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Tobacco Valley Communications (hereafter "Tobacco Valley") hereby petitions the Federal Communications Commission (hereafter "FCC") to exclude North Lincoln County, Montana, from the Spokane, Washington DMA and to include North Lincoln County in the Missoula, Montana DMA. North Lincoln County, Montana, includes – but is not limited to – the communities of Eureka, Rexford, Trego, Fortine, West Kootenai and Stryker. For the purposes of administrative simplicity, Tobacco Valley recently successfully registered the entire Eureka/North Lincoln County area with the FCC as community unit MT0196 under the community name "Eureka." A copy of the registration is attached as Exhibit A. Therefore, whenever this Petition refers to Eureka/North Lincoln County, it is referring to the entire area registered with the FCC as community unit MT0196.

I. Issues Presented

This petition presents two issues: 1) Whether North Lincoln County, Montana, including the community of Eureka, should be excluded from the Spokane DMA, and 2) Whether the same area should be included in the Missoula DMA.

II. Brief Answers.

The answer to both issues is "yes." The relevant federal statute sets forth a list of factors for determining whether a DMA modification is in the best interests of a given community. (47 USC §534(h)(1)(C)(ii). The requested modification is warranted because all of the factors are met in this case. Further, modification is consistent with prior decisions by the FCC and the Congressional intent to promote "localism." Spokane, Washington, is 226.7 miles (a drive of 4 hours and 11 minutes) and two states away from Eureka, Montana and North Lincoln County (SEE Exhibit F for a map and driving directions from Eureka/North Lincoln County to Spokane). While Missoula, Montana, is not exactly on Eureka's doorstep at 189.4 miles away, it is a significantly closer drive (3 hours and 24 minutes) (SEE Exhibit G for a map and driving directions from Eureka/North Lincoln County to Missoula). More importantly, the community of Kalispell, Montana, is only 66 miles – or about an hour - from Eureka (SEE

map and driving directions from Eureka/North Lincoln County to Kalispell). Kalispell is located within the Missoula DMA, and two of the major network affiliates (NBC and CBS) that would be available to viewers in Eureka originate in Kalispell.

Missoula and Kalispell are located in the same northwest region of Montana as North Lincoln County and Eureka (SEE Exhibit I for a road map and headend/transmitter locations for the entire area). Stations in Missoula and Kalispell are thus far more likely to carry content of local interest to the residents of North Lincoln County, such as Northwestern Montana news, weather and sports, than are Spokane stations (SEE Exhibit M for the web pages of the four major Spokane stations, showing no references at all to Montana). Thus “localism” in this case is best served if North Lincoln County, including the community of Eureka, is excluded from the Spokane, Washington, DMA and included in the Missoula, Montana, DMA.

III. Background.

A. Tobacco Valley Communications, Eureka and North Lincoln County

The Petitioner in this matter, Tobacco Valley Communications, Inc. (“Tobacco Valley”), provides cable television service to 400 subscribers in North Lincoln County, Montana, including the community of Eureka. Located in the Northern Rocky Mountains in Northwestern Montana, just to the west of Glacier National Park, Lincoln County is a sparsely populated, rural area. Tiny Eureka, population 1,037,¹ is the largest community in North Lincoln County. The County is located in a mountainous region in which the timber and tourism industries are among the most important.

B. Spokane, Washington

Since the DMA system was created, Eureka and North Lincoln County, Montana, have been a part of the Spokane, Washington, DMA. Spokane, located on the eastern plains of the State of Washington, is a large city by the standards of the Northwestern United States, with a population of

¹ 2010 Census

471,221.² Spokane is located within a large agricultural area. The major industries in the city itself include trade, transportation, utilities and manufacturing.

C. Missoula, Montana

Missoula, Montana, is located in northwestern Montana. While Missoula is one of Montana's largest cities, with a population of 66,788³, it is considerably smaller than Spokane. Like Eureka and North Lincoln County, Missoula is located in the Northern Rockies. Missoula is located in a mountainous area, so the timber and tourism industries are important to the area. Missoula is also the home of the University of Montana system.

D. Kalispell, Montana

Kalispell, Montana, is located in northwestern Montana and considered a neighboring community to Eureka, with a population of 20,008⁴. Many residents of Eureka commute to Kalispell and Kalispell's neighboring communities in Flathead County, just 66 miles away. Flathead County is a major Montana shopping area with a population of 91,633. Like Eureka, Flathead County is in a mountainous area with the timber and tourism industries being of primary importance.

E. Distances

As noted above, the distances involved in this case mitigate in favor of modification. Spokane is located 226.7 miles from Eureka. MapQuest indicates that the drive between the two communities takes 4 hours and 11 minutes (SEE Exhibit F). Note that Washington and Montana do not border each other; between them lies the width of the Northern Idaho panhandle. Missoula is located 189.4 miles from Eureka, a drive of 3 hours and 24 minutes (SEE Exhibit G). Kalispell – located within the Missoula DMA and home to two of the major network affiliates that would be available to residents of North

² Id.

³ Id.

⁴ Id.

Lincoln County if the modification were approved - is 66 miles from Eureka, a drive of approximately one hour (SEE Exhibit H).

F. Time Zones

In addition to the distance between Spokane and Eureka/North Lincoln County, the two areas are located in different time zones. Spokane is in the Pacific Time Zone, and Eureka/North Lincoln County is in the Mountain Time Zone. The Missoula DMA, including Kalispell, is also in the Mountain Time Zone. So programs that ostensibly occupy "Prime Time" for residents of Spokane actually appear an hour later in Montana. Further, and perhaps more importantly, residents of Eureka/North Lincoln County cannot rely on the programming schedules issued by the Spokane stations and must allow for the additional hour when using local program guides (e.g., the programming guides published in local newspapers, such as the one from the Daily Interlake attached to this petition as Exhibit E, which is the only program guide published locally in the Eureka/North Lincoln County area).

G. History of Station Carriage by Tobacco Valley

Despite the fact that Eureka and North Lincoln County are within the Spokane DMA, Tobacco Valley has historically carried Montana stations to its Eureka and North Lincoln County subscribers whenever possible. In doing so, Tobacco Valley has been responding to subscriber demand for stations that carry "local" content.

To meet this demand, Tobacco Valley has historically carried two stations (CBS and ABC) from Missoula and one (NBC) from Kalispell, Montana. Tobacco Valley and its subscribers have found that these stations routinely contain Northwestern Montana news, weather and sports – as well as commercial/political advertising and public service content such as emergency forest fire announcements, weather information, road conditions and Amber alerts. Specifically, Tobacco Valley has historically carried the following Montana stations: KCFW/NBC Kalispell (over 25 years), KPAX/CBS Missoula (over 12 years) and KTMF/ABC Missoula (over 3 years).

H. Retransmission Consent Agreements

As noted above, Eureka and the remainder of North Lincoln County are located in the Spokane DMA. Under the must-carry and network exclusivity rules, carrying the “out of DMA” Montana networks that Tobacco Valley has carried in the past has become increasingly difficult for Tobacco Valley. As discussed in the preceding section, Tobacco Valley has historically tried to meet its subscribers’ demands for local content by entering into retransmission consent agreements with these “out of DMA” Montana networks. By carrying the Montana stations, Tobacco Valley ensures that its Northwestern Montana subscribers can view local content generated by the Montana stations, including Montana news, weather, sports, etc.

This arrangement appeared to work well for Tobacco Valley and its subscribers until 2012 when KXLY/ABC Spokane was unwilling to allow an “out of DMA” Montana ABC network (KTMF/Missoula) to renew its Retransmission Consent Agreement with Tobacco Valley, citing the network exclusivity rules. Since KXLY/ABC Spokane’s refusal in 2012, Tobacco Valley was forced to go “dark” with its ABC network. The cable television subscribers of North Lincoln County and Eureka have therefore had no access to any ABC television network – from either DMA - since May 30, 2012.

The foregoing circumstances are the reason Tobacco Valley brings this petition. The process of obtaining retransmission consent agreements every few years – and risking the possibility that one or more of the Spokane stations will enforce their exclusivity and non-duplication rights - is unwieldy, time-consuming, expensive and uncertain. Tobacco Valley would prefer that the Spokane and Missoula DMAs be modified so that all of Tobacco Valley’s FCC licensed service area in Eureka/North Lincoln County can receive Missoula (and Kalispell) stations that carry local content that is useful to those customers.

Tobacco Valley’s subscribers strongly support this effort, as evidenced by a petition signed by 800 members of the community. Similarly, support for the modifications sought in this Petition has been

expressed by the Montana Legislature and the Montana Congressional Delegation (SEE Exhibit B for minutes of the legislative committee meeting).

IV. Governing Law.

A. Legislative History

When Congress established the “must carry” requirements currently set forth in federal statute, the history of the legislation indicates that Congress did not intend to require cable television providers to carry stations that are not considered to be “local” by the providers’ subscribers:

The FCC may make an adjustment to include or exclude particular communities from a television station’s market consistent with Congress’ objective to ensure that television stations be carried in the areas which they service and which form their economic market.

The provisions of [this subsection] reflect a recognition that the Commission may conclude that a community within a station’s [DMA] may be so far removed from the station that it cannot be deemed part of the station’s market.⁵⁵

Tobacco Valley’s position is that Eureka and the remainder of North Lincoln County, Montana are “so far removed” from the Spokane DMA that they cannot be deemed a part of the Spokane stations’ economic market. Eureka and North Lincoln County *can*, however, be considered a part of the economic market for the Missoula DMA, which also includes the community of Kalispell. Kalispell and its neighboring communities (together comprising a population center of 91,633) is located 66 miles away from Eureka. This distance is well within commuting distance - especially by Montana standards, where communities tend to be farther apart than in more urban states. While neither Spokane nor Missoula is within commuting distance from Eureka, at least Missoula is within the same region of the same state as Eureka. Further, Kalispell, Missoula and Eureka have other, similar characteristics. All are located in areas where tourism and the timber industry are critical aspects of the local economy (SEE Exhibit C for information regarding the Spokane and Missoula market areas). Further, Missoula is home to one of the

⁵⁵ 3 H.R. Rept. 102-628, 102d Cong., 2d Sess. 97-98 (1992)

two major divisions of Montana's university system, and Kalispell is home to the state's largest community college, Flathead Valley Community College (FVCC). As such, both Kalispell and Missoula are popular destinations for high school graduates from the Eureka/North Lincoln County area.

Therefore, based on the legislative history of 47 USC §534, the FCC should exclude Eureka and the remainder of North Lincoln County from the Spokane DMA and include them in the Missoula DMA. Eureka/North Lincoln County are so far removed from Spokane that the area cannot reasonably be deemed a part of the Spokane stations' local market. However, Eureka/North Lincoln County can – and should – be deemed a part of the local markets for Kalispell and Missoula.

B. Federal Statute

47 USC §534 governs carriage of local television signals. 47 USC §534(h)(1)(C) covers the modification of designated market areas (DMAs) and reads as follows:

Market determinations

(i) For purposes of this section, a broadcasting station's market shall be determined by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns, except that, following a written request, the Commission may, with respect to a particular television broadcast station, include additional communities within its television market or exclude communities from such station's television market to better effectuate the purposes of this section. In considering such requests, the Commission may determine that particular communities are part of more than one television market.

(ii) In considering requests filed pursuant to clause (i), the Commission shall afford particular attention to the value of localism by taking into account such factors as—

(I) whether the station, or other stations located in the same area, have been historically carried on the cable system or systems within such community;

(II) whether the television station provides coverage or other local service to such community;

(III) whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or

provides carriage or coverage of sporting and other events of interest to the community; and

(IV) evidence of viewing patterns in cable and noncable households within the areas served by the cable system or systems in such community.

As part (i) of this section indicates, the FCC has the authority to exclude a community from a particular DMA and to include that community in a different DMA where certain factors exist. Part (ii) lists the four “factors” to which the FCC is to afford particular attention in making the determination whether to exclude a community from a particular DMA and whether to include that same community within another DMA.

Taking each of the four factors in turn, (i) Historically, Tobacco Valley has not carried the Spokane stations since 2009.⁶ Tobacco Valley *has*, however, carried the Kalispell and Missoula stations;⁷ (ii) While Tobacco Valley carried Spokane networks prior to 2009, to this day none of the Spokane stations have ever provided off-air signals to Eureka/North Lincoln County. The Kalispell and Missoula stations DO provide off-air signals and have done so for more than 20 years; (iii) The Spokane networks do not provide local news, weather or sports of interest to residents of Eureka/North Lincoln County, while the Kalispell and Missoula networks do provide such content; and iv) While obtaining viewing pattern data for just the Eureka/North Lincoln County area is difficult if not impossible to find, Tobacco Valley believes that the available evidence presented in the exhibits to this petition supports the exclusion of Eureka/North Lincoln County from the Spokane DMA and inclusion in the Missoula DMA.

C. Prior FCC Decisions

The FCC has provided guidance to prospective petitioners for DMA modification via the agency’s previous rulings. For example, in the case of *In the Matter of Massillon Cable*, 26 FCC Rcd. 15221

⁶ The only exception has been the Spokane affiliate for the FOX network, for which there was not a workable Montana replacement until recently. Within six months of this petition, Tobacco Valley intends to discontinue offering the FOX affiliate from Spokane and instead offer the FOX affiliate from Missoula, Montana.

⁷ Again, with one exception. While Tobacco Valley carries two network affiliates from Missoula, it also carries one from Kalispell, Montana. Kalispell is closer to Eureka than either Spokane or Missoula, but Kalispell has only one station with off-air capability, so the opportunity does not exist for Tobacco Valley to pull all of its network-affiliated stations from Kalispell.

(2011), the petitioner, Massillon Cable, sought to exclude the station WGGN from the communities where Massillon provided cable television service. At issue was whether Massillon should be required to carry a Christian Faith station originating in Sandusky, an average of 78 miles from Massillon's cable communities. The FCC applied the four factors set forth in 47 USC §534 in deciding to grant Massillon's petition. The FCC held that: i) Massillon had no history of carrying WGGN; ii) The fact that Massillon's cable communities were an average of 78 miles from WGGN and outside WGGN's B contour rendered WGGN "geographically distant" from the Massillon communities, as opposed to "local;" iii) WGGN did not offer local programming that had "a distinct nexus" to the Massillon communities "such as programming covering local news, events, religious services and sports...";⁸ and (iv) that WGGN had no viewership in the Massillon communities.

The *Massillon* decision also specifically states that the four factors "are not intended to be exclusive, but may be used to demonstrate that a community is part of a particular station's market."⁹ Specifically, the "Commission indicated that requested changes should be considered on a community-by-community basis rather than on a county-by-county basis, and that they should be treated as specific to particular stations rather than applicable to all stations in the market."¹⁰

In the case of *In the Matter of KJLA*, 26 FCC Rcd. 12652 (2011), a Ventura, California, cable station sought to include communities served by CoxCom in the Los Angeles DMA. In granting the petition, the FCC's analysis included a particularly useful discussion of the second of the four factors set forth in 47 USC §534.

With regard to the second factor – whether a station provides coverage or other local service to such community – the FCC stated:

To analyze a station's coverage or local service, we look to a station's signal contour coverage over the communities, its proximity to the

⁸ *IN THE MATTER OF MASSILLON CABLE*, 26 F.C.C.R. Rcd 15221, 2011 WL 5127249 (F.C.C.), page 5, ¶16

⁹ *Id.* at page ____, ¶13

¹⁰ *Id.*

communities in terms of mileage, and its provision of programming with a distinct nexus to the communities in question.¹¹

Eureka/North Lincoln County is outside the B contours of the Spokane stations as well as being more than 200 miles from Spokane (SEE Exhibit J for B contour maps for the relevant Spokane and Missoula stations – as well as the Kalispell station that is within the Missoula DMA). Further, the Spokane stations do not provide programming with a distinct nexus to Eureka/North Lincoln County and offer no off-air signals from Spokane.

In the case of *In the Matter of Commonwealth Broadcasting Group, Inc.*, 25 FCC Rcd. 213 (2010) a Mississippi station sought to include communities to the Greenwood/Greenville, Mississippi DMA. In granting the petition, the FCC stated that the controlling statute “clearly and unambiguously directs the Commission, in considering requests for market modification to afford particular attention to the value of localism....”¹²

Localism is best served in this matter by including Eureka/North Lincoln County in the DMA of stations that serve and provide programming that is relevant to Northwestern Montana. Localism is *not* served by requiring Tobacco Valley to carry stations located two states and a time zone away, providing no off-air signals and lacking local news, weather, sports and other content of local interest to the residents of Eureka/North Lincoln County.

V. Analysis

A. The Requested Modification is Consistent with Congressional Intent .

As discussed earlier in this Petition, the legislative history of 47 USC §534(h)(1)(c) demonstrates that rather than making the DMA system completely rigid, Congress intended for the FCC to have the means to modify DMAs under certain circumstances. Where, as here, a community is not truly part of the economic market for the stations in a given DMA; the FCC should remove that community from that

¹¹ *In the Matter of KLJA, LLC*, 26 FCC Rcd. 12652 (2011) at ¶10

¹² *In the Matter of Commonwealth Broadcasting Group, Inc.*, 25 FCC Rcd. 213 (2010) ¶20

DMA. Eureka/North Lincoln County, Montana, is not truly a part of the Spokane economic market. Eureka/North Lincoln County is too distant and too different from Spokane to command coverage of news, sports, weather or other events on the Spokane networks that would be sufficiently “local” to be of interest to residents of Eureka/North Lincoln County.

Eureka/North Lincoln County would more properly be considered a part of the economic market for the Missoula DMA. It could also be considered a part of the Kalispell economic market, though Kalispell does not have its own DMA but is rather within the Missoula DMA. Both Missoula and Kalispell are significantly closer to Eureka/North Lincoln County, in terms of mileage and in terms of drive-time, than Spokane (SEE Exhibit I for road map of the entire Washington-Northern Idaho-Northwestern Montana area). Further, Kalispell is a major trading and commute market area for Eureka and North Lincoln County.

Kalispell and Missoula are also in the same region of the same state as Eureka/North Lincoln County. As a result, they both have networks which broadcast news, weather, sports and other programming such as commercial and political advertising that is oriented toward Northwestern Montana and would therefore be of direct interest to viewers in Eureka. Further, life-saving “Amber and emergency alerts (EAS)” broadcast from Kalispell and Missoula provide child abduction, forest fire and winter weather storm information to Eureka residents that are far more useful than such alerts originating two states away in Spokane, Washington.

For these reasons, the modifications to the Spokane and Missoula DMAs requested in this petition are consistent with the legislative history of 47 USC §534 and should be granted.

B. The Requested Modification is Consistent with Federal Statute.

As noted above, 47 USC 534(h)(1)(C) lists four factors that the FCC is to consider in determining whether a given DMA should be modified.

