



Federal Communications Commission
Washington, D.C. 20554

DA 05-2042
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Associated Christian Television System, Inc.
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5809 Nicholson Lane
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Re: WACX(TV), Leesburg, Florida
Facility ID No. 60018

Dear Licensee:

On March 10, 2005, Associated Christian Television Systems, Inc. (ACTS), the licensee of analog television station WACX(TV), NTSC Channel 55, and permittee of digital television station WACX-DT, DTV Channel 40, Leesburg, Florida, filed a letter requesting Commission authority to: (i) cease analog broadcasting on NTSC Channel 55 and surrender its license for the channel prior to the end of the DTV transition period; and (ii) thereafter operate WACX-DT as a single channel, digital-only television station on DTV Channel 40.¹ ACTS's proposal appeared on public notice on June 7, 2005.

In its *Report and Order* in GN Docket No. 01-74, the Commission adopted the reallocation of the 598-746 MHz Spectrum Band (television channels 52-59) from use by television broadcasters to new use on a flexible basis.² The Commission also stated that it would consider requests by incumbent broadcasters on channels 52-59 to voluntarily vacate their NTSC channels prior to the end of the DTV transition on a case-by-case basis, considering all relevant public interest factors.³

In support of its request to voluntarily vacate NTSC Channel 55, ACTS states that there are 16 television stations licensed in the Orlando-Daytona Beach- Melbourne, Florida DMA and that "WACX market share in the DMA is far from the top four." In addition, noncommercial educational television station WLCB-TV remains licensed at Leesburg. While the early return of its NTSC channel will result in loss of an over-the-air analog service, ACTS contends that the impact on the public will be imperceptible, given the cable penetration rate in the DMA.⁴ ACTS further states that it will broadcast

¹ WACX-DT is currently operating on Channel 40 pursuant to Special Temporary Authority at reduced power, and represents that it expects to commence operation with its authorized full power facility later this year.

² *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, 17 FCC Red 1022 (2002).

³ *Id.* at 1096. The Commission identified a number of relevant factors, including whether grant of the request would make new or expanded wireless services available to consumers or deploy wireless service to underserved areas, or whether grant would result in the loss of any of the four stations in the DMA with the largest audience share, the loss of sole service licensed to the local community, or the loss of a community's sole noncommercial educational television service. The Commission will also consider whether a grant would have a negative effect on the pace of DTV transition in that market. *Id.* at n.549.

⁴ Nielson Media Research reports that in May 2005, the total cable and/or ADS penetration rate for the Orlando-Daytona Beach-Melbourne DMA was 90.4% of TV Households. Television Bureau of Advertising Online, DMA

announcements informing viewers of its intent to change to digital-only operations, and that it will request the cable operators initially carry WACX-DT's over-the air digital signal in an analog format, and provide the cable operators with the conversion equipment necessary to translate the station's over-the-air signal from digital to analog.

ACTS also asserts that grant of its request will make new or expanded wireless services available to consumers, and submits a letter from QUALCOMM Incorporated (QUALCOMM), which holds licenses for channel 55 (Block D in the Lower 700 MHz band) covering the entire nation. According to QUALCOMM, granting ACTS's request will allow MediaFLO USA, Inc., a wholly-owned subsidiary of QUALCOMM, to deploy and operate a network to offer a "mediacast" service to deliver many channels of multimedia content to third generation wireless phones.

Based upon the foregoing, we believe the public interest would be served by permitting ACTS to surrender its license for NTSC Channel 55, Leesburg, Florida, and commence digital operations on DTV Channel 40. Accordingly, ACTS's request IS GRANTED, but conditioned on ACTS's construction and operation of its authorized full power DTV facility. Moreover, prior to discontinuing analog service and surrendering its NTSC license, we expect ACTS to supply all cable systems carrying its digital signal with the conversion equipment necessary to translate WACX-DT's signal to an analog signal.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau