Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
MMK License LLC	)	MB Docket No. 15-___
WNKY(TV), Bowling Green, Kentucky	)	CSR-_____-N
Facility ID No. 61271	)	
	)	
Petition for Waiver of Sections 76.92(f),	)	
76.106(a), 76.122(j) and 76.123(k) of the	)	
Commission's Rules	)	

To: Chief, Media Bureau

PETITION FOR SPECIAL RELIEF

MMK License LLC ("MMK"), licensee of television station WNKY(TV), Bowling Green, Kentucky (Facility ID No. 61217) ("WNKY"), by its attorney, and pursuant to Section 76.7(a)(1) of the Commission's rules, 47 C.F.R. § 76.7(a)(1), respectfully requests a waiver of the significantly viewed exception to the network non-duplication provisions set forth in Sections 76.92(f) and 76.122(j), 47 C.F.R. §§ 76.92(f) and 76.122(j), and the syndicated program exclusivity provisions set forth in Sections 76.106(a) and 76.123(k) of the Commission's rules, 47 C.F.R. §§ 76.106(a) and 76.123(k).

Specifically, MMK requests permission to exercise its network non-duplication and syndicated program exclusivity rights against WSMV-TV, Nashville, Tennessee (Facility ID No. 41232), and WTVF(TV), Nashville, Tennessee (Facility ID No. 36504), in the community of Glasgow, Kentucky.[1]

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[1] The Commission's list of registered cable communities indicates that Glasgow, Kentucky, is currently served by (1) Electric Plant Board of the City of Glasgow and (2) South Central Telecom LLC. Search conducted on June 18, 2015 in the Commission's Cable Operations and Licensing System (COALS), https://apps.fcc.gov/coals/forms/search/cableSearchNf.cfm.

The community of Glasgow, Kentucky, is located in Barren County and although the Commission currently lists both WSMV-TV and WTVF(TV) as significantly viewed in Barren County,[2] the data submitted and discussed herein demonstrate that neither station remains significantly viewed in the community of Glasgow under the minimum viewing standards set forth in Section 76.5(i)(1) of the Commission's rules, 47 C.F.R. § 76.5(i)(1). In fact, as confirmed by the survey data presented below, neither WSMV-TV nor WTVF(TV) continues to have any over-the-air viewership in Glasgow.

Accordingly, MMK hereby requests that the FCC waive the significantly viewed exception with respect to WSMV-TV and WTVF(TV) so that MMK may enforce its network non-duplication and syndicated exclusivity rights in the community of Glasgow, Kentucky.

I. Background

WNKY, which serves the small Bowling Green, Kentucky, Designated Market Area ("DMA") (182nd ranked),[3] is both an affiliate of the NBC television network on its primary stream and an affiliate of the CBS television network on its digital multicast stream. WNKY also has acquired syndicated exclusivity rights by contract with a number of syndicators. Out-of-market station WSMV-TV is affiliated with the NBC television network and out-of-market station WTVF(TV) is a CBS affiliate. Both stations are licensed to Nashville, Tennessee, and

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[2] *See* Memorandum Opinion and Order on Reconsideration of the Cable Television Report and Order, 36 FCC 2d 326, 401 (appendix B) (1972), *aff'd sub nom. American Civil Liberties Union v. FCC*, 523 F.2d 1344 (9th Cir. 1975) (the "*1972 Cable Reconsideration Order*"). The Commission maintains an up-to-date version of the list on its website, reflecting stations added since 1972 and stations subject to programming deletions in particular communities. *See* https://transition.fcc.gov/mb/significantviewedstations031815.pdf ("Significantly Viewed List"). WSMV-TV and WTVF(TV) are listed as significantly viewed in Barren County, Kentucky, at page 153 of the Significantly Viewed List.

[3] *See* http://www.tvb.org/media/file/Nielsen_2014-2015_DMA_Ranks.pdf.

serve the Nashville DMA (29th ranked).[4]

Electric Plant Board of the City of Glasgow, South Central Telecom LLC, DirecTV, and DISH Network operate cable or satellite systems serving the community of Glasgow, Kentucky, which is within WNKY's protected "geographic zone" and outside the protected zones of out-of-market stations WSMV-TV and WTVF(TV) under Sections 73.658(m) and 76.53 of the Commission's rules, 47 C.F.R. §§ 73.658(m) and 76.53.[5] Therefore, ordinarily the Commission's network non-duplication and syndicated program exclusivity rules would permit the licensee of WNKY to require that local cable systems and satellite systems delete the duplicative programming of WSMV-TV and WTVF(TV)'s distant signals in Glasgow. Under the exception set forth in Section 76.92(f), however, these systems are not required to delete the duplicating network programming if the distant stations are deemed to be significantly viewed in Glasgow. As noted, the Significantly Viewed List currently reflects both WSMV-TV and WTVF(TV) as deemed to be significantly viewed in Glasgow's Barren County, Kentucky.

II. Request for Waiver

Because the presumption created by the Significantly Viewed List – a list that was first developed in 1972 – in many instances no longer reflects real-life circumstances in particular markets, the Commission has adopted procedures for waiving the significantly viewed exception based on studies by an independent professional audience survey organization showing that a station on the Significantly Viewed List no longer meets the applicable significantly viewed benchmarks in a particular community over two consecutive one-year periods. To obtain waiver relief, a petitioner must demonstrate, "utilizing community- or system-specific data, to one

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[4] *Id.*

[5] The distance between Glasgow and Bowling Green is 29 miles. The distance between Glasgow and Nashville is 75 miles. *See* www.indo.com/distance/.

standard error, . . . that the station in question has not met [the FCC's] standards for significant viewing for two consecutive years."[6]

In order to be deemed significantly viewed in a community, network-affiliated stations such as WSMV-TV and WTVF(TV) must achieve *both* "a share of viewing hours of at least 3 percent (total week hours) and a net weekly circulation of at least 25 percent" in over-the-air homes in a community.[7] As demonstrated below, according to community-specific data obtained by WNKY from Nielsen Media Research ("Nielsen"), neither WSMV-TV nor WTVF(TV) continues to achieve these viewing levels in the community of Glasgow.

Accordingly, MMK respectfully requests a waiver of the significantly viewed exception to the network non-duplication and the syndicated program exclusivity rules to enable its station, WNKY, to enforce its network non-duplication and syndicated program exclusivity rights with respect to the duplicating distant programming on the cable and satellite systems serving WNKY's local market in Glasgow.

To provide a representative sample of over-the-air viewing in Glasgow, MMK commissioned Nielsen, an independent professional survey organization, to prepare a special retabulation of diaries obtained from non-cable and non-alternative-delivery system ("non-ADS") households located in the zip codes comprising Glasgow.[8] As explained in the attached

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[6] *See KCST-TV, Inc.*, 103 FCC 2d 407, 413 (1986).

[7] 47 C.F.R. § 76.5(i).

[8] Specifically, the Nielsen survey results are for zip codes 42141 and 42142, the two zip codes assigned by the United States Postal Service to Glasgow, Kentucky. *See* https://tools.usps.com/go/ZipLookupResultsAction!input.action?resultMode=0&companyName=&address1=&address2=&city=glasgow&state=KY&urbanCode=&postalCode=&zip= (last visited June 18, 2015). Pursuant to Section 76.54(c) of the Commission's rules, 47 C.F.R. § 76.54(c), on May 7, 2015, MMK sent notifications to interested parties of its intent to purchase data from Nielsen ("Notification Letters"). *See Meredith Corporation,* 22 FCC Rcd 12932, at ¶5 (rel. July 13, 2002) ("*Meredith*"). On May 14, 2015, MMK received a letter from WSMV-TV seeking further explanation regarding the "retabulated data" and "what specific weeks might be used" in the survey. MMK responded to WSMV-TV by letter dated May 14, 2015, with further information about the Commission's "regulations and

Nielsen study,[9] the data were compiled based on the Nielsen Station Index surveys conducted over four-week periods during the combined Nielsen sweeps measurement periods for February and May of 2013 and for February and May of 2014.

Nielsen's study shows that, during these survey periods, the average share of viewing hours and average net weekly circulation (cume) of WSMV-TV and WTVF(TV) in Glasgow were as follows:

WSMV-TV Viewership in Glasgow, Kentucky (Zip Codes 42141 & 42142)

Survey Periods		Share of Total Viewing		Average Weekly Circulation	
	Households Studied	Percent	Standard Error	Percent	Standard Error
February 2013 & May 2013 (combined)	3	0.00	0.00	0.00	0.00
February 2014 & May 2014 (combined)	2	0.00	0.00	0.00	0.00

precedent" related to petitions for waiver of the significantly viewed exception to the Commission's network non-duplication and syndicated program exclusivity regulations. MMK also received a letter, dated May 15, 2015, from WTVF(TV) seeking a list of zip codes and further information related to the audience survey methodology. MMK responded to WTVF(TV) by letter dated May 19, 2015. Copies of both MMK's May 14, 2015, letter to WSMV-TV and MMK's May 19, 2015, response to WTVF(TV), as well as the original Notification Letters to both WSMV-TV and WTVF(TV) are attached as Exhibit 1. MMK received no other responses to the Notification Letters.

[9] *See* Exhibit 2. The data submitted, along with the description of methodology, are as agreed on between MMK and Nielsen. *See Gulf-California Broadcast Co.*, 23 FCC Rcd 7406, at ¶4 n.15 (rel. May 6, 2008).

WTVF(TV) Viewership in Glasgow, Kentucky (Zip Codes 42141 & 42142)

Survey Periods		Share of Total Viewing		Average Weekly Circulation	
	Households Studied	Percent	Standard Error	Percent	Standard Error
February 2013 & May 2013 (combined)	3	0.00	0.00	0.00	0.00
February 2014 & May 2014 (combined)	2	0.00	0.00	0.00	0.00

The Nielsen study demonstrates that, during the 12-month periods for both 2013 and 2014, the share of total viewing hours for both WSMV-TV and WTVF(TV) in Glasgow was zero percent and that their net weekly circulation was also zero percent. Thus, WSMV-TV and WTVF(TV) fell below the significantly viewed standard in Glasgow.

Accordingly, inclusion of the out-of-market Nashville stations WSMV-TV and WTVF(TV) on the Significantly Viewed List should no longer deprive WNKY of its network non-duplication and syndicated program exclusivity rights with respect to WSMV-TV and WTVF(TV) in Glasgow. Thus, MMK respectfully requests that the FCC waive the significantly viewed exception to the network non-duplication and syndicated program

exclusivity rules so that its station, WNKY, may assert important network and syndicated program exclusivity rights in its core local market community of Glasgow, Kentucky.

Respectfully submitted,

MMK LICENSE LLC

By: _____

Brad C. Deutsch
Garvey Schubert Barer
1000 Potomac Street, NW
Washington, DC 20007
(202) 965-7880

Its Attorney

June 19, 2015

EXHIBIT 1

Letters to WSMV-TV and WTVF(TV)

WSMV-TV, Nashville, TN
Meredith Corporation
1716 Locust Street
Des Moines, IA 50309

WSMV-TV
5700 Knob Road
Nashville, TN 37209

Via Certified Mail, Return Receipt Requested # 7014 2120 0000 6937 8491

May 7, 2015

To Whom It May Concern,

MMK License LLC is the licensee of television station WNKY(TV), Bowling Green, KY, which is assigned to the Bowling Green Designated Market Area (DMA).

This letter provides notice that 30 days from the date of this letter, and pursuant to Section 76.54(c) of the regulations promulgated by the Federal Communications Commission (FCC), 47 C.F.R. § 76.54(c), MMK License LLC plans to order an independent professional audience survey for Glasgow, KY, to ascertain whether television stations WSMV-TV and WTVF(TV), which are both licensed to Nashville, TN, and assigned to the Nashville DMA, remain significantly viewed in Glasgow, KY, a community located in Barren county in the Bowling Green DMA.

In accordance with FCC regulations and precedent, the survey will be conducted by Nielsen Media Research using retabulated data from the February 2013, May 2013, February 2014 and May 2014 sweeps periods for Glasgow. Only non-cable, non-ADS (Alternative Delivery System) households will be included in the survey. Over-the-air weekly share of total viewing hours and net weekly circulation results will each be averaged and will include a standard error as required by Sections 76.5(i) and 76.54(b) of the FCC's regulations, 47 C.F.R. §§ 76.5(i), 76.54(b).

If you any concerns regarding the conduct of this survey, please convey them to me no later than 20 days after your receipt of this notice.

Very Truly Yours,

David J. Wilhelm
Vice President & Asst. Secretary
MMK License LLC

WSMV-TV, Nashville, TN
Meredith Corporation
1716 Locust Street
Des Moines, IA 50309

✓WSMV-TV
5700 Knob Road
Nashville, TN 37209

Via Certified Mail, Return Receipt Requested # 7014 2120 0000 6937 8422

May 7, 2015

To Whom It May Concern,

MMK License LLC is the licensee of television station WNKY(TV), Bowling Green, KY, which is assigned to the Bowling Green Designated Market Area (DMA).

This letter provides notice that 30 days from the date of this letter, and pursuant to Section 76.54(c) of the regulations promulgated by the Federal Communications Commission (FCC), 47 C.F.R. § 76.54(c), MMK License LLC plans to order an independent professional audience survey for Glasgow, KY, to ascertain whether television stations WSMV-TV and WTVF(TV), which are both licensed to Nashville, TN, and assigned to the Nashville DMA, remain significantly viewed in Glasgow, KY, a community located in Barren county in the Bowling Green DMA.

In accordance with FCC regulations and precedent, the survey will be conducted by Nielsen Media Research using retabulated data from the February 2013, May 2013, February 2014 and May 2014 sweeps periods for Glasgow. Only non-cable, non-ADS (Alternative Delivery System) households will be included in the survey. Over-the-air weekly share of total viewing hours and net weekly circulation results will each be averaged and will include a standard error as required by Sections 76.5(i) and 76.54(b) of the FCC's regulations, 47 C.F.R. §§ 76.5(i), 76.54(b).

If you any concerns regarding the conduct of this survey, please convey them to me no later than 20 days after your receipt of this notice.

Very Truly Yours,

David J. Wilhelm
Vice President & Asst. Secretary
MMK License LLC

May 14, 2015

Via Overnight Carrier and
Certified Mail, Return Receipt Requested

Doreen Wade
Vice President and General Manager
WSMV-TV, Nashville, TN
5700 Knob Road
Nashville, TN 37209

WSMV-TV, Nashville, TN
Meredith Corporation
1716 Locust Street
Des Moines, IA 50309

Regarding: Letter from Doreen Wade dated May 22, 2015
(received May 14, 2015; copy attached)

Dear Ms. Wade,

We are in receipt of your letter in response to our May 7, 2015, notice pursuant to Section 76.54(c) of the FCC's rules regarding our plan to order an independent professional audience survey from Nielsen Media Research to ascertain whether television stations WSMV-TV and WTVF(TV) remain significantly viewed in Glasgow, KY.

As indicated in our May 7, 2015, letter, we plan to use retabulated data from the February 2013, May 2013, February 2014 and May 2014 sweeps periods for Glasgow "in accordance with FCC regulations and precedent."

In response to your question about "retabulated data," this is precisely the type of data that the Commission requires. For example, in a recent Commission decision granting a Petition for Waiver of Section 76.92(f) of the Commission's Rules, the Commission stated that "[i]n order to produce the data required for exclusivity waivers, Nielsen re-tabulates the over-the-air data that it collects for its routine audience sweep periods, selecting in-tab diaries from its database from the

MAX MEDIA OF KENTUCKY
P.O. Box 149, Bowling Green, KY 42102
Phone: 270-781-2140 • FAX: 270-842-7140

area served by a cable system or an individual cable community."[1] For your reference, a copy of the Nielsen survey that was used successfully in the Commission proceeding quoted above is enclosed with this letter. WNKY plans to ask Nielsen to use the same methodology specified in the enclosed survey.

As for your second concern, related to the "weekly periods," we note that the enclosed survey used the exact same survey periods – *i.e.*, February and May sweeps from two consecutive years. With respect to the requirement that no more than one survey period be "between the months of April and September," the Commission has explicitly stated that this requirement applies separately to each year's surveys and not across the two consecutive years.[2] Accordingly, because February and May are not both "between the months of April and September," the survey that WNKY plans to use is compliant with the requirements of Section 76.54(b) of the Commission's rules.

I hope that this information is useful and satisfactorily addresses your concerns.

