

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

101 Constitution Avenue, NW / Suite 900 / Washington, DC 20001

Tel: 202.712.2800 Fax: 202.712.2860

www.nelsonmullins.com

Thomas F. Bardo

Tel: 202.712.2817

tom.bardo@nelsonmullins.com

April 6, 2009

Ms. Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: WFRV and WJMN Television Station, Inc. -- Application for Minor  
Modification to a Digital Construction Permit - BMPCDT-20081023AAF

Dear Ms. Dortch:

This responds to the FCC staff's request for certain information regarding the above-referenced application for a minor modification to a digital construction permit for WJMN-TV licensed to Escanaba, Michigan (Facility ID. No. 9630).

WJMN-TV was one of 319 television stations identified by the FCC where more than two percent of the population covered by the stations' analog service would not be covered by the stations' Appendix B digital service. Specifically, the FCC determined that 11,494 viewers outside of WJMN-TV's analog Grade B contour would lose digital service following the transition. However, WJMN-TV's consulting engineers performed a Longley-Rice analysis of the coverage loss and determined that only 3,601 WJMN-TV analog viewers would not be served by WJMN-DT following the transition based on the proposed modification application. Of this number, 2,122 people will receive service from at least one or more post-transition full service DTV stations, leaving 1,479 people who potentially would have no other full service DTV available. However, the combined Longley-Rice predicted N.L. service from WWUP-DT (Ch. 10), WGTQ-DT (Ch. 8) and WFUP-DT (Ch. 45) would reach a population of 585 in the loss area. Thus, after taking into account the predicted service from these three DTV stations, the net population in the WJMN-DT loss area that would not be served by any full service DTV facility is 894.

Attached are the following coverage maps relating to WJMN-TV's pending modification application prepared by WJMN-TV's consulting engineers:

1. Predicted coverage contours for WJMN-TV/DT and Longley-Rice Predicted Grade B not served by WJMN-DT with other post-transition full service contours. (Exhibit 1).
2. Predicted coverage contours for WJMN-TV/DT and Longley-Rice Predicted Grade B not served by WJMN-DT. (Exhibit 2).
3. Predicted coverage contours for WJMN-TV/DT and Longley-Rice Predicted Grade B service for WJMN-TV. (Exhibit 3).
4. Predicted coverage contours for WJMN-TV/DT and Longley-Rice Predicted 41 DBU N.L. Service for WJMN-DT. (Exhibit 4).

As indicated in Exhibit 1, the following DTV stations (including the network affiliations for each) will serve viewers in the WJMN-DT market:

STATIONS	CHANNELS
WBKP-DT	5 - CW
WDHS-DT	8 - Ind.
WBUP-DT	10 - ABC
WBIJ-DT	12 - Ind.
WNMU-DT	13 - PBS
WJFW-DT	16 - NBC
WMQF-DT	19 - Fox
WLUC-DT	35 - NBC
WWUP-DT	10 - Fox
WGTQ-DT	8 - CW
WFUP-DT	45 - Fox

WJMN-TV has not conducted a comprehensive survey of service provided by other multichannel video programming distributors ("MVPD") to the projected net loss area. However, based upon a review of the 2009 Television and Cable Factbook ("Factbook"), a Charter Communications, Inc. ("Charter") cable system serves the principal community of Newberry, Michigan, located near the net loss area depicted in Exhibit 1. As indicated in the Factbook information attached as Exhibit 5, the Charter system carries WJMN-TV and serves 1,200 subscribers. Aside from cable distribution, as a general matter, direct broadcast satellite service accounts for approximately 29 percent of all MVPD subscribers. *See Annual Assessment of the Status of Competition in the Market for the Delivery Programming, Thirteenth Annual Report*, MB Docket No. 06-189, FCC 07-266 (rel. Jan. 16, 2009), at ¶12.

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If you have any questions regarding the attached exhibits or the above information, please contact the undersigned. Thank you for your attention to this matter.

