

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

In the Matter of:)	
)	
Tri-State Christian TV, Inc.)	
)	CSR-5920-M
v.)	
)	
Blytheville TV Cable Company)	
)	
Request for Mandatory Carriage of Television)	
Station WDYR-LPTV, Dyersburg, Tennessee)	

ORDER ON RECONSIDERATION

Adopted: January 12, 2006

Released: January 13, 2006

By the Deputy Chief, Media Bureau:

1. Tri-State Christian TV, Inc., licensee of low power television (“LPTV”) station WDYR, Dyersburg, Tennessee (“WDYR”) filed the above-captioned complaint against Blytheville TV Cable Company (“Blytheville Cable”) for its failure to carry WDYR on its cable television system serving Blytheville, Arkansas in accordance with the Commission’s must carry rules.¹ In the *Initial Order*² addressing the complaint, we denied WDYR’s complaint. WDYR subsequently filed a petition for reconsideration. Blytheville Cable filed an opposition which included signal strength tests. In our first *Order on Reconsideration*,³ we found that these tests did not follow generally accepted engineering practices, and, therefore, were not acceptable as proof of signal strength. We granted WDYR’s petition in that we directed Blytheville Cable to carry WDYR, but also authorized Blytheville Cable to conduct additional signal strength tests. Blytheville Cable subsequently submitted new tests that reflect that WDYR does not provide an adequate signal.

2. Under the Communications Act of 1934, as amended,⁴ and the Commission’s rules,⁵ a commercial television broadcast station is entitled to assert mandatory carriage or must carry rights on cable television systems located within the station’s market. Must carry status entitles a station to have its broadcast programming carried on a cable system. In addition, cable television systems are obligated to carry “qualified” low power television stations in certain limited circumstances. One requisite to be a qualified LPTV station is that the station must deliver a good quality over-the-air signal to the principal headend of the cable system.⁶ A low power television station, however, unlike a full power station, is not

¹47 C.F.R. §§76.51–76.64.

²*Tri-State Christian TV, Inc. v. Blytheville TV Cable Company*, 17 FCC Rcd 21413 (2002) (“*Initial Order*”).

³*Tri-State Christian TV, Inc. v. Blytheville TV Cable Company*, 20 FCC Rcd 15771 (2005) (“*Order on Reconsideration*”).

⁴47 U.S.C. §534.

⁵*See supra* n. 1.

⁶47 U.S.C. §534(c)(1) and (h)(2); 47 C.F.R. §76.55(d) and 76.56(b)(3). *See also Initial Order*, 17 FCC Rcd at 21413.

authorized to cure a poor quality signal with additional specialized equipment, such as a new receive antenna, at a cable headend.⁷ Cable operators have the burden of establishing that a television station is not entitled to carriage.⁸

3. In response to our *Order on Reconsideration*, Blytheville Cable conducted additional signal strength tests, which it submitted in a pleading entitled "Submission of Further Test Results." No opposition was filed. Blytheville Cable explains in its Submission that it invited WDYR executives to attend its signal strength tests, which occurred, that these tests followed generally accepted engineering practices, and that the tests demonstrated that WDYR does not provide a signal of adequate strength to its headend, and, therefore, WDYR fails to qualify for must carry status on its cable system.⁹

4. We agree with Blytheville Cable that its most recent signal strength tests comply with our requirements, and indicate that WDYR does not provide a good quality signal. Thus, Blytheville Cable is not required to carry WDYR on its cable system.

ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED**, pursuant to Section 614(d)(3) of the Communications Act of 1934, as amended, 47 U.S.C. §534(d)(3), that Blytheville Cable's pleading entitled "Submission of Further Test Results" **IS ACCEPTED**, and the relief sought by Blytheville Cable **IS GRANTED**. Blytheville Cable is not obligated to carry WDYR on its cable system.

6. **IT IS FURTHER ORDERED** that our *Order on Reconsideration*, DA05-2650, 20 FCC Rcd 15771 (2005), **IS VACATED** to the extent indicated herein, 47 C.F.R. §1.106(k)(1)(i).

7. This action is taken pursuant to authority delegated under Section 0.283 of the Commission's rules, 47 C.F.R. §0.283.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief
Media Bureau

⁷*Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues*, 8 FCC Rcd 2965, 2991 (1993) ("Must Carry Order").

⁸*See, e.g., Franklin Media, Inc. v. Comcast Cable Communications, Inc.*, 19 FCC Rcd 24086, 24087 (2004).

⁹Submission of Further Test Results at 2-3.