

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

In the Matter of:)	
)	
Armstrong Utilities, Inc.)	
)	CSR 8752-M
Carriage Complaint of Western Pacific)	
Broadcast, LLC, WACP-TV,)	
Atlantic City, New Jersey)	
)	
To: Media Bureau)	

OPPOSITION

Armstrong Utilities, Inc. (“Armstrong”) opposes WACP’s Complaint¹ on the grounds that the station fails to deliver a good quality signal to Armstrong’s principal headend. The station has made utterly no effort to address its signal problems. Armstrong has received not a single engineering proposal from the station. The most likely reason: WACP cannot fix its problems. Due to distance, low transmitter power, and the station’s signal propagation, absent extraordinary measures, the broadcaster will *never* deliver a good quality signal to Armstrong’s headend. Consequently, the Complaint must fail.

The Complaint also contains material misstatements and omissions that show: (i) a lack of candor before the Commission; and (ii) an attempted manipulation of the record to obtain unwarranted carriage rights. This Opposition and the accompanying Engineering Statement and Declaration of Ed E. Hassler, Jr.² will set the record straight.

¹ *In re Carriage Complaint Against Armstrong Utilities, inc. by Western Pacific Broadcast, LLC With Respect to Carriage Within the Philadelphia, PA Designated Market Area of Local Commercial Television Station WACP, Licensed to Atlantic City, New Jersey. CSR-8752-M (dated December 6, 2012) (“Complaint”).*

² Exhibit 1, Engineering Statement and Declaration of Ed E. Hassler, Jr. (“Hassler Statement”).

BACKGROUND

Armstrong Utilities, Inc. and the Oxford cable system. Armstrong operates 15 cable systems in four states, serving primarily smaller communities and rural areas. The Complaint involves Armstrong's Oxford, Pennsylvania system. Armstrong has operated the Oxford system since 1981. The Oxford system serves about 5,400 customers in several communities in south Chester County. The system's service area is in the far western corner of the Philadelphia DMA.

Oxford is about 65 miles from WACP's transmitter, on the very edge of WACP's predicted NLSC. Exhibit 2 contains a map depicting the Oxford system, and showing the approximate distances between the system, WACP's transmitter and the NLSC.³

WACP. According to Warren's Online TVFactbook,⁴ WACP is a commercial broadcast station licensed to Western Pacific Broadcasting, LLC, transmitting on channel 4 from Millville, NJ in the Philadelphia DMA. Atlantic City is the community of license for the station. WACP has never been carried on the Oxford system.

Communications between Armstrong and WACP. The following chronology details the communications between the parties.

June 2012. In early June 2012, Armstrong received a new station notice and must carry election from WACP's lawyer.⁵ The letter stated, "The Station is a new station that is licensed to Atlantic City, NJ, which is part of the [Philadelphia] DMA. The Station is scheduled to begin commercial broadcasting on June 8, 2012. . . .Please note that this correspondence is *not* a demand for carriage, rather it is the election notice new stations are required to make under FCC

³ The map and NLSC in Exhibit 2 are reproduced from the FCC's online License database, available at: http://transition.fcc.gov/fcc-bin/contourplot.kml?gmap=2&appid=1503217&call=WACP&freq=0.0&contour=28&city=ATLANTIC_CITY&state=NJ.kml, visited on December 31, 2012.

⁴ Available at <http://www.tvcablefactbook.com/>, visited on December 31, 2012.

⁵ Exhibit 3, Letter from M. Scott Johnson to Dave Wittmann, dated June 6, 2012.

Rule 76.64(f)(4).⁶ Given the express statement that the Station was not demanding carriage, and the substantial distance, over 88 miles, between the system and Atlantic City, Armstrong conducted a preliminary evaluation of the signal. Not surprisingly, as any qualified broadcast engineer could have predicted, the station delivered, at best, a weak signal to Armstrong's distant headend.⁷ In light of this, and the express statement that the Station was not demanding carriage, Armstrong awaited further communication from the WACP, anticipating an engineering proposal.⁸

September 2012. Instead of an engineering proposal, Armstrong received another letter from the Station's lawyer dated September 14, 2012.⁹ Rather than communicate in any meaningful way regarding how to deliver a good quality signal to Armstrong's distant headend, the letter simply demanded carriage and made spurious allegations against Armstrong.

Through counsel, Armstrong promptly responded to the September 14 letter via email dated September 21, 2012.¹⁰ The Complaint alleges "Armstrong did not respond to this carriage demand letter by the October 18, 2012 deadline imposed by Rule 76.61(a)(2) for its response."¹¹ This represents a blatant attempt to distort the record, raising serious questions of WACP's candor before the Commission. As Exhibit 5 shows, Armstrong promptly responded to the September 14 letter.

Armstrong's Signal Strength Test. Armstrong then conducted a thorough signal strength test, consistent with sound engineering practices and Commission requirements. The

⁶ Exhibit 3 at 1 (emphasis added).

⁷ Hassler Statement at 2.

⁸ Hassler Statement at 2.

⁹ Exhibit 4, Letter from M. Scott Johnson to Dave Wittmann, dated September 14, 2012.

¹⁰ Exhibit 5, Email from Christopher C. Cinnamon to M. Scott Johnson, dated September 21, 2012.

¹¹ Complaint at 3.

comprehensive test report is attached as Exhibit 6.¹² The test results show that the station failed to meet the signal strength threshold for commercial DTV stations as set forth in 47 CFR 76.55(c)(3).¹³

Based on this, Armstrong declined carriage by letter dated November 19, 2013.¹⁴ That letter included a complete copy of the comprehensive Signal Test Report.

Consistent with WACP's pattern of not engaging on engineering issues, Armstrong received no communication from the station's engineer. Instead, WACP filed the Complaint.

The Complaint.

The Complaint consists solely of allegations and arguments by the lawyer that authored the Station's two letters to Armstrong. Utterly absent is any evidence of engineering analysis or proposals to deal with the problem of signal delivery to a distant headend.

On the issue of signal quality, the Complaint has two principal allegations. First, WACP alleges that it is entitled to must carry because, "WACP either delivers a good quality signal to the principal headend of the cable system(s), or is entitled to carriage despite the delivery of a lower quality signal due to the Western Pacific's undertaking to be responsible for the costs of deliver a good quality signal or baseband video signal to the cable system(s)."¹⁵ In support of this claim, the Complaint proffers nothing. Second, WACP claims the Bureau should ignore the Signal Test Report.¹⁶ Again, the Complaint offers no engineering analysis to support this.

¹² Exhibit 6, Armstrong Signal Strength Test Report of October 2 – 3, 2012 testing of WACP ("Signal Test Report").

¹³ Signal Test Report at 4.

¹⁴ Exhibit 7, Letter from Christopher C. Cinnamon to M. Scott Johnson, dated November 19, 2012.

¹⁵ Complaint at 4.

¹⁶ Complaint at 5-6.

Both these claims attempt to camouflage the following material facts:

- WACP does not deliver a good quality signal to Armstrong's principal headend.
- WACP has no plan to deliver a good quality signal to Armstrong's principal headend.
- Because of distance, WACP could deliver a good quality signal to Armstrong's principal headend only through extraordinary measures.

