

ORIGINAL



Scott S. Patrick

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February 18, 2011

**VIA COURIER**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

FILED/ACCEPTED

FEB 18 2011

Federal Communications Commission  
Office of the Secretary

Attention: Media Bureau  
Video Division

Re: WJW(TV), Cleveland, Ohio  
Facility I.D. No. 73150  
Supplement Petition to Amend the Table of DTV Allotments

Dear Ms. Dortch:

On behalf of Community Television of Ohio License, LLC, licensee of commercial television station WJW(TV), Cleveland, Ohio, we hereby transmit an original and four copies of a Supplement to the January 11, 2011 *Petition for Rule Making* requesting the substitution of Channel 31 for Channel 8 at Cleveland, Ohio in the Table of DTV Allotments.

If any additional information is needed in connection with this matter, please contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott S. Patrick', written over a white background.

Scott S. Patrick

Enclosure

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**FILED/ACCEPTED**

**FEB 18 2011**

*Federal Communications Commission  
Office of the Secretary*

In the Matter of	)	
	)	
Amendment of Section 73.622(i)	)	MB Docket No. _____
Post-Transition Table of Allotments,	)	RM- _____
Digital Television Broadcast Stations	)	
(Cleveland, Ohio)	)	

To: Office of the Secretary  
Attn: Chief, Video Division  
Media Bureau

**SUPPLEMENT TO PETITION FOR RULE MAKING  
TO AMEND THE TABLE OF DTV ALLOTMENTS**

By its attorneys and pursuant to Sections 1.401, 73.616, and 73.622(a) of the Commission's Rules,<sup>1</sup> Community Television of Ohio License, LLC ("Licensee"), licensee of WJW(TV), Cleveland, Ohio (the "Station"), hereby respectfully submits this Supplement to its Petition for Rule Making to amend Section 73.622(i), the Post-Transition Table of DTV Allotments, by substituting Channel 31 as the Station's allotment in lieu of Channel 8 (the "Petition"). The Petition was submitted January 11, 2011.

Licensee explained in the Petition that it sought the channel substitution because the Station was experiencing significant technical difficulties after commencing digital operations on VHF Channel 8 at the end of the DTV Transition. The Petition stated that a sizable number of the Station's viewers no longer could receive the Station's over-the-air signal as a result of VHF reception difficulties. After some eighteen months of VHF DTV operation, Licensee is seeing

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<sup>1</sup> 47 C.F.R. §§ 1.401, 73.616, 73.622(a).

no evidence of a recovery in the Station's over-the-air ratings, leading it to conclude with certainty that viewers would be better served if the Station switched to UHF channel 31 – its pre-transition DTV channel – rather than continue operations on the VHF channel.

The Petition noted that the Commission recently had acknowledged the existence of widespread VHF technical problems and referenced as well the agency's open rulemaking to help find solutions, but interference constraints unfortunately prevent the Station from availing itself of the *Notice's* centerpiece proposal (*i.e.*, to increase VHF power).<sup>2</sup> Licensee listed in the Petition the reasons for its particular proposal of Channel 31, explaining that the Station operated on this channel during the transition and that no other channel pre-approved by Canada currently was available. The proposed operation on Channel 31 is not predicted to cause impermissible levels of interference to any station other than WRAP-CA, Cleveland, Ohio, which is statutorily obliged to accept the interference for purposes of resolving technical problems such as faced by the Station.<sup>3</sup>

By this Supplement, Licensee provides the Commission with additional evidence to document the existence of the technical problems experienced by the Station on the VHF channel that are necessitating the switch to Channel 31. Attachment A provides a declaration of the Station's Assistant Chief Engineer detailing test measurements which led the Licensee to conclude that viewers were experiencing reception difficulties attributable to the Station's VHF

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<sup>2</sup> Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF, *Notice of Proposed Rulemaking*, ET Docket No. 10-235, FCC 10-196, ¶ 48 (rel. Nov. 30, 2010) ("*Notice*").

