BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In re:	)	
	)	
PMCM TV, LLC	)	
	)	CSR- 8919-M
Must-Carry Complaint Regarding	)	
Television Station WJLP(DT),	)	MB Docket No. 16-27
Middletown Township, New Jersey	)	
	)	

Attn: The Commission

OPPOSITION TO MUST CARRY COMPLAINT

Time Warner Cable Inc. ("TWC"), by its attorneys, and pursuant to Section 76.7 of the Commission's rules,[1] hereby submits this Opposition to the Must Carry Complaint ("Complaint") filed on January 19, 2016, by PMCM TV, LLC ("PMCM"), licensee of television broadcast station WJLP(DT), Middletown Township, NJ ("WJLP"). The Complaint asserts that TWC has violated WJLP's carriage rights by placing the station on cable channel 1239 on its systems within the New York, NY Designated Market Area ("NYC DMA"). As relief, PMCM asks the Commission to order TWC to carry WJLP on cable channel 3 on such systems. The Commission should deny the Complaint because WJLP has no right to carriage on cable channel 3 and TWC's carriage of WJLP on cable channel 1239 is lawful under the Commission's rules and precedents.

BACKGROUND

The complete history of the various proceedings relating to WJLP's virtual channel assignment and its asserted right to be carried by TWC on cable channel 3 (including two separate mandamus petitions filed with and denied by the United States Court of Appeals for the

[1] 47 C.F.R. § 76.7

District of Columbia) are well known to the Commission and need not be repeated here. For purposes of responding to PMCM's Complaint, the following background information will suffice.

By letter to TWC dated June 6, 2014, PMCM purported to elect mandatory carriage for WJLP (then using the call sign KVNV) on TWC's systems in the NYC DMA.[2] PMCM also requested that TWC carry the station on "Channel 3, its over-the-air channel number."[3] At that time, PMCM was claiming Channel 3 as WJLP's PSIP (or "virtual") channel assignment, but that claim was being challenged by Meredith Corporation, licensee of WFSB, Hartford, CT, which also claimed the right to PSIP channel 3. In light of the dispute over WJLP's virtual channel assignment, TWC filed a request with the Commission on July 11, 2014 asking for deferral of PMCM's must carry and channel positioning election with respect to TWC's NYC DMA systems. The Media Bureau responded by issuing a letter order dated July 25, 2014, granting the requested deferral until 90 days from the date of a final decision on WJLP's virtual channel assignment.[4]

On June 5, 2015, the Media Bureau issued a Declaratory Ruling resolving the dispute between PMCM and Meredith by assigning WJLP virtual channel 33.[5] Concurrent with the issuance of the Declaratory Ruling, the Bureau released a letter to counsel (the "Carriage Letter") lifting the July 25, 2014 deferral order and giving PMCM the opportunity to (1) newly elect carriage and channel position in accordance with the assignment to WJLP of PSIP channel 33, or

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[2] *See* Exhibit A. PMCM's June 6, 2014 letter indicated that WJLP would commence operations "as a new television station in the New York, New York DMA during the week of August 4, 2014." *Id.* However, the station did not commence program tests until early October 2014.

[3] *Id*.

[4] *Tara M. Corvo, Esq., Frederick W. Giroux, Esq., Seth A. Davidson, Esq., Donald J. Evans, Esq.*, 29 FCC Rcd 9102 (MB 2014).

[5] *Request for Declaratory Ruling by Meredith Corporation And "Alternative PSIP Proposal" By PMCM TV, LLC for WJLP (Formerly KVNV(TV)), Middletown Township, New Jersey*, MB Docket No. 14-150, Declaratory Ruling, 30 FCC Rcd 6078, 6078, ¶ 2 (MB 2015) ("Declaratory Ruling").

(2) invoke the cable carriage enforcement procedures after September 3, 2015 on the basis of PMCM's initial 2014 must carry request for carriage on cable channel 3.[6]

TWC followed up the Bureau's Carriage Letter with a letter to PMCM dated July 17, 2015, asking whether PMCM intended to elect carriage for WJLP on cable channel 33; TWC's letter also informed PMCM of TWC's intention to initiate carriage of WJLP (which is an affiliate of the Me-TV network) on cable channel 1239, which was then occupied by the satellite feed of MeTV programming.[7] PMCM responded to TWC via letter dated July 28, 2015 indicating its continued desire to be carried on cable channel 3, declining to assert rights to carriage on cable channel 33, and endorsing and expressing appreciation for TWC's "generous offer" to commence carriage of WJLP on cable channel 1239.[8] TWC confirmed this understanding with a letter to PMCM on July 30, 2015 and launched WJLP on cable channel 1239 on August 25, 2015.[9]

On October 22, 2015, PMCM gave written notice to TWC pursuant to 47 C.F.R. § 76.61 asserting that TWC's failure to carry WJLP on cable channel 3 violated WJLP's "statutory and regulatory carriage obligations."[10] TWC timely responded to PMCM by letter dated November 19, 2015, stating that, as the law currently stands, WJLP has no right to demand carriage on cable channel 3 and that, because PMCM had declined the opportunity to request carriage on

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[6] *Tara M. Corvo, Esq., Frederick W. Giroux, Esq., Seth A. Davidson, Esq., Donald J. Evans, Esq.*, 30 FCC Rcd 6116 (MB 2015) ("Carriage Letter"). *See also Tara M. Corvo, Esq., Frederick W. Giroux, Esq., Seth A. Davidson, Esq., Donald J. Evans, Esq.,* 30 FCC Rcd 9997, 9998 (MB 2015) (summarizing the *Carriage Letter*) ("Voluntary Carriage Inquiry Letter").

[7] *See* Exhibit B. TWC's decision to commence carriage of WJLP on cable channel 1239 was designed to minimize confusion among subscribers accustomed to finding Me-TV programming on that channel.

[8] *See* Exhibit C.

[9] *See* Exhibits D and E.

[10] *Complaint*, Exhibit 1.

cable channel 33 (the cable channel corresponding to WJLP's virtual channel assignment), TWC was free to place WJLP on cable channel 1239.[11] The instant Complaint followed.

ARGUMENT

The resolution of PMCM's Complaint turns on the answer to the following question: is a digital broadcast station's right to cable carriage on its "over the air" channel number determined by reference to the station's RF channel assignment or its virtual channel assignment? PMCM's Complaint insists that WJLP has a statutory and regulatory right to be carried by TWC on cable channel 3, the channel number corresponding to the station's RF channel. Unfortunately for PMCM, however, Commission and Media Bureau precedent clearly recognizes that a digital broadcast station's virtual channel assignment, not its RF channel assignment, is the relevant channel number for purposes of determining the station's on-channel cable carriage position.

The law on this point has been settled since the Commission's 2008 "Declaratory Order" addressing post-digital transition responsibilities of cable television operators with respect to carriage of digital broadcasters, wherein the Commission clarified that "[i]n digital broadcasting, a broadcast station's channel number is no longer identified by reference to its over-the-air frequency" and that "any station carried pursuant to mandatory carriage may demand carriage on its major channel number as broadcast in the station's PSIP."[12] The Media Bureau subsequently has relied on this guidance from the Commission in denying claims by digital broadcast stations that they are entitled to elect cable carriage based on their RF channel number.[13]

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[11] *Id.*, Exhibit 2.

[12] *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules*, Declaratory Order, 23 FCC Rcd 14254, 14258-59 (2008) (clarifying that reference to a station's PSIP is "the manner in which cable operators are to determine the channel number on which a local commercial or qualified NCE station is 'broadcast over the air'" for the purposes of implementing a must carry election).

[13] *KSQA, LLC v. Cox Cable Commc'ns, Inc.*, Memorandum Opinion and Order, 27 FCC Rcd 13185, 13186-87 (MB 2012) (a digital station's channel positioning choice "may attach only to its Major Channel Number as carried in its PSIP"). *See also Gray Television Licensee, LLC v. Zito Media, L.P.*, 28 FCC Rcd 10780, n 2010 (MB 2013) ("a station's over-the-air broadcast channel number is no longer identified by reference to its over-the-air radio

Although PMCM's Complaint acknowledges that the Media Bureau has held that a digital broadcast station's on-air channel positioning rights are determined by reference to the station's virtual channel assignment, PMCM argues that the Bureau's position is "directly at odds with Section 614(b)(6) of the [Communications] Act, which gives must carry stations the right to demand carriage 'on the cable system channel number on which the local commercial television station is broadcast over the air.'" PMCM's argument assumes that the reference to the channel number on which a station is broadcast "over the air" can and does have only one possible meaning – the station's RF channel. But the term "over the air" is not without ambiguity; its meaning can and does vary depending on whether it is interpreted from the perspective of the station or the perspective of the viewer.

In particular, a station's RF channel and the channel number to which viewers relying on off-air reception tuned their television receivers to access that station were one and the same prior to the digital transition. But after the digital transition, viewers that receive television programming via off-air reception tune their sets to the station's PSIP channel number; from their perspective, it is that channel number, not the station's RF channel number that represents the station's "over the air" channel number.

Consequently, the Commission's decision to define a station's "over the air" channel number in the context of a digital television station's cable channel positioning rights as the station's virtual channel number – the channel number that off-air viewers tune to receive the station – is entirely appropriate.[14] Indeed, doing otherwise would create enormous confusion and

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frequency, but instead to its Major Channel Number as carried in its PSIP"); *Carriage Letter*, 30 FCC Rcd at 6117, n. 6; *In re PMCM TV, LLC*, No 15-1058, Opposition of the Federal communications Commission to Petition for Writ of Mandamus (D.C. Cir., filed June 19, 2015).

[14] *See In re PMCM TV, LLC*, No. 15-1058, Order (D.C. Cir., Sept. 23, 2015) (denying mandamus petition to extent it seeks writ compelling Commission to order carriage of WJLP on cable channel 3, stating that "Petitioner has not demonstrated a clear and indisputable right to such relief").

upset the settled expectations of cable operators, broadcasters, and consumers. Updating what constitutes a station's over the air channel for purposes of the cable channel positioning rules clearly is a reasonable exercise of the Commission's broad public interest authority under the Communications Act as well as its specific authority to update the cable carriage rules following the digital transition.[15]

Accordingly, PMCM's "over the air" channel for purposes of the channel positioning rules is cable channel 33, the channel corresponding to WJLP's virtual channel, not cable channel 3.[16] In addition, TWC's carriage of WJLP on cable channel 1239 is entirely lawful. When, as is the case here, a station demands carriage on a cable channel other than one of the channels on which it has a right to carriage, the cable operator is free to unilaterally choose a cable channel for the station.[17] PMCM affirmatively opted not to seek carriage for WJLP on cable channel 33, the station's "over the air" channel for purposes of the channel positioning rules, thus leaving it up to TWC to choose a cable channel for WJLP.[18]

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[15] 47 U.S.C. § 303(r) (authorizing Commission to "[m]ake such rules and regulations and prescribe such restrictions and conditions, not inconsistent with the law, as may be necessary to carry out" its obligation to promote the public interest); 47 U.S.C. § 534(b)(4)(B) (directing the Commission to make changes in the cable system signal carriage requirements in connection with the implementation of the digital transition).

[16] PMCM's Complaint attempts to collaterally attack the June 5, 2015 Declaratory Ruling assigning WJLP virtual channel 33, arguing, *inter alia*, that the Commission violated the Spectrum Act. *Complaint*, at 6 and n.4. The decision assigning WJLP virtual channel 33 is the subject of a pending application for review filed by PMCM in a separate docket and is not appropriately raised here. *See In re Program and System Information Protocol (PSIP) Designation for Station WJLP(TV) (formerly KVNV(TV)), Middletown Township, New Jersey FCC Facility ID No. 86537*, Application for Review of PMCM TV, LLC, MB Docket No. 14-150 (filed July 6, 2015). Moreover, PMCM's Spectrum Act argument is based on a misreading of the relevant statutory provision. *See Declaratory Ruling*, 30 FCC Rcd at 6100-01; *see also* Opposition of Meredith Corp. and CBS B'casting to Application for Review of PMCM TV, LLC, MB Docket No. 14-150, 7-9 (filed July 21, 2015).

[17] *See, e.g.*, *Continental Cablevision of Sierra Valleys*, Memorandum Opinion and Order, 10 FCC Rcd 958 (CSB 1995).

[18] PMCM suggests without any substantiation that TWC is not carrying WJLP as part of its systems' basic tier. *Complaint*, at 6, n.5. PMCM is mistaken. While cable channel 1239 was not part of the basic tier when it was carrying the Me-TV network feed, TWC added it to the basic tier when it launched WJLP.

CONCLUSION

PMCM's Complaint seeks carriage on a cable channel that does not correspond to WJLP's "over the air channel" for purposes of the channel positioning rules (*i.e.,* its PSIP channel). Moreover, TWC's current carriage of WJLP on channel 1239 is proper and lawful in light of PMCM's decision to demand carriage on a cable channel other than its PSIP channel. For the foregoing reasons, the Commission must deny PMCM's Complaint.

