

FILE COPY

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In re Matter of:

| | | | |
|-----------------------------------|---|---------------|---------------|
| Amendment of §76.51 |) | MM Docket No. | <u>93-218</u> |
| Major Television Market |) | RM. | <u>4895</u> |
| (Tampa-St. Petersburg-Clearwater, |) | | |
| Florida |) | | |

To: Chief, Policy and Rules Division
Mass Media Bureau

RECEIVED

PETITION FOR RULEMAKING

JAN 24 1985

Christian Television Corporation, Inc., licensee of ^{F.C.C.-TV} Channel 22, Clearwater, Florida, (hereinafter "WCLF"), by its undersigned attorney and pursuant to §1.401 of the Commission's Rules, hereby respectfully requests the Commission to initiate a rulemaking proceeding to amend §76.51(a)(28) of the Commission's Rules to change the designated Tampa-St. Petersburg, Florida, hyphenated market to include Clearwater, Florida. In support thereof, the following is stated:

I. BACKGROUND INFORMATION.

1. WCLF is an independent UHF station which commenced operations in October, 1979. Its community of license, Clearwater, is part of what is commonly referred to as the Tampa Bay area, which comprises the tri-city market of Clearwater, Tampa and St. Petersburg. These three communities, because of their close proximity (the city limits of Clearwater and Tampa connect at their East-West boundaries), have common social, cultural, trade and economic interests. Even political leaders from the area

recognize these common links between the three communities (see letters from Congressman Bill Young and Representative John A. Grant, Jr., Appendix 1).

2. The commonality of these communities is also evidenced by the overlapping program coverage provided by area stations. For example, WCLF places a Grade A and B signal over the Tampa-St. Petersburg market. It also places a city grade signal over Tampa and over a substantial portion of St. Petersburg (see Appendix 2). In turn, the Grade B signals of stations licensed to Tampa and St. Petersburg totally encompass Clearwater (see Appendix 3).

3. WCLF's market location necessarily places it in a competitive situation with the other television stations in the Tampa-St. Petersburg area. Indeed, although WCLF's community of license is Clearwater, it derives a substantial portion of its revenue from other cities in the area. This is partially due to the fact that WCLF has a steadily growing off-the-air audience; WCLF is currently carried by nine cable systems including Group W Cable which serves Hillsborough County (Tampa) and Vision Cable of Pinellas which serves Pinellas Park (St. Petersburg). (Numerous subscribers to cable systems which do not presently carry WCLF's signal have also expressed interest in receiving WCLF's signal.) In addition, WCLF has been unsuccessful in obtaining a lower rate for its programming because producers regard Clearwater as part of the Tampa-St. Petersburg market and, therefore, believe WCLF's programming should be sold at a rate comparable to programming rates charged to Tampa-St. Petersburg stations (see, e.g., Appendix

4). WCLF's pricing structure is due largely to the fact that both the Nielsen and Arbitron ratings include Clearwater in the Tampa-St. Petersburg market.

4. Although WCLF places a primary emphasis on the programming interests and needs of its community of license, it also airs programming which addresses the interests and needs of Tampa and St. Petersburg. WCLF often airs programming which features guests from St. Petersburg and Tampa, and which also addresses problems of concern to citizens in those communities (see Appendix 5). As a result of such programming efforts, WCLF is in direct competition with Tampa and St. Petersburg stations since it brings a fresh, independent voice to those areas.

II. ARGUMENT.

Clearwater Should be Included in the Tampa-St. Petersburg Hyphenated Market.

5. Commission's Rules providing for mandatory carriage in hyphenated markets were adopted "to help equalize competition between stations in markets of this type, and to assure that stations will have access to cable subscribers in the market and that cable subscribers will have access to all stations in the market." Id. Cable Television Report and Order, 36 F.C.C.2d 143, 176, 24 R.R.2d 1501, 1541 (1972). The Commission has defined a hyphenated television market as one characterized by more than one major population center supporting all stations in the market but with competing stations licensed to different cities within the

market area. In determining whether a community should be included in an existing hyphenated market, the Commission will look to see whether the communities in question constitute a "single television market" -- i.e., "the areas in which stations can actually or logically expect economic support." Notice of Proposed Rulemaking, MM Mimeo No. 2476 (released February 22, 1984), at ¶8 (hereinafter "Orlando-Daytona Beach Rulemaking"); see also, Notice of Proposed Rulemaking, MM Mimeo No. 3984 (released May 7, 1984) (hereinafter "Fresno-Visalia Rulemaking").

6. In the Fresno-Visalia Rulemaking, supra, the Commission found that the petitioner, seeking to add Fresno to the Visalia, California market, made a prima facie showing that Fresno and Visalia constituted a single television market. Id. at ¶6. Petitioner's showing consisted of the following factors: (1) Its city grade signal reached beyond Fresno; (2) both Visalia and Fresno receive service from all stations in the two communities; (3) such stations rely on both communities for advertising revenues; and (4) Fresno stations regularly cover news and public affairs in both communities. In the Orlando-Daytona Beach Rulemaking, supra, the Commission found that the showing made by petitioner indicated that Orlando, Daytona Beach and Melbourne comprised a single market. 1/ Petitioner's showing included the

1/ This proceeding was later modified to determine whether Orlando, Daytona Beach, Melbourne and Cocoa, Florida comprised a single market. On November 21, 1984, the Commission stated that all four communities comprised a single market, and added Melbourne and Cocoa to the Orlando-Daytona Beach market designation. See News, MM Mimeo No. 988, released November 23, 1984.

following: (1) the petitioner provides Grade B coverage to most of the Orlando-Daytona Beach market, a city grade signal over almost 97% of Orlando's population, and a Grade A Signal over all of Orlando; (2) Melbourne is located within the Grade B contours of the Orlando and Daytona Beach stations; (3) approximately 65,000 cable subscribers in the Orlando-Daytona Beach market cannot receive petitioner's signal, and approximately 23,000 subscribers within petitioner's own Grade B contour cannot receive its signal because petitioner is not carried on cable; (4) the public would benefit from petitioner's independent programming in response to interests and concerns in the tri-city market; (5) Petitioner derives significant revenue from cities other than Melbourne; (6) Arbitron recently designated the communities as a single market; (7) program distributors treat Melbourne as part of the Orlando-Daytona Beach market; and (8) congressmen from the area recognize the communities as an integrally connected social, political and economic unit. While the Commission took all these factors into consideration, it stressed points (1) and (2) above since they tended to support petitioner's assertion that the stations located in Orlando, Daytona Beach and Melbourne comprise one market. Id. at ¶8.

7. The factors set forth herein by WCLF also demonstrate that Tampa, St. Petersburg and Clearwater constitute a single television market:

- (1) WCLF provides Grade A and B coverage to the Tampa-St. Petersburg market, and city grade service to Tampa and a substantial portion to St. Petersburg;

- (2) Clearwater is located within the Grade B contours of all Tampa and St. Petersburg television stations;
- (3) WCLF derives a substantial percentage of its revenue from cities other than Clearwater;
- (4) Program distributors treat Clearwater as part of the Tampa-St. Petersburg market;
- (5) Both Nielsen and Arbitron include Clearwater in the Tampa-St. Petersburg market.
- (6) The public would benefit from WCLF's independent programming;
- (7) Numerous subscribers have expressed an interest in receiving WCLF's programming.
- (8) Political leaders from the area recognize the commonality of interests between the communities of Clearwater, Tampa and St. Petersburg.

8. Although Clearwater is an integral part of the tri-city market of Tampa, St. Petersburg and Clearwater, WCLF is precluded from competing with stations which are entitled to carriage on cable systems serving Tampa and St. Petersburg. As a result, WCLF is placed at a substantial financial disadvantage among its market competitors, and is denied access to its natural audience. There are a substantial number of subscribers in WCLF's service area, many of whom have expressed interest in receiving WCLF's signal, who do not have access to its signal. These same subscribers, however, are located in the market upon which WCLF relies, in part, for its continued viability.

WHEREFORE, in view of the above, Christian Television Corporation, Inc. respectfully requests that a Notice of Proposed Rule-making be issued to propose amendment of §76.51(a)(28) of the Commission's Rules to include Clearwater, Florida, in the Tampa-St. Petersburg hyphenated market.

Respectfully submitted,

CHRISTIAN TELEVISION
CORPORATION, INC.

By James A. Gammon / JAG
James A. Gammon

Its Attorney

Gammon & Grange
1925 K Street, N.W.
Suite 300
Washington, D.C. 20006
(202) 861-0770

January 24, 1985

Christian Television Corporation, Inc:
Petition for Rulemaking
Appendix 1

LETTERS FROM
CONGRESSMAN BILL YOUNG
AND
REPRESENTATIVE JOHN A. GRANT, JR.

C.W. BILL YOUNG
8TH DISTRICT, FLORIDA

MEMBER:
COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEE ON
NATIONAL DEFENSE

Congress of the United States
House of Representatives
Washington, DC 20515

2407 RAYBURN BUILDING
WASHINGTON, DC 20515

DISTRICT OFFICE:
SUITE 627
144 FIRST AVENUE, SOUTH
ST. PETERSBURG, FL 33701

SUITE 606
801 WEST BAY DRIVE
LARGO, FL 33540

January 10, 1985

Mr. Bob D'Andrea
WCLF-Channel 22
6922 142nd Avenue North
Clearwater, Florida 33546

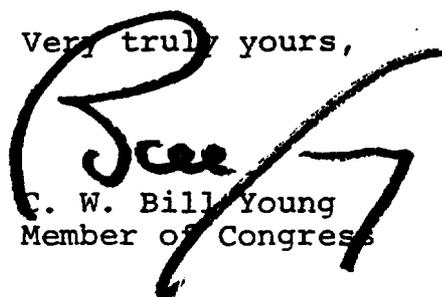
Dear Bob:

It is my understanding that WCLF-Channel 22 is petitioning the Federal Communications Commission for a change in the designation of the television market area for Tampa Bay.

Pinellas County is the most populated county in the Tampa Bay area, and its two largest cities of St. Petersburg and Clearwater are frequently linked with Tampa when reference is made to Tampa Bay. For this reason, among others, I am pleased that Channel 22 has requested the FCC to reclassify its "Tampa-St. Petersburg" designation as "Tampa-St. Petersburg-Clearwater," and I am confident that the FCC will give your station's request all possible consideration.

With best wishes and personal regards, I am

Very truly yours,



C. W. Bill Young
Member of Congress

CWY/gnc



Florida House of Representatives

Tallahassee

John A. Grant, Jr.
Representative, 59th District

Reply to:

- Suite 100, Decoa Building
1411 North Westshore Boulevard
Post Office Box 24268
Tampa, Florida 33623
(813) 272-5957
- 211 House Office Building
Tallahassee, Florida 32301
(904) 488-0275

Committees

Judiciary

Court Systems & Miscellaneous
Subcommittee

Tourism & Economic Development

Tourism Subcommittee

Criminal Justice

Criminal Code Subcommittee

Natural Resources Energy Subcommittee

January 11, 1985

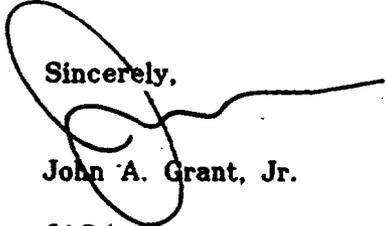
Mr. Robert D'Andrea, President
WCLF TV - Channel 22
Post Office 6922
Clearwater, Florida 33518

Dear Bob:

I am pleased to support the application of WCLF TV for an amendment of it's service area to include the entire Tampa Bay area. This area is a contiguous metropolitan area, including the cities of Tampa, St. Petersburg, Clearwater and surrounding communities. All of the television media in this area is directed towards the entire metropolitan area market.

WCLF TV provides a needed service to the entire community. This service is not provided by any other television station. I therefore encourage and support the amendment of it's service area to include the west coast, seven county, area.

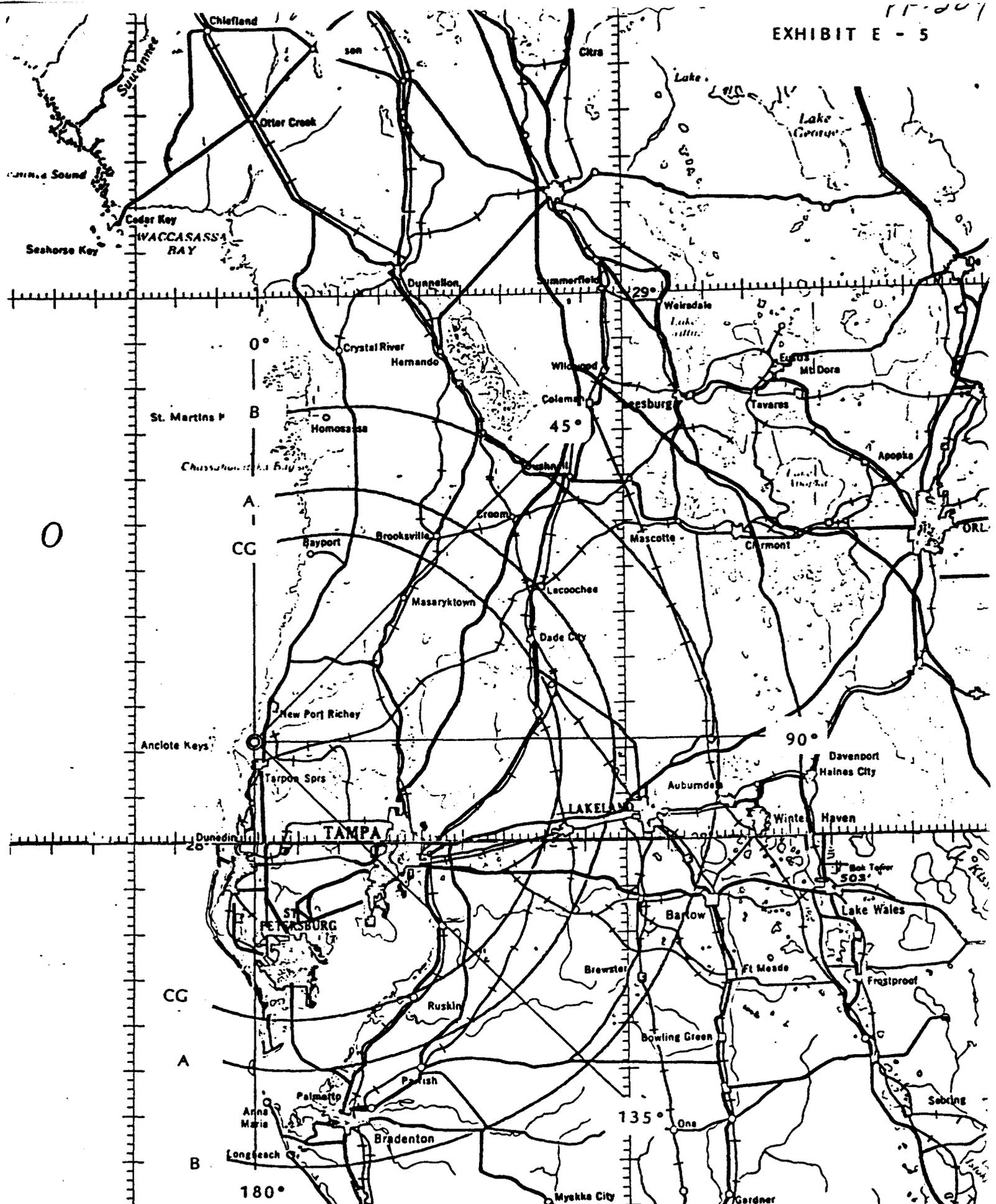
Sincerely,


John A. Grant, Jr.

