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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the

Federal Communications Commission

Washington, D.C. 20554

**ORIGINAL
FILE**

In the Matter of)
)
Amendment of Section 76.51,)
Major Television Markets)
(Columbus-Chillicothe, OH))
)

RM- **ORIGINAL
FILE**

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**SECOND SUPPLEMENT TO
PETITION FOR RULE MAKING**

Triplett & Associates, Inc., Debtor-in-Possession, licensee of Station WWAT(TV), Chillicothe, Ohio, by its counsel, respectfully supplements its "Petition for Rule Making", filed April 19, 1988 (hereinafter, "Petition"), and "Supplement to Petition for Rule Making" (hereinafter, "Supplement"), filed June 21, 1991, as follows:

1. The Supplement included as Attachment A a current coverage map for Station WWAT, reflecting the facilities authorized under File No. BMPCT-910114KE, granted May 9, 1991. It was noted that with those facilities, Station WWAT would have City Grade coverage over the center of Columbus and more than half of the city, and that it would have Grade A coverage over substan-

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tially all of the remainder of the city. It now should be added that the license application for those facilities, under File No. BLCT-911219KF, was granted on April 21, 1992. Accordingly, the coverage over Columbus which it was reported that WWAT would have it now has in fact.

2. Attachment A hereto is a copy of page E-34 from the Broadcasting & Cable Market Place, 1992 (formerly Broadcasting Yearbook), showing the Arbitron ADI (Area of Dominant Influence) for the Columbus, Ohio, television market, for 1991-2. The Area of Dominant Influence (ADI) consists of the counties in which the market stations receive a preponderance of viewing, and is outlined by a heavy black line in Attachment A.¹ Attachment A shows that Ross County, where Chillicothe is situated, and Pike County, adjoining Ross County on the south, continue to be part of the Columbus ADI and that Station WWAT continues to be listed as a station in the Columbus market.

3. Station WWAT is regularly listed as a local television station in television program schedules published by The Columbus Dispatch newspaper. Attachment B is a Declaration of William W. Scott, Vice President of Triplett & Associates, Inc., attesting to the foregoing, with copies of representative listings of local television stations as published in The Columbus Dispatch on December 12, 1992, attached. The listings are for two days,

¹ The years for which the ADI applies, the meaning thereof and the meaning of the area outlined by the heavy black line are described at page E-17 of Broadcasting & Cable Market Place, 1992.

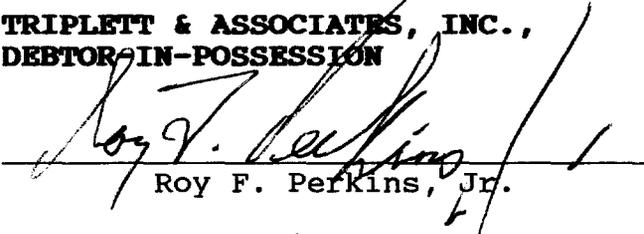
Saturday and Sunday, and are by channel number. They show that Ch. 53, which is WWAT, Chillicothe, is included as a local television station in the listings of local stations published by The Columbus Dispatch.

4. Finally, as stated in Mr. Scott's Declaration, the redefinition of the Columbus television market to be "Columbus-Chillicothe", as the Petition and Supplement request, is necessary in the public interest and as a matter of the survival of Station WWAT. First, under the present definition of the market as "Columbus" only, WWAT cannot be received by approximately half of the audience in the Columbus metropolitan area, who are deprived of its programming. Second, Station WWAT is in direct competition with Columbus television stations for audience and advertising sales. It cannot compete for either when it cannot reach the cable audience - some half of the homes and audience in the Columbus metropolitan area - which is reached by its competitors. Its inability to compete, caused by the present definition of the Columbus market in Section 76.51 of the Commission's rules, caused it to become a debtor-in-possession under the bankruptcy laws. Station WWAT continues to operate only by reason of the continuous infusion of new money by the owners, which inevitably will end. As pointed out by Mr. Scott, it is most unlikely that any television station at Chillicothe, Ohio, regardless of whom the operator might be, can survive under such a competitive handicap.

5. As stated by Mr. Scott (Attachment B), unless the market definition in Section 76.51 of the Commission's rules is amended to reflect current market conditions, that is, to be the "Columbus-Chillicothe" market, Station WWAT inevitably will go silent with the loss of its service to those who receive it now.

