



Federal Communications Commission
Washington, D.C. 20554

October 25, 2016

ZGS Boston, Inc.
2000 North 14th Street
Suite 400
Arlington, VA 222201

Station Venture Operations, LP
300 New Jersey Avenue, N.W.
Suite 700
Washington, DC 20001-2030

Re: WBTS-LD, Boston, Massachusetts
Facility ID 64996
Virtual Channel Assignment

Dear Licensee:

This is with respect to the above-referenced facility and their request for virtual channel designation pursuant to 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).¹ ZGS Boston, Inc. (“ZGS”) and Station Venture Operations, LP (“SVO”, and together with ZGS, the “Parties”) request the Commission for a waiver of the PSIP Standard and assignment of virtual channel 8 to station WBTS-LD, Boston, Massachusetts. For the reasons set forth below, the request is granted.

Background. The PSIP Standard states, “For broadcasters with existing NTSC licenses, the major channel number for the existing NTSC channels, as well as the digital virtual channels, controlled by the broadcaster, shall be set to the NTSC RF channel number.”² As a result of the full service DTV transition, WBTS-LD had been displaced and operating on analog channel 46 for over five years pursuant to special temporary authority.³ Considering the unique circumstances and recognizing the PSIP standard was

¹ Low power licensees are not required to comply with the ATSC A65/B standard, but may choose to implement the ATSC A/65B PSIP standard; should a low power licensee choose to implement PSIP they must comply with the PSIP Standard. *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television*, Report and Order, 19 FCC Rcd 19331, 19413 (2004).

² PSIP Standard, Annex B, at Section B.1.1.

³ See FCC File No. BSTA-20110329ADX, replaced by BSTA-20120309ACU and extended by 0000013941.

instituted to avoid viewer confusion and to promote programming channel number identification⁴, the Commission considers WBTS-LD a station transitioning from analog channel 46.

Here, pursuant to the PSIP Standard, WBTS-LD would operate on virtual channel 46 however virtual channel 46 is unavailable because the channel is assigned to station WWDP, Norwell, Massachusetts⁵ and WBTS-LD and WWDP have overlapping service contours. Under the PSIP Standard, WBTS-LD would use the RF channel of the station in conflict with as its virtual channel. WWDP operates on RF channel 10 however virtual channel 10 is assigned to station WJAR, Providence, Rhode Island.⁶ The DTV service contours of WBTS-LD and WJAR overlap and therefore virtual channel 10 is unavailable to WBTS-LD under the PSIP Standard.

Discussion. In the *Second Periodic Review*, the Commission states “To 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.”⁷ WBTS-LD asserts it has a unique situation which warrants waiver of section 73.682(d), and requests operation on virtual channel 8 in lieu of virtual channels 46 and 10. The Parties have provided engineering maps that demonstrate WBTS-LD’s service contour overlaps with that of WWDP-LD on virtual channel 46 and WJAR on virtual channel 10. The PSIP Standard recognizes that two stations with the same virtual channel number cannot have overlapping DTV service contours⁸ as a receiver in the overlapping service contours may lock onto the incorrect signal of the viewer’s intended station. Furthermore, based upon the Parties’ showings, and the Commission’s own studies, WBTS-LD’s use of virtual channel 8 would not conflict or duplicate any other station’s channel assignment in the Boston DMA and as such not harm any incumbent licensees.

The Commission agrees that a waiver of ATSC A/65C is warranted and good cause exists for the assignment of virtual channel 8 as station WBTS-LD presents a unique situation not accounted for by the PSIP Standard.

Accordingly, IT IS ORDERED that the waiver request of ATSC A/65C, the PSIP Standard, made by ZGS Boston, Inc. and Station Venture Operations LP, to operate station WBTS-LD, Boston, Massachusetts, on virtual channel 8 IS GRANTED.

Sincerely



Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

⁴ *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, Report and Order*, Report and Order, 19 FCC Rcd 18343, para. 149 (2004) (“*Second Periodic Review*”).

⁵ See FCC File No. BLCDDT-20090227ABX.

⁶ See FCC File No. 0000004498.

⁷ *Second Periodic Review* at 18346, para. 153.

⁸ PSIP Standard, Annex B at 1.8.