

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

STAMP & RETURN

In the Matter of)

Application of)
Connecticut Public Broadcasting, Inc. to)
Convert to DTS Operation)

File No. 0000036047

To: The Commission

OPPOSITION TO APPLICATION FOR REVIEW

Accepted / Filed

JUL 29 2019

Federal Communications Commission
Office of the Secretary

CONNECTICUT PUBLIC
BROADCASTING, INC.

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EXECUTIVE SUMMARY

The Application for Review reflects the latest in a series of meritless attempts by PMCM TV, LLC (“PMCM”) to erect procedural hurdles for the sole benefit of delaying the public interest benefits of Connecticut Public Broadcasting Inc. (“CPBI”)’s expansion of service throughout Connecticut and the New York designated market area by implementing a distributed transmission system (“DTS”) for television station WEDW(TV). The Commission should not tolerate PMCM’s abuse of process and should expeditiously deny the Application for Review and affirm the Video Division’s grant of the DTS Application.

Although PMCM purports to identify three errors in the Video Division’s June 12, 2019 letter order granting CPBI’s DTS application, the Video Division considered and properly rejected each of PMCM’s arguments based on established FCC Rules and precedent.

First, there is no merit to PMCM’s argument that CPBI specified an improper reference point in the DTS Application. The Commission’s 2008 DTS Report and Order recognized that when applying for a DTS construction permit, a licensee may specify as the station’s reference point *either*: (1) the reference point identified in the DTV table of allotments or an order granting the station a new channel; or (2) any other reference point that is in the public interest. In the context of the post-Incentive Auction repack, the FCC has replaced the need to obtain an order modifying the DTV Table of Allotments with a minor modification procedure. As the Video Division recognized, WEDW’s construction permit, which was final and unappealable, was the functional equivalent of an order granting it a new channel. Accordingly, CPBI was entitled to use the location approved in that construction permit as the reference point for WEDW’s DTS. In any event, the Video Division alternatively found that allowing WEDW to change its reference point was in the public interest. Notably, PMCM has never disputed the validity of CPBI’s public

interest showing, instead relying solely on a form-over-substance argument that CPBI had to make the public interest showing in its application—an argument that has no basis in the FCC’s rules or practice.

Second, CPBI properly relied on the then-valid construction permit for WABC-TV in support of its request for a largest station in the market exemption. In the interest of competition, the Commission plainly permits a DTS applicant to cite any facility that has “been specifically provided higher values” as the basis for seeking a larger contour than the rule otherwise permits. CPBI did just that based on the facts at the time it submitted its application. The fact that WABC-TV’s construction permit expired during the 18 month period while the DTS Application was pending was not relevant to the Video Division’s analysis.

Finally, the Video Division properly rejected PMCM’s attempt to compare CPBI’s application to *add* a transmission site on the Empire State Building with a prior application to *relocate* to the Empire State Building. As the Video Division recognized, with the DTS, CPBI will preserve service to all of WEDW’s existing viewers while expanding the reach of the station’s Connecticut-focused programming. Notwithstanding PMCM’s wild speculation, nothing in the DTS Application supports the notion that CPBI is in any way abandoning the citizens of Connecticut (where CPBI’s community of license will remain).

For each of the foregoing reasons, the Commission should swiftly deny the Application for Review and put an end to PMCM’s abuse of the FCC’s process.

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Connecticut Public Broadcasting, Inc. (“CPBI”), licensee of television station WEDW(TV), Stamford, Connecticut (Fac ID 13594) (“WEDW” or the “Station”), by counsel and pursuant to Section 1.115(d) of the Commission’s rules,¹ hereby opposes the July 12, 2019 Application for Review (the “AFR”) filed by PMCM TV, LLC (“PMCM”) of the Video Division’s June 12, 2019 Letter Order (the “Letter Order”) granting CPBI’s above-referenced application to strengthen its service to viewers in Connecticut and throughout the New York Designated Market Area (“DMA”) by implementing a distributed transmission system (the “DTS Application”).

PMCM’s AFR is based on the false premise that the Video Division’s grant of the DTS Application will result in WEDW abandoning part of its authorized service area or “relocat[ing] its main transmission site to New York City.”² To the contrary, however, the DTS Application will allow CPBI to utilize DTS engineering to allow it to better serve viewers in Western Connecticut, New York, and New Jersey with *no loss of service to WEDW’s existing viewers* and

¹ 47 C.F.R. § 1.115(d).