(i) Historical Carriage of Stations

Tobacco Valley has carried three “out of DMA” Montana networks for many years: KCFW/NBC/Kalispell for more than 20 years (as an off-air station in North Lincoln County); KPAX/CBS/Missoula for the last 12 years (as an off-air station in North Lincoln County); KTMF/ABC/Missoula for 3 years from 2009 through May 30 of 2012 when it was forced to go dark by KXLY/ABC/Spokane because KXLY would not allow Tobacco Valley to renew its retransmission consent agreement with KTMF/Missoula. Tobacco Valley continues to maintain translator sites for 2 Missoula DMA networks: the first is KCFW/NBC/Kalispell, which Tobacco Valley has been servicing for more than 20 years and is currently under contract with KCFW/NBC/Kalispell to maintain the site through 2014. The second translator site is for KPAX/CBS/Missoula which Tobacco Valley has owned and maintained for the last 12 years.

In reference to programming guides, Tobacco Valley has included examples from years past, identifying coverage of the “out of DMA” Montana Networks: (SEE Exhibit D for a Tobacco Valley programming guide from 2004). This program schedule from January 3, 2004, identifies a time period when Tobacco Valley was able to carry both Spokane and Missoula DMA networks, providing Must Carry and Retransmission Consent Agreements. Today it is cost prohibitive for Tobacco Valley to carry duplicate networks from both DMAs.

Tobacco Valley discontinued printing a programming guide in 2006, then went strictly to a dedicated channel guide. Consequently, the only newspaper TV guide being printed today for the Eureka/North Lincoln County area is in the Daily InterLake, published not in Lincoln County but rather in Flathead County (SEE Exhibit E for an example of the programming guide taken from the Daily Interlake). The Daily Interlake makes no reference to programming for the Spokane DMA networks, listing the Missoula networks instead. Satellite viewers must therefore determine which Spokane station is the equivalent of the Missoula station and then take the time zone difference into account. If Eureka/North

Lincoln County were added to the Missoula DMA, the satellite companies would carry the Missoula stations in accordance with the “must carry” rules, and the program times in the Daily Interlake guide would be accurate for both satellite and cable viewers.

(ii) Local Coverage/Service to the Community

In determining whether this factor is met, the first logical inquiry would seem to be whether the DMAs at issue here are “local” to Eureka/North Lincoln County. As noted above, according to online mapping service MapQuest, Spokane, Washington, is 226.7 miles from Eureka, Montana. The drive requires four hours, eleven minutes (SEE Exhibit F for a copy of the MapQuest map and driving directions from Eureka/North Lincoln County to Spokane) and winds through mountain passes that are particularly treacherous in winter. Since the two states are in different time zones, those traveling between the communities must also keep track of the time zone changes in addition to the actual travel time. Further, as noted above, the entire width of the Northern Idaho panhandle stands between Eureka and Spokane.

Kalispell, Montana, is 66.0 miles, a drive of one hour, nine minutes from Eureka, and Missoula, Montana, is 189.4 miles away, a drive of three hours, twenty-four minutes (SEE Exhibit H for a copy of the MapQuest map and driving directions from Eureka/North Lincoln County to Kalispell).

As one might expect, the Spokane stations carry primarily Washington news, weather and sports. Likewise, the stations’ local commercial advertising comes primarily from Washington (in fact, Tobacco Valley has been unable to find *any* advertising from the Eureka/North Lincoln County area on the Spokane stations). A business in the sparsely populated area of Eureka/North Lincoln County has little incentive to advertise on a station based two states away. Businesses in Spokane have equally little reason to target their advertising at residents of Eureka/North Lincoln County.

Politically, candidates who reside in and around Spokane have little reason to reach out to voters in Eureka who are not eligible to vote in Washington...and Montana candidates have little reason

to advertise on a Spokane station when only a very tiny percentage of viewers would be eligible to vote in Montana. The Spokane stations' political advertising almost certainly comes primarily from Washington politicians. Further, the stations' public service announcements and programming are directed primarily at Washington residents.

(iii) Whether any other television station that is eligible to be carried...provides...coverage of sporting and other events of interest to the community.

The Kalispell and Missoula networks carry Montana news, weather and sports. Further, that coverage focuses on Northwestern Montana, the same region of the state in which Eureka/North Lincoln County is located. Commercial advertising on the Kalispell and Missoula networks has significant relevance to people living in North Lincoln County because both are shopping destinations for such people. Political advertising on the Kalispell and Missoula networks deal with Montana political races and Montana legislation, and these networks' public service announcements, EAS and programming are directed primarily at Montanans.

(iv) Viewing Patterns

The fourth factor simply requests "evidence of viewing patterns in cable and noncable households within the areas served by the cable system or systems in such community." Such evidence is not easily gathered for a community as small as Eureka/North Lincoln County. Tobacco Valley is not aware of any published audience data for Eureka/North Lincoln County, such as ratings data or even sales or advertising data.

As noted above, Tobacco Valley has, since its inception, tried to offer its customers Montana stations rather than Spokane stations. The only Spokane station carried since 2009 by Tobacco Valley has been the FOX affiliate (KAYU). So any ratings numbers for the other Spokane stations for Eureka and North Lincoln County would represent customers of satellite television providers DirecTV and DISH. These two providers offer *only* the Spokane DMA networks in the Eureka/North Lincoln County area, so

even if such data were available, viewers using satellite service would skew any viewership numbers for those networks for this very rural and sparsely populated area. While Tobacco Valley has been unable to locate a source for the precise numbers of satellite versus cable viewers in Eureka/North Lincoln County, even a casual observation of the area demonstrates that satellite viewers significantly outnumber cable viewers, and Tobacco Valley's own estimate of the proportion of satellite to cable viewers is roughly 80%/20%. Therefore, the viewership of the Spokane networks would be skewed in favor of the Spokane stations by the mere fact that the satellite providers offer only the Spokane stations under the "must carry" rules.

Tobacco Valley has been unable to discover Nielson or other ratings for stations viewed in Eureka/North Lincoln County. Again, the 2010 Census population for Eureka is 1,037, so it is perhaps not surprising that the ratings services do not report with that degree of granularity in sparsely populated rural areas. Tobacco Valley contacted the Nielsen Company and was told that Nielsen does not report viewership to a level of granularity below the entire county for Lincoln County. Thus, no viewership numbers are available for the community of Eureka or for the entire North Lincoln County area. Further, to even get the full county numbers would require Tobacco Valley to purchase a license from Nielsen costing several thousand dollars and to enter into an agreement with Nielsen that Nielsen would have no involvement in any court or DMA challenges that might arise in any docket in which Tobacco Valley cited the Nielsen numbers. As a cable provider with only 400 subscribers, such costs are prohibitive for Tobacco Valley.

However, this factor may also be addressed by reference to the sheer number of Eureka residents who have affirmatively indicated their desire to receive the Montana stations out of Missoula and Kalispell. A petition containing more than 800 signatures from North Lincoln County was collected in Tobacco Valley's North Lincoln County office (copies were forwarded to the offices of Montana's Congressional Delegation, all of whom have also been supportive of this effort). While Tobacco Valley

does not have a population count for North Lincoln County, according to the 2010 U.S. Census, the population of Eureka is 1,037. Eureka is the population center of North Lincoln County, which is extremely rural and sparsely populated. Petitioner considered including these signatures as an exhibit. However, the 800 signatures take up 31 pages, so sending copies to the entire service list seemed like a waste of paper, and petitioner has therefore chosen not to include it at this time. However, petitioner would gladly submit the signatures as an additional exhibit upon request.

Tobacco Valley noted with interest an FCC decision from 2002, involving one of the Spokane stations and the community of Kalispell, a copy of which attached as Exhibit N.¹³ In that case, KTMF Missoula (one of the stations from which Tobacco Valley would receive signals if this petition is granted) filed a petition for special relief seeking waiver of the FCC's "significantly viewed" exception to the network non-duplication rules. In essence, the Missoula station wanted the FCC to forbid the Spokane station from duplicating its programming on the grounds that the Spokane station was not "significantly viewed" in Kalispell, a community served by both stations. The FCC's Media Bureau granted the Missoula station's petition, partly on the grounds of viewership data that was available for a community the size of Kalispell (population approximately 20,000). Unfortunately, that information does not appear to be available for the much smaller community of Eureka. In its reasoning, the Bureau also made specific note of other factors:

KTMF points out that KXLY-TV's transmitter site is approximately 140 miles from Kalispell and is separated from that community not only by the state of Idaho, but also by mountainous terrain. Moreover, KTMF states that not only does KXLY-TV's Grade B contour fall short of Flathead County, but its signal is delivered to the cable headend by microwave.¹⁴

¹³ In the Matter of MMM License LLC for Waiver of Section 76.92(f) of the Commission's Rules, Cause No. CSR-5837-N, DA 02-2755 (Released October 12, 2002)

¹⁴ *Id.* at page 2, paragraph number 5.

The Bureau held that the Spokane station KXLY was not significantly viewed and therefore granted the petition. Tobacco Valley would simply note that, as noted above, while viewership data of the kind submitted by the Missoula station (KTMF) in the above-cited case is not available for Eureka/North Lincoln County, the remaining factors in that case are nearly identical to those that are the basis for this Petition. Eureka/North Lincoln County is outside the Spokane stations' B Contours (SEE Exhibit J), and the Spokane stations are located two states and 226.7 miles away (and are on opposite sides of the Rocky Mountain Range). Frankly, since Tobacco Valley does not currently carry the Spokane stations, the only way those stations could be considered significantly viewed in Eureka/North Lincoln County is by including the numbers from the satellite companies that serve the area and that strictly abide by the must-carry rules, offering only the Spokane stations regardless of the wants of local subscribers. As noted above, 800 residents have signed a petition requesting the Montana stations.

VI. Standardized Evidence Approach

The FCC has established a standardized evidence approach to DMA modification petitions. The following sets forth the evidence requirements established by the FCC and the specific exhibits attached to this petition that contain the required information.

(1) A map or maps illustrating the relevant community locations and geographic features, station transmitter sites, cable system head end locations, terrain features that would affect station reception, mileage between the community and the television station transmitter site, transportation routes and any other evidence contributing to the scope of the market (SEE Exhibits I & J for maps).

(2) Grade B contour maps delineating the station's technical service area and showing the location of the cable system head ends and communities in relation to the service areas (SEE Exhibits I & J for maps).

(3) Available data on shopping and labor patterns in the local market (SEE Exhibits C and K for trade area information for Spokane and labor patterns for Spokane, Missoula and Eureka).

(4) Television station programming information derived from station logs or the local edition of the television guide (SEE Exhibit E for the television guide from the local newspaper).

(5) Cable system channel line-up cards or other exhibits establishing historic carriage, such as television guide listings (SEE Exhibit L for Tobacco Valley's channel line-up card).

(6) Published audience data for the relevant station showing its average all day audience (*i.e.*, the reported audience averaged over Sunday-Saturday, 7 a.m.-1 a.m., or an equivalent time period) for both cable and noncable households or other specific audience indicia, such as station advertising and sales data or viewer contribution records. No such information is published to the best of Tobacco Valley's knowledge. Nielsen indicated that it does not track such information. However, Tobacco Valley has included station marketing information in Exhibit C.

VII. Conclusion.

Tobacco Valley believes that the contents of this Petition and the attached Exhibits demonstrate that the burden of showing that Eureka should be excluded from the Spokane DMA and included in the Missoula DMA has been met. Tobacco Valley has historically carried Montana stations. Kalispell and Missoula are closer to Eureka/North Lincoln County than is Spokane. The Kalispell and Missoula networks broadcast news, weather, sports, commercial and political advertising, weather and amber advisories, EAS and other programming that is of far greater local interest to the residents of Eureka/North Lincoln County than the programming offered by the Spokane stations. Eureka/North Lincoln County is much more of an economic marketplace for Missoula, Montana, than it is for Spokane, Washington. Further, the Missoula DMA is in the same time zone as Eureka/North Lincoln County so the prime time television schedules in newspapers, guides or on the Internet match the actual viewing times for the programs involved. Spokane is in a different time zone than Eureka/North Lincoln County, so the listings of viewing times do not match the actual viewing times – viewers must remember to adjust for the one-hour time difference.

For all of the above reasons, Tobacco Valley respectfully requests that the Commission grant this petition to exclude Eureka/North Lincoln County from the Spokane DMA and include it in the Missoula DMA.

RESPECTFULLY SUBMITTED this 31st day of January, 2014.

A handwritten signature in blue ink that reads "Michael Strand". The signature is written in a cursive style with a horizontal line underneath the name.

Michael Strand, STRAND LAW FIRM, PLLC
Counsel for Tobacco Valley Communications, Inc.

NOTE: By my signature above, I hereby verify that I have read the foregoing Petition for Special Relief and to the best of my knowledge, information and belief formed after reasonable inquiry, the Petition is well grounded in fact and is warranted by existing law. This petition is not interposed for any improper purpose.

VIII. LIST OF EXHIBITS

- A. FCC Cable TV Registration of the North Lincoln County Area as Community Unit MT0196
- B. Minutes of Legislative Consumer Committee for March 13, 2012
- C. Market profiles for Missoula, MT, and Spokane, WA
- D. Example of Tobacco Valley programming guide from 2004
- E. Example of programming guide from Daily Interlake newspaper, dated February 27, 2013
- F. MapQuest map and driving directions from Eureka, MT, to Spokane, WA
- G. MapQuest map and driving directions from Eureka, MT, to Missoula, MT
- H. MapQuest map and driving directions from Eureka, MT, to Kalispell, MT
- I. Road map and headend/transmitter locations for the entire area
- J. B contour maps for the relevant Spokane and Missoula stations – as well as the Kalispell station that is within the Missoula DMA
- K. Trade area information for Spokane and labor patterns for Spokane, Missoula and Eureka
- L. Channel Lineup Card for Tobacco Valley Communications
- M. Web pages of the four major Spokane stations, showing no references at all to Montana
- N. FCC Memorandum Opinion and Order in Cause No. CSR-5837-N

CERTIFICATE OF SERVICE

I, Michael Strand, do hereby certify that on the 31st day of January, 2014, the foregoing Petition for Special Relief, requesting that the North Lincoln County area, including but not limited to the communities of Eureka, Rexford, Trego, Fortine, West Kootenai, and Stryker, Montana, be excluded from the Spokane, Washington DMA and included in the Missoula, Montana, DMA, was served upon the following entities by first class mail, postage pre-paid:

MontanaSky West
Frederick Weber, GM
912 West 9th Street
Libby, MT 59923

KTMF
Linda Gray, President & GM
2200 Stephens Avenue
Missoula, MT 59801

KPAX
Robert Hermes, President & GM
1049 West Central Avenue
Missoula, MT 59801

KECI-TV
Dick Reingold, VP & GM
PO Box 5268
Missoula, MT 59806

KREM
Jamie Aitken, President & GM
4103 South Regal Street
Spokane, WA 99223

KSKN-DT
Jamie Aitken, President & GM
4103 South Regal Street
Spokane, WA 99223

KLEW-DT
Don Stellmon, Station Manager
2626 17th Street
Lewiston, ID 83501

KHQ-DT
Patricia McRae, VP & Station Manager
PO Box 600
Spokane, WA 99201

KGPX
Amber Morales, Operations & Traffic Manager
1201 West Sprague Avenue
Spokane, WA 99201

KAYU-DT
Doug Holroyd, GM
4600 South Regal Street
Spokane, WA 99223

KQUP
Arnold Torres, GM
P.O. Box 612066
Dallas, TX 75261

KXLY-DT
Stephen R Herling, Executive VP & GM
500 West Boone Avenue
Spokane, WA 99201

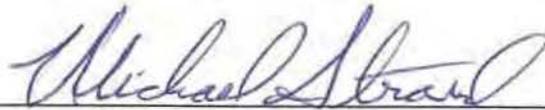
KSPS-PBS
Claude Kistler
3911 South Regal Street
Spokane, WA 99223

KCFW
Rebecca Swan, VP & GM
401 1st Avenue East
Kalispell, MT 59901

Dish Networks
Joseph P Clayton, GM
9601 South Meridan Blvd
Englewood, CO 80112

Direct TV
Michael White, President & CEO
2230 East Imperial Highway
El Segundo, CA 90245

KUFM
Eric Hyyppa GM
Montana PBS
Montana State University
VCB 183
Bozeman, MT 59717



Michael Strand
Counsel for Tobacco Valley Communications

FCC CABLE TV REGISTRATION

Community Unit	Community Name	Municipality Type	County Name
MT0196	EUREKA	Unincorporated area adjacent to or connected with an incorporated community	LINCOLN

Legal Name	Assumed Name	CUID Status	status
TOBACCO VALLEY COMMUNICATIONS	CHANNEL 4 TV	Active	1

Merged CUID	PSID	Date Operational	Address	PO Box	City	State	Zip Code
	014457	8/1/1957		648	EUREKA	MT	59917

Exhibit A

MINUTES
of the
LEGISLATIVE CONSUMER COMMITTEE
March 13, 2012
State Capitol, Room 137, Helena, MT

COMMITTEE MEMBERS PRESENT

Senator Terry Murphy, Chairman
Representative Pat Noonan, Vice Chairman
Senator Mitch Tropila
Representative Mike Cuffe

STAFF PRESENT

Robert A. Nelson, Consumer Counsel
Heather Voeller, Secretary
Paul Schulz, Rate Analyst
Mary Wright, Attorney
Larry Nordell, Economist

VISITORS PRESENT

Cathy Duncan, Legislative Fiscal Division
Bonnie Lorang, Montana Independent Telecom Systems (MITS)

CALL TO ORDER

The meeting was called to order at 1:00 p.m. by Senator Murphy.

MINUTES OF THE PREVIOUS MEETINGS

MOTION: Representative Noonan moved approval of the December 12, 2011 meeting minutes.

SECOND: Representative Cuffe seconded the motion.

VOTE: The motion passed unanimously.

BOB NELSON PROVIDED THE FOLLOWING HIGHLIGHTS OF CASES CURRENTLY PENDING:

D2011.5.41- NWE - Application for Preapproval of Acquisition of Spion Kop Wind Project – After the Committee's last meeting, a hearing was held and in February the Commission issued a final order approving this wind project and its

HIRING OF EXPERT WITNESSES

Bob described the following dockets and requested hiring the following expert witnesses:

D2012.1.3 – NWE Application for Approval of Avoided Cost Tariff Schedule: *John Wilson*

D2012.3.25 – NWE Battle Creek: *George Donkin*

D2011.9.76 – Annual EWM Gas Cost Tracker: *George Donkin*

MOTION: Representative Noonan moved approval to hire the services of the expert witnesses.

