

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

In the Matter of	)	
	)	
KPTV-KPDX Broadcasting Corporation	)	MB Docket No. 21-____
	)	RM-_____
Petition for Rulemaking to Amend the	)	
DTV Table of Allotments for	)	
Station KPTV(TV), Portland, OR	)	
(Facility ID 50633)	)	

**PETITION FOR RULEMAKING**

KPTV-KPDX Broadcasting Corporation (“Meredith”), licensee of television station KPTV(TV), Portland, Oregon (Facility ID No. 50633) (“KPTV” or the “Station”), hereby petitions the Commission to commence a rulemaking pursuant to Section 1.401 of the Commission’s rules<sup>1</sup> to amend the digital television Table of Allotments by allotting Channel 21 to KPTV in lieu of Channel 12.<sup>2</sup> As demonstrated herein, the proposed channel substitution for KPTV from VHF Channel 12 to UHF Channel 21 would allow the Station to significantly improve over-the-air service to viewers in the Portland, Oregon market which is important because the Portland market has a high percentage of over-the-air viewers. The proposed channel substitution would serve the public interest by addressing reception complaints KPTV has received from viewers. In addition, the proposed channel substitution would better serve the Portland, Oregon community by substantially improving its access to critical local news, emergency, FOX network, and other station programming.

**I. KPTV Signal Issues on Existing Channel 12 Facilities**

KPTV, a FOX affiliate, serves Portland, Oregon, and broadcasts on Channel 12. The

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<sup>1</sup> 47 C.F.R. § 1.401.

<sup>2</sup> 47 C.F.R. § 73.622(i).

Commission has recognized that “VHF channels have certain characteristics that have posed challenges for their use in providing digital television service,” including “propagation characteristics of these channels [that] allow undesired signals and noise to be receivable at relatively farther distances,” the tendency of “nearby electrical devices ... to emit noise in this band that can cause interference,” and the fact that “reception of VHF signals requires physically larger antennas that are generally not well suited to the mobile applications expected under flexible use, relative to UHF channels.”<sup>3</sup> The Commission also confirmed, through independent investigations by a consulting engineering firm and its own laboratory staff, the “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.”<sup>4</sup> While not all stations have VHF reception issues, the Commission remains aware that “environmental noise blockages affecting [VHF] signal strength and reception exist” and “[vary] widely from service area to service area.”<sup>5</sup>

These findings are representative of Meredith’s experience in Portland. Meredith has received numerous complaints from viewers living in the Portland Designated Market Area complaining that they are unable to receive the KPTV signal on Channel 12, including viewers

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<sup>3</sup> *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, 25 FCC Rcd 16498, 16511 ¶ 42 (2010).

<sup>4</sup> *Id.* at 16512 ¶ 44. See also *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, 26 FCC Rcd 10732, 10750 ¶ 37 (2011) (“As a result of the full power digital television transition, some full power stations on VHF channels have experienced reception problems and such problems have not been alleviated even by allowing these stations to operate with the maximum power permitted under the full power television rules.”).

<sup>5</sup> *Assessment and Collection of Regulatory Fees for Fiscal Year 2020*, MB Docket No. 20-105, FCC 20-64 ¶ 52 (rel. May 13, 2020).

using indoor receiving equipment. The KPTV technical staff tries to work with these callers to resolve their problems, but it is apparent that the Station's digital Channel 12 signal is not providing these viewers with quality service.

## **II. The Proposed Channel Substitution is in the Public's Interest and Would Improve Local Viewers' Service**

The Station's engineering study attached hereto (the "Engineering Statement"), confirms that with KPTV's proposed parameters, Channel 21 can be substituted for Channel 12 at Portland, Oregon, in compliance with the Commission's rules. The proposed facility would continue to provide a principal community contour completely covering KPTV's community of license and would not cause impermissible interference to any other station. Specifically, an interference check using the FCC's TVStudy software reveals that the proposed facility is not predicted to cause more than 0.5% new interference to any other surrounding co-channel or adjacent channel facility.

Further, the Engineering Statement confirms KPTV's Channel 21 contour would fully encompass the Station's existing Channel 12 contour and the contour would continue to reach all of the population within the Station's current service area, including fully covering the city of Portland. An analysis using the Commission's TVStudy tool also indicates that KPTV's move from Channel 12 to Channel 21 is predicted to provide an increase in service over that of the KPTV Channel 12 allotment facility. As the Engineering Statement explains, the channel change will result in net service gains and no service loss.

The Commission will approve a modification when a request is "supported by a strong showing of . . . public interest benefits," such as additional service gains.<sup>6</sup> Here, the proposed

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<sup>6</sup> *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 22 FCC Rcd 9478, 9493 ¶ 38 & n.70 (2007).

move to Channel 21 would serve the public interest by providing Portland-area residents with greater access to KPTV's free over-the-air signal. The proposed channel substitution would allow KPTV to provide better service (particularly indoor service), and better serve its viewers with a more robust and reliable UHF signal.

Indeed, reliable over-the-air coverage is particularly critical as more U.S. households continue to cut the cord on traditional cable and satellite services.<sup>7</sup> Many households are relying on free local broadcast signals, often in combination with online streaming services. This is especially true in the Portland market where on average, more than 20 percent of viewers receive television broadcast signals over-the-air.<sup>8</sup> The COVID-19 pandemic has helped to produce a significant increase in local and national broadcast television newscasts viewership, which further demonstrates that free, over-the-air broadcast TV coverage plays an essential role in providing critical information accessible to viewers.<sup>9</sup> And in a market like Portland, having a strong over-the-air signal becomes even more important during local emergencies such as wild fires, heatwaves and protests, when satellite and cable service, as well as electricity, may be interrupted, because television broadcasters can still reach the many local viewers who have generators in their homes. During local emergencies, television broadcasters provide their local

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<sup>7</sup> See Aaron Pressman, "Cord cutting is breaking records during the pandemic," *Fortune*, <https://fortune.com/2020/09/21/cord-cutting-record-covid-19-pandemic/> (Sept. 21, 2020); "US Pay TV Suffers Historic Cord-Cutting," eMarketer, <https://www.emarketer.com/content/pay-tv-suffers-historic-cord-cutting> (Sept. 21, 2020).

<sup>8</sup> Proprietary data from Nielsen shows that for June 2021, almost 23% of TV homes in Portland received television service over-the-air.

<sup>9</sup> See Stephen Battaglio, "A hunger for information is driving TV news to peak levels," *Los Angeles Times*, <https://www.latimes.com/entertainment-arts/business/story/2020-03-25/tv-news-audiences-are-surg-ing-thanks-to-coronavirus-pandemic> (Mar. 25, 2020); Lillian Rizzo, "Local TV Sees Spike in Viewers, Drop in Ads in Coronavirus Crisis," *Wall Street Journal*, <https://www.wsj.com/articles/local-tv-sees-spike-in-viewers-drop-in-ads-in-coronavirus-crisis-11585915203> (Apr. 3, 2020).

communities with the lifesaving information they need. These ongoing trends underscore the importance of the proposed channel change and the benefits it will provide to the Portland market.

### **III. Conclusion**

The public interest would be served by promptly granting Meredith's request to move KPTV from Channel 12 to Channel 21 so that Portland-area viewers may benefit from substantially improved over-the-air broadcast television service.

Respectfully submitted,

**KPTV-KPDX BROADCASTING CORPORATION**

By: /s/ \_\_\_\_\_

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