

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Parker Broadcasting of Dakota Licensee, LLC)	
)	
Must Carry Complaint Regarding)	CSR-8921-M
Television Station KRDK-TV)	MB Docket No. 16-69
Valley City, North Dakota)	

Attn: Chief, Media Bureau

ANSWER

Cable One, Inc. (“Cable One”), by its attorneys, and pursuant to Section 76.7 of the Commission’s rules,¹ hereby responds to the above-captioned carriage Complaint filed by Parker Broadcasting of Dakota Licensee, LLC (“Parker”), licensee of full-power television Station KRDK-TV (Valley City, North Dakota)(“KRDK”), seeking Commission action to require Cable One to carry KRDK on channel 4 on Cable One’s cable systems located in the Fargo-Valley City, North Dakota Nielsen Designated Market Area (“DMA”) for the remainder of the 2015-2017 must carry election cycle. As explained below, Cable One encourages the Commission to expeditiously resolve an outstanding dispute as to which station/service in the Fargo-Valley City DMA has the right to cable carriage on channel 4, and which has precipitated the instant controversy between Parker and Cable One. The clarity that would be provided by such a ruling would benefit all affected parties, including Parker, Cable One and their customers, serve the public interest and ideally moot the instant proceeding. Nevertheless, absent Commission action to resolve that dispute, Cable One will initiate carriage of KRDK on channel 4 on its systems located in the Fargo-Valley City DMA on or about, but not before, July 1, 2016.

¹ 47 C.F.R. § 76.7

I. BACKGROUND

As explained in Parker's Complaint, KRDK has been assigned Program and System Information Protocol ("PSIP") channel 4 for its service area.² KRDK is also a must carry station for cable system carriage purposes in that it did not make an affirmative election one way or another during the last must-carry/retransmission consent election cycle.³

Cable One has not carried KRDK on its Fargo-Valley City DMA cable systems during the current carriage cycle. With regard to channel 4, those cable systems have instead been carrying KX4, a CBS network affiliated digital multicast sub-channel and programming service affiliated with KVLV-TV (Fargo, North Dakota) ("KVLV"), the NBC network affiliated full-power station in the Fargo-Valley City DMA. That carriage is pursuant to a retransmission consent agreement between Cable One and Gray Television Licensee, LLC, the licensee of KVLV, which requires carriage of not only KVLV on channel 11, the station's assigned PSIP channel, but also KX4 on channel 4.

In a letter dated January 25, 2016, Parker demanded that Cable One initiate carriage of KRDK on channel 4 on Cable One's Fargo-Valley City DMA cable systems, which would necessarily displace KX4. On February 11, 2016, Cable One responded explaining that it is unable to carry KRDK on channel 4 on the systems due to the preexisting carriage agreement with KVLV and the contractual obligation to carry KX4 on that channel. Cable One also explained that the issue of which station/service has and will have the right to carriage on channel 4 in the Fargo-Valley City DMA was uncertain due to the filing and pendency of a waiver request filed by Gray requesting that the Commission reassign the channel 4 PSIP and

² *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).

³ 47 C.F.R. § 76.64(f)(3).

carriage rights from KRDK to KX4.⁴ Cable One explained that given the uncertainty caused by the pending complaint it was unwilling and unable to replace the CBS affiliated KX4 service on channel 4 with KRDK. On March 2, 2016, Parker filed its Complaint, to which Cable One responds herein.

II. ABSENT COMMISSION ACTION ON THE WAIVER REQUEST, CABLE ONE WILL INITIATE CARRIAGE OF KRDK ON OR ABOUT JULY 1, 2016.

To clarify, Cable One has never objected to carriage of KRDK on its Fargo-Valley City DMA cable systems. Cable One's only objection is to carriage of KRDK on channel 4 on those systems replacing KX4, the CBS network affiliated programming service in Fargo. CBS network programming has been located on channel 4 in the Fargo-Valley City market for decades, and Cable One's customers have a well-founded expectation to seeing CBS network programming on that channel.

As explained above, Cable One has to date rebuffed KRDK's request to occupy channel 4 as Cable One is contractually obligated to carry KX4 on channel 4. As Cable One has also explained, there is great uncertainty as to which station/service has and will have the right to occupy channel 4 due to the aforementioned and pending waiver request filed by KVLY. Cable One and its subscribers will be harmed should it be required to replace KX4 with KRDK, only to have to switch back should the Commission resolve the waiver request in KVLY's favor. For these reasons, and in order to avoid subscriber confusion and upsetness, Cable One has to date rejected KRDK's request.

At this point, it would certainly be ideal for the Commission to expeditiously resolve KVLY's waiver request so that all parties involved can fully understand their rights and responsibilities with regard to cable system carriage on channel 4. Nevertheless, absent

⁴ See Gray Television Licensee, LLC, KVLY-TV, Fargo, North Dakota, Petition for Waiver and Request for Reassignment of PSIP Channels, MB Docket ____ (filed October 7, 2015).

Commission action on the waiver request, Cable One will make the necessary preparations, including providing proper prior notice to subscribers pursuant to Section 76.1601, to initiate carriage of KRDK on channel 4 on its Fargo-Valley City DMA cable systems on or about July 1, 2016. However, should the Commission rule on KVLV's waiver request before that date, and that ruling be in KVLV's favor, Cable One will cancel the switch. At that point, Cable One will work cooperatively with KRDK to initiate carriage on its Fargo-Valley City DMA cable systems as soon as possible, again consistent with Cable One's notice obligations, on a mutually agreeable alternative channel in the broadcast tier channel neighborhood.

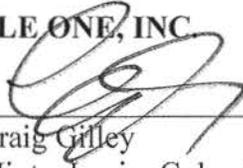
CONCLUSION

For the foregoing reasons, Cable One encourages the Commission to expeditiously resolve KVLV's outstanding waiver request regarding the PSIP assignment of channel 4 and clarify the station/service with rights to channel 4 carriage in the Fargo-Valley City DMA. Should the Commission fail to do so, Cable One will initiate carriage of KRDK on channel 4 on or about July 1, 2016. The undersigned certifies that he has read the submission and to the best of his 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,

CABLE ONE, INC

By: _____


Craig Gilley
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
701 Pennsylvania Avenue, N.W., Suite 900
Washington, D.C. 20004
(202) 434-7300
Its Attorneys

Dated: March 17, 2016

CERTIFICATE OF SERVICE

I, Glenda Thompson, a secretary at the law firm of Mintz Levin Cohn Ferris Glosky and Popeo PC, hereby certify that, on this 17th day of March, 2016, copies of the foregoing "Answer" were sent via first-class mail, postage prepaid, to the following:

William Lake, Esq.*
Chief, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

KVLY-TV
Gray Television Licensee, LLC
4370 Peachtree Road, Northeast
Suite 400
Atlanta, Georgia 30319

Davina S. Sashkin
Peter Tannenwald
Daniel A Kirkpatrick
Fletcher, Heald & Hildreath, PC
1300 17th Street
Suite 1100
Arlington, Virginia 22209


Glenda Thompson

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