

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Barrington Myrtle Beach License LLC	)	
WPDE-TV, Florence, South Carolina (17012)	)	MB Docket No. 12-1
	)	CSR- _____
Petition for Recognition of	)	
Significantly Viewed Status	)	
	)	

To: Chief, Media Bureau

**PETITION FOR SPECIAL RELIEF**

Barrington Myrtle Beach License LLC (“Barrington”), licensee of television station WPDE-TV, Florence, South Carolina (Facility ID 17012) (“WPDE”), respectfully requests, pursuant to Sections 76.7(a)(1) and 76.54(b) of the rules,<sup>1</sup> that the Commission recognize WPDE as significantly viewed in the South Carolina communities of Georgetown, Murrells Inlet, Pawley’s Island, Kingstree, Andrews, and Hemingway. In accordance with the procedures set by the Commission, Barrington commissioned two week-long independent professional audience surveys of over-the-air television homes in these communities. The results show that WPDE, an ABC affiliate, meets the significantly viewed standard for network stations set out in Section 76.5(i) of the Commission’s rules.<sup>2</sup> Accordingly, WPDE qualifies for the significantly viewed exception to the Commission’s network nonduplication and syndicated exclusivity rules in the surveyed communities. *See* 47 C.F.R. §§ 76.92(f), 76.106(a), 76.122(a), and 76.123(a).

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<sup>1</sup> 47 C.F.R. §§ 76.7(a)(1) and 76.54(b).

<sup>2</sup> 47 C.F.R. § 76.5(i).

## I. Background

WPDE, an affiliate of the ABC television network, serves the Myrtle Beach-Florence Designated Market Area (“DMA”) (103rd ranked). The South Carolina communities of Georgetown, Murrells Inlet, Pawley’s Island, Kingstree, Andrews, and Hemingway (the “Communities”) are located in the Charleston, South Carolina DMA, with all but Kingstree and Hemingway located in Georgetown County, South Carolina. The communities of Kingstree and Hemingway are located in Williamsburg County, South Carolina. WPDE does not appear on the Commission’s list of stations that are significantly viewed in Georgetown or Williamsburg counties.<sup>3</sup> As a result, cable and satellite systems serving the Communities currently may be required to delete all of WPDE’s network programming and syndicated programming upon notice from an in-market broadcast television station that also airs the programming. Under the significantly viewed exceptions for cable and satellite systems,<sup>4</sup> however, these systems will not be required to delete WPDE’s network or syndicated programming if WPDE is deemed to be significantly viewed in the Communities. As shown below, WPDE has met the significantly viewed standard in the Communities. Because WPDE is significantly viewed by over-the-air viewers in the Communities, cable and satellite subscribers in these areas should not be deprived of access to major portions of WPDE’s programming line-up.

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<sup>3</sup> See Memorandum Opinion and Order on Reconsideration of the Cable Television Report and Order, 36 FCC 2d 326, at Appendix B (1972), *aff’d sub nom. American Civil Liberties Union v. FCC*, 523 F.2d 1344 (9th Cir. 1975) (the “1972 Cable Reconsideration Order”). The Commission maintains an up-to-date version of the list on its website, reflecting stations added since 1972 and stations subject to programming deletions in particular communities. The most recent version of the list is available at <http://transition.fcc.gov/mb/significantviewedstations010213.pdf> [hereinafter “1972 Significantly Viewed List”]. The listings for Georgetown and Williamsburg counties appear at pages 358 and 362, respectively.

<sup>4</sup> See 47 C.F.R. §§ 76.92(f), 76.106(a), 76.122(j), and 76.123(k)

## II. Request for Significantly Viewed Status

Because the 1972 Significantly Viewed List may no longer reflect real-life circumstances in particular markets, the Commission has adopted procedures for recognizing additional stations as significantly viewed in particular communities.<sup>5</sup> Stations may obtain significantly viewed status by showing that the station meets the applicable significantly viewed benchmarks in particular areas served by a cable system at issue.<sup>6</sup> In order to be deemed to be significantly viewed in a community, stations affiliated with ABC—such as WPDE—must achieve both “a share of viewing hours of at least 3 percent (total week hours) and a net weekly circulation of at least 25 percent” in over-the-air homes in the community.<sup>7</sup> The data supporting this showing must be drawn from studies conducted by an independent, professional audience survey organization over at least two weekly periods separated by at least thirty days, no more than one of which may be a week between the months of April and September.<sup>8</sup> If two surveys are taken, they must include samples sufficient to assure that the combined surveys result in an average figure at least one standard error above the required viewing level.<sup>9</sup>

As explained below, according to community-specific data obtained by Barrington from Marshall Marketing (“Marshall”), WPDE exceeds the required viewing levels in the Communities by at least one standard error. Thus, Barrington respectfully requests that the Commission recognize WPDE as significantly viewed in the Communities.

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<sup>5</sup> 47 C.F.R. § 76.54(b).

<sup>6</sup> *Id.*

<sup>7</sup> 47 C.F.R. §§ 76.5(i).

<sup>8</sup> 47 C.F.R. § 76.54(b).

<sup>9</sup> *Id.*

To provide a representative sample of over-the-air viewing of WPDE in the Communities, Barrington commissioned Marshall, an independent professional survey organization, to conduct two week-long surveys of non-cable and non-alternative-delivery system (“non-ADS”) households located in the zip codes composing the Communities.<sup>10</sup> As explained in the attached Marshall study,<sup>11</sup> the data was compiled based on two telephone surveys, conducted from October 14 – 20, 2012, and from November 25 – December 1, 2012. The sample source for the surveys consisted of Random Digit Dialing (RDD) telephone numbers, which includes listed and unlisted numbers in the Communities. Only non-cable/non-ADS households were surveyed. Marshall’s study shows that, during the survey periods, the average share of viewing hours and average net weekly circulation (cume) of WPDE in the Communities were as follows:

<b>Community County Zip Code</b>	<b>Non-Cable/Non-ADS HH WPDE Viewing</b>	<b>TOTAL (combined results)</b>
<b>Georgetown</b>	<b>Completed Surveys</b>	16
	<b>Standard Error</b>	12%
<b>Georgetown co. 29440</b>	<b>Share of Viewing</b>	25%
	<b>Net Weekly Circulation (cume)</b>	44%
<b>Murrells Inlet</b>	<b>Completed Surveys</b>	10
	<b>Standard Error</b>	16%
<b>Georgetown co. 29576</b>	<b>Share of Viewing</b>	27%
	<b>Net Weekly Circulation (cume)</b>	70%
<b>Pawley's Island</b>	<b>Completed Surveys</b>	7
	<b>Standard Error</b>	19%
<b>Georgetown co. 29585</b>	<b>Share of Viewing</b>	35%
	<b>Net Weekly Circulation (cume)</b>	86%

<sup>10</sup> Specifically, the Marshall survey results are for zip codes 29440, 29510, 29554, 29556, 29576, and 29585, as assigned by the U.S. Postal Service. See Attachment 1. Pursuant to Section 76.54(c) of the Commission’s rules, Barrington sent advance notifications to interested parties of its intent to commission Marshall to conduct the surveys.

<sup>11</sup> See Attachment 1. The data submitted, along with the description of methodology, are as agreed on between Barrington and Marshall. See *Gulf-California Broadcast Co.*, 23 FCC Rcd 7406, at ¶4 n.15 (rel. May 6, 2008) (“*Gulf-California*”).

