

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

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Amendment of Section 73.622(i)  
Post-Transition Table of DTV Allotments  
(Bridgeport and Stamford, Connecticut)

MB Docket No. 18-126  
RM-11800

**Accepted / Filed**

REPLY TO OPPOSITION

JUN 13 2019

Federal Communications Commission  
Office of the Secretary

PMCM TV, LLC ("PMCM") submits this brief reply to Connecticut Public Broadcasting, Inc.'s ("CPBI's") June 3, 2019 Opposition to PMCM's Application for Review. This reply can be brief because CPBI adroitly avoids addressing the substance of the points raised in the AFR.

CPBI brusquely dismisses the charge that its petition violated the express terms of the Commission's 2004 freeze on the filing of such petitions. It does so by simply mis-stating the actual partial freeze lifting order. CPBI describes the partial freeze lifting order as exempting a community of license change petition "if such change of community did not also require a technical change." CPBI Opposition at p. 3. In fact, as PMCM demonstrated in the AFR, the 2018 Order partially lifting the freeze expressly *refused* to lift the freeze on petitions to change community of license "which include changes in authorized technical facilities."<sup>1</sup> This Petition includes a change in the technical facilities. The freeze lift order did not differentiate between required changes in technical facilities and desired changes in technical facilities, nor should it

<sup>1</sup> Media Bureau Partially Lifts the Freeze of Petitions for Rulemaking to Change Full Power Television Stations' Community of License, DA 18-40

have. Whenever there is *any* change in technical facilities involved in the community of license process, the Commission is forced to undertake a Section 307(b) analysis of the effect of the change on the populations that will gain or lose service and weigh those effects into the public interest equation. Avoiding that burden was presumably a reason for imposing the freeze in the first place.

Second, having committed itself to relocating to a Stamford, CT transmitter site -- a commitment, as CPBI reminds us -- is now final, WEDW will lose a million Connecticut people from its prior service area.<sup>2</sup> CPBI cannot dodge the reality of that substantial negative effect on its service to the public in the context of its change of community petition by simply effectuating the change first and then petitioning to change community later. Nor should the Commission blind its eyes to the adverse effect on service by countenancing CPBI's maneuver. Moving its transmitter site to Stamford as a prelude to changing its community of license to Stamford was obviously integral to the entire community change process. The Commission should therefore properly consider the dramatic loss of service to people in WEDW's home state and weigh that loss very heavily against any gains in population from service to already extremely well-served areas closer to New York. The Commission does not need to "speculate" on losses of service that will be attendant on this change in community -- the losses are well documented. What is especially troubling is that CPBI seems to be turning its back on the very public whose mission it is to serve: the people of Connecticut -- all in an attempt to move closer to the NY market and serve viewers there.

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<sup>2</sup> We note that CPBI seems to be suggesting here that its relocation to Stamford should be ignored for purposes of this proceeding because it actually has no intention of moving its station to the Stamford site which it applied for and which it has been authorized to construct. If the putative Stamford site move was indeed a complete sham, its DTS application (which relies on the bona fides of that site move) would have to be dismissed. CPBI cannot have it both ways.

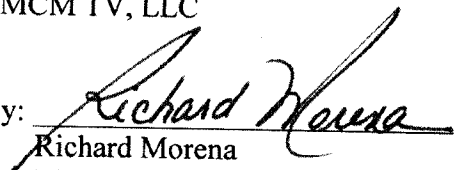
This all goes as well for WMZE, the station that channel-shares with WEDW but will remain licensed to Bridgeport, CT. Because WZME uses WEDW's transmitter facilities, it will obviously lose as many Connecticut viewers as WEDW as an indirect result of the change in WEDW's change in community of license/transmitter site change. The people of Connecticut are therefore suffering a double whammy from the change proposed here – they lose two stations for the price of one. While WZME does not have the same special service obligation to Connecticut as WEDW, it does have the basic obligation common to all TV stations to service its community of license *and the surrounding areas*. As noted above, both WEDW and WMZE are shirking that fundamental responsibility.

Finally, CPBI dismisses the argument that the Commission should not take into account service offered by CPBI's sister stations in assessing loss of service. Every station's service to the community of license which it proposes to abandon must be judged on its own merits. PMCM observed that CPBI cannot be counted on to maintain Connecticut-based service from WEDW's sister stations any more than it could have counted on WEDW itself. But CPBI correctly notes that we cannot predict what may or may not be broadcast on other stations in the market whether co-owned with WEDW or not. The only station that can be held accountable for its dramatically altered service profile is WEDW. Therefore we can only look at WEDW itself and weigh how its change of community coupled with a change in its technical facilities will objectively diminish the service received by the public Connecticut. And on that scale, this Petition must fail.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I, Richard Morena, hereby certify that on June 13, 2019, I caused a copy of the foregoing Application for Review to be served by email and by first class mail, postage prepaid, upon the following:

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