Respectfully submitted,

**TRIPLETT & ASSOCIATES, INC.,
DEBTOR-IN-POSSESSION**



Roy F. Perkins, Jr.

1724 Whitewood Lane
Herndon, Virginia 22070
(703) 435-9700
Its Attorney

January 4, 1993



Columbus, Ohio (Chillicothe) (34)

ADI TV Households: 691,300

- WCMH Columbus, Ohio, ch. 4, NBC
- WSYX Columbus, Ohio, ch. 6, ABC
- WBNS-TV Columbus, Ohio, ch. 10, CBS
- WTTE Columbus, Ohio, ch. 28, Fox
- *WOSU-TV Columbus, Ohio, ch. 34, ETV
- WSFJ Newark, Ohio, ch. 52, IND
- WWAT Chillicothe, Ohio, ch. 53, IND
- WCOM Mansfield, Ohio, ch. 68, IND

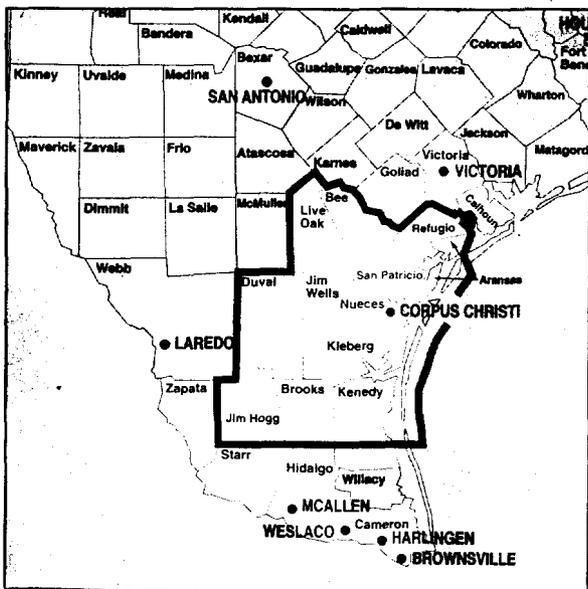
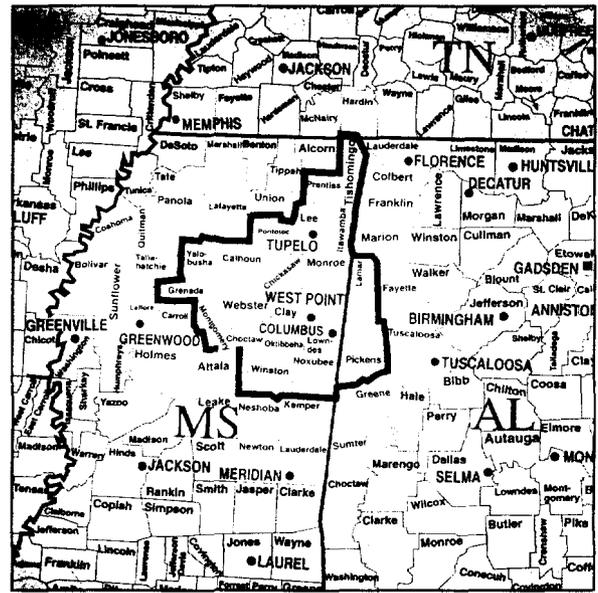
ADI Counties	State	TV Households	ADI Counties	State	TV Households
Coshocton	OH	13,200	Madison	OH	12,000
Crawford	OH	18,000	Marion	OH	23,200
Delaware	OH	23,800	Morgan	OH	5,100
Fairfield	OH	37,300	Morrow	OH	9,700
Fayette	OH	10,000	Perry	OH	11,100
Franklin	OH	383,100	Pickaway	OH	15,800
Hardin	OH	11,000	Pike	OH	8,800
Hocking	OH	9,300	Ross	OH	24,300
Knox	OH	17,200	Union	OH	11,100
Licking	OH	47,300			

Columbus-Tupelo (West Point), Miss. (124)

ADI TV Households: 170,100

- *WMAB-TV Mississippi State, Miss., ch. 2, ETV
- WCBI-TV Columbus, Miss., ch. 4, CBS
- WTVA Tupelo, Miss., ch. 9, NBC
- *WMAE-TV Booneville, Miss., ch. 12, ETV
- WLOV-TV West Point, Miss., ch. 27, ABC