² AFR at 1.

without causing interference to any other broadcast station. The Letter Order properly recognized that grant of the DTS Application is consistent with the FCC's rules and will serve the public interest, and PMCM offers no basis for the Commission to reach a contrary conclusion.

CPBI requests that the Commission promptly dismiss the AFR. PMCM has already succeeded in substantially delaying the public interest benefits of the DTS. Although CPBI timely filed the DTS Application in December 2017, the Video Division did not rule on PMCM's Informal Objection until more than 18 months later, in June 2019. As a result, CPBI and its channel sharing partners will not be able to construct the DTS before the August 2, 2019 deadline for WEDW's assigned post-Incentive Auction transition phase.³ Until the Video Division's grant of the DTS Application becomes final, CPBI and its channel sharing partners cannot enter into a lease, purchase equipment, or complete the other tasks necessary to deploy a DTS. The Commission should act forthwith to provide CPBI with the certainty it needs to make the substantial investment that expanding its service through the DTS will require.

I. INTRODUCTION AND SUMMARY

For more than 55 years, CPBI has served residents of Connecticut, Massachusetts, Rhode Island, and New York by providing free, over-the-air broadcast service. CPBI operates a network of four television stations (including WEDW), four radio stations, and translator sites across the state of Connecticut. In addition to broadcasting programming from the Public Broadcasting Service, CPBI utilizes its more than 55 years of content-creation expertise to develop programming that enriches, enlightens, and entertains audiences across multiple platforms. Notable programs produced by CPBI uniquely serving Connecticut include *Sharing Connecticut*, which highlights

³ See File No. 0000077939 (request for extension of construction permit deadline).

and celebrates people and places in the state; and *Life Lessons*, a program in which local experts help viewers make big decisions and address some of life's biggest problems. Recent episodes of *Life Lessons* have included "Facing Down Opioid Addiction" and "A Vibrant Retirement."

CPBI filed the DTS Application to advance two important public interest objectives. First, the DTS Application will allow WEDW to greatly expand the free, over-the-air availability of its unique, Connecticut-focused broadcasting to many new viewers in Connecticut as well as elsewhere in the DMA who do not receive programming from CPBI today. Second, the DTS Application will preserve service to all of the viewers who currently receive WEDW's over-the-air signal.

PMCM's feigned concern about CPBI's service appears to be nothing more than a pretext to object to WEDW's channel sharing partner, WZME(TV), Bridgeport, Connecticut (Fac. ID 70493) ("WZME"), becoming a stronger competitor to PMCM's WJLP in the New York commercial television market. Even on this front, however, PMCM's concern is misplaced. As a winning bidder in the broadcast television incentive auction, WZME could have entered into a channel sharing agreement with any television station in the New York DMA (including, theoretically, WJLP), but it elected to share with WEDW and continue to serve Bridgeport. The Commission should praise the parties for preserving local service for residents of Connecticut, not punish them.

As the Video Division properly determined, the DTS Application is consistent with the Commission's rules and policies both for the post-Incentive Auction transition and for DTS facilities, generally. Accordingly, the Commission should expeditiously deny the AFR and provide CPBI and its channel sharing partners with the certainty they need to complete the construction of their post-Incentive Auction facilities and provide the public interest benefits of

the DTS Application as quickly as possible.

II. FACTUAL BACKGROUND

1. On April 13, 2017, the FCC released the Incentive Auction Closing and Channel Reassignment Public Notice,⁴ in which it reassigned WEDW from pre-auction DTV channel 49 to post-auction DTV channel 21. The Closing and Channel Reassignment PN also designated WZME as a winning bidder and recognized that it had filed a pre-auction channel sharing agreement to share with WEDW.

2. On June 26, 2017, CPBI filed its initial filing window application for a construction permit for WEDW to operate on the baseline channel 21 facility specified in the Closing and Channel Reassignment PN, which the FCC granted on June 29, 2017. File No. 0000025204.

3. On July 31, 2017, NRJ TV NY License Co., LLC, licensee of WZME, filed an application for a construction permit to channel share with WEDW, which the Commission granted on August 18, 2018. File No. 0000029110.

4. On September 1, 2017, WZME commenced channel sharing with WEDW, and on September 6, 2017, NRJ TV NY License Co., LLC filed its application for a license to cover its channel sharing construction permit. File No. 0000029677.

5. On November 2, 2017, CPBI filed its application for the Stamford Permit, which proposed to utilize a single transmitter site located near Stamford, Connecticut. File No. 0000034869.

⁴ *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd. 2786 (2017) (“Closing and Channel Reassignment PN”).

6. Also on November 2, 2017, Locuspoint WDVb Licensee, LLC (“LPN”) filed a minor modification to specify a directional antenna pattern for WDVb-CD on adjacent channel 22 and to increase WDVb-CD’s effective radiated power to 15.0 kW. File No. 0000034859 (the “WDVB Maximization Application”).

7. The application for the Stamford Permit was potentially mutually exclusive with the WDVb Maximization Application. To resolve any potential mutual exclusivity, WEDW agreed to accept the interference caused by the WDVb Maximization Application. CPBI further amended its application for the Stamford Permit on November 29, 2017 to remove the need for FAA approval. The Media Bureau issued the Stamford Permit on December 1, 2017.

8. On December 6, 2017, CPBI filed the DTS Application. The Media Bureau granted the DTS Application on June 12, 2019.

III. IN THE LETTER ORDER, THE VIDEO DIVISION PROPERLY DETERMINED THAT THE DTS APPLICATION COMPLIED WITH THE COMMISSION’S RULES AND IS IN THE PUBLIC INTEREST

PMCM has not raised any valid reason for the Commission to grant the AFR. The FCC’s rules identify five potential grounds upon which the Commission can grant an application for review of an action taken pursuant to delegated authority: (i) the action is in conflict with statute, regulation, case precedent, or established Commission policy; (ii) the action involves a question of law or policy which has not previously been resolved by the Commission; (iii) the action involves application of a precedent or policy which should be overturned or revised; (iv) an erroneous finding as to an important or material question of fact; and (v) prejudicial procedural

error.⁵ PMCM has not made a satisfactory showing that the Letter Order suffered from any of these faults.

Notwithstanding PMCM's impressive use of hyperbole in the AFR, the DTS Application was not an act of "regulatory gamesmanship" and did not make "a mockery of the Commission's community of license policies"; rather the DTS Application reflected a fully transparent effort by CPBI and its channel sharing partners to better serve viewers in Connecticut and the New York DMA within the confines of the FCC's rules. First, the reference point in the DTS Application was appropriate because either: (1) it was the site of WEDW's approved construction permit (which was final and not subject to reconsideration); or (2) it was in the public interest. Second, CPBI's use of the contour of an approved construction permit for the largest station in its market was entirely consistent with the Commission's rules and past practice. Third, the use of a DTS to expand the service provided by WEDW and its channel sharing partners without any loss of service to existing viewers advances, and certainly does not hinder, the FCC's interest in community based service. For each of these reasons, the Commission should dismiss or deny the AFR.

A. The DTS Application Properly Used the Reference Point From WEDW's Valid Construction Permit.

The Video Division correctly determined that the reference point specified in the DTS Application is consistent with the Commission's rules. In the DTS R&O, the Commission described the process for identifying a station's DTS reference point as follows:

We will determine each DTS station's reference point using the allotment established in the Commission Order that created or made final modifications to the post-transition DTV Table, and the corresponding facilities for the station's channel assignment as set forth in that Commission order. In the *DTS Notice*, the Commission proposed use of a station's reference point in its certification (FCC

⁵ 47 C.F.R. § 1.115(b)(2).

