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MEDIA BUREAU GRANTS REQUEST BY LENFEST BROADCASTING, LLC TO CEASE ANALOG BROADCASTING ON WWAC-TV AND TO OPERATE AS A SINGLE CHANNEL, DIGITAL-ONLY TELEVISION STATION ON CHANNEL 44

In its Report and Order in GN Docket No. 01-74 the Commission adopted the reallocation of the 598-746 MHz Spectrum Band (television channels 52-59) from use by television broadcasters to new uses on a flexible basis.¹ The Commission also stated that it would consider requests by incumbent broadcasters on channels 52-58 to voluntarily vacate their NTSC channels prior to the end of the DTV transition on a case-by-case basis.²

On July 11, 2002, the Media Bureau received a request from Lenfest Broadcasting, LLC, the licensee of analog television station WWAC-TV, NTSC Channel 53, and permittee of digital television station WWAC-DT, DTV Channel 44, Atlantic City, New Jersey,¹ for Commission authority to: (i) cease analog broadcasting on NTSC Channel 53 and surrender its license for the channel prior to the end of the DTV transition; and (ii) thereafter operate WWAC-DT as a single channel, digital-only television station on DTV Channel 44. By letter dated September 24, 2002, the Chief, Video Division, Media Bureau granted the request. A copy of this letter is available for inspection at the Commission's Reference Center, 455 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554.

For further information, contact Joyce Bernstein of the Media Bureau at (202) 418-1647.

By: Chief, Media Bureau

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¹ See *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, GN Docket No. 01-74, 17 FCC Rcd 1022 (2002).

² *Id.* at 1095-96.

¹ Facility ID 9739.



Federal Communications Commission
Washington, D.C. 20554

September 24, 2002

1800E3-JLB

Lenfest Broadcasting, LLC
c/o John M. Burgett, Esq.
Wiley Rein & Fielding, LLP
1776 K Street, N.W.
Washington, D.C. 20006

Re: WWAC-TV, Atlantic City, New Jersey
Facility ID No. 9739

Dear Licensee:

On July 11, 2002, Lenfest Broadcasting, LLC, the licensee of analog television station WWAC-TV, NTSC Channel 53, and permittee of digital television station WWAC-DT, DTV Channel 44, Atlantic City, New Jersey, filed a letter requesting Commission authority to: (i) cease analog broadcasting on NTSC Channel 53 and surrender its license for the channel prior to the end of the DTV transition period; and (ii) thereafter operate WWAC-DT as a single channel, digital-only television station on DTV Channel 44. Lenfest's proposal appeared on public notice on September 12, 2002.

In its *Report and Order* in GN Docket No. 01-74, the Commission adopted the reallocation of the 598-746 MHz Spectrum Band (television channels 52-59) from use by television broadcasters to new use on a flexible basis.¹ The Commission also stated that it would consider requests by incumbent broadcasters on channels 52-59 to voluntarily vacate their NTSC channels prior to the end of the DTV transition on a case-by-case basis, considering all relevant public interest factors.²

In support of its request to voluntarily vacate NTSC Channel 53, Lenfest asserts that the early return of the channel will result in substantial public benefits, such as speeding the provision of new or expanded wireless services in the area. In addition, the operation of WWAC-DT as a digital-only station would substantially extend the station's coverage and increases its mandatory cable carriage rights on cable systems in the Philadelphia DMA, from approximately 575,000 cable households to over 1,800,000 cable households.³ Lenfest acknowledges that the early return of its NTSC channel will result in loss of an over-the-air analog service, but contends that the impact on the public will be imperceptible, since WWAC-TV is not a network affiliate, and there are only 2,677 television households (or 2.9% of the total

¹ *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, 17 FCC Rcd 1022 (2002).

² *Id.* at 1096. The Commission identified a number of relevant factors, including whether grant of the request would make new or expanded wireless services available to consumers or deploy wireless service to underserved areas, or whether grant would result in the loss of any of the four stations in the DMA with the largest audience share, the loss of sole service licensed to the local community, or the loss of a community's sole noncommercial educational television service. The Commission will also consider whether a grant would have a negative effect on the pace of DTV transition in that market. *Id.* at n.549.

³ Lenfest states that although the vast majority of these households do not have DTV receivers or converters, they will be able to view WWAC-DT's programming because Lenfest intends to demand that cable operators carry WWAC-DT's signal in analog form, at least during the early stages of the DTV transition. Lenfest also pledges to supply cable system with the conversion equipment necessary to translate the station's signal from digital to analog.

number of television households) within its Grade B contour which receive analog television service over-the-air (*i.e.*, not via cable or direct broadcast satellite services). Moreover, according to **Television and Cable Factbook 2001**, none of these non-cable television households report viewing WWAC-TV on NTSC Channel 53.

Based upon the foregoing, we believe the public interest would be served by permitting Lenfest to surrender its license for NTSC Channel 53 and commence digital operations on DTV Channel 44. Accordingly, Lenfest's request IS GRANTED. Moreover, **prior** to discontinuing analog service and surrendering its NTSC license, we expect Lenfest to supply all cable systems carrying its digital signal with the conversion equipment necessary to translate WWAC-DT's signal to an analog signal.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau