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Federal Communications Commission
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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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FCC GRANTS “MUST CARRY” STATUS TO DIGITAL-ONLY TV STATION

Washington, DC – The Federal Communications Commission (FCC) today ruled that WHDT-DT, channel 59 of Stuart, Florida, a digital-only television station, is entitled to mandatory carriage rights on cable systems in its local area. The FCC determined that the licensing and impending operation of WHDT advances the digital transition and that guaranteeing cable carriage to digital-only stations will encourage other broadcasters to commence digital television service in a more rapid manner.

In June 2000, Guenter Marksteiner, permittee of WHDT-DT, filed a Petition for Declaratory Ruling asking the FCC to issue a ruling that a new digital-only (“DTV”) television station, which seeks carriage of only a single channel of video programming, is entitled to mandatory carriage under the must carry provisions of the Communications Act. WHDT’s construction permit was granted on April 25, 2000 and it intends to provide viewers in the West Palm Beach-Ft. Pierce television market with digital television service. Recognizing that not many television households have yet purchased digital television receivers, WHDT explained that it would provide at its own expense to each cable operator, equipment to allow cable operators to carry the station’s signal in an analog format.

Today’s *Memorandum Opinion and Order* finds that after it commences broadcasting, WHDT is entitled to carriage on local cable systems under Section 614(a) of the Act. Consistent with the FCC’s *Report and Order* and *Further Notice of Proposed Rulemaking* on cable carriage of digital broadcast signals (“*DTV Order and FNPRM*”) also released today, the FCC is permitting WHDT, as a transitional measure, to elect whether its signal will be carried as a digital or converted analog signal. If WHDT is carried in an analog format, the *Order* states that the analog must carry requirements in Part 76 of the Commission’s rules must be followed. If WHDT’s signal is carried in a digital format, the *Order* finds that the *DTV Order and FNPRM* should resolve the issues related to the mechanics of carriage raised by WHDT’s petition. The status and duration of any such converted analog carriage agreement would be subject to review after 2003 as the progress of the digital transition is considered.

Action by the Commission, January 19, 2001, by Memorandum Opinion and Order (FCC 01-23). Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani.

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