Sincerely,

David J. Wilhelm
Vice President & Asst. Secretary
MMK License LLC

Attachments
cc: John Trinder (via e-mail)
Linda Gray, President and General Manager, WNKY (via e-mail)
Brad Deutsch, Williams Mullen (via e-mail)

[1] *See In the Matter of Barrington Kirksville Licensee LLC, KTVO, Kirksville, Missouri*, 28 FCC Rcd 2843 ¶ 4 (2013), available at https://apps.fcc.gov/edocs_public/attachmatch/DA-13-455A1.pdf.
[2] *See Id*, 28 FCC Rcd at 2844 note 12 ("The criteria set forth in KCST-TV require that two separate surveys be performed pursuant to Section 76.54(b) in consecutive years. The provisions of Section 76.54(b) therefore apply to each year's survey.").

325 Emmett Ave. Bowling Green, KY 42101
Phone: 270-781-2140 • FAX: 270-842-7140

nielsen

The attached report provides audience net weekly circulation (cume) and share information among non-cable/non-ADS households for KCCI, KCRG and KGAN during the Nielsen Station Index (NSI) survey conducted over four week periods during the February 2010, May 2010, February 2011 and May 2011 measurement periods. The report is based on series of Zip codes for the communities of Bloomfield and Fairfield, IA. Households will maintain the reported Nielsen Viewers in Profile (VIP) weights used to project in-tab sample households to universe estimates for their respective measurement periods. This study measures non-cable/non-ADS household viewing between 7AM-1AM, Sunday to Saturday.

The sample source for this survey consisted of non-cable/non-ADS TV households returning usable television viewing diaries. NSI procedures were used for distributing diaries and for compiling the estimated audience projections in this report. Average quarter hour projections were computed by summing weights for quarter hours in the daypart for the non-cable/non-ADS in-tab households and dividing by the number of quarter hours in the daypart. The weights which were used for projections are those used to project in-tab sample households to universe estimates in the regular Nielsen Viewers in Profile analysis. Share and cume estimates as well as their respective standard errors are computed for each of the geographies as follows:

Shares of total viewing are computed by dividing average quarter hour Su-Sa 7AM-1AM projections of a given station for the non-cable/non-ADS in-tab households by the average quarter hour Su-Sa 7AM-1AM projections in non-cable/non-ADS households across all stations. The associated standard error is calculated using the accepted formula for computing the standard error of a ratio estimate and is shown below:

The average weekly circulation (cume) is an average of the four weeks of the measurement period. The cume was computed by summing the weights for all non-cable/non-ADS households tuning at least one quarter hour to a given station within the cycle during the Su-SA 7AM-1AM daypart and dividing by the sum of all non-cable/non-ADS weights within the given measurement period for each week. The cume for each week in the measurement period is then summed and divided by the number of weeks in the measurement period to compute the average weekly cume. The associated standard error for the average weekly cume is calculated using the accepted formula for computing the standard error of a ratio estimate. This standard error is the error of the average weekly cume; it is not an average of the weekly standard error. The formulas used are shown below:

Share

$$Share = \frac{\sum_{1}^{n}(w * Qhrs(s))}{\sum_{1}^{n}(w * Qhrs(t))}$$

Share Standard Error

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$$\text{Std Error} = \sqrt{\frac{n}{n-1} * \sum_{1}^{n}\left[\frac{(w * Qhrs(s)) - (Share * w * Qhrs(t))}{\sum_{1}^{n}(w * Qhrs(t))}\right]^2}$$

where n = number of intab households
where w = household weight
where $Qhrs(s)$ = total quarter hours tuned to station of interest by household
where $Qhrs(t)$ = total quarter hours tuned by household

Average Weekly Cume

$$Average\ Weekly\ Cume = \frac{1}{z} * \sum_{1}^{z}\left[\frac{\sum_{1}^{n}(HH\ Weight * x)}{\sum_{1}^{n} HH\ Weight}\right]$$

Average Weekly Cume Standard Error

$$Std\ Error = \sqrt{\frac{1}{z^2}\sum_{1}^{z}\left[\frac{n}{n-1} * \sum_{1}^{n}\left[\frac{(x - Week\ Cume) * HH\ Weight}{\sum_{1}^{n} HH\ Weight}\right]^2\right]}$$

where z = number of weeks in analysis (with non-zero intabs)
where n = number of intab households in week
where x = 0 if household did not tune station of interest
where x = 1 if household did tune station of interest

The attached report is representative of the viewing patterns of the non-cable/non-ADS households of the geographic area surveyed.

Nielsen data may not be changed or altered by a client and represented as a Nielsen study.

Nielsen Significant Viewing Study
Sun-Sat 7AM-1AM
Non-Cable, Non-ADS Diary Households
KCRG-Cedar Rapids, IA

Community (zip codes)		Feb10, May10 combined	Feb11, May11 combined
Fairfield, IA 52556 (Jefferson County)	Number of Intabs	5	4
	Net Weekly Circulation	0.00	0.00
	Circulation Std. Error	0.00	0.00
	Share	0.00	0.00
	Share Std. Error	0.00	0.00

Nielsen Significant Viewing Study
Sun-Sat 7AM-1AM
Non-Cable, Non-ADS Diary Households
KGAN-Cedar Rapids, IA

Community (zip codes)		Feb10, May10 combined	Feb11, May11 combined
Fairfield, IA 52556 (Jefferson County)	Number of Intabs	5	4
	Net Weekly Circulation	0.00	0.00
	Circulation Std. Error	0.00	0.00
	Share	0.00	0.00
	Share Std. Error	0.00	0.00

Nielsen Significant Viewing Study
Sun-Sat 7AM-1AM
Non-Cable, Non-ADS Diary Households
KCCI-Des Moines, IA

Community (zip codes)		Feb10, May10 combined	Feb11, May11 combined
Bloomfield, IA 52537 (Davis County)	Number of Intabs	6	3
	Net Weekly Circulation	0.00	0.00
	Circulation Std. Error	0.00	0.00
	Share	0.00	0.00
	Share Std. Error	0.00	0.00

WTVF-TV, Nashville, TN
EW Scripps Company
312 Walnut Street #2800
Cincinnati, OH 45202

WTVF-TV
News Channel 5 Network LLC
474 James Robertson Parkway
Nashville, TN 37219

Via Certified Mail, Return Receipt Requested # 7014 2120 0000 6937 8415

May 7, 2015

To Whom It May Concern,

MMK License LLC is the licensee of television station WNKY(TV), Bowling Green, KY, which is assigned to the Bowling Green Designated Market Area (DMA).

This letter provides notice that 30 days from the date of this letter, and pursuant to Section 76.54(c) of the regulations promulgated by the Federal Communications Commission (FCC), 47 C.F.R. § 76.54(c), MMK License LLC plans to order an independent professional audience survey for Glasgow, KY, to ascertain whether television stations WSMV-TV and WTVF(TV), which are both licensed to Nashville, TN, and assigned to the Nashville DMA, remain significantly viewed in Glasgow, KY, a community located in Barren county in the Bowling Green DMA.

In accordance with FCC regulations and precedent, the survey will be conducted by Nielsen Media Research using retabulated data from the February 2013, May 2013, February 2014 and May 2014 sweeps periods for Glasgow. Only non-cable, non-ADS (Alternative Delivery System) households will be included in the survey. Over-the-air weekly share of total viewing hours and net weekly circulation results will each be averaged and will include a standard error as required by Sections 76.5(i) and 76.54(b) of the FCC's regulations, 47 C.F.R. §§ 76.5(i), 76.54(b).

If you any concerns regarding the conduct of this survey, please convey them to me no later than 20 days after your receipt of this notice.

Very Truly Yours,

David J. Wilhelm
Vice President & Asst. Secretary
MMK License LLC

WTVF-TV, Nashville, TN
EW Scripps Company
312 Walnut Street #2800
Cincinnati, OH 45202

✓ WTVF-TV
News Channel 5 Network LLC
474 James Robertson Parkway
Nashville, TN 37219

Via Certified Mail, Return Receipt Requested #7014 2120 0006 6937 8408

May 7, 2015

To Whom It May Concern,

MMK License LLC is the licensee of television station WNKY(TV), Bowling Green, KY, which is assigned to the Bowling Green Designated Market Area (DMA).

This letter provides notice that 30 days from the date of this letter, and pursuant to Section 76.54(c) of the regulations promulgated by the Federal Communications Commission (FCC), 47 C.F.R. § 76.54(c), MMK License LLC plans to order an independent professional audience survey for Glasgow, KY, to ascertain whether television stations WSMV-TV and WTVF(TV), which are both licensed to Nashville, TN, and assigned to the Nashville DMA, remain significantly viewed in Glasgow, KY, a community located in Barren county in the Bowling Green DMA.

In accordance with FCC regulations and precedent, the survey will be conducted by Nielsen Media Research using retabulated data from the February 2013, May 2013, February 2014 and May 2014 sweeps periods for Glasgow. Only non-cable, non-ADS (Alternative Delivery System) households will be included in the survey. Over-the-air weekly share of total viewing hours and net weekly circulation results will each be averaged and will include a standard error as required by Sections 76.5(i) and 76.54(b) of the FCC's regulations, 47 C.F.R. §§ 76.5(i), 76.54(b).

If you any concerns regarding the conduct of this survey, please convey them to me no later than 20 days after your receipt of this notice.

Very Truly Yours,

David J. Wilhelm
Vice President & Asst. Secretary
MMK License LLC

GARVEY SCHUBERT BARER
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GSBLAW.COM

Please reply to BRAD C. DEUTSCH
bdeutsch@gsblaw.com
TEL EXT 1793

May 19, 2015

Via Certified Mail, Return Receipt Requested

Lyn Plantinga
Vice President and General Manager
Scripps Media, Inc. – WTVF(TV)
312 Walnut Street
Cincinnati, OH 45202

William Appleton
Senior Vice President and General Counsel
Scripps Media, Inc.
312 Walnut Street, 28th Floor
Cincinnati, OH 45202

David Kushner, Esq.
Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.
Wells Fargo Capitol Center
150 Fayetteville, Street, Suite 1600
Raleigh, NC 27601

Dear Ms. Plantinga, Mr. Appleton and Mr. Kusher:

MMK License LLC ("MMK") is in receipt of Ms. Plantiga's May 15, 2015, letter in response to MMK's May 7, 2015, notice pursuant to Section 76.54(c) of the FCC's rules regarding MMK's plan to order an independent professional audience survey from Nielsen Media Research to ascertain whether television stations WSMV-TV and WTVF(TV) remain significantly viewed in Glasgow, KY.

As indicated in MMK's May 7, 2015, letter, MMK plans to use retabulated data from the February 2013, May 2013, February 2014 and May 2014 sweeps periods for Glasgow "in accordance with FCC regulations and precedent."

