



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 21, 2010

The Honorable John D. Dingell
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Dingell:

Thank you for your letter regarding two Commission proceedings related to the carriage of stations WXYZ-DT and WJBK-DT on the Buckeye Cablevision, Inc., system serving communities in Michigan and Ohio. I appreciate your sharing your thoughts with me about this matter. Your correspondence will be provided to the parties and made part of the record in these proceedings.

In the proceedings in question, WTVG-DT and WUPW-DT – both licensed to Toledo, Ohio – filed separate petitions seeking a waiver of the regulations that preclude cable television system operators from deleting the duplicate network programming of significantly viewed stations pursuant to the Commission's network program nonduplication rules. The Commission's Media Bureau has reported to me that a review of submitted data and filings determined that viewership for both WXYZ and WJBK fell significantly below the minimum criteria defined in the Commission's rules (2 percent share of total weekly viewing hours and a 5 percent net weekly circulation share for independent stations; 3 percent share of total weekly viewing hours and 25 percent share of net weekly circulation share for network affiliates) necessary to be deemed significantly viewed in Toledo. Therefore, on March 17, 2010, the Bureau adopted decisions granting the WUPW and WTVG waiver requests.

Buckeye Cablevision has filed petitions for stay and applications for review requesting that the Bureau's decisions be examined by the full Commission. WUPW and WTVG filed oppositions. The Bureau staff currently is evaluating the filings submitted on the petitions for stay and the applications for review. Once they have completed this examination, the Bureau will issue a decision regarding the stay requests and draft recommended decisions for consideration by the full Commission. I appreciate having your view on this matter and will take your concerns into consideration as these proceedings move forward.

Again, thank you for contacting me about your interest in this matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Julius Genachowski