As shown below, WACP fails to qualify for must carry because of inadequate signal strength, a problem it cannot fix. The Commission should deny the Complaint.

ANALYSIS

A. The Complaint must fail because WACP does not, and cannot, deliver a good quality signal to Armstrong's principal headend.

The Commission should deny the Complaint because the broadcaster cannot satisfy one of the fundamental requirements of must carry – delivery of a good quality signal at or above -61 dBm.¹⁷ Due to low transmitter power and the distance between the station's transmitter and Armstrong's Oxford headend, absent extraordinary measures, WACP will *never* deliver a good quality signal.

In response to WACP's September 2012 must carry demand, Armstrong conducted a thorough signal strength test on October 2 and 3, 2012.¹⁸ Those tests confirmed that WACP failed to deliver a good quality signal. The highest signal strength reading was only -61.75 dBm, with an average over the period of less than -64.41.¹⁹ Armstrong provided a full test report to WACP.²⁰

¹⁷ 47 C.F.R. §76.55(c)(3).

¹⁸ Hassler Statement at 3.

¹⁹ Signal Test Report at 3.

²⁰ Exhibit 7.

The main problem for WACP is geography. The transmitter is about 62 miles from the Oxford headend. This places the system on the very edge of WACP's predicted NLSC.²¹ Beyond a lawyer's statement that WACP's owner is "undertaking to be responsible for the costs of delivering a good quality signal. . .,"²² the station makes no concrete commitment to deliver a good quality signal, and there is no evidence that the station has undertaken any engineering analysis required to solve its problems. For good reason – it cannot do so. Absent extraordinary measures, the station will *never* deliver a good quality signal to Armstrong's Oxford headend. Even if WACP proposes extraordinary measures to deliver a good quality signal, it is well settled that using measures to improve signal quality do not entitle a station to must carry.²³

The Communications Act, Commission regulations and precedent lead to one conclusion: when a local commercial broadcaster fails to deliver a good quality signal to a system's principal headend, the station is not entitled to mandatory carriage.²⁴ The Signal Test Report unequivocally show that WACP fails to deliver a good quality signal to the Oxford headend.²⁵ Accordingly, the Bureau must deny the Complaint.

B. WACP's claims that Armstrong's signal strength test is invalid have no basis in fact or law and must be rejected.

WACP's response to Armstrong's signal strength test exposes the broadcaster's ongoing attempts to solve signal strength problems with rhetoric rather than engineering. WACP asks the Bureau to disregard Armstrong's signal strength test report on three grounds, claiming:

²¹ Exhibit 2.

²² Complaint at 6.

²³ *Jasas Corporation, Memorandum Opinion and Order*, 14 FCC Rcd 7063 (1999) at ¶ 10 ("Cable operators need not employ extraordinary measures or specialized equipment in accommodating broadcast stations' carriage requests."); *Paxson Salt Lake City License, Petition for Reconsideration*, 15 FCC Rcd. 7361 at ¶ 9 (2000) (broadcaster not entitled to must carry when extraordinary measures required to deliver good quality signal.)

²⁴ 47 U.S.C. §§ 534, 535; 47 C.F.R. §§ 76.55, 76.56; *Jasas*, 14 FCC Rcd 7063 at ¶ 10; *Paxson*, 15 FCC Rcd. 7361 at ¶ 9 (2000).

²⁵ Signal Test Report at 3.

- The signal strength test is untimely.²⁶
- The signal strength test does not meet the substantive requirements of 47 CFR 76.61(a)(2).²⁷
- The signal strength test “do[es] not appear to meet the Commission’s requirement of sound engineering practices.”²⁸

The Bureau should reject each of these allegations as baseless.

First, the Bureau has already held that Armstrong’s signal strength test methodology and report format complies with Commission regulations and sound engineering practices. In *Maranatha Broadcasting Company v. Armstrong Utilities, Inc.*,²⁹ the Bureau stated, “Our review of the signal strength tests submitted by Armstrong in its opposition indicates that the tests comply with good engineering practices, and that WFMZ does not provide a good quality signal to the headend of Armstrong’s cable system.”³⁰ As set forth in the Engineering Statement of Ed Hassler, Jr., “there are no material differences in the testing methodology between the WFMZ test and the WACP test.”³¹

The Bureau can end its inquiry there, relying on *Maranatha v. Armstrong* as binding precedent. Nonetheless, in the interests of fully developing the record, we respond below to each of WACP’s claims against Armstrong’s test.

1. No support exists for WACP’s claim that Armstrong’s signal strength test was “untimely.”

WACP first claims Armstrong’s “signal test measurements should be ignored as untimely.” Not surprisingly, WACP cites no precedent to support this assertion. None exists.

To the contrary, the Bureau routinely accepts signal strength tests that are presented to a

²⁶ Complaint at 5.

²⁷ Complaint at 5.

²⁸ Complaint at 5-6.

²⁹ *Maranatha Broadcasting Company v. Armstrong Utilities, Inc.*, 21 FCC Rcd 7140 (2006).

³⁰ *Maranatha*, FCC Rcd at 7142.

³¹ Hassler Statement at 3.

broadcaster after 30 days of receipt of a must carry demand.³² Ample precedent supports the Bureau evaluating the Complaint based on the signal strength test performed by Armstrong on October 2 – 3, 2012.³³ The Bureau should reject WACP’s assertion that the Bureau should ignore Armstrong’s test.

2. No support exists for WACP’s claim that Armstrong’s signal strength test does not comply with 47 CFR 76.61(a)(2).

WACP claims “the test results do not meet the substantive requirements of Rule 76.61(a)(2).”³⁴ As noted above, the Bureau has accepted Armstrong’s test methodology in *Maranatha v. Armstrong*,³⁵ and Armstrong used the same methodology and report format here.³⁶ Beyond that, the Bureau’s review of the Signal Test Report will confirm that Armstrong’s test of WACP has met all requirements of 47 CFR 76.61(a)(2) and applicable precedent.

As set forth in Armstrong’s test report, and as verified by Armstrong’s Vice President of Engineering,³⁷ the test results included:

- Test equipment make, model, age and most recent calibration date;³⁸
- The point of measurement;³⁹
- A list and description of the reception and over the air signal processing equipment used;⁴⁰

³² See e.g. *KM Television of Flagstaff, L.L.C. v. Cable One, Inc.*, 18 FCC Rcd 153 (2003) (Broadcaster requested carriage on June 24, 2002, Cable One did not respond within 30 days, Bureau accepts signal strength test submitted with opposition to complaint); accord, *SAH Acquisition Corporation II v. Cable One, Inc.*, 14 FCC Rcd 8854 (1999).

³³ *Id.*

³⁴ Complaint at 5.

³⁵ 21 FCC Rcd 7140, 7142.

³⁶ Hassler Statement at 3.

³⁷ Hassler Statement at 3.

³⁸ Signal Test Report at 1.

³⁹ Signal Test Report at 1.

⁴⁰ Signal Test Report at 1 and 3.

- A sketch or block diagram;⁴¹
- A description for processing the signal at issue;⁴²
- A description of the antenna range and radiation patterns;⁴³
- The antenna's height AGL and orientation;⁴⁴ and
- Weather conditions and times when Armstrong conducted the test.⁴⁵

In short, the test report covers all the necessary information, and the Bureau should reject WACP's claim to the contrary.