Respectfully submitted,

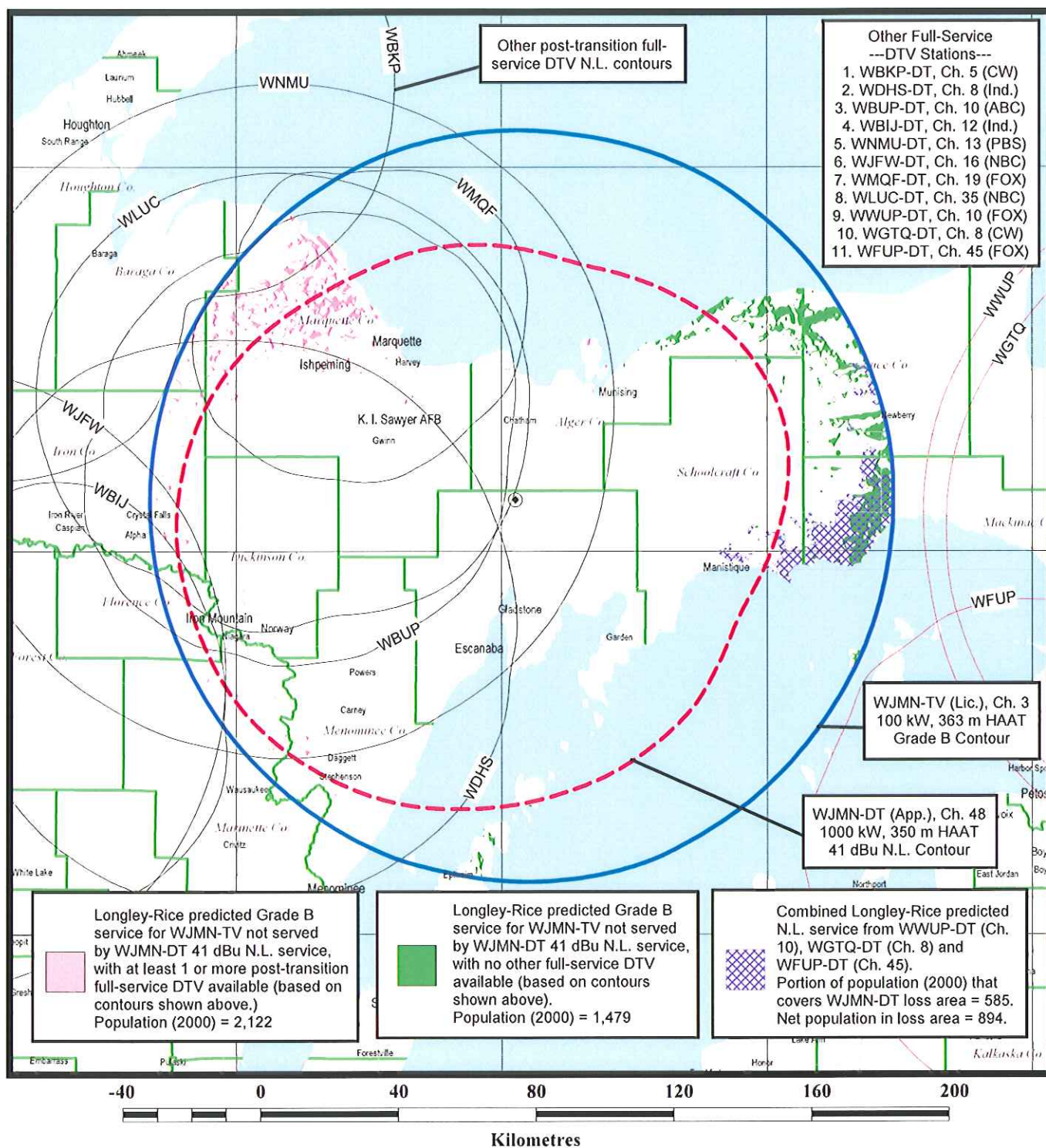


Thomas F. Bardo  
*Counsel for WFRV and WJMN Television  
Station, Inc., Licensee of WJMN-TV*

