

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

In the Matter of:	)	
	)	
Norwell Television, LLC v. Adelphia	)	
Communications Corporation	)	CSR-5614-M
	)	
Request for Mandatory Carriage of WWDP (TV),	)	
Norwell, Massachusetts in Greenville and	)	
Peterborough New Hampshire and	)	
Brattleboro/Putney, Vermont	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: February 7, 2001**

**Released: February 9, 2001**

By the Chief, Consumer Protection and Competition Division, Cable Services Bureau:

**I. INTRODUCTION**

1. Norwell Television, LLC, licensee of television broadcast station WWDP (Ch. 46), Norwell, Massachusetts (“WWDP”), filed the above-captioned must carry complaint against Multi-Channel T.V. Cable Company and Mountain Cable Company, both subsidiaries of Adelphia Communications Corporation (“Adelphia”), for failing to carry WWDP on their cable systems serving the communities of Greenville and Peterborough, New Hampshire and Brattleboro/Putney, Vermont (the “Systems”). An opposition to this complaint was filed on behalf of Adelphia to which WWDP has replied. For the reasons discussed below, WWDP’s must carry complaint is granted.

**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.<sup>1</sup> A station’s market for this purpose is its “designated market area,” or DMA, as defined by Nielsen Media Research.<sup>2</sup> A DMA is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns.

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<sup>1</sup>8 FCC Rcd 2965, 2976-2977 (1993).

<sup>2</sup>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). Section 76.55(e) requires that a commercial broadcast television station’s market be defined by  
(continued...)

### III. DISCUSSION

3. In support of its request, WWDP states that it is licensed in the Boston DMA, and that Adelphia's Greenville, Peterborough, and Brattleboro/Putney cable systems serve communities which are also in the Boston DMA. As a result, WWDP argues that it is a qualified "local commercial television station" entitled to carriage on the Systems.<sup>3</sup> WWDP submits that it formally requested carriage from Adelphia via a letter dated July 28, 2000, but never received a response.<sup>4</sup> WWDP requests that the Commission compel Adelphia to carry its signal on the Systems. WWDP states that it is committed to paying all expenses and purchasing any new equipment associated with providing a good quality signal to Adelphia's headends.<sup>5</sup>

4. In opposition, Adelphia argues that WWDP is not eligible for carriage on the Systems because the station does not deliver a signal of sufficient strength to the cable systems' principal headend as required by the statute and the Commission's rules.<sup>6</sup> In reply, WWDP maintains it is entitled to carriage because it has pledged to pay for any improvements and installation of new equipment necessary to ensure that a good quality WWDP signal is received at Adelphia's principal headends.<sup>7</sup>

5. We find the representations made by WWDP indicate that WWDP is a local full power commercial station qualified for carriage on the Systems. According to Section 76.55(e) of the Commission's rules, commercial television broadcast stations, such as WWDP, are entitled to carriage on cable systems located in the same DMA.<sup>8</sup> WWDP is located in the Boston DMA, which is also where the communities served by the Systems are located. We note that WWDP has stated that it can provide, at its own expense, new equipment that once installed will allow it to provide a signal to Adelphia's headends that is consistent with Commission criteria.

6. The Commission has held that a cable operator cannot refuse to carry a television station that agrees to purchase and install, at its own expense, the equipment necessary to deliver an adequate signal to the operator's headend.<sup>9</sup> WWDP, by committing to provide any necessary equipment, satisfied its obligation to bear the costs associated with delivering a good quality signal. Consequently, we grant WWDP's complaint, conditioned upon WWDP delivering a good quality signal to Adelphia's headends.

### IV. ORDERING CLAUSES

7. Accordingly, **IT IS ORDERED**, pursuant to Section 614 of the Communications Act of 1934, as amended, 47 U.S.C. §534, that the must carry complaint filed by Norwell Television, LLC, licensee of television broadcast station WWDP, Norwell, Massachusetts against Multi-Channel T.V. Cable Company

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Nielsen Media Research's DMAs.

<sup>3</sup>Complaint at 4, *citing* 47 C.F.R. §76.55(c).

<sup>4</sup>Complaint at 3 and Exhibit I.

<sup>5</sup>Complaint at 4.

<sup>6</sup>Opposition at 1-2 and Exhibit A, *citing* 47 U.S.C. §534(h)(1)(B)(iii) and 47 C.F.R. §76.55(c)(3).

<sup>7</sup>Reply at 2.

<sup>8</sup>47 C.F.R. §76.55(e).

<sup>9</sup>*See, e.g., WMFP, Inc.*, 11 FCC Rcd 17264 (CSB 1996); *KSLs, Inc.*, 11 FCC Rcd 12718 (CSB 1996).

and Mountain Cable Company, both subsidiaries of Adelpia Communications Corporation **IS GRANTED.**

8. **IT IS FURTHER ORDERED** that Adelpia **SHALL COMMENCE CARRIAGE** of the signal of WWDP within sixty (60) days from the date that WWDP provides a good quality signal at Adelpia's principal headends serving the communities of Greenville and Peterborough, New Hampshire and Brattleboro/Putney, Vermont.

9. This action is taken pursuant to authority delegated by Section 0.321 of the Commission's rules.<sup>10</sup>

FEDERAL COMMUNICATIONS COMMISSION

Deborah Klein, Chief  
Consumer Protection and Competition Division  
Cable Services Bureau

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<sup>10</sup>47 C.F.R. §0.321.