SECOND: Representative Cuffe seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMENTS

Representative Cuffe gave a brief overview of the problems that Tobacco Valley Communications (TVC) has been having trying to receive the local ABC station out of Missoula instead of Spokane. This is an FCC issue and the parties involved are talking at the federal level now. Bonnie Lorang, General Manager of Montana Independent Telecom Systems said that for about 40 years TVC has been getting its local programming through NBC, CBS and ABC out of Missoula through retransmission agreements with the networks. This year when TVC tried to renegotiate the agreements, there was no problem with CBS and NBC stations. However, when they went to the local ABC station in Missoula they were told that Missoula would really like to renegotiate, but can't get the authority from Spokane. If the ABC affiliate in Spokane would give Missoula the go ahead then they could continue the retransmission. The problem that they ran into was that Spokane told them they could run the transmission through Missoula but then TVC would also need to take the Spokane transmission resulting in TVC having to pay twice for the ABC station. This is unaffordable to TVC and the rate payers in Lincoln County. The FCC has a provision that allows "out of DMA broadcasts" for cable systems with less than 1,000 subscribers which would include TVC. Mr. Wilson, General Manager with TVC is in Washington DC speaking with the FCC and trying to get this waiver. If this matter isn't resolved by March 20, the ABC programming on the TVC network will go dark. TVC, Bonnie Lorang (MITS) and Representative Cuffe would like the Committee to write a letter to KXLY, the ABC television station in Spokane, Washington, asking for a minimum of a 30-day extension to allow time for a FCC determination of the DMA Market Modification to keep the Missoula ABC network

airing in Lincoln County. They are hoping that if it has the Committee's backing they may have a better chance of getting the waiver.

MOTION: Representative Cuffe moved that the Committee draft a letter to KXLY ABC in Spokane Washington.

SECOND: Senator Tropila seconded the motion.

VOTE: The motion passed unanimously.

NEXT MEETING

The next meeting will be scheduled for June.

ADJOURNMENT

There being no further business to come before the Committee, the meeting adjourned.

Respectfully submitted,

_____, Robert Nelson, Consumer Counsel

Accepted by the Committee this ____ day of _____, 2012

_____, Chairman.



Markets & Stations

Local media advertising reaches viewers where they live and make purchases. This section highlights the unique characteristics of each local market, as well as local broadcast stations, digital channels, and online platforms, to help advertisers harness the opportunities that local markets offer.

TVB Members: Customize your station profile. Select your station from the list below to get started. [FAQ](#)

Choose a DMA, Station or Broadcast Group Profile:

Profile Type:
 Choose:

DMA: Missoula, MT

To contribute market information, contact info@tvb.org.

DMA Rank	TV Households	Population 2+
165	113,010	259,977

African American HH Rank	Hispanic HH Rank	Asian HH Rank	Cable Penetration	ADS Penetration
199	177	163	37	47.9

Station	Affiliation	Primary Channel Website
KAJ-TV *	CBS	www.kpax.com
KCFW-TV	NBC	www.nbcmontana.com
KECI-TV	NBC	http://www.nbcmontana.com/keci/
KMMF-TV	FOX	
KPAX-TV *	CBS	www.kpax.com/pages/contact-kpax/kaj/
KTMF-TV	ABC	www.ktmf.com
KUFM-TV	PBS	

* TVB Member

Profile
Missoula Local Economy & Culture Key Industry and Employment While large companies such as Albertson's, Costco, First Interstate Bank, Glacier Bancorp,

Inc., Northwestern Energy, UPS, and Wells Fargo are present in Missoula, the local economy is driven by small business. The largest employers are the University of Montana, St. Patrick Hospital, Missoula County Public Schools, Community Medical Center, and DirecTV.

The largest employment sectors are government with 12,100 employees; trade, transportation, and utilities with 12,000 employees; education and health services with 9,200 employees; leisure and hospitality with 8,000 employees; and professional and business services with 6,600 employees.

Unemployment is relatively low in Missoula. In the first half of 2010, the average has been 7.2% compared to the national average of 9.7%.

Local Economy

The 2009 per capita income in Missoula was \$34,712.

Most Popular Lifestyles

Missoulians enjoy outdoor activities such as hunting, fishing, and camping. They are more likely than average to be members of veterans clubs and civic clubs.

Pickup trucks are popular in Missoula. Residents report more often than average that their most recently purchased vehicles were used and that they prefer domestic vehicles.

A larger-than-average number of residents have traveled in a recreational vehicle in the last year, and that they prefer domestic travel to foreign.

Some Unique Characteristics

According to epodunk.com, Missoula is the No. 1 historic small town.

Missoula is a college town. It is home to the University of Montana, the University of Montana College of Technology, and Walla Walla University.

Outdoor activities abound in Missoula. Visitors and residents alike enjoy skiing, snowmobiling, ice skating, fishing, hunting, mountain climbing, river rafting, mountain biking, and wildlife viewing.

A Carousel for Massoula is a hand-carved carousel built by hundreds of volunteers, the first to be built in the U.S. since the Great Depression. The free ride is open in from late spring to early autumn and is handicap-accessible.

Missoula has 25 art galleries and the city hosts a First Friday Gallery Night each month when all of the galleries are open in the evening and feature new exhibits with local artists. Nearby restaurants often offer special menus featuring locally-grown food.

Sources: Missoula Chamber of Commerce (www.missoulachamber.com), Missoula Area Economic Development Corporation (www.maedc.org), Bureau of Economic Analysis (www.bea.gov), SRDS Lifestyle (www.SRDS.com).

RELATED ITEMS

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National vs. Local News Viewing

Top 100 Sports Programs

Local News

Nielsen 2012-2013 DMA Ranks

TVB/Borrell Associates Survey

Local News Reaches Voters

Local News Dwarfs Cable

Seasons of Premieres: Fall Broadcast and Summer Cable

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TVB Members: Customize your station profile. Select your station from the list below to get started. [FAQ](#)

Choose a DMA, Station or Broadcast Group Profile:

Profile Type:

Choose:

DMA: Spokane, WA

To contribute market information, contact info@tvb.org.

DMA Rank	TV Households	Population 2+
73	420,640	1,014,648

African American HH Rank	Hispanic HH Rank	Asian HH Rank	Cable Penetration	ADS Penetration
148	73	73	37.1	49.7

Station	Affiliation	Primary Channel Website
KAYU-TV	FOX	www.kayutv.com
KCDT-TV	PBS	
KGPX-TV	ION	www.ionline.tv
KHQ-TV *	NBC	www.khq.com
KLEW-TV	CBS	www.klewtv.com
KQUP-TV	RELIGIOUS	
KREM-TV *	CBS	www.krem.com
KSKN-TV *	CW	http://www.spokanescw22.com/
KSPS-TV	PBS	
KUID-TV	PBS	
KWSU-TV	PBS	
KXLY-TV *	ABC	www.kxly.com

* TVB Member

Profile

Spokane, WA - Local Economy & Culture

Key Industry/Employment

Spokane is a city located in the Northwestern U.S in the state of Washington.

It is the largest city and county seat of Spokane County, and the metropolitan center of the Inland Northwest region.

It is the principal city of the Spokane Metropolitan Statistical Area, which is used synonymously with Spokane County.

The leading industry sectors in Spokane by employment, 2010 are trade, transportation and utilities employing a total of 41,200 residents, followed by Educational and Health Services with total employee strength of 40,500.

Government and healthcare and social assistance are two of the major sectors of the Spokane economy.

Healthcare and Social Assistance sector employs a regional workforce of 34,100
Healthcare companies represent some of the top regional employers including Sacred Heart Medical Center and Children's Hospital and Deaconess Medical Center.
A total of 36,300 residents of the Spokane area are on the payroll of the Government.

Some of the leading employers amongst Educational Institutes include Gonzaga University, Eastern Washington University, Central Valley School District and Community Colleges of Spokane.

Spokane's manufacturing industry is one of its key economic drivers. The industry is on an expansion mode and has added over 10,000 jobs over the past few years.

The Spokane region is home to over 500 manufacturing businesses and has a workforce of over 18,000, representing 9% of the region's total employment.

Aerospace manufacturing is one of the key growing areas in the manufacturing industry in the region. Over 60 aerospace companies are currently based or have major operations in the area.

These businesses span multiple industries including aluminum casting, metal products for the semiconductor industry, carbon aircraft brakes and engines for the aerospace industry, pharmaceutical products and other devices for the medical industry, rugged wireless laptops etc.

Information technology and telecommunication is also one of the emerging sectors in the Spokane region.

The region has become a recognized networking and telecommunications hub in the Pacific Northwest, primarily due to its wide base of research and academic resources.

The industry is led by companies such as Itron, Inc., the world's largest electronic meter reading and energy management software company, Purcell Systems, a manufacturer of integrated telecommunication cabinets and Telect, a producer of network infrastructure equipment.

Local Economy

The Spokane region had a population of 471,221 as of 2010. The Spokane county witnessed a population growth of 12.7% in the past decade, having added 53,282 resident.

Spokane region has a low cost of living.

Spokane Metropolitan Statistical Area's composite index for 2010 was 93.8, 6.2% lower than the national average.

Spokane's health care costs were 9.8% higher than the national average, but housing and utility costs were considerably below average.

Housing costs were 14.5% below the U.S average, and utilities 10.3% less. Transportation ranked 9.1% over the national average, however, grocery items and miscellaneous goods

and services were 7.6% and 3.5% below the national average, respectively.

A University District is located in the heart of Spokane.

The district is home to the Riverpoint Campus housing Washington State University and Eastern Washington University classrooms, Sirti, and Gonzaga University. Investments of up to \$843 million have been made in the University District since 2004. Currently, approximately 11,400 students are enrolled in the district, which has almost doubled from 7,838 in 2004.

Downtown Spokane has seen significant investment over the past few years.

Private developers and government revitalization projects have invested over \$3.7 billion since 1999.

These projects are aimed at bringing new retail and entertainment opportunities to the city's downtown district.

Spokane's total retail sales for 2009 were \$7.7 billion, of which over 600 million was spent in restaurants and bars. Approximately \$ 400 million was spent on clothes and other apparel.

Unique Characteristics

Spokane was recognized as the cheapest place to live in the Pacific Region by Forbes Magazine in July, 2009.

The regional hospitals of Spokane were recognized as nation's most wired by Inland Northwest Health Services (INHS) in July, 2009.

Kootenai Medical Center in Coeur d'Alene, Idaho and Providence Sacred Heart Medical

Center and Children's Hospital in Spokane were named two of the nation's most wired hospitals.

The use of information technologies for customer service, public health and safety, business processes and workforce issues helped these hospitals secure this recognition.

Spokane was recognized as a hot spot for young professionals by Next Generation Consulting in June, 2009.

It was rated as a top "mighty micro" (cities with a population of 100,000 - 200,000) for young professionals.

Spokane's overall cost of living and a rejuvenated downtown area were some of the factors that helped the region earn the recognition.

The region houses the University of Washington School of Medicine, which is a nationally recognized medical school and has been ranked the #1 primary care medical school in the country for 16 consecutive years.

Spokane was ranked 22nd in Inc. Magazine's "Best Midsize US Cities for Doing Business" in 2008; It was also ranked 9th out of 200 MSAs for "Best Places for Businesses and Careers" by Forbes Magazine in 2008.

Sources

U.S Census Bureau, The Spokesman Review, Greater Spokane, Developing Spokane

RELATED ITEMS

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Research

National vs. Local News Viewing

Top 100 Sports Programs

Local News

Nielsen 2012-2013 DMA Ranks

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SATURDAY MORNING		JANUARY 3, 2004									
	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	1:00	1:30	
2 KREM	Chalk Zone (CC)	Little Bill (CC)	College Basketball: Regional Coverage -- Mich. St. at Syracuse or N.C. at Ky.				Women's College Basketball Duke at Connecticut. (CC)				
3 KXLY	Stitch	Cougar	Recess (CC)	Fillmore (CC)	Proud Family	NBA Basketball Philadelphia 76ers at San Antonio Spurs. From the SRC Center in San Antonio. (Live)					
5 CNN	People in the News (8:00) News (CC)		SPOKANE DMA NETWORKS							Next at CNN (CC)	Same. From the Alam-
6 KHQ			Shark \cap	\cap	odome in San Antonio. (Taped) \cap (CC)						
7 KSPS	Router Workshop	Hometim (CC)	Yankee Shop	This Old House (TV)	Ask This Old	America's Tst	Scandina- vian	Martin Yan's	Garden Home	Victory Garden	
8 KPAX	Chalk Zone (CC)	Little Bill (CC)	College Basketball: Regional Coverage -- Mich. St. at Syracuse or N.C. at Ky.				Women's College Basketball Duke at Connecticut. (CC)				
9 KCFW	Trading Spaces	En- durance	Strange Days	Sc Saiah	odome in San Antonio. (Taped) \cap (CC)						
10 CBUT	Rolie Polie Olie	Cyber- chase	POV Sports	First Per- son	Bowling: Men's Five- Pin			Triathlon World Championships. (Taped) (CC)		Snow- boarding Seahawks	
11 KAYU	Kirby: Right	Sonic X \cap (CC)	Shaman King (CC)	Mutant Turtles	Ultimate Muscle	Sonic X \cap (CC)	Under- Helmet	Paid Program	Paid Program		
12 TLC	Paid Program	Paid Program	Home Again	Home Again	Trading Spaces: Family (CC)		Clean Sweep Dis- agreement. (CC)	Trading Spaces (CC)			
13 TDC	Paid Program	Paid Program	In the Tracks of the Rhino (CC)	Web of the Spider Monkey (CC)		Wild Asia "Land of the Red Ape" (CC)		Martial Arts: Way of the Warrior (CC)			
14 HIST	Automobiles "Million Dollar Cars" (CC)	Tales of the Gun "Guns of Infamy"		Conquest of Hawaii (CC)				Black Hawk: Night Stalker (CC)			
15 A&E	Ask This Old	Soil This House	Makeover Mamas	Makeover Mamas	Las Vegas: The Money and the Power Las Vegas becomes America's shadow capital.			MI-5 "Blood & Money" (CC)			
16 WTBS	** "Look Who's Talking Now" (1993, Comedy) John Travolta, Kirstie Alley. (CC)		** "Mortal Kombat Annihilation" (1997) (PA) Robin Shou, Talisa Solo. (CC)		** "Batman & Robin" (1997) (PA)						
17 TNT	(8:00) *** "The Prince of Tides" (1991, Drama) Nick Nolte, Barbra Streisand.		*** "Malice" (1983, Suspense) Alec Baldwin, Nicole Kidman, Bill Pullman. (CC)		Alec Baldwin, Nicole Kidman, Bill Pullman. (CC)			(15) "The Thomas Crown Affair" (1999)			
18 ESPN	Sunday NFL Countdown (Live) (CC)		College Football Humanitarian Bowl -- Georgia Tech vs. Tulsa. From Boise, Idaho.		Basketball						
19 CNBC	Paid	Paid	GRC	Paid	Paid	Paid	Paid	Paid	Paid	Paid	
27 FAM	Power Rangers	Power Rangers	Beyblade \cap (CC)	Digimon (CC)	Digimon (CC)	Medabots \cap (CC)	Spider- Man (CC)	Jett Jack- son	Full House \cap	Full House \cap	
28 DIS	Wiggles "Travel"	Jojo's Circus	Wiggles (CC)	Stanley (CC)	Rolie Polie Olie	House of Mouse \cap	Lilo & Stitch \cap	Recess \cap (CC)	Smart Guy (CC)	Even Stevens (CC)	
31 TOON	Timon & Pumbaa	Timon & Pumbaa	House of Mouse \cap	House of Mouse \cap	Gargoyles \cap (CC)	Gargoyles \cap (CC)	"The Brave Little Toaster to the Rescue" (1998) \cap (CC)		(40) Pepper Ann		
32 OUT	Gold	Outdoor	Snowmo	Paid	Fishin'	Outdoors	Outdoor	ATV Wild	Fishing	Paid	
33 USA	Paid Program	Paid Program	Paid Program	Paid Program	Monk "Mr. Monk Meets the Playboy"	*** "Heathers" (1988, Comedy) Winona Ryder, Christian Slater.					
34 GAC	(8:00) Top 20	Edge-Country		Fast Forward		More Music Videos		Performance!			
35 KWGN	Pokemon \cap (CC)	Mucha Lucha \cap	Yu-Gi-Oh! \cap (CC)	Pokemon \cap (CC)	Littles (E)	Paid Program	BeastMaster "Revelations" \cap (CC)	Mutant X Investigate strange activities.			

SATURDAY AFTERNOON		JANUARY 3, 2004									
	2:00	2:30	3:00	3:30	4:00	4:30	5:00	5:30	6:00	6:30	
2 KREM	Women's College Basketball South Carolina at Minnesota. (CC)				New Discoveries	New Discoveries	West Wing "The Portland Trip" (CC)		News	CBS News	
3 KXLY	NFL Pregame	NFL Football Wildcard -- Teams to Be Announced. (Live)							NFL Football: Wildcard -- Teams TBA		
5 CNN	CNN Live	Dollar	People in the News		CNN Live Saturday	Capital Gang		CNN Presents			
6 KHQ	Katarina and Friends -- Real Beauty on Ice (N) \cap (CC)			American Athlete	Trading Spaces	En- durance	Paid Program	News (CC) NBC News			
7 KSPS	Joy of Painting	Find! \cap	British Empire in Colour \cap		Great Scenic Railway Journeys		Vets in Practice	Stevens Europe	Ed Sulli- van	Keeping Up	
8 KPAX	Women's College Basketball South Carolina at Minnesota. (Live) (CC)				Totally Pets	Hollywood Sq.	CBS News News (CC)		Pyramid \cap (CC)	Wheel of Fortune	
9 KCFW	Katarina and Friends -- Real Beauty on Ice (N) \cap (CC)			Chris Matthews	NBC News	Brain Busters	Friends \cap (CC)	Every- Raymond	Seinfeld \cap (CC)		
10 CBUT	Snow- boarding	World Cup Skiing Alpine. (Taped) (CC)		Saturday Report	Hockey Night	NHL Hockey Buffalo Sabres at Toronto Maple Leafs. (Live) (CC)					
11 KAYU	Tru Calling "Putting Out Fires" \cap (CC)		Tru Calling "Brother's Keeper" \cap (CC)		Florida Citrus Bowl Parade		Outer Limits "Trial by Fire" \cap (CC)		She Spies "Last Man Standing" \cap (CC)		
12 TLC	White You Were Out			What Not to Wear "Anne"		Trading Spaces "Greatest Moments"		Resident Life "Am I Awake?"		For Better or for Worse (CC)	
13 TDC	Narrow Escapes "Fearlessness"		Monster Garage Radical vehicles. (CC)		American Chopper (CC)		Surprise by Design "Newlywed Bliss"		Rally Round the House		
14 HIST	Modern Marvels "Hunting Gear" (CC)		Deep Sea Detectives "U-352: False Pride"		Modern Marvels (CC)		Tactical to Practical Digital technology.		Hands on History	Hands on History	
15 A&E	Detective Beat "The War Against Gangs"		Investigative Reports (CC)		Parole Board "Hawaii" (CC)		City Confidential (CC)		American Justice "What the Girl Saw"		
16 WTBS	(1:00) ** "Batman & Robin" (1997) Arnold Schwarzenegger.		Seinfeld \cap (CC)		Seinfeld \cap (CC)	Friends \cap (CC)	** "Small Soldiers" (1998, Action) (PA) Kristin Dunst, Gregory Smith. (CC)				
17 TNT	(1:15) *** "The Thomas Crown Affair" (1999) Pierce Brosnan.		*** "The Juror" (1996) Demi Moore. A hit man is sent to sway a woman's vote in a murder trial.		*** "The Pelican Brief" (1993) (DVS)						
18 ESPN	(1:30) College Basketball Alabama at Xavier. (Live) (CC)		College Basketball Tennessee at Massachusetts. (Subject to Blackout) (Live) (CC)		College Basketball Oklahoma State vs. Southern Methodist.						
19 CNBC	Paid	Paid	Paid	Paid	Paid	Paid	Outside the Box		Suza Orman (CC)		
27 FAM	7th Heaven \cap (CC)		"See Jane Date" (2003) Charisma Carpenter, Holly Marie Combs, Linda Dano. (CC)		"This Time Around" (2003, Romance-Comedy) Brian A. Green, Cary Pope. (CC)						
28 DIS	Proud Family	Kim Poss- ible (CC)	** "Leave It to Beaver" (1997, Comedy) Christopher McDonald, PS (CC)		Lilo & Stitch \cap		Recess \cap (CC)		Kim Poss- ible (CC)	Proud Family	
31 TOON	*** "101 Dalmatians II: Patch's London Adventure" \cap		Teacher's Pet (CC)		Buzz Lightyear	Buzz Lightyear	Legend of Tarzan	Legend of Tarzan	Little Mermaid	Aladdin (CC)	
32 OUT	Outdoors	Taxi	Fishing	Fish	Fly Fish	Majestics	Closing Bird	Four Whir	Hot Rod		
33 USA	"Another Day" (2001) Fantasy) Shannen Doherty, Julian McMahon. (CC)		*** "Satan's School for Girls" (2000) Shannen Doherty, Kale Jackson, Julie Benz. (CC)		*** "Final Destination" (2000) (CC)						
34 GAC	Crook & Chase		Made in America		Top 20		Grand Ole Opry Live				
35 KWGN	Andromeda A map leads to the Abyss.		"Love Is Strange" (1989, Drama) Kate Nelligan, Ron Silver, Julie Harris. \cap		** "All Tied Up" (1993, Comedy) Zach Galligan, Teri Hatcher, Tracy Griffith.						

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FEBRUARY 22 - FEBRUARY 28, 2013



Theo James stars in "Golden Boy," premiering Tuesday on CBS.

Exhibit E

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WEDNESDAY LATE NIGHT										FEBRUARY 27, 2013									
AFR	C	12:00	12:30	1:00	1:30	2:00	2:30	3:00	3:30	4:00	4:30	5:00	5:30						
ABC	4	Twele Smiley (N)	Newsline	Malers: Women Who Make America	Malers: Women Who Make America	Malers: Women Who Make America	Malers: Women Who Make America	Malers: Women Who Make America	Malers: Women Who Make America	Malers: Women Who Make America	Malers: Women Who Make America	Malers: Women Who Make America	Malers: Women Who Make America						
ABC	5	Movie: *** "Michael" (1996, Drama)	John Travolta, William Hurt, etc.	TBS Preview	Better Wores	Married...With													
ABC	6	Ferguson	(37) Up to the Minute (N)	(02) TMZ (N) PG	(05) Scrubs (N)	(05) Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'						
ABC	7	Always Sunny in Inria	MISSOULA DMA NETWORKS	(02) TMZ (N) PG	(05) Scrubs (N)	(05) Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'	Jewelry Television 'G'						
ABC	8	Jimmy Fallon	Last Call/Daily	(05) omg! Insider	(05) Frazier (N)	(05) Cash Cab	(05) Today (N) PG	Mad Money											
ABC	9	The Steve Wilkos Show '14' (N)	Excused (N) '14'	Excused (N) '14'	Excused (N) '14'	Excused (N) '14'	Excused (N) '14'	Excused (N) '14'	Excused (N) '14'	Excused (N) '14'	Excused (N) '14'	Excused (N) '14'	Excused (N) '14'						
ABC	10	(12:00) House (N)	(01) House "Finding Jozac" PG (L)	Law & Order: Criminal Intent	Law & Order: Criminal Intent	Law & Order: Criminal Intent	Law & Order: Criminal Intent	Law & Order: Criminal Intent	Law & Order: Criminal Intent	Law & Order: Criminal Intent	Law & Order: Criminal Intent	Law & Order: Criminal Intent	Law & Order: Criminal Intent						
ABC	11	Movie: *** "Footloose" (1984, Drama)	Kevin Bacon, Lon Singer, John Lithgow	Immortalized	Immortalized	Immortalized	Immortalized	Immortalized	Immortalized	Immortalized	Immortalized	Immortalized	Immortalized						
ABC	12	The Closer Search for a gang (N)	The Closer Brinnca's mother visits.	Las Vegas "White Christmas" '14'	Angel "Power Play" (N) '14' (D,L,V)	Smelville A Secret fight-club (N)	The 700 Club (N) PG (N)	Smelville A Secret fight-club (N)	Smelville A Secret fight-club (N)	Smelville A Secret fight-club (N)	Smelville A Secret fight-club (N)	Smelville A Secret fight-club (N)	Smelville A Secret fight-club (N)						
ABC	13	The 700 Club (N) PG (N)	Fresh Prince	Fresh Prince	Fresh Prince	Fresh Prince	Fresh Prince	Fresh Prince	Fresh Prince	Fresh Prince	Fresh Prince	Fresh Prince	Fresh Prince						
ABC	14	Strang Wars (N)	River Monsters (N)	Gator Boys (N)	Gator Boys (N)	Gator Boys (N)	Gator Boys (N)	Gator Boys (N)	Gator Boys (N)	Gator Boys (N)	Gator Boys (N)	Gator Boys (N)	Gator Boys (N)						
ABC	15	George Lopez (N)	George Lopez (N)	My Wife and Kids	My Wife and Kids	(08) Yes, Dear													
ABC	16	SportsCenter (N) (Live)	NBA Basketball Golden State Warriors at New York Knicks	SportsCenter (N)	NBA Basketball Denver Nuggets at Portland Trail Blazers	SportsCenter (N)													
ABC	17	NASCAR Now (N)	NBA Tonight (N)	SportsCenter (N)	NBA Basketball Denver Nuggets at Portland Trail Blazers	SportsCenter (N)													
ABC	18	Erin Burnett: OutFront	Piers Morgan Tonight	Anderson Cooper 360 (N)	Anderson Cooper 360 (N)	Anderson Cooper 360 (N)	Anderson Cooper 360 (N)	Anderson Cooper 360 (N)	Anderson Cooper 360 (N)	Anderson Cooper 360 (N)	Anderson Cooper 360 (N)	Anderson Cooper 360 (N)	Anderson Cooper 360 (N)						
ABC	19	Guinness World Records Gone Wild	Full Throttle Saloon	The Investigators	The Investigators	FOX and Friends First													
ABC	20	The Five	Red Eye (N)	The O'Reilly Factor (N)	The O'Reilly Factor (N)	FOX and Friends First													
ABC	21	Duck Dynasty	Duck Dynasty	Duck Dynasty	Duck Dynasty	Duck Dynasty	Duck Dynasty	Duck Dynasty	Duck Dynasty	Duck Dynasty	Duck Dynasty	Duck Dynasty	Duck Dynasty						
ABC	22	Paid Program	Paid Program	Paid Program	Paid Program	Worldwide Exchange (N)													
ABC	23	The Americans	Justified "Outlaw" MA (L,V)	The Americans	The Americans	The Ultimate Fighter (N) '14													
ABC	24	The Dan Patrick Show	Mariners Access	UFA	UFA	UFA	UFA	UFA	UFA	UFA	UFA	UFA	UFA						
ABC	25	Savage Diggers	(01) Entourage	(01) Entourage	(01) Entourage	Knife Show/Cutlery Corner (N)													
ABC	26	Curb Enthusiasm	Curb Enthusiasm	The Cooby Show	The Cooby Show	Home Improve													
ABC	27	My Addiction	My Addiction	Rev. Peter Popoff	Rev. Peter Popoff	Paid Program													
ABC	28	(12:00) America's Supremacy (N)	(03) Dance Moms (N)	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program						
ABC	29	Daily Show	Colbert Report	Daily Show	Colbert Report	Workaholics													
ABC	30	(12:01) American Pickers (N)	(03) American Pickers (N)	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program						
ABC	31	Hardball With Chris Matthews (N)	The Ed Show	The Ed Show	The Ed Show	The Rachel Maddow Show	The Rachel Maddow Show	The Rachel Maddow Show	The Rachel Maddow Show	The Rachel Maddow Show	The Rachel Maddow Show	The Rachel Maddow Show	The Rachel Maddow Show						
ABC	32	Cheers (N)	Cheers (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)						
ABC	33	Restaurant: Impossible	Restaurant: Impossible	Restaurant: Impossible	Restaurant: Impossible	Fat Chef "Hocco, Kimberly"													
ABC	34	Family Guy (N)	Family Guy (N)	Robot Chicken	Robot Chicken	Loiter Squad	Loiter Squad	American Dad (N)	American Dad (N)	Family Guy (N)	Family Guy (N)	Family Guy (N)	Family Guy (N)						
ABC	35	Movie: *** "The Terminator" (2005) A Martinez	Paul Logan	Deadly cyborgs try to eliminate the human race	eliminate the human race	Paid Program													
ABC	36	Gold Rush (N) 'G'	Rev. Peter Popoff	Paid Program	Paid Program	Televote Paid	Televote Paid	Paid Program											
ABC	37	Movie: *** "The Thin Red Line" (1994)	Sabu, Conrad Veidt, etc.	Paid Program	Paid Program	Movie: *** "The Private Life of Henry VIII" (1933)	Movie: *** "The Private Life of Henry VIII" (1933)	Movie: *** "The Private Life of Henry VIII" (1933)	Movie: *** "The Private Life of Henry VIII" (1933)	Movie: *** "The Private Life of Henry VIII" (1933)	Movie: *** "The Private Life of Henry VIII" (1933)	Movie: *** "The Private Life of Henry VIII" (1933)	Movie: *** "The Private Life of Henry VIII" (1933)						
ABC	38	Jessie (N)	Shake It Up (N)	Wizards-Place	Wizards-Place	Suite/Deck	Suite/Deck	Good-Charlie	Good-Charlie	Good-Charlie	Good-Charlie	Good-Charlie	Good-Charlie						

I, robot fighter: Humans control robot gladiators in new Syfy series

At least since 1927's "Metropolis," and continuing into the modern era with "Transformers" and this summer's anticipated blockbuster "Pacific Rim," robots have been a fixture in movies and television. Some of the mechanized creations have become popular characters in their own right, from Robby the Robot of "Forbidden Planet" and the nameless robot in TV's "Lost in Space" to those lovable droids R2-D2 and C-3PO in "Star Wars," to name just a few.

A burgeoning TV and movie genre over the years has pitted robots in battle against one another, and for a while, the "battling robots" TV trend was popular, most notably in the Comedy Central series "BattleBots." But that series featured robots created by home inventors doing battle. "Robot Combat League," premiering Tuesday, Feb. 26, on Syfy, ups the ante, combining



elements of "BattleBots" with cinematic robotics. Hosted by former WWE star Chris Jericho, "Robot Combat League" features

tournament-style gladiatorial combat between 8-foot-tall state-of-the-art humanoid robots controlled by "robo-jockeys." (Think a realistic version of the movie

"Real Steel.") The series features 12 teams consisting of a fighter (the "robo-jockey") and a robotics engineer (the "robo-tech") from various backgrounds. Each team is paired with a unique robot and will fight in a competition using a high-tech exo-suit that translates the jockey's movements to the robot.

The robots are designed and created by robotics expert Mark Setrakian, who has developed life-saving robotic systems and also pioneered cutting-edge creature effects, animatronics and control technology for films such as "Men in Black" and "Hellboy."

Setrakian combined his study of biology with engineering to create robots with uncanny organic movement. And they look pretty cool, as well — which is part of the reason why audiences have been drawn to robots for the past century.

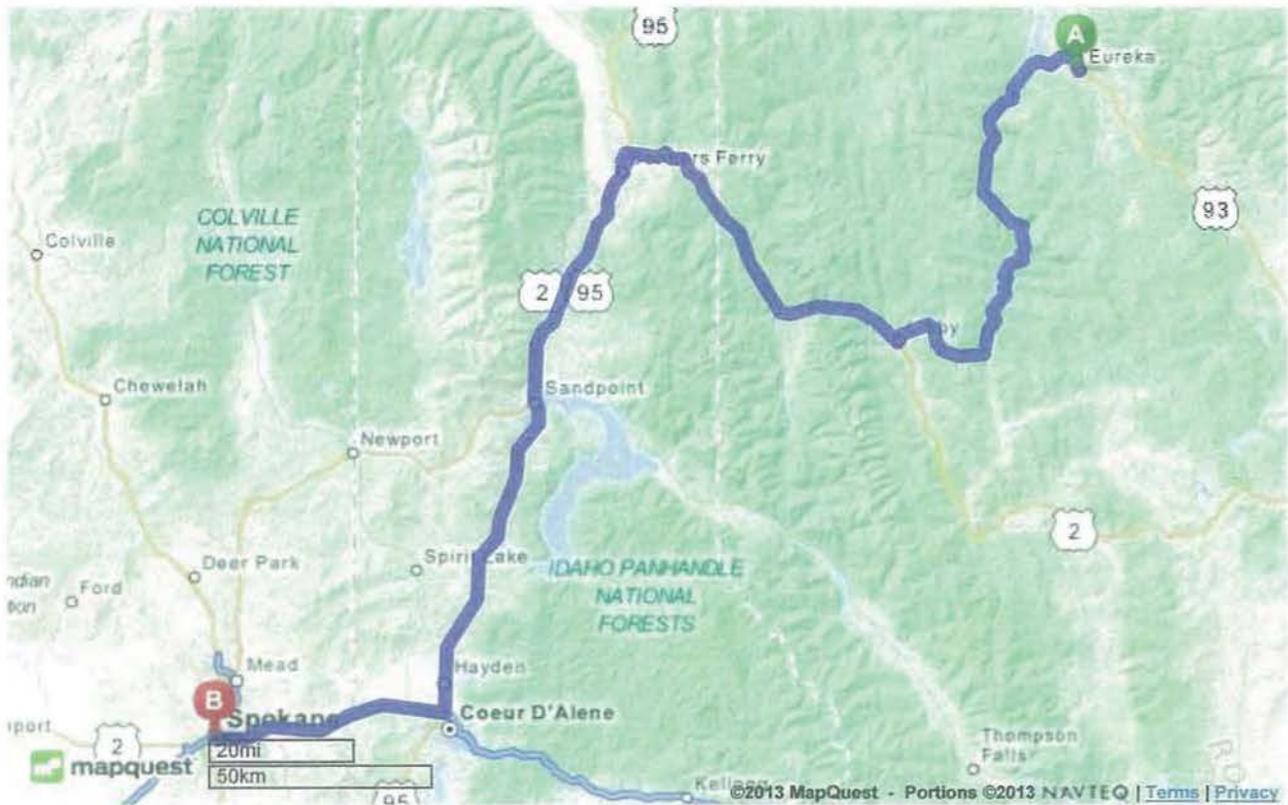
THURSDAY MORNING										FEBRUARY 28, 2013									
AFR	C	6:00	6:30	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30						
ABC	4	Yoga Stretches	Martha Speaks	Curious George	Cat in the Hat	Super Why!	Dinosaur Train	Sesame Street (N) (DVS)	Daniel Tiger	Classical Stretch	Janez-Cooking	Between, Lines							
ABC	5	Fresh Prince	Fresh Prince	House of Payne	Meet the Browns	Fresh Prince	Fresh Prince	Engagement	Engagement	According to Jim	Love-Returned	American Dad (N)	American Dad (N)						
ABC	6	News	News	CBS This Morning (N) (N)	House of Payne	Burn Notice	Burn Notice	The Price is Right (N) (G) (N)	Let's Make a Deal (N) PG (N)	Judge Mathis (N) (G) (N)	The Young and the Restless '14' (D)	The Young and the Restless '14' (D)							
ABC	7	Shepherd's Channel	AgDay 'G'	MISSOULA DMA NETWORKS	The 700 Club (N) PG (N)	Rachael Ray (N) 'G' (N)	Rachael Ray (N) 'G' (N)	Friends (N)	Friends (N)	The View (N) '14' (N)	The Jeff Probst Show (N) '14' (N)	The Jeff Probst Show (N) '14' (N)							
ABC	8	The Daily Buzz 'G' (N)	(6:30) Montana Today (N)	Today Board games; saving on everything (N) (N)	House of Payne	House of Payne	House of Payne	Today Today's melting pot (N) (N)	Live! With Kelly and Michael PG	The Steve Wilkos Show (N) PG (N)	The Steve Wilkos Show (N) PG (N)	The Steve Wilkos Show (N) PG (N)							
ABC	9	Burn Notice "Sins of Obsession" PG	Burn Notice "Lesser Evil" PG	Movie: *** "Mad Max" (1979) Mel Gibson, Hugh Keays-Byrne, etc.	Supernatural "Svan Song" '14' (L,V)	Supernatural "Svan Song" '14' (L,V)	Supernatural "Svan Song" '14' (L,V)	Burn Notice	Burn Notice	Burn Notice "End Run" PG (N)	Burn Notice "End Run" PG (N)	Burn Notice "End Run" PG (N)							
ABC	10	Paid Program	Paid Program	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)							
ABC	11	Charmed (N)	Charmed (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)	Supernatural (N)							
ABC	12	Joseph Meyer 'G' (Life Today)	Joseph Meyer	Time of Grace	Time of Grace	Boy Meets World													
ABC	13	The Crocodile Hunter (N)	Wild Kingdom (N)	Conversations: Animal Hoarding (N)	Conversations: Animal Hoarding (N)	Miami Animal Police (N)	Miami Animal Police (N)	Miami Animal Police (N)	Miami Animal Police (N)	Miami Animal Police (N)	Miami Animal Police (N)	Miami Animal Police (N)							
ABC	14	SpongeBob	Max & Ruby (N)	Dora the Explorer	Dora the Explorer	Bubble Guppies	Bubble Guppies	Bubble Guppies	Bubble Guppies	Max & Ruby (N)	Max & Ruby (N)	Max & Ruby (N)							
ABC	15	SportsCenter (N)	SportsCenter (N) (Live)	SportsCenter (N) (Live)	SportsCenter (N) (Live)	SportsCenter (N) (Live)	SportsCenter (N) (Live)	SportsCenter (N) (Live)	SportsCenter (N) (Live)	SportsCenter (N) (Live)	SportsCenter (N) (Live)	SportsCenter (N) (Live)							
ABC	16	(4:00) Mike and Mike in the Morning (N) (Live)	(4:00) Mike and Mike in the Morning (N) (Live)	First Take (N) (Live)	First Take (N) (Live)	First Take (N) (Live)	First Take (N) (Live)	First Take (N) (Live)	First Take (N) (Live)	First Take (N) (Live)	First Take (N) (Live)	First Take (N) (Live)							
ABC	17	(6:00) Starling Point (N)	CNN Newsroom (N)	CNN Newsroom (N)	CNN Newsroom (N)	CNN Newsroom (N)	CNN Newsroom (N)	CNN Newsroom (N)	CNN Newsroom (N)	CNN Newsroom (N)	CNN Newsroom (N)	CNN Newsroom (N)							
ABC	18	Paid Program	Paid Program	In Session	In Session	Happening Now (N)													
ABC	19	(4:00) FOX and Friends (N)	America's Newsroom (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)							
ABC	20	Bounty Hunter	Bounty Hunter	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)	Criminal Minds (N)							
ABC	21	(4:00) Squawk Box (N)	Squawk on the Street (N)	Squawk on the Street (N)	Squawk on the Street (N)	Squawk on the Street (N)	Squawk on the Street (N)	Squawk on the Street (N)	Squawk on the Street (N)	Squawk on the Street (N)	Squawk on the Street (N)	Squawk on the Street (N)							
ABC	22	Paid Program	Paid Program	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)							
ABC	23	Big 12 Showcase	Paid Program	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)	Are You Smarter? (N)							
ABC	24	Paid Program	Paid Program	Jail '14' (L,V)	Jail '14' (D,L,V)	Jail '14' (D,L,V)	Jail '14' (D,L,V)	Jail '14' (D,L,V)	Jail '14' (D,L,V)	Jail '14' (D,L,V)	Jail '14' (D,L,V)	Jail '14' (D,L,V)							
ABC	25	Murder, She Wrote (N)	Dick Van Dyke	Dick Van Dyke	I Love Lucy	I Love Lucy	I Love Lucy	I Love Lucy	I Love Lucy	I Love Lucy	I Love Lucy	I Love Lucy							
ABC	26	A Baby Story (N)	A Baby Story (N)	Know-Prisong	Know-Prisong	Old Christine													
ABC	27	Will & Grace	Will & Grace	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)	Frazier (N)							
ABC	28	Swamp People (N)	Swamp People (N)	Swamp People (N)	Swamp People (N)	Swamp People (N)	Swamp People (N)	Swamp People (N)	Swamp People (N)	Swamp People (N)	Swamp People (N)	Swamp People (N)							
ABC	29	(4:00) Morning Joe (N)	The Daily Random (N)	Jansing and Co. (N)	Jansing and Co. (N)	Marie (N) 'G'													
ABC	30	Home & Family (N) 'G' (N)	Home & Family (N) 'G' (N)	Home & Family (N) 'G' (N)	Home & Family (N) 'G' (N)	Home & Family (N) 'G' (N)	Home & Family (N) 'G' (N)	Home & Family (N) 'G' (N)	Home & Family (N) 'G' (N)	Home & Family (N) 'G' (N)	Home & Family (N) 'G' (N)	Home & Family (N) 'G' (N)							
ABC	31	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program	Paid Program							
ABC	32	King of the Hill	King of the Hill	Looney Tunes 'Y' (Herc) 10E	Looney Tunes 'Y' (Herc) 10E	Ben 10													
ABC	33	Twilight Zone	Twilight Zone	Stranded "Star Island"	Stranded "Star Island"	Robot Combat League													
ABC	34	Joyce Meyer	Paid Program	I (Almost) Got Away With It (N) '14'	I (Almost) Got Away With It (N) '14'	Nightmare Next Door '14' (V)													
ABC	35	(8:45) "The Lawanor Hill Mob" (N)	(15) Movie: "The Man in the White Suit"	Cast Partner	Cast Partner	Movie: *** "The Ladykillers" (1955)													
ABC	36	Fish Hooks (N)	Phiness and Fort	Gaspard & Lisa	Ooanatus	Little Einsteins	Little Einsteins	Chuggington (N)	Chuggington (N)	Molloy Mouse	Molloy Mouse	Molloy Mouse							

