**VIA ECFS**

December 1, 2015

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Docket 14-150

Dear Ms. Dortch,

This letter supplements that certain *ex parte* letter filed in this docket on November 25, 2015 by Donald J. Evans as counsel to PMCM TV, LLC. Since Mr. Evans' letter fails to describe the objections that Meredith and CBS expressed at the described meeting to PMCM's proposal to "restore it to major/minor virtual channel 3.10 on an interim basis," Meredith Corporation and CBS Broadcasting Inc. felt it necessary to ensure the record reflects a complete summary.

At the outset, we noted that our major concern with PMCM's "solution" is viewer confusion. Meredith and CBS each have made huge investments over decades in branding their services and directing consumers to their respective stations based on their major channel number "3". Any "solution" that results in some viewers who are looking for PMCM's station instead being tuned to the program streams of the Meredith or CBS-owned stations only exacerbates the problem; it does not solve it.

Next, Meredith noted that PMCM wishes to "restore" operation for which it had no authority in the first instance. PMCM's claim of entitlement to operate with virtual channel 3.10 *et seq*. as its "major channel" has been rejected by a well-reasoned Bureau decision and the D.C. Circuit declined to grant mandamus. *See* Request for Declaratory Ruling by Meredith Corporation and "Alternative PSIP Proposal" by PMCM TV, LLC, MB Docket No. 14-150, 30 FCC Rcd 6078 (June 5, 2015). PMCM has a pending Application for Review of the Bureau's decision, and these further filings appear to be simply an effort to circumvent the Commission's processes so it can return to the previously unauthorized operation on PSIP channel 3.10. At the most basic level, PMCM is asking for a waiver, not to restore anything PMCM had, but rather to obtain what the Bureau categorically denied: PMCM is seeking the same waiver—for authority for WJLP to use channel 3 as its virtual channel—that the Bureau just rejected last June after a conducting a nine-month proceeding and evaluating more than 500 comments and other submissions by broadcast licensees, cable television operators, and members of the general public.

Meredith and CBS also noted that PMCM's proposed use of 3.10 *et seq.* as its "virtual channel" (piggy-backing on the major channel number that has been long-used by KYW-TV and WFSB(TV)) is novel and inconsistent with both current FCC rules and current FCC policies. PMCM is asking for the bifurcation of a major channel assignment that another station has long used in the same market—something that would create a unique and direct harm that the Commission has neither granted to any other station in PMCM's position nor forced upon any other station in Meredith's or CBS's position.

The parties suggested that PMCM find a PSIP major channel number that was not part of a major channel number currently assigned to a station serving an overlapping service area. PMCM, however, refused to consider any PSIP channel number other than a channel number corresponding to a VHF RF channel number. Otherwise, Mr. Evans asserted, a consumer seeking to receive WJLP off the air might assume that WJLP operates on a UHF RF channel and mistakenly purchase a UHF-only antenna that could not adequately receive WJLP's VHF RF signal. Following the digital transition, however, a station's virtual channel assignment no longer is required to be the same as its RF channel assignment,

and many stations operating on VHF RF channels have virtual channel numbers formerly associated with UHF operation (*see, e.g.*, WWTO-TV, RF Channel 10, Virtual Channel 35) and it could be a dangerous precedent to set that any station operating on spectrum in the VHF band is entitled to a VHF major channel number. Simply stated, the consequences of PMCM's purchase of a VHF television station (and its move from Ely, Nevada to New Jersey) must not be borne by Meredith or CBS. Moreover, this argument has no relationship to the tuner difficulties WJLP alleges and PMCM did not raise it at any time in the nine-month proceeding during which its prior request for waiver of the PSIP rules was pending.

In response to PMCM's complaints that it was too onerous to inform listeners that tuning directly to 33.1 would resolve their tuning issues, Mr. William Lake (Chief of the Media Bureau) noted that on his television set, he sees a black screen until he goes to a "dot" channel (such as 33.1). As a point of clarity, Meredith believes that the FCC staff suggested telling viewers to tune directly to 33.1 and CBS and Meredith simply supported that suggestion.

CBS also reported that it undertook independent studies using the very same receivers tested by PMCM, and these studies demonstrated that **ALL** of those TV sets resulted in the display of PMCM's WJLP with the inputting of "33.1." CBS further noted that PMCM is not being unfairly singled out as CBS does, in fact, market by informing viewers that they should tune into its services by using a minor channel number containing a dot or a dash. As an example, CBS showed an ad for its "Decades" network, which notifies consumers that the programming is "available over the air on channel 2.2."

Meredith also noted the inconsistency of PMCM's position that it was too difficult to tell potential viewers to tune directly to channel 33.1 but not a problem to tell them to go to channel 3 and then cycle through "dot" secondary channels until they would finally arrive at WJLP on 3.10, which PMCM presumably believes is neither too difficult nor confusing to viewers. Of course, since no other separately owned television station has such a requirement, no consumer would expect to have to scroll through multiple streams of one station to get to a ".10" for a separately owned television station. In any event, whether advertising 33.1 or advertising 3.10, PMCM would have to advertise a "dot" channel. PMCM simply prefers a "dot" channel that is already associated with established broadcasters.

In summary, as it has done throughout this proceeding, Meredith and CBS oppose PMCM's unprecedented demand for PSIP channel 3.10. Should PMCM propose solutions other than PSIP Channel 3.10, Meredith and CBS stand open to discuss them. Meredith and CBS, however, have made clear that they do not wish to engage any more resources in PMCM simply repeating the same thing – that it wants the unprecedented relief of PSIP Channel 3.10 and will accept nothing short of that.

Very truly yours,

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| /s/ | /s/ |
| Joshua N. Pila<br>Its Attorney<br>Meredith Corporation | John W. Bagwell<br>Its Attorney<br>CBS Broadcasting Inc. |

CC (*via electronic mail*):
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