

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

In the Matter of:)	
)	
WRNN License Company, LLC)	CSR 6956-A
)	
Petition for Modification of Television Market of)	
Television Station WRNN-DT, Kingston, New)	
York)	

MEMORANDUM OPINION AND ORDER

Adopted: May 23, 2006

Released: May 25, 2006

By the Deputy Chief, Policy Division, Media Bureau:

I. INTRODUCTION

1. WRNN License Company, LLC (“WRNN”), licensee of television station WRNN-DT, Kingston, New York (“WRNN-DT” or the “Station”), filed the above captioned petition for special relief, seeking to modify the Station’s market to include all cable communities located in Nassau and Suffolk Counties that are served by Cablevision Systems Corporation’s (“Cablevision”) cable systems in which the Station is not carried (the “Communities”). Cablevision filed an opposition to the petition and WRNN filed a reply. Cablevision filed a surrepley, and WRNN filed a response. For the reasons stated below, we grant the petition in part and deny the petition in part.

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”)*,¹ commercial television broadcast stations are entitled to assert mandatory carriage rights on cable systems located within the station’s market. A station’s market for this purpose is its designated market area (“DMA”), as defined by Nielsen Media Research.² A DMA is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns. Each county in the United States is assigned to a market based on the home-market stations that receive a preponderance of total viewing hours in the county. For

¹ 8 FCC Rcd 2965, 2976-2977 (1993).

² Section 614(h)(1)(C) of the Communications Act, as amended, 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) of the Commission’s rules requires that a commercial broadcast television station’s market be defined by Nielsen Media Research’s DMAs. 47 C.F.R. § 76.55(e); *Definition of Markets for Purposes of the Cable Television Broadcast Signal Carriage Rules*, 14 FCC Rcd 8366 (1999) (“*Modification Final Report and Order*”).

purposes of this calculation, both over-the-air and cable television viewing are included.³

3. Under the Act, however, the Commission is also directed to consider changes in market areas. Section 614(h)(1)(C) provides that the Commission may:

with respect to a particular television broadcast station, include additional communities within its television market or exclude communities from such station's television market to better effectuate the purposes of this section.⁴

4. In considering such requests, the 1992 Cable Act provides that:

the Commission shall afford particular attention to the value of localism by taking into account such factors as –

(I) whether the station, or other stations located in the same area, has been historically carried on the cable system or systems within such community;

(II) whether the television station provides coverage or other local service to such community;

(III) whether any other television station that is eligible to be carried by a cable system in such community in fulfillment of the requirements of this section provides news coverage of issues of concern to such community or provides carriage or coverage of sporting and other events of interest to the community; and

(IV) evidence of viewing patterns in cable and non-cable households within the areas served by the cable system or systems in such community.⁵

5. The legislative history of the provision states that:

where the presumption in favor of [DMA] carriage would result in cable subscribers losing access to local stations because they are outside the [DMA] in which a local cable system operates, the FCC may make an adjustment to include or exclude particular communities from a television station's market consistent with Congress' objective to ensure that television stations be carried in the area in which they serve and which form their economic market.

* * * *

³ For a more complete description of how counties are allocated, see Nielsen Media Research's *Nielsen Station Index: Methodology Techniques and Data Interpretation*.

⁴ 47 U.S.C. § 534(h)(1)(C).

⁵ *Must Carry Order*, 8 FCC Rcd at 2976 (1993).

[This subsection] establishes certain criteria that the Commission shall consider in acting on requests to modify the geographic area in which stations have signal carriage rights. These factors are not intended to be exclusive, but may be used to demonstrate that a community is part of a particular station's market.⁶

6. In the *Modification Final Report and Order*, the Commission, in an effort to promote administrative efficiency, adopted a standardized evidence approach for modification petitions that requires the following evidence be submitted:

(1) A map or maps illustrating the relevant community locations and geographic features, station transmitter sites, cable system headend locations, terrain features that would affect station reception, mileage between the community and the television station transmitter site, transportation routes and any other evidence contributing to the scope of the market.

(2) Grade B contour maps delineating the station's technical service area and showing the location of the cable system headends and communities in relation to the service areas.

Note: Service area maps using Longley-Rice (version 1.2.2) propagation curves may also be included to support a technical service exhibit.⁷

(3) Available data on shopping and labor patterns in the local market.

(4) Television station programming information derived from station logs or the local edition of the television guides.

(5) Cable system channel line-up cards or other exhibits establishing historic carriage, such as television guide listings.

(6) Published audience data for the relevant station showing its average all day audience (i.e., the reported audience averaged over Sunday-Saturday, 7 a.m., or an equivalent time period) for both cable and noncable households or other specific audience indicia, such as station advertising and sales data or viewer contribution records.⁸

Petitions for special relief to modify television markets that do not include the above evidence shall be

⁶ H.R. Rep. 102-628, 102d Cong., 2d Sess 97 (1992).

⁷ The Longley-Rice model provides a more accurate representation of a station's technical coverage area because it takes into account such factors as mountains and valleys that are not specifically reflected in a traditional Grade B contour analysis. In situations involving mountainous terrain or other unusual geographical features, Longley-Rice propagation studies can aid in determining whether or not a television station actually provides local service to a community under factor two of the market modification test.

⁸ 47 C.F.R. § 76.59(b).

dismissed without prejudice and may be re-filed at a later date with the appropriate filing fee. The *Market Modification Final Report and Order* provides that parties may continue to submit whatever additional evidence they deem appropriate and relevant.⁹

7. In *Carriage of Digital Television Broadcast Signals*, the Commission concluded that under Section 614(a) of the Act, a digital-only television station has mandatory carriage rights, and amended the rules accordingly.¹⁰ The Commission has established a framework for analyzing market modifications for digital television stations.¹¹ The Commission stated that Nielsen's market designations, publications, and assignments for the analog television market should continue to be binding on broadcast stations transitioning to digital television broadcasting. The presumption is that the market of the station's digital signal is coterminous with the station's market area for its analog signal during the transition period.¹² The Commission also found that the statutory factors in Section 614(h), the current process for requesting market modifications, and the evidence needed to support such petitions, will be applicable to digital television modification petitions during the transition period when television stations broadcast both an analog signal and a digital signal.¹³ The Commission recognized that the technical coverage area of a digital television signal may not exactly replicate the technical coverage area of the analog television signal. Therefore, in deciding DTV market modification cases, the Commission stated that it would take into consideration changes in signal strength and technical coverage because of new digital television channel assignments and power limits. It concluded that all other matters concerning the modification process for digital television signals will be decided on a case-by-case basis.¹⁴

8. In 1985, WRNN inaugurated service on analog Channel 62 from a transmitter located on Overlook Mountain in Woodstock, New York and the station's main studios in Kingston, New York. In 1996, by a Cable Services Bureau Order, the Communities at issue in this Petition were deleted from WRNN's analog television market for purposes of must carry.¹⁵ On review of the Bureau Order, the Commission concluded that WRNN failed to satisfy any statutory criteria applicable to market modification proceedings.¹⁶ The Commission found that WRNN had no history of cable carriage on Cablevision's systems serving the Communities, that WRNN did not provide local service to the Communities, and that WRNN did not place either a Grade A or Grade B contour over the

⁹ *Market Modification Final Report and Order*, 14 FCC Rcd at 8389.

¹⁰ See *Carriage of Digital Television Broadcast Signals*, 16 FCC Rcd 2598, 2606 (2001) ("*DTV Must Carry Report and Order*"); 47 C.F.R. § 76.64(f)(4). The Commission concluded that for purposes of supporting the conversion to digital signals and facilitating the return of the analog spectrum, a television station may demand that one of its high definition digital ("HDTV") or standard definition digital ("SDTV") television signals be carried on the cable system for delivery to subscribers in either a digital or an analog format. *DTV Must Carry Report and Order*, 16 FCC Rcd at 2630.

¹¹ See *DTV Must Carry Report and Order*, 16 FCC Rcd at 2635-36.

¹² We note that in adopting technical rules for the digital transmission of broadcast signals, the Commission attempted to insure that a station's digital over-the-air coverage area would replicate as closely as possible its current over-the-air analog coverage area. See *Sixth DTV Report and Order*, 12 FCC Rcd 14588, 14605 (1997).

¹³ See *DTV Must Carry Report and Order*, 16 FCC Rcd at 2636.

¹⁴ *Id.*

¹⁵ See *Petition of Cablevision Systems Corporation for Modification of the ADI of Television Broadcast Stations WTBY, WRNN, WMBC-TV, and WHAI-TV*, 11 FCC Rcd 6453 (1996) (*WRNN Modification Decision*), *aff'd* *WLNY-TV, Inc. v. FCC*, 163 F.3d 137 (2d Cir. 1998) ("*WLNY-TV, Inc.*").