Exhibit F

Total Travel Estimate: **226.71 miles - about 4 hours 11 minutes**

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Notes



Trip to:

Spokane, WA

226.71 miles / 4 hours 11 minutes

- | | | |
|---|--|---|
| A | Eureka, MT | Download
Free App |
| ● | 1. Start out going north on Dewey Ave / US-93 toward 3rd St E. Continue to follow US-93. Map | 1.7 Mi
<i>1.7 Mi Total</i> |
| ↶ |  2. Turn left onto MT-37. Map | 67.0 Mi
<i>68.7 Mi Total</i> |
| ↷ |  3. Turn right onto W 9th St / US-2. Continue to follow US-2 (Crossing into Idaho). Map | 48.1 Mi
<i>116.8 Mi Total</i> |
| ↶ |  4. Turn left onto US-95 S / US-2 W. Continue to follow US-95 S. Map | 79.1 Mi
<i>195.9 Mi Total</i> |
| ↗ |  5. Merge onto I-90 W toward Post Falls / Spokane (Crossing into Washington). Map | 30.2 Mi
<i>226.1 Mi Total</i> |
|  | 6. Take the US-2 N / US-395 N exit, EXIT 281, toward Newport / Colville. Map | 0.3 Mi
<i>226.4 Mi Total</i> |
| ↷ |  7. Turn slight right onto S Division St / US-2 E / US-395 N. Map | 0.3 Mi
<i>226.7 Mi Total</i> |
| ↶ | 8. Take the 3rd left onto W Sprague Ave. Map | 0.05 Mi
<i>226.7 Mi Total</i> |
| ■ | 9. Welcome to SPOKANE, WA. Map | |
| B | Spokane, WA | |

Exhibit G

Total Travel Estimate: **189.44 miles - about 3 hours 24 minutes**

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Notes



Trip to:

Missoula, MT

189.44 miles / 3 hours 24 minutes

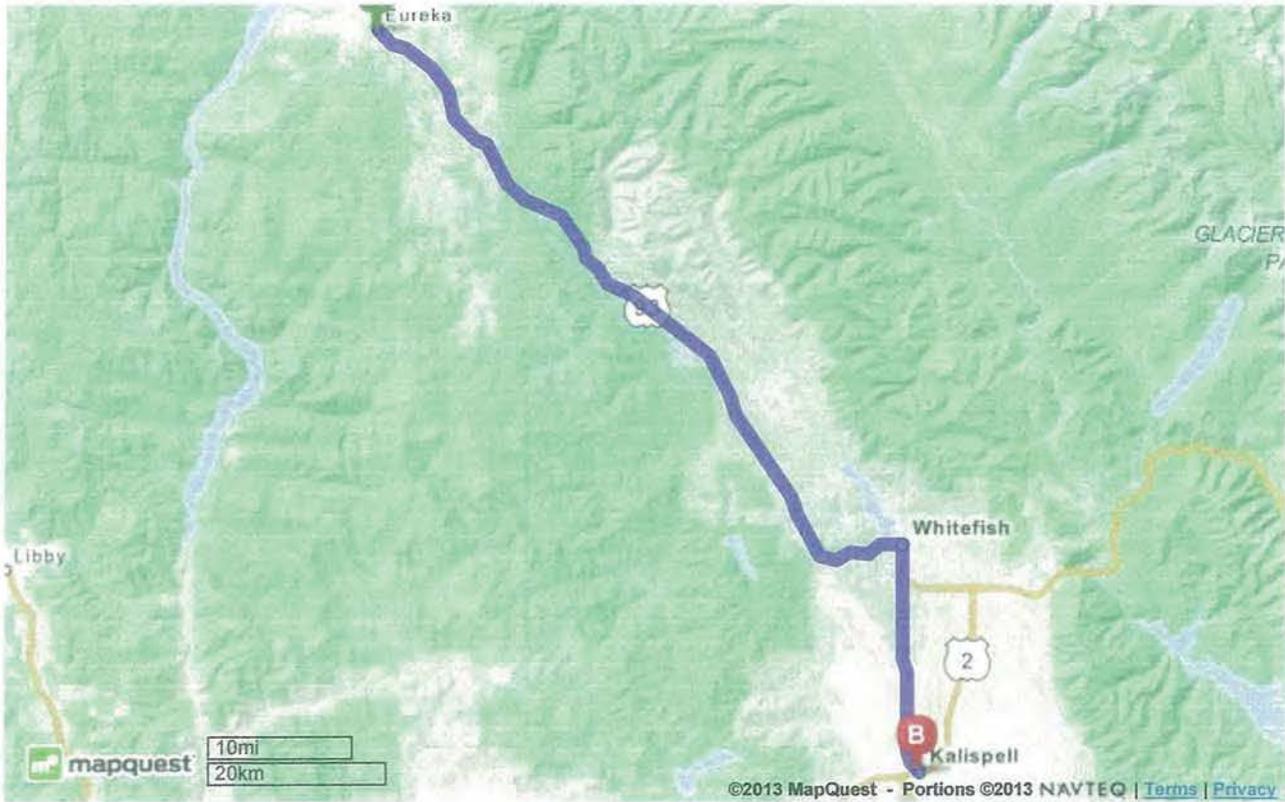
		Download Free App
A	Eureka, MT	
●	1. Start out going south on Dewey Ave / US-93 toward 2nd St W. Continue to follow US-93. Map	51.2 Mi 51.2 Mi Total
➤	 2. Turn right onto Spokane Ave / US-93. Continue to follow US-93 S. Map	14.7 Mi 66.0 Mi Total
➤	 3. Turn right onto W Idaho St / US-2. Continue to follow US-2. Map	1.2 Mi 67.2 Mi Total
↶	 4. Turn left onto US-93-ALT S. Pass through 3 roundabouts. Map	4.0 Mi 71.2 Mi Total
➤	 5. Turn right onto US-93 S. Map	108.7 Mi 179.9 Mi Total
↗	 6. Merge onto I-90 E / MT-200 E toward Missoula. Map	8.7 Mi 188.6 Mi Total
	7. Take the Orange St exit, EXIT 104. Map	0.2 Mi 188.8 Mi Total
➤	8. Turn right onto N Orange St. Map	0.5 Mi 189.3 Mi Total
↶	 9. Turn left onto W Broadway St / I-90-BL. Map	0.1 Mi 189.4 Mi Total
■	10. Welcome to MISSOULA, MT . Map	
B	Missoula, MT	

Exhibit H

Total Travel Estimate: **66.00 miles - about 1 hour 9 minutes**

FREE NAVIGATION APP
SELECT: IPHONE ANDROID

Enter your mobile number:



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Notes



Trip to:

Kalispell, MT

66.00 miles / 1 hour 9 minutes



Eureka, MT

Download
Free App



1. Start out going south on Dewey Ave / US-93 toward 2nd St W. Continue to follow US-93. [Map](#)

51.2 Mi

51.2 Mi Total



2. Turn right onto Spokane Ave / US-93. Continue to follow US-93 S. [Map](#)

14.8 Mi

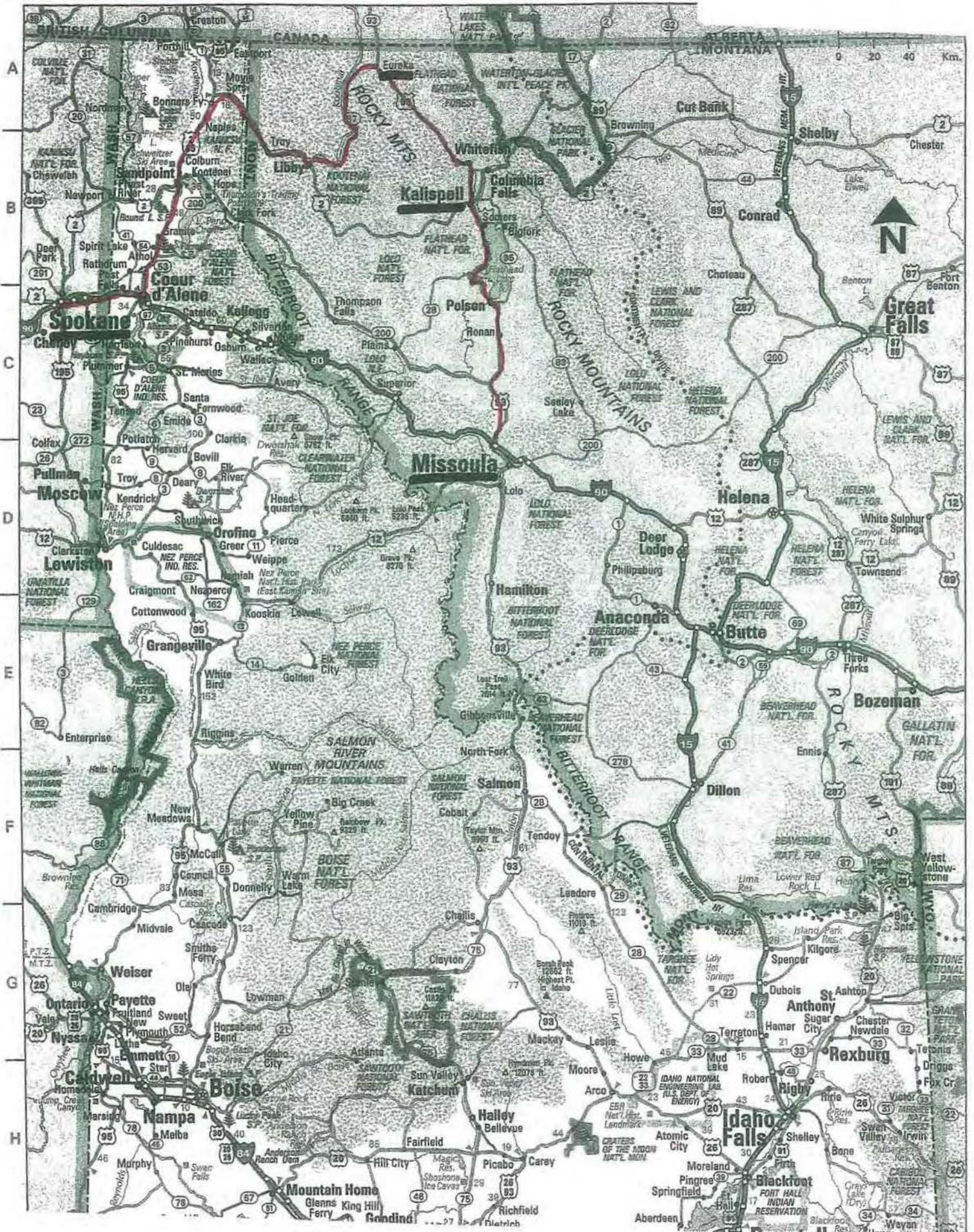
66.0 Mi Total

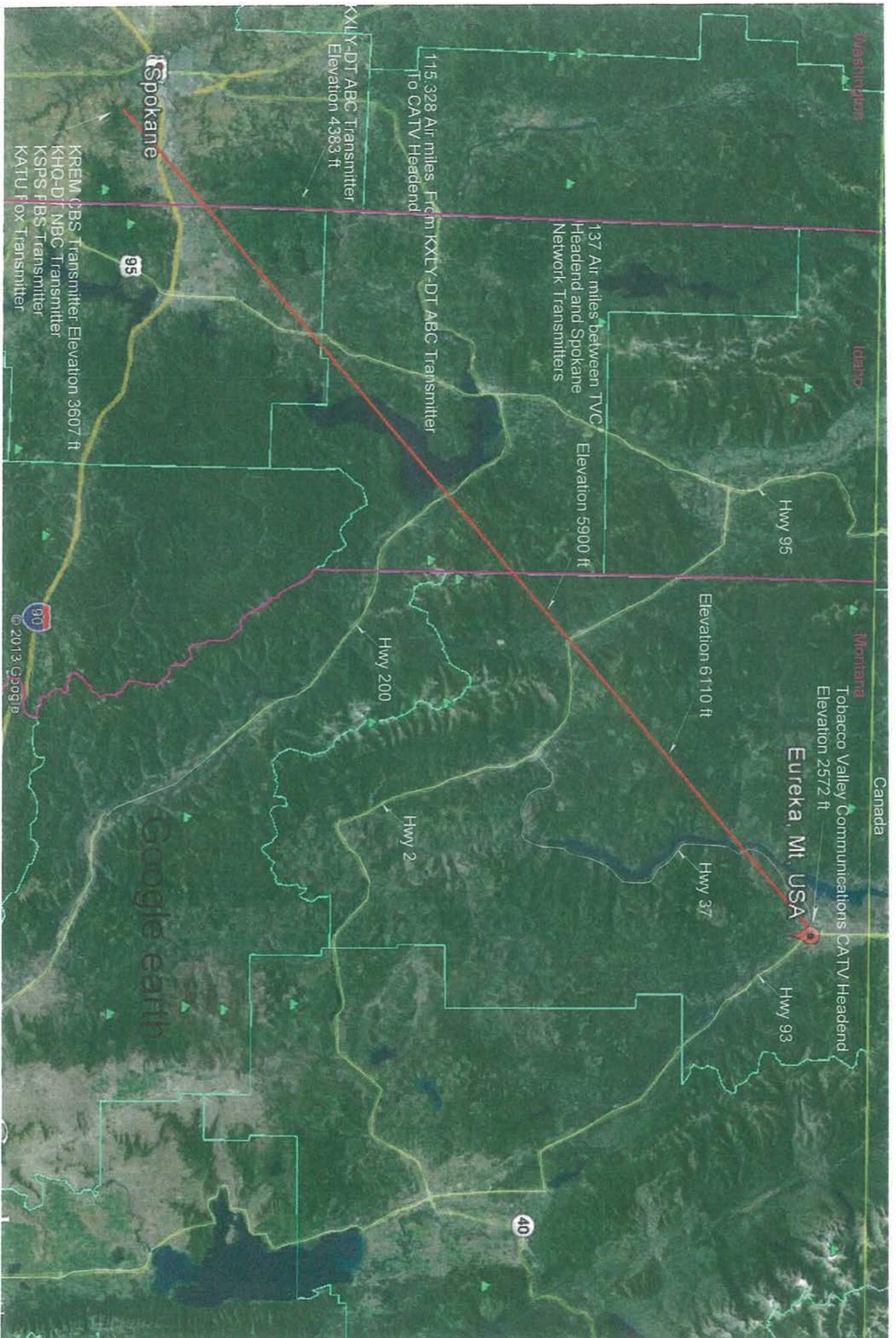


3. Welcome to KALISPELL, MT. [Map](#)



Kalispell, MT





Washington

Idaho

Montana

Canada

Spokane

95

Hwy 95

Elevation 6110 ft

Hwy 200

Hwy 2

Hwy 37

Hwy 93

40

Eureka, Mt. USA

Tobacco Valley Communications CATV Headend
Elevation 2572 ft

137 Air miles between TVC
Headend and Spokane
Network Transmitters

115.328 Air miles From KXLY-DT ABC Transmitter
To CATV Headend

KXLY-DT ABC Transmitter
Elevation 4383 ft

KREM CBS Transmitter Elevation 3607 ft
KHQ-DT NBC Transmitter
KSPS PBS Transmitter
KATU Fox Transmitter

