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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Implementation of Section 9)	
of the Communications Act)	MD Docket No. 94-19
)	
Assessment and Collection of)	
Regulatory Fees for the 1994)	
Fiscal Year)	

TO: The Commission

**STATEMENT OF CBS INC. IN SUPPORT OF
PETITION FOR RECONSIDERATION OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

CBS Inc. ("CBS") submits this statement in support of the petition of the National Association of Broadcasters ("NAB") for reconsideration of the Commission's *Report and Order* adopting rules to implement section 9 of the Communications Act. 47 U.S.C. § 159. NAB's petition sought reconsideration of only one aspect of the *Report and Order*: the Commission's decision to impose on satellite television stations the same regulatory fees as are charged to full power stations. CBS agrees with NAB's position that satellite television stations should pay only the regulatory fee established for translator stations and submits this statement to provide specific information as to the unwarranted financial burden that the Commission's current decision would place on the licensees of satellite television stations.

CBS fully concurs in and adopts the positions taken by NAB in its petition. CBS agrees that the imposition of a full regulatory

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fee on satellite television stations is inconsistent with Congress' objectives in enacting section 9. The fee schedule imposed by Congress, see 47 U.S.C. § 159(g), explicitly placed greater financial burdens on stations in larger markets. Yet the imposition of full power station fees on satellite stations will result in an obligation to pay multiple fees in markets covering large geographic areas, where licensees need satellite stations to reach outlying areas -- areas which by definition could not economically support a full service station. These multiple fees cumulatively will often exceed the fees imposed on stations in larger, but geographically compact markets that can be serviced without the need of satellite stations.

The circumstances of WCCO-TV, CBS's owned and operated station in Minneapolis, provide a case in point. Minneapolis/St. Paul is the 13th ranked Arbitron ADI market, and, because it falls within the 11th to 25th largest markets, WCCO-TV will be assessed \$16,000.00 under the statutory fee schedule. WCCO-TV maintains two satellite stations, KCCO-TV in Alexandria, Minnesota and KCCW-TV in Walker, Minnesota, which carry virtually all of WCCO-TV's programming. These two satellite stations fall within WCCO-TV's ADI market and merely permit WCCO-TV to reach outlying and less densely populated areas¹ of that market.

¹ According to the 1994 Nielsen Station Index, County Coverage Study, KCCO-TV and KCCW-TV deliver their signals on a quarter-hour average basis to 9599 and 6176 households, respectively.

But because these satellite stations are within the Minneapolis/St. Paul ADI, they are obligated under the Commission's decision to pay \$16,000 fees each. Thus CBS is required to pay \$48,000.00 for WCCO-TV and its two satellites in the 13th largest market, while a station in the largest market in the country would pay only \$20,000.00. This gross disparity demonstrates that the Commission's decision regarding satellite station fees is arbitrary and capricious.

The Commission's decision will subject CBS to significant and arbitrary expense in another market. CBS's owned and operated station in Green Bay, Wisconsin, WFRV-TV, maintains a satellite station in Escanaba, Michigan. That station, WJMN-TV, carries programming virtually identical to WFRV-TV's and enables WFRV-TV to extend the reach of its programming. WJMN-TV falls within the Green Bay/Appelton ADI, which is the 65th largest. Under the current rule, CBS is therefore required to pay a full station fee of \$8,000.00 for WJMN-TV. The \$16,000 CBS is required to pay cumulatively for its station and satellite station in the 65th market is equal to the fee required for stations in the 11th largest market.

As NAB noted, satellite stations function as translators, fulfilling almost all their programming and public service obligations through the programming of their parent station. This is the case with KCCO-TV, KCCW-TV and WJMN-TV. These satellite stations create little regulatory burden on the Commission that could justify the imposition of full station fees.

For all the reason cited in NAB's petition, the Commission should reconsider its decision and hold that satellite television stations must pay only the regulatory fee established for translator stations.

Respectfully submitted,

CBS, Inc.

By Howard F. Jaeckel
Howard F. Jaeckel

By Nicholas E. Poser
Nicholas E. Poser

Its Attorneys

51 West 52nd Street
New York, NY 10019
(212) 975-4595
August 30, 1994

Certificate of Service

I, Nicholas E. Poser, hereby certify that I have, this 30th day of August, 1994, caused to be served by mail, first class postage prepaid, copies of the foregoing "Petition for Reconsideration of the National Association of Broadcasters" to:

William S. Reyner, Jr., Esquire
Michelle M. Shanahan, Esquire
Hogan & Hartson
Columbia Square
555 13th Street, N.W.
Washington, D.C. 20004

Attorneys for KBS License L.P.

Henry L. Baumann
Jack N. Goodman
National Association
of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036



Nicholas E. Poser