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March 9, 1994

RECEIVED

MAR - 9 1994

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

\* ADMITTED PA ONLY  
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**BY HAND DELIVERY**

Mr. William F. Caton  
 Acting Secretary  
 Federal Communications Commission  
 1919 M Street, N.W.  
 Room 222  
 Washington, D.C. 20554

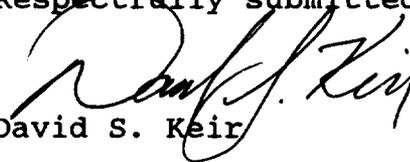
**Re: Amendment of FCC Rule 76.51;  
 Joint Petition for Rule Making  
 To Redesignate Raleigh-Durham,  
North Carolina Television Market**

Dear Mr. Caton:

Enclosed on behalf of Group H Broadcasting Corporation ("Group H"), licensee of television broadcast station WYED, Channel 17, Goldsboro, North Carolina, are the original and four copies of its Comments in support of the above-referenced Joint Petition for Rule Making, filed on October 13, 1993. The Joint Petition seeks to redesignate the Raleigh-Durham, North Carolina television market to include the City of Fayetteville. Although this petition has not yet appeared on Public Notice, Group H wishes to make known its support for the proposal. Please associate these comments with this file.

Should there be any questions concerning this matter, please contact the undersigned counsel.

Respectfully submitted,

  
 David S. Keir

DSK/kkj  
 Enclosure  
 cc: Wade H. Hargrove, Esq.,  
 Counsel to Joint Petitioners

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BEFORE THE

**Federal Communications Commission** MAR - 9 1994

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
 Amendment of Section 76.51 ) MM Docket No. \_\_\_\_\_  
 of the Commission's Rules to )  
 include the City of Fayetteville, )  
 North Carolina in the "Raleigh- )  
 Durham" Television Market )

To: Chief, Mass Media Bureau

**COMMENTS OF GROUP H BROADCASTING CORPORATION  
IN SUPPORT OF JOINT PETITION FOR RULE MAKING**

Group H Broadcasting Corporation ("Group H"), licensee of television broadcast Station WYED, Channel 17, Goldsboro, North Carolina, hereby comments on the above-captioned "Joint Petition for Rule Making" ("Joint Petition"), which was filed by five television stations licensed to the communities of Durham, Fayetteville, and Raleigh, North Carolina ("Joint Petitioners")<sup>1/</sup> on October 13, 1993. Group H supports the Joint Petition.

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<sup>1/</sup> The Joint Petitioners are Capital Cities/ABC, Inc., licensee of television station WTVD(TV), Channel 11, Durham, North Carolina; Capital Broadcasting Company, Inc., licensee of television station WRAL(TV), Channel 5, Raleigh, North Carolina; Delta Broadcasting, Inc., licensee of television Station WKFT(TV), Channel 40, Fayetteville, North Carolina; FSF TV, Inc., licensee of television station WRDC(TV), Channel 28, Durham, North Carolina; and Paramount Stations Group of Raleigh Durham Inc., licensee of television station WLFL(TV), Channel 22, Raleigh, North Carolina.

The Joint Petitioners have demonstrated, as Group H did in its petition requesting that Goldsboro be added to the Raleigh-Durham market (see Notice of Proposed Rule Making, MM Docket 93-212, released on July 15, 1993 ("Goldsboro NPRM")), that broadening the Raleigh-Durham market designation is necessary in order to establish parity under the Commission's rules among stations that compete within this television market. For purposes of acquiring the rights to syndicated programming, each of the stations licensed to the Joint Petitioners, as well as Group H's station WYED, are considered to serve the Raleigh-Durham market. As a result, both WKFT, Fayetteville, and Group H's WYED, Goldsboro, pay the same programming rights fees as Raleigh-Durham stations, and both compete for the same audience and advertising dollars as these stations. However, despite this fact, neither station can gain program exclusivity protection against the other stations in the market, nor can the Raleigh-Durham stations be protected against WKFT or WYED. This common situation forms the central public interest basis for the Goldsboro NPRM and the Joint Petition.

The Joint Petitioners and Group H have made similar showings under the four factors traditionally considered by the

Commission in evaluating market redesignation requests.<sup>2/</sup> For example, Fayetteville is located approximately 59 miles southwest of Raleigh and 72 miles south of Durham, while Goldsboro is located approximately 51 miles southeast of Raleigh and approximately the same distance southeast of Durham as Fayetteville is south of Durham.<sup>3/</sup>

As Joint Petitioners observe, "the transmitting tower of each of these stations is located within a few miles of the other and each of the stations serves substantially the same geographical area." Joint Petition at 6. Of the six stations owned by the Joint Petitioners and Group H, the transmitters for WYED, WRDC, WRAL, and WTVD are all located in very close proximity in Johnston County, North Carolina; the transmitter for WFLB is located somewhat to the west in Wake County; and the WKFT transmitter is located close by, to the south, in Harnett County. As a result, all six stations have a substantial degree of signal coverage overlap.

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<sup>2/</sup> These factors are: (1) the distance between the existing designated cities and the proposed city; (2) whether the redesignation would extend a station's cable coverage rights beyond its Grade B contour; (3) whether the petitioning station or stations have demonstrated a need for the redesignation; and (4) whether the public interest would be served by the redesignation. See Major Television Markets (Fresno-Visalia, California, 57 R.R.2d 1122, 1124 (1985)).

<sup>3/</sup> Goldsboro is prominently indicated at right on the map submitted by the Joint Parties as Exhibit 2, submitted to indicate the proximity of Durham, Raleigh and Fayetteville.

Similarly, the signal coverage showings are similar. In particular, three of the four stations licensed to Raleigh and Durham place a grade A signal over Goldsboro, just as three out of four provide this level of service to Fayetteville. See Group H Petition, MM Docket No. 93-212, at 3 (filed March 9, 1993) ("Group H Petition"); Joint Petition at 6. In addition, WKFT, Fayetteville, places a grade A signal over both Raleigh and Durham, and WYED places a City Grade contour over Raleigh, and substantially all of Durham, and places a Grade A signal over both cities. See Group H Petition at 3.

Both WKFT, Fayetteville, and WYED, Goldsboro, are treated by other media as part of the Raleigh-Durham television market. As indicated in both the Joint Petition and the Group H Petition, the cable systems serving Goldsboro and Fayetteville carry the four network affiliate stations licensed to Raleigh and Durham, and the Raleigh-Durham cable systems generally carry both WYED and WKFT. See Group H Petition at 3-4; Joint Petition at 6. Likewise, the newspapers in both Raleigh and Durham include WYED and WKFT in their local television listings, and the newspapers in both Fayetteville and Goldsboro include the Raleigh-Durham television stations in their local television listings. See Group H Petition at 4; Joint Petition at 6-7.

Finally, Goldsboro and Fayetteville are economically interdependent with the core communities of Raleigh and Durham. WKFT indicates that as much as twenty percent of its local advertising revenue now comes from Raleigh and Durham (see Joint Petition at 7). WYED has demonstrated in support of the Goldsboro NPRM that over 50 of its local on-air advertisers are from the Raleigh-Durham area, representing more than half of its current local accounts. See Group H Reply Comments, MM Dkt. No. 93-212, at 9 (filed September 14, 1994).

All that is required for a community to be included within a market under Section 76.51 is that the Commission has deemed the community large enough and independent enough in order to merit the allocation of a television facility, and this television facility competes directly with stations licensed to other communities that form a particular television market. The showings presented by both Group H and the Joint Petitioners thus strongly demonstrate that the market they serve should be designated to encompass Raleigh, Durham, Goldsboro and Fayetteville.

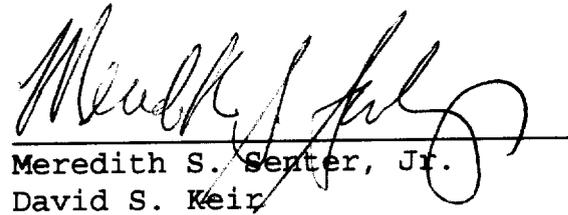
\* \* \*

Therefore, Group H supports the Joint Petition. The Raleigh-Durham market should be expeditiously redesignated to include both Goldsboro and Fayetteville.

Respectfully submitted,

GROUP H BROADCASTING CORPORATION

By:

  
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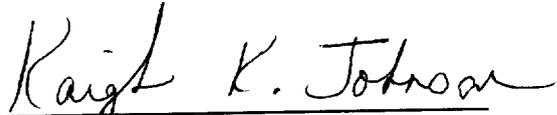
March 9, 1994

Its Attorneys

**CERTIFICATE OF SERVICE**

I, Kaigh K. Johnson, do hereby certify that a copy of the foregoing "Comments Of Group H Broadcasting Corporation In Support Of Joint Petition For Rule Making" was mailed by United States first-class postage prepaid this 9th day of March 1994, to the following:

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FSF TV, Inc.  
Paramount Stations Group of  
Raleigh Durham Inc.

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Kaigh K. Johnson