Google earth

© 2013 Google

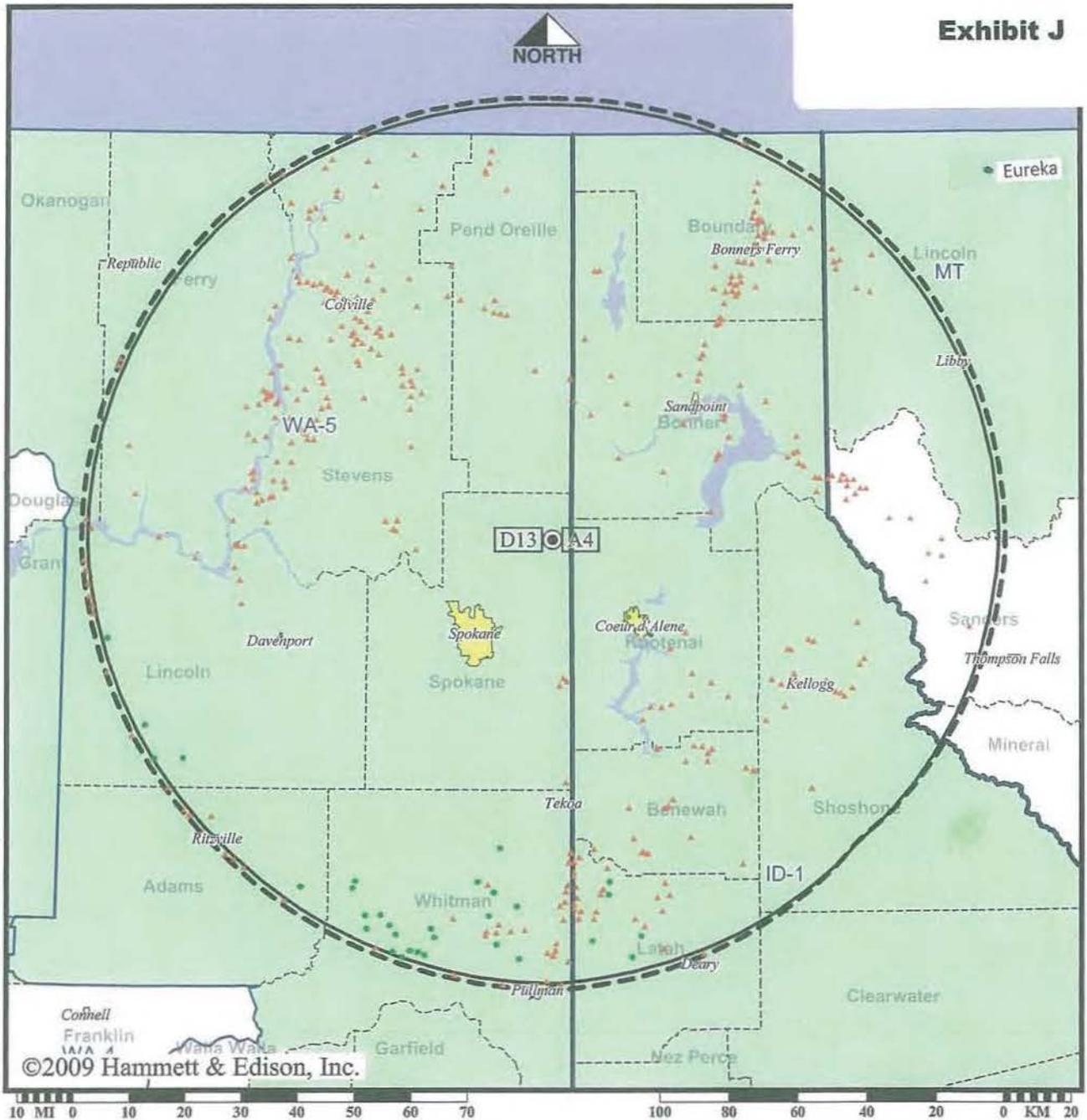
Station KXLY-TV • Analog Channel 4, DTV Channel 13 • Spokane, WA

Expected Operation on June 13: Licensed

Digital License (solid): 23.3 kW ERP at 936 m HAAT, Network: ABC
 vs. Analog (dashed): 47.9 kW ERP at 936 m HAAT, Network: ABC

Market: Spokane, WA

Exhibit J



- Coverage gained after DTV transition
- No symbol = no change in coverage
- ▲ Coverage lost after DTV transition

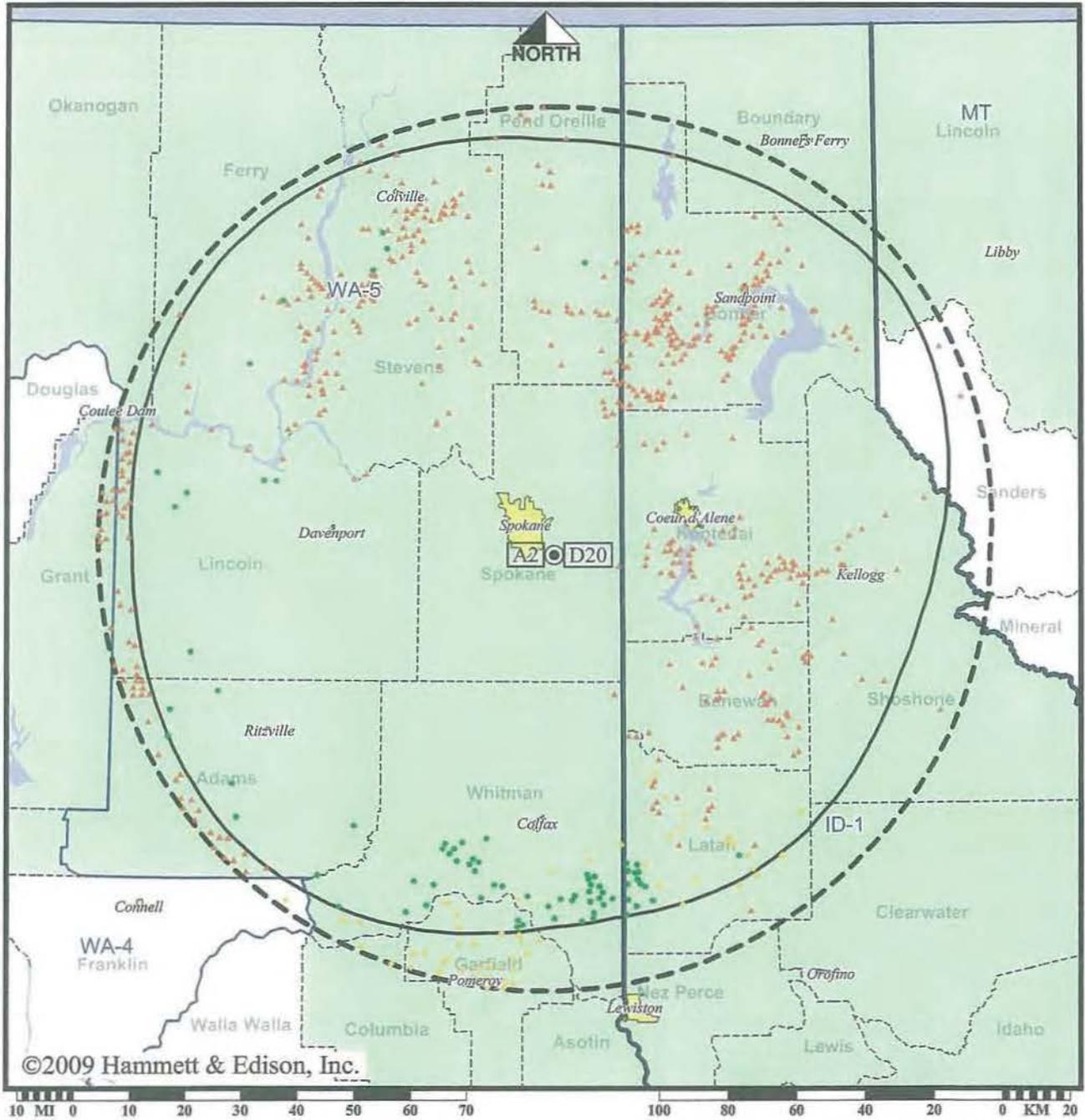
Analog service	657,548 persons
Digital service	631,216
Analog loss	26,940
Digital gain	608
Net gain	-26,332

Station KREM-TV • Analog Channel 2, DTV Channel 20 • Spokane, WA

Expected Operation on June 13: Licensed

**Digital License (solid): 893 kW ERP at 641 m HAAT, Network: CBS
vs. Analog (dashed): 85.1 kW ERP at 671 m HAAT, Network: CBS**

Market: Spokane, WA



- Coverage gained after DTV transition
- No symbol = no change in coverage
- ★ Coverage lost but still served by same network
- ▲ Coverage lost and no other service by same network

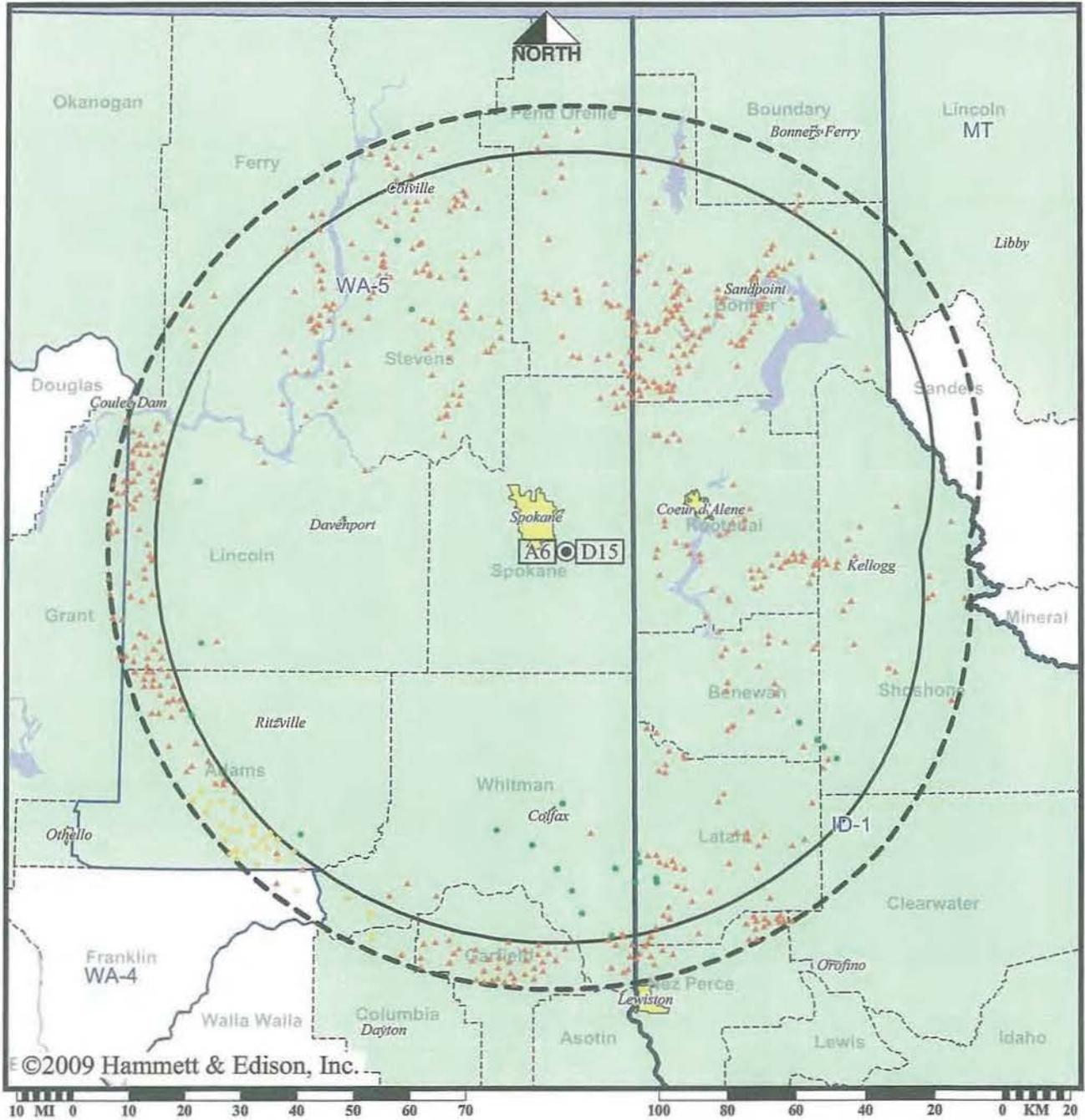
Analog service	635,771 persons
Digital service	635,522
Analog loss	30,001
Digital gain	29,752
Net gain	-249

Station KHQ-TV • Analog Channel 6, DTV Channel 15 • Spokane, WA

Expected Operation on June 13: Special Temporary Authorization

**Digital STA (solid): 425 kW ERP at 521 m HAAT, Network: NBC
vs. Analog (dashed): 87.1 kW ERP at 653 m HAAT, Network: NBC**

Market: Spokane, WA



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- Coverage gained after DTV transition
- No symbol = no change in coverage
- ◆ Coverage lost but still served by same network
- ▲ Coverage lost and no other service by same network

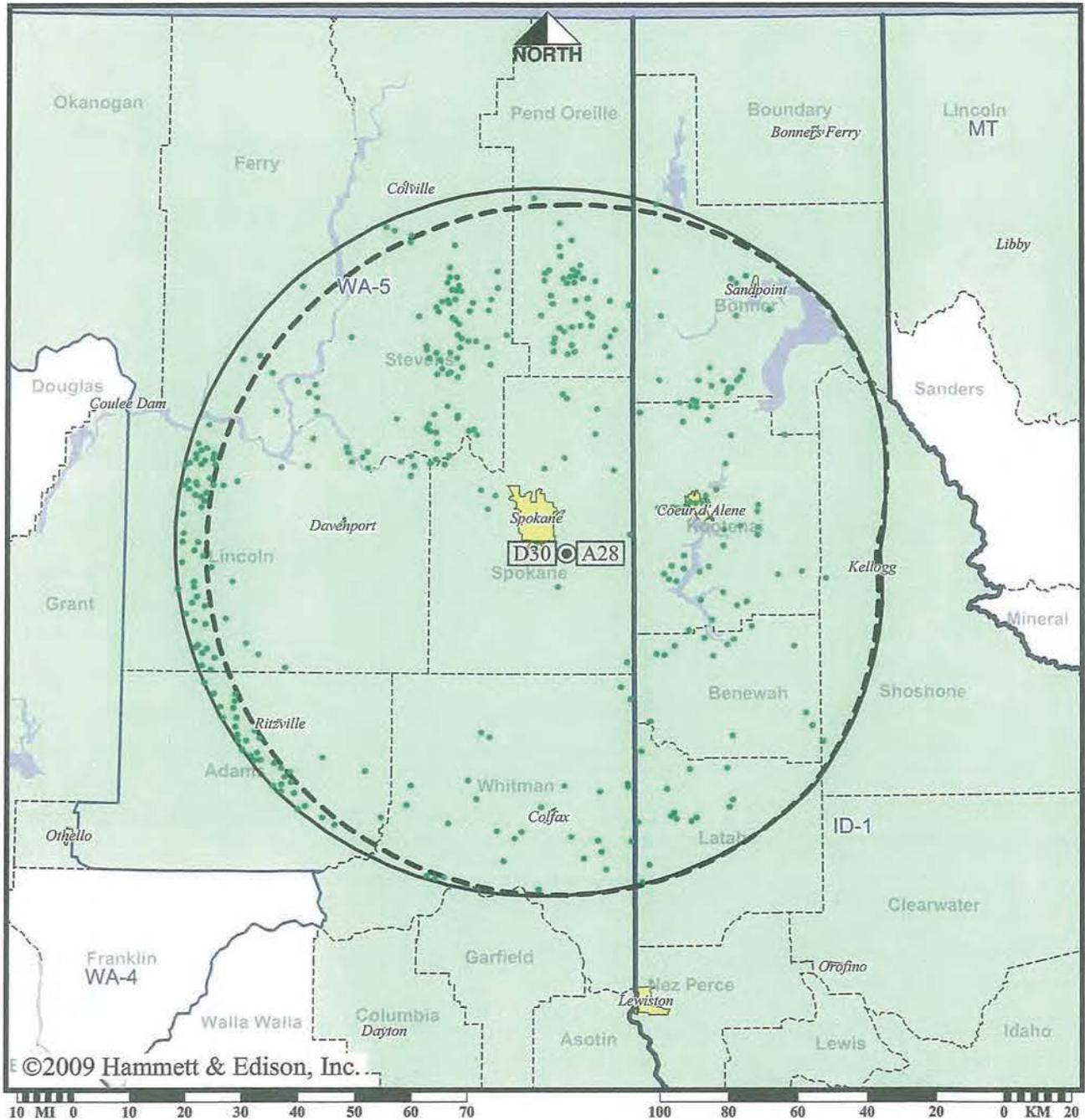
Analog service	669,005 persons
Digital service	646,186
Analog loss	24,414
Digital gain	1,595
Net gain	-22,819

Station KAYU-TV • Analog Channel 28, DTV Channel 30 • Spokane, WA

Expected Operation on June 13: Special Temporary Authorization

**Digital STA (solid): 335 kW ERP at 564 m HAAT, Network: Fox
vs. Analog (dashed): 2400 kW ERP at 601 m HAAT, Network: Fox**

Market: Spokane, WA



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● Coverage gained after DTV transition
No symbol = no change in coverage

Analog service	540,731 persons
Digital service	581,746
Analog loss	0
Digital gain	41,015
Net gain	41,015

