

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

In the Matter of	)	
	)	
Barrington Myrtle Beach License LLC	)	CSR-8769-S
WPDE-TV, Florence, South Carolina	)	MB Docket No. 13-65
	)	
Petition for Recognition of	)	
Significantly Viewed Status	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: June 26, 2013**

**Released: June 26, 2013**

By the Deputy Chief, Policy Division, Media Bureau:

**I. INTRODUCTION**

1. Barrington Myrtle Beach License L.L.C. (“Barrington”), licensee of WPDE-TV, Florence, South Carolina (“WPDE”), filed the above-captioned petition seeking a ruling that WPDE is significantly viewed in the South Carolina communities of Georgetown, Murrells Inlet, Pawley’s Island, Kingstree, Andrews, and Hemmingway.<sup>1</sup> It seeks this status to qualify for the significantly viewed exception to the network non-duplication and syndicated exclusivity rules.<sup>2</sup> A letter in support of this petition has been filed, but there have been no oppositions.<sup>3</sup> As discussed below, the data submitted by Barrington demonstrate that WPDE is significantly viewed in these communities and its Petition for Special Relief is granted.

**II. BACKGROUND**

2. In 1972, in Appendix B to the *Memorandum Opinion and Order on Reconsideration of the Cable Television Report and Order*, the Commission established a list of significantly viewed stations based on surveys for the periods May 1970, November 1970, and February/March 1971.<sup>4</sup> Section 76.54(d) of the Commission’s rules allows television broadcast stations not encompassed by the surveys (*i.e.*, not on-the-air at the time the surveys were taken) to demonstrate “significantly viewed status on a county-wide basis by independent professional audience surveys which cover three separate, consecutive four-week periods” during the first three years of the station’s operation which are comparable to the

<sup>1</sup> Petition for Special Relief by Barrington Myrtle Beach License L.L.C., filed Feb. 20, 2013.

<sup>2</sup> See 47 C.F.R. §§ 76.92(f), 76.106(a), 76.122(j), and 76.123(k).

<sup>3</sup> Letter from Tom Rice, U.S. Congressional Representative, 7th District, South Carolina to Julius Genachowski, Chairman, FCC, filed May 16, 2013.

<sup>4</sup> See 36 FCC 2d 326, 347 ¶ 55, n.14 & Appendix B (1972).

surveys used in compiling Appendix B.<sup>5</sup> Alternatively, stations may seek to establish significantly viewed status on an individual community or system-wide basis, pursuant to Section 76.54(b) of the rules.<sup>6</sup> Section 76.54(b) states that significantly viewed status:

may be demonstrated by an independent professional audience survey of over-the-air television homes that covers at least two weekly periods separated by at least thirty (30) days but no more than one of which shall be a week between the months of April and September. If two surveys are taken, they shall include samples sufficient to assure that the combined surveys result in an average figure at least one standard error above the required viewing level. If surveys are taken for more than 2-weekly periods in any 12 months, all such surveys must result in an average figure at least one standard error above the required viewing level. If a cable television system serves more than one community, a single survey may be taken, provided that the sample includes over-the-air television homes from each community that are proportional to the population.<sup>7</sup>

WPDE is an ABC affiliate; thus, to be significantly viewed as a network station under Section 75.5(i) of our rules, WPDE's reported audience must exceed a share of viewing hours of at least 3 percent (total week hours), and a net weekly circulation share of at least 25 percent.<sup>8</sup>

### III. DISCUSSION

3. Barrington has submitted the results of an audience survey conducted by Marshall Marketing ("Marshall") to demonstrate that WPDE exceeds the required viewing levels for consideration as a significantly viewed station.<sup>9</sup> In the study, the communities in the relevant counties were identified by their zip codes assigned by the U.S. Postal Service. Marshall conducted two one-week telephone surveys of households that only received WPDE's signal using an over-the-air antenna in each of the communities. The first week was October 14-20, 2012; the second was November 25-December 1, 2012. The sample source for the surveys consisted of Random Digit Dialing (RDD) provided by Survey Sampling International, which includes listed and unlisted telephone numbers for households within these communities. The combined two-week average audience data show:

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<sup>5</sup> 47 C.F.R. § 76.54(d). See also *Diversified Commc'ns. (WCJB(TV))*, 15 FCC Rcd 4764, 4765 ¶ 3 (2000). In instances where a station has undertaken a technical upgrade and wishes to be added to the list, it may file a petition for waiver requesting that it be considered "new" as of the date of its upgrade in order that it may use county-wide data rather than community-specific data for significantly viewed purposes. See 15 FCC Rcd at 4765 ¶ 3; see also *KSTC TV, LLC*, 25 FCC Rcd. 8123, 8124 n.4 (MB 2010).

<sup>6</sup> 47 C.F.R. § 76.54(b).

<sup>7</sup> *Id.*

<sup>8</sup> 47 C.F.R. § 76.5(i).

<sup>9</sup> See Petition, Attachment 1 (description of methodology).