¹⁶ *Market Modifications and the N.Y. Area of Dominant Influence*, 12 FCC Rcd 12262 (1997) ("*NY ADI Order*").

Communities.¹⁷ In addition, the Commission concluded that WRNN is geographically distant from the Communities with Woodstock, New York, where the station's transmitter site was located, an average of 104.75 miles away.¹⁸ The *NY ADI Order* also found that several television stations licensed to New York City and adjacent communities had a closer economic nexus, cast a City Grade signal over the Communities, and provided more focused local programming than WRNN.¹⁹ The Commission also determined that WRNN had no audience in the counties in which the cable systems were located.²⁰

9. Cablevision serves the communities at issue with essentially three large cable systems serving Nassau County; Suffolk County; and Shelter Island, Riverhead, and East Hampton (the "Shelter Island System") which are also located in Suffolk County, New York. We will first address WRNN's market modification request relating to the communities served by Cablevision's Suffolk County; and Shelter Island cable systems. As noted earlier, in the *Modification Final Report and Order*, the Commission adopted standardized evidentiary requirements covering DMA modification petitions. WRNN's petition fails to include information required by the *Modification Final Report and Order* with respect to the communities served by Cablevision's Suffolk County and Shelter Island cable systems, and accordingly WRNN's petition with regard to these systems will be dismissed. In this instance, we note that WRNN's petition fails to include information regarding the first and second evidentiary provisions of the *Modification Final Report Order*. These provisions require petitioners, such as WRNN, to include maps illustrating the relevant community locations. While WRNN provided a map showing WRNN-DT's predicted 41 dBu signal contour, it did not provide a map clearly illustrating the relevant cable communities and their distances from the WRNN transmitter site.²¹ While 41 dBu coverage in the Nassau County Communities is apparent, we cannot make a reasoned analysis with respect to the isolated communities served by Cablevision in Suffolk County including Cablevision's Shelter Island system without a map indicating coverage in each specific Community.²² Consequently, we will dismiss WRNN's petition with regard to the communities served from Cablevision's Suffolk County; and Shelter Island cable systems. In doing so, we also note that it is evident that WRNN is geographically distant from the Communities in Suffolk County, and that the Station is separated from those Suffolk County Communities by the significant barriers that the Long Island Sound and New York City present.²³ In addition, we note that WRNN's signal levels covering these isolated communities appear to be weaker, as well as, more dispersed over this area of Long Island.

10. As noted above, and contrary to the situation regarding the communities served by Cablevision's systems located in Suffolk County, it is apparent that WRNN's 41dBu signal covers all of Nassau County. Consequently the information relating to maps and other geographic information becomes less important in our analysis of WRNN's petition as it relates to the Nassau Communities. Therefore, we will address the arguments raised by the parties with respect to the communities served by Cablevision's Nassau County cable system. However, before we address the specific arguments raised by

¹⁷ *Id.* at 12266-67; see *WRNN Modification Decision*, 11 FCC Rcd at 6480-6481.

¹⁸ *NY ADI Order*, 12 FCC Rcd at 12266-67; see *WRNN Modification Decision* 11 FCC Rcd at 6480.

¹⁹ *NY ADI Order*, 12 FCC Rcd at 12266-67; see *WRNN Modification Decision* 11 FCC Rcd at 6480.

²⁰ *NY ADI Order*, 12 FCC Rcd at 12266-67; see *WRNN Modification Decision* 11 FCC Rcd at 6480.

²¹ 47 C.F.R. §76.59(b).

²² See WRNN Petition at Exhibit 2.

²³ Indeed, the driving distance between Islip, New York, one of the closest Suffolk County Communities and Kingston, New York, WRNN-DT's community of license, is over 143 miles. Cablevision Opposition at Exhibit 3.

the parties, we note that the Commission in the *NY ADI Order* addressed a very similar factual pattern to that presented by WRNN's Petition.²⁴ There, the Commission recognized that stations, like WRNN, that offer specialty programming generally have low viewership levels, and for that reason the Commission instructs us to give little weight to the level of viewership station's like WRNN achieve.²⁵ Also the Commission's decision in the *NY ADI Order* recognized that in instances where the other three factors would not add significantly to the analysis of a station's market, Grade B coverage becomes a very relevant factor in determining whether to modify a particular station's market.²⁶ In this instance, were we to apply the other three statutory factors without considering WRNN's signal coverage, WRNN would have little if any carriage rights anywhere within its New York Market. Consequently, we will address WRNN's petition with the Commission's guidance in mind.

11. WRNN asserts that since the *WRNN Modification Order*, it has modified its operations and program services and currently provides a unique local service to the Communities located in Nassau County from its digital-only television facilities.²⁷ WRNN argues that it is geographically proximate to the Nassau Communities because its new digital transmitter site is located on Beacon Mountain, New York, which is significantly closer to the Nassau Communities than its old analog antenna site.²⁸ WRNN emphasizes that the change in circumstances that led the Commission to modify WRNN-DT's market to include cable systems in New York City, also warrant the addition of the Nassau Communities to WRNN-DT's market.²⁹ Cablevision responds that the Nassau Communities are significantly distant from WRNN-DT's transmitter,³⁰ and that WRNN-DT's signal is weak in the Communities.³¹ Further, Cablevision argues and that the changes in circumstances that the Commission found relevant in the *WRNN NYC Modification Decision* are not relevant to the Communities, especially given the geographic barriers that separate the Communities from WRNN-DT's community of license and the dearth of WRNN-DT programming that is relevant to residents of the Nassau Communities.³² WRNN's market modification arguments and Cablevision's responsive arguments are set forth in detail below.

Historic Carriage. WRNN-DT is a single channel digital-only television station operating on DTV Channel 48.³³ WRNN asserts that cable systems in areas adjacent to the Communities have historically carried the Station.³⁴ Additionally, WRNN states that digital broadcast satellite (DBS) operators DirecTV

²⁴ *NY ADI Order*, 12 FCC Rcd at 12271.

²⁵ *Id.*

²⁶ *Id.*

²⁷ WRNN Petition at 10-11.

²⁸ *Id.* at 12-13, Exhibit 7, citing *Busse Broadcasting Corp.*, 11 FCC Rcd 6408, 6416, 6422-25 (1996), *Jasas Corp.*, 14 FCC Rcd 6968, 6972 (1999).

²⁹ *Id.* at 4-5, citing *WRNN License Company, LLC, Petition for Modification of the Television Market of WRNN-DT, Kingston, New York*, 20 FCC Rcd 7904 (MB 2005) ("*WRNN NYC Modification Decision*").

³⁰ Cablevision Opposition at 11-23.

³¹ *Id.* at 23-24.

³² *Id.* at 50-52.

³³ WRNN Petition at 1.

³⁴ *Id.* at 8-9.

and EchoStar make the station available to a significant number of residents in the Nassau Communities via local-into-local service,³⁵ and that Verizon plans to carry the Station on its competitive systems in the Nassau Communities.³⁶ Cablevision counters that neither WRNN-DT nor WTBY, another Kingston-area broadcast station, has history of carriage on cable systems in the Nassau Communities. Cablevision argues that only one of the 78 Communities abuts a community where WRNN-DT (or its analog predecessor) has historically been carried, and that all of the Communities are in a different county than the adjacent communities.³⁷ Further, Cablevision asserts that DBS operators are statutorily required to carry all broadcast stations in a DMA if the DBS operator carries any broadcast station in that DMA and the markets may not be modified.³⁸ Therefore, DBS carriage is not reliable evidence of historic carriage.³⁹

12. We find that WRNN-DT (and its analog predecessor) has not been historically carried on the cable systems that serve the Nassau Communities. The Commission has, however, held that carriage on systems that serve “communities adjacent to and near the Communities at issue is indicative of interest in the programming of” the station,⁴⁰ and WRNN presents evidence of carriage on cable systems that are adjacent or sufficiently near to those Communities that reside in Nassau County.⁴¹

13. **Local Service.** WRNN asserts that it essentially provides a 48 dBu City grade signal to all of Nassau County Communities.⁴² It states that the current coverage of the Nassau County Communities is the result of facilities modifications that WRNN has undertaken pursuant to Commission approval.⁴³ According to WRNN, the Nassau Communities are geographically proximate to WRNN-DT, and that the Communities are even closer to WRNN-DT’s main studio in Manhattan.⁴⁴ WRNN argues that the distances between the Nassau Communities and the Station are well within the range that the Commission has approved for adding communities to a station’s must carry market, or in refusing to delete communities from a station’s market.⁴⁵ Cablevision notes that the Nassau Communities and the Station are separated by the Long Island Sound, and asserts that the driving distance from the closest Community to WRNN-DT’s community of license is 111 miles.⁴⁶

14. Each party has filed extensive engineering reports that support their respective coverage claims.⁴⁷ On balance, we conclude that WRNN’s report demonstrating that it provides a 41 dBu signal,

³⁵ *Id.*

³⁶ WRNN Response at 2.

