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Federal Communications Commission
Washington, D.C. 20554

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In re: WACX(TV), Leesburg, Florida
Facility ID No. 60018

WWSB(TV), Sarasota, Florida
Facility ID No. 61251

Dear Counsel:

We have before us a petition for reconsideration filed on December 17, 2009 by Associated Christian Television System, Inc. (“Associated Christian”), licensee of television station WACX(TV), Leesburg, Florida. Associated Christian seeks reconsideration of the Video Division’s declaratory ruling letter¹ directing WACX(TV) to cease operating on virtual channel 40 and to immediately commence operation on virtual channel 55 as required by Section 73.682(d) of the Commission’s Rules.² For the reasons stated below, we deny the petition for reconsideration.

On October 9, 2009, WWSB License, LLC (“WWSB License”) submitted a request for a declaratory ruling that the correct virtual channel number designation to be used in the PSIP

¹ Letter from Barbara A. Kreisman, Chief, Video Division to Joseph A. Belisle, Esq. (Nov. 17, 2009) (“Declaratory Ruling Letter”).

² 47 C.F.R. §73.682(d) (incorporated by reference, see §73.8000). Section 73.682(d) requires digital broadcast television signals to comply with ATSC A/65C (“ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable, Revision C With Amendment No. 1 dated May 9, 2006”) (“ATSC A/65C”). Prior to the release of ATSC A/65C, Section 73.682(d) required compliance with ATSC A/65B: “ATSC Program and System Information Protocol for Terrestrial Broadcast and Cable,” (Revision B) 2003 (“ATSC A/65B”). Collectively the two standards will be referred to as the “PSIP Standard.”

portion of the television signal broadcast by WACX(TV) is virtual channel 55 pursuant to Section 73.682(d) of the Rules. In its request, WWSB License stated that WACX(TV)'s use of virtual channel 40 was interfering with reception of station WWSB(TV) by causing digital television receivers to lock onto station WACX(TV) incorrectly.³ As a result, on November, 17, 2009, the Video Division issued the Declaratory Ruling Letter and directed WACX(TV) to cease operating on virtual channel 40 and to immediately commence operation on virtual channel 55 as required by Section 73.682(d) of the Commission's Rules. Subsequently, on December 17, 2009, Associated Christian filed a petition for reconsideration of the Declaratory Ruling Letter.

In its petition for reconsideration, Associated Christian asserts that "the operation of WACX[(TV)] on virtual channel number 40 was pursuant to the specific order of the Video Division."⁴ Additionally, Associated Christian alleges that since WACX(TV) commenced digital operations on RF channel 40 on March 1, 2006, and surrendered its analog license that same day, neither Section 73.682(d), nor the PSIP Standard are applicable to the station as neither were in effect at the time that WACX(TV) commenced digital operations. Associated Christian maintains that Section 73.682(d) did not become effective until May 29, 2008, and that the PSIP Standard, as cited in the Video Division's letter, did not become effective until May 6, 2006. Finally, Associated Christian states that "Requiring WACX now to tell viewers that it is broadcasting on [virtual] [c]hannel 55 would confuse them," and that it would be burdensome for both cable systems and subscribers to change from virtual channel 40 to virtual channel 55.

We find that Associated Christian's petition for reconsideration lacks merit. Associated Christian asserts that it operated WACX(TV) on virtual channel 40 pursuant to the Digital Transition Authorization Letter. The Digital Transition Authorization Letter, by referencing WACX(TV)'s requirements to accommodate cable operators and to inform its viewers of its transition to digital operations, granted the station authority to operate on virtual channel 40, according to Associated Christian. We disagree. The Digital Transition Authorization Letter does not make any reference to WACX(TV)'s DTV virtual channel number designation; it merely permits Associated Christian to "commence digital operations on DTV [c]hannel 40." DTV channel 40 refers to WACX(TV)'s RF channel number designation as it appears in the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, not the station's virtual channel number.

Next Associated Christian alleges that since WACX(TV) commenced digital operations on RF channel 40 on March 1, 2006, and surrendered its analog license that same day, neither Section 73.682(d) of the Commission's Rules, nor the PSIP Standard are applicable to the station as neither were in effect at the time that WACX(TV) commenced digital operations. Contrary to Associated Christian's unsupported assertion, both Section 73.682(d) and the PSIP Standard were indeed in effect on March 1, 2006. On March 1, 2006, the 2006 version of Section 73.682(d) required compliance with ATSC A/65B. ATSC A/65B contains identical language to ATSC A/65C and states that "For broadcasters with existing NTSC licenses, the major channel number for the existing NTSC channels, as well as the digital virtual channels, controlled by the

³ WWSB License Request for Declaratory Ruling at 1.

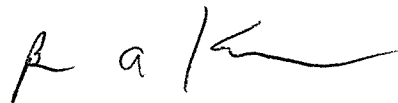
⁴ Associated Christian Petition for Reconsideration at 1 (citing *Letter from Barbara A. Kreisman, Chief, Video Division to Associated Christian Television System, Inc.*, 20 FCC Rcd 12425 (Vid. Div. 2005) ("Digital Transition Authorization Letter").

broadcaster, shall be set to the current NTSC RF channel number.”⁵ Therefore, ATSC A/65B mandates that WACX(TV) operate on virtual channel 55, the station’s then existing NTSC license RF channel number designation.

Finally, Associated Christian claims that requiring WACX(TV) to broadcast on virtual channel 55 would confuse broadcast viewers and would be burdensome for both cable systems and subscribers. As stated by the Commission in the *Second Periodic Review*, waiver of the PSIP Standard is permitted, “to the extent broadcasters have a unique situation that is not provided for in PSIP.”⁶ Associated Christian has not presented a unique situation warranting waiver of the PSIP Standard. Moreover, Associated Christian has failed to show an error of fact or law, or to present new facts warranting reconsideration.

ACCORDINGLY, IT IS ORDERED That, the petition for reconsideration, filed by Associated Christian Television System, Inc., of Video Division’s declaratory ruling letter, dated November 17, 2009, directing WACX(TV), Leesburg, Florida, to cease operating on virtual channel 40 and to immediately commence operation on virtual channel 55, as required by Section 73.682(d) of the Commission’s Rules IS DENIED.

Sincerely,

Handwritten signature of Barbara A. Kreisman in black ink.

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁵ ATSC A/65B, Annex B at 1.1.

⁶ *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, Report and Order*, FCC 04-192, 19 FCC Rcd 18279 para. 153 (2004) (“*Second Periodic Review*”).