Form 381) filed in connection with DTV channel election process; however, we find that the new post-transition DTV Table now provides a more relevant reference point. Generally, a station would use its current reference point based on its Appendix B facility or the Order granting it a new channel, as appropriate. Upon the appropriate public interest showing, a station may request a change to its reference point, just as stations have done historically, provided certain criteria are met. Such changes in reference points are subject to a station showing that the resulting service area circle fully encompasses the station's authorized service area.⁶

Thus, a station applying for a DTS can propose either: (1) the reference point identified in the Table of Allotments or an Order granting the station a new channel; or (2) another reference point that is in the public interest.⁷

In the Letter Order, the Video Division properly concluded that the reference point identified in the DTS Application satisfied either standard. First, although PMCM suggests otherwise, the Video Division properly found that it was consistent with the Commission's rules and past practice for CPBI to specify the site in the granted and final Stamford Permit as its DTS reference point.⁸ While the DTS R&O and Section 73.626 of the Commission's rules reference "the FCC Order that created or made final modifications to the Post-Transition DTV Table of Allotments,"⁹ in the context of the post-auction transition, the Commission has eschewed the codified Table of Allotments in lieu of a minor change procedure instead.¹⁰ In the absence of a

⁶ *In the Matter of Digital Television Distributed Transmission System Technologies*, 23 FCC Rcd. 16731 ¶ 29 (MB 2008) (the "DTS R&O") (footnotes omitted).

⁷ Contrary to PMCM's argument, AFR at 5, the DTS R&O does not require an applicant to make a public interest showing in its application. *See infra* n. 11.

⁸ Letter Order at 5.

⁹ 47 C.F.R. § 73.626(c)(2).

¹⁰ *See In the Matter of Expanding the Econ. & Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd. 6567 ¶ 544 (2014). The Commission

need to modify a Table of Allotments, a station's construction permit for a new facility located at a new location is the functional equivalent of "the Order granting it a new channel." Second, as an alternative basis for changing WEDW's reference point, the Video Division determined that "changing WEDW's reference point serves the public interest because it permits WEDW to place a transmitter on the Empire State Building, which eliminates interference to WEDW from WDVBCD, preserves service to all of WZME's existing viewers while extending CPBI service into Western Connecticut, and makes service available to viewers in Connecticut that point their antennas at New York City, where most of the market's other television station's transmission facilities are located."¹¹

PMCM does not dispute the Video Division's finding that allowing CPBI to use the reference point from its Stamford construction permit is in the public interest.¹² Rather, PMCM conflates the two separate procedures for obtaining a new reference point in what is, effectively, a

indicated that it will issue a new Table of Allotments after the repacking and channel substitution process is complete. *See id.* n. 1545.

¹¹ Letter Order at 5. PMCM's claim that CPBI "never actually requested a change in its reference point" is inaccurate. AFR at 5. The DTS Application specifically identified CPBI's new reference point. To the extent PMCM contends that CPBI was required to make a separate public interest showing in the DTS Application, it is mistaken. *See Office of Communication of the United Church of Christ v. FCC*, D.C. Cir. 01-1374 (Nov. 8, 2002) (finding that the "public interest inquiry is subsumed by the application process") (citing *Committee to Save WEAM v. FCC*, 808 F.2d 113 (D.C. Cir. 1986)). Nevertheless, CPBI made a further public interest showing in its response to PMCM's Informal Objection.

¹² Indeed, PMCM acknowledged in its Informal Objection that if CPBI were to construct the facility approved in the Stamford Permit, using the Stamford reference point might be in the public interest. *See* Informal Objection at 5. There is no basis or public interest rationale, however, for delaying the benefits of the DTS Application and forcing CPBI to expend unnecessary resources to first build out the construction permit only then to convert to a DTS.

collateral attack on WEDW's Stamford Permit.¹³ Specifically, PMCM argues that CPBI's request to change WEDW's reference point should be denied because "the move to Stamford would not cover all of [WEDW's] existing service area."¹⁴ However, the Video Division granted CPBI's application for the Stamford Permit on December 1, 2017, and that grant is both well-beyond the period for reconsideration and not before the Commission in the AFR.¹⁵ The only matter before the Commission is the use of the site in the Stamford Permit as the Station's reference point for the DTS Application, which does not result in any loss of service to existing viewers and, in fact, prevents the loss of service that would occur if CPBI constructed the facility in its Stamford Permit.¹⁶ Because the service area resulting from the DTS Application fully encompasses WEDW's existing authorized service area, the Video Division properly determined that changing WEDW's reference point in connection with the DTS Application satisfied the DTS R&O and Section 73.626 of the Commission's rules.

¹³ AFR at 5.

¹⁴ *Id.*

¹⁵ *See* File No. 0000034869; 47 C.F.R. § 1.106(f) (requiring filing of petition for reconsideration within 30 days).

