

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

In the Matter of Amendment of Section 73.622,
Digital Television Table of Allotments
For WGEM-TV, Quincy, Illinois
(Facility ID 54275)

MB Docket No. _____

Rulemaking No. _____

To: Office of the Secretary, Federal Communications Commission
Attn: Chief, Media Bureau

PETITION FOR RULEMAKING

WGEM License, LLC (“QMI”), licensee of full power commercial television station WGEM-TV (“WGEM”), Quincy, Illinois, requests that the Commission institute a rulemaking proceeding to amend the DTV Table of Allotments (the “DTV Table”) in Section 73.622(i) of the Commission’s rules.¹ WGEM requests that the Commission amend the DTV Table to substitute UHF Channel 19 in the place of VHF Channel 10, with the technical parameters as set forth in the attached “Technical Statement Re: Petition for Rulemaking to Modify a DTV Allotment WGEM-TV Quincy, Illinois” prepared by Lohnes & Culver, LLC (the “Engineering Statement”). Granting this Petition will create a preferential arrangement of allotments by expanding the availability of free over-the-air television service in WGEM’s market.

The overarching purpose behind the DTV Table is to “ensure that the spectrum is used efficiently and effectively . . . and to ensure that . . . digital TV fully serves the public interest.”² When considering a channel substitution petition, the Commission analyzes the

¹ See 47 C.F.R. §§ 1.401, 1.420, 73.622(i).

² See *In re Advanced Television Systems & Their Impact Upon the Existing Television Broadcast Service*, 12 FCC Rcd. 14588, ¶¶ 1, 76 (1997).

proposal's effect on the public interest, including whether the proposed channel change would comply with the principal community coverage requirements of Section 73.625(a) of the Commission's rules and satisfy the technical requirements of Sections 73.616 and 73.623 of the rules.³

In the present case, WGEM's proposed channel substitution would serve the public interest by likely resolving current reception challenges in WGEM's existing service area. WGEM's currently authorized VHF Channel 10 has difficulty reaching all members of the population within its service area, particularly at the fringes, and has had such difficulty since the June 12, 2009, digital transition. This difficulty is not uncommon among TV broadcasters with VHF channel assignments—as recognized by the Commission over ten years ago, “VHF channels have certain characteristics that have posed challenges for their use in providing digital television service,” including that “the propagation characteristics of these channels allow undesired signals and noise to be receivable at relatively farther distances, nearby electrical devices tends to emit noise in this band that can cause interference, and reception of VHF signals requires physically larger antennas . . . relative to UHF channels.”⁴

QMI has previously attempted to address the foregoing reception issues through multiple technical avenues, including by installing a dual antenna system to achieve elliptical polarization, installing a higher-power transmitter, and, most recently, filing a minor change “maximization” application and corresponding request for waiver of the maximum permissible

³ See, e.g., *In re Amend. of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broad. Stations (Medford, Oregon)*, Notice of Proposed Rulemaking, DA 21-436 (rel. Apr. 16, 2021).

⁴ See *In re of Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd 16498, ¶¶ 42, 44 (2010) (noting that record evidence demonstrated “large variability in the performance (especially intrinsic gain) of indoor antennas available to consumers, with most antennas receiving fairly well at UHF and the substantial majority not so well to very poor at high-VHF”).

power limits of Section 73.622(f) of the Commission's rules. *See* LMS File Nos. 0000035730 (application for minor modification of BMLCDT-20130328AMI), 0000105998 (license to cover same); *see also* STA File Nos. BDSTA-20100107AED, BEDSTA-20101102ACB, BEDSTA-20120221AAN, BEDSTA-20120919ACE (filings relating to transmitter and antenna changes). Unfortunately, none of those steps have resolved WGEM's documented reception issues, and WGEM has continued to "receive[] numerous complaints of poor or no reception from viewers."⁵

Because substituting a UHF channel in place of a VHF channel is likely to remedy reception issues such as those WGEM's viewers have now experienced for over decade, the Commission has time and again recognized that the public interest is served by a channel substitution such as the one QMI's Petition proposes.⁶ QMI therefore respectfully requests similar treatment for this Petition, especially given QMI's well-documented history of diligence in attempting to remedy the underlying reception issues by various other means.

The attached Engineering Statement sets forth in detail the proposed WGEM Channel 19 DTV Table specifications. This proposal complies with all relevant technical requirements for amendment of the DTV Table, including the interference protection requirements of 47 C.F.R. § 73.616 and the 0.5% de minimis interference standard with respect to all allotments and

⁵ LMS File No. 0000035730, WGEM-TV - Waiver Request Exhibit.

⁶ *See, e.g., In re Amend. of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broad. Stations (Mesa, Arizona)*, DA 20-1436 (rel. Dec. 2, 2020) ("We believe the public interest would be served by substituting DTV channel 18 for channel 12 at Mesa. The channel substitution will permit the station to better serve its viewers, who have experienced reception problems with VHF channel 12."); *In re Amend. of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broad. Stations (Columbia, Missouri)*, DA 21-268 (rel. Mar. 4, 2021) (same); *In re Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broad. Stations (Jefferson City, Missouri)*, DA 21-422 (rel. Apr. 14, 2021).

assignments, existing and proposed.⁷ The proposed Channel 19 facilities will provide full principal community coverage to Quincy, Illinois.⁸

As further demonstrated by the attached Engineering Statement, when compared to WGEM's current Channel 10 DTV allotment, the proposed Channel 19 facilities will not create any predicted service loss under terrain-limited service analysis.⁹ Although the proposed Channel 19 facilities will result in a slight reduction (no more than 9.4 kilometers) in WGEM's noise-limited service contour ("NLSC"), predictions using the Longley-Rice propagation model demonstrate that this slight gap between the current Channel 10 NLSC and the proposed Channel 19 NLSC will not result in any actual service loss—i.e., WGEM's "proposal is predicted to result in no loss of service."¹⁰ Further, any such loss predictions necessarily fail to account for the service challenges many WGEM viewers are currently experiencing due to Channel 10's VHF propagation characteristics, challenges that WGEM predicts will be remedied by switching to UHF operations on Channel 19.

For the foregoing reasons, QMI respectfully requests that the Commission grant this Petition and immediately commence a rulemaking proceeding to change the digital allotment for WGEM-TV from Channel 10 to Channel 19 as proposed herein.

⁷ Engineering Statement, at 2, fig. 1.

⁸ *Id.* at 2–3, fig. 2.

⁹ *See id.* at 3–4, n.6 (describing methodology); *id.* at 11 (Loss Area Analysis demonstrating "0" for "[t]otal service lost due to the Proposed Ch. 19 Assignment"); *see also*, e.g., LMS File No. 0000116419 (channel change granted where terrain-limited methodology used).

¹⁰ *Id.* at 3–4, fig. 3.

Respectfully submitted,

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