

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

In the Matter of)	
)	
2014 Quadrennial Regulatory Review –)	MB Docket No. 14-50
Review of the Commission’s Broadcast)	
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	
Telecommunications Act of 1996)	
)	
2010 Quadrennial Regulatory Review –)	MB Docket No. 09-182
Review of the Commission’s Broadcast)	
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	
Telecommunications Act of 1996)	
)	
Promoting Diversification of Ownership)	MB Docket No. 07-294
In the Broadcasting Services)	

To: The Commission

**COMMENTS OF
MEDIA VISTA GROUP, LLC**

Media Vista Group, LLC, on behalf of itself and its subsidiaries Media Vista Kansas City, LLC, Media Vista Minneapolis, LLC, and Media Vista SW Florida, LLC (collectively, “Media Vista”), hereby submits these comments in response to the Federal Communication Commission’s (“FCC” or “Commission”) Public Notice seeking comment on the *Hispanic Television Study*.¹

¹ Federal Communications Commission, *Hispanic Television Study* (May 2016) (“*Hispanic Television Study*”); *Media Bureau Seeks Comment on Hispanic Television Study as Part of Quadrennial Review of Media Ownership Rules and Diversity of Ownership of Broadcast Media*, MB Docket Nos. 14-50, 09-182, 07-294, Public Notice, DA 16-534 (MB/OSP, rel. May 12, 2016).

Media Vista, a Hispanic-owned company, owns and operates low power television (“LPTV”) stations in the Naples-Ft. Myers Nielsen Designated Market Area (“DMA”), Minneapolis-St. Paul Nielsen DMA and Kansas City Nielsen DMA.² Media Vista strongly supports the Commission’s inquiry into Hispanic broadcast ownership and program viewership, but notes for the record that the *Hispanic Television Study* does not present a complete picture of Hispanic broadcast ownership because it fails to take into account Media Vista’s stations.

I. Background on Media Vista.

Media Vista is a multi-platform media company focused on serving the Hispanic community that was founded nearly fifteen years ago and is owned and operated by Orlando and Mayela Rosales.

The Media Vista companies started when Orlando and Mayela identified a need to provide the growing Hispanic community in Ft. Myers where they resided with local news and information programming, as well as a forum for community participation and discourse. In 2001, the Rosales developed and produced the *D’Latinos* program, the first Spanish-language program focused on providing local news and information to the Ft. Myers market. In 2003, the Rosales launched a Spanish-language print publication and later a website with the same *D’Latinos* name and brand, both of which continue today.

Initially, Orlando and Mayela distributed their new television programming by purchasing airtime on local television stations. Following the success of the *D’Latinos* program, the Rosales began seeking out opportunities to own or operate a television broadcast station on a

² Media Vista owns and operates the following LPTV stations: WUVF-LD, Naples, FL (Facility ID No. 191422) (“WUVF”), WLZE-LD, Fort Myers, FL (Facility ID No. 41376) (“WLZE”), WANA-LP, Naples, FL (Facility ID No. 67888) (“WANA”), WUMN-LD, Minneapolis, MN (Facility ID No. 191416) (“WUMN”), and KUKC-LP, Kansas City, MO (Facility ID No. 67838) (“KUKC”). WLZE operates as a simulcast of WUVF. All references herein to “station WUVF” shall mean both WUVF and WLZE.

full-time basis. They started by operating an LPTV station in Naples, combining their unique Spanish-language local programming with the programming of the Azteca América network. Then, in early 2011, Media Vista acquired station WANA to operate as an Azteca América affiliate through the media brokerage program of the Multicultural Media, Telecom and Internet Council (“MMTC”).

The Rosales and Media Vista continued to seek opportunities to operate additional broadcast stations in order to both better serve the Hispanic population in their home community of Ft. Myers and also to expand to other markets with growing Hispanic communities. Because they had limited financial resources, the acquisition of a full power television station was not an option. LPTV stations were the only route to continue growing their Hispanic-owned business and expanding their efforts to provide quality local programming to the Hispanic community.

Following multiple challenges, Media Vista was presented with an opportunity to acquire four LPTV stations – WUVF, WLZE, WUMN and KUKC – all affiliated with Univision. Media Vista worked with supporters to raise the capital and arrange the financing necessary to purchase these LPTV stations. Following a long, multi-year process, Media Vista successfully restructured and secured a loan from the U.S. Small Business Administration in order to complete the acquisition of the four Univision-affiliated LPTV stations in early 2013.