ADI Counties	State	TV Households	ADI Counties	State	TV Households
Lamar	AL	5,800	Monroe	MS	13,200
Pickens	AL	7,400	Montgomery	MS	4,400
Calhoun	MS	5,600	Noxubee	MS	4,000
Chickasaw	MS	6,400	Oktibbeha	MS	12,800
Choctaw	MS	3,200	Pontotoc	MS	8,400
Clay	MS	7,200	Prentiss	MS	8,500
Grenada	MS	7,700	Tishomingo	MS	7,000
Itawamba	MS	7,400	Webster	MS	3,700
Lee	MS	24,800	Winston	MS	6,900
Lowndes	MS	21,200	Yalobusha	MS	4,500



Corpus Christi, Tex. (125)

ADI TV Households: 169,400

- KIII Corpus Christi, Tex., ch. 3, ABC
- KRIS-TV Corpus Christi, Tex., ch. 6, NBC
- KZTV Corpus Christi, Tex., ch. 10, CBS
- *KEDT-TV Corpus Christi, Tex., ch. 16, ETV
- KORO Corpus Christi, Tex., ch. 28, IND

ADI Counties	State	TV Households
Aransas	TX	6,900
Bee	TX	8,500
Brooks	TX	2,700
Duval	TX	4,000
Jim Hogg	TX	1,600
Jim Wells	TX	11,600
Kenedy	TX	100
Kieberg	TX	9,700
Live Oak	TX	3,400
Nueces	TX	99,700
Refugio	TX	2,900
San Patricio	TX	18,300

DECLARATION OF WILLIAM W. SCOTT

My name is William W. Scott. I am vice president of Triplet & Associates, Inc., Debtor-in-Possession (hereinafter, "Triplet"), licensee of Television Station WWAT, Ch. 53, Chillicothe, Ohio.

WWAT has an F. C. C. principal city grade television signal over downtown Columbus, Ohio, and an F. C. C. Grade A television signal over substantially the entire Columbus metropolitan area. Columbus is the major television market served by WWAT and contains by far the largest concentration of television viewers to whom the programming of WWAT is broadcast.

Station WWAT is considered a local television station in Columbus. Thus, its program schedules are included in published program schedules of the local television stations. Attached are the local television schedules for Saturday and Sunday as published in The Columbus Dispatch on December 12, 1992. They include the program schedules for Channel 53, which is Station WWAT.

The programs broadcast by WWAT are not received, however, in approximately half of the homes in the Columbus metropolitan area and unavailable to about 50% of the population of that area. This is because cable television systems have approximately 50% penetration (serving more than 50% of the homes their cables pass) in the Columbus metropolitan area and none of them will carry the programs of WWAT. Cable systems are the "gate-

keepers" for the homes and other places which subscribe for their services; in subscriber homes and businesses (e. g., hotels), if a program service is not provided by a cable system, almost without exception it is not available in that home or business.

The reason that the programs broadcast by WWAT are not carried by the Columbus cable television systems is that under the copyright law WWAT is categorized as a distant signal in the Columbus metropolitan area (notwithstanding it was licensed by the F. C. C. to provide service to Columbus and the Columbus metropolitan area and, as noted above, in fact provides an F. C. C. principal city grade or Grade A signal to it). Accordingly, a cable system in the Columbus market would incur liability for large copyright royalty payments were it to carry the programs of WWAT and none of the cable systems in the Columbus metropolitan area will do that.

In addition to the fact that WWAT's programs cannot be seen by a large public for which they are intended, the inability of WWAT to be received in about half the homes in the Columbus metropolitan area threatens the continuation of service by WWAT to those who receive it now. WWAT is a commercial television station which depends on its ability to generate advertising revenue in order to survive and provide broadcast television programs. WWAT must compete with Columbus television stations, the programs of which are carried by the Columbus cable systems, for audience and advertising revenues. WWAT cannot effectively

compete where its programs are not carried by the cable systems and cannot reach half the audience in the major metropolitan area it serves. Indeed, I know from personal experience that most potential advertisers in the Columbus metropolitan area will not even consider using WWAT for their advertising after they ask, and are informed, that its programs are not carried by the Columbus cable television systems.

The foregoing made Triplett a debtor-in-possession under the bankruptcy law. Because of the foregoing, Station WWAT cannot generate revenue from advertising sales sufficient to meet its expenses. Station WWAT is kept alive as an operating television station at this time only by the continuous infusion of new money by the owners. In due course, this will end, at which point Station WWAT will cease broadcast operation. It is very doubtful if any television station at Chillicothe, regardless of whom the operator might be, can survive if the competitive handicap under which Station WWAT now operates is not lifted.

The competitive handicap would be lifted if the F. C. C. would amend its list of major television markets in Section 76.51 of its rules to redefine the Columbus market as the "Columbus-Chillicothe" market, in the same manner as other markets are listed in hyphenated form in that rule. Such amendment of that list is completely appropriate because WWAT did not even exist when that list was created so that there was no occasion to consider the matter at that time. Redefinition of the market as

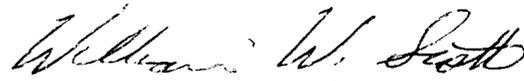
Declaration of William W. Scott, continued

- 4 -

"Columbus-Chillicothe" would automatically cause WWAT's programs to be local programs in the Columbus market, available for carriage by the Columbus cable television systems without incurring copyright royalty payments.

I declare under penalty of perjury that the foregoing is true and correct.

Executed December 21, 1992.



William W. Scott

SATURDAY MORNING BROADCAST

	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	
4	News 4 Weekend <input type="checkbox"/>	Saturday Today <input type="checkbox"/>				News 4 Weekend <input type="checkbox"/>		NBA In-side Stuff	Auto Showcase	NFL Live <input type="checkbox"/>	NFL Foot-ball		
6	Vision and Values	Winnie the Pooh	Land of the Lost	Wild West C.O.W.	Darkwing Duck	Goof Troop	Addams Family	Jetsons	Beak-man's	Pd. Prog.	Pd. Prog.		
10	U.S. Farm Report	Agri-Country	Eyewitness News Weekend	News This Week	Eyewitness News Weekend	"One Magic Christmas" *** (1985) Mary Steenburgen.				"The Kid Who"			
23	Real News	Conan	Dog City <input type="checkbox"/>	Bobby's World	Tom and Jerry Kids	Eek! the Cat	Tiny Toons	Taz-Mania <input type="checkbox"/>	Mighty Mouse	Super Dave	"The Great Muppet Caper"		
34	Off Air	Joy of Painting	Joy of Painting	"Rhapsody in Blue" **½ (1945) Robert Alda, Joan Leslie.				Louisiana Cookin'	Street Smarts: Straight Talk for Kids, Teens and Parents				
51	Superbook	Flying House	Davey & Goliath	Kids Like You	City That Forgot	Just Kids	Nightsongs	Butterfly Island	Solo Act	America's Backyard	Herald of Truth		
53	Don Coyote	Robin Hood	Dark Water	Mr. Bogus	Pd. Prog.	Scratch	Pd. Program	Financial Guide	Pd. Program	Sportsman	Pd. Program	Boxing Week	
56	Stress and Anxiety	Planetary Gem	Outdoor Trail	Outdoor Gazette	En-ounters	Golf Doc-tor	High School Basketball Del. Hayes vs. Marion Harding.		Women's Basketball Ohio Wesleyan vs. Wittenburg.				

SATURDAY AFTERNOON BROADCAST

	1:00	1:30	2:00	2:30	3:00	3:30	4:00	4:30	5:00	5:30	6:00	6:30
4	NFL Football Denver Broncos at Buffalo Bills. From Rich Stadium. Cont'd					Heisman Trophy	Figure Skating World Championships -Encore.				News <input type="checkbox"/>	NBC News
6	Christmas Cartoon Classics	"The Muppet Movie" ***½ (1979) Charles Durning.					Senior PGA Golf Tour Champions. Second round. <input type="checkbox"/>				News	ABC News
10	"The Kid Who Loved Christmas" **½ (1990) Cicely Tyson.			Rudolph the Red-Nosed Reindeer	NFL To-day	NFL Football New York Giants at Phoenix Cardinals. From Sun Devil Stadium. <input type="checkbox"/>						
28	"The Great Muppet Caper"			"The Adventures of Tom Sawyer" *** (1938) Tommy Kelly.		"Annie" **½ (1982) Albert Finney, Aileen Quinn.				Star Search		
34	Holiday Table <input type="checkbox"/>		Desserts <input type="checkbox"/>			Frugal Gourmet <input type="checkbox"/>		Fit or Fat for the '90s <input type="checkbox"/>				
51	Fishing the West	Handy-man	Scrooge	This Is the Life	Jerusalem on Line	Accent on Health	Susan Patterson	Rejoice in the Lord	Time to Forgive	Lloyd Ogilvie		
53	WWF Superstars of Wrestling	Knights & Warriors		Highlander: The Series		Baywatch (2 of 2) * <input type="checkbox"/>		Street Justice "Feet of Clay" *	Renegade "La Mala Sombra" *			
56	Women's Basketball	Sport-shooting	Fisherman	Horse-manship	Kickboxing	Grand Strand	Fishing	College Soccer George Mason vs. James Madison.				

SATURDAY EVENING BROADCAST

	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30
4	Life Choices With Erie Chapman-Health Fertility. *	ZooLife Gorillas and mar-mosets.	Here and Now <input type="checkbox"/>	Powers That Be Hustler promises fund-raisers. ■ <input type="checkbox"/>	Empty Nest Charlie is lost at sea. ■ <input type="checkbox"/>	Nurses Annie en-lists Jack's help. ■ <input type="checkbox"/>	Sisters Teddy is shocked to learn that her first high-school boyfriend has AIDS. ■ <input type="checkbox"/>		News <input type="checkbox"/>	Saturday Night Live Glenn Close; Black Crowes. ■		
6	Current Affair Extra	College Basketball Bowling Green State at Ohio State.				Commish "Sleep of the Just" A serial rapist avoids ar-rest by hiding behind his diplomatic immuni-ty. <input type="checkbox"/>		News	WKRP in Cincinnati Johnny gets a job offer.	Comedy Showcase <input type="checkbox"/>		
10	Wheel of Fortune <input type="checkbox"/>	Cash Ex-plosion	"White Christmas" *** (1954) Bing Crosby, Danny Kaye. Four entertainers try to save an innkeeper from ruin.					Dear John John has party at day-care center. ■ <input type="checkbox"/>	News	Night Court Roz's pen pal wants to meet her.	American Gladiators	
23	Star Trek: The Next Generation A visiting ambassador uses Troi. <input type="checkbox"/>	Cops From Seattle. <input type="checkbox"/>	Cops Philadel-phia. * <input type="checkbox"/>	Code 3 Near drown-ings. * <input type="checkbox"/>	Edge Demi Moore. * <input type="checkbox"/>	Star Trek: The Next Generation Picard and Data in-vestigate a mission.		Arsenio Hall Singer Randy Travis; actress Suzanne Somers. * <input type="checkbox"/>	Comic Strip Live From L.A., comics Tom Kenny, Blake Clark.			
34	Lawrence Welk Show Songs include "Silver Bells" & "Adeste Fide-lis." Cont'd	Christmas Songs Mel Torme, Maureen McGovern, Doc Severin-sen and the Milwaukee Symphony Orchestra perform holiday songs. ■					Doctor Who "The Happiness Patrol" On Terra Alpha, the Doctor and Ace learn how ruler Helen A enforces a "be happy or die" philosophy.			Off Air		
51	James Kennedy	Day of Discovery	This Is the Life	James Robison	Zola Levitt	Jack Van Impe	Musical Memories	Soulwin-ner	Stage Door	Lightmusic		
53	Ed Sullivan <input type="checkbox"/>	"Teenage Mutant Ninja Turtles" **½ (1990) Judith Hoag, Elias Koteas.					On Scene: Emergen-cy	New WKRP in Cincinnati	Emergen-cy Call * <input type="checkbox"/>	Whoopi Goldberg Scheduled: Billy Con-nolly; Jann Wenner. *		It's Show-time at the Apollo
56	Four Star Playhouse	Golden Years	Ozzie and Harriet	One Step Beyond	Produc-er's	Sound Check	Hollywood Update	Friends in Country	Cinemat-ractions	JBTv	Noise Bazaar	