TFB:gt  
Enclosures

~ Doc# 50198.1 ~

# **EXHIBIT 1**

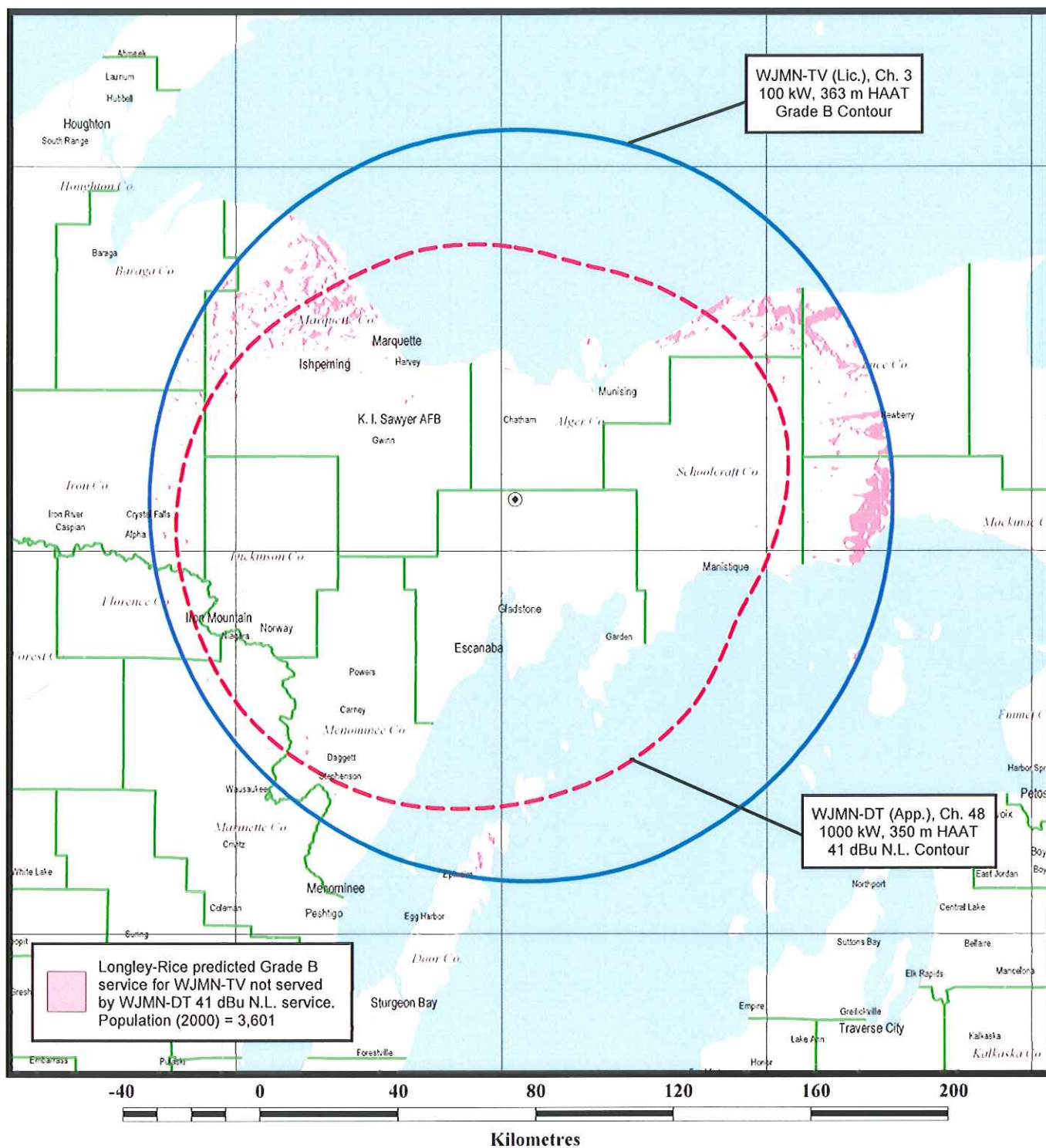


## PREDICTED COVERAGE CONTOURS FOR WJMN-TV/DT (CBS) AND LONGLEY-RICE PREDICTED GRADE B NOT SERVED BY WJMN-DT WITH OTHER POST-TRANSITION FULL SERVICE CONTOURS