Media Vista has spent the last three years investing additional capital and resources in its five LPTV stations. All of its stations have converted to digital operation – with Media Vista investing approximately \$600,000 in new transmitters and new master control facilities – in order to provide its viewers with Spanish-language network and local programming in high definition. In addition, in the last year, Media Vista invested close to \$2,000,000 to construct a state-of-the-art broadcast center in Ft. Myers, with new studios and a new corporate office. The

construction supported local jobs in the community and will enable Media Vista to further improve the quality of its Spanish-language local programming and to provide space for functions to promote integration of and involvement by the local Hispanic community. Media Vista also secured new network programming – the rapidly growing UniMás network – for a digital multicast channel in Ft. Myers. In Minneapolis and Kansas City, Media Vista developed and produced new Spanish-language local news and information programs targeted to the Hispanic community. Media Vista’s stations were the first, and remain the only, source of Spanish-language local news and information programming available on over-the-air television in Minneapolis and Kansas City.

Media Vista’s stations now serve as affiliates of top Spanish-language national television networks. In addition, the stations produce and air programming that provides the local Hispanic community with news, community affairs and weather information, as well as necessary safety news and updates during emergencies. Media Vista employs a staff, including news directors, reporters and editors, and maintains an office and studio in each market where it operates. Media Vista strives to be an engaged and participating member of each station’s local community and economy. In Ft. Myers, for example, Media Vista sponsors and produces the annual *Face Awards* to celebrate and promote businesses and individuals who reflect positive values and the ethnic and racial diversity in Southwest Florida.

Media Vista, a Hispanic-owned broadcaster airing Spanish-language programming for Hispanic households, is an ideal broadcaster to be included in the *Hispanic Television Study*. The *Hispanic Television Study*, however, does not include Media Vista or its stations in the analysis of Hispanic-owned stations.³

³ See *Hispanic Television Study* at 21 (Table 8).

II. The *Hispanic Television Study* Improperly Excludes Media Vista's Stations.

It appears that Media Vista's stations were excluded from the study for one of two reasons: (1) the ownership data utilized in the study is out-of-date or (2) many Hispanic-owned LPTV stations were summarily excluded.⁴ Media Vista's stations in Ft. Myers offer Univision, UniMás and Azteca América programming, as well as Spanish-language independent local news programming, and the inclusion of the stations in the study would provide important information that is directly relevant to the purpose of the study, particularly because the *Hispanic Television Study* does not currently include any Hispanic-owned broadcast affiliates of the Univision network, the UniMás network or the Azteca América network, all of which are major Spanish-language networks in the United States.⁵

A. The *Hispanic Television Study* Relies On Out-of-Date Ownership Information.

The *Hispanic Television Study* is based on ownership information from Form 323 filings in 2011, which is now nearly five years old. The ratings and programming information is from 2011 and 2012. It is not clear why the *Hispanic Television Study* considered the older ownership information instead of more recent Form 323 filings. The Commission regularly produces an analysis of Form 323 filings approximately one year after the filings are submitted.⁶ The use of

⁴ Although Media Vista operates stations in three markets – Ft. Myers, Minneapolis and Kansas City, these Comments focus on Media Vista's Ft. Myers stations, as Ft. Myers was one of the 39 markets included in the *Hispanic Television Study*.

⁵ See *Hispanic Television Study* at 21 (Table 8).

⁶ See, e.g., *2010 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report on Ownership of Commercial Broadcast Stations, 27 FCC Rcd 13814 (MB 2012) (The 2012 report is based on ownership information as of November 1, 2009, and October 1, 2011, submitted by broadcasters in their biennial Form 323 filings.). See also *2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report on

stale data makes the study less reliable. For example, Media Vista acquired station WUVF in early 2013 and therefore its ownership of stations was not considered in the study, notwithstanding that Media Vista has filed two biennial Form 323 ownership reports (in 2013 and 2015) and has owned and invested in station WUVF for over three years. For an accurate picture of Hispanic broadcast ownership, the *Hispanic Television Study* must examine timely data and include stations such as Media Vista's Ft. Myers stations.

B. The *Hispanic Television Study* Summarily Excludes LPTV Stations.

At the outset, the *Hispanic Television Study* claims to “examine[] the extent of Hispanic ownership of television stations (full power, Class A, and low powered television (LPTV)) . . .;”⁷ but then proceeds to exclude all but two LPTV stations from the study.

The reason provided for the exclusion of these LPTV stations, notwithstanding Hispanic ownership, is that “. . . we presume the LPTV stations have low audience shares. . .”⁸ The authors provide no evidence or documentation of low audience shares for LPTV stations, let alone any indication that the presumption was based on an examination of the ratings performance of the LPTV stations.

The presumption is false. Some LPTV stations (like some full power stations) have low audience shares. However, LPTV stations such as Media Vista's stations enjoy strong Hispanic viewership. Media Vista estimates that its station WUVF had an average rating for Hispanic

Ownership of Commercial Broadcast Stations, 29 FCC Rcd 7835 (MB 2014) (The 2014 report is based on ownership information as of October 1, 2013, submitted by broadcasters in their biennial Form 323 filings.).

⁷ *Hispanic Television Study* at 2-3 (¶ 7).

⁸ *Id.* at 4 (¶ 7).

viewership of 3.36 in April 2016.⁹ This average rating is higher than the average rating for Hispanic viewership of any of the stations included in the *Hispanic Television Study*.¹⁰ Station WUVF's audience share is even better in its key demo, Adults 18-34. Station WUVF achieved a greater than 5% share in the Daytime, M-F 6a-6p, among Total Adults 18-34 (Hispanic and non-Hispanic), in April 2016, according to Nielsen.¹¹ Station WUVF's viewership is likely even higher than reflected in the estimated average rating for Hispanic viewership and audience share numbers. Media Vista believes that the ratings and share do not fully reflect the strength of station WUVF's viewership due to an unrepresentative local sample of Hispanic households.

LPTV stations also, in many cases, provide the only viable path towards broadcast station ownership for new Hispanic owners. Orlando and Mayela Rosales spent several years researching broadcast stations to acquire to expand service in the Ft. Myers market. Acquiring a full power television station was simply not an option due to the limited availability of stations and high purchase prices. LPTV stations represent a valuable resource for new entrants and a key way to increase Hispanic and other minority broadcast ownership. By excluding the LPTV stations, the *Hispanic Television Study* misses an opportunity to examine this important source of ownership for new entrants.

Moreover, in 2009, the Commission revised the biennial Form 323 to, among other things, require LPTV licensees to complete Form 323, with the intention of improving the

⁹ Media Vista estimated the station's average rating for Hispanic viewership by following as closely as possible the calculation methodology in the study (*see Hispanic Television Study* at 44 (¶ 80)), using the average Broadcast Day (5:30a-1a M-S) Total Household Rating for station WUVF in April 2016 (Nielsen Media Research, April 2016 Sweeps, Household Ratings, Fort Myers-Naples DMA), and assuming, for purposes of the calculation, that all households watching station WUVF are Hispanic.

¹⁰ *See Hispanic Television Study* at 45 (Table 18).

¹¹ Nielsen Media Research, April 2016 Sweeps, Household Ratings, Fort Myers-Naples DMA.

quality of the Commission’s broadcast ownership data to facilitate longitudinal comparative studies of broadcast ownership, including ownership by women and minorities.¹² The Commission specifically concluded that “. . . collecting minority and female ownership data for [LPTV and Class A] stations is essential if we are not to overlook a substantial reservoir of minority and female owners of broadcast facilities . . .”¹³ The only way for the Commission to improve the quality of the data in its broadcast ownership studies, such as the *Hispanic Television Study*, is to utilize the data collected in the Form 323 reports in its studies. Important studies such as the *Hispanic Television Study* should not ignore data that the Commission expressly deemed to be necessary and valuable to provide a complete ownership picture, and which data LPTV licensees invest time and money to provide to the Commission.

III. Conclusion.

Media Vista respectfully requests that the Commission take full account of the comments articulated herein. The *Hispanic Television Study* cannot present a timely, complete picture of Hispanic broadcast ownership without including Media Vista’s LPTV stations in Ft. Myers.

¹² See *Promoting Diversification of Ownership in the Broadcasting Services*, Report and Order, Second Report and Order, and Order on Reconsideration, 31 FCC Rcd 398, 400 ¶¶ 4-5 (2016); *Promoting Diversification of Ownership in the Broadcasting Services*, Sixth Further Notice of Proposed Rulemaking, 28 FCC Rcd 461, 463, ¶ 4 (2013); *Promoting Diversification of Ownership in the Broadcasting Services*, Report and Order and Fourth Further Notice of Proposed Rulemaking, 24 FCC Rcd 5896, 5902-05, ¶¶ 11-15 (2009) (“323 Order”).

¹³ *323 Order*, 24 FCC at 5904, ¶ 15.

