

CIRCUMSTANCES WARRANTING STA

INTRODUCTION

As detailed below, KTVT, Fort Worth, Texas (“KTVT”) has received thousands of complaints from viewers unable to receive its signal since moving to its post-transition frequency, Channel 11, on June 12, 2009. The station therefore urgently seeks special temporary authority to simultaneously operate on Channel 19, the post-transition allotment of co-owned station KTXA, which is concurrently seeking special temporary authority to broadcast on its pre-transition digital frequency, Channel 18. KTVT and KTXA wish to implement the foregoing in order to temporarily alleviate the reception problems being experienced by so many of KTVT’s viewers, pending the filing of a joint petition for rulemaking for channel changes which, if granted, should provide a permanent solution.

BACKGROUND

KTVT, which is licensed to CBS Stations Group of Texas, LP (“CBS Station Group”), is presently operating with its permitted post-transition DTV facilities of 23 kW at 520.5 meters, HAAT, on Channel 11 (BPCDT-20080328ACY). The application for a license to cover this construction permit (BLC DT-20090612AGD) has been accepted for filing.

KTXA, Fort Worth, Texas (Facility ID 51517), is licensed to KTXA L.P. (“KTXA L.P.”). Like CBS Stations Group, KTXA L.P. is an indirect, wholly-owned subsidiary of CBS Corporation (“CBS”). The stations are thus commonly owned.

Prior to the digital television transition on June 12, 2009, KTVT operated an analog facility on Channel 11, and a pre-transition DTV facility on Channel 19, the frequency now assigned by the DTV Table of Allotments to its sister station KTXA. In accordance with its election, KTVT was assigned Channel 11, its NTSC frequency, as its post-transition digital allotment.

During the pre-transition period, KTXA operated an analog facility on Channel 21 and a pre-transition DTV facility on Channel 18. As a result of a rulemaking proceeding initiated by KTXA L.P., the DTV Table of Allotments was amended to substitute Channel 19 for Channel 18 as KTXA’s permanent digital allotment. KTXA L.P. sought this change in view of (i) the efficiencies of operating the digital facilities of KTXA at the same site as its sister station, (ii) the cost-savings available from use of KTVT’s Channel 19 transmission system, and (iii) the fact the proposed channel change would allow KTXA to enlarge its service area to a greater extent than would otherwise have been possible, due to interference protection requirements. *See, In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Fort Worth, Texas)*, MB Docket No. 08-148, 23 FCC Rcd 14697 (2008).

THE RECEPTION PROBLEMS EXPERIENCED BY KTVT'S VIEWERS

Since the transition to its DTV Channel 11 facility on June 12, 2009, KTVT has received several thousand telephone calls and e-mail messages from viewers complaining about difficulties receiving its signal. The majority of these complaints are from viewers who utilize "rabbit ears" and other indoor antenna systems, and who live more than 15 miles from the KTVT transmitter site. The complaints are consistent with a widely-reported pattern of reception difficulties involving high-band VHF stations in various markets around the country.

While KTVT has attempted to help these viewers receive its signal, it has become apparent that their reception problems are not susceptible of a ready cure. Channel rescanning has been successful in some, but far from most, cases. Nor is a power increase from the station's authorized 23 kW an available solution; KTVT's consulting engineer has determined that a power increase sufficient to overcome the apparent signal deficiencies at the homes of viewers who have contacted the station would contravene interference protection requirements.

In addition to the thousands of complaints the station has received, the difficulties that Dallas-Fort Worth area residents are having in receiving KTVT's signal is dramatically shown by a precipitous decline in the station's ratings among over-the-air ("OTA") viewers in the period immediately following the DTV transition. A comparison of the station's prime time Nielsen ratings (P25-54) during the weeks of June 1, 2009 and June 22, 2009 shows that there was a massive decline in the station's over-the-air audience, while ratings among cable viewers remained stable.¹ Thus, the station's prime time ratings (7PM to 10PM, CDT) dropped by 57 percent among OTA viewers after the DTV transition, while cable ratings were down only two percent. See Attachment A. There is only one possible explanation for an OTA ratings decline of this magnitude over a few short weeks and without any significant change in programming – an explanation that is powerfully reinforced by the huge disparity between OTA viewers and cable subscribers. Quite simply, large numbers of over-the-air viewers are no longer able to receive KTVT's signal.

THE CONTEMPLATED PERMANENT SOLUTION AND PROPOSED STA

Since a significant power increase for KTVT on Channel 11 is not available under the Commission's current interference rules, CBS Stations Group and KTXA L.P. intend shortly to file a joint petition for rulemaking (i) to delete Channel 11 from the Table of Allotments for Fort Worth; (ii) to substitute Channel 19 as KTVT's permanent digital assignment; and (iii) to add a

¹ There was also a significant decline in KTVT's ratings among satellite subscribers during the comparison period (31 percent), although the size of the drop off was only slightly more than half the size of the decline in OTA ratings. Although the reasons for the relative weakness of post-transition satellite ratings are not clear, the striking disparity between those ratings and the virtually unchanged audience levels among cable subscribers strongly suggests that satellite viewers were also somehow affected by the DTV transition.

to-be-determined UHF frequency to the Table of Allotments for Fort Worth and substitute that channel as KTXA's permanent DTV frequency, thus clearing Channel 19 for use by KTVT.

Even if processed on an expedited basis, the rulemaking process will necessarily take several months. Assuming the petitions are granted, the build-out of a new UHF facility for KTXA would require another six to eight months. We submit that former viewers of KTVT's analog signal, who are now unable to reliably receive the station's digital broadcasts, should not be deprived of CBS Television Network programming in the interim.

Therefore, CBS Stations Group is hereby requesting special temporary authority for KTVT to (i) continue to broadcast on its assigned frequency, Channel 11, (ii) while simultaneously operating on Channel 19, the post-transition frequency assigned to its sister station, KTXA, with the same facilities now being utilized by KTXA (that is, 750 kW at 500 meters).² KTXA is concurrently filing a request for special temporary authority to resume operations on Channel 18, its pre-transition digital frequency. Authority for CBS-affiliated KTVT to broadcast on Channel 19 is sought (while KTXA proposes to temporarily move its operations to Channel 18), because interference protection requirements constrain the power that is available to a Channel 18 facility.

Assuming adoption of the changes to the Table of Allotments to be proposed in the above-referenced petition for rulemaking, the Channel 11 and Channel 18 operations would be terminated.

CONCLUSION

The series of actions for which Commission approval is being sought in this and the related applications described above are no doubt complex. However, given PSIP technology, and with additional educational efforts concerning the need for viewers to again rescan their set-top boxes, the only change noticeable to the over-the-air viewing public will be the ability to receive KTVT's signal. Given that an increase in KTVT's power sufficient to alleviate the deficiencies of its Channel 11 signal is not available under current interference protection standards, the alternative to the process described above is the disenfranchisement of a large part of KTVT's audience. We respectfully submit that such an outcome must be avoided, and that grant of the instant application is manifestly in the public interest.

² We note that the Commission has granted similar special temporary authority (BDSTA-20090615AEV) to WHDH-TV, Boston, to operate simultaneously on both its post-transition (Channel 7) and pre-transition (Channel 42) digital frequencies because of VHF reception difficulties.

ATTACHMENT A

**KTVT RATINGS ANALYSIS
PRE-DTV VERSUS POST-DTV
P25-54**

KTVT M-F 7p-10p

	<u>Total</u>	<u>OTA</u>		<u>Cable</u>	<u>Satellite</u>
	<u>RTG</u>	<u>RTG</u>	<u>INDEX</u>	<u>RTG</u>	<u>RTG</u>
Pre-DTV	2.74	4.22	154	2.13	2.88
Post-DTV	2.01	1.82	91	2.09	1.99
	-26.6%	-56.9%		-1.9%	-30.9%

Pre-DTV Ratings are for the week of 06/01/2009

Post-DTV Ratings are for the week of 06/22/2009

Source: Nielsen Television Index