duTreil, Lundin & Rackley, Inc. Sarasota, Florida

## **EXHIBIT 2**





## PREDICTED COVERAGE CONTOURS FOR WJMN-TV/DT AND LONGLEY-RICE PREDICTED GRADE B NOT SERVED BY WJMN-DT

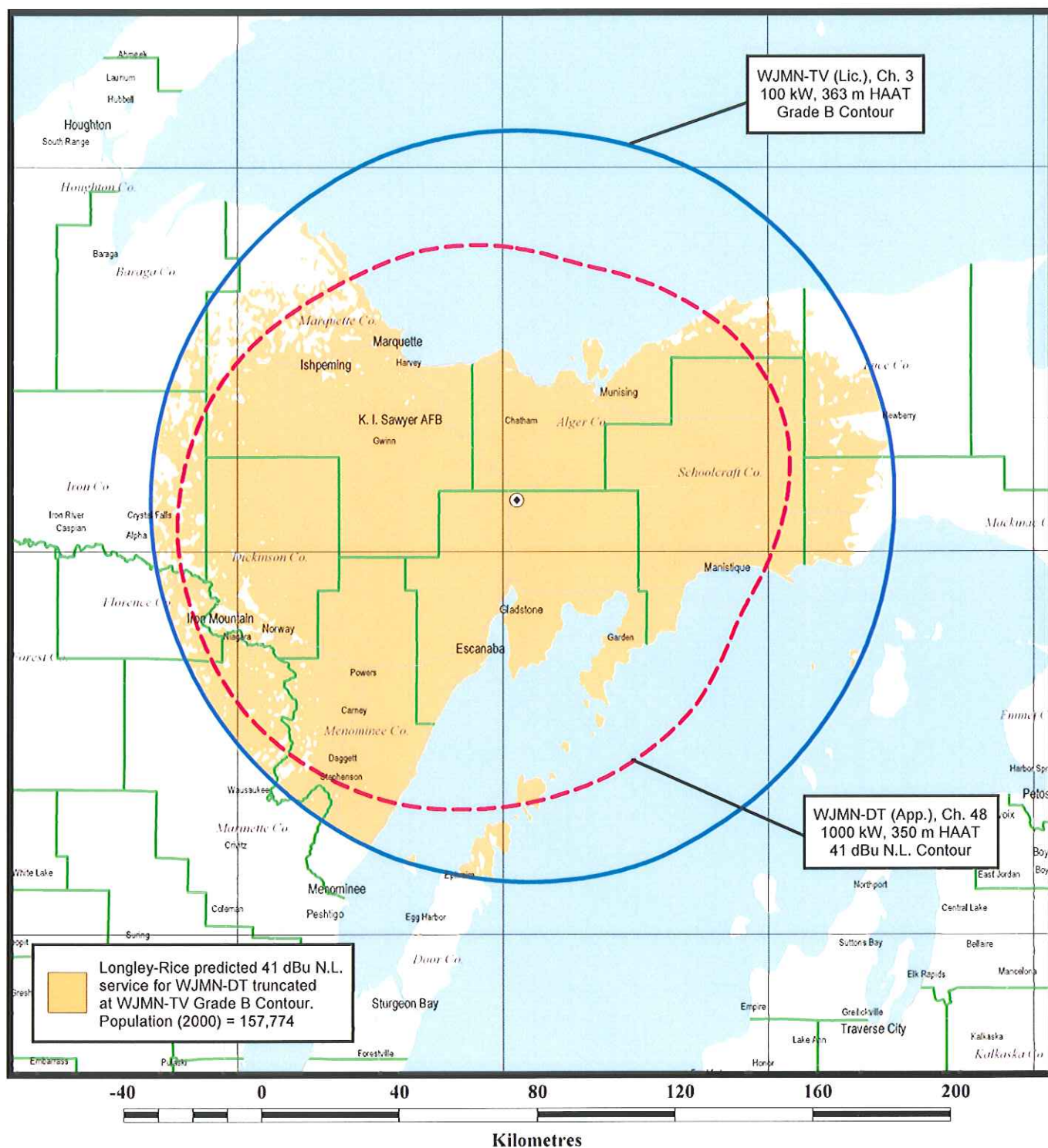
duTreil, Lundin & Rackley, Inc. Sarasota, Florida

## **EXHIBIT 3**





## **EXHIBIT 4**



## PREDICTED COVERAGE CONTOURS FOR WJMN-TV/DT AND LONGLEY-RICE PREDICTED 41 DBU N.L. SERVICE FOR WJMN-DT

duTreil, Lundin & Rackley, Inc. Sarasota, Florida

## **EXHIBIT 5**

TV Market Ranking: Below 100 (NEGANIET).  
Franchise award date: N.A. Franchise expiration date: N.A. Began: March 1, 1985.  
Channel capacity: 54 (not 2-way capable).  
Channels available but not in use: N.A.