The undersigned certify that they have read the submission and to the best of their knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law; and that it is not interposed for any improper purpose.

Respectfully submitted,

TIME WARNER CABLE INC.

By:___/s/_____
Seth A. Davidson
Ari Z. Moskowitz

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, DC 20004

Its Attorneys

Dated: February 8, 2016

DECLARATION

I, Andrew I. Rosenberg, hereby declare under penalty of perjury that:

1. I am Senior Vice President, Content Acquisition, Time Warner Cable Inc.

2. I have read the foregoing Opposition to Must Carry Complaint. With respect to statements made therein, other than those of which official notice can be taken, the facts contained therein are true and correct to the best of my personal knowledge, information, and belief.

Andrew I. Rosenberg

Date: February 5, 2016

EXHIBIT A

KVNV DTV 3
Middletown Township, NJ

June 6, 2014

Via Certified Mail, Return Receipt Requested

Time Warner Cable
13820 Sunrise Valley Drive
Herndon, VA 20171

Re: Mandatory Carriage Election for KVNV, Middletown Township, NJ

Dear Sir or Madam:

Pursuant to Section 614 of the Communications Act of 1934, as amended, and Section 76.64(f)(4) of the rules of the Federal Communications Commission, this will inform you that Television Station KVNV, Middletown Township, New Jersey (the "Station") will commence operation as a new television station in the New York, New York DMA during the week of August 4, 2014.

PMCM TV, LLC, the licensee of the Station, hereby elects mandatory carriage of the Station's television signal pursuant to Section 76.56(b) on all cable systems operated by Cablevision Systems Corp. or its subsidiaries and affiliates serving the New York, New York DMA, including but not necessarily limited to, those set forth on Exhibit A hereto, for the election period ending December 31, 2014. The Station is licensed to Middletown Township, New Jersey, which is located in Monmouth County, New Jersey and is part of the New York, New York DMA. KVNV will be broadcasting from 4 Times Square in New York City serving the entire New York DMA. The Station therefore is entitled to elect mandatory carriage on your system(s) under the rules of the FCC. Pursuant to Section 76.57 of the FCC's rules.

PMCM TV, LLC requests carriage of the Station on Channel 3, its over-the-air channel number. As KVNV will be broadcasting HD in 720p we are also respectfully requesting the station be simultaneously carried on the same corresponding number on the HD tier as is normally afforded other local broadcasters who have chosen on channel carriage.

The station's contact person and address for purposes of receiving official correspondence is as follows:

KVNV DTV 3 Middletown Township, NJ
1329 Campus Parkway
Neptune, NJ 07753
Attention: Lee Leddy
Office# (732) 403-3875
Email: lbleddy@gmail.com

Please contact the undersigned if you should have any questions concerning this matter.

Sincerely,

Robert Mc Allan,
Managing Member, PMCM TV LLC
Cell: (908) 433-0490
bob@RMcAllan.com

Exhibit A
Cable Communities

Community Unit ID	Community Name	County	State
NJ0082	FORT LEE	BERGEN	NJ
NJ0092	EDGEWATER	BERGEN	NJ
NJ0203	RIDGEFIELD	BERGEN	NJ
NJ0208	ENGLEWOOD CLIFFS	BERGEN	NJ
NJ0232	CLIFFSIDE PARK	BERGEN	NJ
NJ0251	ENGLEWOOD	BERGEN	NJ
NJ0252	PALISADES PARK	BERGEN	NJ
NJ0253	FAIRVIEW	BERGEN	NJ
NJ0254	RIDGEFIELD PARK	BERGEN	NJ
NJ0339	LITTLE FERRY	BERGEN	NJ
NJ0427	MOONACHIE	BERGEN	NJ
NJ0431	LEONIA	BERGEN	NJ
NJ0484	TETERBORO	BERGEN	NJ
NJ0338	GUTTENBERG	HUDSON	NJ
NY0220	LA GRANGE	DUTCHESS	NY
NY0221	PLEASANT VALLEY	DUTCHESS	NY
NY0222	POUGHKEEPSIE	DUTCHESS	NY
NY0223	POUGHKEEPSIE	DUTCHESS	NY
NY0362	TIVOLI	DUTCHESS	NY
NY0477	RED HOOK	DUTCHESS	NY
NY0478	RED HOOK	DUTCHESS	NY
NY0479	RHINEBECK	DUTCHESS	NY
NY0480	RHINEBECK	DUTCHESS	NY
NY1280	BROOKLYN	KINGS	NY
NY0104	NEW YORK	NEW YORK	NY
NY0234	NEW YORK	NEW YORK	NY
NY0218	DEERPARK	ORANGE	NY
NY0219	PORT JERVIS	ORANGE	NY
NY0243	CORNWALL	ORANGE	NY
NY0244	CORNWALL	ORANGE	NY
NY0246	NEW WINDSOR	ORANGE	NY
NY0247	NEWBURGH	ORANGE	NY
NY0248	NEWBURGH	ORANGE	NY
NY0484	MONTGOMERY	ORANGE	NY
NY0492	MONTGOMERY	ORANGE	NY
NY0502	BLOOMING GROVE	ORANGE	NY
NY0503	WASHINGTONVILLE	ORANGE	NY
NY0513	WALDEN	ORANGE	NY
NY0514	CRAWFORD	ORANGE	NY
NY0547	MAYBROOK	ORANGE	NY
NY0717	WALLKILL	ORANGE	NY

Community Unit ID	Community Name	County	State
NY0773	HIGHLAND FALLS	ORANGE	NY
NY0819	HIGHLAND	ORANGE	NY
NY0821	MIDDLETOWN	ORANGE	NY
NY0845	GOSHEN	ORANGE	NY
NY0846	GOSHEN	ORANGE	NY
NY0970	WAWAYANDA	ORANGE	NY
NY1022	U S MILITARY ACADEMY	ORANGE	NY
NY1088	OTISVILLE	ORANGE	NY
NY1089	MOUNT HOPE	ORANGE	NY
NY1090	HAMPTONBURGH	ORANGE	NY
NY1648	CHESTER	ORANGE	NY
NY1281	QUEENS	QUEENS	NY
NY1340	QUEENS	QUEENS	NY
NY1312	STATEN ISLAND	RICHMOND	NY
NY0161	JEFFERSONVILLE	SULLIVAN	NY
NY0198	LIBERTY	SULLIVAN	NY
NY0225	ROCKLAND	SULLIVAN	NY
NY0439	MAMAKATING	SULLIVAN	NY
NY0440	WOODRIDGE	SULLIVAN	NY
NY0441	FALLSBURG	SULLIVAN	NY
NY0464	LIBERTY	SULLIVAN	NY
NY0472	NEVERSINK	SULLIVAN	NY
NY0488	DELAWARE	SULLIVAN	NY
NY0507	TUSTEN	SULLIVAN	NY
NY0524	CALLICOON (YOUNGSVIL	SULLIVAN	NY
NY0548	MONTICELLO	SULLIVAN	NY
NY0597	HIGHLAND	SULLIVAN	NY
NY0621	BETHEL	SULLIVAN	NY
NY0628	THOMPSON	SULLIVAN	NY
NY0718	BLOOMINGBURG	SULLIVAN	NY
NY0719	WURTSBORO	SULLIVAN	NY
NY1115	FORESTBURGH	SULLIVAN	NY
NY1324	FREMONT	SULLIVAN	NY
NY1377	LUMBERLAND	SULLIVAN	NY
NY1558	COCHECTON	SULLIVAN	NY
NY0163	HURLEY	ULSTER	NY
NY0164	KINGSTON	ULSTER	NY
NY0165	ESOPUS	ULSTER	NY
NY0166	KINGSTON	ULSTER	NY
NY0167	ULSTER	ULSTER	NY
NY0168	WOODSTOCK	ULSTER	NY
NY0262	SAUGERTIES	ULSTER	NY
NY0400	MARLBORO	ULSTER	NY
NY0436	WAWARSING	ULSTER	NY

Community Unit ID	Community Name	County	State
NY0437	ELLENVILLE	ULSTER	NY
NY0438	ROCHESTER	ULSTER	NY
NY0473	OLIVE	ULSTER	NY
NY0481	SAUGERTIES	ULSTER	NY
NY0494	MARBLETOWN	ULSTER	NY
NY0495	ROSENDALE	ULSTER	NY
NY0515	SHAWANGUNK	ULSTER	NY
NY0556	SHANDAKEN	ULSTER	NY
NY0600	NEW PALTZ	ULSTER	NY
NY0601	NEW PALTZ	ULSTER	NY
NY0766	GARDINER	ULSTER	NY
NY1290	PLATTEKILL	ULSTER	NY
NY1291	LLOYD	ULSTER	NY
NY1463	DENNING	ULSTER	NY
NY1493	HURLEY (W)	ULSTER	NY
NY1989	HARDENBURGH	ULSTER	NY
NY0398	MOUNT VERNON	WESTCHESTER	NY

EXHIBIT B

Time Warner Cable

Andrew Rosenberg
Senior Vice President
Content Acquisition

July 17, 2015

Via Federal Express

Lee Leddy
KVNV DTV 3 Middletown, NJ
1329 Campus Parkway
Neptune, New Jersey 07753

Dear Mr. Leddy,

We wanted to reach out in light of the Media Bureau's June 5 Letter Order ending the deferral of PMCM's must carry request for station WJLP, and its waiver of Section 76.64(f) of the Commission's rules in order to permit PMCM to assert its carriage election on cable channel 33. We have not heard from you indicating that you wish to assert your election for carriage of WJLP's primary transport stream (the "D1 Stream") on cable channel 33. If you intend to do so please let us know, and we will take steps to commence carriage of the D1 Stream on cable channel 33 on the applicable Time Warner Cable systems in as expedited a manner as reasonably possible subject to applicable customer and governmental notice requirements.

In the meantime we wanted to inform you of our intention to voluntarily begin carrying the D1 Stream, which is affiliated with the MeTV network, on Time Warner Cable's applicable New York DMA systems on channel 1239 on or before September 3, 2015. Channel 1239 is currently occupied by the satellite feed of the MeTV network and we believe that carrying WJLP on this channel position will provide a seamless transition for any viewers of MeTV programming, ensuring that they experience no difficulty in locating that programming.

Again, if you intend to instruct us that you also would like the applicable Time Warner Cable systems to carry the D1 Stream on channel 33, please advise us of that election.

Thank you.

Sincerely,

Andrew Rosenberg

cc: Robert McAllan

60 Columbus Circle
New York, NY 10023

Tel (212) 364-8501
Fax (704) 973-6219
andrew.rosenberg@twcable.com

EXHIBIT C

July 28, 2015

Time Warner Cable
60 Columbus Circle
New York, NY 10023
Attention: Mr. Andrew Rosenberg

Re: WJLP (DT), Middletown Township, New Jersey Channel Positioning

Dear Mr. Rosenberg:

Thank you for taking my call. I appreciate your prompt response.

While I think it is fair to say PMCM TV and Time Warner differ on where WJLP belongs in your channel lineup, I think we can agree we would both like to get a final answer from either the FCC and/or the Court of Appeals as to our cable carriage rights on Channel 3 so we can move on with business. I can assure you we will continue to diligently pursue that goal. Until that decision is reached, however, we are declining an election for the placement of WJLP on Channel 33.

In the meanwhile, we appreciate your generous offer to substitute, on an interim basis, MeTV WJLP for the national feed of MeTV from Weigel on Channel 1239. I should add we have contacted the President of Weigel, Norm Shapiro, who has endorsed our use of channel 1239.

I have attached a short agreement outlining the terms of such an agreement. Once again, thank you for offering to work with us. It is sincerely appreciated.

Lee

Lee Leddy
Group Manager
PMCM TV, LLC

The purpose of this letter (the "Letter") is to set forth an agreement between PMCM TV, LLC ("PMCM") and Time Warner Cable and/or its subsidiaries or affiliates ("TWC") regarding the mutually agreed upon temporary channel positioning of television station WJLP (DT) on cable systems operated by TWC serving the New York, New York Designated Market Area (each a "System," and collectively the "Systems"). Under Section 614 of the Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission ("FCC"), WJLP has certain mandatory carriage rights on the Systems, and PMCM hereby reaffirms its election of mandatory carriage on the Systems pursuant to Sections 76.56 and 76.64 of the FCC's Rules on "our over the air channel", 3.

Beginning on or before September 3, 2015, TWC agrees to commence temporary carriage of the primary broadcast stream of WJLP on Channel 1239 on the Systems and PMCM grants its conditional consent to TWC's carriage of the primary signal of WJLP on Channel 1239. PMCM's consent hereunder shall expire on the final resolution of the ongoing dispute before the FCC and the Court of Appeals for the District of Columbia Circuit regarding PMCM's right to elect carriage on Channel 3. TWC agrees at that time to carry WJLP's primary signal on the channel designated by the FCC or Court as a result of such proceeding(s), or on another mutually agreeable channel. PMCM further reserves its right to enforce its carriage rights on Channel 3 (or Channel 33) before the FCC.

The rights and obligations of the parties under this Agreement shall be binding on their respective successors, transferees, and assignees. In the event that TWC, during the term of this Agreement, obtains control over any other System in the New York DMA, at the station's option, such System shall become subject to this Agreement upon such acquisition.

[REMAINDER OF PAGE LEFT BLANK; SIGNATURE PAGE FOLLOWS]

Very truly yours,

PMCM TV, LLC

By: _____
Name: Lee Leddy
Title: PMCM Group Manager

Acknowledged and Agreed:

Time Warner Cable

By: _____
Name:
Title:

EXHIBIT D

Time Warner Cable

Andrew Rosenberg
Senior Vice President
Content Acquisition

July 30, 2015

Via Federal Express

Lee Leddy
KVNV DTV 3 Middletown, NJ
1329 Campus Parkway
Neptune, New Jersey 07753

Dear Lee,

I am in receipt of your July 28, 2015 letter (received via email from Kimberly Kravitz from your office). Thank you for your clarification that PMCM is declining placement on channel 33 on applicable New York DMA systems operated by Time Warner Cable ("TWC"). While we appreciate your suggestion to enter into an agreement with respect to carriage of WJLP's primary programming stream (the "D1 Stream"), as a matter of course we do not normally execute agreements with respect to carriage of signals of broadcast stations that have elected "must-carry" under the FCC rules. However, as a courtesy, by this letter I am confirming that (i) TWC acknowledges PMCM's "must-carry" election with respect to the D1 Stream; and (ii) on or before September 3, 2015, TWC will launch the D1 Stream on cable channel 1239 on TWC's applicable New York DMA systems. Please note that if TWC launches the D1 Stream on another channel position in such systems, TWC may continue carrying the D1 Stream on channel 1239 (or other appropriate channel position) in such systems so that customers may view the D1 Stream on more than one channel position.

Thank you.

Sincerely,

Andrew Rosenberg /ss

Andrew Rosenberg

60 Columbus Circle
New York, NY 10023

Tel (212) 364-8501
Fax (704) 973-6219
andrew.rosenberg@twcable.com

EXHIBIT E

MINTZ LEVIN

Seth A. Davidson | 202 434 7447 | sadavidson@mintz.com

701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-434-7300
202-434-7400 fax
www.mintz.com

September 30, 2015

William T. Lake
Chief, Media Bureau
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: PMCM TV, LLC
WJLP, Middletown Township NJ
Facility ID No. 86537

Dear Mr. Lake:

Time Warner Cable Inc. ("TWC"), by its attorneys, hereby responds as follows to your letter of September 16, 2015 (DA-15-1028) requesting information regarding TWC's carriage of WJLP.

1. Is WJLP now being carried by TWC?

   Yes.

2. On what channel number does TWC carry WJLP and on what date did such carriage commence?

   On August 25, 2015, TWC commenced carriage of WJLP, which is an affiliate of the MeTV network, on channel 1239. TWC chose channel 1239 because it is the channel on which TWC was carrying the satellite feed of MeTV network programming immediately prior to the launch of WJLP.

3/4. Is TWC carrying WJLP pursuant to a voluntary agreement between PMCM (or WJLP) and TWC? If not, describe the circumstances surrounding WJLP's carriage arrangement with TWC.

   The carriage and placement of WJLP was addressed by TWC and PMCM in a series of written and oral communications following the release of the Bureau's June 5, 2015 Letter to Counsel. In the course of those communications, PMCM informed TWC that it was declining an election for the placement of WJLP on channel 33 and TWC informed PMCM of its intention to begin carrying WJLP

on channel 1239. TWC also noted that if, at a later date, TWC launches WJLP on another channel position, it may continue to carry the station on channel 1239 as well. For its part, PMCM signaled its consent to TWC's placement of WJLP on channel 1239 while indicating that it intended to pursue its efforts to establish its right to carriage on channel 3.

5. What is TWC's view on the effect of its current arrangement for carriage of WJLP on PMCM's pending Applications for Review?

