

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Connecticut Public Broadcasting, Inc.)	MB Docket No. _____
Amendment of Section 73.622(i))	RM- _____
Digital Television Table of Allotments)	
(Bridgeport, Connecticut and Stamford,)	
Connecticut))	
To: Secretary, FCC		
For: Chief, Video Division, Media Bureau		

PETITION FOR RULEMAKING

Connecticut Public Broadcasting, Inc. (“CPBI”), licensee of noncommercial educational television station WEDW(TV), Bridgeport, Connecticut, Facility ID No. 13594 (“WEDW”), by its counsel and pursuant to Section 307(b) of the Communications Act of 1934, as amended (the “Act”), and Section 1.420 of the Commission’s rules,¹ hereby submits this Petition for Rulemaking (“Petition”) to request that the Commission amend the DTV Table of Allotments² to delete channel *49 at Bridgeport, Connecticut and substitute channel *49 at Stamford, Connecticut.

Pursuant to Section 1.420(i) of the Commission’s rules, CPBI requests that the WEDW license be modified to specify the new community of license without allowing competing applications.³ No technical changes are necessary or proposed in order to accomplish this

¹ 47 U.S.C. § 307(b); 47 C.F.R. § 1.420(i).

² 47 C.F.R. § 73.622(i).

³ See *Modification of FM and TV Authorizations to Specify a New Community of License*, Report and Order, 4 FCC Rcd 4870 (1989), *recon. granted in part*, Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990) (“*Change of Community R&O*”).

community of license change.⁴ In this regard, CPBI requests a waiver of the Commission's freeze on the filing of petitions for rulemaking by television stations seeking to change their community of license.⁵ For the reasons set forth below, CPBI submits that a grant of this Petition would result in an overall preferential arrangement of allotments by affording Stamford its first local television service, while leaving Bridgeport adequately served by local television service.

I. The Petition Complies with Section 1.420(i) of the Commission's Rules

Section 1.420(i) of the Commission's Rules permits the modification of a station's license to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.⁶ This procedure is limited to situations in which: 1) the new allotment would be mutually exclusive with the existing allotment; 2) the reallocation will result in a preferential arrangement of allotments according to the Commission's television allotment priorities; and 3) the change would not deprive a community of its sole broadcast station.⁷

CPBI's proposal satisfies all three criteria. As an initial matter, the proposal to reallocate channel *49 to Stamford would not affect the technical specifications currently authorized for

⁴ In accordance with the Commission-mandated repacking of the television band following the broadcast spectrum incentive auction, WEDW will transition to channel 21. The application for modification was filed on June 26, 2017 (FCC File No. 0000025204). The repacking transition, however, is not relevant to this proceeding. WEDW already meets the principal community coverage requirements of Section 73.625(a) of the Commission's rules, 47 C.F.R. § 73.625(a), with respect to Stamford, Connecticut, and that coverage will be substantially unaffected by WEDW's move to channel 21 as part of the repacking.

⁵ *Freeze on the Filing of Petitions for Digital Channel Substitutions, Effective Immediately*, Public Notice, 26 FCC Rcd 7721 (2011) ("*Freeze Public Notice*").

⁶ 47 C.F.R. § 1.420(i).

⁷ See, e.g., *Columbia and Edenton, North Carolina*, Notice of Proposed Rulemaking, 19 FCC Rcd 14618, 14618-19 (Vid. Div., MB 2004) (citing *Change of Community R&O*).

WEDW. The proposed new allotment therefore is mutually exclusive with the station's existing allotment, thus complying with the first criterion above. The second criterion is satisfied because, as shown below in the next section, the proposed reallocation will result in a preferential arrangement of allotments. Finally, the change would not deprive Bridgeport of its sole broadcast station – Bridgeport would continue to be served after the proposed reallocation by full-power television station WZME(TV), channel 42 (Facility ID No. 70493), which would remain licensed to that community.

II. A Grant of the Petition Would Result in a Preferential Arrangement of Allotments

Section 307(b) of the Act requires the Commission to provide a “fair, efficient and equitable distribution of radio service” among the various States and communities in the United States.⁸ In considering a proposal to reallocate a television station from one community to another, the Commission compares the existing allotment and the proposed allotment to determine whether or not the proposal will result in a preferential arrangement of allotments.⁹ In making this determination, the Commission has long applied a series of five allotment priorities. 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

⁸ 47 U.S.C. § 307(b).

⁹ *Gray Television License, LLC and New Rushmore Radio, Inc., Amendment of Section 73.622(i) Digital Television Table of Allotments (Scottsbluff, Nebraska and Sidney, Nebraska)*, Report and Order, 31 FCC Rcd 5204, 5205 n.7 (MB 2016) (“*Scottsbluff R&O*”) (citing *Amendment of Section 3.606 of the Commission's Rules and Regulations*, Sixth Report and Order, 41 FCC 148, 167-173 (1952)).

services available to the community from stations located in other communities.”¹⁰ Reallotment of WEDW’s channel *49 from Bridgeport to Stamford would represent a preferential allotment pursuant to Priority 2, because it would provide Stamford with its first local television service.

CPBI does not propose to change WEDW’s licensed facilities as part of the reallotment requested in this Petition. Accordingly, this proposal does not implicate Priority 1. In addition, the proposed change in WEDW’s community of license will not create any new interference to any other television station or other licensed operation. As demonstrated in the attached Exhibit A, WEDW’s principal community contour covers, and will continue to cover, the entire community of Stamford from its currently-licensed transmission facilities.

The city of Stamford clearly qualifies as a community for allotment purposes. Founded in 1641, Stamford is the third largest city in the State of Connecticut, and the seventh largest city in New England, with a population of 122,643 as of the 2010 census.¹¹ Numerous Fortune 500 companies have chosen to locate their corporate headquarters in Stamford. Yet despite its size and importance to the economy of Connecticut, currently no full-power television station is licensed to Stamford. Accordingly, an allotment at Stamford would qualify for consideration under Priority 2 as the community’s first local television service.

III. A Waiver of the Freeze Would Serve the Public Interest

The Commission instituted the current freeze on the filing of channel substitutions in 2011 following the release of the Commission’s National Broadband Plan. The Commission reasoned that a freeze is necessary to permit the Commission to evaluate reallocation and repacking proposals in connection with repurposing broadcast spectrum in the 600 MHz band “to

¹⁰ *Id.*

¹¹ See https://en.wikipedia.org/wiki/Stamford,_Connecticut.

enable the expansion of new mobile, fixed and unlicensed broadband service.”¹² The Media Bureau has, however, granted waivers of this freeze where a petitioner has demonstrated that no technical changes were necessary in order to grant the petition and the proposal would not undermine the purpose of the freeze.¹³ Both of these conditions are present here, making grant of this requested waiver of the freeze consistent with that precedent. Indeed, now that the incentive auction has concluded and repacked stations have been assigned their post-auction channels, the justification for such a waiver has only increased. CPBI therefore respectfully requests grant of a waiver of the freeze to allow for the requested change in WEDW’s community of license.

¹² *Freeze Public Notice, supra*; see also *Scottsbluff R&O*, para. 4.

¹³ See *Scottsbluff R&O, supra*; see also *Gray Television License, LLC and New Rushmore Radio, Inc., Amendment of Section 73.622(i) Digital Television Table of Allotments (Scottsbluff, Nebraska and Sidney, Nebraska)*, Notice of Proposed Rulemaking, 31 FCC Rcd 1058, paras. 2-3 (MB 2016); *Western Pacific Broadcast, LLC Amendment of Section 73.622(i), Digital Television Table of Allotments (Seaford, Delaware and Dover, Delaware)*, Report and Order, 29 FCC Rcd 4773, paras. 5-6 (MB 2014); *Western Pacific Broadcast, LLC Amendment of Section 73.622(i), Digital Television Table of Allotments (Seaford, Delaware and Dover, Delaware)*, Notice of Proposed Rulemaking, 28 FCC Rcd 1024, paras. 2-3 (MB 2013); see also *Gray Television License, LLC, Amendment of Section 73.622(i) Digital Television Table of Allotments (Anchorage, Alaska)*, Notice of Proposed Rulemaking, DA17-679, released July 17, 2017, para. 5 (MB 2016).

IV. Conclusion

For the reasons set forth above, CPBI requests that the Commission (1) amend the DTV Table of Allotments to delete channel *49 at Bridgeport, Connecticut and substitute channel *49 at Stamford, Connecticut, and (2) modify WEDW's license to specify Stamford, Connecticut as its community of license.

