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

Re: Docket 14-150

Dear Ms. Dortch:

This filing summarizes the substance of meetings held with Matthew Berry and Robin Colwell at the Commission's offices on February 1. The meeting with Ms. Colwell was abbreviated due to time constraints but covered most of the substance raised with Mr. Berry. Present were myself and Robert McAllan representing PMCM TV, LLC, John Logan and Joshua Pila representing Meredith Broadcasting, Ari Moskowitz representing Cablevision and Time Warner, and Anne Lucey, John Bagwell, Jeff Birch and Bob Seidel representing CBS (the latter three by phone).

The undersigned explained the background of how TV station WJLP had come to be allocated to New Jersey under the provisions of Section 331 of the Act. I then addressed how PSIPs are assigned and the back and forth process that has resulted in WJLP being assigned PSIP 33. I gave as one of many available examples of how the Media Bureau's decision must be erroneous the fact that it requires WJLP's channel to be deemed allocated to two different markets but not the one where it actually is allocated by the Table of Allotments, something that should never happen under the Annex B principles. Mr. McAllan also pointed to paragraph 5 of Annex B, which expressly contemplates overlapping major channel PSIPs by non-commonly owned stations as long as the minor channels are different. I explained some of the real world consequences of this assignment, including loss of a favored channel position, the inability of viewers to pick up the signal because of their understandable perception that the station operates on UHF channel, and the defect in over 50% of TV sets in the market that causes the sets not to correctly associate PSIP channel 33 with over-the-air channel 3. This latter phenomenon causes viewers to either be directed to CBS's channel 2 in New York or to simply revert to their previous channel. All of these circumstances seriously and adversely impact the ability of viewers to see WJLP. I also pointed out that changing a TV station's channel prior to the incentive auction is a violation of the Spectrum Act which prohibits changing a station's channel.

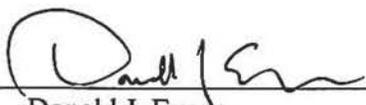
The parties and Mr. Berry went over the extent of the overlap of WJLP's signal with those of WFSB and KYW, and what happens when a viewer attempts to get a signal in the overlap areas. I pointed out that this was an infrequent occurrence because at the fringes of the stations' coverage areas, viewers would tend to have their outdoor antennas oriented toward one of the overlapping stations and away from the other one, reducing the likelihood of any reception of both signals simultaneously. But in the rare circumstances when that occurs, the TV set identifies the two separate program streams by call sign and permits the viewer to choose one or the other.

Meredith and CBS suggested that by using its over-the-air channel as its PSIP, PMCM TV was inappropriately attempting to ride on the channel 3 "brand" that Meredith had built up over the years. CBS agreed, adding that it has a subchannel which carries classic programming on Channel 2.2 that could become confused with PMCM's classic TV programming. It was pointed out that CBS had initiated its classic TV offering after WJLP began service, so if there is any harm here it is due to CBS piggybacking on PMCM's programming. CBS did confirm that many TV sets in the market do not properly direct a viewer trying to reach channel 33 to the correct channel, but allowed as how the consumers could simply be educated to click on 33.1 when trying to get channel 33. PMCM pointed out that this does not work in the case of at least three of the TV sets tested and, in addition, that no other station in the country is required to have viewers add the minor channel number to reach the major programming stream of the station. Moreover, the educational effort necessary to get the word to all viewers in the market that they must press 33.1, rather than the customary 33, would be financially crushing. On the branding issue, PMCM pointed out that WFSB's "Eyewitness News" brand is significantly overlapped by WABC's identical "Eyewitness News" brand without any apparent consternation or confusion to anyone.

Finally, PMCM pointed out that the Communications Act requires cable systems to carry must-carry stations on their over-the-air channels. It was generally agreed that if the Commission or the court enforces this provision of the Act, there might be disruption of current cable carriage patterns which are PSIP-based rather than over-the-air-based. This can be avoided by assigning WJLP the same PSIP as its over-the-air channel.

PMCM provided the Commission participants with copies of the documents attached hereto.

Respectfully submitted,

By: 
Donald J. Evans
Counsel for PMCM TV, LLC

Attachments

cc (via email): Matthew Berry
Robin Colwell
Anne Lucey
John Bagwell
John Logan
Joshua Pila
Ari Moskowitz