In response to Ms. Plantiga's specific concern about MMK's notice not having provided a list of zip codes, there is nothing in Section 76.54(c) that requires such a zip code list and, in fact, the excerpt of the FCC decision that Ms. Plantiga's cites in the very next paragraph of her letter makes it clear that

identification of a community is sufficient.[1] Nevertheless, the two zip code assigned by the United States Postal Service to the community of Glasgow, Kentucky are 42141 and 42142.[2]

Regarding Ms. Plantiga's second inquiry related to the methodology that will be used for the audience survey, MMK plans to ask Nielsen Media Research to conduct a survey using exactly the same methodology that Nielsen has used in countless similar petitions filed with the FCC. For your reference, a copy of one such Nielsen survey that was used successfully in a recent FCC proceeding is enclosed with this letter.[3]

I hope that this information is useful and satisfactorily addresses your concerns.

Sincerely,

Brad C. Deutsch

Attachment
cc: John Tinder, President & Chief Operating Officer, Max Media LLC (via e-mail)
David J. Wilhelm, Vice President & Asst. Secretary, MMK License LLC (via e-mail)
Linda Gray, President and General Manager, WNKY (via e-mail)

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[1] *See In the Matter of Barrington Bay City License LLC*, 23 FCC Rcd 15228 ¶ 4 (2008) (an audience survey "notice should indicate . . . the communities (and/or zip code) . . . .") (emphasis added). *See also In the Matter of Gulf-California Broadcast Company*, 23 FCC Rcd 7400 ¶ 4 (2008) (same); *In the Matter of Gulf-California Broadcast Company*, 23 FCC Rcd 7406 ¶ 4 (2008) (same).

[2] *See* https://tools.usps.com/go/ZipLookupResultsAction!input.action?resultMode=0&companyName=&address1=&address2=&city=glasgow&state=KY&urbanCode=&postalCode=&zip=

[3] *See In the Matter of Barrington Kirksville Licensee LLC, KTVO, Kirksville, Missouri*, 28 FCC Rcd 2843 ¶ 4 (2013), Petition for Special Relief available at http://apps.fcc.gov/ecfs/document/view?id=7021920980.

nielsen

The attached report provides audience net weekly circulation (cume) and share information among non-cable/non-ADS households for KCCI, KCRG and KGAN during the Nielsen Station Index (NSI) survey conducted over four week periods during the February 2010, May 2010, February 2011 and May 2011 measurement periods. The report is based on series of Zip codes for the communities of Bloomfield and Fairfield, IA. Households will maintain the reported Nielsen Viewers in Profile (VIP) weights used to project in-tab sample households to universe estimates for their respective measurement periods. This study measures non-cable/non-ADS household viewing between 7AM-1AM, Sunday to Saturday.

The sample source for this survey consisted of non-cable/non-ADS TV households returning usable television viewing diaries. NSI procedures were used for distributing diaries and for compiling the estimated audience projections in this report. Average quarter hour projections were computed by summing weights for quarter hours in the daypart for the non-cable/non-ADS in-tab households and dividing by the number of quarter hours in the daypart. The weights which were used for projections are those used to project in-tab sample households to universe estimates in the regular Nielsen Viewers in Profile analysis. Share and cume estimates as well as their respective standard errors are computed for each of the geographies as follows:

Shares of total viewing are computed by dividing average quarter hour Su-Sa 7AM-1AM projections of a given station for the non-cable/non-ADS in-tab households by the average quarter hour Su-Sa 7AM-1AM projections in non-cable/non-ADS households across all stations. The associated standard error is calculated using the accepted formula for computing the standard error of a ratio estimate and is shown below:

The average weekly circulation (cume) is an average of the four weeks of the measurement period. The cume was computed by summing the weights for all non-cable/non-ADS households tuning at least one quarter hour to a given station within the cycle during the Su-SA 7AM-1AM daypart and dividing by the sum of all non-cable/non-ADS weights within the given measurement period for each week. The cume for each week in the measurement period is then summed and divided by the number of weeks in the measurement period to compute the average weekly cume. The associated standard error for the average weekly cume is calculated using the accepted formula for computing the standard error of a ratio estimate. This standard error is the error of the average weekly cume; it is not an average of the weekly standard error. The formulas used are shown below:

Share

$$Share = \frac{\sum_{1}^{n}(w * Qhrs(s))}{\sum_{1}^{n}(w * Qhrs(t))}$$

Share Standard Error

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$$\text{Std Error} = \sqrt{\frac{n}{n-1} * \sum_{1}^{n} \left[\frac{(w * Qhrs(s)) - (Share * w * Qhrs(t))}{\sum_{1}^{n} (w * Qhrs(t))} \right]^2}$$

where n = number of intab households
where w = household weight
where $Qhrs(s)$ = total quarter hours tuned to station of interest by household
where $Qhrs(t)$ = total quarter hours tuned by household

Average Weekly Cume

$$Average\ Weekly\ Cume = \frac{1}{z} * \sum_{1}^{z} \left[\frac{\sum_{1}^{n} (HH\ Weight * x)}{\sum_{1}^{n} HH\ Weight} \right]$$

Average Weekly Cume Standard Error

$$Std\ Error = \sqrt{\frac{1}{z^2} \sum_{1}^{z} \left[\frac{n}{n-1} * \sum_{1}^{n} \left[\frac{(x - Week\ Cume) * HH\ Weight}{\sum_{1}^{n} HH\ Weight} \right]^2 \right]}$$

where z = number of weeks in analysis (with non-zero intabs)
where n = number of intab households in week
where x = 0 if household did not tune station of interest
where x = 1 if household did tune station of interest

The attached report is representative of the viewing patterns of the non-cable/non-ADS households of the geographic area surveyed.

Nielsen data may not be changed or altered by a client and represented as a Nielsen study.

Nielsen Significant Viewing Study
Sun-Sat 7AM-1AM
Non-Cable, Non-ADS Diary Households
KCRG-Cedar Rapids, IA

Community (zip codes)		Feb10, May10 combined	Feb11, May11 combined
Fairfield, IA 52556 (Jefferson County)	Number of Intabs	5	4
	Net Weekly Circulation	0.00	0.00
	Circulation Std. Error	0.00	0.00
	Share	0.00	0.00
	Share Std. Error	0.00	0.00

Nielsen Significant Viewing Study
Sun-Sat 7AM-1AM
Non-Cable, Non-ADS Diary Households
KGAN-Cedar Rapids, IA

Community (zip codes)		Feb10, May10 combined	Feb11, May11 combined
Fairfield, IA 52556 (Jefferson County)	Number of Intabs	5	4
	Net Weekly Circulation	0.00	0.00
	Circulation Std. Error	0.00	0.00
	Share	0.00	0.00
	Share Std. Error	0.00	0.00

Nielsen Significant Viewing Study
Sun-Sat 7AM-1AM
Non-Cable, Non-ADS Diary Households
KGEB-Sioux City, IA

Community (zip codes)		Feb10, May10 combined	Feb11, May11 combined
Bloomfield, IA 52537 (Davis County)	Number of Intabs	6	3
	Net Weekly Circulation	0.00	0.00
	Circulation Std. Error	0.00	0.00
	Share	0.00	0.00
	Share Std. Error	0.00	0.00

EXHIBIT 2

Nielsen Study

nielsen

The attached report provides audience net weekly circulation (cume) and share information among non-cable/non-ADS households for WSMV and WTVF during the Nielsen Station Index (NSI) survey conducted over four week periods during the Feb 2013, May 2013, Feb 2014 and May 2014 measurement periods. The report is based on series of Zip code groups. Households will maintain the reported Nielsen Viewers in Profile (VIP) weights used to project in-tab sample households to universe estimates for their respective measurement periods. This study measures non-cable/non-ADS household viewing between 7AM-1AM, Monday to Sunday.

The sample source for this survey consisted of non-cable/non-ADS TV households returning usable television viewing diaries. NSI procedures were used for distributing diaries and for compiling the estimated audience projections in this report. Average quarter hour projections were computed by summing weights for quarter hours in the daypart for the non-cable/non-ADS in-tab households and dividing by the number of quarter hours in the daypart. The weights which were used for projections are those used to project in-tab sample households to universe estimates in the regular Nielsen Viewers in Profile analysis. Share and cume estimates as well as their respective standard errors are computed for each of the geographies as follows:

Shares of total viewing are computed by dividing average quarter hour M-Su 7AM-1AM projections of a given station for the non-cable/non-ADS in-tab households by the average quarter hour M-Su 7AM-1AM projections in non-cable/non-ADS households across all stations. The associated standard error is calculated using the accepted formula for computing the standard error of a ratio estimate and is shown below:

The average weekly circulation (cume) is an average of the four weeks of the measurement period. The cume was computed by summing the weights for all non-cable/non-ADS households tuning at least one quarter hour to a given station within the cycle during the M-Su 7AM-1AM daypart and dividing by the sum of all non-cable/non-ADS weights within the given measurement period for each week. The cume for each week in the measurement period is then summed and divided by the number of weeks in the measurement period to compute the average weekly cume. The associated standard error for the average weekly cume is calculated using the accepted formula for computing the standard error of a ratio estimate. This standard error is the error of the average weekly cume; it is not an average of the weekly standard error. The formulas used are shown below:

Share

$$Share = \frac{\sum_{1}^{n} (w * Qhrs(s))}{\sum_{1}^{n} (w * Qhrs(t))}$$

Share Standard Error

nielsen

$$\text{Std Error} = \sqrt{\frac{n}{n-1} * \sum_{1}^{n} \left[\frac{(w * Qhrs(s)) - (Share * w * Qhrs(t))}{\sum_{1}^{n} (w * Qhrs(t))} \right]^2}$$

where n = number of intab households
where w = household weight
where $Qhrs(s)$ = total quarter hours tuned to station of interest by household
where $Qhrs(t)$ = total quarter hours tuned by household

Average Weekly Cume

$$Average\ Weekly\ Cume = \frac{1}{z} * \sum_{1}^{z} \left[\frac{\sum_{1}^{n} (HH\ Weight * x)}{\sum_{1}^{n} HH\ Weight} \right]$$

Average Weekly Cume Standard Error

$$Std\ Error = \sqrt{\frac{1}{z^2} \sum_{1}^{z} \left[\frac{n}{n-1} * \sum_{1}^{n} \left[\frac{(x - Week\ Cume) * HH\ Weight}{\sum_{1}^{n} HH\ Weight} \right]^2 \right]}$$

where z = number of weeks in analysis (with non-zero intabs)
where n = number of intab households in week
where x = 0 if household did not tune station of interest
where x = 1 if household did tune station of interest

The attached report is representative of the viewing patterns of the non-cable/non-ADS households of the geographic area surveyed.

nielsen

Significant Viewing Study
Bowling Green
Feb13, May13, Feb14 & May14
Su-Sa 7A-1A
WSMV

WSMV

Geography Grouping	Results	Feb13	May13	Feb14	May14	Feb13 & May13 Combined	Feb14 & May14 Combined
42141 & 42142	Number of Intabs	2	1	1	1	3	2
	Average Weekly Cume	0.00	0.00	0.00	0.00	0.00	0.00
	Cume Std. Error	0.00	0.00	0.00	0.00	0.00	0.00
	Share	0.00	0.00	0.00	0.00	0.00	0.00
	Share Std. Error	0.00	-	-	-	0.00	0.00

nielsen

Significant Viewing Study
Bowling Green
Feb13, May13, Feb14 & May14
Su-Sa 7A-1A
WTVF

WTVF

Geography Grouping	Results	Feb13	May13	Feb14	May14	Feb13 & May13 Combined	Feb14 & May14 Combined
42141 & 42142	Number of Intabs	2	1	1	1	3	2
	Average Weekly Cume	0.00	0.00	0.00	0.00	0.00	0.00
	Cume Std. Error	0.00	0.00	0.00	0.00	0.00	0.00
	Share	0.00	0.00	0.00	0.00	0.00	0.00
	Share Std. Error	0.00	-	-	-	0.00	0.00

DECLARATION OF DAVID J. WILHELM

I, David J. Wilhelm, declare under penalty of perjury the following:

1. I am Vice President and Assistant Secretary of MMK License LLC, licensee of WNKY(TV), Bowling Green, Kentucky.

2. WNKY(TV) has contractually acquired syndicated programming, along with syndicated program exclusivity provisions, from a number of syndicators.

3. I have read the foregoing Petition for Special Relief, and to the best of my knowledge, information, and belief formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law and it is not interposed for any improper purpose.

David J. Wilhelm
Vice President & Asst. Secretary
MMK License LLC

June 19, 2015

CERTIFICATE OF SERVICE

I, Ericia Johnson Cooper, hereby certify that on June 19, 2015, copies of the foregoing Complaint were sent via First Class Mail, postage pre-paid (unless otherwise stated), to the following:

DirecTV, Inc.
2260 East Imperial Highway
El Segundo, CA 90245

DISH Network
9601 S. Meridian Blvd.
Englewood, CO 80112

Members of the Board
Glasgow EPB Cable Television
100 Mallory Drive
Glasgow, Kentucky 42141

William J. Ray, P.E., Superintendent
Glasgow EPB Cable Television
100 Mallory Drive
Glasgow, Kentucky 42141

Members of the Board
South Central Rural Telephone Cooperative
1399 Happy Valley Road
Glasgow, Kentucky 42141

Kyle F. Jones, General Manager
South Central Rural Telephone Cooperative
1399 Happy Valley Road
Glasgow, Kentucky 42141

WBKO-TV, Bowling Green, KY
Gray Television
4370 Peachtree Road, NE, Suite 400
Atlanta, GA 30319

WBKO-TV
2727 Russellville Road
Bowling Green, KY 42101-3976

WKGB-TV
600 Cooper Drive
Lexington, KY 40502

WKYU-TV/WKU PBS
Western Kentucky University
1906 College Heights Blvd., #11034
Bowling Green, KY 42101

WSMV-TV, Nashville, TN
Meredith Corporation
1716 Locust Street
Des Moines, IA 50309

Ms. Doreen Wade, VP & General Manager
WSMV-TV
5700 Knob Road
Nashville, TN 37209

Mr. William Appleton, SVP & General Counsel
WTVF-TV, Nashville, TN
EW Scripps Company
312 Walnut Street 28th Floor
Cincinnati, OH 45202

Ms. Lyn Plantinga, VP & General Manager
WTVF(TV)
News Channel 5 Network LLC
474 James Robertson
Nashville, TN 37219

David L. Armstrong
Chairman
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602-0615

Ms. Hillary DeNigro*
Chief, Industry Analysis Division
Media Bureau
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554

Ms. Marcia Glauberman*
Deputy Chief, Industry Analysis Division
Media Bureau
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554

Mr. Steven Broeckaert*
Senior Deputy Chief, Policy Division
Media Bureau
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554

Ericia Johnson Cooper

* Via E-Mail

Agency Tracking ID:PGC2692792
Authorization Number:267156
Successful Authorization -- Date Paid: 6/19/15
FILE COPY ONLY!!

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING (1) LOCKBOX #**979089**	FEDERAL COMMUNICATIONS COMMISSION **REMITTANCE ADVICE** **FORM 159** PAGE NO 1 OF 1	APPROVED BY OMB 3060-059 SPECIAL USE FCC USE ONLY

SECTION A - Payer Information

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) **MMK License LLC**	(3) TOTAL AMOUNT PAID (dollars and cents) **$1465.00**
(4) STREET ADDRESS LINE NO. 1 **900 Laskin Road**	
(5) STREET ADDRESS LINE NO. 2	
(6) CITY **Virginia Beach**	(7) STATE **VA** / (8) ZIP CODE **23451**
(9) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) **757-4379800**	(10) COUNTRY CODE (IF NOT IN U.S.A.) **US**

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN) **0008572927**	(12) FCC USE ONLY

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME **MMK License LLC**	
(14) STREET ADDRESS LINE NO. 1 **900 Laskin Road**	
(15) STREET ADDRESS LINE NO. 2	
(16) CITY **Virginia Beach**	(17) STATE **VA** / (18) ZIP CODE **23451**
(19) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) **757-4379800**	(20) COUNTRY CODE (IF NOT IN U.S.A.) **US**

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN) **0008572927**	(22) FCC USE ONLY

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) FCC Call Sign/Other ID **WNKY(TV)**	(24A) Payment Type Code(PTC) **TQC**	(25A) Quantity **1**
(26A) Fee Due for (PTC) **$1,465.00**	(27A) Total Fee **$1465.00**	FCC Use Only
(28A) FCC CODE 1 **Glasgow,KY**	(29A) FCC CODE 2 **WSMV-TVWTVF(TV)**	

(23B) FCC Call Sign/Other ID	(24B) Payment Type Code(PTC)	(25B) Quantity
(26B) Fee Due for (PTC)	(27B) Total Fee	FCC Use Only
(28B) FCC CODE 1	(29B) FCC CODE 2	