3. No support exists for WACP's claim that Armstrong's signal strength test does not comply with sound engineering practices.

WACP's last assault on Armstrong's signal test is that it does not "appear to meet the Commission's requirement of sound engineering practices."⁴⁶ This is an especially dubious assertion from a broadcaster whose engineer has never communicated with Armstrong. As with WACP's other claims, this one lacks any basis in fact or law.

"Sound engineering practices" in the context of signal strength test include the following:

- When measuring a signal, the cable operator should use an antenna that is the functional equivalent of those that it generally uses to receive other broadcast signals.⁴⁷
- The antenna should be placed at the same general height as others and oriented toward the station.⁴⁸

⁴¹ Signal Test Report at 2 (sketch of radiation pattern) and 3 (photo of antenna). As explained by Engineer Ed Hassler, Jr., the digital photo of the antenna provides better information than a block diagram, clearly depicting the actual antenna location and orientation on the tower. Hassler Statement at 3. Mr. Hassler provides a block diagram with his Engineering Statement to show that the Signal Test Report included the same or better information. Hassler Statement, Exhibit A.

⁴² Signal Test Report at 1 and 3.

⁴³ Signal Test Report at 1 and 2.

⁴⁴ Signal Test Report at 1 and 2.

⁴⁵ Signal Test Report at 3.

⁴⁶ Complaint at 5-6.

⁴⁷ *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues*, 8 FCC Rcd 4142, 4145 (1993)

⁴⁸ *Id.*

Even a cursory review of the Signal Test Report shows that Armstrong's test complies with these requirements.⁴⁹

C. WACP has failed to cooperate on engineering issues and has made no proposal to address its weak signal.

A major problem with WACP's case is the utter lack of involvement of a broadcast engineer. A cursory review of the NLSC map by the station's engineer would have raised questions regarding the ability to deliver a good quality signal to the system's distant headend. That inquiry should have led to communication between the station and Armstrong, an obligation the station bears. At the outset of the must carry regime, the Commission clearly set forth that duty:

[E]ngineers from the cable system and broadcast station should meet promptly to resolve any matters regarding inadequate signal strength and that both parties should use their best efforts to resolve signal quality problems . . . this statement accurately reflects the Commission's intent and decision in the Report and Order.⁵⁰

WACP shirked this duty, attempting to "cure" signal problems with rhetoric and a hollow representation "to agree to be responsible for the costs of delivering a good quality signal."⁵¹

The real problem is that WACP does not, and cannot, deliver a good quality signal to Armstrong's headend, absent extraordinary means. As a consequence, it is not entitled to must carry on Armstrong's system.

⁴⁹ Signal Test Report at 1, 2 and 3; Hassler Statement at 3.

⁵⁰ *In the Matter of Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Broadcast Signal Carriage Issues*, 8 FCC Rcd 4142, 4143 (1993).

⁵¹ Complaint at 6.

CONCLUSION and REQUESTED RELIEF

WACP does not deliver a good quality signal to Armstrong's Oxford headend. Absent extraordinary measures, it will never do so. The Bureau must dismiss the Complaint.

The undersigned verifies that he or she has read this Opposition and to the best of his or her knowledge, information and belief formed after reasonable inquiry, the Opposition is well grounded in fact and is warranted by existing law, and it is not interposed for any improper purpose.

Respectfully submitted,

By: 

Christopher C. Cinnamon
Barbara S. Esbin
Cinnamon Mueller
307 N. Michigan Avenue
Suite 1020
Chicago, IL 60601
(312) 372-3930

January 4, 2013

Attorneys for Armstrong Utilities, Inc.

Certificate of Service

I, Alma Hoxha, paralegal with Cinnamon Mueller, certify that copies of the foregoing Opposition were delivered by me to the United States Postal Service on January 4, 2013 to be delivered to the persons listed below for delivery via First Class Mail, postage prepaid, and email.



Alma Hoxha

M. Scott Johnson
Fletcher, Heald & Hildreth
1300 North 17th Street, 11th Floor
Arlington, VA 22209
sjohnson@fhhlaw.com

Attorney for Western Pacific Broadcast, LLC

EXHIBIT 1

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

In the Matter of:)	
)	
Armstrong Utilities, Inc.)	
)	CSR 8752-M
Carriage Complaint of Western Pacific)	
Broadcast, LLC, WACP-TV,)	
Atlantic City, New Jersey)	
)	
To: Media Bureau)	

**ENGINEERING STATEMENT AND DECLARATION OF
EDGAR E. HASSLER, JR.**

I submit this Engineering Statement and Declaration in support of the Opposition of Armstrong Utilities, Inc. to the must carry complaint filed by WACP. I conclude that: (i) WACP fails to deliver a good quality signal to Armstrong's Oxford headend; (ii) Armstrong's signal strength test meets Commission requirements and sound engineering practices; and (iii) due to the distance from our headend to the station, absent extraordinary measures, WACP will not be able to deliver the necessary signal level to qualify for must carry.

Professional Background. I am the Vice President of Engineering for Armstrong Utilities, Inc. I have worked for the company in various engineering capacities for 46 years. My current responsibilities include engineering oversight of Armstrong's multiple headends and approximately 10,528 miles of distribution plant and associated electronics.

I have been engaged in analyzing broadcast signal carriage on Armstrong's cable systems for my entire career with the company. I have evaluated carriage issues related to at least 200 different broadcast stations, and have analyzed signal strength and other issues in at least 50 must

carry situations. I am experienced in the Commission's signal testing requirements for stations seeking must carry.

I hold a Bachelor of Science degree in Electrical Engineering and a certificate in Electronic Communications from the Electronics Institute of Pittsburgh. I am a member of the Society of Cable Television Engineers. I am also an FCC licensee, holding a General Class Radiotelephone license with ship radar endorsement, and an amateur radio extra class license, call sign KE3H.

Initial signal evaluation of WACP. In June 2012, WACP's must carry election was sent to me for evaluation. Upon learning that the station was licensed to Atlantic City, NJ over 88 miles from our Oxford headend, with a transmitter in Millville, NJ, about 62 miles from our headend, I directed that an initial signal strength evaluation be conducted. Predictably, given the distance, that evaluation showed a weak signal. Based on the statement in the station's letter that "this correspondence is not a demand for carriage, rather it is the election notice new stations are required to make under FCC Rule 76.64(f)(4)," we did not conduct a full signal strength test at that time. We waited to hear more on what the station intended to do. Based on my past experience, I expected to hear from the station manager or engineer on how they planned to deal with the signal strength issue.

No engineering contact by the station.

We received no further communication from the station until its September 14, 2012 must carry demand letter. I have never been contacted by the station manager or engineer.

October 2012 Signal strength test.

To document compliance with Commission signal testing requirements, I have prepared a test report format for use by our company. The test report for WACP is attached as Exhibit 6 to

the Opposition. The test report describes the test equipment and procedures, and provides an hour-by-hour report of signal measurements. This is the same test report and testing methodology the FCC approved in a case involving WFMZ and our Oxford system. *Maranatha Broadcasting Company v. Armstrong Utilities, Inc.* 21 FCC Rcd 7140 (2006). There are no material differences in the testing methodology between the WFMZ test and the WACP test.

As shown in the report, WACP's signal falls short of the -61 dBm required to qualify for must carry. The average signal level over the period was -64.41 dBm.

Based on these test results, I directed our attorney to notify the station that Armstrong declined carriage on the Oxford system. We provided a complete copy of the test report to the station's attorney.

Allegations against our signal strength test. I have read the Complaint and its allegations that our signal tests do not comply with FCC requirements and sound engineering practices. There is no engineering basis for these allegations. Our test methodology and report format have been developed based on FCC requirements. I oversee all testing. I certify that, to the best of my knowledge, our testing complies with FCC requirements and sound engineering practices.

Finally, concerning the allegation that our test does not include a "block diagram," with the advent of digital photography, we use a photograph of the antenna rather than a diagram. The photo more accurately depicts antenna height and orientation. I attach a block diagram to this Statement as Exhibit A. As the reader can see, the signal test report with a photo contains all the information on the block diagram.

Certification

I have read this Engineering Statement and Declaration and the Opposition to which it is attached. I certify that to the best of my knowledge, information and belief formed after reasonable inquiry, both submissions are well grounded in fact, warranted by existing law, and are not interposed for any improper purpose.

Respectfully submitted,

A handwritten signature in blue ink that reads "Edgar E. Hassler, Jr." with a horizontal line underneath.

Edgar E. Hassler, Jr.
Vice President of Engineering
Armstrong Utilities, Inc.
January 3, 2013