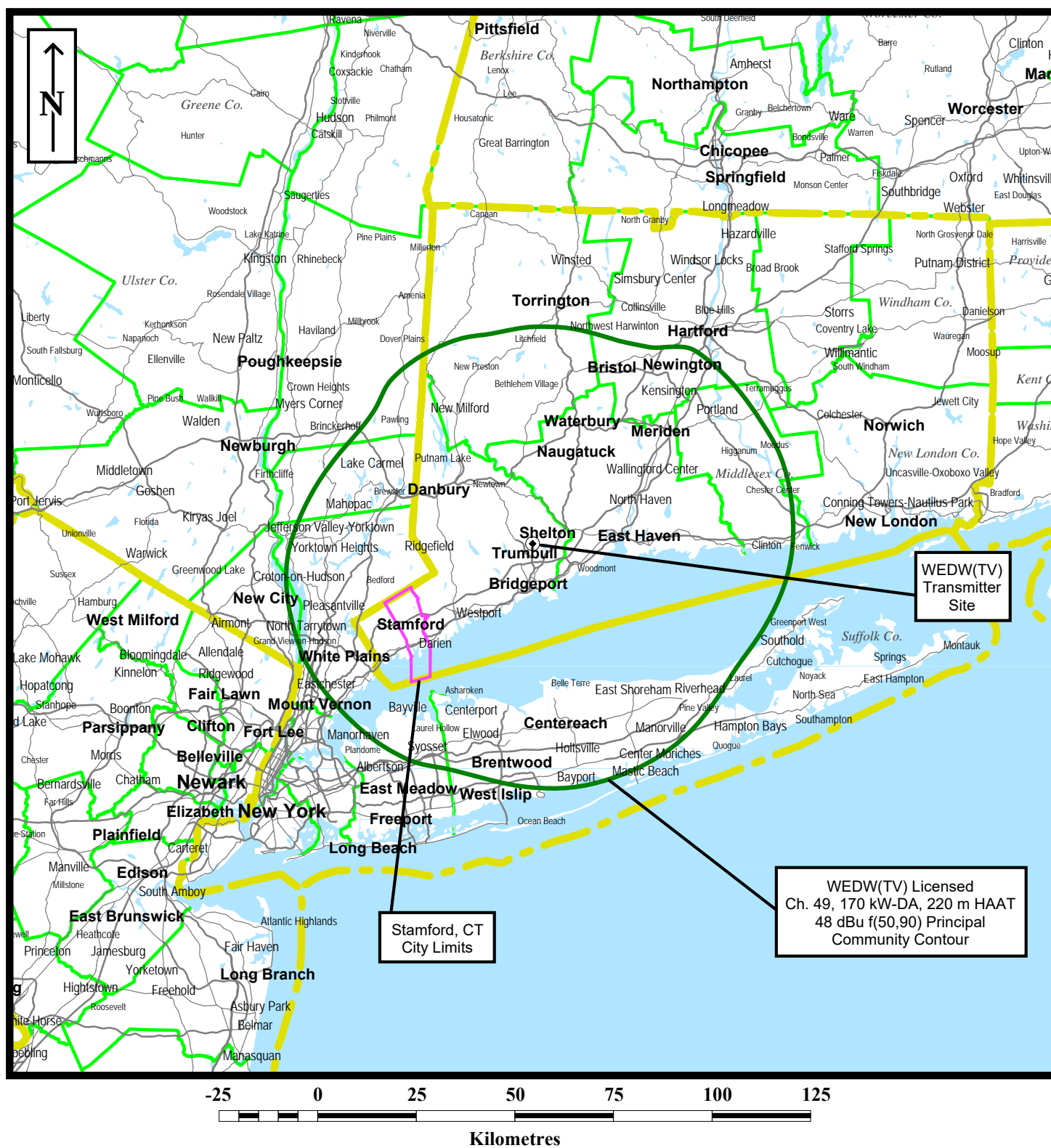
Respectfully submitted,

CONNECTICUT PUBLIC BROADCASTING, INC.

By: /S/
Steven C. Schaffer
Its Attorney

GARVEY SCHUBERT BARER
1000 Potomac Street, N.W., Suite 200
Washington, DC 20007
(202) 965-7880
sschaffer@gsblaw.com

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PREDICTED PRINCIPAL COMMUNITY CONTOUR MAP

duTreil, Lundin & Rackley, Inc. Sarasota, Florida