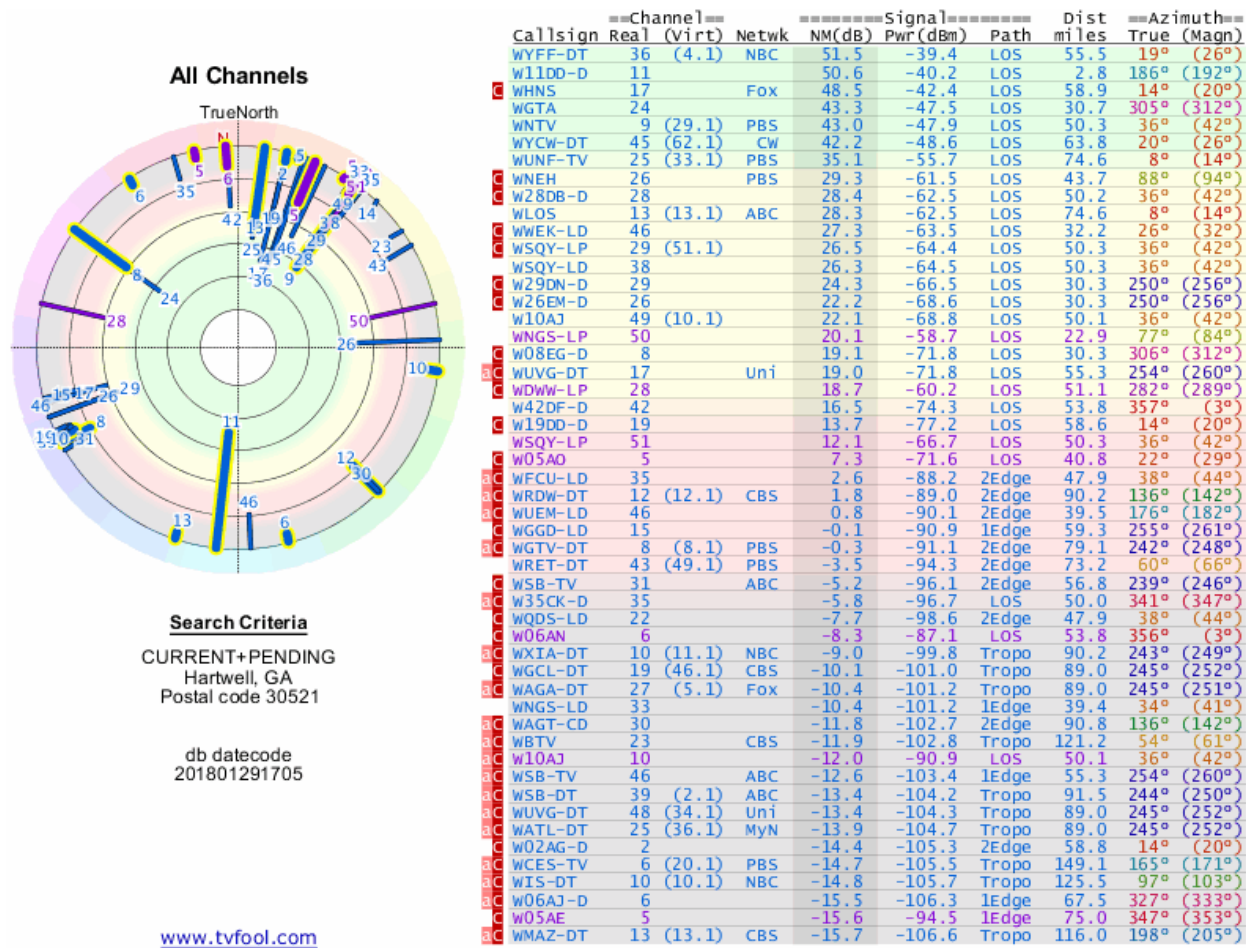


The Signal Analysis Report lists the broadcasters in your area, ranked from strongest to weakest, according to 3D propagation modeling of the location and height (optional) that you entered. The background color of each transmitter in the table is color coded as follows:

Background color	Estimated signal strength
Green	An indoor "set-top" antenna is probably sufficient to pick up these channels
Yellow	An attic-mounted antenna is probably needed to pick up channels at this level and above
Red	A roof-mounted antenna is probably needed to pick up channels at this level and above
Grey	These channels are very weak and will most likely require extreme measures to try and pick them up



## Hartwell, GA (Hart County) – All Channels Pending Applications



The Signal Analysis Report lists the broadcasters in your area, ranked from strongest to weakest, according to 3D propagation modeling of the location and height (optional) that you entered. The background color of each transmitter in the table is color coded as follows:

Background color	Estimated signal strength
Green	An indoor "set-top" antenna is probably sufficient to pick up these channels
Yellow	An attic-mounted antenna is probably needed to pick up channels at this level and above
Red	A roof-mounted antenna is probably needed to pick up channels at this level and above
Grey	These channels are very weak and will most likely require extreme measures to try and pick them up