TWC does not believe its carriage of WJLP on channel 1239 affects PCMC's pending Application for Review of the July 25, 2014 Deferral Order or PMCM's pending Application for Review of the Media Bureau's June 5, 2015 Letter to Counsel. TWC refers the Bureau to the oppositions filed by TWC (jointly with Cablevision) on September 9, 2014 and July 28, 2015.

If there are any further questions regarding this matter, please contact the undersigned.

Respectfully submitted,

Seth A. Davidson
Counsel to Time Warner Cable Inc.

cc: Donald J. Evans, Esq.
Tara M. Corvo, Esq.
Frederick Giroux, Esq.
Mace Rosenstein, Esq.
Michael D. Basile, Esq.
William LeBeau, Esq.
Rosemary C. Harold, Esq.

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CERTIFICATE OF SERVICE

I, Ari Z. Moskowitz, hereby certify that on this 8th day of February 2016, I caused a copy of the foregoing "Opposition to Must Carry Complaint" to be served via U.S. mail, postage prepaid, upon the following:

RCN Telecom Services, LLC 650 College Road East Princeton, NJ 08540 Attn: Ms. Deborah A. Rankin	Fletcher Heald and Hildreth 1300 17th St N #1100 Arlington, VA 22209 Attn: Donald J. Evans, Harry F. Cole and Daniel A. Kirkpatrick
Service Electric Cable TV of New Jersey Inc. d/b/a/ Service Electric Broadband Cable 320 Sparta Avenue Sparta, NJ 07871 Attn: Robert Williams, Jr., General Counsel	Mobius Legal Group, PLLC P.O. Box 6104 Springfield, VA 22150 Attn: James E. Dunstan *Counsel to SECTV-NJ*
Cablevision Systems Corporation 1111 Stewart Avenue Bethpage, NY 11714 Attn: Mr. Tom Montemagno, EVP, Programming	Verizon, Inc. 1300 I Street, NW Washington, DC 20005
Comcast Cable Communications, LLC One Comcast Center Philadelphia, PA 19103 Attn: Mr. Michael Nissenblatt	Advanced Broadband, L.P. 4636 Street Rd. Trevose, PA 19053
Blue Ridge Cable Technologies, Inc. 613 Third Street P.O. Box 215 Palmerton, PA 18071	Charter Communications Entertainment I LLC 12405 Powerscourt Drive St. Louis, MO 63131
Hometown Online Inc. 47 Main Street Warwick, NJ 10990	Hovbilt Inc. Suite 12 Village Mall Freehold, NJ 07728
Service Electric Cable TV, Inc. 1045 Hamilton Street Allentown, PA 18101	Sky Satellite Corp. 258 Glen St. Glen Cove, NY 11542
DISH Network, L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112	DIRECTV, Inc. 2260 E. Imperial Hwy El Segundo, CA 90245

State of Connecticut Dept. of Energy and Environmental Protection Public Utilities Regulatory Authority Ten Franklin Square New Britain, CT 06051	New York State Department of Public Service Cable TV Franchise Authority 3 Empire State Plaza Albany, NY 12223 Attn: Office of the Secretary
New Jersey Board of Public Utilities Office of Cable Television 44 S. Clinton Avenue P.O. Box 350 Trenton, NJ 08625	American Broadcasting Companies Inc. 77 West 66th St., 16th floor New York, NY 10023
CBS Broadcasting Inc. 2175 K Street, NW, Ste. 350 Washington, DC 20037	NBC Telemundo License LLC 1299 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004
Fox Television Stations Inc. 400 North Capital Street Ste. 890 Washington, DC 20001	WPIX, LLC 220 East 42nd St. New York, NY 10017
ION Media License Co., LLC 601 Clearwater Park Rd. West Palm Beach, FL 33401	Trinity Broadcasting Network of New York, Inc. 111 East 15th St. New York, NY 10003
Univision New York, LLC 5999 Center Drive Ste. 4083 Los Angeles, CA 90045	CBS LITV, LLC 1800 K St., NW Ste. 920 Washington, DC 20006
WRNN License Co., LLC 800 Westchester Ave., Ste. S-640 Rye Brook, NY 10573	Mountain Broadcasting Corp. 99 Clinton Rd. West Caldwell, NJ 07006
WXTV License Partnership GP 5999 Center Dr., Ste. 4083 Los Angeles, CA 90045	NRJ TV NY License Co., LLC 722 South Denton Tap Rd., Ste. 130 Coppell, TX 75019
WNET 825 8th Avenue New York, NY 10019	

Ari Z. Moskowitz