

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

In the Matter of
Mountain Broadcasting Corporation
For Modification of the Television Market For
WMBC-TV, Newton, New Jersey
CSR-8533-A

MEMORANDUM OPINION AND ORDER

Adopted: March 2, 2012

Released: March 2, 2012

By the Senior Deputy Chief, Policy Division, Media Bureau:

I. INTRODUCTION

1. Mountain Broadcasting Corporation, licensee of station WMBC-TV ("WMBC"), Newton, New Jersey and located in the New York designated market area ("DMA") filed the above-captioned petition for special relief seeking to include 174 New York, New Jersey and Connecticut communities in its market for purposes of the mandatory signal carriage provisions of the Communications Act. No opposition to this petition has been filed. For the reasons stated below, we grant WMBC's petition in part and deny it in part.

II. BACKGROUND

2. Pursuant to Section 614 of the Communications Act and implementing rules adopted by the Commission, a commercial television broadcast station is 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," or DMA, as defined by Nielsen Media Research. A DMA is a geographic market designation that defines each television market exclusive of others, based on measured viewing patterns. Essentially, each county in the United States is allocated to a market based on which home-market

1Petition for Special Relief filed Oct. 24, 2011, by 1. Mountain Broadcasting Corporation (hereinafter "Petition"), at 1. All 174 of the communities WMBC seeks to add are listed in the attached Appendix, designated as either grants or denials.

2Implementation of the Cable Television Consumer Protection and Competition Act of 1992, Broadcast Signal Carriage Issues, 8 FCC Rcd 2965, 2976-77 (1993) ("Must Carry Order").

3Section 614(h)(1)(C) of the Communications Act, as amended by the Telecommunications Act of 1996, 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) requires that a commercial broadcast television station's market be defined by Nielsen Media Research's DMAs. 47 C.F.R. § 76.55(e); see Definition of Markets for Purposes of the Cable Television Broadcast Signal Carriage Rules, 14 FCC Rcd 8366 (1999) ("Modification Final Report and Order").

stations receive a preponderance of total viewing hours in the county. For purposes of this calculation, both over-the-air and cable television viewing are included.⁴

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 market to better effectuate the purposes of this section.⁵

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, have 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;
- (IV) evidence of viewing patterns in cable and noncable households within the areas served by the cable system or systems in such community.⁶

In adopting rules to implement this provision, the Commission indicated that requested changes should be considered on a community-by-community basis rather than on a county-by-county basis, and that they should be treated as specific to particular stations rather than applicable in common to all stations in the market.⁷

4. In the *Modification Final Report and Order*, the Commission, in an effort to promote administrative efficiency, adopted a standardized evidence approach for modifications that requires the following evidence to 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

⁴For a more complete description of how counties are allocated, see Nielsen Media Research's *Nielsen Station Index: Methodology Techniques and Data Interpretation*.

⁵47 U.S.C. § 534(h)(1)(C).

⁶*Id.*

⁷*Must Carry Order*, 8 FCC Rcd 2965, 2977 n.139.

and any other evidence contributing to the scope of the market.

(2) Grade B⁸ contour maps delineating the station's technical service area⁹ and showing the location of the cable system headends and communities in relation to the service areas.

(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 guide.

(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.-1 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.¹⁰

5. Petitions for special relief to modify television markets that do not include the above evidence shall be dismissed without prejudice and may be re-filed at a later date with the appropriate filing fee. The *Modification Final Report and Order* provides that parties may continue to submit whatever additional evidence they deem appropriate and relevant.

6. In the *Carriage of Digital Television Broadcast Signals First Report and Order* ("DTV Must Carry Report and Order"), the Commission concluded that under Section 614(a) of the Act, digital-only

⁸ Service area maps using Longley-Rice (version 1.2.2) propagation curves may also be included to support a technical service exhibit. 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 geographic 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.

⁹ While the Grade B contour defined an analog television station's service area, *see* 47 C.F.R. § 73.683(a), with the completion of the full power digital television transition on June 12, 2009, there are no longer any full power analog stations. Instead, as set forth in Section 73.622(e), a station's DTV service area is defined as the area within its noise-limited contour where its signal strength is predicted to exceed the noise-limited service level – which for UHF stations is 41 dBu. *See* 47 C.F.R. § 73.622(e). Accordingly, the Commission has treated a digital station's noise-limited contour as the functional equivalent of an analog station's Grade B contour. *See Report To Congress: The Satellite Home Viewer Extension and Reauthorization Act of 2004; Study of Digital Television Field Strength Standards and Testing Procedures*, 20 FCC Rcd 19504, 19507, ¶ 3, 19554, ¶ 111 (2005); *Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004, Implementation of Section 340 of the Communications Act*, Report and Order, 20 FCC Rcd 17278, 17292, ¶ 31 (2005). *See also Lenfest Broadcasting, LLC*, 19 FCC Rcd 8970, 8974, ¶ 7 n.27 (MB, rel. May 20, 2004) ("For digital stations operating on channels 14-69 [UHF stations], for market modification purposes the 41 dBu DTV service area contour is the digital equivalent of an analog station's Grade B contour.").

¹⁰47 C.F. R. § 76.59(b).

television stations had mandatory carriage rights, and amended its rules to reflect this.¹¹ The Commission also clarified its framework for analyzing market modifications for digital television stations.¹² It found that the statutory factors in Section 614(h), the current process for requesting market modifications, and the evidence needed to support such petitions, would be applicable to digital television modification petitions.¹³ While the Commission presumed the market of a station's digital signal would be coterminous with that station's market area for its prior analog signal, it recognized that the technical coverage area of a digital television signal may not exactly replicate the technical coverage area of its former analog television signal.¹⁴ Therefore, in deciding DTV market modifications, the Commission would take changes in signal strength and technical coverage into consideration, on a case-by-case basis.¹⁵

7. WMBC notes that in a series of orders from 1996 to 1997 stemming from market modification petitions filed by Cablevision Systems Corporation ("Cablevision"), the communities at issue in the instant case were all deleted from WMBC's market.¹⁶ However, WMBC argues reinstatement of these communities in its market is warranted because the facts underlying those decisions have changed, given that (1) it is now carried by competing MVPDs in the communities; (2) it has commenced licensed Distributed Transmission System ("DTS") transmissions from DTS transmitters located both in Clifton, New Jersey and on the Empire State Building in New York City; (3) the scope and size of WMBC's Grade B signal contour has expanded; and, (4) WMBC's programming lineup has expanded to include enhanced local service.¹⁷ Accordingly, we will analyze the extent of WMBC's current service pursuant to the four market modification factors outlined above.

III. DISCUSSION

A. Analysis of the Four Statutory Factors

8. To determine whether we should modify WMBC's market, the first statutory factor we consider is whether the station, or other stations located in the same area have historically been carried on

¹¹ See 16 FCC Rcd 2598, 2606, 2610 (2001); 47 C.F.R. §76.64(f)(4).

¹² See 16 FCC Rcd at 2635-36. The Commission affirmed that for digital signal carriage issues, it would continue to rely on the Nielsen market designations, publications, and assignments it used for analog signal carriage issues. See *id.* at 2636.

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

¹⁴ See *id.* In adopting technical rules for the digital transmission of broadcast signals, the Commission attempted to ensure that a station's digital over-the-air coverage area would replicate as closely as possible its former analog coverage area. See *id.* at 2636 n.254 (citing *Sixth DTV Report and Order*, 12 FCC Rcd 14588, 14605 (1997)).

¹⁵ See *id.*

¹⁶ *Petition of Cablevision Systems Corp. for Modification of the ADI of Television Broadcast Stations WTBY, WRNN, WMBC-TV and WHAI-TV*, 11 FCC Rcd 6453 (CSB 1996) ("*Cablevision Connecticut/Long Island/New York Decision*"); *Cablevision of Monmouth, Inc. for Modification of the ADI Market for Station WMBC-TV, Newton, NJ*, 11 FCC Rcd 9314 (CSB 1996) ("*Cablevision Monmouth Decision*"); *U.S. Cablevision Corp. for Modification of the ADI Market for Stations WMBC-TV, Newton, NJ and WHAI-TV, Bridgeport, CT*, 12 FCC Rcd 21144 (CSB 1997) ("*Cablevision Hudson Valley Decision*"); *Market Modifications and the New York Area of Dominant Influence Petitions for Reconsideration and Applications for Review*, 12 FCC Rcd 12262 (1997) ("*NY ADI Order*"), *aff'd WLNY-TV, Inc., v. F.C.C.*, 163 F.3d 137 (2d Cir. 1998). The cases discussed in this footnote are collectively referred to as the "*Cablevision Decisions*."

¹⁷ Petition at 2-3.

the cable system or systems within the communities it seeks to add.¹⁸ WMBC argues that as a ‘specialty station,’ the requirement that it prove a history of carriage is typically discounted.¹⁹ Specialty stations air foreign language, religious or home shopping programming during more than one-third of their average broadcast week, and WMBC asserts that more than a third of its broadcast week and weekly prime time hours are devoted to religious or foreign language programming.²⁰

9. Perhaps as a result of its asserted specialty status, WMBC does not supply records specifying the details of its carriage history in each community, stretching back several years. Nonetheless, it does provide records indicating where it is currently carried by competing and adjacent MVPDs. For example, WMBC provides a spreadsheet which it asserts shows Cablevision carrying the station in 29 of the communities from which it had been previously excluded.²¹ In addition, WMBC attaches a map as Exhibit C to its Petition, entitled “Non-Satellite MVPD Carriage of WMBC,” to show WMBC’s carriage by competing MVPDs in the communities – including by at least one non-satellite MVPD in “almost all” of the communities.²² According to this map, WMBC is not carried in 19 of the communities at issue.²³ WMBC also provides a spreadsheet to show that Verizon presently carries the station in every community where it offers FiOS service, including 120 of the communities at issue.²⁴ The Commission has previously found overlapping carriage by Verizon’s FiOS system to lend support with respect to the historic carriage factor.²⁵ WMBC asserts it is also carried by Cablevision in hundreds of thousands of homes in adjacent communities of the boroughs of the Bronx and Brooklyn, as well as Westchester, Orange, Putnam, Rockland, and Dutchess Counties as well as communities in New Jersey.²⁶ We have

¹⁸ 47 U.S.C. § 534(h)(1)(C)(ii)(I).

¹⁹ Petition at 5.

²⁰ *Id.* The Bureau “previously recognized that foreign language stations, such as [WMBC], once referred to as specialty stations, are capable of ‘offer[ing] desirable diversity of programming...,’ yet typically attracted limited audiences.” *Fouce Amusement Enters., Inc.*, 10 FCC Rcd 668, ¶ 17 & n.12 (citing *Amendment of Part 76, Subparts A and D of the Commission’s Rules and Regulations Relative to Adding a New Definition for Specialty Stations and Specialty Format Programming*, Docket No. 20553, First Report and Order, 58 FCC 2d 442, 452 ¶ 23 (1976) (“*Specialty Station First Report and Order*”), *recon. denied*, 60 FCC 2d 661 (1976)). The *Specialty Station First Report and Order* defined specialty stations as those devoting “one-third of the average broadcast week” to special-format programming. *See* 58 FCC 2d at 456 ¶ 32. With the deletion of the distant signal rules, the Commission’s ‘specialty stations’ rules are no longer in effect. *Cable Television Syndicated Program Exclusivity Rules, In the Matter of Inquiry Into the Economic Relationship Between Television Broadcasting and Cable Television*, 71, F.C.C.2d 1004 (May 7, 1979), *aff’d Malrite T.V. v. F.C.C.*, 652 F.2d 1140 (2d Cir. June 16, 1981). However, the Bureau has stated that in analyzing stations for purposes of market modification, “[we] continue to believe, as we did then [when the rules were in effect], that the fact that such stations attract limited audiences must be taken into account in determining the equities concerning such stations’ rights to cable carriage.” *Fouce Amusement*, 10 FCC Rcd 668 at ¶ 17.

²¹ Petition at 5 & n.18 (citing Exhibit E, “Locations Where Cablevision Cable Systems Carry WMBC”).

²² Petition at 5 (citing “Non-Satellite MVPD Carriage of WMBC,” Exhibit C).

²³ *See id.*

²⁴ Petition at 6 (citing “Locations Where Non-Satellite MVPD is Carrying WMBC,” Exhibit G). WMBC asserts that its Exhibit G reflects its carriage on Verizon FiOS.

²⁵ *See WRNN License Co., LLC v. Cablevision Sys. Corp.*, 22 FCC Rcd 21054, 21056 ¶ 4 & n.15 (Nov. 29, 2007).

²⁶ Petition at 6 & Exhibit E. It points to other cable operators’ channel lineup cards to show that it is similarly carried by Time Warner in New York and New Jersey (Exhibit L), by Comcast in Northern New Jersey (Exhibit M), and by RCN in Manhattan and Queens (Exhibit N).

supplemented WMBC's evidence with our own investigation into WMBC's historic cable carriage information for communities in the region.²⁷

10. The second statutory factor is "whether the television station provides coverage or other local service to such community."²⁸ To analyze a station's coverage or local service, we look to a station's signal contour coverage and whether the station places at least a Grade B contour over the cable communities, the station's proximity to the communities in terms of mileage, and whether it broadcasts local programming with a distinct nexus to the Communities. While the site of WMBC's transmitter at the time of the original *Cablevision Decisions* was in Sparta, New Jersey, WMBC has since been granted authority to relocate its transmitter to Clifton, New Jersey, and to operate maximized facilities.²⁹ Subsequently, WMBC applied, and was granted authority, to operate a DTS system with an additional transmitter located atop the Empire State Building in New York, New York.³⁰ These two transmitters have expanded the scope of WMBC's over-the-air coverage.³¹ WMBC argues that Longley-Rice analysis of the station's digital coverage demonstrates that the Station now provides signal coverage to "virtually all the Communities."³²

11. To demonstrate that it meets another part of the second factor, geographic proximity to the communities (often expressed in terms of mileage), WMBC attaches both a local road, topographic and political boundary map³³ as well as a list of each of the communities, their geographic coordinates and the mileage calculations between each community and between its city of license and transmitters.³⁴ WMBC asserts that on average, its city of license is 66 miles from the communities.³⁵

²⁷ See Volumes 2007 - 2010 of the Television and Cable Factbook.

²⁸ 47 U.S.C. § 534(h)(1)(C)(ii)(II).

²⁹ See Application for Construction Permit for Commercial Broadcast Station, BMPCDT - 20040722ADG, Granted March 28, 2005.

³⁰ Petition at 9 & n.36 (citing FCC Construction Permit for WMBC's DTS Station, FCC BPCDT-20090414ABW, Exhibit P). These facilities were subsequently modified to expand the range of WMBC's coverage to the DTS contours at issue today. See FCC Construction Permit for WMBC's DTS Station, FCC BPCDT-20091130ALN. In *Digital Television Distributed Transmission System Technologies*, MB Docket No. 05-312, Report and Order, 23 FCC Rcd 16731 (Nov. 7, 2008) ("*DTS Order*"), the Commission implemented rules allowing stations to use multiple synchronized transmitters spread around a station's service area – i.e., distributed transmission systems. Furthermore, the Commission defined a DTS station's potential maximum authorized service area to be comparable to that which a DTV station could be authorized to serve with a single transmitter. *DTS Order*, 22 FCC Rcd at 16741, ¶ 17. To define each full-power DTV station's hypothetically maximized service area, the Commission adopted a 'Table of Distances' approach. *Id.* at 16746-47, ¶¶ 26-7. According to this method, WMBC's contour is allowed to be at a maximum of 103 kilometers from its 'reference point' established in the DTV Table of Allotments. *Id.* at 16748, ¶ 29; see also 47 C.F.R. § 73.626. That point happens to fall in or near Little Falls, New Jersey. See *In the Matter of Advanced Television Systems and Their Impact Upon the Broadcast Service*, 23 FCC Rcd 4220, Appendix B (Mar. 6, 2008) (see coordinates listed at entry for Newton, NJ).

³¹ Petition at 9.

³² Petition at 9 & n.38 (citing Longley-Rice Analysis of WMBC Predicted Coverage Map, prepared by du Treil, Lundin and Rackley, Inc. for WMBC, Exhibit Q).

³³ Petition, Exhibit R.

³⁴ Petition at 10 (citing Exhibit S, Distance Calculation Worksheet).

³⁵ Petition at 10.

12. Furthermore, with respect to factor two, WMBC argues that its programming has a distinct nexus to the communities.³⁶ The station asserts it airs an hour-length program each night called “WMBC News” to provide coverage of local issues and events that have a direct impact on residents of the communities.³⁷ WMBC asserts it maintains a fully-staffed news department, with 12 full-time employees responsible for providing coverage of the local communities throughout the viewing area.³⁸ In a supplemental filing in response to a Commission request for further information about this newscast,³⁹ WMBC has admitted that only 60 percent of the content aired on WMBC News consists of locally-produced news content directed to the station’s local communities.⁴⁰ And WMBC specifies that “at a minimum” and based upon a conservative review of its records, it aired the following numbers of stories (given as numbers of stories between January and July 2011/and then counted for the full year 2011) toward the following counties: New York – Nassau and Suffolk Counties (144/243); New York – Rockland, Westchester and Orange Counties (140/227); New Jersey – Monmouth and Ocean Counties (293/444); Connecticut – Fairfield County (149/247).⁴¹ WMBC has not put forth any story counts for Putnam, Dutchess or Ulster Counties in New York. Presuming there is no overlap between the story counts it provides – i.e., that these are all discrete stories – these counts add up to at least 1161 stories aimed at most of the listed counties per year, or roughly a little more than 3 stories per day directed at these communities. WMBC asserts it also airs “WMBC Hometown” every Saturday, a local news and interview program featuring discussion by local leaders and officials regarding developments impacting the Communities.⁴² And, it asserts it provides supplemental program segments designed to keep viewers up-to-date on local events and airs a “WMBC Community Bulletin Board” several times a day.⁴³

13. WMBC clarifies that it airs an average of 66.5 hours per week of religious and/or foreign language programming, amounting to forty percent of its 24/7 programming schedule.⁴⁴ Its early morning and prime time schedule includes news, sports and entertainment from Korea, China and India.⁴⁵ WMBC

³⁶ Petition at 11.

³⁷ Petition at 12.

³⁸ *Id.*

³⁹ Letter from Steven A. Broeckaert, Senior Deputy Chief, FCC to Arthur Harding, Counsel for WMBC (January 12, 2012).

⁴⁰ Letter from Craig A. Gilley, Counsel for Mountain Broadcasting Corp., to Steven A. Broeckaert, Senior Deputy Chief, FCC at 3 (January 19, 2012) (“WMBC Jan. 19th Supplement”).

⁴¹ *Id.*

⁴² Petition at 12.

⁴³ Petition at 31.

⁴⁴ As noted *supra* ¶ 8 & n.20, WMBC argues this defines it as a specialty station.

⁴⁵ WMBC describes this programming as including “WMBC Korean” an exclusive Korean language newscast aired Monday through Friday, as well as other Korean informational and cultural programs: “MBN News” (Korean News), “The Grand Concert” (Korean Music) and “Smile, Dong Hae” (Korean drama); Chinese programming such as New Tang Dynasty Television, and “Sinovision,” which WMBC describes as consisting of both locally-produced and foreign Chinese news; and, Indian news and entertainment including “Show Biz India” and the “Asian Variety Show.” Petition at 33-34.

asserts its religious and inspirational programming also has localized interest for the communities.⁴⁶ Based upon these assertions we agree that WMBC qualifies as a specialty station.

14. To demonstrate that economic links exist between WMBC and the communities, the station also notes that the Office of Management and Budget (“OMB”) has deemed Newton, New Jersey (the station’s community of license), Clifton, New Jersey (the location of its primary transmitter), and the vast majority of the communities (with the exception of those located in Orange, Ulster and Dutchess Counties) to all be a part of the same New York – New Jersey – Connecticut Metropolitan Statistical Area.⁴⁷ Furthermore, OMB lists Newton, Clifton and all of the communities at issue as part of the same “Combined Statistical Area” – defined as an area with common labor, commuting and media ties.⁴⁸ Furthermore, WMBC notes that it is listed in major television viewing guides distributed to the communities including those in the *New York Times* and *The New York Sun*.⁴⁹

15. The third statutory factor is “whether any other television station that is eligible to be carried by a cable system in such community...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.”⁵⁰ We do not believe this factor applicable herein, as this criterion was intended to enhance a station’s market modification claim where it could be shown that other stations did not serve the communities at issue.

16. The fourth statutory factor concerns “evidence of viewing patterns in cable and noncable households within the areas served by the cable system or systems in such community.”⁵¹ WMBC states it does not subscribe to Nielsen and is therefore unable to provide detailed ratings information to the Commission, but it asserts ratings information is unnecessary given its status as a specialty station.⁵² Our independent search of the Nielsen’s 2011 County Coverage Study found that ratings for WMBC were not listed for any of the counties containing the communities it now seeks to add. We found it garnered viewership shares only in Somerset, New Jersey, and Richmond and Kings Counties in New York.⁵³

17. Finally, WMBC argues that reinstating the communities to the station’s market will serve the public interest by restoring cable viewers’ access to unique foreign language programming broadcast in “Korean, Chinese, South Asian and other languages.”⁵⁴ WMBC further argues that Cablevision’s current

⁴⁶ *Id.* at 34. It asserts these include “Mountain Views,” weekly inspirational programming in a talk show format that features guests, discussion topics and music from the local viewing area and “Jewish Jewels,” a program examining the people, roots, music and cooking of the Jewish community. Petition at 34 & nn. 59 & 60.

⁴⁷ Petition at 35 & n.64 (citing OMB Statistical Programs of the United States Government, Bulletin 09-01 at 43, available at <http://www.whitehouse.gov/omb/assets/omb/bulletins/fy2009/09-01.pdf>) (“OMB Bulletin”).

⁴⁸ Petition at 36 (citing OMB Bulletin at 107).

⁴⁹ *Id.* at 36 & n.68 (citing Exhibit X, *New York Times* television guide).

⁵⁰ 47 U.S.C. § 534(h)(1)(C)(ii)(III).

⁵¹ 47 U.S.C. § 534(h)(1)(C)(ii)(IV).

⁵² Pet. at 37.

⁵³ Total Weekly Shares and Cumes for Somerset, New Jersey (-/5), and Richmond, New York (-/2) and Kings County, New York (-/2). See Nielsen 2011 County Coverage Study.

⁵⁴ Petition at 37.

Korean, Chinese and South Asian channels are all sold as separate premium channels, while WMBC's programming would be receivable at no additional charge if the station's carriage was reinstated.⁵⁵

B. Discussion

18. The issue before us is whether to grant WMBC's unopposed request to include 174 communities from New York, New Jersey and Connecticut in its market.⁵⁶ Initially, we note that while WMBC does have a record of historic carriage in some of these communities,⁵⁷ it garners hardly any viewership according to Nielsen audience data.⁵⁸ With specialty stations, failure to establish either historic carriage or significant viewership is given lesser weight, and we typically rely more on a station's Grade B contour to delineate its market.⁵⁹ However, the historic carriage and significant viewership factors are not to be entirely discounted,⁶⁰ nor are specialty stations exempt from the market modification process.⁶¹

19. As discussed above, in contrast to its signal at the time of the original *Cablevision Decisions*, the range of WMBC's signal has expanded and it now covers a larger area using two DTS transmitters.⁶² Furthermore, WMBC has put forth evidence that in addition to its religious and foreign language programming, it directed over 1100 local news stories to the communities last year. We will now analyze each set of communities WMBC seeks to add to its market.

⁵⁵ Petition at 37-38. According to WMBC, Cablevision currently offers three Korean language services, MKTV, MBC America and The Korean Channel – all sold separately for \$9.95 a month, or \$24.95 for a package of all three. Similarly, Chinese language services include Chinese Channel/Sino TV, ET Global NY, and CCTV-4 – all sold separately for \$9.95 a month, or \$24.95 for a package of all three. Finally, several South Asian services are sold separately for \$9.95 a month: World Picks Hindi On Demand, TV Asia, ITV Gold, Zee TV, SET Asia and NEO Cricket – sold together as a package for \$34.95. *Id.* at 38.

⁵⁶ See Petition at Ex. A (“the Communities”).

⁵⁷ As discussed *supra* at ¶ 9 & n.27, our research has revealed that WMBC has a history of being carried in some of the communities. See Volumes 2007 - 2010 of the Television and Cable Factbook.

⁵⁸ See *supra* at ¶ 16 & n.53.

⁵⁹ *NY ADI Order*, 12 FCC Rcd 12262, 12267, ¶ 10 & 12271, ¶ 17 (1997) (“[G]rade B contour coverage, in the absence of other determinative market facts...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.”); see also *WRNN II*, 21 FCC Rcd at 5959, ¶ 14 & n.49 (2006).

⁶⁰ Of course, lack of historical carriage and dearth of audience shares *is* of evidential significance when linked with other information regarding the market, including lack of Grade B coverage, geographic distance, and the absence of noncable audience share in relevant communities. *In re Cablevision*, 11 FCC Rcd 9314, 9322-23 (Aug. 14, 1996) (emphasis added); see also *Cablevision Hudson Valley Decision*, 12 FCC Rcd at 21152 (another factor to consider could be the availability of other more local television stations in the relevant communities).

⁶¹ The fact that a station is new or of specialized appeal does not mean that its logical market area is without limits or that it should be exempt from the Section 614(h) market modification process; signal coverage does not in and of itself necessarily entitle a specialty station to carriage. *KTNC Licensee, LLC*, 18 FCC Rcd 16269, 16278 ¶ 17 (Aug. 6, 2003).

⁶² See *supra* ¶ 10.

20. WMBC does not have a history of carriage in any of the Connecticut communities at issue,⁶³ but all lie within its Grade B contour with the exception two. The communities of Easton and Redding in Fairfield County lie just outside its contour.⁶⁴ Nevertheless, all of the Connecticut communities are predicted to receive coverage according to Longley-Rice analysis - including Easton and Redding which appear to receive spotty Grade B coverage.⁶⁵ Furthermore, WMBC asserts Fairfield County, the county containing these communities, received 247 stories directed to it last year by WMBC.⁶⁶ We find that as a specialty station providing local coverage to the communities,⁶⁷ WMBC's Grade B signal coverage delineates its reach and we will add all of these Connecticut communities to WMBC's market, including Easton and Redding.⁶⁸

21. WMBC also seeks to add communities from Westchester and Orange Counties, New York. While these two counties have no viewership shares, all of the communities therein have a history of carriage except five. The Westchester communities of Somers, North Salem, Lewisboro, Pound Ridge, and Yorktown all appear to have no history of carriage,⁶⁹ though WMBC asserts it is carried by FiOS in all the Westchester communities.⁷⁰ Most of the Westchester communities also appear to be within WMBC's Grade B contour, with only three receiving partial coverage: the majority of North Salem lies outside the contour, and the majority of Somers and Lewisboro lie inside of it.⁷¹ However, all the communities are predicted to receive coverage according to Longley-Rice analysis, with North Salem and Lewisboro apparently receiving spotty coverage.⁷² WMBC asserts the Counties of Westchester, Rockland and Orange received approximately 227 stories directed to them last year,⁷³ and a majority of the 140

⁶³ See Volumes 2007 - 2010 of the Television and Cable Factbook. However, the community of Greenwich, CT is presently carried on FiOS. E-mail from Craig Gilley, Counsel for WMBC, to Simon Banyai, Attorney Advisor, FCC (Feb. 1, 2012), attaching spreadsheet summarizing current carriage of WMBC by community and range of station's signal ("Feb. 1 Supplemental Spreadsheet").

⁶⁴ See Petition, Exhibit B, "The Communities."

⁶⁵ See Petition, Exhibit Q, "DTS System Composite Predicted Coverage Map Based On Longley-Rice Propagation Methodology (Long Island, NY and Connecticut Area)."

⁶⁶ See WMBC Jan. 19th Supplement at 2-3.

⁶⁷ The Bureau has previously emphasized that even specialty stations must provide 'locally-focused' programming to communities – namely programming with a distinct nexus to a cable community such as local news, events, religious services and sports – and general interest religious or foreign language programming not specifically focused on the communities will not be sufficient. See *In re Massillon Cable TV, Inc.*, 26 FCC Rcd 15221, 15230-31 (2011) ("Massillon"); see also *In re Frontiervision Operating Partners, L.P. d/b/a Adelphia Cable Commc'ns*, 16 FCC Rcd 17745 (2001) ("Frontiervision").

⁶⁸ See *infra* at Appendix.

⁶⁹ See Volumes 2007 - 2010 of the Television and Cable Factbook.

⁷⁰ See Feb. 1 Supplemental Spreadsheet. As noted above, carriage on FiOS provides proof of carriage on competitive cable systems and lends support to the historic carriage factor. See *supra* at ¶ 9 & n.25.

⁷¹ See Petition, Exhibit B, "The Communities."

⁷² See Petition, Exhibit Q, "DTS System Composite Predicted Coverage Map Based On Longley-Rice Propagation Methodology (Long Island, NY and Connecticut Area)." North Salem and Lewisboro are also approximately 65 miles from WMBC's community of license in Newton. Because this distance was not provided in WMBC's Petition, Exhibit S, we utilized a distance calculator from infoplease.com, <http://www.infoplease.com/atlas/calculate-distance.html> (last visited Feb. 17, 2012).

⁷³ See WMBC Jan. 19th Supplement at 3.

stories originally described in its Petition appear directed at Westchester County.⁷⁴ Based upon WMBC's history of carriage and its carriage by a competing provider in these communities, its predicted signal coverage and its status as a specialty station providing local programming, we will add all of the Westchester communities to WMBC's market.

22. As mentioned above, the Orange County, New York communities also have stories directed at them, and all the communities appear to have carriage via Cablevision and FiOS.⁷⁵ Furthermore, they are all well within WMBC's Grade B contour and are predicted to receive at least partial if not better signal coverage by Longley-Rice analysis.⁷⁶ Accordingly we will grant WMBC's petition with respect to all of the Orange County communities for the same reasons we included the communities of Westchester.

23. WMBC also seeks to add communities from three other counties in northern New York: Putnam, Ulster and Dutchess. WMBC submits no evidence of any local story coverage directed at the communities in these counties, and given this absence of coverage, it does not appear that these communities are a particular focus of the station. In Putnam County, WMBC Places a Grade B contour line over the majority of the communities of Philipstown (both incorporated village and town), Cold Spring, Nelsonville and Putnam Valley; however Longley-Rice analysis predicts these communities will receive a sporadic signal at best.⁷⁷ Furthermore, WMBC barely skirts a corner of the community of Kent with its Grade B contour line and Kent appears to receive *de minimis* coverage under Longley-Rice analysis.⁷⁸ Nevertheless, WMBC asserts all of these communities are carried on a Cablevision and/or FiOS system⁷⁹ except Putnam Valley, which also appears to have no history of carriage.⁸⁰ Based upon these factors, we will add most of the communities sought in Putnam County as they appear to have a history of carriage, receive some Grade B coverage and air WMBC's specialty programming. We decline to add the community of Putnam Valley. WMBC admits it is neither carried nor has a history of carriage in Putnam Valley, this community receives sporadic or *de minimis* Grade B coverage at best, and it has no local programming directed at it.⁸¹

⁷⁴ See Petition, Exhibit U, WMBC News Programming: New York – Rockland, Westchester, and Orange Counties.

⁷⁵ See Feb. 1 Supplemental Spreadsheet; see also Petition, Exhibit C, “Non-Satellite MVPD Carriage of WMBC.”

⁷⁶ See Petition, Exhibit B, “The Communities”, Exhibit Q, “DTS System Composite Predicted Coverage Map Based On Longley-Rice Propagation Methodology (Long Island, NY and Connecticut Area).”

⁷⁷ See Petition, Exhibit B, “The Communities”; see also Exhibit Q, “DTS System Composite Predicted Coverage Map Based On Longley-Rice Propagation Methodology (Long Island, NY and Connecticut Area).”

⁷⁸ See *id.*

⁷⁹ See Feb. 1 Supplemental Spreadsheet; Petition, Exhibit C, “Non-Satellite MVPD Carriage of WMBC,” Exhibit G, “Locations Where Non-Satellite MVPD is Carrying WMBC,” and Exhibit E, “Locations Where CableVision Cable Systems Carry WMBC.”

⁸⁰ See Volumes 2007 - 2010 of the Television and Cable Factbook.

⁸¹ See *Massillon*, 26 FCC Rcd at 15230-31 (Merely broadcasting general interest specialty programming without a distinct nexus to the communities sought is not enough to establish local service.); See *In re Massillon Cable TV, Inc.*, 26 FCC Rcd 15221, 15230-31 (2011) (“*Massillon*”); *Frontiervision* 16 FCC Rcd at 17754; see also *In re KTNC Licensee, LLC*, 18 FCC Rcd 16269, 16278 (Med. Bur. Aug. 6, 2003) (“KTNC-TV’s signal coverage over many of the requested communities, therefore, does not in and of itself necessarily entitle it to carriage. In order to make a fair determination, we have to look at a combination of factors...No one factor has more relevance than another.”).

24. Cablevision and FiOS carry or have historically carried WMBC in Dutchess and Ulster counties.⁸² However, although WMBC does place a Grade B Contour line over part of the Town and Villages of Fishkill and the community of Beacon – the three southernmost communities in Dutchess County – these communities are predicted to receive no signal by Longley-Rice analysis.⁸³ Furthermore, the remaining portions of both Dutchess and Ulster Counties are not only predicted to receive no signal but are also outside WMBC’s Grade B contour line.⁸⁴ Critically, WMBC directs no local story coverage at either Dutchess or Ulster County. These communities are also at distances ranging from approximately 51 to 89 miles from WMBC’s community of license in Newton, New Jersey.⁸⁵ Accordingly, we decline to add any of the communities from Ulster or Dutchess Counties to WMBC’s market, except for the Town and Village of Fishkill and the community of Beacon. Though WMBC does not direct local coverage/stories to these three communities, it covers them partly with its Grade B contour and has historic carriage therein. While it is true that Cablevision and FiOS carry or have historically carried WMBC in Dutchess and Ulster counties,⁸⁶ such carriage without signal coverage or local programming directed at the communities is not of sufficient evidentiary weight to counteract the lack of signal and programming directed to these communities. Accordingly, we will not add them to the station’s market.⁸⁷

25. With respect to the Long Island, New York communities, WMBC has no history of being carried in Nassau and Suffolk Counties on Cablevision’s systems,⁸⁸ though it asserts it is carried in all the communities on FiOS.⁸⁹ Furthermore, almost all of the Nassau and Suffolk Communities fall well within, or at the fringe of, WMBC’s Grade B contour line and appear to receive coverage by Longley-Rice analysis.⁹⁰ WMBC asserts it directed 243 stories at Long Island communities last year.⁹¹ Because of WMBC’s status as a specialty station providing local programming that is now carried on a competitive cable system in most of Nassau and Suffolk counties, we find that the extent of its Grade B coverage delineates its market. Accordingly, we conclude that all of these Long Island communities should be added to WMBC’s market.⁹²

⁸² See Volumes 2007 - 2010 of the Television and Cable Factbook.

⁸³ See Petition, Exhibit B, “The Communities”; Petition, Exhibit Q, “DTS System Composite Predicted Coverage Map Based On Longley-Rice Propagation Methodology (Long Island, NY and Connecticut Area).”

⁸⁴ See Petition, Exhibit B, “The Communities”; see Petition, Exhibit Q, “DTS System Composite Predicted Coverage Map Based On Longley-Rice Propagation Methodology (Long Island, NY and Connecticut Area).”

⁸⁵ See Petition, Exhibit S, Distance Calculation Worksheet.

⁸⁶ See Volumes 2007 - 2010 of the Television and Cable Factbook.

⁸⁷ See *Great Trails Broad. Corp.*, 10 FCC Rcd 8629 (CSB Aug. 11, 1995) (Even when a station had carriage on a cable system in a community, when it had no signal coverage over that community and no viewership therein, the community was not considered part of the station’s market).

⁸⁸ See Volumes 2007 - 2010 of the Television and Cable Factbook.

⁸⁹ See Feb. 1 Supplemental Spreadsheet; Petition, Exhibit C, “Non-Satellite MVPD Carriage of WMBC,” and Exhibit G, “Locations Where Non-Satellite MVPD is Carrying WMBC.”

⁹⁰ See Petition, Exhibit B, “The Communities,” & Exhibit Q, “DTS System Composite Predicted Coverage Map Based On Longley-Rice Propagation Methodology (Long Island, NY and Connecticut Area).”

⁹¹ See WMBC Jan. 19th Supplement at 2-3.

⁹² We add the communities of Shoreham and Belle Terre, Suffolk County, even though they are at or past the fringe of WMBC’s grade B contour, because they appear predicted to receive service pursuant to Longley-Rice analysis.

26. WMBC does not have a history of being carried by Cablevision or other incumbent cable operator in any of the New Jersey communities,⁹³ but it is presently shown as carried on FiOS' systems therein.⁹⁴ All of the New Jersey Communities fall within WMBC's Grade B contour line except that the communities of Millstone, Freehold, Howell, Wall and Manasquan receive partial Grade B coverage and Upper Freehold, Jackson, Lakewood and Brielle appear outside WMBC's Grade B curve.⁹⁵ However, all are predicted to receive complete coverage by Longley-Rice analysis.⁹⁶ These New Jersey communities also received 444 stories directed to them last year by WMBC,⁹⁷ the most directed at any set of communities in this proceeding. Based on the extent of its signal coverage, we conclude that WMBC should add all of the New Jersey communities to its market.

IV. CONCLUSION

27. We will grant, in part, and deny, in part, the market modification petition filed by Mountain Broadcasting Corporation, licensee of station WMBC-TV, Newton, New Jersey, adding all of the 174 communities the station seeks to its market, with the exception of the community of Putnam Valley (Putnam County, New York); and we decline to add the entirety of Dutchess and Ulster Counties to WMBC's market but will include the Town and Village of Fishkill and the community of Beacon (Dutchess County, New York) in its market.

V. ORDERING CLAUSES

28. Accordingly, **IT IS ORDERED**, pursuant to Section 614(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 534, and Section 76.59 of the Commission's rules, 47 C.F.R. § 76.59, that the captioned petition for special relief (CSR-8121-A), filed by Mountain Broadcasting Corporation, licensee of station WMBC-TV ("WMBC"), Newton, New Jersey, **IS GRANTED IN PART AND DENIED IN PART**.

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

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckert
Senior Deputy Chief, Policy Division
Media Bureau

⁹³ See Volumes 2007 - 2010 of the Television and Cable Factbook.

⁹⁴ With the exception of the community of Upper Freehold, FiOS carries WMBC in all Monmouth and Ocean County, New Jersey communities. See Feb. 1 Supplemental Spreadsheet; Petition, Exhibit C, "Non-Satellite MVPD Carriage of WMBC," and Exhibit G, "Locations Where Non-Satellite MVPD is Carrying WMBC."

⁹⁵ See Petition, Exhibit B, "The Communities."

⁹⁶ See Petition, Exhibit Q, "DTS System Composite Predicted Coverage Map Based On Longley-Rice Propagation Methodology (Ocean County, New Jersey Area)."

⁹⁷ See WMBC Jan. 19th Supplement at 2-3.

APPENDIX

| | Community Name | County Name | State | Disposition |
|----|---------------------------|------------------------|--------------|--------------------|
| 1 | DARIEN | FAIRFIELD | CT | Grant |
| 2 | EASTON | FAIRFIELD | CT | Grant |
| 3 | GREENWICH | FAIRFIELD | CT | Grant |
| 4 | NEW CANAAN | FAIRFIELD | CT | Grant |
| 5 | NORWALK | FAIRFIELD | CT | Grant |
| 6 | REDDING | FAIRFIELD | CT | Grant |
| 7 | STAMFORD | FAIRFIELD | CT | Grant |
| 8 | WESTON | FAIRFIELD | CT | Grant |
| 9 | WESTPORT | FAIRFIELD | CT | Grant |
| 10 | WILTON | FAIRFIELD | CT | Grant |
| 11 | ASBURY PARK | MONMOUTH | NJ | Grant |
| 12 | AVON-BY-THE-SEA | MONMOUTH | NJ | Grant |
| 13 | BELMAR | MONMOUTH | NJ | Grant |
| 14 | BRADLEY BEACH | MONMOUTH | NJ | Grant |
| 15 | BRIELLE | MONMOUTH | NJ | Grant |
| 16 | COLTS NECK | MONMOUTH | NJ | Grant |
| 17 | ENGLISHTOWN | MONMOUTH | NJ | Grant |
| 18 | FARMINGDALE | MONMOUTH | NJ | Grant |
| 19 | FREEHOLD | MONMOUTH | NJ | Grant |
| 20 | HOWELL | MONMOUTH | NJ | Grant |
| 21 | INTERLAKEN | MONMOUTH | NJ | Grant |
| 22 | MANALAPAN | MONMOUTH | NJ | Grant |
| 23 | MANASQUAN | MONMOUTH | NJ | Grant |
| 24 | MARLBORO | MONMOUTH | NJ | Grant |
| 25 | MILLSTONE | MONMOUTH | NJ | Grant |
| 26 | NEPTUNE | MONMOUTH | NJ | Grant |
| 27 | NEPTUNE CITY | MONMOUTH | NJ | Grant |
| 28 | OCEAN | MONMOUTH | NJ | Grant |
| 29 | SEA GIRT | MONMOUTH | NJ | Grant |
| 30 | SOUTH BELMAR | MONMOUTH | NJ | Grant |
| 31 | SPRING LAKE | MONMOUTH | NJ | Grant |
| 32 | SPRING LAKE HEIGHTS | MONMOUTH | NJ | Grant |
| 33 | UPPER FREEHOLD | MONMOUTH | NJ | Grant |
| 34 | WALL | MONMOUTH | NJ | Grant |
| 35 | JACKSON | OCEAN | NJ | Grant |
| 36 | LAKEWOOD | OCEAN | NJ | Grant |
| 37 | AMENIA | DUTCHESS | NY | Deny |
| 38 | BEACON | DUTCHESS | NY | Grant |
| 39 | CLINTON | DUTCHESS | NY | Deny |
| 40 | DOVER | DUTCHESS | NY | Deny |

| | | | | |
|----|--------------------|----------|----|-------|
| 41 | EAST FISHKILL | DUTCHESS | NY | Deny |
| 42 | FISHKILL | DUTCHESS | NY | Grant |
| 43 | FISHKILL | DUTCHESS | NY | Grant |
| 44 | HYDE PARK | DUTCHESS | NY | Deny |
| 45 | LA GRANGE | DUTCHESS | NY | Deny |
| 46 | MILLBROOK | DUTCHESS | NY | Deny |
| 47 | MILLERTON | DUTCHESS | NY | Deny |
| 48 | NORTHEAST | DUTCHESS | NY | Deny |
| 49 | POUGHKEEPSIE | DUTCHESS | NY | Deny |
| 50 | STANFORD | DUTCHESS | NY | Deny |
| 51 | UNIONVALE | DUTCHESS | NY | Deny |
| 52 | WAPPINGER | DUTCHESS | NY | Deny |
| 53 | WAPPINGERS FALLS | DUTCHESS | NY | Deny |
| 54 | WASHINGTON | DUTCHESS | NY | Deny |
| 55 | ATLANTIC BEACH | NASSAU | NY | Grant |
| 56 | BAXTER ESTATES | NASSAU | NY | Grant |
| 57 | BAYVILLE | NASSAU | NY | Grant |
| 58 | BELLEROSE | NASSAU | NY | Grant |
| 59 | BROOKVILLE | NASSAU | NY | Grant |
| 60 | CEDARHURST | NASSAU | NY | Grant |
| 61 | CENTRE ISLAND | NASSAU | NY | Grant |
| 62 | COVE NECK | NASSAU | NY | Grant |
| 63 | EAST HILLS | NASSAU | NY | Grant |
| 64 | EAST ROCKAWAY | NASSAU | NY | Grant |
| 65 | EAST WILLISTON | NASSAU | NY | Grant |
| 66 | FARMINGDALE | NASSAU | NY | Grant |
| 67 | FLORAL PARK | NASSAU | NY | Grant |
| 68 | FLOWER HILL | NASSAU | NY | Grant |
| 69 | FREEPORT | NASSAU | NY | Grant |
| 70 | GARDEN CITY | NASSAU | NY | Grant |
| 71 | GLEN COVE | NASSAU | NY | Grant |
| 72 | GREAT NECK | NASSAU | NY | Grant |
| 73 | GREAT NECK ESTATES | NASSAU | NY | Grant |
| 74 | GREAT NECK PLAZA | NASSAU | NY | Grant |
| 75 | HEMPSTEAD | NASSAU | NY | Grant |
| 76 | HEMPSTEAD | NASSAU | NY | Grant |
| 77 | HEWLETT BAY PARK | NASSAU | NY | Grant |
| 78 | HEWLETT HARBOR | NASSAU | NY | Grant |
| 79 | HEWLETT NECK | NASSAU | NY | Grant |
| 80 | ISLAND PARK | NASSAU | NY | Grant |
| 81 | KENSINGTON | NASSAU | NY | Grant |
| 82 | KINGS POINT | NASSAU | NY | Grant |
| 83 | LAKE SUCCESS | NASSAU | NY | Grant |

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|-----|-----------------------|--------|----|-------|
| 84 | LATTINGTOWN | NASSAU | NY | Grant |
| 85 | LAUREL HOLLOW | NASSAU | NY | Grant |
| 86 | LAWRENCE | NASSAU | NY | Grant |
| 87 | LONG BEACH | NASSAU | NY | Grant |
| 88 | LYNBROOK | NASSAU | NY | Grant |
| 89 | MALVERNE | NASSAU | NY | Grant |
| 90 | MANORHAVEN | NASSAU | NY | Grant |
| 91 | MASSAPEQUA PARK | NASSAU | NY | Grant |
| 92 | MATINECOCK | NASSAU | NY | Grant |
| 93 | MILL NECK | NASSAU | NY | Grant |
| 94 | MINEOLA | NASSAU | NY | Grant |
| 95 | MUNSEY PARK | NASSAU | NY | Grant |
| 96 | MUTTONTOWN | NASSAU | NY | Grant |
| 97 | NEW HYDE PARK | NASSAU | NY | Grant |
| 98 | NORTH HEMPSTEAD | NASSAU | NY | Grant |
| 99 | NORTH HILLS | NASSAU | NY | Grant |
| 100 | OLD BROOKVILLE | NASSAU | NY | Grant |
| 101 | OLD WESTBURY | NASSAU | NY | Grant |
| 102 | OYSTER BAY | NASSAU | NY | Grant |
| 103 | OYSTER BAY COVE | NASSAU | NY | Grant |
| 104 | PLANDOME | NASSAU | NY | Grant |
| 105 | PLANDOME HEIGHTS | NASSAU | NY | Grant |
| 106 | PLANDOME MANOR | NASSAU | NY | Grant |
| 107 | PORT WASHINGTON NORTH | NASSAU | NY | Grant |
| 108 | ROCKVILLE CENTRE | NASSAU | NY | Grant |
| 109 | ROSLYN | NASSAU | NY | Grant |
| 110 | ROSLYN ESTATES | NASSAU | NY | Grant |
| 111 | ROSLYN HARBOR | NASSAU | NY | Grant |
| 112 | RUSSELL GARDENS | NASSAU | NY | Grant |
| 113 | SADDLE ROCK | NASSAU | NY | Grant |
| 114 | SANDS POINT | NASSAU | NY | Grant |
| 115 | SEA CLIFF | NASSAU | NY | Grant |
| 116 | SOUTH FLORAL PARK | NASSAU | NY | Grant |
| 117 | STEWART MANOR | NASSAU | NY | Grant |
| 118 | THOMASTON | NASSAU | NY | Grant |
| 119 | UPPER BROOKVILLE | NASSAU | NY | Grant |
| 120 | VALLEY STREAM | NASSAU | NY | Grant |
| 121 | WESTBURY | NASSAU | NY | Grant |
| 122 | WILLISTON PARK | NASSAU | NY | Grant |
| 123 | WOODSBURGH | NASSAU | NY | Grant |
| 124 | BLOOMING GROVE | ORANGE | NY | Grant |
| 125 | HARRIMAN | ORANGE | NY | Grant |
| 126 | MONROE | ORANGE | NY | Grant |

| | | | | |
|-----|-----------------------|-------------|----|-------|
| 127 | MONROE | ORANGE | NY | Grant |
| 128 | SOUTH BLOOMING GROVE | ORANGE | NY | Grant |
| 129 | WOODBURY | ORANGE | NY | Grant |
| 130 | COLD SPRING | PUTNAM | NY | Grant |
| 131 | KENT | PUTNAM | NY | Grant |
| 132 | NELSONVILLE | PUTNAM | NY | Grant |
| 133 | PHILIPSTOWN | PUTNAM | NY | Grant |
| 134 | PHILIPSTOWN | PUTNAM | NY | Grant |
| 135 | PUTNAM VALLEY | PUTNAM | NY | Deny |
| 136 | AMITYVILLE | SUFFOLK | NY | Grant |
| 137 | ASHAROKEN | SUFFOLK | NY | Grant |
| 138 | BABYLON | SUFFOLK | NY | Grant |
| 139 | BABYLON | SUFFOLK | NY | Grant |
| 140 | BELLE TERRE | SUFFOLK | NY | Grant |
| 141 | BRIGHTWATERS | SUFFOLK | NY | Grant |
| 142 | BROOKHAVEN | SUFFOLK | NY | Grant |
| 143 | HEAD OF THE HARBOR | SUFFOLK | NY | Grant |
| 144 | HUNTINGTON | SUFFOLK | NY | Grant |
| 145 | HUNTINGTON BAY | SUFFOLK | NY | Grant |
| 146 | ISLANDIA | SUFFOLK | NY | Grant |
| 147 | ISLIP | SUFFOLK | NY | Grant |
| 148 | ISLIP | SUFFOLK | NY | Grant |
| 149 | LINDENHURST | SUFFOLK | NY | Grant |
| 150 | LLOYD HARBOR | SUFFOLK | NY | Grant |
| 151 | NISSEQUOGUE | SUFFOLK | NY | Grant |
| 152 | NORTHPORT | SUFFOLK | NY | Grant |
| 153 | OLD FIELD | SUFFOLK | NY | Grant |
| 154 | PORT JEFFERSON | SUFFOLK | NY | Grant |
| 155 | SHOREHAM | SUFFOLK | NY | Grant |
| 156 | SMITHTOWN | SUFFOLK | NY | Grant |
| 157 | VILLAGE OF THE BRANCH | SUFFOLK | NY | Grant |
| 158 | ESOPUS | ULSTER | NY | Deny |
| 159 | LLOYD | ULSTER | NY | Deny |
| 160 | MARLBORO | ULSTER | NY | Deny |
| 161 | PINE PLAINS | ULSTER | NY | Deny |
| 162 | PLATTEKILL | ULSTER | NY | Deny |
| 163 | BEDFORD | WESTCHESTER | NY | Grant |
| 164 | BEDFORD | WESTCHESTER | NY | Grant |
| 165 | HARRISON | WESTCHESTER | NY | Grant |
| 166 | LEWISBORO | WESTCHESTER | NY | Grant |
| 167 | MOUNT KISCO | WESTCHESTER | NY | Grant |
| 168 | NORTH CASTLE | WESTCHESTER | NY | Grant |
| 169 | NORTH CASTLE | WESTCHESTER | NY | Grant |

| | | | | |
|-----|--------------|-------------|----|-------|
| 170 | NORTH SALEM | WESTCHESTER | NY | Grant |
| 171 | PORT CHESTER | WESTCHESTER | NY | Grant |
| 172 | POUND RIDGE | WESTCHESTER | NY | Grant |
| 173 | SOMERS | WESTCHESTER | NY | Grant |
| 174 | YORKTOWN | WESTCHESTER | NY | Grant |