¹⁶ PMCM's claim that CPBI's "plain objective" in obtaining the Stamford construction permit was to claim the Stamford reference point for its DTS application is both irrelevant and just plain wrong. The same day CPBI filed its application for the Stamford construction permit, Locuspoint WDVb Licensee, LLC filed a minor modification to specify a directional antenna pattern for WDVb-CD on adjacent channel 22 that was potentially mutually exclusive with CPBI's application for WEDW. *See* File No. 0000034859. The DTS Application removed the mutual exclusivity without WEDW having to accept interference from WDVb-CD.

B. The DTS Application Properly Identified WABC-TV's Then-Valid Construction Permit As the Largest Station in the Market.

The Video Division correctly determined that CBPI was permitted to use the facilities specified in a construction permit authorized to WABC-TV in support of its request for a largest station in the market exemption.¹⁷ Section 73.622(f)(5) permits licensees or permittees to request an increase in ERP in some azimuthal direction or antenna HAAT, or both, “up to that needed to provide the same geographic coverage area as the largest station within their market.”¹⁸ The Commission has explained that the “largest station in the market” is not limited to a licensed facility, but applies to any facility that has “been specifically provided higher values.”¹⁹ This approach is particularly relevant during a major transition for television stations, such as the post-Incentive Auction transition, when multiple stations are filing applications at the same time. Indeed, during the DTV transition, the Video Division regularly approved applications based on the geographic area covered by permitted facilities, finding that those applications were not only permissible, but “in *complete compliance* with Section 73.622(f)(5) of the rules.”²⁰

¹⁷ Letter Order at 5.

¹⁸ 47 C.F.R. § 73.622(f)(5).

¹⁹ *In the Matter of Advanced Television Systems & Their Impact Upon the Existing Television Broadcast Service*, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, 13 FCC Rcd. 7418 ¶ 154 (1998). The FCC has expressly rejected PMCM’s argument that the term “coverage area” requires actual coverage, explaining that “the geographical coverage determination is based on the area within the DTV station’s noise-limited contour, calculated using predicted F(50,90) field strengths as set forth in Section 73.622(e) of the Rules and the procedure specified in Section 73.625(b) of the Rules.” See *In Re Review of Commission’s Rules & Policies Affecting the Conversion to Digital Television*, Report and Order and Further Notice of Proposed Rule Making, 16 FCC Rcd. 5946, 5973-74 ¶ 74 (2001).

²⁰ See *In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Santa Ana, California)*, Report and Order, 24 FCC Rcd. 1288, 1289 ¶ 3, n.3 (MB 2009) (emphasis added) (modifying table of allotments based on area of station for which license application was filed four months after Report and Order); *In the Matter*

PMCM's argument that an application that complied with Section 73.622(f)(5) at the time it was filed became non-compliant simply because the WABC-TV construction permit expired during the 18 month period between when CPBI filed the DTS Application and when the Video Division issued the Letter Order, is nonsensical. It is the established policy of the Commission to evaluate an application based on the circumstances at the time the application was filed.²¹ This approach is both "fair to applicants in light of their decision to expend time, money and other resources" to file an application and enables the Commission "to make more efficient use of [its] limited staff and other resources."²² PMCM's position, meanwhile, would reward meritless filings (such as PMCM's Informal Objection) that delay the grant of an application while circumstances may change. PMCM also does not address the Video Division's alternative rationale that

of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Waco, Texas), 23 FCC Rcd. 17068, 17071 ¶ 3 & n.5 (MB 2008) (modifying table of allotments based on area of station for which license application was filed four months after Report and Order); *In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Des Moines, Iowa)*, 24 FCC Rcd. 2939, 2942 ¶ 3 & n.4 (MB 2009) (modifying table of allotments based on area of station for which license application was filed after Report and Order).

