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September 30, 2013

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Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W
Washington, D.C. 20554

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WISCONSIN

**Re: Request for Declaratory Ruling - Section 47 C.F.R. 73.682(d) (2013)
Station WDFL-LD, Miami, Florida – Fac. Id. 168790**

Dear Ms. Dortch:

On behalf of Francois Leconte, the licensee of Station WDFL-LD, Miami, Florida (the “Station”), this is to request a Declaratory Ruling that the Station may change its ATSC Program System and Information Protocol (“PSIP”) virtual channel number designation for Station WDFL-LD to Channel 18.

By way of background, the Station previously operated on NTSC channel 48. In 2006, the Station filed a digital companion channel application for DTV Channel 11, which was granted on January 11, 2007 (BDCCDVL-20061005ADR). Subsequently, the Station was licensed, and commenced operation on DTV Channel 11. At that time, the correct virtual channel designation for the Station should have been Channel 48, since that was the Station’s NTSC channel.¹

However, Station WFUN-LD, Miami, Florida, is licensed to operate on DTV Channel 48, which is also its virtual channel designation in light of its decision to flash-cut on its previously-assigned NTSC signal. Further complicating the situation is that Station WTXI-LD, Miami, Florida, operates on DTV Channel 33, but was assigned virtual Channel 11 for its station.

As provided in Exhibit A, therefore, neither the Station’s prior NTSC channel (48) nor its current DTV channel (11) is available to be used for its virtual channel designation. Recently, the Station was able to obtain carriage on the local cable system on Channel 18, and the Station is making arrangements to be carried on Channel 18 on DBS systems serving the Station’s community of license commencing in January 2014.

¹ See *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, 19 FCC Rcd 18,279, 18,346 (2004) (“2004 Order”).

Moreover, virtual Channel 18 does not appear to be assigned to any other television broadcast station in the Miami, Florida Designated Marketing Area (the “Miami DMA”). There is one station, Station WPBT, that operates on digital Channel 18, but it has been assigned a Channel 2 virtual channel designation. As shown in Exhibit B, that station clearly identifies itself as “Channel 2”, so there would be minimal likelihood of confusion caused by the grant of the instant request.

In the *2004 Order*, the FCC acknowledged that “in some situations broadcasters would need to deviate from the rule that the major channel number is the same as the broadcaster’s NTSC channel number.”² In such cases, the FCC stated that it “may grant exceptions on a case-by-case basis.”³

As provided above, neither of the most obvious virtual channel designations are available for Station WDFL-LD, due to their assignment to other licensees in the Miami DMA. Further, the grant of this request will eliminate any possible confusion with the Miami television stations assigned to virtual Channels 11 and 48, and will permit the Station to market itself as Channel 18 across multiple distribution outlets. Therefore, it is requested that the FCC designate Channel 18 as the virtual channel for Station WDFL-LD.

Please let me know if you have any questions regarding this request.

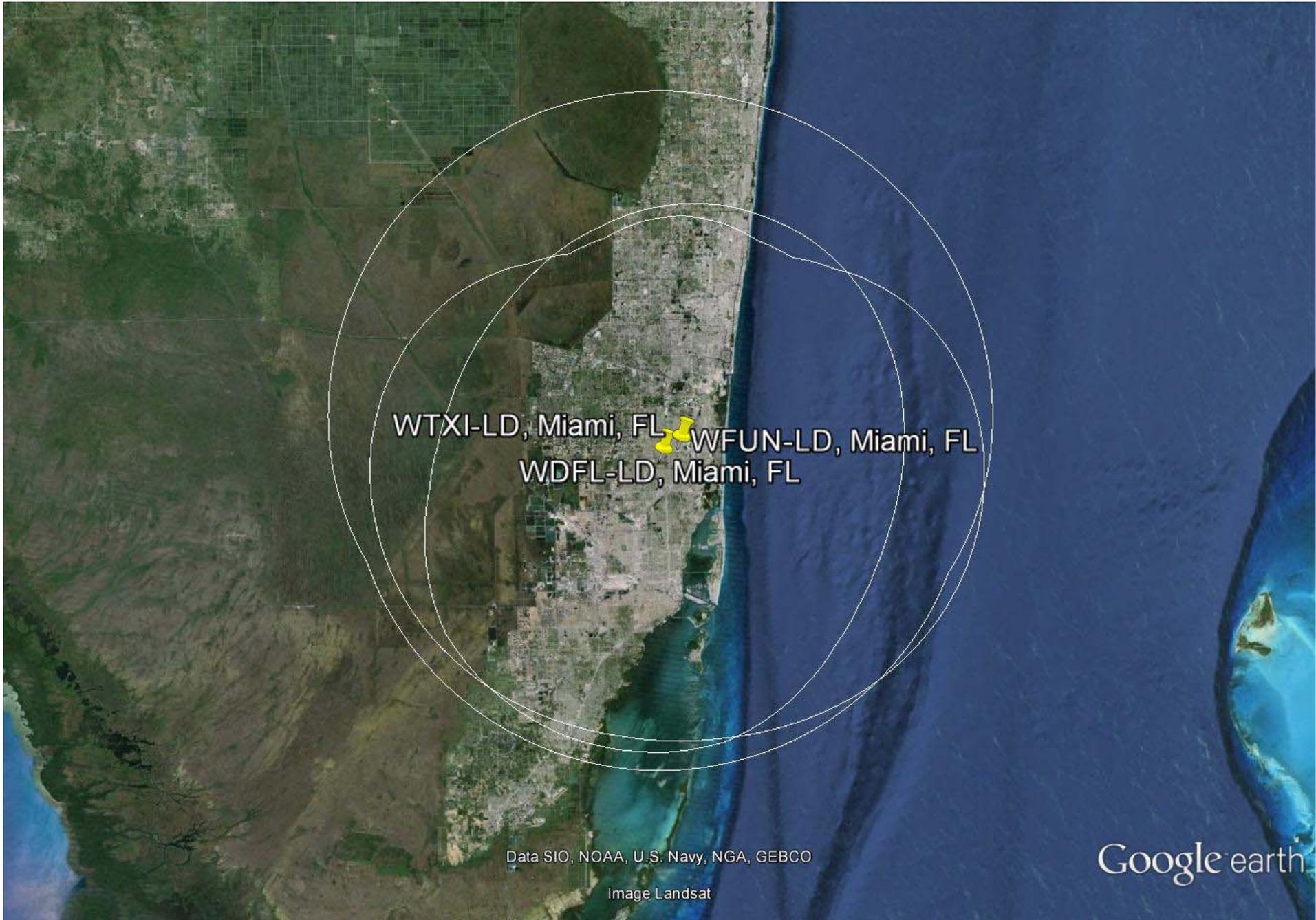
Respectfully submitted,

Howard M. Liberman
Lee G. Petro

cc: Ms. Adrienne Denysyk
Video Services Division
Media Bureau
(via email)

² *Id.* The requirement that television stations comply with the ATSC PSIP standards is codified at 47 C.F.R. §73.682(d) (2013).

³ *2004 Order*, at 18,346.



WTXI-LD, Miami, FL
WFUN-LD, Miami, FL
WDFL-LD, Miami, FL

Data SIO, NOAA, U.S. Navy, NGA, GEBCO

Image Landsat

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- WPBT2 History
- Mission Statement
- Board of Directors
- Community Advisory Board
- Meeting Notice
- Press Room
- Employment Opportunities
- Financial Reports
- Diversity Report

WPBT2 History

WPBT/Channel 2 began in November of 1953, when the Community Television Foundation of South Florida, Inc. was formed as a nonprofit organization with the mission of raising funds for the establishment and operation of Florida's first noncommercial television station.



On August 12, 1955, WPBT2 went on the air without a penny of tax money having been spent. There was no budget, no income, no paid staff and even the station's transmitter and antenna had been donated. The broadcast schedule was two hours a day, five days a week, with summers off. But, despite the lack of resources, the young station was firmly anchored in the grass roots of the community. During those early years volunteers produced over 135 hours of local live programs. In addition, the unpaid staff acquired, scheduled and broadcast over 700 films obtained from various sources around the nation.



Since its beginnings, WPBT2 has developed and maintained a technologic and programmatic superiority for which it is recognized and respected throughout the industry. It has consistently been a leader among public television stations. Today, with a signal reach from the Treasure Coast to Key West, WPBT2 attracts an audience of over one million households each week.



WPBT2 has recorded many "firsts" throughout its broadcast history. In June 1967, *Pagliacci*, the first local color production, was the first complete opera produced and broadcast on television in the state of Florida. By February 1971, WPBT2 became Florida's first public television station with color capability. WPBT2 produced Florida's first live television courtroom coverage, gavel-to-gavel, in September 1977, the State vs. Ronny Zamora, which earned the station its first American Bar Association Silver Gavel Award. In February 1980, WPBT2 took television technology to the next step by connecting two continents live, via satellite, for the first time in U.S. history with *The Best of Brazilian Television*. In January 1982, *Top of the World* was produced live on tape, via satellite from the WPBT2 studios in Miami with locations in London and Sydney, linking the three continents of North America, Europe and Australia for the first time. March 1983's production, *American Journey Live*, was the first production of live satellite feeds that allowed for interactive surveys of audiences. In July 2001, WPBT2 launched its digital broadcast signal and became the first public television station in Florida to go digital.

In January 1979, television news changed with the debut of WPBT2's *The Nightly Business Report* (NBR), then a local 15-minute business news program. NBR, now a 30-minute format available in over 90 percent of all U.S. households.

Another of WPBT2's now-vintage productions is the bilingual comedy classic, *¿Qué Pasa, USA?* The series' 39 episodes are still in rerun here and throughout the country on PBS and *StarGazers*



commercial stations alike. WPBT2's [¿Qué Pasa, USA?](#) has been appearing on PBS stations throughout the country since May 1985. The station has garnered numerous Emmy Awards for its local productions, which showcase the rich and vibrant textures of the fabric of the South Florida community.

The station has come a long way from its humble origins in the 1950s. It continues to demonstrate its worth to the South Florida region by providing quality content to educate, enlighten, inspire and entertain. Each week, it provides a program schedule as diverse as its audience.



As technology advances at light speed and the creative process of program production shifts, the world of television will change — and challenge. Whatever these changes — and challenges — are, WPBT2 will strive to continue serving the South Florida region with programs that enhance the quality of its life.

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