<sup>3</sup> See 47 U.S.C. § 336(f)(1)(D)(i). The Petition noted that WRAP-CA was not obliged to change channels as a result of grant given that the station is not predicted to cause interference to WJW(TV) and that the predicted interference received to it is nominal.

channel. The comparative measurements indicated that viewers were not having similar difficulties receiving viewable signals of local UHF stations. Attachment B provides a list of over 300 DTV reception complaints received by the Station, with the vast majority of the complaints specifically related to VHF reception difficulties (*i.e.*, complainants could receive local UHF stations but not the Station).

Also provided as evidence to document the existence of the VHF technical problems is a chart of the Station's over-the-air ratings for the past five years (Attachment C). The chart clearly shows the dramatic and significant 2.5 point collapse that occurred when the DTV Transition ended<sup>4</sup> – and clearly shows the absence of any similar collapse for other major affiliates or for the Station's cable subscriber ratings. The chart shows as well that, some eighteen months after the DTV Transition, there is no indication that the Station's over-the-air ratings might recover – but the ratings of local competitors maintain their trend. In addition, according to raw ratings data, a number of over-the-air viewers are not registering any viewership whatsoever of the Station's programming, strongly suggesting an inability to receive the Station's signal.<sup>5</sup> Considering this chart and the test results provided in Attachment A, Licensee respectfully submits that the only conclusion that can be reasonably drawn is that a substantial number of over-the-air viewers no longer can receive the Station's signal due to the VHF technical problems being experienced.

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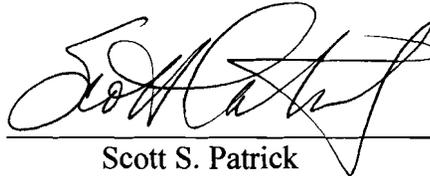
<sup>4</sup> The chart shows a pre-transition ratings average of approximately 4.5 and a post-transition average of approximately 2.0. The raw data can be supplied upon request of the Commission.

<sup>5</sup> See Attachment A.

For the foregoing reasons and for those set forth in the Petition, Licensee urges the Commission to amend the Post-Transition Table as proposed. Adoption would serve the public interest by permitting the Station to restore broadcast service to viewers who traditionally have relied upon it.

Respectfully submitted,  
COMMUNITY TELEVISION OF OHIO LICENSE, LLC

By:

  
Scott S. Patrick

Its Attorneys

**Dow Lohnes PLLC**  
1200 New Hampshire Avenue, N.W., Suite 800  
Washington, D.C. 20036-6802  
(202) 776-2000

Dated: February 18, 2011

**ATTACHMENT A**

**Declaration of James Baird  
Assistant Chief Engineer, WJW(TV)**

## DECLARATION

I, James Baird, under penalty of perjury and pursuant to Section 1.16 of the Federal Communications Commission's Rules, 47 C.F.R. § 1.16, hereby declare as follows:

1. I am the Assistant Chief Engineer for WJW(TV), Cleveland, Ohio, licensed to Community Television of Ohio License, LLC ("Licensee"). I have held this position since September 2009. I have worked in the broadcast industry since 1981 and always in positions relating to broadcast technology.

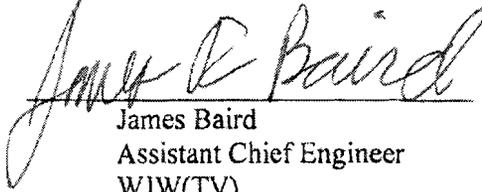
2. In the first half of 2010, after Licensee received confirmation that WJW(TV)'s over-the-air ratings had not rebounded from the significant decline experienced following the conclusion of the DTV transition, and after over-the-air ratings reports indicated to Licensee that a number of viewers were not registering any viewership whatsoever of WJW(TV) programming, Licensee made a determination that a non-programming-related problem likely existed, and the Chief Engineer, John Cifani, in turn asked me to investigate the existence of viewer reception difficulties. As part of this investigation, I planned a signal reception test.

3. This signal reception test was conducted between June 30-July 1, 2010. The weather during this test was clear. I personally conducted the test and collected the results. Measurements were taken from three different sites in Stark County, Ohio. The sites were selected because they generally corresponded to intermediate areas of the DMA that were regarded as not too close to the WJW(TV) transmitter site but where viewers had reliably received the WJW(TV) VHF analog signal before the DTV transition. Test site #1 was near the intersection of California Ave. and Reno Dr. Test site #2 was near the intersection of Trump Ave. and Lincoln St. Test site #3 was near the intersection of Market Ave. and Colonial Blvd. Measurements were made using a nominal 6 dB antenna positioned 12 feet above ground. Measurements were taken from each site once on the first day of testing and repeated on the second day of testing, for a total of two measurements at each of the three sites.

4. At two of the three sites (sites #1 and #2), I could not successfully receive a viewable signal of WJW(TV) on a typical consumer receiver, but I could receive the viewable signals of UHF stations WKYC(TV) and WEWS-TV. This result was confirmed when the measurement was repeated on the second day. At the other site (#3), I successfully received the signal of WJW(TV). Spectrum analyzer measurements were taken at each site and can be supplied upon request.

5. Based upon the results of this test, I concluded that many viewers very likely were having difficulty receiving the VHF signal of WJW(TV) but were not having similar difficulty receiving the signals of local UHF stations. Licensee accepted the test results and concurred with this conclusion.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Dated this 18th day of February, 2011.

  
James Baird  
Assistant Chief Engineer  
WJW(TV)

**ATTACHMENT B**

**List of Viewer Complaints**

Attachment B - List of Complaints

	A	B	C	D	E
1	Date of Complaint	City/Zip of Complainant	UHF/WJW issue	Gen.DTV issue	
2	6/12/2009	44123		Y	
3	6/12/2009	44272	Y		
4	6/12/2009	44839	Y		
5	6/12/2009	44024	Y		
6	6/12/2009	44120	Y		
7	6/12/2009	44865	Y		
8	6/12/2009	44122	Y		
9	6/12/2009	44654	Y		
10	6/12/2009	44203		Y	
11	6/12/2009		Y		
12	6/12/2009	Akron	Y		
13	6/12/2009	North Canton	Y		
14	6/12/2009	44024			
15	6/12/2009	44017	Y		
16	6/12/2009	44240	Y		
17	6/15/2009	44310	Y		
18	6/15/2009	Aurora	Y		
19	6/15/2009	Westpark	Y		
20	6/15/2009		Y		
21	6/15/2009	44141	Y		
22	6/17/2009	Barberton		Y	
23	6/17/2009	44333	Y		
24	6/17/2009		Y		
25	6/17/2009	Cleveland	Y		
26	6/17/2009	Canton	Y		
27	6/17/2009	Millersburg	Y		
28	6/17/2009	Chardon	Y		
29	6/17/2009	44094	Y		
30	6/17/2009	44303	Y		
31	6/20/2009	44903	Y		
32	6/20/2009	44676	Y		
33	6/22/2009	44056		Y	
34	6/22/2009		Y		
35	6/22/2009	Wooster	Y		
36	6/22/2009		Y		
37	6/22/2009	44118	Y		
38	6/22/2009	44134		Y	
39	6/22/2009	44094	Y		
40	6/22/2009	Wooster	Y		
41	6/22/2009		Y		
42	6/22/2009	44805	Y		
43	6/23/2009		Y		
44	6/23/2009		Y		
45	6/23/2009	Wellington	Y		

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	A	B	C	D	E
1	Date of Complaint	City/Zip of Complainant	UHF/WJW issue	Gen.DTV issue	
46	6/23/2009		Y		
47	6/25/2009	44039	Y		
48	6/25/2009	Cleveland	Y		
49	6/25/2009	44039	Y		
50	6/25/2009	44125	Y		
51	6/25/2009	44035		Y	
52	6/25/2009	44256	Y		
53	6/25/2009	44234	Y		
54	6/25/2009	Lakeside	Y		
55	6/25/2009	Ashland	Y		
56	6/25/2009	South Euclid	Y		
57	6/25/2009	South Euclid	Y		
58	6/25/2009	Cuyahoga Falls	Y		
59	6/25/2009	Cuyahoga Falls	Y		
60	6/25/2009	Mantua	Y		
61	6/25/2009	Cleveland	Y		
62	6/25/2009	Huntsburg	Y		
63	6/25/2009	Brooklyn	Y		
64	6/25/2009	Canal Fulton	Y		
65	6/25/2009	Canton	Y		
66	6/25/2009	Cleveland	Y		
67	6/25/2009	Conneaut	Y		
68	6/25/2009	Avon	Y		
69	6/25/2009	Nova	Y		
70	6/25/2009	Macedonia	Y		
71	6/25/2009	Elyria	Y		
72	6/25/2009	Lorain	Y		
73	6/25/2009	Uniontown	Y		
74	6/25/2009	Stow	Y		
75	6/25/2009	Macedonia	Y		
76	6/25/2009	Barberton	Y		
77	6/25/2009	44615	Y		
78	6/25/2009	44221	Y		
79	7/1/2009	44212	Y		
80	7/1/2009	Beachwood		Y	
81	7/1/2009	Huron	Y		
82	7/1/2009	Sandusky	Y		
83	7/1/2009	Galion	Y		
84	7/1/2009	Barberton	Y		
85	7/1/2009	Hartville	Y		
86	7/1/2009	Mogadore	Y		
87	7/1/2009	Cleveland	Y		
88	7/1/2009	Massilon	Y		
89	7/1/2009	Wadsworth	Y		

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	A	B	C	D	E
1	Date of Complaint	City/Zip of Complainant	UHF/WJW issue	Gen.DTV issue	
90	7/1/2009	Canton	Y		
91	7/1/2009	Wellington	Y		
92	7/1/2009	44889	Y		
93	7/1/2009	44130	Y		
94	7/1/2009	Seven Hills	Y		
95	7/1/2009	Independence	Y		
96	7/1/2009	Mayfield Hts.	Y		
97	7/1/2009	Lakewood	Y		
98	7/1/2009	Rittman	Y		
99	7/1/2009	Medina	Y		
100	7/1/2009	Fairview Park	Y		
101	7/1/2009	Cleveland	Y		
102	7/1/2009	Streesboro	Y		
103	7/1/2009	Akron	Y		
104	7/1/2009	Parma	Y		
105	7/1/2009	Barberton	Y		
106	7/1/2009	Cleveland	Y		
107	7/1/2009	Sebring	Y		
108	7/1/2009	Tallmage	Y		
109	7/1/2009	44060	Y		
110	7/1/2009	Cleveland	Y		
111	7/1/2009	Brunswick	Y		
112	7/1/2009	44272	Y		
113	7/1/2009	Ravenna	Y		
114	7/1/2009	New London	Y		
115	7/1/2009	Cleveland	Y		
116	7/1/2009	Cleveland	Y		
117	7/1/2009	Euclid	Y		
118	7/1/2009	Barberton	Y		
119	7/1/2009	Oberlin	Y		
120	7/1/2009	Akron	Y		
121	7/1/2009	Wellington	Y		
122	7/1/2009	Barberton	Y		
123	7/1/2009	Elyria	Y		
124	7/1/2009	Cuyahoga Falls	Y		
125	7/1/2009	Avon	Y		
126	7/1/2009	Mantua	Y		
127	7/1/2009	Kirtland	Y		
128	7/1/2009	Willard	Y		
129	7/1/2009	Rock Creek	Y		
130	7/1/2009	Sandusky	Y		
131	7/1/2009	Conneaut	Y		
132	7/1/2009	44720	Y		
133	7/1/2009	East Cleveland	Y		

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	A	B	C	D	E
1	Date of Complaint	City/Zip of Complainant	UHF/WJW issue	Gen.DTV issue	
134	7/1/2009	Willowick	Y		
135	7/1/2009	Euclid	Y		
136	7/3/2009	44202		Y	
137	7/3/2009	44266	Y		
138	7/3/2009	44143	Y		
139	7/3/2009	44035	Y		
140	7/3/2009	44121		Y	
141	7/3/2009	Cuyahoga Falls	Y		
142	7/3/2009	44060	Y		
143	7/3/2009	44137	Y		
144	7/3/2009	44139	Y		
145	7/3/2009	44681	Y		
146	7/3/2009	44310	Y		
147	7/3/2009	44109	Y		
148	7/3/2009	44107	Y		
149	7/3/2009	Munson	Y		
150	7/3/2009	Lakewood	Y		
151	7/3/2009	Castalia	Y		
152	7/3/2009	Mansfield	Y		
153	7/3/2009	Medina	Y		
154	7/3/2009	Orange Village	Y		
155	7/3/2009	Akron	Y		
156	7/3/2009	Millersburg	Y		
157	7/3/2009	Twinsburg	Y		
158	7/3/2009	Beachwood	Y		
159	7/3/2009	Massilon	Y		
160	7/3/2009	Lyndhurst	Y		
161	7/3/2009	Norton	Y		
162	7/3/2009	Spencer	Y		
163	7/3/2009	Jefferson	Y		
164	7/3/2009	Huron	Y		
165	7/3/2009	Collins	Y		
166	7/3/2009	Cleveland	Y		
167	7/3/2009	Streesboro	Y		
168	7/3/2009	Aurora	Y		
169	7/3/2009	Ashland	Y		
170	7/3/2009	Oberlin	Y		
171	7/3/2009	East Cleveland	Y		
172	7/3/2009	Cleveland	Y		
173	7/3/2009	44026	Y		
174	7/3/2009	Sheffield	Y		
175	7/3/2009	Leroy	Y		
176	7/3/2009	44147	Y		
177	7/3/2009	Garfield Hts	Y		

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1	Date of Complaint	City/Zip of Complainant	UHF/WJW issue	Gen.DTV issue	
178	7/3/2009	Cleveland	Y		
179	7/3/2009	Loudonville	Y		
180	7/3/2009	Medina	Y		
181	7/3/2009	Parma	Y		
182	7/3/2009	Cleveland	Y		
183	7/3/2009	Willowick	Y		
184	7/3/2009	Canton	Y		
185	7/3/2009	North Ridgeville	Y		
186	7/3/2009	Eastlake	Y		
187	7/3/2009	Twinsburg	Y		
188	7/3/2009	44223	Y		
189	7/13/2009	44118	Y		
190	7/13/2009	44092	Y		
191	7/13/2009	New London	Y		
192	7/13/2009	Brunswick	Y		
193	7/13/2009	44121	Y		
194	7/13/2009	44233	Y		
195	7/13/2009	44256	Y		
196	7/13/2009	44142	Y		
197	7/13/2009	44026	Y		
198	7/13/2009	44612	Y		
199	7/14/2009	44052	Y		
200	7/14/2009	44620		Y	
201	7/14/2009	44843	Y		
202	7/14/2009	44052	Y		
203	7/14/2009	44236	Y		
204	7/14/2009	Shreve	Y		
205	7/14/2009		Y		
206	7/14/2009		Y		
207	7/14/2009	44141	Y		
208	7/15/2009	44654	Y		
209	7/15/2009	44890			
210	7/15/2009	44012	Y		
211	7/15/2009	44120	Y		
212	7/20/2009			Y	
213	7/20/2009	44039	Y		
214	7/20/2009	44203	Y		
215	7/20/2009	44410	Y		
216	7/21/2009	Streesboro	Y		
217	7/21/2009	Solon	Y		
218	7/21/2009	Medina	Y		
219	7/21/2009	Wellington	Y		
220	7/21/2009	Shiloh	Y		
221	7/21/2009	Hudson	Y		

## Attachment B - List of Complaints

	A	B	C	D	E
1	Date of Complaint	City/Zip of Complainant	UHF/WJW issue	Gen.DTV issue	
222	7/21/2009	Vermillion	Y		
223	7/21/2009	Lakewood	Y		
224	7/21/2009	Cuyahoga Falls	Y		
225	7/21/2009	Brookpark	Y		
226	7/21/2009	Harpersfield	Y		
227	7/21/2009	Cleveland	Y		
228	7/21/2009	Atwater	Y		
229	7/21/2009	Akron	Y		
230	7/21/2009	Streesboro	Y		
231	7/21/2009	Akron	Y		
232	7/21/2009	Seven Hills	Y		
233	7/21/2009	Cleveland	Y		
234	7/21/2009	44203	Y		
235	7/21/2009	Cleveland	Y		
236	7/21/2009	Barberton	Y		
237	7/21/2009	Elyria	Y		
238	7/21/2009	44264	Y		
239	7/21/2009	Cleveland	Y		
240	7/21/2009		Y		
241	8/21/2009	44028		Y	
242	8/30/2009	44515	Y		
243	9/1/2009		Y		
244	9/30/2009		Y		
245	10/13/2009	44133	Y		
246	10/14/2009	Canton	Y		
247	10/10/2009		Y		
248	10/28/2009	44136	Y		
249	11/3/2009	44102	Y		
250	11/10/2009		Y		
251	11/12/2009		Y		
252	11/13/2009	44301	Y		
253	11/16/2009	44131	Y		
254	11/17/2009	44805	Y		
255	11/23/2009	44446	Y		
256	12/14/2009	44319	Y		
257	12/15/2009	44142	Y		
258	12/15/2009	44118	Y		
259	12/18/2009	44221	Y		
260	1/20/2010	44116	Y		
261	1/29/2009	44130	Y		
262	2/2/2010	44643	Y		
263	3/5/2010	44124	Y		
264	3/16/2010	44224	Y		
265	3/24/2010	44870	Y		

## Attachment B - List of Complaints

	A	B	C	D	E
1	Date of Complaint	City/Zip of Complainant	UHF/WJW issue	Gen.DTV issue	
266	3/24/2010	Massilon	Y		
267	3/24/2010	New London	Y		
268	3/29/2010	44123	Y		
269	4/12/2010	44221	Y		
270	4/12/2010	Alliance	Y		
271	4/12/2010	44256	Y		
272	4/12/2010	44857	Y		
273	4/14/2010	44118		Y	
274	4/18/2010	44107	Y		
275	4/19/2010	44052	Y		
276	4/19/2010	44203	Y		
277	4/19/2010	44124	Y		
278	4/22/2010	44072	Y		
279	4/22/2010	44281	Y		
280	4/22/2010	South Euclid	Y		
281	4/22/2010	New London	Y		
282	4/28/2010	44287	Y		
283	5/11/2010	44113	Y		
284	5/13/2010	44805	Y		
285	5/14/2010	44870	Y		
286	5/16/2010	44256	Y		
287	5/17/2010	44064	Y		
288	6/11/2010	44060	Y		
289	6/13/2010	44851		Y	
290	6/13/2010	Montville	Y		
291	6/23/2010	44135	Y		
292	7/15/2010	44125	Y		
293	7/21/2009	44022	Y		
294	7/22/2010	44320	Y		
295	7/26/2010	44044	Y		
296	8/3/2010	44135	Y		
297	8/16/2010	44319	Y		
298	8/17/2010	44203	Y		
299	8/18/2010	44647	Y		
300	8/24/2010	44102	Y		
301	8/25/2010	44214	Y		
302	8/30/2010	Mansfield	Y		
303	9/20/2010	Canton	Y		
304	9/24/2010	44302	Y		
305	10/27/2010	44134		Y	
306	11/1/2010	44241	Y		
307	11/3/2010	44106	Y		
308	11/8/2010	44062	Y		
309	12/2/2010		Y		