²¹ See, e.g., *In Re 2002 Biennial Regulatory Review-Review of the Commission's Broadcast Ownership Rules & Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order and Notice of Proposed Rulemaking, 18 FCC Rcd. 13620, 13692 ¶ 186 (2003) (recognizing that Commission determines compliance with top-four ownership rule "at the time an application for transfer or assignment of license is filed"); *In Re Verizon Maryland, Inc.*, Memorandum Opinion and Order, FCC 03-57, 18 FCC Rcd. 5212, App'x F ¶ 14 (Mar. 19, 2003) (recognizing that applications for in-region interLATA services "must be based on a snapshot of a BOC's recent performance at the time an application is filed"); *In Re Application of Franklin Communications Partners, L.P. Assignor & W. Virginia Radio Corp. of Charleston Assignee*, Memorandum Opinion and Order, 8 FCC Rcd. 4909 (1993) (recognizing benefits of evaluating compliance with then-existing radio ownership limits at time application is filed) ("*Franklin Communications*").

²² *Franklin Communications* at ¶ 11.

“WABC’s post-incentive auction baseline . . . is based on the facilities specified in the expired construction permit to move to One World Trade and defines WABC’s authorized and protected contour.”²³ Put another way, WABC is still entitled to use the larger contour from its expired construction permit even if it is not currently doing so. Therefore, even if the Video Division was obligated to account for WABC’s change of circumstances while the DTS Application was pending, because the expired construction permit still serves as WABC’s authorized and protected contour, the Video Division properly used that contour as WABC’s “authorized facility” under Section 73.622(f)(5).

Moreover, as the Letter Order properly noted, the next largest station in the market is PMCM’s WJLP, and the contour in the DTS Application falls within WJLP’s 116.4 kilometer arc with only a minimal (and permissible) extension.²⁴ Although PMCM attempts to distinguish WJLP’s contour and argue that it should not be used as the largest station in the market, it cites no authority for accounting for interference agreements or the noise floor experienced by a low VHF station when determining the largest station in the market.

For all of the foregoing reasons, the Video Division properly determined that the DTS Application complied with the largest station in the market criteria as set forth in Section 73.622(f)(5) of the FCC’s rules.

²³ Letter Order at 6 n. 25.

²⁴ *Id.* at 6.

C. Grant of the DTS Application Was Fully Consistent with the Community-Based Licensing Principles Encompassed in Section 307(b) of the Communications Act.

The Video Division properly rejected PMCM's argument that allowing WEDW to expand its existing service was inconsistent with the allocation principles set forth in Section 307(b) of the Communications Act.²⁵ The expansion of service proposed in the DTS Application by using DTS technology to *add a transmitter site* at the Empire State Building while preserving WEDW's existing service is entirely distinguishable from a prior effort by WSAH to *relocate its transmitter site* to the Empire State Building. As the Division explained:

When the licensee of WSAH filed its minor modification application, the DTS option was not available to it. Because DTS permits CPBI to operate multiple synchronized transmitters, there will be no service loss since DTS Site 1, located outside Bridgeport at WEDW's currently licensed transmitter site, will continue to place a signal over its existing geographic service area.²⁶

Rather than refute the Division's analysis, PMCM asks the Commission to speculate about whether WEDW and its channel sharing partners will continue to serve their communities of license given their expanded service area.²⁷ Yet PMCM offers no basis for its assertion that the use of a DTS will result in CPBI "turn[ing] its back on the citizens of" Connecticut. As CPBI explained, the DTS will actually improve CPBI's service to the people of Connecticut by providing for a more efficient distribution of CPBI's network in Western Connecticut, while making it easier for viewers accustomed to watching stations broadcast from New York City to receive CPBI's high quality local programming. Accordingly, the DTS Application does not raise any issues

²⁵ Letter Order at 5.

²⁶ *Id.*

²⁷ AFR at 9.

under Section 307(b), and the Video Division properly rejected PMCM's invitation to speculate about the service CPBI or its channel sharing partners will provide using the DTS.

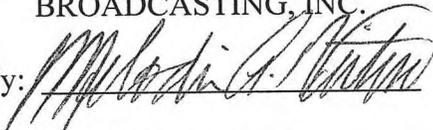
IV. CONCLUSION

For the foregoing reasons, the Commission should dismiss or deny the AFR and provide such further relief as may be just and proper.

Respectfully submitted,

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July 29, 2019

CERTIFICATE OF SERVICE

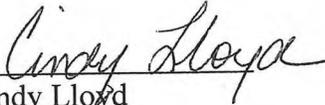
I hereby certify that on July 29, 2019, I caused a copy of the foregoing Opposition to Application for Review to be served by first class mail, postage prepaid (except where designated by email) upon the following:

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