

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the matter of:	)	
	)	
Tri-State Christian TV, Inc.	)	
	)	CSR-6140-M
v.	)	
	)	
Infostructure Cable & Internet	)	
	)	
Request for Carriage	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: August 11, 2003**

**Released: August 13, 2003**

By the Deputy Chief, Policy Division, Media Bureau:

**I. INTRODUCTION**

1. Tri-State Christian TV, Inc., licensee of low power television station WDYR-LP, Dyersburg, Tennessee (“WDYR-LP”) filed the above-captioned complaint against Infostructure Cable & Internet (“Infostructure”) for its failure to carry WDYR-LP on its cable system serving Humboldt, Tennessee. No opposition to this complaint was filed on behalf of Infostructure. For the reasons discussed below, we grant WDYR-LP’s complaint.

**II. BACKGROUND**

2. Both the Communications Act of 1934, as amended, and the Commission’s rules require the carriage of “qualified” low power television (“LPTV”) stations in certain limited circumstances.<sup>1</sup> An LPTV station that conforms to the rules established for LPTV stations in Part 74 of the Commission’s rules will be considered “qualified” if: (1) it broadcasts at least the minimum number of hours required pursuant to 47 C.F.R. Part 73; (2) it adheres to Commission requirements regarding non-entertainment programming and employment practices, and the Commission determines that the programming of the LPTV station addresses local news and informational needs that are not being adequately served by full power television broadcast stations because of the geographic distance of such full power stations from the low power station’s community of license; (3) it complies with interference regulations consistent with its secondary status; (4) it is located no more than 35 miles from the cable system’s headend and delivers to the principal headend an over-the-air signal of good quality; (5) the community of license of the station and the franchise area of the cable system were both located outside the largest 160 Metropolitan Statistical Areas (“MSAs”) on June 30, 1990, and the population of such community of license on that date did not exceed 35,000; and (6) there is no full power television broadcast station licensed to any community within the county or other political subdivision (of a State) served by the cable

<sup>1</sup>47 U.S.C. § 534(c)(1); 47 C.F.R. § 76.56(b)(3).

system.<sup>2</sup>

### III. DISCUSSION

3. In support of its complaint, WDYR-LP states that, by letter dated February 27, 2003, the station requested mandatory carriage on Infostructure's cable system and that said demand was not answered by Infostructure.<sup>3</sup> WDYR-LP also states that the cable operator has not initiated carriage of the station.<sup>4</sup> WDYR states that the station is a Class A television station licensed to Dyersburg, Tennessee and meets all the requirements for classification as a qualified low power television station pursuant to Section 76.55(d) of the Commission's rules. Specifically, WDYR states that: (1) the station broadcasts 24 hours a day; (2) the station meets all of the obligations applicable to full power television stations under Part 73 of the Commission's rules, and broadcasts programming that addresses local news and informational needs of the area; (3) the station complies with the interference regulations required under Part 74 of the Commission's rules; (4) the station is located no more than 35 miles from Infostructure's principal headend for Humboldt, Tennessee and that the station delivers a good quality over-the-air signal to the headend; (5) Dyersburg, WDYR's city of license, and the franchise area of the cable system are both located outside of the largest 160 metropolitan statistical areas, and that the population of Dyersburg did not exceed 35,000;<sup>5</sup> and (6) there are no full-power television broadcast stations licensed to any community within Dyer County.<sup>6</sup>

4. In light of the information presented by WDYR, and the lack of opposition, we shall grant WDYR's petition.

### IV. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED**, pursuant to Section 614 of the Communications Act of 1934, as amended, 47 U.S.C. § 534, and Sections 76.55(d) and 76.56(b)(3) of the Commission's rules, 47 C.F.R. §§ 76.55(d), 76.56(b)(3), that the complaint filed by Tri-State Christian TV, Inc. **IS GRANTED**. Infostructure Cable & Internet **IS ORDERED** to commence carriage of WDYR-LP within sixty (60) days of the release date of this order.

6. **IT IS FURTHER ORDERED** that WDYR-LP shall notify Infostructure Cable & Internet in writing of its channel position election within thirty (30) days of the release date of this order, pursuant to Sections 76.57 and 76.64(f) of the Commission's rules, 47 C.F.R. §§ 76.57, 76.64(f).

7. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's rules.<sup>7</sup>

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broecker

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<sup>2</sup>47 U.S.C. § 534(h)(2); 47 C.F.R. § 76.55(d).

<sup>3</sup>Petition at 3.

<sup>4</sup>*Id.*

<sup>5</sup>Data on Metropolitan Statistical Areas and population figures for the community of license are determined by the Office of Management and Budget as of June 30, 1990.

<sup>6</sup>Petition at 1-2.

<sup>7</sup>47 C.F.R. § 0.283.

Deputy Chief, Policy Division  
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