Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of )

)

United Communications Corporation )

KEYC-TV (Fac. ID No. 68853) ) CSR-8920-N

Mankato, Minnesota ) Docket 16-54 )

Petition for Waiver of Sections 76.92(f) )

and 76.106(a) of the Commission’s Rules )

To: Chief, Media Bureau

**CONSOLIDATED REPLY TO OPPOSITIONS TO**

**SUPPLEMENT TO PETITION FOR SPECIAL RELIEF**

***of* UNITED COMMUNICATIONS CORPORATION**

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SUMMARY

United Communications Corporation is the licensee of KEYC-TV (CBS, Fox), Mankato, Minnesota, which is the only television station serving the Mankato DMA. Indeed, as the FCC’s own coverage maps show, in most of the DMA KEYC-TV provides the only full service television signal available off air to local residents. And KEYC-TV is the only television station providing local news, public affairs programming and emergency information focused uniquely on this mostly-rural market.

In a Supplement to its earlier Petition for Special Relief, KEYC-TV marked out a path whereby the Media Bureau can arrive at the truth that KAAL (licensed to Austin, Minnesota) and three stations broadcasting from the antenna farm north of Minneapolis are not significantly viewed in almost all of the communities in the Mankato, Minnesota DMA.

KAAL and New Ulm Telecom filed Oppositions to the Supplement. Tellingly, the Opponents do not contend that the subject stations actually *are* significantly viewed over the air in those communities, because the Opponents know that they are not.

Instead, the Opponents seek to derail United’s efforts by misconstruing the analytical structure of the Supplement. In addition, they urge that United’s Petition may not be considered unless the Commission first conducts a lengthy rulemaking proceeding, but this argument is inconsistent with the development of the law relating to the Significantly-viewed Exception.

The Opponents also assert that the viewability *vel non* of the distant stations is a matter of speculation. However, but the Commission’s own sophisticated tools reveal that this is a matter of considerable precision – very far from mere speculation. Further, while the Opponents attack United’s view of the law on the use of translator viewing data in the context of significantly viewed matters, they do so without offering any support for that view. In contrast, United’s position is well established, as United took pains to show in the Supplement.

Further, KAAL argues that a grant of United’s Petition poses a scary ‘floodgates’ threat. In doing so, however, it ignores United’s detailed showing that the facts regarding the corruption of Nielsen viewing data by a local translator network and the resulting, unjustifiable, significantly-viewed status of the Distant Station in the Mankato DMA present highly unusual fact situation.

Finally, New Ulm Telecom argues that United’s Supplement is an unauthorized pleading that “must be stricken from the record” due to a supposed failure to demonstrate extraordinary circumstances justifying the submission of the Supplement. It is difficult to fathom how New Ulm Telecom could have missed United’s painstaking delineation of extraordinary circumstance that demonstrated the need for the Supplement, but the reading ability of the Commission’s staff is more than adequate to ensure that they will not make the same mistake. The filing of the Supplement was adequately supported, and it should be accepted.

**TABLE OF CONTENTS**

I. The Oppositions Misconstrue the Analytical Structure of the Supplement…...1

II. United’s Petition May Be Granted without a Rulemaking Proceeding………..4

III. The Viewability *Vel Non* of the Distant Stations Is Not Speculative………….7

IV. The Law on the Use of Translator Viewing Data in the Context

of Significantly Viewed Matters is Well Established………………………............8

V. The Grant of United’s Petition Poses No ‘Floodgates’ Threat………………….9

VI. United’s Supplement Is a Permitted Pleading………………………………….9