EXHIBIT A

Armstrong Utilities Headend Site in Oxford, PA

WACP Signal Level Measurement

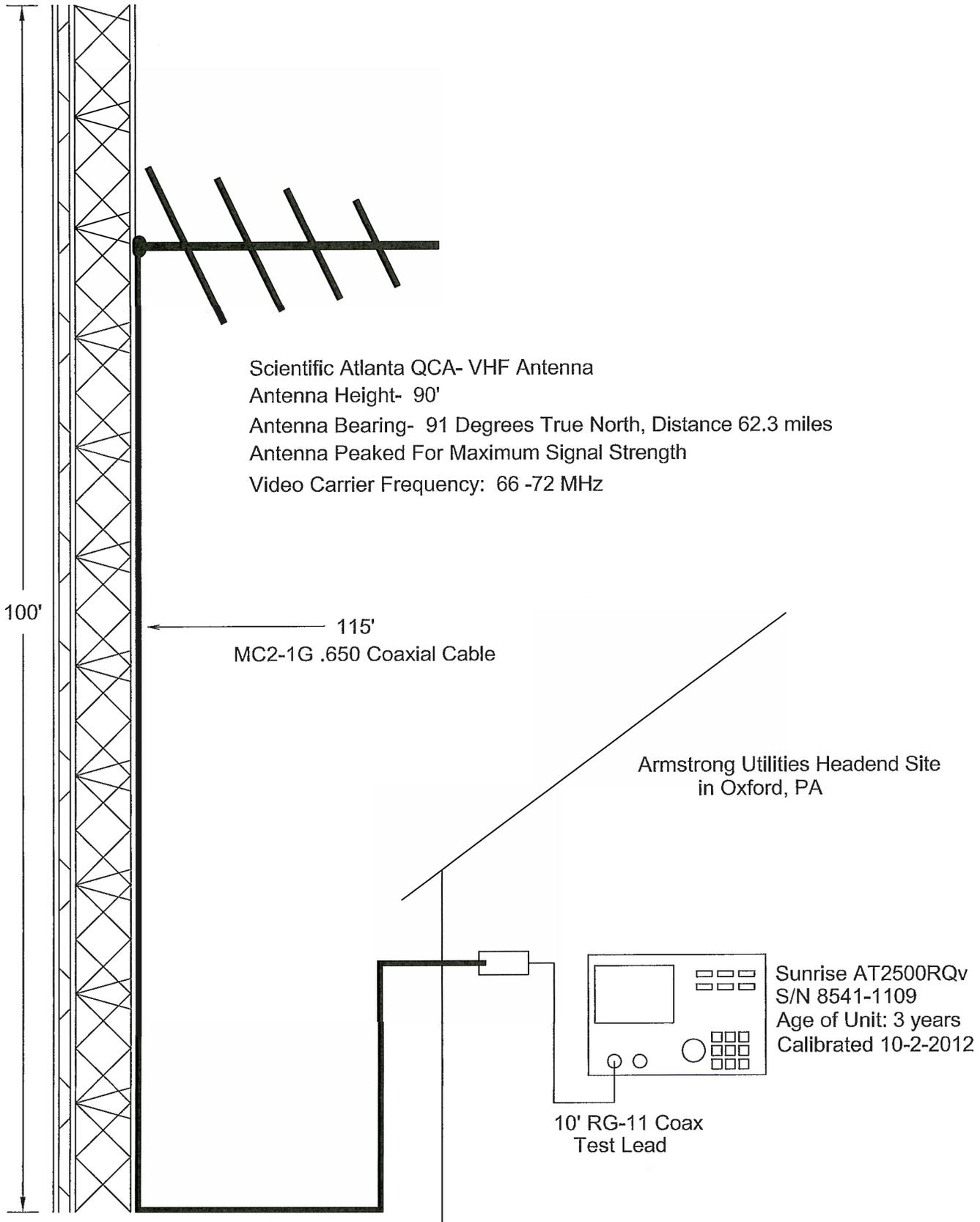


EXHIBIT 2

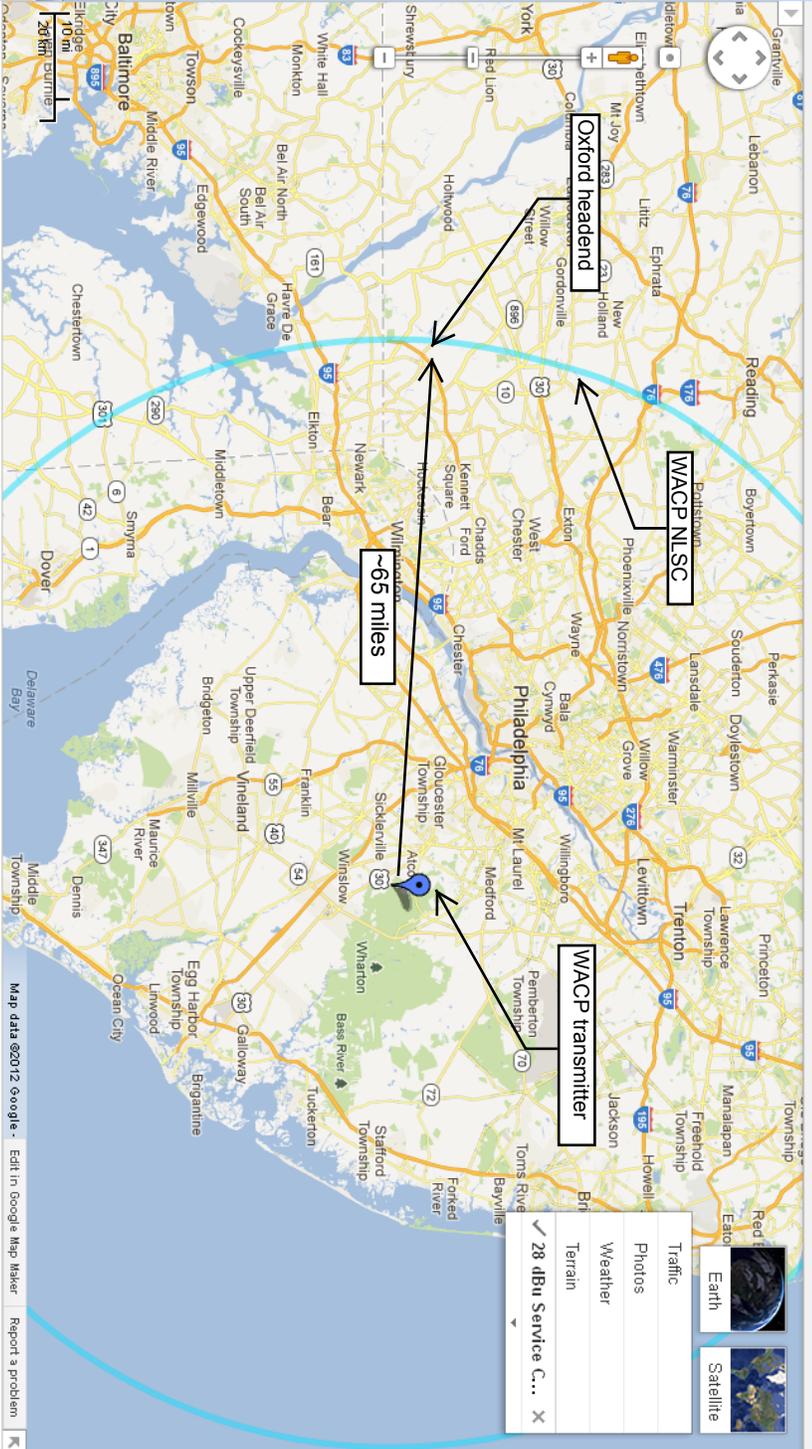


EXHIBIT 3

 **Fletcher, Heald & Hildreth**

1300 NORTH 17th STREET, 11th FLOOR
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400
FAX: (703) 812-0486
www.fhhlaw.com
www.commlawblog.com

M. SCOTT JOHNSON
(703) 812-0474
SJOHNSON@FHHLAW.COM

THOMAS J. DOUGHERTY, JR.
(703) 812-0409
DOUGHERTY@FHHLAW.COM

June 6, 2012

Via Certified Mail, Return Receipt Requested

Mr. Dave Wittmann
Armstrong Utilities Inc.
One Armstrong Place
Butler, Pennsylvania 16001

Re: Mandatory Carriage Election for WACP, Atlantic City, NJ

Dear Mr. Whittmann:

Pursuant to Section 614 of the Communications Act of 1934, as amended, and Section 76.64(f)(4) of the rules of the Federal Communications Commission, this will inform you that Western Pacific Broadcast, LLC, the licensee of Television Station WACP, Atlantic City, NJ (the "Station") hereby elects mandatory carriage of the Station's television signal pursuant to Section 76.56(b) on all cable systems operated by any one or more of Armstrong Utilities Inc. or any one or more of its direct or indirect subsidiaries or affiliates to the extent they serve the Philadelphia, PA Designated Market Area ("DMA"), including without limitation those community units listed on Exhibit A hereto. Carriage is sought solely within the DMA. The Station is a new station that is licensed to Atlantic City, NJ, which is part of the DMA. The Station is scheduled to begin commercial broadcasting on June 8, 2012. The Station will present the programming of Cannella Response Television, LLC, as well as other offerings of high quality programming. With reference to FCC Rule 76.56(b)(5), the Station will not substantially duplicate the signal of any other local commercial television station that is carried or retransmitted on your systems within the DMA and will not have a network affiliation duplicating that of a local commercial television station carried on your systems within the DMA.

The Station is assigned virtual channel 4 and elects carriage on that channel as of right under FCC Rule 76.57. Please be advised for purposes of complying with the FCC's material degradation requirement that the station will commence broadcast with one program stream employing virtually the entire bit stream (19.4 mbps) of the channel.

The Station is a local commercial television station as to all cable systems operating in the DMA, as defined in FCC Rule 76.55(c). For purposes of that definition, please be advised that in the event that the Station does not deliver an over the air signal of good quality as specified in FCC Rule 76.55 (c)(3) to the principal headend(s) [as defined in FCC Rule 76.5(pp)] of the cable systems covered by this election, the Station will be responsible for providing equipment and bearing the costs of delivering such requisite signal of good quality to those headend(s) as required to comply with FCC Rule 76.55 (c), including without limiting the foregoing, the costs for any needed specialized equipment. Please note that this correspondence is not a demand for carriage; rather it is the election notice new stations are required to make under FCC Rule 76.64(f)(4).

Mr. Dave Whittmann

June 6, 2012

Page 2

Official correspondence in connection with this letter should be directed to the undersigned at the Fletcher, Heald & Hildreth, PLC address on this letterhead as the Station's contact person, with a copy to Mr. Bray at the address below.

Please contact the undersigned if you should have any questions concerning this matter.

Sincerely,



M. Scott Johnson
Thomas J. Dougherty, Jr.
Counsel for and Acting on Behalf of
Western Pacific Broadcast, LLC

cc: Matthew J. Bray, Vice President
Western Pacific Broadcast, LLC
400 N. Ashley Dr. Suite 3010
Tampa, FL 33602

EXHIBIT 4



1300 NORTH 17th STREET, 11th FLOOR
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400
FAX: (703) 812-0486
www.fhhlaw.com
www.commlawblog.com

M. SCOTT JOHNSON
(703) 812-0474
SJOHNSON@FHHLAW.COM

THOMAS J. DOUGHERTY, JR.
(703) 812-0409
DOUGHERTY@FHHLAW.COM

September 14, 2012

Via Certified Mail, Return Receipt Requested

Mr. Dave Wittmann
Armstrong Utilities Inc.
One Armstrong Place
Butler, Pennsylvania 16001

Re: Mandatory Carriage Election for WACP, Atlantic City, NJ

Dear Mr. Whittmann:

This letter is being delivered to you on behalf of Western Pacific Broadcast, LLC, the licensee of local commercial Television station WACP, licensed on channel 4 to serve the community of Atlantic City, NJ. This letter is a demand for carriage under FCC Rule 76.61(a)(1).

By letter dated June 6, 2012, and received by your office on June 8,¹ you were informed that WACP was commencing operation as a local commercial television station in the Philadelphia, PA Designated Market Area (the "DMA") and had elected mandatory carriage status.² As stated in that letter, as a cable operator within the DMA, FCC Rule 76.64(f)(4) required you to commence carriage of WACP by the date that is 90 days after that election. That 90 day period has ended, and our investigation has revealed that your system(s) within the DMA is not carrying WACP. This failure to commence continuous carriage within that 90 day period is a violation of FCC Rules, as well as the Communications Act of 1934, as amended. Although you received our carriage election notice, we have not received any communication from you indicating that you have a valid defense to carriage.

To be clear, WACP is entitled to carriage on your cable system(s) within the DMA. WACP has properly elected must carry status, and is a commercial television station which is local to the DMA.

