



PUBLIC NOTICE

Federal Communications Commission
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DA 14-1298
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**MEDIA BUREAU SEEKS COMMENT ON REQUEST FOR DECLARATORY RULING
BY MEREDITH CORPORATION AND “ALTERNATIVE PSIP PROPOSAL” BY
PMCM TV, LLC FOR KVVN(TV), MIDDLETOWN TOWNSHIP, NEW JERSEY
MB Docket No. 14-150**

Comment Date: October 14, 2014
Reply Comment Date: October 29, 2014

On May 22, 2014, Meredith Corporation (Meredith), the licensee of WFSB(TV), RF channel 33, virtual channel 3, Hartford, Connecticut, filed a “Petition for Reconsideration and Request for Declaratory Ruling.” In the declaratory ruling section of its pleading, Meredith objects to the assignment of virtual channel 3 to new station KVVN(TV), RF channel 3, Middletown Township, New Jersey, because the stations’ noise limited contours have significant overlap. Meredith asks for a ruling that KVVN(TV) be assigned virtual channel 33.¹

On August 8, 2014, PMCM TV, LLC (PMCM), the permittee of station KVVN(TV), filed an “Alternative PSIP Proposal,” which it supplemented on August 13, 2014. In its “Alternative PSIP Proposal” PMCM proposes that KVVN(TV) be assigned a two-part virtual PSIP channel 3.10 (with any additional program streams eventually transmitted on KVVN(TV) identified as 3.11, 3.12, etc.), while WFSB(TV) would retain virtual channel 3.1 through 3.9.² KVVN(TV)

¹ A station’s RF channel is the channel allotted to the station’s community in the Post-Transition Table of DTV Allotments, 47 C.F.R. § 73.622(i). A station’s virtual channel number is the number that the PSIP Standard attaches to a broadcaster’s current DTV RF channel number regardless of the actual RF channel used for DTV transmission. It is the channel number that television viewers physically tune to in order to view a television station. Section 73.682(d) requires digital broadcast television signals to comply with ATSC A/65C (“ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable, Revision C With Amendment No. 1 dated May 9, 2006”) (“PSIP Standard”). 47 C.F.R. § 73.682(d) (incorporated by reference, *see* §73.8000). For purposes of the PSIP Standard, the terms “major” channel and “virtual” channel are interchangeable.

² In the alternative, PMCM proposed that it be assigned virtual PSIP channel 14 but that the Commission specify that KVVN(TV) is entitled to cable carriage on channel 3 on cable systems throughout the New York DMA, except in Fairfield County, Connecticut. PMCM withdrew that proposal in footnote 13 in its August 25, 2014 Application for Review of the Media Bureau’s decision granting certain MPVDs’ requests that they be allowed to defer implementing PMCM’s must-carry requests and channel position election until 90 days after the date of a final

also has significant contour overlap with KYW-TV, RF channel 26, virtual channel 3, Philadelphia, Pennsylvania, licensed to CBS Broadcasting Inc. Under PMCM's proposal, KVVN(TV) would be available to over-the-air viewers exclusively on channels 3.10 (and 3.11, etc.) throughout its footprint. As cable systems typically do not employ two-part channel numbers, KVVN(TV) would request carriage on cable channel 3, except in Fairfield County, Connecticut.

We issue this Public Notice pursuant to Section 1.2 of the Commission's Rules to seek comment on Meredith's Request for Declaratory Ruling and PMCM's Alternative PSIP Proposal and Explanatory Supplement.³ These pleadings, as well as related pleadings filed by Meredith and PMCM, are available electronically through the Commission's ECFS under MB Docket No. 14-150, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. All filings concerning the matters referenced in this Public Notice should refer to MB Docket No. 14-150. Pleadings may be filed within 30 days of release of this Public Notice.⁴ Replies may be filed within 15 days thereafter. Meredith and PMCM need not resubmit their arguments already made with respect to Meredith's Request for Declaratory Ruling.

Submissions in this matter may be filed electronically (i.e., through ECFS) or by filing paper copies.

- Electronic Filers: Documents may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Any filing that is not addressed to the Office of the Secretary will be treated as filed on the day it is received by the Office of the Secretary. Accordingly, failure to follow the specified requirements may result in the treatment of a filing as untimely.

decision on KVVN(TV)'s virtual channel. Letter from William T. Lake, Chief, Media Bureau to Tara M. Corvo, Esq., *et al.*, DA 14-1029 (rel. July 25, 2014).

³ See 47 C.F.R. § 1.2. See also *In the Matter of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 1 Rules of Commission Organization*, GC Docket No. 10-44, Report and Order, 26 FCC Rcd 1594 (2011). We emphasize that we are not docketing the matters raised in Section III of Meredith's Petition for Reconsideration and Request for Declaratory Ruling, which seeks reconsideration of the April 17, 2014 letter dismissal of Meredith's Informal Objection to PMCM's application for a construction permit (FCC File No. BPCDT-20130518AJP), based on KVVN(TV)'s virtual channel assignment, as premature. We will reject any additional arguments as untimely and/or unauthorized by Section 405 of the Communications Act, 47 U.S.C. § 405.

⁴ See 47 C.F.R. § 1.2(b).

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, Maryland 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

In addition, one copy of each submission must be sent to the following:

- The Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone 1-800-378-3160, e-mail fcc@bcpiweb.com;
- Joyce Bernstein, Video Division, Media Bureau, Room 2-A864, e-mail Joyce.Bernstein@fcc.gov.

Any submission that is e-mailed to Best Copy and Printing and Joyce Bernstein should include in the subject line of the e-mail: (1) MB Docket No. 14-150 and (2) the name of the submitting party.

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Availability of Documents. Documents in this proceeding will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com. Documents will also be available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

For further information, contact Joyce Bernstein at (202) 418-1647. For press inquiries, contact Janice Wise at (202) 418-8165.

By: Chief, Media Bureau