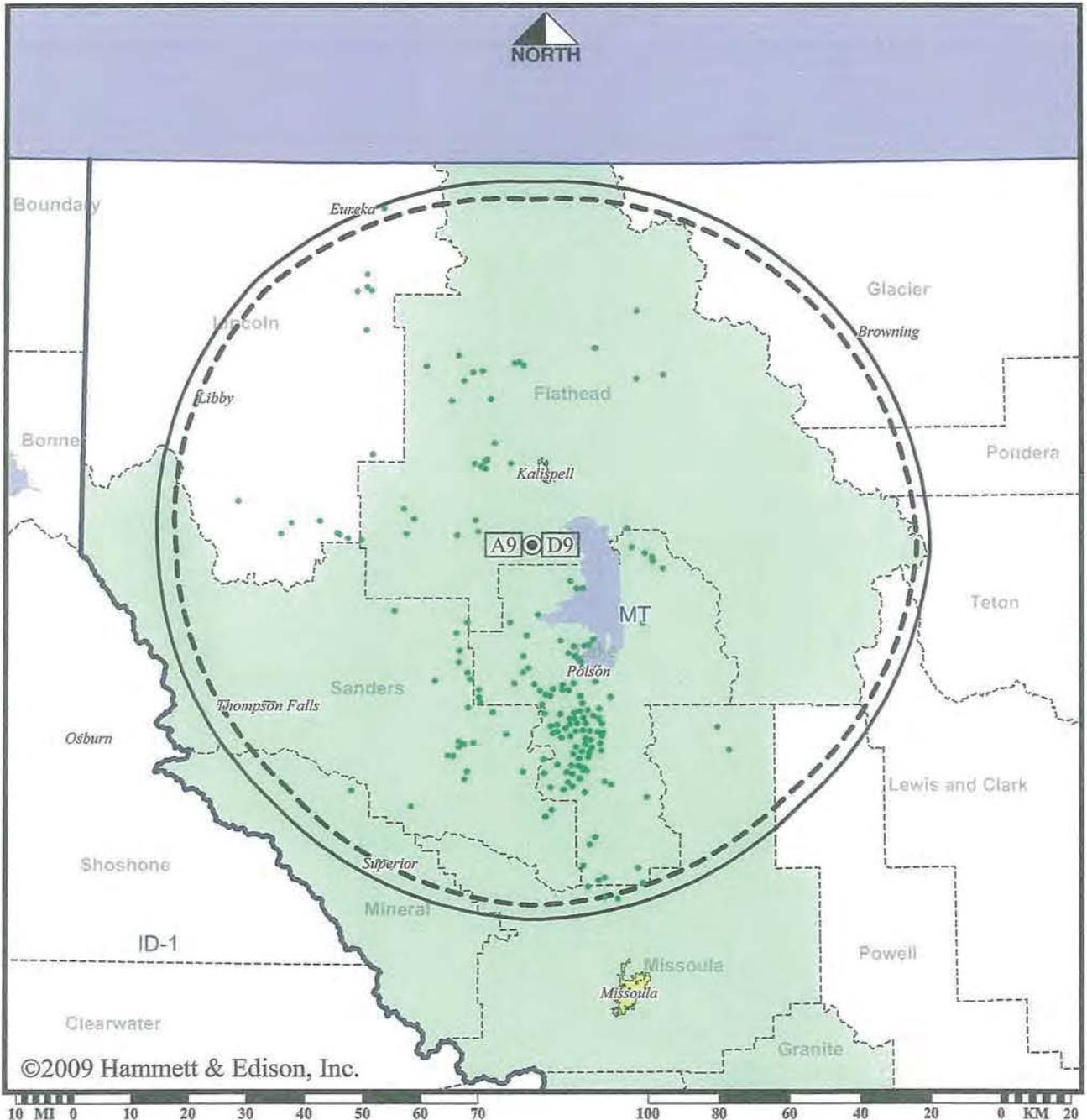
BDSTA-20080530ABH
KAYU-TV Digital STA

Station KCFW-TV • Analog Channel 9, DTV Channel 9 • Kalispell, MT

Expected Operation on June 13: Granted Construction Permit

**Digital CP (solid): 2.50 kW ERP at 850 m HAAT, Network: NBC
vs. Analog (dashed): 26.3 kW ERP at 850 m HAAT, Network: NBC**

Market: Missoula, MT



● Coverage gained after DTV transition
No symbol = no change in coverage

Analog service	89,849 persons
Digital service	97,804
Analog loss	0
Digital gain	7,955
Net gain	7,955

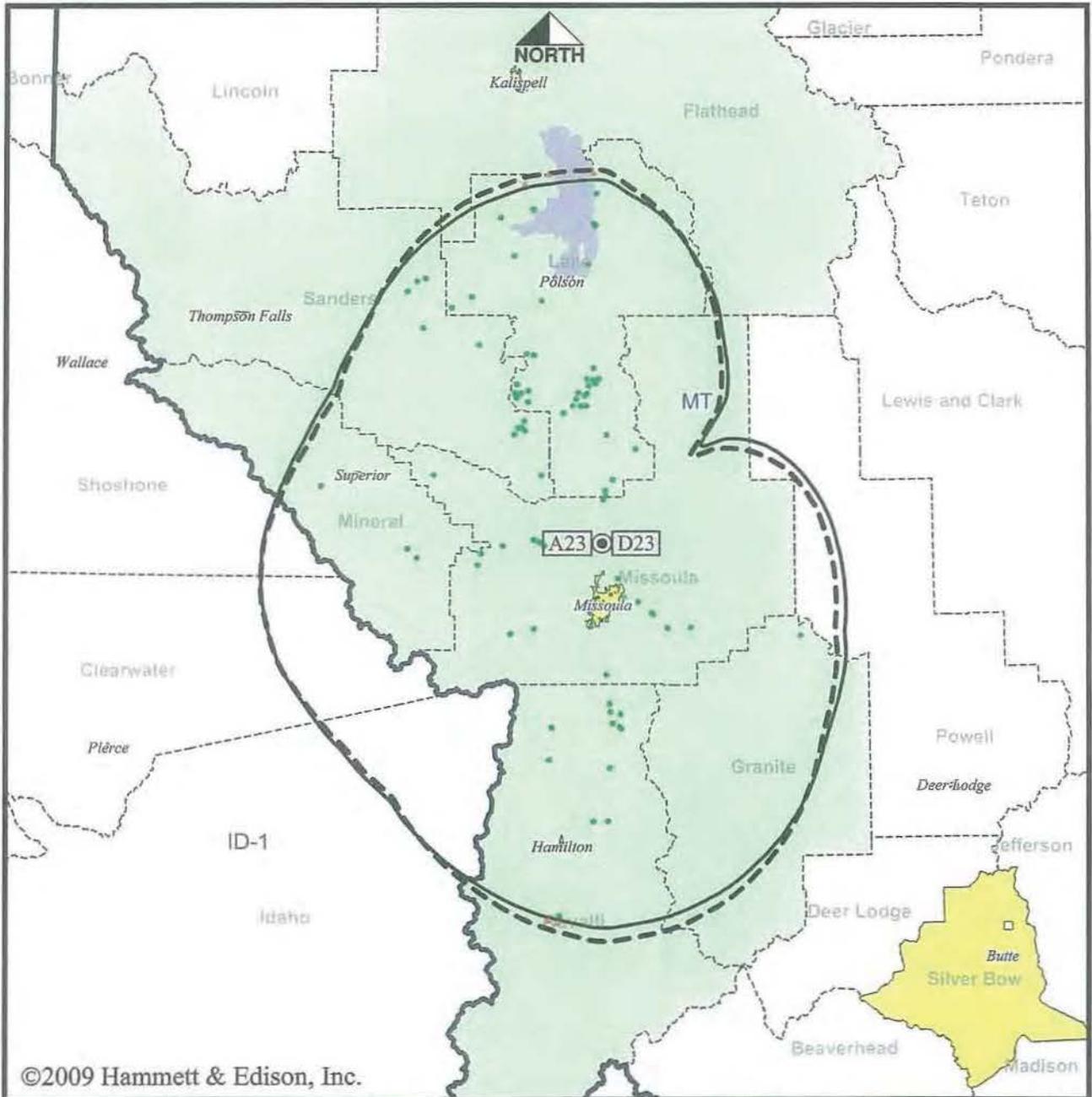
BPCDT-20080314ADG
KCFW-TV Digital CP

TV Station KTMF • Analog Channel 23, DTV Channel 23 • Missoula, MT

Expected Operation on June 13: Granted Construction Permit

**Digital CP (solid): 50.0 kW ERP at 642 m HAAT, Network: ABC
vs. Analog (dashed): 1820 kW ERP at 642 m HAAT, Network: ABC**

Market: Missoula, MT



©2009 Hammett & Edison, Inc.

- Coverage gained after DTV transition
- No symbol = no change in coverage
- ▲ Coverage lost after DTV transition

Analog service	128,719 persons
Digital service	134,647
Analog loss	306
Digital gain	6,234
Net gain	5,928

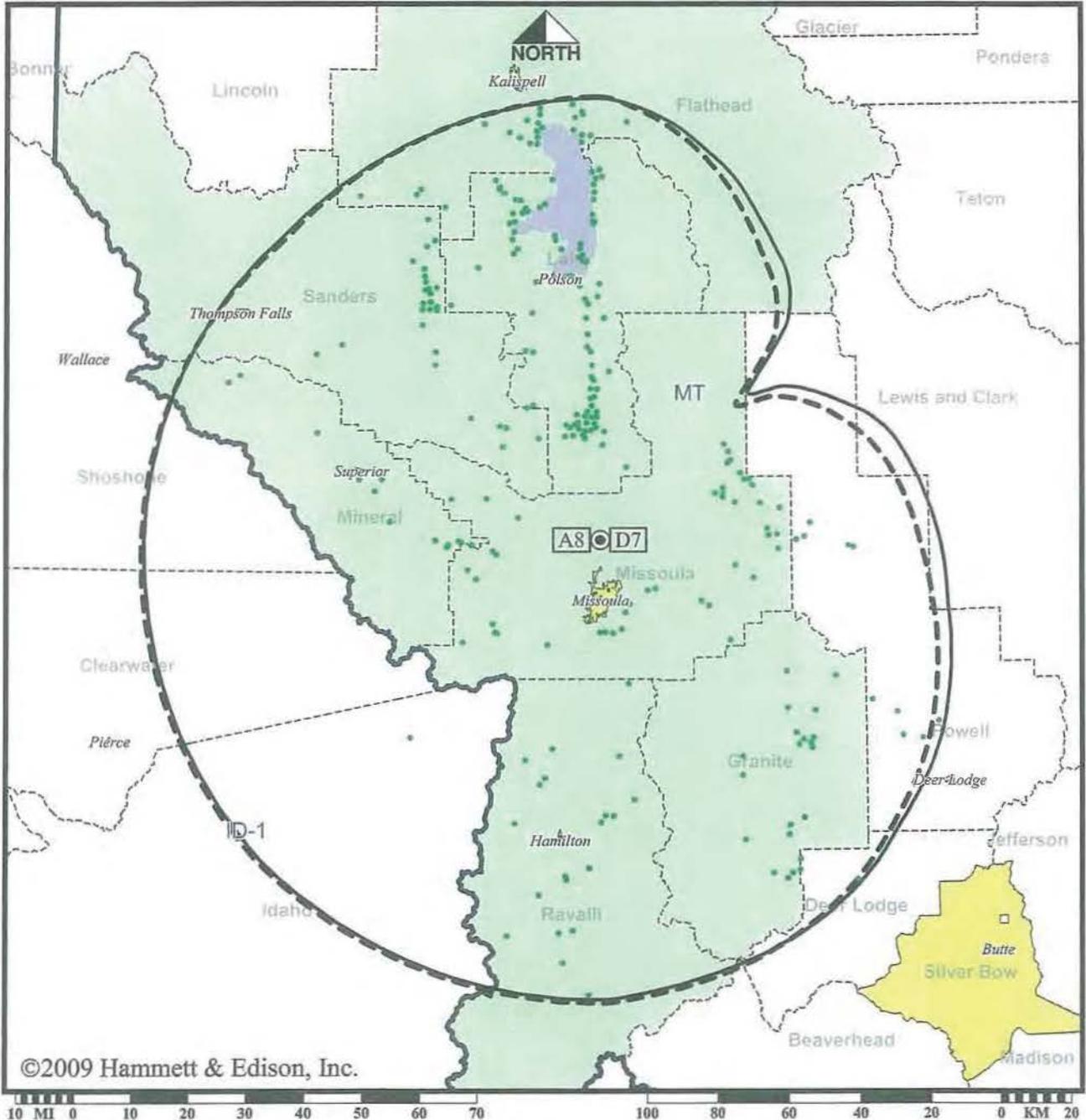
BPCDT-20080303ALA
KTMF Digital CP

Station KPAX-TV • Analog Channel 8, DTV Channel 7 • Missoula, MT

Expected Operation on June 13: Granted Construction Permit

**Digital CP (solid): 22.5 kW ERP at 654 m HAAT, Network: CBS
vs. Analog (dashed): 275 kW ERP at 655 m HAAT, Network: CBS**

Market: Missoula, MT



- Coverage gained after DTV transition
- No symbol = no change in coverage

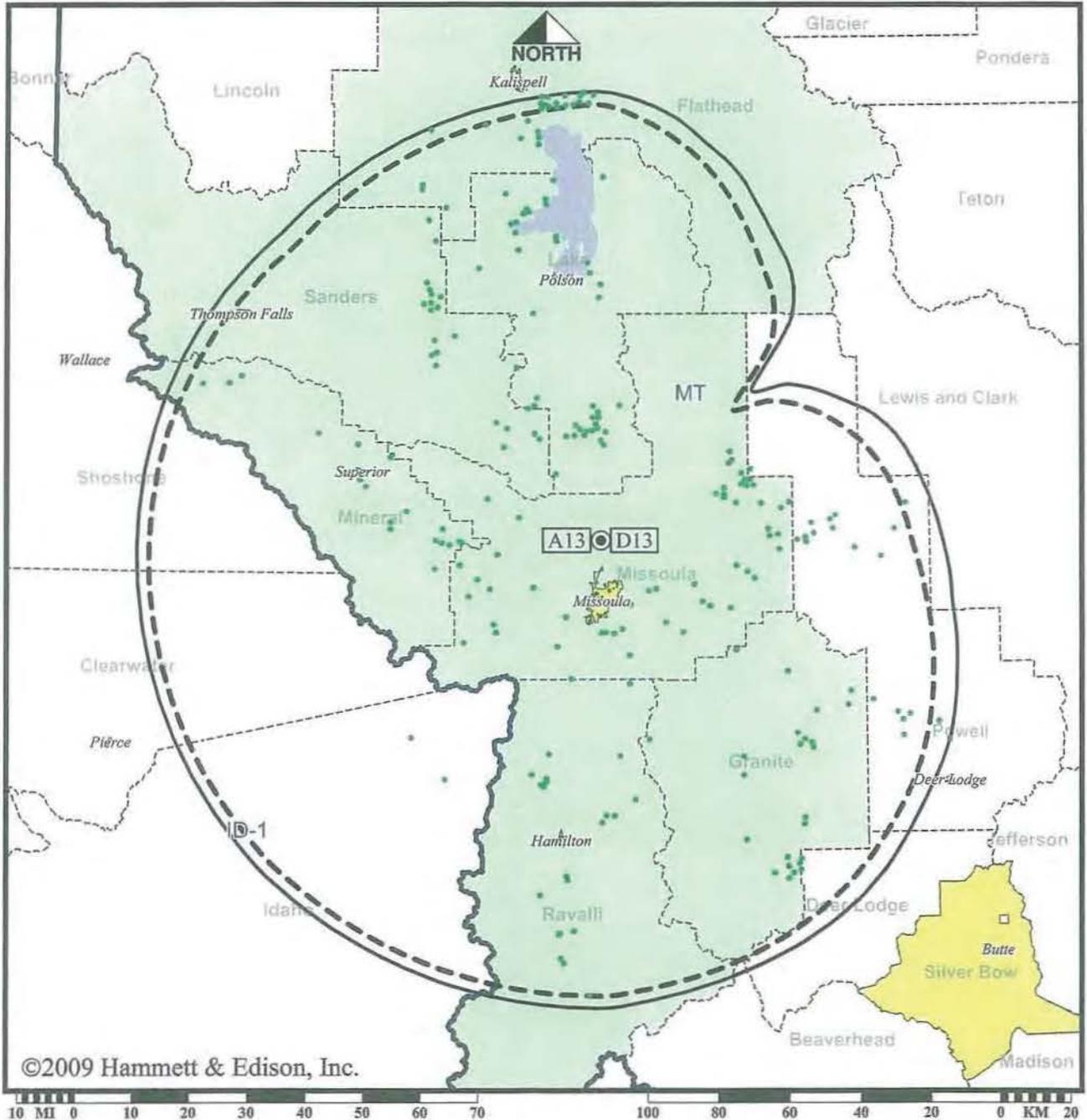
Analog service	147,650 persons
Digital service	160,568
Analog loss	0
Digital gain	12,918
Net gain	12,918

Station KECI-TV • Analog Channel 13, DTV Channel 13 • Missoula, MT

Expected Operation on June 13: Granted Construction Permit

**Digital CP (solid): 26.7 kW ERP at 610 m HAAT, Network: NBC
vs. Analog (dashed): 229 kW ERP at 610 m HAAT, Network: NBC**

Market: Missoula, MT



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- Coverage gained after DTV transition
- No symbol = no change in coverage

Analog service	150,572 persons
Digital service	159,114
Analog loss	0
Digital gain	8,542
Net gain	8,542

distance. Also included are factors of transportation, urbanization, and the existence of competition. Spokane Valley and the surrounding trade areas are mapped below.

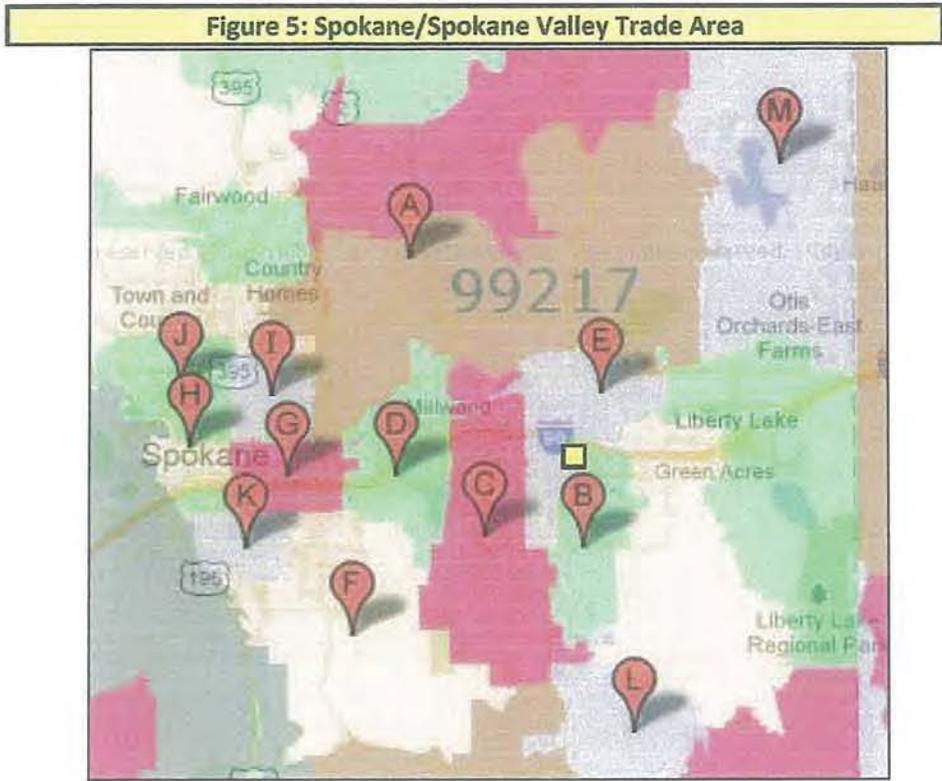


Exhibit K

Table 5: Map Legend

A	99027	B	99202	K	99203
B	99037	G	99201	L	99023
C	99206	H	99207	M	99025
D	99212	I	99205		
E	99223	J	99217		

Walmart study of trade area for Spokane, Washington. Montana not considered as part of trade area.