Under FCC Rule 76.61(a)(2), you are required to respond to this letter in writing within 30 days of your receipt of this letter, and to either commence to carry the WACP signal in accordance with the terms requested in the attached carriage election letter or to state your reasons (if any) for believing that you are not obligated to carry the WACP signal.

¹ See U.S. Postal Service return receipt notification and Track & Confirm attached to this letter.

² A copy of that letter is attached.

Mr. Dave Whittmann

September 14, 2012

Page 2

It is our hope that carriage of the WACP signal on your cable system(s) within the DMA will commence promptly, and that this dispute will end with that carriage.

Official correspondence in connection with this letter should be directed to the undersigned at the Fletcher, Heald & Hildreth, PLC address on this letterhead as the Station's contact person, with a copy to Mr. Bray at the address below.

Please contact the undersigned if you should have any questions concerning this matter.

Sincerely,



M. Scott Johnson
Thomas J. Dougherty, Jr.
Counsel for and Acting on Behalf of
Western Pacific Broadcast, LLC

cc: Matthew J. Bray, Vice President
Western Pacific Broadcast, LLC
400 N. Ashley Dr. Suite 3010
Tampa, FL 33602

EXHIBIT 5

Chris Cinnamon

From: Christopher Cinnamon [cccinnamon@cm-chi.com]
Sent: Friday, September 21, 2012 10:58 AM
To: 'sjohnson@fhhlaw.com'
Cc: 'dougherty@fhhlaw.com'
Subject: Armstrong Utilities/WACP

Importance: High

Dear Mr. Johnson:

On behalf of Armstrong, we acknowledge receipt of your September 14 letter.

As a preliminary matter, we note the September 14 letter materially misstates the contents of your June 6, 2012 letter to Armstrong, and makes baseless allegations that Armstrong has violated FCC regulations. To be clear, Armstrong observes its compliance obligations with scrupulous care, and denies all alleged violations in your letter.

Concerning the must carry demand of WACP, Armstrong is in the process of evaluating that demand, and we will respond as soon as practicable after that evaluation is complete.

Please direct any further communication on this matter to me.

As this is our first email communication, I would appreciate a reply to confirm receipt.

Regards,

Chris Cinnamon
Cinnamon Mueller
307 North Michigan Ave.
Suite 1020
Chicago, IL 60601
P: (312) 372-3930
F: (312) 372-3939
cccinnamon@cm-chi.com



This electronic mail transmission may contain confidential or privileged information. If you believe that you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

EXHIBIT 6

Signal Strength Test Report

Station: WACP

Channel: 4

Frequency: 66-72 MHz

Headend: Oxford, PA

WACP

Latitude: 39 46 4

39 44 5

Longitude: 76 00 52

74 50 29

Bearing to Station
(Antenna Oriented for Maximum Signal Level): 91.72°

Distance to Station: 62.39 miles

Receiving Tower Height: 100'

Receiving Antenna Height: 90'

Measuring Instrument Manufacturer: Sunrise

Make/Model: AT2500RQv

Serial #: 8541-1109

Age of Unit: 3 years

Calibration Date: 10/2/12

Antenna Manufacturer: Scientific Atlanta

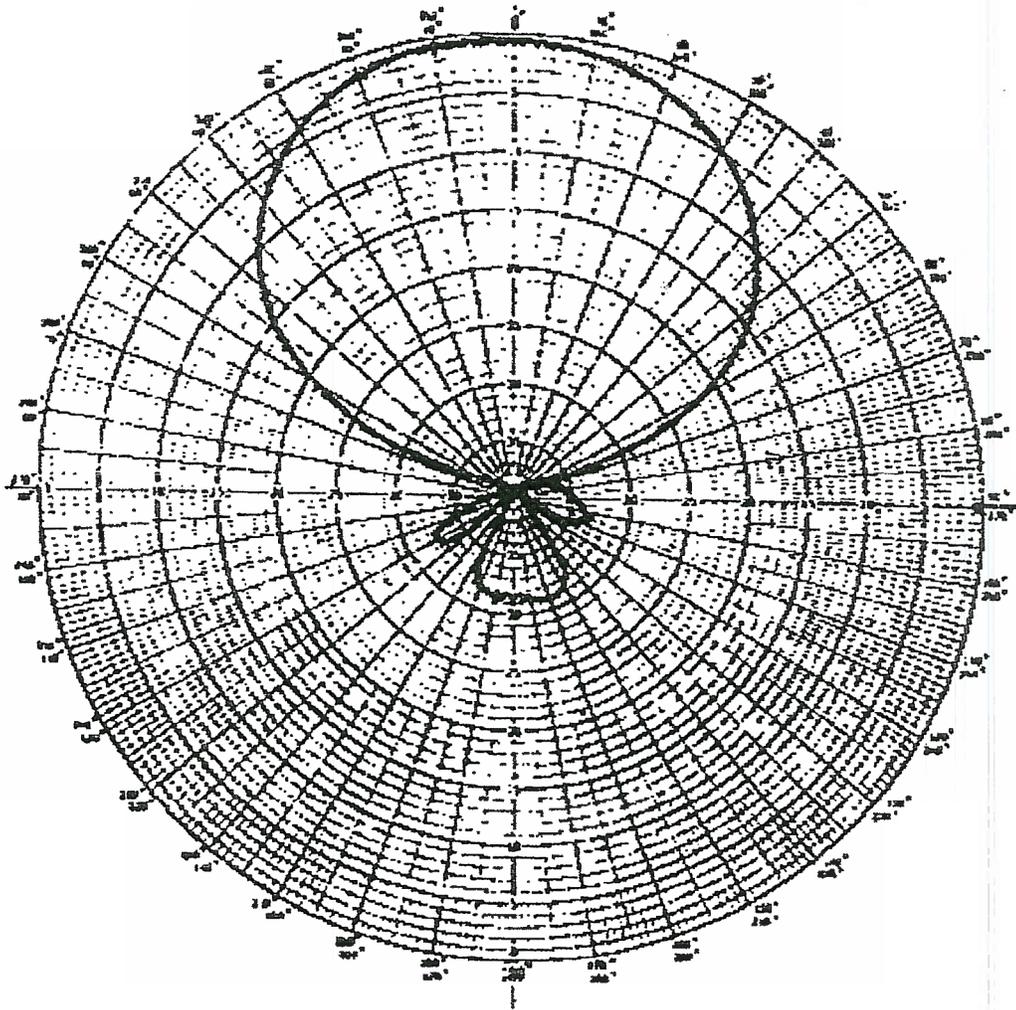
Model: QCA 2-6

Gain: 8.5 dBi

Range: _____

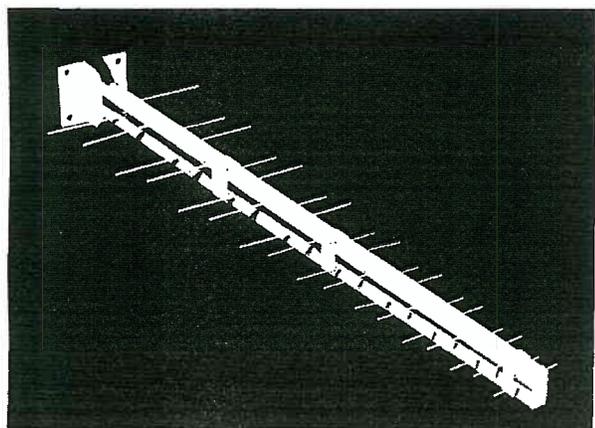
Radiation Pattern: Attached (attach diagram)

Measurements recording on the following page.