#### Basic Service

Subscribers: 1,230.  
Programming (received off-air): WBKP (ABC) Calumet; WFOQ-TV (FOX) Cadillac; WJMN-TV (CBS) Escanaba; WLUC-TV (NBC) Marquette; WNMU (PBS) Marquette.  
Programming (via microwave): WLUC-TV (FOX) Green Bay.  
Programming (via satellite): ABC Family Channel; AMC; Arts & Entertainment; CNBC; CNN; C-SPAN; Discovery Channel; Disney Channel; ESPN; Eternal Word TV Network; Fox Sports Net Detroit; Hallmark Channel; Headline News; History Channel; Learning Channel; Lifetime; MTV; Nickelodeon; QVC; Spike TV; TBS Superstation; Turner Network TV; USA Network; VH1; Weather Channel; WGN America.  
Current originations: Government Access; Public Access.  
Fee: \$12.00 installation; \$25.75 monthly; \$12.00 additional installation.

#### Pay Service 1

Pay Units: 280.  
Programming (via satellite): Cinemax; HBO.  
Fee: \$8.50 monthly.  
Video-on-Demand: No

#### Internet Service

Operational: No.

#### Telephone Service

None

Miles of Plant: 27.0 (coaxial); None (fiber optic). Homes passed: 1,600.

Manager: Gerald Peterson. Marketing Director: Linda Nichols. Chief Technician: Dennis Howe.

**NEWBERRY**—Charter Communications, PO Box 808, 2682 Ashmun St. Sault Sainte Marie, MI 49783. Phones: 231-947-5221 (Traverse City office); 906-632-8541. Fax: 906-635-1520. Web Site: <http://www.charter.com>. Also serves McMillan Twp. (Lapeer County) & Portland Twp. (ICA: MI0166).  
TV Market Ranking: Outside TV Markets (McMillan Twp., Lapeer County).  
NEWBERRY, Portland Twp.). Franchise award date: N.A. Franchise expiration date: N.A. Began: March 1, 1986.  
Channel capacity: 42 (not 2-way capable).  
Channels available but not in use: None.

#### Basic Service

Subscribers: 1,200.  
Programming (received off-air): WFOQ-TV (FOX) Cadillac; WGTQ (ABC) Sault Ste. Marie; WJMN-TV (CBS) Escanaba; WLUC-TV (NBC) Marquette; WNMU (PBS) Marquette; WTOM-TV (NBC) Cheboygan; WVUP-TV (CBS) Sault Ste. Marie.  
Programming (via satellite): Arts & Entertainment; C-SPAN; C-SPAN 2; Discovery Channel; Eternal Word TV Network; FX; Home Shopping Network; QVC; TBS Superstation; WGN America.  
Fee: \$29.99 installation; \$13.50 monthly; \$1.60 converter.

#### Expanded Basic Service 1

Subscribers: 914.  
Programming (via satellite): ABC Family Channel; AMC; Animal Planet; Cartoon Network; CNN; Disney Channel; ESPN; ESPN 2; FITV; Fox News Channel; Fox Sports Net Detroit; Hallmark Channel; Headline News; HGTV; History Channel; Learning Channel; Lifetime; MTV; Nickelodeon; SoapNet; Spike TV; Toon Disney; truTV; Turner Net-

work TV; TV Land; USA Network; VH1; Weather Channel.  
Fee: \$36.40 monthly.

#### Pay Service 1

Pay Units: 120.  
Programming (via satellite): Cinemax.  
Fee: \$12.85 monthly.

#### Pay Service 2

Pay Units: 220.  
Programming (via satellite): Encore.  
Fee: \$1.75 monthly.

#### Pay Service 3

Pay Units: 172.  
Programming (via satellite): HBO.  
Fee: \$13.45 monthly.

#### Pay Service 4

Pay Units: 117.  
Programming (via satellite): Starz.  
Fee: \$6.75 monthly.

#### Video-on-Demand: No

#### Internet Service

Operational: No.

#### Telephone Service

None

Miles of Plant: 31.6 (coaxial); None (fiber optic). Homes passed: 1,479. Total homes in franchised area: 1,749.

Vice President: Joe Bouillon. Marketing Manager: Sandy Gottschalk. General Manager: Rex Buettengenbach. Manager: John Badenski. Chief Technician: John Randazzo.

**NILES**—Comcast, 7720 W 98th St, Hickory Hills, IL 60457. Phones: 574-259-2112 (Mishawaka office); 708-237-3260. Fax: 708-237-3292. Web Site: <http://www.comcast.com>. Also serves Bertrand Twp., Buchanan, Howard Twp., Milton Twp. (Cass County) & Niles Twp. (ICA: MI0042).

TV Market Ranking: 80 (Bertrand Twp., Buchanan, Howard Twp., Milton Twp. (Cass County), NILES, Niles Twp.). Franchise award date: N.A. Franchise expiration date: N.A. Began: September 1, 1979.  
Channel capacity: N.A. Channels available but not in use: N.A.

#### Basic Service

Subscribers: 9,925.  
Programming (received off-air): WBND-LP South Bend; WCWW-LP (CW) South Bend; WHME-TV (IND) South Bend; WLS-TV (ABC) Chicago; WNDU-TV (NBC) South Bend; WNTT (PBS) South Bend; WSBT-TV (CBS) South Bend; WSJV (FOX) Elkhart; WTTW (PBS) Chicago; WWTM (CBS) Kalamazoo.  
Programming (via satellite): COMADS; Discovery Channel; Disney Channel; Home Shopping Network; TBS Superstation; WGN America.  
Current originations: Educational Access; Government Access; Leased Access.  
Fee: \$48.99 installation; \$13.11 monthly.

#### Expanded Basic Service 1

Subscribers: 9,600.  
Programming (via satellite): ABC Family Channel; AMC; Animal Planet; Arts & Entertainment; BET Networks; Cartoon Network; CNN; Comedy Central; C-SPAN; C-SPAN 2; ESPN; ESPN 2; ESPNNews; Fox News Channel; Fox Sports Net Detroit; FX; Hallmark Channel; Headline News; HGTV; History Channel; ION Television; Learning Channel; Lifetime; MoviePlex; MSNBC; MTV; Nickelodeon; Oxygen; QVC; Spike TV; truTV; Turner Network TV; TV Guide Network; USA Network; VH1; Weather Channel.  
Fee: \$37.38 monthly.

#### Digital Basic Service

Subscribers: N.A.  
Programming (via satellite): American Life TV Network; BBC America; BET J;

Bio; Bloomberg Television; Bravo; Discovery Digital Networks; DMX Music; Encore Action; ESPN Classic Sports; FITV; Fox Movie Channel; Fox Sports World; FSN Digital Atlantic; FSN Digital Central; FSN Digital Pacific; Fuse; G4; GAS; Golf Channel; GSN; History Channel International; Lifetime; Independent Film Channel; International Television (ITV); Lifetime Movie Network; Lime; MTV Networks Digital Suite; National Geographic Channel; NBA TV; NickToons TV; Noggin; Outdoor Channel; Ovation; Sci-Fi Channel; ShopNBC; Speed Channel; Style Network; Sundance Channel; The Word Network; Toon Disney; Trinity Broadcasting Network (TBN); Turner Classic Movies; TV Land; Versus; WE tv.  
Fee: \$11.99 monthly.

#### Digital Pay Service 1

Pay Units: 1,647.  
Programming (via satellite): Cinemax (multiplexed); Flix HBO (multiplexed); Showtime (multiplexed); Starz (multiplexed); The Movie Channel (multiplexed).  
Fee: \$16.99 monthly (each).

#### Video-on-Demand: Yes

#### Pay-Per-View

IN DEMAND (delivered digitally); UrbanXtra (delivered digitally); Fresh (delivered digitally); Shorteez (delivered digitally); Playboy TV (delivered digitally); Hot Choice (delivered digitally); ESPN Now (delivered digitally); Sports PPV (delivered digitally).

#### Internet Service

Operational: Yes. Began: June 1, 2004.  
Broadband Service: Comcast High Speed Internet.

Fee: \$42.95 monthly.

#### Telephone Service

None

Miles of Plant: 321.0 (coaxial); 62.7 (fiber optic). Homes passed: 17,080. Total homes in franchised area: 18,034.

Area Vice President: Sandy Weicher. Vice President, Technical Operations: Bob Curtis. Vice President, Marketing & Sales: Eric Schaefer. Vice President, Communications: Rich Ruggiero. Technical Operations Manager: John Colucci. Marketing Director: Ron Knutson.

**NORTH BRANCH TWP.**—Charter Communications, 7372 Davison Rd., Davison, MI 48423. Phone: 810-652-1400. Web Site: <http://www.charter.com>. Also serves Arcadia Twp. (Lapeer County), Attica Twp., Clifford, Dayton Twp. (Tuscola County), Deerfield Twp. (Lapeer County), Freemont Twp., Kingston Twp., Koylton Twp., Marathon, Mayville, Novesta Twp., Otter Lake & Watertown Twp. (Tuscola County). ICA: MI0337.

TV Market Ranking: 61 (Arcadia Twp., Attica Twp., Clifford, Dayton Twp. (Tuscola County), Freemont Twp., Koylton Twp., Novesta Twp., Novesta Twp., Otter Lake, Watertown Twp., Deerfield Twp. (Lapeer County), NORTH BRANCH TWP.); Outside TV Markets (Kingston Twp.). Franchise award date: N.A. Franchise expiration date: N.A. Began: July 1, 1985.  
Channel capacity: N.A. Channels available but not in use: N.A.

#### Basic Service

Subscribers: N.A.

Programming (received off-air): WADL (IND) Mount Clemens; WDIV-TV (NBC) Detroit; WEYI-TV (NBC) Saginaw; WFUM (PBS) Flint; WJBK (FOX) Detroit; WJRT-TV (ABC) Flint; WKBD (CW) Detroit; WMYD (MYT) Detroit; WNEM-TV (CBS) Bay City; WXPX (ION) Ann Arbor; WSMH (FOX)

Flint; WTVS (PBS) Detroit; WWJ-TV (ABC) Detroit; WXYZ-TV (ABC) Detroit.  
Programming (via satellite): C-SPAN 1-4.  
Weather Channel; WGN America.  
Current originations: Government Access; Educational Access; Public Access.  
Fee: \$35.00 installation; \$14.15 monthly.

#### Expanded Basic Service 1

Subscribers: N.A.  
Programming (via satellite): ABC Family Channel; AMC; Animal Planet; Axiom Entertainment; Cartoon Network; CNN; Comedy Central; Country Music; Discovery Channel; Disney Channel; Entertainment Television; ESPN; ESPN 2; News Channel; Fox Sports Net Detroit; Headline News; HGTV; History Channel; Home Shopping Network; Learning Channel; Lifetime; MTV; Nickelodeon; Ovation Channel; Sci-Fi Channel; TBS Superstation; Travel Channel; Turner Channel; Movies; Turner Network TV; USA Network; VH1.

#### Digital Basic Service

Subscribers: N.A.  
Programming (via satellite): BBC America; Cinemax (multiplexed); Discovery Channel; DMX Music; ESPN Channel; ESPN2; ESPNews; Fox Soccer; Golf Channel; GSN; Independent Film Channel; MTV; Nickelodeon; Starz (multiplexed); Versus; WGN America.

#### Digital Pay Service 1

Pay Units: N.A.  
Programming (via satellite): Encore (multiplexed); HBO (multiplexed); Showtime (multiplexed); The Movie Channel (multiplexed).

#### Video-on-Demand: No

#### Pay-Per-View

IN DEMAND (delivered digitally); Fresh (delivered digitally).

#### Internet Service

Operational: No.

#### Telephone Service

None

Vice President & General Manager: David Slowick. Technical Operations Director: Lloyd Collins. Marketing Director: Larry Gayari.

**NORWAY**—City of Norway CATV, PO Box 915 Main St. Norway, MI 49870. Phone: 563-9961. Fax: 906-563-7502. Web Site: <http://www.norwaymi.com>. Also serves Norway Twp. ICA: MI0161.

TV Market Ranking: Below 100 (NORWAY Norway Twp.). Franchise award date: N.A. Franchise expiration date: N.A. Began: January 1, 1954.

Channel capacity: 49 (operating 2-way). Channels available but not in use: 1.

#### Basic Service

Subscribers: 1,558.  
Programming (received off-air): WJMN-TV (ABC) Ishpeming; WFOQ-TV (FOX) Cadillac; WJMN-TV (CBS) Escanaba; WLUC-TV (NBC) Marquette; WNMU (PBS) Marquette; WVUP-TV (CBS) Sault Ste. Marie.  
Programming (via satellite): ABC Family Channel; Cartoon Network; CNBC; C-SPAN; Eternal Word TV Network; Headline News; HGTV; Home Shopping Network; Learning Channel; Sci-Fi Channel; TBS Superstation; Travel Channel; TV Guide Network; TV Land; Weather Channel; WGN America; WLUC-TV (NBC) Marquette.  
Fee: \$35.00 installation; \$12.00 monthly.

#### Expanded Basic Service 1

Subscribers: 1,289.  
Programming (via satellite): Animal Planet; Arts & Entertainment; CNN; Comedy Channel; Country Music TV; Discovery Channel;