



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Christopher H. Smith
U.S. House of Representatives
2373 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your follow-up letter regarding the application filed with the Commission by PMCM TV. I appreciate this opportunity to update you on the Commission's efforts to bring additional broadcast television service to New Jersey. I understand the importance of the issue to you and your constituents, as access to local news and information is vital to communities.

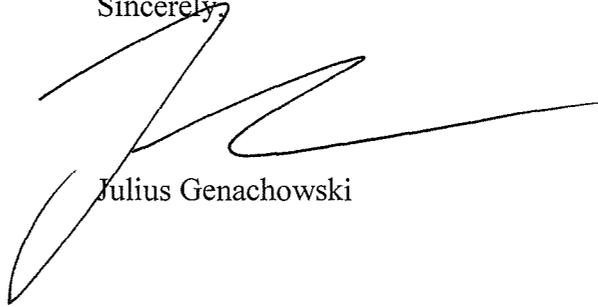
On December 18, 2009, the Commission's Media Bureau denied a request by PMCM TV, LLC to move its existing VHF television station in Ely, Nevada to Middletown Township, New Jersey, without any opportunity for Commission review of the relocation. After careful consideration of the applicable law and administrative record, the Media Bureau concluded that the reallocation procedure established in the second sentence of Section 331(a) of the Communications Act, on which PMCM TV relied, applies only to reallocation of a channel from one community in a viewing area to another community in the same viewing area, and thus does not allow PMCM to bypass the Commission's channel-allocation procedures. At the same time, pursuant to the instruction in Section 331(a) to allot at least one VHF channel to each State when technically feasible, the Bureau initiated a rulemaking proceeding to allot a VHF channel to Atlantic City, New Jersey. I am enclosing copies of the Bureau's decision and the *Notice of Proposed Rulemaking* for your information.

The pending allotment proceeding seeks to achieve the intent of Congress under Sections 307(b), 309(a) and 331 of the Communications Act by providing all interested parties a chance to participate in the allocation process with the ultimate goal of establishing a new VHF broadcast service for the citizens of New Jersey. Comments on the Bureau's allocation proposal were due on January 29, 2010, with reply comments due by February 16, 2010. The Media Bureau is reviewing the record and will issue a decision on the proposed new VHF allotment, which could allow a subsequent Public Notice announcing a filing window for new applications. Commission staff will keep your office updated on the filings and status of this proceeding.

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I appreciate your continuing interest in this important matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes. The signature is positioned above the printed name Julius Genachowski.

Julius Genachowski

Enclosures