

Channel Sharing Community of License Change

This application proposes a channel sharing arrangement between co-owned WDPX-TV, Vineyard Haven, MA (facility identification number 6476) and WPBX-TV, Boston, MA (facility identification number 7692). Under the channel sharing arrangement, WDPX-TV, the channel sharing bidder and sharee station, will broadcast using the host and sharer station WPBX-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.¹ As demonstrated in the attached technical statement, host station WPBX-TV's 48 dBu contour does not cover Vineyard Haven, MA, WDPX-TV's current community of license. ION accordingly respectfully requests that the Commission approve a change in WDPX-TV's community of license to Woburn, MA, which is wholly located within the 48 dBu contour of the post-repack WPBX-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.² All three of those criteria are met here.

As discussed above and as shown in the attached technical exhibit, WDPX-TV cannot meet its community of license signal requirement operating from WPBX-TV's transmission site. Accordingly, upon licensing of the proposed channel sharing operations, WDPX-TV proposes to change its community of license to Woburn, Massachusetts. Woburn has a 2010 U.S. Census population of 38,120 people.³ Woburn has its own municipal government, fire and police departments, and public schools.⁴ Moreover, as demonstrated in the attached technical statement, WPBX-TV's 48 dBu contour covers Woburn in its entirety.

Woburn serves the same allotment priority as Vineyard Haven, because WDPX-TV would provide first local service to Woburn. Pursuant to Section 307(b) of the Communications Act of 1934, as amended, the Commission must provide a "fair, efficient and equitable distribution of radio service" among the various States and communities in the country.⁵ To do so, the

¹ 47 C.F.R. § 73.625(a).

² 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*").

³ See United States Census Bureau American Fact Finder, available at http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml.

⁴ See, City of Woburn, <https://www.woburnma.gov/> (last visited Sept. 26, 2017).

⁵ 47 U.S.C. §307(b).

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.⁶ 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.”⁷ WDPX-TV currently provides first local service (allotment priority 2) to Vineyard Haven, because WDPX-TV is the only full power television station licensed to Vineyard Haven. With the proposed change, WDPX-TV would provide first local service to Woburn, placing it in the second allotment priority.

Finally, Vineyard Haven and Woburn are both located in the Boston, MA (Manchester, NH) 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.

⁶ *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)).

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