SUNDAY MORNING BROADCAST													
	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	
4	News 4 Weekend ☐	Sunday Today ☐		Meet the Press ☐		News 4 Weekend	Life Choices	Catholic Mass	Kodak All America	Bengals Browns	NFL Live ☐		
6	Snack-master	World Tomorrow	James Kennedy	Robert Schuller	Pd. Prog.	Pd. Prog.	This Week With David Brinkley		News-makers	Rich and Famous	Think of That?		
10	It's Your Business	Pd. Program	It Is Written	First Edition	Sunday Morning ☐		Home Again	Home Show	Men's World	Randy Ayers	NFL Today		
28	Tale Spin ☐	Larry Jones	Kenneth Copeland		Breakthrough Rod Parsley.		Spectrum	Designing Women	American Telecast	New Wave	Winans Real Meaning of Christmas		
34	Off Air		Barney & Friends Holiday Special ☐				Lamb Chop	Sesame Street		Ghostwriter	American Experience (part 1 of 2) ☐		
51	Jack Hayford	Lloyd Ogilvie	Bible Prophecy	Stan Scott	Frederick K. Price		Jack Van Impe	Herald of Truth	James Kennedy		Adrian Rogers		
53	World in 80	King Arthur	Jimmy Swaggart		Day of Discovery	On Target	Public Forum	Extremists	Pd. Prog.	Notre Dame	WWF Wrestling Challenge		
56	David T. DeMola	Creative Arts	Women's Issues	Round-tripper	Bethany Hour		"It's A Wonderful Life"		"Scrooge"				
SUNDAY AFTERNOON BROADCAST													
	1:00	1:30	2:00	2:30	3:00	3:30	4:00	4:30	5:00	5:30	6:00	6:30	
4	NFL Football Cleveland at Detroit.						"Mother Lode" (1982) Charlton Heston, Kim Basinger.			News	NBC News		
6	Beauty and the Beast ☐	Entertainment Tonight ☐		Lifestyles of the Rich and Famous		Senior PGA Golf Tour Champions. Final round. ☐			News	ABC News			
10	NFL Football San Francisco 49ers at Minnesota Vikings. ☐						NFL Football Dallas Cowboys at Washington Redskins. From R.F.K. Stadium.						
28	Winans Real Meaning of Christmas		"A Very Brady Christmas" **½ (1988) Florence Henderson.			"Code of Silence" **½ (1985) Chuck Norris, Henry Silva.			Star Trek				
34	American Experience "The Kennedys" (part 1 of 2) ☐ Cont'd				American Experience "The Kennedys" (part 2 of 2) ☐				Great Performances				
51	Joy of Music	Jewish Voice	Cornerstone		Rejoice in the Lord		Ernest Angley		God's News	Jack Hayford	Jewish Jewels		
53	WWF Wrestling		"The Christmas Stallion" (1992) Daniel J. Travanti.				Highlander: The Series		Prime Suspect	Hollywood Babylon	New WKRP	Roggin's Heroes	
56	Outdoors	Horse-manship	Fitness Profile	Grand Strand	Outdoors	Dean Durham	European Travel	Archie Phillips	Gone Fishing	Jan Lewan	JBTv	Cinematractions	
SUNDAY EVENING BROADCAST													
	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	
4	I Witness Video ☐		"Back to the Future Part III" *** (1990) Michael J. Fox, Christopher Lloyd. ☐					News ☐	Golden Girls	"Miracle of Morgan's Creek"			
6	Life Goes On		Home Videos	Funniest People	"Charles & Diana: Unhappily Ever After" (premiere) (1992) Roger Rees. ☐			News	WKRP in Cincinnati	Current Affair Extra			
10	60 Minutes ☐		Murder, She Wrote ☐		"A Message From Holly" (premiere) (1992) Shelley Long. ☐			News	Jeopardy! ☐	"One Magic Christmas"			
28	Batman ☐	Shaky Ground	In Living Color	Roc ☐	Married... With	Herman's Head	Flying Blind	Ben Stiller ☐	Designing Women	Catwalk (1 of 2) *		Star Trek: The Next	
34	Great Performances ☐ Cont'd		Christmas With Luciano Pavarotti		Great Performances Host: Jeremy Irons. ☐			'Allo, 'Allo!	Off Air				
51	Frederick K. Price		From the Heart		In Touch		Breakthrough Rod Parsley.		Life Care		Feed My Sheep	James Robison	
53	Hee Haw Silver Don Williams.		Day of Discovery	Emergency Call	Baywatch (1 of 2) * ☐		Renegade "La Mala Sombra" *		Street Justice "Feet of Clay" *		George-Sports	WCW Pro Wrestling	
56	Best of Ozzie and Harriet		Mad at the Media	Stanley Siegel	Biograph Days, Biograph Nights		Big Band Days		Jack Van Impe	Get Wet	Friends in Country	Stress and Anxiety	