Off-Air Antennas

Quadrate Channeler Log-Periodic



3909

Single Antennas, Series QCA

For installations that require a moderately narrow beamwidth antenna, one of the Series QCA single antennas will provide superior reception through its excellent front-to-back ratio and sidelobe suppression. The wide bandwidth of this antenna permits all VHF channels to be covered by only three antennas.

Mounting hardware is available to permit no-drilling, single-point mounting on round or angle tower sections or on wooden poles. No bracing or other supports are required.

Specifications

Minimum front-to-back ratio

25 dB (all models)

Minimum sidelobe suppression

QCA-UHF

30 dB

All others

25 dB

Output connector

Type N male (Type N to F adapter supplied)

Output impedance

50 Ω unbalanced

Wind survival at 0°C (+32°F) air temperature

No ice

160 km/h (100 mph)

Dimensions

See table

Weight

See table

Antenna Model

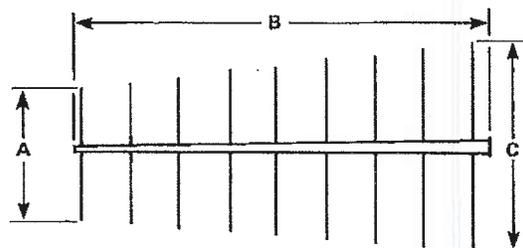
	QCA-2-6	QCA-2	QCA-4
Channel	2-6	2-3	4-6
Max VSWR	1.5:1	1.5:1	1.5:1
Min gain (dBi)	8.5	9.5	9.5
Beamwidth—H	70°	60°	60°
Beamwidth—V	95°	95°	95°

	QCA-7	QCA-UHF	QCA-FM
Channel	7-13	14-83	FM
Max VSWR	1.5:1	1.25:1	1.5:1
Min gain (dBi)	11.5	12.5	9.5
Beamwidth—H	50°	50°	60°
Beamwidth—V	65°	65°	95°

Antenna Dimensions—mm (inches)

	QCA-2-6	QCA-2	QCA-4
A	1295 (51)	1575 (62)	1194 (47)
B	3658 (144)	3658 (144)	3658 (144)
C	2870 (113)	2769 (109)	2362 (93)

	QCA-7	QCA-UHF	QCA-FM
A	495 (19.5)	127 (5)	1067 (42)
B	2413 (95)	1346 (53)	3658 (144)
C	864 (34)	330 (13)	1778 (70)



Antenna Weights—kg (lbs)

	QCA-2-6	QCA-2	QCA-4
Net	34 (76)	34 (76)	34 (76)
Shipping	102 (225)	102 (225)	102 (225)

	QCA-7	QCA-UHF	QCA-FM
Net	14 (31)	9.5 (21)	34 (76)
Shipping	59 (130)	18 (40)	79 (175)

Date	Time	Temperature Degrees F	Signal to Noise dB	Signal Level dbmV	Power Level dbmV	Power Level dbm	Weather Conditions
2-Oct-12	13:00	66	23.5	-18	-13.2	-61.95	Rain/Fog
2-Oct-12	14:00	66	23.8	-19.8	-15.8	-64.55	light rain/fog
2-Oct-12	15:00	67	23.5	-20.6	-13.3	-62.05	light rain/fog
2-Oct-12	16:00	68	24.5	-19.3	-15.3	-64.05	Fog/mist
2-Oct-12	17:00	69	22.3	-21.3	-14.3	-63.05	Fog/mist
2-Oct-12	18:00	70	21.7	-21.4	-14	-62.75	Fog/mist
2-Oct-12	19:00	70	19.4	-23.8	-16.6	-65.35	Fog/mist
2-Oct-12	20:00	70	22	-24.7	-18.2	-66.95	Fog/mist
2-Oct-12	21:00	70	20.9	-22.7	-15.8	-64.55	Fog/mist
2-Oct-12	22:00	70	21.6	-25	-16.1	-64.85	Fog/mist
2-Oct-12	23:00	70	16.7	-27.5	-16.4	-65.15	Fog
3-Oct-12	0:00	70	17	-26.8	-16.5	-65.25	Fog
3-Oct-12	1:00	70	15.8	-30.1	-18.2	-66.95	Fog
3-Oct-12	2:00	70	No Loc	-31.7	-18.1	-66.85	Fog/mist
3-Oct-12	3:00	70	No Loc	-28.3	-19.1	-67.85	Fog/mist
3-Oct-12	4:00	70	21	-21.7	-13	-61.75	Fog
3-Oct-12	5:00	70	20.3	-24.1	-15.7	-64.45	Fog
3-Oct-12	6:00	70	20.8	-22.4	-14.7	-63.45	Fog
3-Oct-12	7:00	70	19.2	-23.3	-15	-63.75	Fog
3-Oct-12	8:00	71	19.3	-22.2	-13.9	-62.65	Fog/mist

Test Equipment Used

Spectrum Analyzer

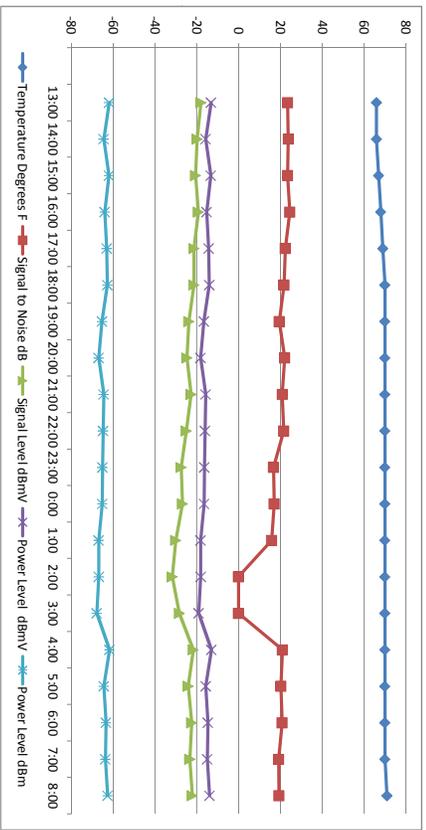
Surprise
 Model: AT2500RQV
 S/N: 8541-1109
 Cal Date: 11/24/2009
 Verified: 10/2/12

Signal Level Meter

Surprise
 Model: CM2000
 S/N: 094901933
 Cal Date: 12/10/2009
 Verified: 10/2/12

Receiver

Tandberg
 Model 8320
 S/N: 07933



Antenna Peaked on WACP

EXHIBIT 7



A Limited Liability Company

307 North Michigan Avenue, Suite 1020
Chicago, Illinois 60601
Telephone: 312-372-3930
Facsimile: 312-372-3939

Washington, D.C.
1333 New Hampshire Ave, NW, Fl 2
Washington, DC 20036

St. Louis
1714 Deer Tracks Trail, Ste 215
St. Louis, MO 63131

Christopher C. Cinnamon
Admitted in Illinois, Kansas, and Michigan

November 19, 2013

Scott Johnson
Fletcher, Heald & Hildreth
1300 North 17th Street, 11th Floor
Arlington, VA 22209
via email sjohnson@fhhlaw.com

Re: Armstrong Utilities, Inc. ("Armstrong")/WACP must carry request

Dear Mr. Johnson:

On behalf of Armstrong, we respond to your September 14, 2012 letter on behalf of WACP. That letter demanded must carry on Armstrong's Oxford, PA cable system.

Based on the attached Signal Strength Test Report, WACP does not meet the definition of "local commercial television station" under 47 CFR 76.55(c)(3). Consequently, WACP is not entitled to mandatory carriage under 47 CFR 76.56(b), and Armstrong declines the station's carriage request.

Sincerely,

Christopher C. Cinnamon

Enc.

Cc: Ed Hassler, Jr.
David R. Jamieson

Signal Strength Test Report

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Channel: 4

Frequency: 66-72 MHz

Headend: Oxford, PA

WACP

Latitude: 39 46 4

39 44 5

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Bearing to Station
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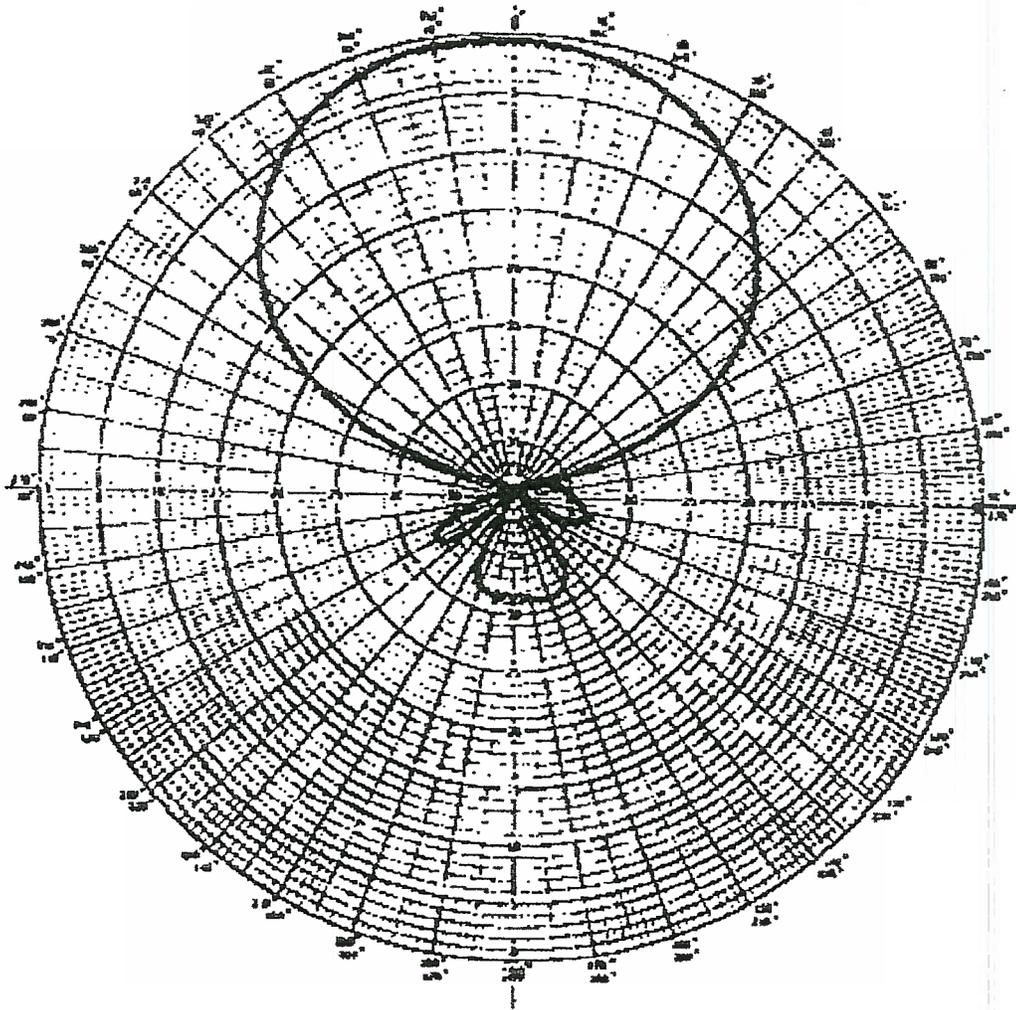
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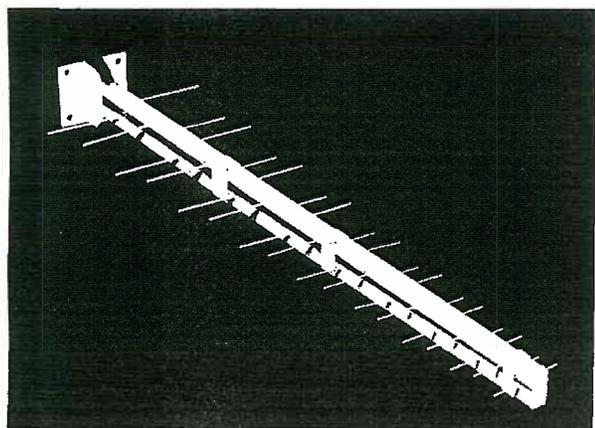
Measurements recording on the following page.



QCA-2-6, -2, -4, -7

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No ice

160 km/h (100 mph)

Dimensions

See table

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See table

Antenna Model

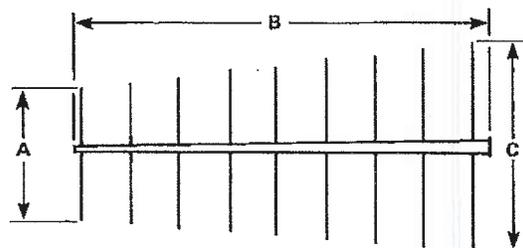
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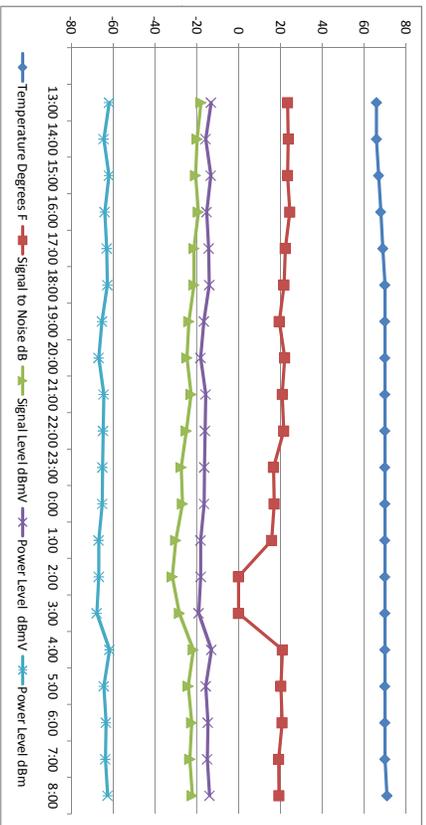
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