

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

In the matter of
Amendment of Sections 73.606(b),
Table of Allotments,
Television Broadcast Stations; and 73.622(b),
Table of Allotments, Digital Broadcast
Television Stations (Asheville, North Carolina
and Greenville, South Carolina)
MB Docket No. 02-363
RM-10604

REPORT AND ORDER (Proceeding Terminated)

Adopted: July 24, 2003

Released: August 1, 2003

By the Chief, Video Division

1. Before the Commission for consideration is the Notice of Proposed Rulemaking ("Notice"), MT Docket No. 02-363 (released November 25, 2002), issued in response to a Petition for Rulemaking filed by Meredith Corporation ("Meredith"), licensee of Station WHNS(TV), Channel 21 (FOX), and paired digital Channel 57, Asheville, North Carolina, proposing the reallocation of Channel 21 and paired digital Channel 57, from Asheville to Greenville, South Carolina, and the modification of Station WHNS(TV)'s license accordingly.

2 As stated in the Notice, Meredith's petition was filed pursuant to Section 1.420(i) of the Commission's Rules, which permits the modification of a station's license to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon granted in part, 5 FCC Rcd 7094 (1990) ("Change of Community MO&O"); 47 C.F.R. § 1.420(i) Additionally, the Notice recognized that a change in the city of license for WHNS(TV) will not deprive Asheville of a first or second service

3. Greenville has a population of 58,282 and is the capital of Greenville County, which has a population of 358,936. While Asheville's population is slightly larger at 61,855 persons, the county in which it is located, Buncombe County, has a population of only 208,850.

1 The television allotment priorities are to (1) provide at least one television service to all parts of the United States, (2) provide each community with at least one television broadcast station, (3) provide a choice of at least two television services to all parts of the United States, (4) provide each community with at least two television broadcast stations, and (5) assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities See Sixth Report and Order on Television Allocations, 41 FCC Rcd 148, 167 (1952).

Meredith has performed engineering studies and indicates that the change of community of license can be made consistent with all present signal and interference requirements. Specifically, Meredith asserts that the city of license will not involve a change of transmission facilities, and therefore, no new interference concerns will be raised.

4. We will reallocate NTSC Channel 21 and paired digital Channel 57 from Asheville, North Carolina to Greenville, South Carolina, and modify the authorization for station WHNS(TV) accordingly. Because Asheville and Greenville each have more than two television broadcast stations, the first four priorities do not apply.² Thus, the comments in this proceeding have focused on the fifth priority, *e.g.*, whether reallocation is justified based upon population, geographic location, and the number of television services available to the community from stations located in other communities. With respect to the number of television services available from stations located in other communities, Meredith asserts that fifteen full-power television stations deliver Grade B or better signals to Asheville, while just 12 full-power television stations deliver Grade B or better signals to Greenville. Although Asheville receives three more full-power television signals than Greenville, both Asheville and Greenville are well-served.³ With respect to population, Greenville has a population of 58,282, whereas Asheville's population is slightly larger at 61,855 persons. If all other factors are equal, a broadcast channel would generally be allotted to a community with a larger population. *Powhatan and Goochland, Virginia*, 12 FCC Rcd 3191 (1997). However, as noted above, Meredith is not moving its transmitter site for WHNS(TV) and, as such, a change in the city of license for WHNS(TV) will not deprive Asheville of any local service. Additionally, in order to assure that the residents of Asheville will continue to receive service from WHNS(TV), we will require, as a condition to WHNS(TV)'s license, that station WHNS(TV) continue to provide City Grade coverage to Asheville. In addition, we will require as a second condition to the license, that station WHNS(TV) continue its legal and public interest obligations to Asheville residents. Specifically, station WHNS(TV) must continue service to Asheville and its environs by way of local news and other public affairs programming. In accord with this mandate, Meredith has filed Supplement Comments where it commits to comply with its existing legal and public interest obligations to Asheville, including its obligation to provide programming responsive to the needs and interests of the Asheville community. In addition, Meredith commits to continue to provide City Grade coverage of Asheville.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 12, 2003, the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

² Asheville and Greenville are currently part of the Greenville-Spartanburg, South Carolina – Asheville, North Carolina Nielsen Designated Market Area. There are four NTSC television stations currently licensed to Asheville: WHNS(TV), channel 21 (FOX), WASV(TV), channel 62 (UPN), WUNF-TV, channel *33 (PBS), and WLOS(TV), channel 13 (ABC). Greenville, on the other hand, has only three NTSC television stations: WGGG-TV, channel 16, WNTV, channel*29 (PBS) and WYFF(TV), channel 4 (NBC).

³ See *Garberville and Hydeville, California*, 9 FCC Rcd 3125 (1994) (reception areas that receive at least five broadcast services are considered to be well-served).

<u>CITY</u>	<u>PRESENT CHANNEL NOS.</u>	<u>PROPOSED CHANNEL NOS.</u>
Asheville, NC	13, 21, *33, 62	13, *33, 62
Greenville, SC	4, 16, *29	4, 16, 21, *29

6. Furthermore, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 12, 2003, the DTV Table of Allotments, Section 73.622(b), of the Commission's Rules, IS AMENDED for the communities listed below, to read as follows:

<u>CITY</u>	<u>PRESENT CHANNEL NOS.</u>	<u>PROPOSED CHANNEL NOS.</u>
Asheville, NC	*25, 45, 56, 57	*25, 45, 56
Greenville, SC	*9, 35, 59	*9, 35, 57, 59

7. IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the authorization of Meredith Corporation for Station WHNS(TV), Channel 21 (FOX), and paired digital Channel 57, Asheville, North Carolina, IS MODIFIED to specify operation on Channel 21 and paired digital Channel 57, at Greenville, South Carolina, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

8. IT IS FURTHER ORDERED THAT, the licensee shall indicate on its minor change application for a construction permit (Form 301) the following: 1) WHNS(TV) will continue to provide City Grade coverage to Asheville; and, 2) WHNS(TV) will continue its legal and public interest obligations to Asheville residents. These conditions will be noted on the license for WHNS(TV).

9. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, IF THE REQUEST IS GRANTED, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Meredith, licensee of Station WHNS(TV), is required to submit a rule making fee in addition to the fee required for the application to effect the change in community of license from Asheville, NC to Greenville, SC.

10 IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.¹¹ For further information concerning this proceeding, contact Brad Lerner, Media Bureau, (202) 418-1600

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau