



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA 15-1385

Released: December 3, 2015

**MEDIA BUREAU SPECIFIES EX PARTE STATUS OF PENDING PROCEEDINGS
INVOLVING PMCM TV, LLC
MB Docket No. 14-150
DA 15-662
WJLP, Middletown Township, NJ
Facility ID No. 86537
DA 15-667**

Counsel for PMCM TV, LLC (“PMCM”) has asked Commission staff to clarify the ex parte status of MB Docket No. 14-150, which involves a request for declaratory ruling and other matters. As explained further below, meetings with staff concerning the merits or outcome of this proceeding have been conducted to date in conformance with the Commission’s rules for restricted proceedings, 47 C.F.R. § 1.1208.

Pursuant to 47 C.F.R. § 1.1200(a), the parties to MB Docket No. 14-150 are hereby notified that communications with Federal Communications Commission staff regarding matters at issue in this proceeding, including PMCM’s September 11, 2015 Emergency Request for Relief (“Emergency Request”), are subject to the provisions applicable to restricted proceedings, as set forth in 47 C.F.R. § 1.1208. Although declaratory ruling proceedings normally are subject to the procedures for permit-but-disclose proceedings, 47 C.F.R. § 1.1206(a)(3), in this case we have determined that the public interest would be best served by designating this proceeding as restricted in order to ensure fairness to all parties and to promote efficiency in the resolution of the matters at hand. This proceeding involves a small number of parties to a fact-specific dispute. The public notice initiating the proceeding sought comment not only on a petition for declaratory ruling but also on PMCM’s “Alternative PSIP Proposal” and associated request for waiver to use PSIP channel 3.10.¹ Further, the matters that were before the Media Bureau when it opened this docket are now intertwined with PMCM’s Emergency Request for Relief from the Bureau’s June 5, 2015 determination that Commission rules require PMCM to use PSIP channel 33.² Both the Alternative PSIP Proposal and the Emergency Request are restricted proceedings because

¹ *Media Bureau Seeks Comment on Request for Declaratory Ruling By Meredith Corporation and “Alternative PSIP Proposal” by PMCM TV, LLC for KVVN(TV), Middletown Township, New Jersey*, MB Docket No. 14-150, Public Notice, 29 FCC Rcd 10556 (Media Bur. 2014). The Bureau determined that grant of the Alternative PSIP Proposal would require a waiver. *Request for Declaratory Ruling by Meredith Corporation and “Alternative PSIP Proposal” by PMCM TV, LLC for WJLP (formerly KVVN(TV)), Middletown Township, New Jersey*, MB Docket No. 14-150, Declaratory Ruling, 30 FCC Rcd 6078, 6092 (Media Bur. 2015), *applications for review pending (“PSIP Order”)*.

² *See PSIP Order*, 30 FCC Rcd at 6101. PMCM filed the Emergency Request with the Bureau and also submitted it as a supplement to its pending Application for Review of the PSIP Order.

grant of either request would require a waiver of the Commission's rules, and non-tariff waiver proceedings are restricted, 47 C.F.R. § 1.1208. In addition, all proceedings that are not classified as exempt or permit-but-disclose are restricted, and these filings are neither exempt nor identified in our rules as permit-but-disclose. *Id.* §§ 1.1204(a), 1.1206(a). Due to overlap between the declaratory ruling issues and issues that are restricted, the meetings convened to date have been treated as restricted.³ The participation of the interested parties in each meeting has been beneficial to the decision-making process. For the foregoing reasons, we believe it is appropriate to formally designate the proceeding in MB Docket No. 14-150 as restricted.

We also remind the parties that the related cable carriage matter, referenced above, is a restricted proceeding.⁴ 47 C.F.R. § 1.1208.

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³ The record of the Declaratory Ruling proceeding includes advocacy regarding the petition for declaratory ruling as well as PMCM's Alternative Proposal and Emergency Request and matters at issue in the related, above-captioned cable carriage proceeding. In fact, Viacom's Application for Review of the PSIP Order is premised on its effect on Viacom's cable carriage rights. *See* Viacom Application for Review at 2 n.5, MB Docket No. 14-150.

⁴ *See Tara M. Corvo, Esq., Frederick W. Giroux, Esq., Seth A. Davidson, Esq., Donald J. Evans, Esq.*, 30 FCC Red 6116 (Media Bur. 2015), *petition for reconsideration and application for review pending*.