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

In the Matter of:	)	
	)	
Costa de Oro Television, Inc. v.	)	
Buena Vision Telecommunications, Inc.	)	CSR-4879-M
	)	
Costa de Oro Television, Inc. v.	)	CSR-4880-M
Consolidated Signal Corporation d/b/a	)	
Liberty Cable	)	
	)	
Costa de Oro Television, Inc. v.	)	CSR-4887-M
Century Southwest Cable Television, Inc.	)	CSR-4888-M
And Century Cable of Southern California,	)	
Inc.	)	
	)	
Costa de Oro Television, Inc. v.	)	CSR-4889-M
American Cablesystems of California, Inc.	)	CSR-4890-M
and Continental Cablevision	)	
	)	
Costa de Oro Television, Inc. v.	)	CSR-4891-M
TCI of East San Fernando Valley, TCI	)	CSR-4892-M
of Los Angeles County, TCI of Redlands,	)	
and TCI of Inland Valley	)	
	)	
Costa de Oro Television, Inc. v.	)	CSR-4898-M
Charter Communications Entertainment	)	CSR-4899-M
II, Limited Partnership	)	
	)	
Costa de Oro Television, Inc. v.	)	CSR-4901-M
Acton Cable, British American Communications,	)	
Calavision, Catalina Cable TV Co., Falcon	)	
Cablevision, Stevenson Ranch Cable, Rancho	)	
Santa Margarita Cable, Sierra Dawn Cable-	)	
Vision, and Comcast Cablevision of Inland Valley,	)	
Inc.	)	
	)	
Application for Review	)	

MEMORANDUM OPINION AND ORDER

Adopted: August 10, 2000 **Released: August 14, 2000**

By the Deputy Chief, Cable Services Bureau:

I. INTRODUCTION

1. Costa de Oro Television, Inc., licensee of Television Broadcast Station KJLA (formerly KSTV-TV), Channel 57, Ventura California ("Costa"), has filed a consolidated application for review of a Bureau decision which denied 11 must carry complaints filed by Costa against the above-referenced cable operators.[1] A consolidated opposition was filed against the petition to which Costa filed a reply.

II. BACKGROUND

2. Pursuant to Section 614 of the Communications Act and implementing rules adopted by the Commission in *Implementation of the Cable Television Consumer Protection and Competition Act of 1992,* Broadcast Signal Carriage Issues (*"Must Carry Order"*), commercial television broadcast stations are entitled to assert mandatory carriage rights on cable systems located within the station's market.[2] At the time of the decision, mandatory carriage rights were based on ADI markets, as designated by Arbitron Ratings Organization. A station's market for this purpose is its "designated market area," or DMA, as defined by Nielsen Media Research.[3] A DMA is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns.

III. DISCUSSION

3. The allegations previously raised by the parties and our discussion and analysis of the issues raised are fully addressed in the Bureau Order and need not be discussed here. In its petition for review, Costa argues that KJLA has been assigned incorrectly by Arbitron to the Santa Barbara, California ADI, rather than the Los Angeles ADI. This issue has been raised and disposed of by the Commission in *Complaints of Costa de Oro Television, Inc.*[4] In that matter, the Commission decided that the station had been properly assigned to the Santa Barbara market by Arbitron, and therefore had no standing at that time to assert rights for mandatory carriage against cable television systems in the Los Angeles market. We see no reason to revisit the issue in this instant matter, particularly where KJLA has now been assigned to the Los Angeles DMA since January 1, 2000, and may pursue mandatory carriage rights in that market where appropriate.

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[1] *See Complaints of Costa de Oro Television, Inc.,* 12 FCC Rcd 21632 (1997)(*"Bureau Order"*).

[2] 8 FCC Rcd 2965, 2976-2977 (1993).

[3] Section 614(h)(1)(C) of the Communications Act, as amended by the Telecommunications Act of 1996, provides that a station's market shall be determined by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns. *See* 47 U.S.C. §534(h)(1)(C). Until January 1, 2000, Section 76.55(e) of the Commission's rules provided that Arbitron's "Areas of Dominant Influence," or ADIs, published in the *1991-1992 Television Market Guide*, be used to implement the mandatory carriage rules. Effective January 1, 2000, however, Section 76.55(e) now requires that a commercial broadcast television station's market be defined by Nielsen Media Research's DMAs. For the must carry/retransmission consent elections that took place on October 1, 1999, commercial television stations were required to make their elections based on DMAs. *See Definition of Markets for Purposes of the Cable Television Mandatory Television Broadcast Signal Carriage Rules,* Order on Reconsideration and Second Report and Order, 14 FCC Rcd 8366 (1999)(*"Modification Final Report and Order"*).

[4] 10 FCC Rcd 9468 (1995), *aff'd on reconsideration,* 12 FCC Rcd 22464, *aff'd by judgment sub nom. Costa de Oro Television, Inc.,* D.C. Circuit No. 98-1025 (Dec. 9, 1998).

IV. ORDERING CLAUSES

4. Accordingly, **IT IS ORDERED**, pursuant to Section 614(h) of the Communications Act of 1934, as amended (47 U.S.C. §534(h)) and Section 76.61 of the Commission's rules (47 C.F.R. §76.61), that the application for review field by Costa de Oro Television, Inc. **IS DISMISSED.**

5. This action is taken pursuant to authority delegated by Section 0.321 of the Commission's rules.[5]

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief, Cable Services Bureau

[5] 47 C.F.R. §0.321.