

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

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| In the Matter of: |) | |
| |) | |
| Central Ohio Association of Christian Broadcasters, Inc. v. Time Warner Cable |) | CSR-5581-M |
| |) | |
| Request for Carriage |) | |

ORDER ON RECONSIDERATION

Adopted: April 9, 2001

Released: April 16, 2001

By the Deputy Chief, Cable Services Bureau:

I. INTRODUCTION

1. Time Warner Cable (“Time Warner”), has filed a showing, pursuant to the Cable Services Bureau’s direction in *Central Ohio Association of Christian Broadcasters, Inc. v. Time Warner Cable*, substantiating its claims of poor signal quality in the reception of low power television station WOCB-LP (Ch. 39), Marion, Ohio (“WOCB-LP”).¹ For procedural purposes, this showing is being treated as a petition for reconsideration. No opposition to this showing has been received from WOCB-LP’s licensee, Central Ohio Association of Christian Broadcasters, Inc.

II. BACKGROUND

2. WOCB-LP filed a must carry complaint against Time Warner for its failure to carry WOCB-LP on its cable systems serving the communities of Upper Sandusky, Bucyrus, Galion, Crestline, Mt. Gilead and Forest, Ohio. Time Warner argued that WOCB-LP did not provide a good quality signal to the subject communities and submitted signal strength tests in support. Upon review, the Bureau agreed that the signal strength tests for the communities of Upper Sandusky, Galion, Crestline and Forest proved that WOCB-LP’s signal strength did not meet the Commission’s minimum strength criteria and WOCB-LP’s complaint with regard to these communities was denied. However, the Bureau found that, with respect to the communities of Bucyrus and Mt. Gilead, the signal strength tests submitted by Time Warner were not conducted according to established procedures and the cable system was ordered to commence carriage of WOCB-LP in those communities unless it submitted a new engineering showing, within fifteen days of the release date of the Order, to substantiate its claims of poor signal quality.

III. DISCUSSION

3. Time Warner’s engineering submission includes not only the original test results it submitted in its opposition to WOCB-LP’s must carry complaint, but also additional readings taken during the same 24-hour period, but not included in the original submission. Time Warner notes that, according to

¹15 FCC Rcd 22525, 22527 (2000)(“Bureau Order”).

a declaration of its Vice President of Engineering for the Columbus Division, the additional readings were not originally included because it was believed that the four readings which were submitted, all of which fell below the minimum signal strength criteria, were sufficient evidence of WOCB-LP's failure to provide a good quality signal.² Time Warner maintains that the additional required readings confirm the original result.

4. In addition to its engineering showing, Time Warner points to WOCB-LP's procedural error in failing to comply with Section 76.7(c)(1) of the Commission's rules which requires that it serve Time Warner with a copy of its reply to Time Warner's opposition to the must carry complaint. Time Warner states that it learned of the reply's existence only at the time the *Bureau Order* was released.

5. We grant Time Warner's petition for reconsideration. The amended engineering showing provided by Time Warner meets the Commission's requirement that where initial signal strength readings are between -51 dBm and -45 dBm, inclusive, the readings should be taken over a 24-hour period with measurements not more than four hours apart to establish reliable results.³ These readings show that WOCB-LP fails to provide a good quality signal to Time Warner's cable systems serving Bucyrus and Mt. Gilead. As a result, WOCB-LP's must carry complaint with respect to these communities will be denied.

IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED**, that the petition for reconsideration filed by Time Warner Cable, **IS GRANTED** and the *Bureau Order's* grant of WOCB-LP's must carry complaint with regard to the communities of Bucyrus and Mt. Gilead, Ohio **IS RESCINDED**.

7. This action is taken pursuant to authority delegated by Sections 0.321 and 1.106 of the Commission's rules.⁴

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief
Cable Services Bureau

²See Petition, Declaration of Randy A. Hall, Vice President of Engineering for the Columbus Division of Time Warner Cable.

³See *Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage issues*, 9 FCC Rcd 6723, 6756 (1994) ("Must Carry Reconsideration").

⁴47 C.F.R. §§0.321 and 1.106.