JAG/pw

**Christian Television Corporation, Inc.
Petition for Rulemaking
Appendix 2**

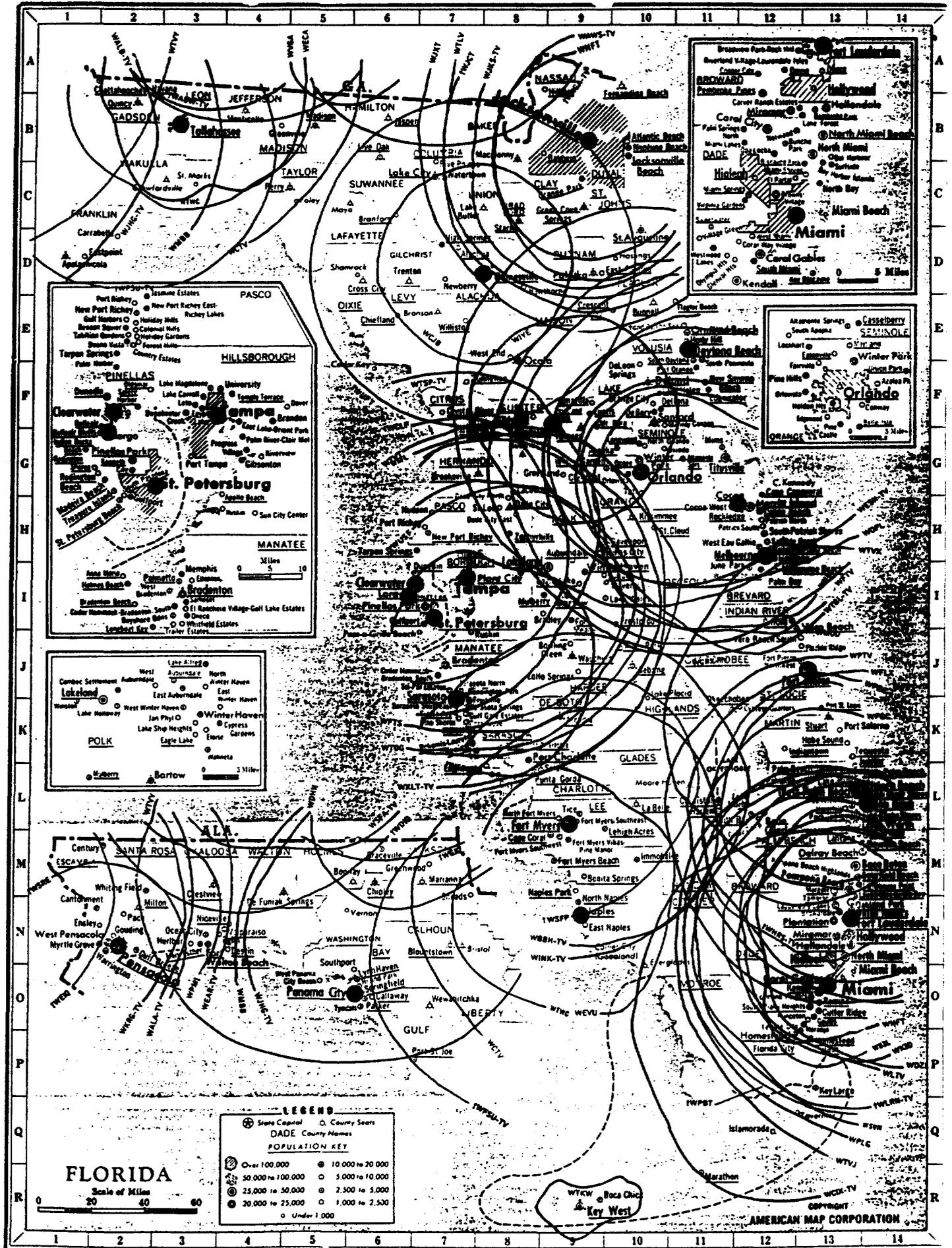
WCLF'S AREA OF COVERAGE



| | | | | | | | | | | | | | | | | |
|---------------|---|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|
| Kilometers | 0 | 10 | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 90 | 100 | 110 | 120 | 130 | 140 | 150 |
| Statute Miles | 0 | 10 | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 90 | 100 | 110 | 120 | 130 | 140 | 150 |
| Statute Miles | 0 | 10 | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 90 | 100 | 110 | 120 | 130 | 140 | 150 |

**Christian Television Corporation, Inc.
Petition for Rulemaking
Appendix 3**

**GRADE B COVERAGE
OF AREA STATIONS**



Taken from 1984 Television Digest's Cable & Station Coverage Atlas

Christian Television Corporation, Inc.
Petition for Rulemaking
Appendix 5

LETTER RE
PRICING STRUCTURE FOR WCLF

Exclusive International Pictures, Inc.

Producers and Distributors of Motion Pictures

Suite 309 American Bank Bldg.

Vincennes, Indiana 47591 USA

Telephone 812-882-2859

Office Hours Mon. - Fri. 10:00 a.m. - 4:00 p.m.



January 10, 1985

Christian Television Network
Ch. 22 WCLF-TV
Robert D'Andrea
P.O. Box 6922
Clearwater, Fl 33518-6922

Dear Mr. D'Andrea:

In reply to your letter of January 9, 1985, we cannot give you any special rates because you are a Clearwater station and Clearwater is considered to be in the Tampa-St. Petersburg market. All the Nielsen and Arbitron ratings include Clearwater in the Tampa-St. Petersburg market. Therefore, our pricing structure must be at a Tampa-St. Petersburg market rate.

We will be looking forward to hearing from you in the near future.

Kindest Personal Regards,

Eddie C. Stewart

Eddie C. Stewart, President
Exclusive International Pictures, Inc.

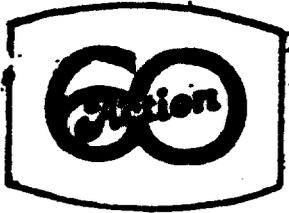
ECS/ikr

cc/file

Christian Television Corporation, Inc.
Petition for Rulemaking
Appendix 6

SAMPLE PROGRAMMING
OF WCLF

Trace #562 on 10/22/84



P.O. BOX 6922 • CLEARWATER, FLORIDA 33518
 PHONE: (813) 535-5622 • PRAYER LINE 535-5671

GUESTS

PROGRAM FORM:

- NAME SUBJECT**
1. DR. HOWARD SCHUELE... "HIP JOINTS" *Clearwater*
 2. RALPH HEATH... "CARE FOR HOOKED BIRDS" *TAMPA*
 3. BARBARA CASH & DEBBIE JOHNSON... "THEIR TRIP TO HAITI" *ST. PETERSBURG*

PGM #: 516
 DATE: 7/16/84- Monday
 TBA: 7/16/84-Monday
 PAGE: 1 of 1

MUSIC:
 DEBBIE JOHNSON

| ITEM | VIDEO | AUDIO | SEG | CUM | ACTUAL |
|-----------------------------------|-------------|-------------|-------|-------|--------|
| 1. OPEN | LIVE/VTR | CART | :30 | :30 | |
| 2. WELCOME | SET 1 | HAND | 2:00 | 2:30 | |
| 3. TEASE MUSIC | SET 1 | HAND | :10 | 2:40 | |
| 4. MUSIC..DEBBIE JOHNSON | SET 2 | HAND/TRAK | 3:00 | 5:40 | |
| 5. DR. HOWARD SCHUELE | SET 1 | 2 LAV | 10:00 | 15:40 | |
| 6. BUMP | LIVE/VTR | CART | :30 | 16:10 | |
| 7. BREAK | MCR | MCR | 1:30 | 17:40 | |
| 8. AUDIENCE | SET 1 | LAV | 3:00 | 20:40 | |
| 9. TEASE MUSIC | SET 1 | LAV | :10 | 20:50 | |
| 10. MUSIC..DEBBIE JOHNSON | SET 3 | HAND/TRAK | 3:00 | 23:50 | |
| 11. RALPH HEATH | SET 1 | 2 LAV | 10:00 | 33:50 | |
| 12. BUMP | LIVE/VTR | CART | :30 | 34:20 | |
| 13. BREAK | MCR | MCR | 1:30 | 35:50 | |
| 14. BARBARA CASH & DEBBIE JOHNSON | SET 1 | 3 LAV | 10:00 | 45:50 | |
| 15. BUMP | LIVE/VTR | CART | :30 | 46:20 | |
| 16. BREAK | MCR | MCR | 1:30 | 47:50 | |
| 17. MUSIC..DEBBIE JOHNSON | SET 2 | HAND/TRAK | 3:00 | 50:50 | |
| 18. MESSAGE | SET 1 | LAV | 7:10 | 58:00 | |
| 19. CLOSE | VTR/FREEZES | SOT/VO/CART | :50 | 58:50 | |



P.O. BOX 6922 • CLEARWATER, FLORIDA 33518
 PHONE: (813) 535-5622 • PRAYER LINE 535-5671

GUESTS

PROGRAM FORMAT

- NAME SUBJECT**
- DR. FRED GURTMAN... "SKIN CANCER" *CLEARWATER*
 - GENE & MARVENE VANCIL... "FIRE EXTINGUISHER" *TAMPA*
 - RUTH CATALANO... "MISSIONARY TO CHEROKEE INDIANS"

PGM #: 537
DATE: 8/22/84 Wednesday
TBA: 8/22/84 Wednesday
PAGE: 1 of 1

MUSIC:

AMY BENDER

| ITEM | VIDEO | AUDIO | SEG | CUM | ACTUAL |
|--------------------------|-------------|-------------|-----|-------|--------|
| 1. OPEN | LIVE/VTR | CART | | :30 | :30 |
| 2. WELCOME | SET 1 | HAND | | 1:30 | 2:00 |
| 3. TEASE MUSIC | SET 1 | HAND | | :10 | 2:10 |
| 4. MUSIC..AMY BENDER | SET 2 | HAND/TRAK | | 3:00 | 5:10 |
| 5. DR. FRED GURTMAN | SET 1 | 2 LAV | | 11:00 | 16:10 |
| 6. BUMP | LIVE/VTR | CART | | :30 | 16:40 |
| 7. BREAK | MCR | MCR | | 1:30 | 18:10 |
| 8. GENE & MARVENE VANCIL | SET 1 | 2 LAV | | 11:00 | 29:10 |
| 9. BUMP | LIVE/VTR | CART | | :30 | 29:40 |
| 10. BREAK | MCR | MCR | | 1:30 | 31:10 |
| 11. TEASE MUSIC | SET 1 | LAV | | :10 | 31:20 |
| 12. MUSIC..AMY BENDER | SET 3 | HAND/TRAK | | 3:00 | 34:20 |
| 13. RUTH CATALANO | SET 1 | 2 LAV | | 11:00 | 45:20 |
| 14. BUMP | LIVE/VTR | CART | | :30 | 45:50 |
| 15. BREAK | MCR | MCR | | 1:30 | 47:20 |
| 16. TEASE MUSIC | SET 1 | LAV | | :10 | 47:30 |
| 17. MUSIC..AMY BENDER | SET 2 | HAND/TRAK | | 3:00 | 50:30 |
| 18. MESSAGE | SET 1 | LAV | | 6:40 | 56:40 |
| 19. CLOSE | VTR/FREEZES | SOT/VO/CART | | :40 | 57:20 |
| 20. ROLL-IN (APPEAL) | VTR/SPOT | SOT | | 1:30 | 58:50 |