



Federal Communications Commission
Washington, D.C. 20554

DA 06-1389

Released: July 6, 2006

GOCOM Media of Illinois, LLC
c/o Joseph M. DiScipio, Esq.
Fletcher, Heald & Hildreth, PLC
1300 N. 17th Street
Arlington, Virginia 22209

Re: *Applications for Assignment of Licenses*
WRSP-TV, Springfield, Illinois; Fac. ID No. 62009
WCCU(TV), Urbana, Illinois; Fac. ID No. 69544
File Nos. BALCT-20060508ABU-ABV

Request for Continuing Satellite Authorization
WCCU(TV), Urbana, Illinois

Dear Counsel:

This is in reference to the above-captioned applications for assignment of licenses from Springfield Broadcasting Partners to GOCOM Media of Illinois, LLC ("Assignee). As part of this transaction, the assignee requests continuing satellite authority for WCCU(TV), Urbana, Illinois, which operates as a satellite of WRSP-TV, Springfield, Illinois, pursuant to the satellite exemption to the duopoly rule. *See* 47 C.F.R. § 73.3555, Note 5. Both stations are located within the Champaign-Springfield-Decatur, Illinois DMA.

In *Television Satellite Stations*, 6 FCC Rcd 4212, 4215 (1991) (subsequent citations omitted), the Commission established the requirement that all applicants seeking to transfer or assign satellite stations justify continued satellite status by demonstrating compliance with a three-part "presumptive" satellite exemption standard applicable to new satellite stations. The presumptive satellite exemption is met if the following three public interest criteria are satisfied: (1) there is no City Grade overlap between the parent and the satellite; (2) the proposed satellite would provide service to an underserved area; and (3) no alternative operator is ready and able to construct or to purchase and operate the satellite as a full-service station. *Id.* at 4213-14. If an applicant does not qualify for the presumption, the Commission will evaluate the proposal on an *ad hoc* basis, and grant the application if there are compelling circumstances that warrant approval. *Id.* at 4212.

As to the first criterion, the assignee has submitted an engineering study, which demonstrates that there is no City Grade contour overlap between WRSP-TV and WCCU(TV). Thus, the proposed satellite operation meets the first component of the presumption. With respect to the second criterion, applicants can use two different tests to demonstrate that an area is underserved. Under the "transmission test" a proposed satellite community of license is considered underserved if there are two or fewer television stations already licensed to it. *Id.* at 4215. The assignee asserts that only two full service stations are licensed to Urbana, WCCU(TV) and noncommercial educational television station WILL-TV, which is licensed to the University of Illinois. Accordingly, Urbana qualifies as an underserved area, thereby satisfying the second component of the presumption.

Regarding the third criterion, an applicant must show that no alternative operator is ready and able to construct, or to purchase and operate, the proposed satellite as a full-service station. *Id.* Initially, we note that the assignee does not base its satisfaction of the third criteria on efforts to sell station WCCU(TV). In support of the continuing waiver request, the assignee asserts that when the Commission originally granted satellite status to WCCU(TV) in 1988 it found that “allowing WRSP-TV and WCCU to operate together may offer the only opportunity for the stations to enhance their financial viability and to compete effectively in a competitive market.” *See Springfield Independent Television Company, Inc.*, 3 FCC Rcd 1606, 1607 (1988). Moreover, the assignee submits an Economic Viability Study from Mr. W. Lawrence Patrick, President of Patrick Communications, LLC, a media investment banking and brokerage firm established in 1984. Mr. Patrick states that in recent years his firm has handled the sale of over 60 television stations and rendered appraisal and expert opinion reports on another 75 stations, with the total value of these transactions and appraisals exceeding \$1.5 billion. According to Mr. Patrick, WCCU(TV) will never be able to function as a viable, stand-alone station.

In this regard, Mr. Patrick states that due to WCCU(TV)’s limited coverage area, lack of programming options, and the general weakness in the market for television stations outside of large group transactions, there would be no knowledgeable, qualified buyers of television stations who would be interested in WCCU(TV) as a stand-alone station. He further states that any efforts to sell the station as a stand-alone operation would be futile. Specifically, Mr. Patrick states that WCCU(TV) has the worst stand-alone signal coverage of any of the stations in the Champaign-Springfield-Decatur DMA. He indicates that WCCU(TV)’s community of license, Urbana, is not one of the three primary population centers of the DMA and the station’s Grade B signal covers less than 35% of the population of the DMA. In addition, as a stand-alone station, Mr. Patrick explains that WCCU(TV)’s programming options would be extremely limited. He asserts that the four most economically viable networks (ABC, CBS, NBC and Fox) are already present in the market.¹ Moreover, Mr. Patrick states that merging networks UPN and WB are also present in the market and it has been reported that affiliation with their successor network, CW, will go to WBUI-TV, Decatur, Illinois. Mr. Patrick asserts that WCCU(TV)’s remaining programming options, operating as a Spanish-language, religious or independent station, would not be economically viable due to the limited coverage area and the low Hispanic population (2.3%) in the market.

Based on our review of the materials submitted, we find that the assignee has set forth information sufficient to warrant continued satellite operation for WCCU(TV) under our *ad hoc* analysis. Station WCCU(TV) has operated as a satellite of station WRSP-TV for the past 18 years, and the assignee has submitted further evidence demonstrating the unfeasibility of finding a purchaser willing to operate the station on a stand alone basis. We, therefore, find that the continued operation of WCCU(TV) as a satellite of WRSP-TV would be in the public interest. In view of the foregoing, and having determined that the assignee is qualified in all respects, we find that a grant of the above-referenced application would serve the public interest, convenience and necessity.

¹ WRSP-TV is the Fox affiliate.

ACCORDINGLY, the request of GOCOM Media of Illinois, LLC for the continued operation of WCCU(TV), Urbana, Illinois, pursuant to the satellite exception to the duopoly rule, Section 73.3555, Note 5, of the Commission's rules, **IS GRANTED**. **FURTHERMORE**, the above-referenced applications for consent to assign the licenses for WRSP-TV, Springfield, Illinois and WCCU(TV), Urbana, Illinois to GOCOM Media of Illinois LLC **ARE GRANTED**.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau