



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 7, 2010

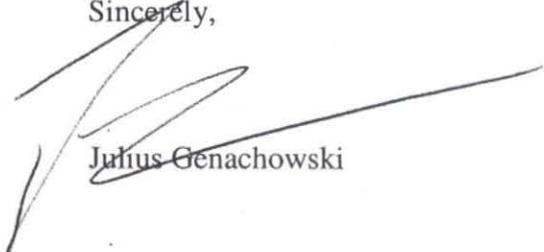
The Honorable Marcy Kaptur
U.S. House of Representatives
2186 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Kaptur:

Thank you for your letter regarding proceedings related to the carriage of stations WXYZ-DT and WJBK-DT in Michigan and Ohio. I appreciate your letting us know of your concerns and have asked the Chief of the Media Bureau's Office of Communications and Industry Information to reply to your letter. His response is attached.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Julius Genachowski

Enclosure



Federal Communications Commission
Washington, D.C. 20554

October 7, 2010

IN REPLY REFER TO:
CN-1001273

The Honorable Marcy Kaptur
U.S. House of Representatives
2186 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Kaptur:

Thank you for your recent letter regarding two Federal Communications 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 the opportunity to update you concerning the status of this matter. Your correspondence will be provided to the parties and made part of the record in the proceedings, including the ongoing review of our retransmission consent policies and regulations.

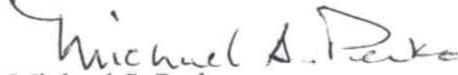
In the proceedings in question, WTVG-DT and WUPW-DT -- both licensed to Toledo, Ohio -- filed separate petitions seeking a waiver of the regulations that preclude cable television system operators from deleting the duplicate network programming of "significantly viewed" stations pursuant to the Commission's network program nonduplication rules. After carefully reviewing the submitted filings and related data, the Commission's Media Bureau 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 a 25 percent 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 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. On August 27, 2010, the Bureau issued an *Order* denying the stay requests. The Bureau staff currently is evaluating the applications for review. Once the staff has completed this review, the Bureau will draft recommended decisions for consideration by the full Commission. Please be assured that your views will be considered carefully as these proceedings move forward.

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I hope that this information is helpful and please do not hesitate to contact me if I may be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Michael S. Perko". The signature is written in dark ink and is positioned above the printed name.

Michael S. Perko

Chief, Office of Communications and Industry Information
Media Bureau