

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

In the Matter of:)
WMTY, Inc.)
v.) CSR-7003-M
James Cable Partners)
Request for Mandatory Carriage)
of Television Station W24DC)
Hamilton, Alabama)

MEMORANDUM OPINION AND ORDER

Adopted: October 12, 2006

Released: October 17, 2006

By the Deputy Chief, Policy Division, Media Bureau:

I. INTRODUCTION

1. On August 2, 2006, the Commission released a Memorandum Opinion and Order ("Initial Order") conditionally granting a mandatory carriage complaint filed by WMTY, Inc., licensee of low power television station ("LPTV") W24DC ("W24DC" or "Station"), Hamilton, Alabama, seeking mandatory carriage on James Cable Partners d/b/a CommuniComm Services' cable system ("JCP") serving Guin, Sulligent and Hackleburg, Alabama, and surrounding environs.

2. The Initial Order required JCP to conduct signal strength tests to measure W24DC's signal at JCP's Sulligent, Alabama headend within 20 days from the date of the Order, and submit the results to the Commission within 10 days after the date of completion of the Station signal strength survey. JCP has complied with this requirement and has submitted the results of the signal strength tests taken at its Sulligent, Alabama principal headend on August 24, 2006, which show readings ranging between -53.25 dBm and -52.75 dBm. JCP also submitted results of signal strength tests conducted on August 24, 2006 at its Hackleburg, Alabama headend, which revealed readings between -68.25 dBm and -66.75 dBm.

3. Unlike full power commercial television broadcast stations, LPTV stations such as W24DC, are not allowed by statute or the Commission's rules to cure a signal quality deficiency with additional equipment. Therefore, W24DC cannot use specialized equipment to improve its signal at the headend in question. Because JCP has shown that the station does not deliver a good quality over-the-air signal to the principal headend in question, we find that W24DC is not a "qualified" LPTV for must carry purposes and thus, that JCP is not required to carry the Station on its Sulligent cable system serving Guin, Sulligent and Hackleburg, Alabama.

1 WMTY, Inc. v. James Cable Partners, DA 06-1569 (MB, August 2, 2006).

2 Section 614 of the Telecommunications Act of 1934, as amended (47 U.S.C. § 534(h)(1)(B)(i) and Section 76.55(c)(3) of the Commission's rules (47 C.F.R. § 76.55(c)(3)) establish a threshold signal level of -45dBm for UHF signals or -49 dBm for VHF signals at the input terminals of the of the signal processing equipment.

II. ORDERING CLAUSES

4. Accordingly, **IT IS ORDERED**, that, based upon the supplemental signal strength tests submitted by JCP pursuant to the *Initial Order* the complaint filed by WMTY, Inc. **IS HEREBY DENIED** pursuant to Section 614(h) of the Communications Act, as amended, 47 U.S.C. § 534(h).

5. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's rules.³

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert
Deputy Chief, Policy Division
Media Bureau

³ 47 C.F.R. § 0.283.