

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

In the Matter of:	)	
	)	MB Docket No. 16-54
United Communications Corporation	)	
KEYC-TV (Fac. ID No. 68853)	)	CSR-8920-N
Mankato, Minnesota	)	
	)	
Petition for Waiver of Sections 76.92(f)	)	
And 76.106(a) of the Commission’s Rules	)	

To: The Secretary  
Attn: Chief, Media Bureau

**OPPOSITION TO PETITION FOR SPECIAL RELIEF**

CBS Broadcasting Inc. (“CBS”), licensee of television station WCCO-TV, FCC Facility ID Number 9629, Minneapolis, Minnesota, hereby opposes the above-captioned Petition for Special Relief (“Petition”) of United Communications Corporation (“United”), licensee of television station KEYC-TV, FCC Facility ID Number 68853, Mankato, Minnesota.

In its Petition, United requests that the Federal Communications Commission (“FCC” or “Commission”) delete the “significantly viewed” status of WCCO-TV in certain specified communities (specifically, Mankato, North Mankato, Amboy, Good Thunder, Madelia, and Hanska).<sup>1</sup> Not only does the Petition rely on scant data of a level that the Commission has previously found inadequate to challenge a station’s significantly viewed status, but grant of the Petition would significantly harm the public interest by the possible loss of WCCO-TV service to viewers in numerous communities entitled to receive WCCO-TV, including local viewers within WCCO-TV’s home market. As a result, the Petition should be denied.

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<sup>1</sup> See *Petition*, at 26.

In its Petition, United asks the Commission to delete WCCO-TV's significantly viewed status in the identified communities based on the thinnest of evidence. Five of the Nielsen survey periods cited by United rely on viewing data from only one in-tab household.<sup>2</sup> The Commission itself has noted that use of a single Nielsen in-tab household to attempt to determine viewing patterns is "an extremely unreliable statistic since it is based on the viewing of one household and not the average of a sample of households."<sup>3</sup>

In two other instances United's request to delete WCCO-TV's significantly viewed status is based on survey periods in which there were no in-tab households (Amboy in February 2014 and Hanska in May 2014). The FCC's rules provide that to demonstrate that a station should no longer be deemed "significantly viewed" in a given community, a petitioner may submit the average of two sweeps periods for a particular year.<sup>4</sup> However, the Commission has stated that if only a single in-tab household is submitted for a particular two-sweep average, "the reported viewing level is clearly not the average of two survey periods" and is insufficient to support a showing that the station in question is not "significantly viewed".<sup>5</sup> In such instances, the Commission has found that it "must reject the showing ... because there are no in-tab households for one of the survey periods, and the claimed average is solely the result of one survey period."<sup>6</sup> Thus, to the extent United submitted data claiming it reflected an average of viewing in Amboy and Hanska that was similarly deficient, its requested relief must be denied.

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<sup>2</sup> Amboy in Feb. and Nov. 2013, Good Thunder in Feb. 2013 and Feb. 2014, and Hanska in Nov. 2013.

<sup>3</sup> *WISN Hearst-Argyle Television, Inc.*, 26 FCC Rcd 4044, 4052 (MB 2011).

<sup>4</sup> *See* 47C.F.R. § 76.54.

<sup>5</sup> *Chesapeake Television Licensee, LLC, licensee of WBFF(TV), Baltimore, Maryland*, 30 FCC Rcd 6455, 6462 (MB 2015); *see also WPEC Licensee, LLC ("WPEC"), licensee of WPEC(TV) (CBS), West Palm Beach, Florida*, 30 FCC Rcd 364 (MB 2015).

<sup>6</sup> *WTNH Broadcasting, Inc.*, 27 FCC Rcd 15895, 15902 (MB 2012).

Not only does United base its request on unreliable, and in some instances patently insufficient data, but grant of the Petition could significantly harm the public interest due to the technical limitations of WCCO-TV's distribution. In at least one instance, WCCO-TV is told that it is distributed on a single, technically-integrated cable system that serves viewers both in communities that are subject to the Petition and in numerous other communities, including communities in the Minneapolis DMA. To the extent that a cable system is technically unable to blackout particular programming (e.g., duplicative network programming) to a targeted set of subscribers, the loss of WCCO-TV's "significantly viewed" status in even a single community served by the system could have wide spread consequences that result in large numbers subscribers in other communities where the station remains "significantly viewed," including in its home market, losing access to a local broadcast station they are entitled to receive. The loss of WCCO-TV would be particularly harmful given that the station broadcasts six hours of local news each weekday covering news and weather events throughout its viewing area.<sup>7</sup> In contrast, KEYC-TV currently broadcasts two hours of local news each weekday.

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<sup>7</sup> WCCO-TV notes that the two news events that KEYC-TV cited as covering in its Petition, the Iowa Presidential Caucus sites within its viewing and a major fire in Madelia, Petition at 4, were also covered extensively by WCCO-TV which had its Senior Political reporter live on site at the Iowa Caucuses and provided multiple days of coverage of the Madelia fire.

As United has relied significantly on “extremely unreliable” and insufficient data with regard to the communities in which it questions WCCO-TV’s significantly viewed status and United is asking the Commission to take action that might result in large numbers of viewers losing access to WCCO-TV’s programming to which they are entitled, including within the station’s home market, the Commission should deny and promptly dismiss the Petition as it relates to WCCO-TV.

Respectfully submitted,

By:   
John W. Bagwell  
Assistant Secretary

CBS  
51 West 52<sup>nd</sup> Street  
New York, New York 10019  
March 11, 2016

**DECLARATION OF ANN R. OUELLETTE**

I, Ann R. Ouellette, Vice President/General Manager of WCCO-TV, hereby declare under penalty of perjury that I have reviewed the foregoing Opposition and it is true and correct to the best of my knowledge.



Ann R. Ouellette

March 11, 2016

## CERTIFICATE OF SERVICE

I, Debbie Santelli, legal assistant with CBS, hereby certify that on March 11, 2016, a copy of the foregoing "Opposition to Petition for Special Relief" was deposited in the U.S. mail, postage prepaid, addressed to the following:

CC VIII Operating LLC  
12405 Powerscourt Drive  
St. Louis, MO 63131

Consolidated Communications  
221 East Hickory Street  
Mankato, MN 56001

Fort Randall Cable Systems, Inc.  
1700 Technology Drive NE  
Suite 100  
Willmar, MN 56201

KAAL Television  
1701 10<sup>th</sup> Place NE  
Austin, MN 55912

KIMT Television  
112 N Pennsylvania Avenue  
Mason City, IA 50401

Mediacom Minnesota LLC  
One Mediacom Way  
Mediacom Park, NY 10918

Midcontinent Communications  
3901 North Louise Avenue  
Sioux Falls, SD 57107

Sleepy Eye Telephone Co.  
c/o New Ulm Telecom, Inc.  
27 North Minnesota Street  
P.O. Box 697  
New Ulm, MN 56073

Cable Franchise Authority  
City of Mankato  
10 Civic Center Plaza  
Mankato, MN 56001

Channel 29 Stations  
WFTC and KMSP-TV  
11358 Viking Drive  
Eden Prairie, MN 55344

Comcast  
One Comcast Center  
Philadelphia, PA 19103

Cable Franchise Authority  
Good Thunder City Hall  
130 South Ewing Street  
P.O. Box 97  
Good Thunder, MN 56037

Cable Franchise Authority  
City of North Mankato  
1001 Belgrade Avenue  
North Mankato, MN 56002

Cable Franchise Authority  
Amboy City Hall  
244 East Maine Street  
P.O. Box 250  
Amboy, MN 56010

Cable Franchise Authority  
Lake Crystal City Hall  
100 East Robinson Street  
P.O. Box 86  
Lake Crystal, MN 56055

Cable Franchise Authority  
Madelia City Hall  
116 West Main Street  
Madelia, MN 56062

Cable Franchise Authority  
City of Hanska  
P.O. Box 91  
Hanska, MN 56041

Cable Franchise Authority  
City of Sleepy Eye  
200 Main Street  
Sleepy Eye, MN 56085

Cable Franchise Authority  
City of Madison Lake  
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Debbie Santelli

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