

**CPBI/WTNH Digital Channel Allotment Exchange
Public Interest Showing**

Pursuant to Sections 73.622(c) and 73.623(g) of the Commission's Rules, Connecticut Public Broadcasting, Inc. ("CPBI") and WTNH Broadcasting, Inc. ("WTNH") jointly seek Commission approval to exchange their digital television channels for their stations in New Haven, Connecticut.¹ CPBI is the licensee of noncommercial educational television station WEDY-TV, New Haven, Connecticut ("Station WEDY"). Station WEDY currently is authorized to operate on digital television channel *39 in New Haven ("Channel 39"). WTNH, a wholly owned subsidiary of LIN Television Corporation ("LIN"), is the FCC-approved assignee of commercial television station WCTX-TV, New Haven, Connecticut ("Station WCTX" and together with Station WEDY, the "Stations").² Station WCTX currently is authorized to operate on digital television channel 6 in New Haven ("Channel 6" and together with Channel 39, the "Channels"). On December 14, 2001, CPBI and WTNH entered a "Digital Channel Exchange Agreement" whereby they agreed to swap the Channels so that upon implementation, Station WEDY would operate on Channel 6 and Station WCTX would operate on Channel 39. As shown herein, the proposed exchange fully complies with the FCC's rules and policies and otherwise serves the public interest.

¹ See *In re Advanced Television Systems and Their Impact upon the Existing Broadcast Services*, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, MM Docket No. 87-268, 13 FCC Rcd 7418, 7477-78, ¶ 146 (1998) (*Allocation Reconsideration*) (providing for digital channel swaps).

² See K-W TV, Inc., DA 02-100 (MMB, released January 15, 2002). K-W TV, Inc. ("K-W"), the existing licensee of WCTX, has granted WTNH permission to file an application to modify the digital construction permit for Station WCTX pursuant to Section 73.3517(a) of the Commission's Rules. The application and the swap proposal would be implemented by WTNH following its acquisition of WCTX.

The Commission has stated that it intends “to provide licensees the maximum flexibility to negotiate changes in their DTV allotments where such changes do not cause interference to other stations or where all affected stations agree to accept any additional interference that may result.”³ Accordingly, the Commission adopted streamlined procedures so that licensees may exchange digital allotments without petitioning for a rulemaking, provided that the exchange does not result in prohibited interference to other stations and that all the other DTV allotment requirements are met.⁴ As shown in the accompanying modification applications, the assignment of Channel 39 to Station WCTX and the assignment of Channel 6 to Station WEDY will fully comply with the requirements of Sections 73.622 and 73.623 of the Commission’s Rules that limit predicted interference to other existing broadcast facilities and allotments.

The Digital Channel Exchange Agreement will benefit noncommercial licensee CPBI in significant respects and thereby greatly assist the licensee to broadcast noncommercial educational programming in a digital world. First, the on-going transmission costs on digital low band VHF channel *6 will be materially lower than on digital UHF channel *39. Minimizing on-going non-programming costs, such as transmission costs, allows noncommercial educational stations to devote more resources to increasing programming quality to directly benefit viewers. Second, the proposed DTV channel swap contemplates a substantial cash grant from WTNH to CPBI. This money is necessary for CPBI to fund the transition of Station WEDY from analog to digital. The Commission has recognized that the digital transition will be expensive for stations, and noncommercial educational stations in particular may have difficulty paying for new digital

³ *Allocation Reconsideration*, 13 FCC Rcd at 7477.

⁴ *See id.*

transmission equipment.⁵ Without the payment for the exchange, it is questionable whether CPBI would be able to afford to convert Station WEDY to digital. Because the proposed exchange will reduce Station WEDY's on-going transmission costs and because the exchange includes a cash grant to CPBI that will enable Station WEDY's to transition to digital, the exchange serves the public interest.

CPBI operates a state-wide network and so can accommodate the modest coverage reduction which will result from operation of Channel 6 and the necessary protection of noncommercial FM stations. In addition, CPBI, as licensee of noncommercial educational television and radio stations, will be better positioned to negotiate with the many noncommercial FM radio stations on channels 201-220 (including CPBI's own Station WPKT(FM), Meriden, Connecticut) regarding interference issues related to operation on Channel 6. The frequency congestion in the northeast corridor, especially the Hartford-New Haven area, led the FCC to make a rare initial allotment of Channel 6 to this market despite the channel's well-known potential difficulties from NCE stations operating in the reserved band.⁶ Accordingly, the proposed exchange also serves the public interest by minimizing the problems associated with resolving interference among Channel 6 and noncommercial FM radio stations.

As for Station WCTX, pursuant to a grant of the pending Channel 39 upgrade application and following the channel exchange, the station will be able to serve its core service

⁵ The Commission has acknowledged "the financial difficulties faced by noncommercial stations" and has stated that "noncommercial stations will need and warrant special relief measures to assist them in the transition to DTV." *In re Advanced Television Systems and Their Impact upon the Existing Broadcast Services*, Fifth Report and Order, MM Docket No. 87-268, 12 FCC Rcd 12809, 12852 (1997). The transition costs are particularly great for CPBI because it also owns and operates three additional television stations, WEDH (Hartford), WEDW (Bridgeport) and WEDN (Norwich).

⁶ See *Allocation Reconsideration*, 13 FCC Rcd at 7437.

areas within the Hartford-New Haven DMA, without the potential for interference from the numerous reserved noncommercial radio stations in the area.

In sum, the proposed exchange of digital channel allotments between CPBI (Station WEDY) and WTNH (Station WCTX) will further the public interest by serving several important policy goals. Among other matters, it will greatly assist a noncommercial educational television licensee make the transition to digital as well as reducing the on-going transmission costs of operating the station, and it will minimize the potential for interference between Channel 6 and noncommercial FM radio stations.