

### **Channel Sharing Community of License Change**

This application proposes a channel sharing arrangement between co-owned WFPX-TV, Fayetteville, NC (facility identification number 21245) and WRPX-TV, Rocky Mount, NC (facility identification number 20590). Under the channel sharing arrangement, WFPX-TV, the channel sharing bidder and sharee station, will broadcast using the host and sharer station WRPX-TV's transmission facilities.

Under Section 73.625(a) of the Commission's rules, a full power UHF television station's DTV transmitter must provide a 48 dBu contour over the station's entire principal community to be served.<sup>1</sup> As demonstrated in the attached technical statement, host station WRPX-TV's 48 dBu contour does not cover Fayetteville, NC, WFPX-TV's current community of license. ION accordingly respectfully requests that the Commission approve a change in WFPX-TV's community of license to Archer Lodge, North Carolina, which is wholly located within the 48 dBu contour of the post-repack WRPX-TV facility.

In the Incentive Auction Report and Order, the Commission stated that it would permit a sharee station to change its community of license in situations where (a) the sharee cannot meet community of license signal requirements operating from the sharer's transmission site, (b) the sharee chooses a new community of license that, at minimum, meets the same allotment priorities as its current community, and (c) the sharee proposes a community of license within its current DMA.<sup>2</sup> All three of those criteria are met here.

As discussed above and as shown in the attached technical exhibit, WFPX-TV cannot meet its community of license signal requirement operating from WRPX-TV's transmission site. Accordingly, upon licensing of the proposed channel sharing operations, WFPX-TV proposes to change its community of license to the town of Archer Lodge, North Carolina. Archer Lodge has a 2010 U.S. Census population of 4,292 people.<sup>3</sup> Archer Lodge has its own municipal government, fire department and community center and holds a number of community events throughout the year.<sup>4</sup> Moreover, as demonstrated in the attached technical statement, WRPX-TV's 48 dBu contour covers Archer Lodge in its entirety.

Archer Lodge serves a higher allotment priority than Fayetteville because WFPX-TV would provide first local service to Archer Lodge. Pursuant to Section 307(b) of the Communications Act of 1934, as amended, the Commission must provide a "fair, efficient and equitable

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<sup>1</sup> 47 C.F.R. § 73.625(a).

<sup>2</sup> *Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, 6727-28 ¶ 374-376 (2014) ("*Incentive Auction Report and Order*").

<sup>3</sup> See United States Census Bureau American Fact Finder, available at [http://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml).

<sup>4</sup> See, Town of Archer Lodge, <http://townofarcherlodge.com/> (last visited Sept. 21, 2017).

distribution of radio service” among the various States and communities in the country.<sup>5</sup> To do so, the Commission compares the existing allotment and the proposed allotment to determine whether the proposal will result in a preferential arrangement of allotments. In making this determination, the Commission has long applied a series of five allotment priorities.<sup>6</sup> Those television allotment priorities are to “(1) provide at least one television service to all parts of the United States; (2) provide each community with at least one television broadcast station; (3) provide a choice of at least two television services to all parts of the United States; (4) provide each community with at least two television broadcast stations; and (5) assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities.”<sup>7</sup> WFPX-TV currently provides second local service (allotment priority 4) to Fayetteville, because WUVC-DT also serves Fayetteville. With the proposed change, WFPX-TV would provide first local service to Archer Lodge, placing it in the second allotment priority.

Finally, Fayetteville and Archer Lodge are both located in the Raleigh-Durham (Fayetteville), NC Designated Market Area.

All three of the Commission’s conditions to substitute the community of license are satisfied. Therefore, the proposed change is consistent with Section 307(b) of the Communications Act and the Commission’s rules.

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<sup>5</sup> 47 U.S.C. §307(b).

<sup>6</sup> *E.g.*, North Pole and Plattsburg, New York, *Report and Order*, 26 FCC Red 32, 33 (2011) (*citing* Amendment of Section 3.606 of the Commission’s Rules and Regulations, *Sixth Report and Order*, 41 FCC 148, 167-173 (1952)).

<sup>7</sup> *Amendment of Section 3.606 of the Commission’s Rules and Regulations*, Sixth Report and Order, 41 FCC 148, 167-173 (1952).