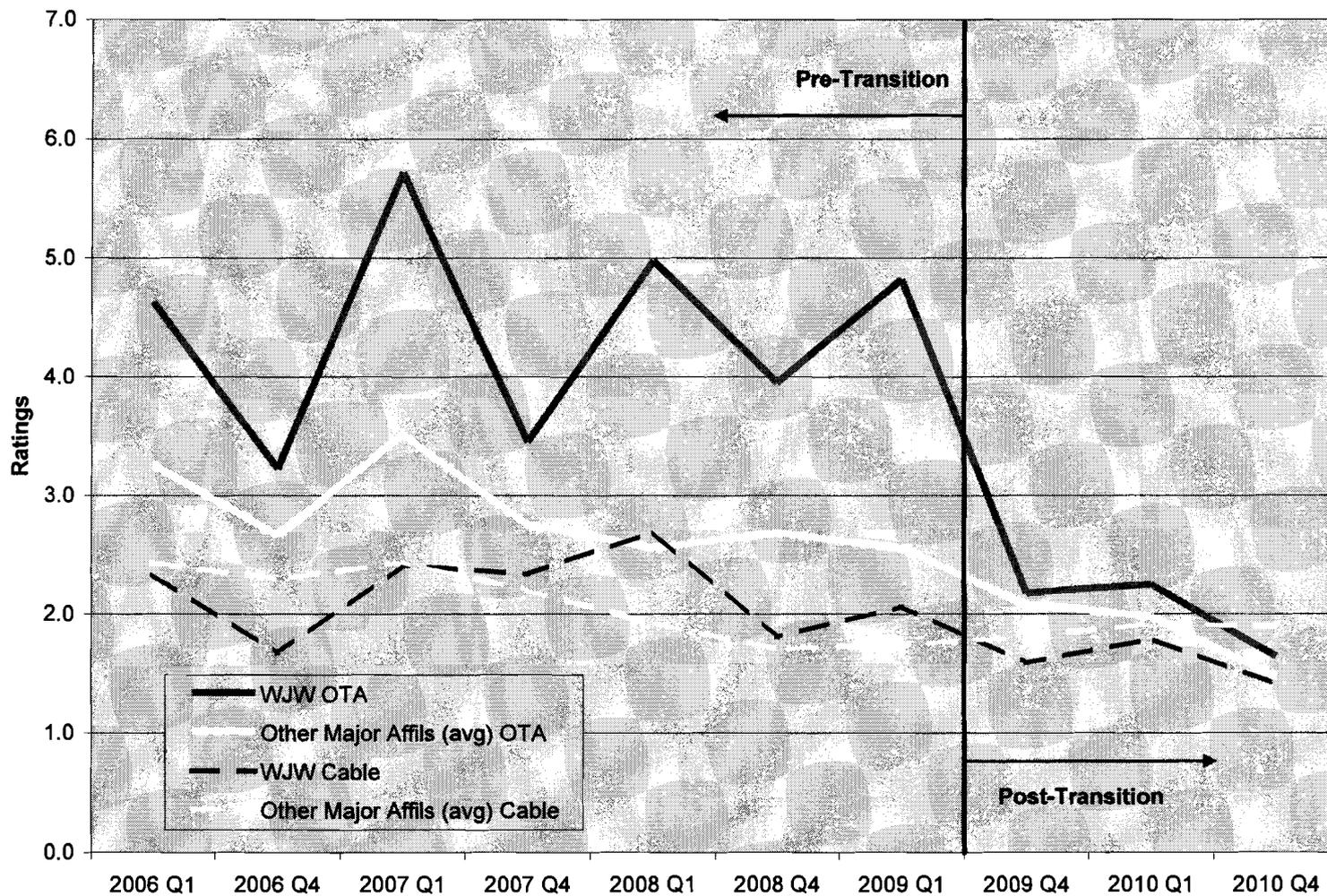
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	A	B	C	D	E
1	Date of Complaint	City/Zip of Complainant	UHF/WJW issue	Gen.DTV issue	
310	12/10/2010	44203		Y	
311	12/10/2010	Medina	Y		
312	12/10/2010	Akron	Y		
313	12/10/2010	Solon	Y		
314	12/20/2010	44241	Y		
315	12/21/2010	44313	Y		
316	1/6/2011	44839		Y	
317	1/11/2011	44044	Y		
318	1/19/2011	44460	Y		
319	1/19/2011		Y		
320	1/26/2011	Lakewood	Y		
321	1/26/2011	Magnolia	Y		
322	1/26/2011	Elyria	Y		
323	2/6/2011	44077	Y		

**ATTACHMENT C**

**Ratings Chart**

### Over-The-Air Ratings - WJW vs. Major Affiliates



## CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February 2011, I caused a copy of the foregoing Petition to be served on the following by U.S. mail, postage prepaid:

Randy Weigner  
D.T.V., LLC  
1903 South Greeley Hwy # 127  
Cheyenne, WY 82007

*(Licensee of WRAP-CA)*

By Hand and Email:

Barbara Kreisman  
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A handwritten signature in black ink, appearing to read "Joyce Bernstein", written over a horizontal line.