

October 17, 2016

VIA HAND DELIVERY

Hossein Hashemzadeh  
Deputy Division Chief  
Video Division, Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Assignment of Virtual Channel 8  
LPTV Station WBTS-LD, Boston, MA (FIN 64996)**

Dear Mr. Hashemzadeh:

ZGS Boston, Inc. (“ZGS”) and Station Venture Operations, LP (“SVO,” and together with ZGS, the “Parties”) hereby respectfully request the assignment of major or “virtual” channel 8 to low power television station WBTS-LD (formerly WTMU-LP), Boston, Massachusetts (FIN 64996) (“WBTS-LD” or the “Station”), and a waiver of Section 73.682(d) of the FCC’s rules and the associated ATSC Program and System Information Protocol (“PSIP Standard”) to the extent necessary.<sup>1</sup> ZGS is the current licensee of WBTS-LD and SVO is the proposed assignee of WBTS-LD.<sup>2</sup> For the reasons set forth herein, the Parties submit that channel 8 is an appropriate virtual channel for WBTS-LD and such designation is consistent with the underlying purpose of the PSIP Standard.

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<sup>1</sup> Section 73.382(d) of the FCC’s rules generally require digital broadcast televisions 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. The most recent version of the PSIP Standard, dated August 7, 2013, is *available at* <http://atsc.org/standard/a652013-program-and-system-information-protocol-for-terrestrial-broadcast-and-cable/>.

<sup>2</sup> An FCC Form 345 application seeking the FCC’s consent to the assignment of WBTS-LD from ZGS to SVO was filed on September 15, 2016 and remains pending before the FCC. *See* FCC File No. BAL-20160915ABI.

### The PSIP Standard

During the transition to digital television, most full-power television stations simultaneously transmitted on an analog channel and on a companion digital channel. Pursuant to PSIP, both the analog and digital broadcasts were accessed during the analog channel number during the digital transition. In the Commission's *Second Periodic Review* adopted in 2004, the Commission amended its rules to adopt the PSIP Standard.<sup>3</sup> The PSIP Standard was adopted in order to (1) permit stations to retain the identification of their programming with a particular channel number for branding purposes; and (2) avoid confusing viewers who had an interest in continuing to identify a particular channel number with programming from a particular station.<sup>4</sup>

The PSIP Standard provides that a licensee with an existing NTSC license existing at the time it commences digital service should use its existing analog channel number as its virtual channel.<sup>5</sup> The purpose, again, is for continuity and to facilitate viewers finding the DTV signal by tuning to the familiar analog channel. For a new licensee, without an existing analog license at the time it commences digital operations, the digital RF channel number is to be used as the virtual channel unless that channel is not available in the market.<sup>6</sup> With respect to low power television stations, the Commission indicated that use of the PSIP Standard, while encouraged, is voluntary – not mandatory.<sup>7</sup>

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<sup>3</sup> *Second Periodic Review of the Commission's Rules and Policies Affecting the conversion to Digital Television*, Report and Order, 19 FCC Rcd 18279, at para. 152 (2004) ("*Second Periodic Review*").

<sup>4</sup> *Second Periodic Review*, at para. 149 *et seq.*

<sup>5</sup> PSIP Standard, Annex B, at Section B.1.1.

<sup>6</sup> *Id.*

<sup>7</sup> *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class Television Stations*, Report and Order, 19 FCC Rcd 19331, at paras. 242-43 (2004).

When the Commission adopted the PSIP Standard, it recognized that there would be situations where broadcasters would need to deviate from the general rule and provided for certain exceptions.<sup>8</sup> In addition, the Commission provided that “[t]o the extent broadcasters have a unique situation that is not provided for in PSIP, the Commission may grant exceptions on a case-by-case basis.”<sup>9</sup>

Use of Virtual Channel 8 Here is Appropriate

In the case of WBTS-LD, good cause exists for the assignment of virtual channel 8 and the grant of the requested waiver, if needed. WBTS-LD commenced digital operations on September 14, 2016, on digital RF channel 46.<sup>10</sup> Prior to transitioning to digital operations, the Station operated on analog channel 46 for over five years, from March 2011 to September 2016, pursuant to special temporary authority.<sup>11</sup> Prior to operating on analog channel 46, the Station operated on analog channel 67, from November 2006 to March 2011, pursuant to special temporary authority.<sup>12</sup> The Station operated on analog channel 67 when it was displaced on its then-licensed analog channel 32 as a result of the full-power DTV transition.

Given the unique operational and licensing circumstances applicable to this Station, WBTS-LD is analogous to a new digital station under the PSIP Standard. Alternatively, WBTS-LD should be considered a station transitioning from analog channel 46 as the Station has not

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<sup>8</sup> *Second Periodic Review*, at para. 153 and note 359.

<sup>9</sup> *Id.*

<sup>10</sup> See FCC License Application File No. 0000014006, granted September 21, 2016.

<sup>11</sup> See FCC STA File No. BSTA-20110329ADX authorizing operation on analog channel 46, replaced by BSTA-20120309ACU, and most recently extended by 0000013941.

<sup>12</sup> See FCC STA File No. BSTA-20061130ABY, most recently extended by BESTA-20091106ABJ.

been on analog channel 32 for over ten years. Its viewers have no current identification with channel 32. Indeed, any identification is with channel 46.

In such circumstances, the appropriate virtual channel would be channel 46. However, use of virtual channel 46 is not available to WBTS-LD because a full-power digital television station, namely WWDP, Norwell, Massachusetts (FIN 23671), is assigned to virtual channel 46. The DTV noise-limited contours of WWDP and WBTS-LD overlap, and thus the use of virtual channel 46 is not permissible for WBTS-LD. *See* Map of DTV Contours for WWDP and WBTS-LD (Attached as Exhibit A). Under the PSIP Standard, the next option is for WBTS-LD to use the RF channel of the full-power digital television station (WWDP) that is using virtual channel 46. Unfortunately, WWDP is on RF channel 10 and virtual channel 10 is used by another full-power digital television station, namely WJAR, Providence, Rhode Island (FIN 50780) in the Providence market. The DTV noise-limited contours of WJAR and WBTS-LD overlap, and thus virtual channel 10 is not available to WBTS-LD under the PSIP Standard. *See* Map of DTV Contours for WJAR and WBTS-LD (Attached as Exhibit B).

Under these highly unusual circumstances, the Parties respectfully request the assignment of virtual channel 8 to WBTS-LD. The use of virtual channel 8 by WBTS-LD does not conflict with or duplicate the virtual channel assignment of any other stations with overlapping contours, and thus there will be no viewer confusion resulting from the assignment of virtual channel 8 to WBTS-LD. *See* Map of DTV Contours for Virtual Channel 8 Stations (Attached as Exhibit C).

In sum, the Parties submit that the assignment of virtual channel 8 here is wholly appropriate and fully consistent with the underlying purpose of the PSIP Standard and the public interest.

Respectfully submitted,

**ZGS BOSTON, INC.**

/s/ Eduardo Zavala

Eduardo Zavala  
President – Digital, Broadcast and News  
Operations

**STATION VENTURE OPERATIONS, LP**

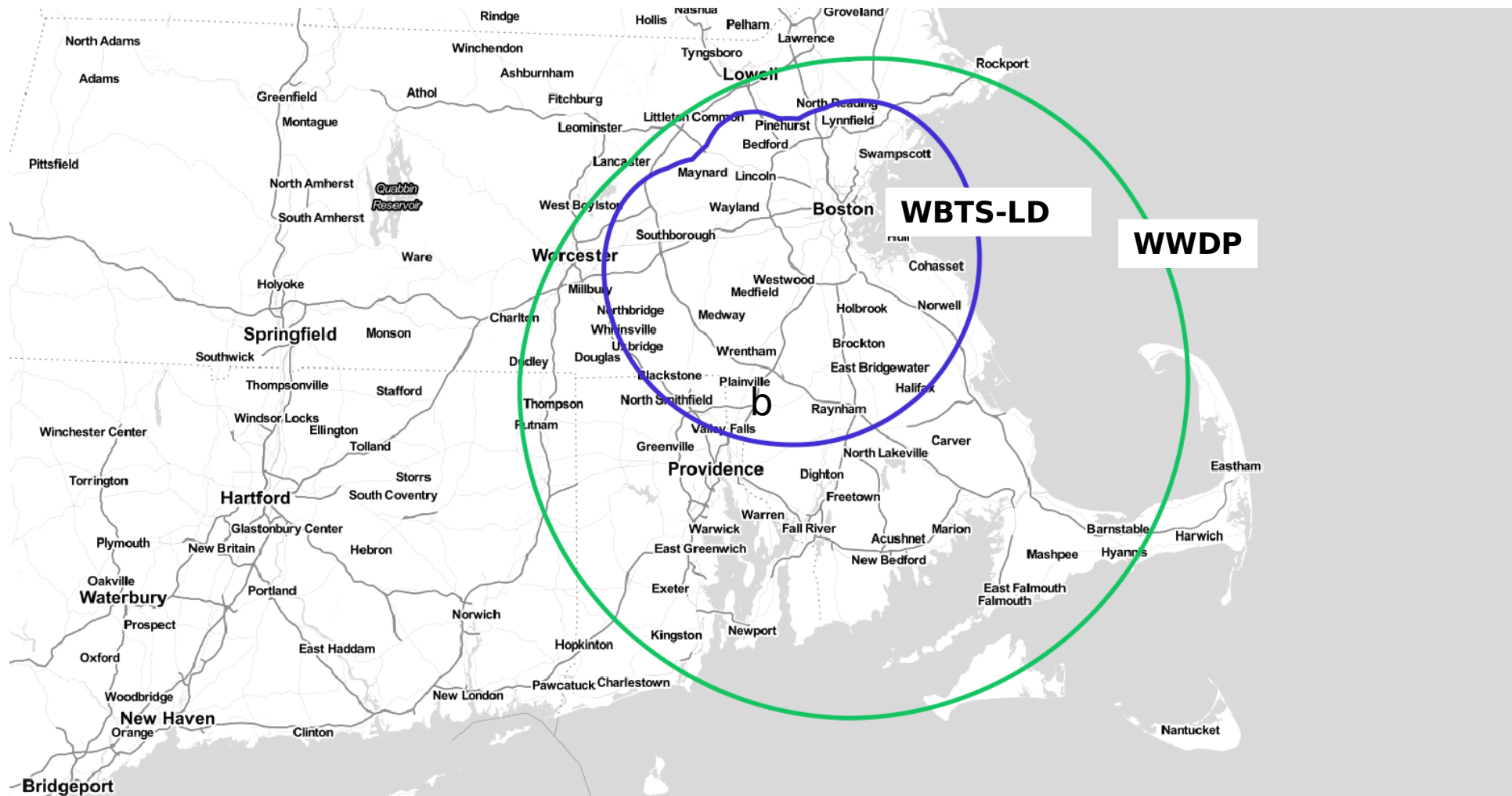
/s/ Margaret L. Tobey

Margaret L. Tobey  
Assistant Secretary

## **Exhibit A**

### **Map of DTV Contours for WWDP and WBTS-LD**

Contours for WBTS-LD and WWDP VC 46 (RF channel 10)

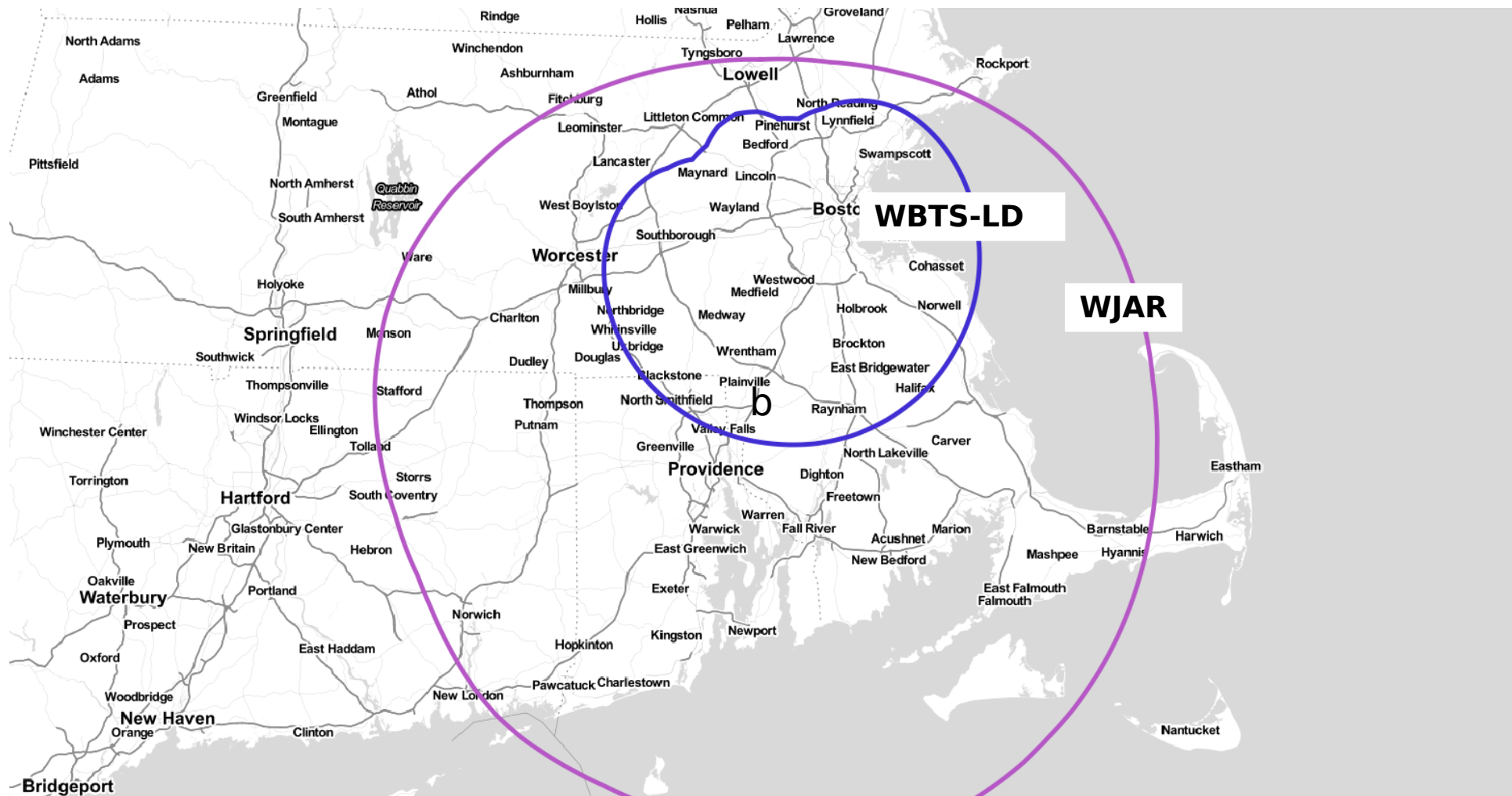


## **Exhibit B**

### **Map of DTV Contours for WJAR and WBTS-LD**



Contours for WBTS-LD and WJAR VC 10 (RF channel 50)



## **Exhibit C**

### **Map of DTV Contours for Virtual Channel 8 Stations**