**WPDE AUDIENCE DATA FOR SOUTH CAROLINA COMMUNITIES<sup>10</sup>**

<b>Community</b>	<b>Non-Cable/Non-ADS Viewing</b>	<b>Total (combined results)</b>
Georgetown	Completed Surveys	16
	Standard Error	12%
	Share of Viewing	25%
	Net Weekly Circulation (cume)	44%
Murrells Inlet	Completed Surveys	10
	Standard Error	16%
	Share of Viewing	27%
	Net Weekly Circulation (cume)	70%
Pawley's Island	Completed Surveys	7
	Standard Error	19%
	Share of Viewing	35%
	Net Weekly Circulation (cume)	86%
Kingstree	Completed Surveys	10
	Standard Error	16%
	Share of Viewing	29%
	Net Weekly Circulation (cume)	50%
Andrews	Completed Surveys	16
	Standard Error	12%
	Share of Viewing	32%
	Net Weekly Circulation (cume)	50%
Hemingway	Completed Surveys	15
	Standard Error	13%
	Share of Viewing	35%
	Net Weekly Circulation (cume)	80%

4. Based on these data, Barrington asserts that WPDE has achieved average share and cume (*i.e.*, net weekly circulation) figures at least one standard error above the required viewing levels for demonstrating significantly viewed status in each of the communities.<sup>11</sup> The survey submitted by Barrington satisfies the requirements of Section 76.54(b) in that it was conducted by an independent audience survey firm. Further, the two weekly survey periods used also meet the requirements that they be separated by more than 30 days and neither week is between April and September. The sample selection (*i.e.*, identifying the communities by zip code and eliminating cable and ADS households) and survey methodology (*i.e.*, random digit dialing) are sound statistical techniques and are consistent with surveys found acceptable in the past for this purpose.

5. The rules require that each reported audience statistic exceed the criteria stated in Section 76.5(i) by one standard error. Thus, there should separate standard errors calculated for both the share of total weekly viewing hours and the net weekly circulation for each community. The Marshall study only provides one statistic it calls the standard error for each community. It appears that this statistic is a margin of error based on the sample size for each community. Although Barrington has not provided

<sup>10</sup> Petition at 4-5.

<sup>11</sup> Petition at 5.

standard errors for its submitted data as required by the rules, the data itself is sufficient to calculate these values. The standard error is a calculation that takes into account both the sample size and the reported estimate of audience,<sup>12</sup> and the petition includes each of these variables for each community. For each community and the average survey results for the two weeks combined, the following table shows the number of in-tab households, the average total weekly audience share, the standard error for the total weekly viewing share, the share minus its standard error, the net weekly circulation share, the standard error for the net weekly circulation share, and the net weekly circulation share minus its standard error:

### WPDE Audience

#### Combined Two-Week Averages – Recalculated Standard Errors

Community	Households Studied	Total Viewing Hours Share	Standard Error	Share-S.E.	NWC Share	Standard Error	NWC Share-S.E.
Georgetown	16	25	10.8	14.2	44	5.2	38.8
Murrells Inlet	10	27	14.0	13.0	70	14.5	55.5
Pawley's Island	7	35	18.0	17.0	86	13.0	73.0
Kingstree	10	29	14.3	14.7	50	15.8	34.2
Andrew	16	32	11.7	20.3	50	12.5	37.5
Hemingway	15	35	12.3	22.7	80	10.3	69.7

6. To be sure that the reported audience statistics exceed the criteria in the rules, the standard error must be subtracted from the reported estimate. In each case above, the reported share minus the standard error exceeds the requirement that significantly viewed stations achieve at least 3 percent of the total weekly viewing hours. Similarly, for each community, when the corresponding standard error is subtracted from the reported net weekly circulation, the result is greater than a net weekly circulation of at least 25 percent.

7. Thus, based on the average audience shares for the two weeks combined, Barrington has demonstrated that WPDE-TV is significantly viewed in the communities of Georgetown, Murrells Inlet, Pawley's Island, and Andrews – all of Georgetown County, and Kingstree and Hemingway of Williamsburg County, South Carolina.<sup>13</sup>

<sup>12</sup> The formula for the standard error is:  $\sqrt{(p*(100-p))/n}$  where p is the reported audience statistic and n is the sample size. See, e.g., Dr. B.J. Mandel, STATISTICS FOR MANAGEMENT 248-249 (Dangary Publishing Company, Inc. 1972).

<sup>13</sup> While petitioners are not required to submit the individual survey week results when two weeks are combined to produce the average figures, Barrington also provided these results, and evaluation of those statistics also supported its case – although they are not reproduced here. See Petition at Attachment 1.

**IV. CONCLUSION**

8. In view of the foregoing, the petition for significantly viewed status by the licensee, Barrington Myrtle Beach License L.L.C. filed on behalf of its station, WPDE-TV, Florence, South Carolina, is **GRANTED**.

9. This action is taken pursuant to the requirements set forth in Section 0.283 of the Commission's rules.<sup>14</sup>

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broecker  
Deputy Chief, Policy Division  
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<sup>14</sup>47 C.F.R. § 0.283.