

3. In support of its complaint, WUVN states that, by certified letter dated January 8, 2008, it demanded must carry status on Charter's cable systems for the 2006-2008 election period, pursuant to Section 76.61(a)(1) of the Commission's rules.⁴ At the same time, it requested carriage on Channel 18, its over-the-air channel.⁵ Charter failed to respond to this demand, as required by Section 76.61(a)(2) of the rules.⁶ WUVN asserts that it filed the instant complaint within 60 days of Charter's failure to respond, pursuant to Section 76.61(a)(5) of the rules.⁷ WUVN asserts that it is a full-service UHF television station whose community of license is located within the Hartford-New Haven, Connecticut DMA as are the communities served by Charter.⁸ WUVN states that it is capable of, and committed to, delivering a good quality signal to Charter's principal headends.⁹ As a result, WUVN argues that Charter has no legitimate basis upon which to refuse carriage and WUVN requests that the Commission grant its request.

4. We agree with WUVN and will grant its complaint. We find that the unopposed representations made by WUVN demonstrate that it is a local commercial television station qualified for carriage on Charter's cable systems herein. Under the Commission's must carry rules, cable operators have the burden of showing that a commercial station that is located in the same television market as a cable operator is not entitled to carriage.¹⁰ Charter has not done so. In any event, WUVN has agreed to bear the costs of any equipment necessary to ensure the delivery of a good quality signal. Section 76.55(c)(3) of the Commission's rules allows local commercial television stations which fail to meet signal strength criteria to provide, at their own expense, whatever equipment is necessary to ensure the delivery of a good quality signal to a cable system's principal headend.¹¹ WUVN has made this commitment and by doing so is eligible for mandatory carriage by Charter on the subject cable systems when it provides a signal which meets the Commission's signal strength criteria.

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534(h)(1)(C). Section 76.55(e) of the Commission's rules requires that a commercial broadcast television station's market be defined by Nielsen Media Research's DMAs. *See* 47 C.F.R. § 76.55(e).

⁴Complaint at Exhibit B; *see also* 47 C.F.R. § 76.61(a)(1).

⁵Complaint at Exhibit B.

⁶*Id.* at 2, citing 47 C.F.R. § 76.61(a)(2).

⁷*Id.*, citing 47 C.F.R. § 76.61(a)(5).

⁸*Id.*

⁹*Id.*

¹⁰*See Must Carry Order*, 8 FCC Rcd at 2990.

¹¹47 C.F.R. § 76.55(c)(3).

III. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED** that the petition filed by Entravision Holdings, LLC **IS GRANTED** pursuant to Section 614(d)(3) of the Communications Act of 1934, as amended, 47 U.S.C. § 534. Charter Communications Entertainment I, LLC **IS ORDERED** to commence carriage of WUVN on Channel 18, the station's over-the-air channel, on its cable systems serving the communities of Bethlehem, Bridgewater, Brookfield, Monroe, Washington, Kent, New Milford, Southbury, New Fairfield, Roxbury, Sherman, Trumbull, Woodbury, Newton/Barkhamsted, Colebrook, Harwinton, New Hartford, Warren, Winsted, Winchester, and West Hartford (partial), Connecticut, sixty (60) days from the date on which WUVN delivers a good quality signal to the cable systems' principal headends.

6. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's rules.¹²

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert
Senior Deputy Chief, Policy Division
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¹²47 C.F.R. § 0.283.