

Federal Communications Commission

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

In the Matter of:)	
)	
Board of Water, Light & Sinking Fund)	CSR-6341-A
Commissioners of the City of Dalton, Georgia)	
)	
Petition for Modification of the Atlanta,)	
Georgia DMA)	
)	
Sarkes Tarzian, Inc.)	CSC-394
)	
Petition for Order to Show Cause)	

ERRATUM

Adopted: October 7, 2004

Released: October 8, 2004

By the Deputy Chief, Policy Division, Media Bureau:

The *Memorandum Opinion and Order*, DA 04-3195 (released October 6, 2004) is corrected as follows:

The first sentence of paragraph 6 is corrected to read as follows:

In its request for order to show cause, WRCB-TV basically reiterates the attempts described in its opposition to induce Dalton Utilities to provide network nonduplication protection against WXIA.

Paragraph 9 is corrected to read as follows:

We find that Dalton Utilities has not provided justification for a waiver of the network nonduplication rules. The arguments presented by Dalton Utilities were focused on obtaining a market modification and do not present a basis for waiver of the network nonduplication rules. The Commission does provide a means by which a petitioner may seek an exception to the Commission's network nonduplication rules contained in Section 76.92(f) of the Commission's rules. This exception is based upon audience viewership of the subject station. However, the viewership data supplied by Dalton Utilities does not meet the criteria for such a finding. It should be noted that either Dalton Utilities or WXIA could file a petition for declaratory ruling with the Commission seeking to establish that WXIA is significantly viewed in either Whitfield County or the City of Dalton according to the criteria established

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pursuant to Sections 76.54(b) and (d). If WXIA were determined to be significantly viewed, WRCB-TV would be unable to assert its network nonduplication rights against WXIA and Dalton Utilities would then be able to carry the station in its entirety.

FEDERAL COMMUNICATIONS COMMISSION

Steven Broeckaert
Deputy Chief, Policy Division
Media Bureau