

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

In the Matter of:)	
)	
Carriage Complaint Against)	
)	
Armstrong Utilities, Inc.)	Docket No. 12-364
)	File No. CSR-8752-M
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)	
Directed to: The Chief, Media Bureau		

REQUEST FOR FURTHER EXTENSION OF TIME

Western Pacific Broadcast, LLC (“Western Pacific”), pursuant to Rule 1.46, hereby requests a further extension in which to file its reply to the opposition submitted by Armstrong Utilities, Inc. (“Armstrong”), as supplemented by Armstrong on June 28, 2013, (collectively the “Opposition”) to Western Pacific’s above-captioned petition for an order requiring Armstrong to carry local commercial television station WACP in accordance with the Commission’s must carry rules and policies on Armstrong’s cable system(s) within the Philadelphia, PA designated market area for the remaining duration of the current must carry election cycle, expiring December 31, 2014.

The only issues raised in this proceeding is the issue of whether the WACP signal strength at the Armstrong headend is a good quality signal and the resulting picture quality is adequate. Responding to Armstrong’s initial concerns as to sufficient signal strength, Western Pacific purchased a filter and preamp, to boost the received signal above the minimum level required for a

good quality signal. Western Pacific's consulting engineer travelled from Vancouver, Canada to Armstrong's headend in southeastern Pennsylvania to work with Armstrong's engineer with this system and to test the picture quality. Armstrong's engineer and Western Pacific's consulting engineer saw that the power level was above the minimum required for a good quality signal and saw a good picture on a monitor. However, after those joint tests, Armstrong supplemented its Opposition based upon its own tests, without the presence of Western Pacific's consulting engineer, with claims that the quality of the picture was poor, but has resisted Western Pacific's efforts to work further with Armstrong to conduct new tests to determine the cause and the remedy of the poor picture quality allegedly witnessed by Armstrong's engineer. This resistance has continued even though, as indicated on September 13th its Initial Reply to an opposition of Armstrong to a prior extension request, Western Pacific has installed new exciters at WACP which have enhanced the station's signal, improving performance.

There is but one possible outcome of this proceeding: the granting of Western Pacific's request that it be able to use measures to provide a good quality and viewable picture to the Armstrong principal headend. This requires the cooperation of Armstrong which, since Western Pacific's consulting engineer returned to Vancouver and thereafter to the present, has not been forthcoming.

In the ordinary course, we would reply to the Opposition, but just last week Armstrong filed a petition for special relief to modify the WACP market to exclude all of Armstrong's Philadelphia DMA communities (the "Market Modification Petition"). As part of the Market Modification Petition, Armstrong has once again raised the signal quality issue and has submitted new engineering that could be relevant to the resolution of that issue.

In Western Pacific's view, it makes little sense for Western Pacific to both address Armstrong's signal quality claim in the above-captioned proceeding and address it once again in an opposition to the Market Modification Petition. Instead, a consolidated response in an opposition to

the Market Modification Petition will reduce the pleading burden for all parties, as well as Bureau staff. Accordingly, Western Pacific requests an extension of time to file its reply in the above-captioned proceeding until its opposition to the Market Modification Petition is due, and to consolidate that reply within that opposition.¹

WHEREFORE, the foregoing premises considered, Western Pacific Broadcast, LLC hereby respectfully requests that the Bureau grant the additional time requested for Western Pacific Broadcast, LLC to submit its reply to Armstrong's opposition in the above-captioned matter and that Western Pacific be allowed to consolidate its reply within its planned opposition to the Market Modification Petition.

Respectfully submitted,

WESTERN PACIFIC BROADCAST LLC

By: _____



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September 30, 2013

¹ The due date of that opposition cannot now be determined. Under Rule 76.7(b)(1), it will be 20 days after the Market Modification Petition appears on a public notice, which has not yet happened.

CERTIFICATE OF SERVICE

I, Michelle Brown Johnson, hereby certify that on this 30th day of September, 2013, I caused a copy of the foregoing "Request for Further Extension of Time" to be served via U.S. mail, postage prepaid, and email upon the following entity:

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Michelle Brown Johnson