Occupations in Spokane City, Washington

Male:

- Management, Professional, And Related Occupations: *30.6%*
 - Service Occupations: *15.3%*
 - Sales And Office Occupations: *20.5%*
 - Farming, Fishing, And Forestry Occupations *0.4%*
- Construction, Extraction, And Maintenance Occupations: *14.5%*

Female:

- Management, Professional, And Related Occupations: *34.3%*
 - Service Occupations: *22.3%*
 - Sales And Office Occupations: *37.0%*
 - Farming, Fishing, And Forestry Occupations *0.3%*
- Construction, Extraction, And Maintenance Occupations: *0.8%*

Source: www.citymelt.com

**Occupations in
Missoula City, Montana**

Male:

- Management, Professional, And Related Occupations: 33.4%
 - Service Occupations: 16.3%
 - Sales And Office Occupations: 22.6%
 - Farming, Fishing, And Forestry Occupations 1.1%
- Construction, Extraction, And Maintenance Occupations: 14.7%

Female:

- Management, Professional, And Related Occupations: 37.3%
 - Service Occupations: 21.9%
 - Sales And Office Occupations: 35.6%
 - Farming, Fishing, And Forestry Occupations 0.0%
- Construction, Extraction, And Maintenance Occupations: 0.7%

Occupations in Eureka Town, Montana

Male:

- Management, Professional, And Related Occupations: *12.0%*
 - Service Occupations: *13.3%*
 - Sales And Office Occupations: *7.8%*
 - Farming, Fishing, And Forestry Occupations *5.4%*
- Construction, Extraction, And Maintenance Occupations: *18.7%*

Female:

- Management, Professional, And Related Occupations: *18.9%*
 - Service Occupations: *39.6%*
 - Sales And Office Occupations: *31.4%*
 - Farming, Fishing, And Forestry Occupations *2.4%*
- Construction, Extraction, And Maintenance Occupations: *0.6%*

Source: www.citymelt.com



TOBACCO VALLEY TV GUIDE (current guide, 1/1/2014)

CABLE TV only \$12.95 a month when BUNDLED with DSL!

"the hometown choice"

Tobacco Valley Cable - "Channel Lineup"

Basic Package 34 Channels - \$25.95 a month

2	CNN	Cable News	11	FOX	Spokane	27	SPOKANE DMA NETWORK		39	NGC	National Geographic
3	HLN	Headline News	12	TLC	The Learning Channel	32	OUT	Outdoor Channel	40	FFAM	ABC Family
4	TVC	TVC Eureka	13	TDC	Discovery	33	USA	USA Network	41	RFD	Rural Farming
5	FNC	Fox News Channel	14	HIST	History	34	TNT	Turner Network	42	CAR	Cartoon Network
6	ABC	Missoula	15	A & F	Art & Entertainment	35	MISSOULA DMA NETWORKS		43	BOOM	Boomerang
7	KSPS	PBS-Spokane	16	TBS	Atlanta Superstation	36	FW	Flannery Channel	44	LTV	Lions TV
8	CBS	Missoula	17	ESPN2	Sports Channel	37	FNET	Family Network	45	GAC	American Country
9	NBC	Kalispell	18	ESPN	Sports Channel	38	ANPL	Animal Planet	46	TVMT	MT Government
10	CBC	Canada	19	CNBC	Business News						

Digital & Basic Packages 68 Channels - \$43.95 a month

307	TCM	Turner Classic Movies	341	HISTI	History International	442	ESPNC	ESPN Classic Sports
308	GSN	Game Show Network	343	SLTH	Sleuth	443	ESPNCW	ESPN Classic4 West
311	STY	Style Channel	360	BRV	Bravo	445	GOLF	Golf Channel
320	NG	National Geographic	362	BRV4	Bravo4	453	FSC	Fox Sports World
326	OPR	Oprah Network	380	WME	Women's Entertainment	455	NBCS	NBC Sports
328	DA	Destination America	383	H&G	Home & Garden	457	SPD	Speedvision
329	HUB	The Hub	384	H&GW	Home & Garden W	458	FIT	FitTV
330	MILT	The Military Channel	414	G4TV	G4TV	480	TBN	Trinity Broadcast Net
331	DID	Discovery Investigation	420	BLM	Bloomberg	484	INSP	Inspirational Life
332	TSCI	The Science Channel	440	ESPN 2	ESPN 2	490	FMC	Fox Movie Channel
335	SCI	SCI-FI	441	ESPNN	ESPN News	491	IFC	Independent Film
340	A&E	A & E Biography						

FREE RADIO PACKAGE

92.3	Polson	Rock n Roll
97.1	Kalispell	Religious
98.5	Kalispell	Rock n Roll
101.3	Canada	Talk Radio
102.5	Satellite	Easy Listening
104.7	Kalispell	Country Western
105.1	Satellite	Jazz
106.1	Satellite	Country Western

All packages include these FM Radio Stations

ENCORE PACKAGE 12 channels

ENCORE: Basic, Action, Love, Westerns, True Stories & Mystery

WEST

Exhibit L

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SPOKANE - NBC: www.khq.com

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BEAUTIFUL HOMES: Top 10 Most Expensive Homes For Sale In CDA
 Updated Nov 27, 2013 12:37 AM MST
 KHQ.COM - When it comes to shopping around for a house, it's always fun to dream. We did a search for some of the most expensive homes for sale right now in the Coeur d'Alene area

WASHINGTON HEADLINES MORE>>

- Wash. tries to connect health care, rock 'n roll
- Albertsons closing 7 northwestern grocery stores
- \$2.99 box at Puyallup Goodwill contained ashes
- Lynnwood to pay mistreated rape victim \$150,000
- High-pressure job to free Seattle tunnel machine

TOP VIDEO KHQ NEWSCASTS MORE V

ACTION CAM: Get Out Of The Car And Into Right Seat As Triple Play
 04:53

Construction Worker Falls To His Death While Working On Site In Coeur d'Alene
 00:25

Grant County Health Officials Warn About Spread Of The Stomach Flu
 00:37

Carlile: 'I Wake Up Great With Bustin' In My Back. Let Everyone Else Jinx It.
 02:26

VIRAL VIDEO As We Get Closer To Seahawks TV 4th
 02:09

1 | 2 | 3 | 4 | 5 NEXT >

GO >

IDAHO HEADLINES MORE>>

- Albertsons closing 7 northwestern grocery stores
- Crisis centers could help Idaho's mentally ill
- This Hour: Latest Idaho news, sports, business and entertainment
- Moscow must cool sewage temperature
- Idaho GOP lawmaker wants to forbid dual service

NATIONAL MORE>>

- Flap artists: Birds sync wing beats in V formation
- Justices doubtful on Mass abortion buffer zone law
- Apple will refund at least \$32.5M in app case
- Church releasing sex abuse files on Chicago clergy
- Report: 2013 wet, warm year for much of US

Focus on Idaho and Washington State news (none in Montana).

SPOKANE - ABC: www.kxly.com

www.kxly.com/community

YOUR GO GET A QUOTE AMERICAN FAMILY INSURANCE

Derek & Robyn MORNINGS on KXLY 4

KXLY.com Spokane 36° Clear Coeur d'Alene 39° Clear

7 Day Forecast | Video Forecast | Alerts | Radar | Weather | School Closings SEVERE WEATHER ALERT

HOME NEWS WEATHER SPORTS ENTERTAINMENT HEALTH HOUSE & HOME SPOTLIGHT INTERACTIVE YOUR COMMUNITY

Interactive Slideshows Live Video Sound Off Email-Text Alerts KXLY News App KXLY on Roku Birthdays on GMNW Video Live Distribution

Home / Your Community

Choose your neighborhood

Tell us where you live and get your community headlines along with your local, breaking news.

Choose the neighborhood closest to you. If you don't see your neighborhood, let us know! We'll be adding more neighborhoods soon!

Colville - Stevens County	Moses Lake - Grant County	South Hill - East Spokane
Downtown Spokane	North - West Spokane	Spokane County
Idaho Panhandle	Post Falls - Coeur d'Alene	Spokane Valley - Liberty Lake
LC Valley	Pullman - Moscow	West Plains - Fairchild AFB

Focus on Idaho and Washington State communities (none in Montana).

SPOKANE - CBS: www.krem.com

The screenshot shows the homepage of the KREM 2 website. At the top, there is a navigation bar with links for Home, News, Weather, Cameras, Traffic, Sports, Entertainment, Video, Community, Your Pics, QuickLinks, On TV, Cars, Medical, and a Login button. Below the navigation bar is a search bar and a weather widget for Spokane, WA, showing 39° Clear. The main content area is titled "Sports" and features a video player for "January 14th Greater Spokane League basketball highlights". To the right of the video player is a list of sports news items, including "Chiefs come up empty, fail to Se..." and "US Olympic athlete gives up tea...". Below the video player is a "Raw Video" section with a video player and a list of news items, including "UNCUT Neighbor's camera shows van near Spokane murder scene" and "UNEDITED Police hold press conference near fatal shooting scene".

Focus on Washington State college sports (none in Montana).

SPOKANE - FOX: www.myfoxspokane.com

www.myfoxspokane.com/weather/

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Weather

Radar

Spokane Metro Area 10:55 AM

Deer Park Spirit Lake
Nine Mile Mead Mt. Spokane
Spokane Valley Greenacres Liberty Lake Coeur d'Alene
Cheney

Today	01/16/2014	01/17/2014	01/18/2014	01/19/2014
Partly Cloudy 49°/25°	Partly Cloudy 49°/25°	Partly Cloudy 42°/25°	Partly Cloudy 42°/28°	Mostly Cloudy 41°/28°

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\$39 January First-timer Package
lift ticket, lesson & rental gear

Focus on Idaho and Washington State weather (none in Montana).

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

Exhibit N

In the Matter of:)	
)	
MMM License LLC)	
)	CSR-5837-N
For Waiver of §76.92(f) of the Commission's rules)	
)	

MEMORANDUM OPINION AND ORDER

Adopted: October 18, 2002

Released: October 21, 2002

By the Deputy Chief, Media Bureau:

I. INTRODUCTION

1. MMM License LLC, licensee of television broadcast station KTMF (ABC, Ch. 23), Missoula, Montana ("KTMF"), has filed a petition for special relief seeking a waiver of the Commission's significantly viewed exception to the network nonduplication rules (47 C.F.R. §76.92(f)). Subsequently, KTMF submitted a supplement to its petition. No opposition to this petition has been received. For the reasons discussed below, we grant the petition.

II. BACKGROUND

2. Upon the request of a local station with the exclusive rights to distribute a network program, a cable operator generally may not carry a duplicating network program broadcast by a distant station.¹ The Commission's rules in general provide such protection within a station's 35-mile geographic zone.² Under Section 76.92(f) of the Commission's rules, however, a local station may not exercise this right if an otherwise distant station is considered "significantly viewed" within the community served by the cable system.³ The significantly viewed exception to the Commission's exclusivity rules is based on an otherwise distant station establishing that it receives a "significant" level of over-the-air viewership in a subject community. If this viewership level is met, the station is no longer considered distant for purposes of the application of the Commission's exclusivity rules because it has established that it can be received over the air in the subject communities.

3. Station KTMF seeks a waiver of the significantly viewed exception to the Commission's network nonduplication rules so that it may enforce its right to network nonduplication against Station KXLY-TV (ABC, Ch. 4), Spokane, Washington ("KXLY-TV"). KXLY-TV is currently considered to be

¹See 47 C.F.R. §76.92.

²The 35-mile geographic zone extends from the reference point of the community of license of the television station. See 47 C.F.R. §§73.658 and 76.53.

³47 C.F.R. §§76.5(i) and 76.54.

significantly viewed in Flathead County, Montana, where the community of Kalispell, served by AT&T Broadband, is located.⁴

4. In *KCST-TV, Inc.*, the Commission held that in order to obtain a waiver of Section 76.92(f) of the Commission's rules, petitioners would be required to demonstrate for two consecutive years that a station was no longer significantly viewed, based either on community-specific or system-specific noncable viewing data, to one standard error.⁵ For each year, the data must be obtained as a result of independent professional surveys taken during two one-week periods separated by at least thirty days, the viewing samples must be distributed proportionately among the relevant cable communities, and not more than one of the surveys may be taken between April and September of each year.⁶

III. DISCUSSION

5. In support of its petition, KTMF argues that both it and KXLY-TV are ABC network affiliates.⁷ KTMF states that it is licensed to Missoula, Montana, which is part of the Missoula DMA while KXLY-TV, which is licensed to Spokane, Washington, is part of the Spokane DMA. KTMF states that, except for the fact that KXLY-TV is considered to be significantly viewed in Flathead County, it would be entitled to assert network nonduplication protection against KXLY-TV for AT&T's cable system serving the community of Kalispell.⁸ KTMF points out that KXLY-TV's transmitter site is approximately 140 miles from Kalispell and is separated from that community not only by the state of Idaho, but also by mountainous terrain.⁹ Moreover, KTMF states that not only does KXLY-TV's Grade B contour fall short of Flathead County, but its signal is delivered to the cable headend by microwave.¹⁰

6. KTMF argues that KXLY-TV no longer meets the significantly viewed requirements set forth in Section 76.54(b) of the Commission's rules.¹¹ In support, KTMF submits the results of independent professional surveys conducted by Nielsen Media Research to demonstrate that KXLY-TV is no longer significantly viewed in Kalispell. The data are the results of a community-specific Nielsen tabulation based on data for non-cable homes in the zip codes of the Kalispell AT&T franchise area.¹² The first year survey's audience estimates were based on February 2000/May 2000 data and the second year's estimates on February 2001/May 2001 data.¹³ KTMF states that KXLY-TV's share of total

⁴KXLY-TV was deemed significantly viewed in Flathead County on the basis of the Commission's original surveys for significantly viewed status. See *Reconsideration of the Cable Television Report and Order*, Appendix B, 36 FCC 2d 326 (1972).

⁵103 FCC 2d 407 (1986).

⁶See 47 C.F.R. §76.54(b).

⁷Petition at 2.

⁸*Id.*

⁹*Id.*

¹⁰*Id.*

¹¹47 C.F.R. §76.54(b).

¹²Petition at Attachment 2. KTMF also submits survey results for the non-cable homes of Flathead County as a whole. As they are not relevant to KTMF's request, however, those results are not included here.

¹³Supplement to Petition. KTMF initially submitted audience data that averaged the weekly rating, weekly shares and net weekly circulation shares of four four-week sweep periods. This survey information was deficient because it provided the results of four four-week survey periods, instead of two, and omitted the necessary standard

(continued...)

viewing hours in noncable homes in Kalispell falls below the required 3 percent minimum, within one standard error, as shown in the table below:

<u>Survey Year</u> ¹⁴	<u>Households Studied</u>	<u>Share Viewing Hours</u>	<u>Standard Error</u>	<u>Net Weekly Circulation</u>	<u>Standard Error</u>
Feb. 00	41	.93	.53	10.18	5.49
May 00	40	.80	.36	12.70	5.60
Feb. 01	54	.51	.44	4.45	2.67
May 01	29	1.12	.63	7.11	4.11

7. We find that, as required by the Commission, KTMF has provided two sets of community-specific survey results for the community of Kalispell, Montana, for each year surveyed. Section 76.5(i) of the Commission's rules requires that for network stations to be considered significantly viewed, the survey results should exceed a 3 percent share of total viewing hours and a net weekly circulation of 25 percent, by at least one standard error.¹⁵ The February 2000 reported results for KXLY-TV, with one standard error added, are 1.46 percent share of total viewing hours and a 15.67 percent net weekly circulation; for May 2000 the shares are 1.10 percent share of total viewing hours and a net weekly circulation of 18.30 percent. For February 2001, the reported results for KXLY-TV with the standard errors added are .95 percent share of total viewing hours and a net weekly circulation of 7.12 percent; for May 2001, the shares are 1.75 percent share of total viewing hours and a net weekly circulation of 11.22 percent. For both years, the share of total weekly viewing hours and the net weekly circulation both fall below the required 3 percent and 25 percent minimum for significantly viewed status when the standard errors are considered. Accordingly, we find that the submitted audience surveys are sufficient to show that KXLY-TV no longer attains the viewing levels needed to demonstrate significantly viewed status in the community of Kalispell, Montana.

8. For the above reasons, we find that a grant of the waiver of the significantly viewed exemption to the network nonduplication rules with regard to the community-specific survey for Kalispell, Montana, will serve the public interest.

(...continued from previous page)

errors. KTMF submitted corrected data in its supplement.

¹⁴The survey dates of February 2000/May 2000 and February 2001/May 2001 meet the criteria set forth in the rules and *KCST-TV* that the two one-week surveys be separated by at least 30 days and that both surveys may not occur between April and September.

¹⁵47 C.F.R. §76.5(i).

IV. ORDERING CLAUSES

9. Accordingly, **IT IS ORDERED**, that the petition filed by MMM License LLC **IS GRANTED**.

10. This action is taken pursuant to authority delegated under Section 0.283 of the Commission's rules.¹⁶

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief, Media Bureau

¹⁶47 C.F.R. §0.283.

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(5) STREET ADDRESS LINE NO. 2		
(6) CITY Billings	(7) STATE MT	(8) ZIP CODE 59104
(9) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) 406-4655792	(10) COUNTRY CODE (IF NOT IN U.S.A.) US	
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED		
(11) PAYER (FRN) 0023389075	(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 Strand Law Firm		
(14) STREET ADDRESS LINE NO. 1 P.O. Box 21117		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY Billings	(17) STATE MT	(18) ZIP CODE 59104
(19) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) 406-4655792	(20) COUNTRY CODE (IF NOT IN U.S.A.) US	
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED		
(21) APPLICANT (FRN) 0023389075	(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET		
(23A) FCC Call Sign/Other ID N/A	(24A) Payment Type Code(PTC) TQC	(25A) Quantity 1
(26A) Fee Due for (PTC) \$1,355.00	(27A) Total Fee \$1355.00	FCC Use Only
(28A) FCC CODE 1 N/A	(29A) FCC CODE 2 N/A	
(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	



Online Payment

Step 3: Confirm Payment

1 | 2 | 3

Thank you.
Your transaction has been successfully completed.

Pay.gov Tracking Information

Application Name: Remittance Advice
Pay.gov Tracking ID: 25EH2MJE
Agency Tracking ID: PGA2469775
Transaction Date and Time: 02/26/2014 14:39 EST

Payment Summary

Account Holder Name: Strand Law Firm
Payment Amount: \$1,355.00
Account Type: Business Checking
Routing Number: 092901683
Account Number: *****8961
Check Number: 1207
Payment Date: 02/27/2014

strandlawfirm@gmail.com

From: paygovadmin@mail.doc.twai.gov
Sent: Wednesday, February 26, 2014 12:39 PM
To: strandlawfirm@gmail.com
Subject: Pay.gov Payment Confirmation: Remittance Advice

Your payment has been submitted to Pay.gov and the details are below. If you have any questions or wish to cancel this payment, you will need to contact FCC Financial Operations Group Help Desk at ARINQUIRIES@fcc.gov at 877-480-3201 option 4.

Application Name: Remittance Advice
Pay.gov Tracking ID: 25EH2MJE
Agency Tracking ID: PGA2469775

Account Holder Name: Strand Law Firm
Transaction Type: ACH Debit
Transaction Amount: \$1,355.00
Payment Date: Feb 27, 2014
Account Type: Business Checking
Routing Number: 092901683
Account Number: *****8961

Transaction Date: Feb 26, 2014 2:39:21 PM Total Payments Scheduled: 1
Frequency: OneTime

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.