³⁷ Cablevision Opposition at 10.

³⁸ Cablevision Surreply at 9, citing 47 C.F.R. § 76.66(b).

³⁹ Cablevision Surreply at 9.

⁴⁰ *Petition of Paxson Communications Corporation for Modification of Television Market of Station WPXD(TV). Ann Arbor, Michigan*, 13 FCC Rcd 17869, 17874 (1998).

⁴¹ *See* WRNN Petition at 8-9, Exhibit 5.

⁴² *Id.* at 10-11.

⁴³ *Id.*

⁴⁴ *Id.* at 12-14.

⁴⁵ *Id.* at 13.

⁴⁶ Cablevision Opposition at Exhibit 3.

⁴⁷ *See id.* at Exhibit 6; WRNN Reply at Exhibits A, B and C; Cablevision Surreply at 3-7; WRNN Response at 4-5.

the functional equivalent of a Grade B signal contour, over all of Nassau County to be accurate and consistent with good engineering practices.⁴⁸ As the Commission has previously held, Grade B coverage “is an efficient tool to adjust market boundaries because it is a sound indicator of the economic reach of a particular television station’s signal.”⁴⁹ With regard to programming, WRNN asserts that it airs more than fourteen hours per week of daily, regularly scheduled, local news and public affairs programming of specific relevance to the Communities, including “RNN Metro” and “Richard French Live.”⁵⁰ WRNN points out that “Richard French Live” covers national and global issues as well, but in a manner that is of particular interest to the Communities.⁵¹ In addition, WRNN asserts that the Station provides a wide range of other news and information programming targeted to the Communities, including “News on the Hour” in which Station reporters provide local weather, news, financial reports and traffic reports covering the Communities,⁵² averaging over 650 Long Island specific reports every month.⁵³ WRNN also states that it provides entertainment calendar updates listing on-going and one-time events throughout the New York City area and in the Communities,⁵⁴ and that it originates and airs numerous sporting events and sports scores of high schools and colleges located throughout the Communities.⁵⁵ WRNN offers letters from several local political leaders in support of carriage of WRNN-DT on cable systems in the Communities, asserting that WRNN-DT serves the local needs of the Communities.⁵⁶

15. Cablevision counters that WRNN-DT does not air fourteen hours of local news and public affairs programming that is specifically relevant to the Communities.⁵⁷ According to Cablevision, less than one hour of WRNN-DT’s weekly programming is dedicated to covering Long Island issues.⁵⁸ Cablevision also argues that many of WRNN-DT’s Long Island specific reports are short in duration (often part of a headline scroll), and that most news stories that WRNN-DT airs are national, regional and global in scope.⁵⁹

16. We disagree with WRNN’s assertion that WRNN-DT airs fourteen hours of programming that is of specific relevance to the Communities every week. The programming analysis that WRNN submitted does not indicate that much of WRNN-DT’s programming concerning Long Island focuses on those Communities in Nassau County.⁶⁰ Further, WRNN-DT’s situation is consistent with the “hub and

⁴⁸ *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 16 FCC Rcd 5945, 5957 (2001).

⁴⁹ *NY ADI Order*, 12 FCC Rcd at 12271.

⁵⁰ WRNN Petition at 15-23.

⁵¹ *Id.* at 20.

⁵² *Id.* at 25-26, Exhibits 18-20.

⁵³ WRNN Reply at 13.

⁵⁴ WRNN Petition at 27-28.

⁵⁵ *Id.* at 26-27.

⁵⁶ *See id.* at Exhibits 9-17.

⁵⁷ Cablevision Opposition at 33.

⁵⁸ *Id.* at 34-35.

⁵⁹ *Id.* at 10-11.