Community County Zip Code	Non-Cable/Non-ADS HH WPDE Viewing	TOTAL (combined results)
Kingstree	Completed Surveys	10
	Standard Error	16%
Williamsburg co. 29556	Share of Viewing	29%
	Net Weekly Circulation (cume)	50%
Andrews	Completed Surveys	16
	Standard Error	12%
Georgetown co. 29510	Share of Viewing	32%
	Net Weekly Circulation (cume)	50%
Hemingway	Completed Surveys	15
	Standard Error	13%
Williamsburg co. 29554	Share of Viewing	35%
	Net Weekly Circulation (cume)	80%

The independent professional audience survey demonstrates that, based on the average results from two week-long surveys conducted in accordance with the Commission's rules, WPDE achieved average share and cume figures at least one standard error above the required viewing levels for network stations. Thus, Barrington respectfully requests that the FCC recognize WPDE's significantly viewed status in the surveyed Communities.

Respectfully submitted,

BARRINGTON MYRTLE BEACH LICENSE LLC

By:



\_\_\_\_\_  
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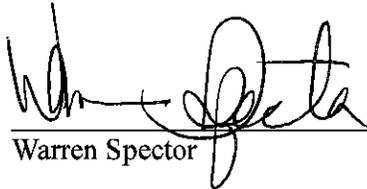
February 20, 2013

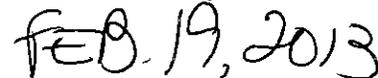
**DECLARATION OF WARREN SPECTOR**

I, Warren Spector, declare as follows:

1. I am the Chief Financial Officer of Barrington Broadcasting Group, LLC, the parent company of Barrington Myrtle Beach License LLC, which is the licensee of WPDE-TV, Florence, South Carolina.

2. I have read the foregoing Petition for Special Relief, and to the best of my knowledge, information, and belief formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law and it is not interposed for any improper purpose.

  
\_\_\_\_\_  
Warren Spector

  
\_\_\_\_\_  
Date

ATTACHMENT 1

**FLORENCE - MYRTLE BEACH  
 SIGNIFICANTLY VIEWED STUDY  
 WPDE**

The attached report provides audience net weekly circulation (cume) and share information among non-cable/non-ADS households for WPDE. Two surveys were conducted to determine the net weekly circulation and share information, the first from October 14 – 20, 2012, and the second from November 25 – December 1, 2012. The report is based on a series of zip codes for the communities of Georgetown, Murrells Inlet, Pawleys Island, Kingstree, Andrews and Hemingway, SC. This study measures non-cable/non-ADS household viewing over a 7 day period.

The sample source for the surveys consisted of Random Digit Dialing (RDD) phone numbers, which includes listed and unlisted numbers in the above stated communities, and was provided by Survey Sampling International of Shelton, CT. Qualified respondents had to be at least 18 years of age or older, and not work for a research company, agency or media outlet. Also, to qualify a household could ONLY receive their television reception over the air using an antenna. Share and Net Weekly Circulation (cume) are computed for each of the geographies as follows:

Weekly circulation is computed by dividing the number of over-the-air households that reported viewing the station 5+ minutes or more in the past 7 days by the total households interviewed.

Share of Viewing is computed by dividing Total Minutes Viewed Station by Total Minutes Viewed All Stations in the past 7 days.

Confidence Level Formula - 
$$\hat{p} \pm \sqrt{\frac{\hat{p}[1-\hat{p}]}{n}}$$

Margin of Error Formula - 
$$Z_{a/2} / \left[ 2\sqrt{n} \right]$$

$\hat{P}$  = Sample Proportion value

n = n tab / sample size

Z = The critical value that goes with a given confidence level

$Z_{a/2}$  = The value from the standard normal distribution table of Z scores

## SIGNIFICANTLY VIEWED STUDY WPDE-TV

Community County Zip Code	Non-Cable/Non-ADS HH WPDE Viewing	Week of Oct. 14-20,2012	Week of Nov.25-Dec 1	TOTAL
<b>Georgetown</b>  Georgetown co. 29440	Number of Intabs	8	8	16
	Standard error			12%
	Share of Viewing	23%	28%	25%
	Net Weekly Circulation (cume)	50%	38%	44%
<b>Murrells Inlet</b>  Georgetown co. 29576	Number of Intabs	6	4	10
	Standard error			16%
	Share of Viewing	33%	19%	27%
	Net Weekly Circulation (cume)	67%	75%	70%
<b>Pawley's Island</b>  Georgetown co. 29585	Number of Intabs	4	3	7
	Standard error			19%
	Share of Viewing	30%	70%	35%
	Net Weekly Circulation (cume)	100%	67%	86%
<b>Kingstree</b>  Williamsburg co. 29556	Number of Intabs	5	5	10
	Standard error			16%
	Share of Viewing	32%	21%	29%
	Net Weekly Circulation (cume)	60%	40%	50%
<b>Andrews</b>  Georgetown co. 29510	Number of Intabs	9	7	16
	Standard error			12%
	Share of Viewing	34%	27%	32%
	Net Weekly Circulation (cume)	56%	43%	50%
<b>Hemingway</b>  Williamsburg co. 29554	Number of Intabs	8	7	15
	Standard error			13%
	Share of Viewing	42%	17%	35%
	Net Weekly Circulation (cume)	88%	71%	80%
<b>6 Communities</b>  Georgetown & Williamsburg co.	Number of Intabs	40	34	74
	Standard error			5.8%
	Share of Viewing	34%	24%	31%
	Net Weekly Circulation (cume)	68%	53%	61%

## CERTIFICATE OF SERVICE

I, Michael Beder, an associate with the law firm of Covington & Burling LLP, certify that on this 20th day of February 2013 I caused copies of the foregoing Petition for Special Relief to be served by first-class U.S. mail on the following:

WCBD-TV

Media General Communications Holdings,  
LLC  
333 East Franklin Street  
Richmond, VA 23219

WCIV

Charleston Television, LLC  
888 Allbritton Boulevard  
Charleston, SC 29464

WCSC-TV

WCSC License Subsidiary LLC  
201 Monroe Street  
RSA Tower, 20th Floor  
Montgomery, AL 36104

WMMP

WMMP Licensee L.P.  
c/o Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, NW  
Washington, DC 20037

WTAT-TV

WTAT Licensee, LLC  
2000 W. 41st Street  
Baltimore, MD 21211

WBTW

Media General Communications Holdings,  
LLC  
333 East Franklin Street  
Richmond, VA 23219

WFXB

Springfield Broadcasting Partners  
c/o Russell J. Schwartz, Esq.  
One Television Place  
Charlotte, NC 28205

WMBF

WMBF License Subsidiary LLC  
201 Monroe Street  
RSA Tower, 20th Floor  
Montgomery, AL 36104

WECT

WECT License Subsidiary LLC  
201 Monroe Street  
RSA Tower, 20th Floor  
Montgomery, AL 36104

WIS

WIS License Subsidiary LLC  
201 Monroe Street  
RSA Tower, 20th Floor  
Montgomery, AL 36104

WOLO-TV

South Carolina Broadcasting Partners  
c/o Russell J. Schwartz, Esq.  
One Television Place  
Charlotte, NC 28205

Time Warner Cable

60 Columbus Circle  
New York, NY 10023  
Executive VP & Chief Programming Officer

Horry Telephone Coop.  
P.O. Box 1820  
Conway, SC 29526  
Attn: Sandy Hendrick

DirecTV  
2230 East Imperial Highway  
El Segundo, CA 90245  
Sr. Director, Programming Acquisition

The Department of Consumer Affairs  
2221 Devine Street, Suite 200  
Post Office Box 5757  
Columbia, SC 29250

DISH Network  
9601 S. Meridian Blvd  
Englewood, CO 80112  
Executive VP & General Counsel

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1205 Pendleton Street, Suite 525  
Columbia, SC 29201

Public Service Commission of South Carolina  
101 Executive Center Dr., Suite 100  
Columbia, SC 29210



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Michael Beder