

February 29, 2016

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: MM Docket 14-150

Dear Ms. Dortch:

By this letter, Meredith Corporation (“Meredith”), CBS Broadcasting, Inc. (“CBS”) and ION Media License Company, LLC (“ION”) supplement and respond to that certain *ex parte* notice dated February 24, 2016, filed by PMCM TV, LLC (“PMCM”), and submitted in the above-referenced docket as a meeting summary (the “PMCM Notice”)

Meredith and CBS have explained the fundamental flaws in PMCM’s attack on the Media Bureau’s *Declaratory Order*<sup>1</sup> in their earlier filings in MM Docket 14-150, including those summarized in the Media Bureau’s *Declaratory Order*<sup>2</sup> and the Meredith-CBS opposition to PMCM’s application for review and responses to PMCM’s summaries of the Commission and Bureau staff meetings that PMCM has initiated since release of the *Declaratory Order*. This letter responds to points specifically raised in the PMCM Notice and the related meeting.

First, PMCM’s complaint that the Bureau treated WJLP as “allocated to two different markets but not the one where it actually is allocated” has its origin in PMCM’s erroneous insistence that the PSIP rules operate on the basis of DMA markets. They do not. The rules instead are intended to provide unique major channel numbers for licensees within their respective DTV service areas, as indicated by Annex B of the PSIP Standards, portions of which PMCM quoted in the meeting:

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<sup>1</sup> See Letters of Meredith and CBS, dated February 5, 2016, December 28, 2015, and December 1, 2015 (each submitted following earlier meetings initiated by PMCM); see also Letter of Meredith and CBS dated September 22, 2015, (responding to PMCM “Emergency Request for Relief,” describing tuning anomalies in the television sets of some viewers that PMCM first noted in the spring of 2015).

<sup>2</sup> *Request for Declaratory Ruling by Meredith Corporation and Alternative PSIP Proposal by PMCM TV, LLC*, 30 FCC Rcd. 6078 (released June 5, 2015)(“*Declaratory Ruling*”)

“[t]he provisions listed above [the PSIP Standards] assign major channel number values 2 through 69 *uniquely* to broadcasters licensed to broadcast Digital ATSC signals and guarantee that the two-part channel number combinations used by a broadcaster will be different from those used by any other broadcaster *with an overlapping DTV service area*.<sup>3</sup>

Thus, the protection of the prior rights of Meredith and CBS to exclusive use of channel 3 in their respective service areas does not require or imply that PMCM’s WJLP is assigned to the same DMA as Meredith’s WFSB(TV) or CBS’s KYW-TV.

Second, given that the making of virtual channel assignments under the PSIP Standard has no stated purpose other than to protect stations’ investment in their historical local channel position and brand and to avoid viewer confusion, it makes sense to assign a virtual channel exclusively to a licensee within the area that viewers can receive its over-the-air signal, regardless of the DMA. The portion of Annex B quoted in part during the meeting and set forth above specifically refers to “assign[ing] major channel number values 2 through 69 *uniquely*” with respect to a “DTV service area,” underscoring that the Bureau properly interpreted the requirements of the PSIP Standard as incorporated into the Commission’s rules.

Third, PMCM’s concerns about the ease of tuning channel 33 on some television set models, a matter that PMCM raised only after the Bureau issued the *Declaratory Order*, do not support PMCM’s unprecedented demand for a waiver to use virtual channel 3.10—a demand that the Commission could meet only by setting aside its rules and ordering CBS and Meredith to share a major channel number with PMCM within their respective over-the-air coverage areas. The tuning phenomenon that PMCM identified is not unique to WJLP, is known to the Bureau, and has been identified in more than forty other markets, yet in no other market has a licensee found the phenomenon of sufficient concern to seek relief from the Commission. Viewers can avoid the prospect of mistuning by tuning in the channel as 33.1 rather than scrolling to 33. These facts counsel for an inquiry into how television sets may or may not adequately handle virtual channel numbers. That is a matter for an investigation or inquiry proceeding, not for the relief requested by PMCM.

Finally, despite PMCM’s assertion to the contrary, CBS did not confirm that “many” television sets in the market do not properly direct a viewer trying to reach channel 33 to the correct channel. CBS has not undertaken a study of all sets in the market, only those models that PMCM has alleged to have tuning issues. CBS concluded that clicking on “33.1” worked every time in directing a viewer to channel 33.1.

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<sup>3</sup> ATSC A/65C, Annex B.1.8. The term “overlapping DTV service area” means a full power station’s noise-limited contour as defined in section 73.622(e) of the Commission’s rules, 47 C.F.R. § 73.622(e). See *Declaratory Order, supra*, at para. 7.

In sum, PMCM continues to claim that the only viable solution to a tuning phenomenon avoidable with viewer education is to reverse the Bureau's recently-issued *Declaratory Order* and give PMCM some form of major channel 3, the only channel that the *Declaratory Order* expressly held that PMCM cannot have under applicable law. Meredith, CBS, and ION, in contrast, believe the Media Bureau's *Declaratory Order* fully resolves all issues properly before the Commission in the applications for review.

Please inform the undersigned if any question should arise concerning this submission.

Very truly yours,

Meredith Corporation

CBS Broadcasting, Inc.

ION Media License Company, LLC

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By: /s/ *John W. Bagwell*

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