⁶⁰ *See* WRNN Petition at Exhibit 4.

spoke” model described by the Second Circuit in *WLNY-TV, Inc.*,⁶¹ in which the outlying “spoke” communities in Nassau County and New York’s Hudson Valley are connected by the “hub” of New York City. The “spoke” market programming generally is not of interest to other “spoke” communities. The record in this proceeding is not impressive relative to WRNN’s programming targeted to the Nassau Communities. Nevertheless, the record does indicate that WRNN airs at least some programming aimed at the Nassau Communities. More impressive, however, is the evidence that WRNN-DT places a Grade B signal contour over all of Nassau County. Indeed, WRNN-DT places a City Grade signal contour over a substantial portion of Nassau County.⁶² Based on the Commission’s guidance in the *NY ADI Order*,⁶³ we find that, in this instance, the local coverage and service factor weighs in favor of modifying of WRNN-DT’s market with respect to Cablevision’s Communities within Nassau County.

17. Coverage by Other Qualified Stations. We believe that Congress did not intend this factor to bar a request, but rather intended to enhance a station's claim where it could be shown that other stations do not serve the communities at issue.⁶⁴ As we stated in the *WRNN Modification Decision*, however, the Communities have, “an abundance of far closer New York City and Long Island stations programming to the cable communities.”⁶⁵ Therefore, we assign no weight to this factor.

18. Viewership Patterns. WRNN submits evidence that WRNN-DT’s cume rating in the Communities is a 5.9, argues that “[l]ast year, Long Island residents placed hundreds of [home shopping] orders with WRNN,” and offers that since the beginning of 2004, WRNN has received 1,800 phone calls from the Communities.⁶⁶ We do not believe that Long Island viewership patterns of WRNN-DT meet our “moderate level of viewership” threshold.⁶⁷ We note, however, that in cases of stations with home shopping formats, which are specialty stations, we do not weigh heavily a lack of audience share.⁶⁸ Therefore, while WRNN-DT may have limited audience appeal, this factor is not outcome determinative on its own.

19. Conclusion. In view of the foregoing, we find that grant of WRNN's petition with respect to those communities served by Cablevision’s Nassau County cable system is in the public interest.⁶⁹

⁶¹ See *WLNY-TV, Inc.*, 163 F.3d at 144. Indeed, *WLNY-TV, Inc.* dealt with this same issue before WRNN-DT upgraded its system, upholding the Commission’s decision to remove Long Island communities from WRNN’s market.

⁶² A 48 dBu signal contour is the functional equivalent of a City Grade signal contour. See *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 16 FCC Rcd 5945, 5957 (2001).

⁶³ See *supra* nn. 24-26 and accompanying text (discussing the *NY ADI Order*).

⁶⁴ See, e.g., *WRNN NYC Modification Decision*, 20 FCC Rcd at 7911, *Lenfest Broadcasting, LLC*, 19 FCC Rcd 8970, 8980 (2004).

⁶⁵ *WRNN Modification Decision*, 11 FCC Rcd at 6481.

⁶⁶ WRNN Petition at 29-31.

⁶⁷ In *KSBW License, Inc.*, the station at issue had a 22 cume, more than three times WRNN-DT’s reported cume. *KSBW License, Inc.*, 11 FCC Rcd 2368, 2371 (1996).

⁶⁸ *Avenue Cable Service, Inc.* 11 FCC Rcd 4803, 4812 (1996).

⁶⁹ WRNN’s petition is granted with respect to all of the communities served by Cablevision’s system with the identifier PSID 003146. See WRNN Petition at Exhibit 1 (List of Communities). We note that ten of the (continued....)

III. ORDERING CLAUSES

20. Accordingly, **IT IS ORDERED**, pursuant to Section 614(h) of the Communications Act of 1934, as amended,⁷⁰ and Section 76.59 of the Commission's rules⁷¹ that the captioned petition for special relief (CSR-6956-A), filed by WRNN License Company, LLC **IS GRANTED IN PART** and **IS DENIED IN PART** to the extent indicated herein.

21. These actions are taken pursuant to authority delegated by Section 0.283 of the Commission's rules.⁷²

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert
Deputy Chief, Policy Division, Media Bureau

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Communities served by PSID 003146 reside in Suffolk County. We include these communities in the modification of WRNN-DT's market because they are an intergated part of Cablevision's Nassau County system, and are in close proximity to Cablevision's Nassau County cable system.

⁷⁰ 47 U.S.C. § 534(h).

⁷¹ 47 C.F.R. § 76.59.

⁷² 47 C.F.R. § 0.283.