

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
BANKING, HOUSING, AND
URBAN AFFAIRS
COMMERCE, SCIENCE, AND
TRANSPORTATION
BUDGET
JOINT ECONOMIC COMMITTEE

February 14, 2012

State Representative John A. Lawrence
1 Commerce Blvd.
Suite 200
West Grove, PA 19390

Dear Rep. Lawrence,

My office has received a response to my inquiry to the Federal Communications Commission on behalf of your constituents. I have enclosed their response for your review.

If you have any further questions or concerns please contact my Staff Assistant, Steve Meredith. Steve can be reached via e-mail at Steve_Meredith@toomey.senate.gov, by fax at 412-803-3504, by phone at 412-803-3501, or through the mailing address 100 West Station Square Drive, Pittsburgh, PA 15219.

Sincerely,



Pat Toomey
U.S. Senator



Federal Communications Commission
Washington, D.C. 20554

February 9, 2012

IN REPLY REFER TO:
CN-1200079

The Honorable Patrick J. Toomey
United States Senate
100 West Station Square Drive
Suite 225
Pittsburgh, Pennsylvania 15219

Dear Senator Toomey:

Thank you for your letter enclosing correspondence from Pennsylvania State Representative John A. Lawrence regarding the programming carried on the cable television system serving Chester County that is operated by Armstrong Cable. Specifically, Representative Lawrence is concerned that WGAL-DT, the NBC affiliate station licensed to Lancaster, Pennsylvania, was previously carried on the local cable television system but is longer available. I appreciate the opportunity to respond.

The carriage of local television broadcast signals by cable television system operators is governed by the Communications and Copyright Acts. In general, cable television operators are authorized to carry the signals of qualifying local television broadcast stations that request carriage. A "local" television station is one that is located in and serves the Designated Market Area ("DMA") as defined by the Nielsen Company ("Nielsen"). Nielsen, an independent commercial entity, assigns each county in the United States to one of the 210 DMAs based on, among other things, county-wide audience surveys and viewership levels. The television broadcast stations located within a particular DMA generally are entitled to mandatory carriage on the cable television system located in that market. Nielsen reviews its television market designations on an annual basis. Based on this review, Nielsen may assign one or more counties to a different DMA if the criteria used by Nielsen indicate that such a change is warranted.

Nielsen has assigned Chester County to the Philadelphia DMA. Thus, Armstrong Cable is required to carry signals of broadcast television stations located in the Philadelphia DMA on the system serving Chester County, if the stations request carriage. A cable television system operator, however, generally is not required to carry stations located in the market that broadcast duplicate programming.

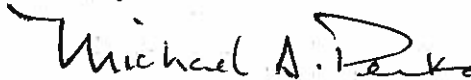
The correspondence from Representative Lawrence indicates that the station WGAL-DT, which is located in the Lancaster-York DMA, previously was available to Armstrong's customers in Chester County, but the station recently was removed from the cable system. Television broadcast stations which are licensed to communities that are not located in Philadelphia DMA (e.g., so-called "distant" stations) generally are not entitled to mandatory carriage on the cable television system serving Chester County. At the same time, however, there is no legal prohibition to the provision of "distant" broadcast stations to cable television consumers:

To be of assistance with this matter, a member of the Commission staff recently contacted Mr. David Wittmann, Vice President of Marketing for Armstrong Cable, concerning the carriage of WGAL-DT on the cable system serving Chester County. Mr. Wittman confirmed that WGAL-DT is not entitled to mandatory carriage on the cable system and indicated that the company recently made a business decision to discontinue carriage of the station.

Finally, many residents of Chester County may be able to receive the signal of WGAL-DT by using a conventional over-the-air antenna. The Commission has developed a program (<http://www.fcc.gov/mb/engineering/maps/>) to predict the television signals that are available over-the-air at a particular location, such as a home address or zip code. (*Signal strength calculations in the program are based on the traditional television reception model assuming an outdoor antenna thirty feet above ground. Reception using an indoor antenna may vary significantly*). The program indicates that Chester County is predicted to receive a moderate strength signal over-the-air from WGAL-DT. Reception may vary depending on the specific location of the residence.

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

Sincerely,



Michael S. Perko

Chief, Office of Communications and Industry Information
Media Bureau