

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

In the Matter of)	
)	
Scripps Broadcasting Holdings LLC)	MB Docket No. 21-____
)	RM-_____
Petition for Rulemaking to Amend the)	
DTV Table of Allotments for)	
Station KXLF-TV, Butte, MT)	
(Facility ID 35959))	

PETITION FOR RULEMAKING

Scripps Broadcasting Holdings LLC (“Scripps”), licensee of television station KXLF-TV, Butte, Montana (Facility ID No. 35959) (“KXLF” or the “Station”), hereby petitions the Commission to commence a rulemaking pursuant to Section 1.401 of the Commission’s rules¹ to amend the digital television Table of Allotments by allotting Channel 15 to KXLF in lieu of Channel 5.² As demonstrated herein, the proposed channel substitution for KXLF from VHF Channel 5 to UHF Channel 15 would allow the Station to significantly improve over-the-air service to viewers in the Butte, Montana market, which is important because the Butte market has a high percentage of over-the-air viewers. The proposed channel substitution would serve the public interest by addressing reception complaints KXLF has received from viewers. In addition, the proposed channel substitution would better serve Butte, Montana and the surrounding community by substantially improving its access to critical local news, emergency, CBS network, and other station programming.

I. KXLF Signal Issues on Existing Channel 5 Facilities

KXLF, a CBS affiliate, serves Butte, Montana and the surrounding area and broadcasts

¹ 47 C.F.R. § 1.401.

² 47 C.F.R. § 73.622(i).

on Channel 5. The 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.”³ 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.”⁴ 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.”⁵

These findings are representative of Scripps’ experience in Butte. Scripps has received numerous complaints from viewers living in the Butte area complaining that they are unable to receive the KXLF signal on Channel 5 (including viewers using indoor receiving equipment).

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

⁴ *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.”).

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

While KXLF technical staff has attempted to resolve these viewers' problems, it is apparent that the Station's digital Channel 5 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 KXLF's proposed parameters, Channel 15 can be substituted for Channel 5 at Butte, Montana, in compliance with the Commission's rules. The proposed facility would continue to provide a principal community contour completely covering KXLF's community of license⁶ and would not cause impermissible interference to any other station.⁷ 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.⁸

Further, the Engineering Statement confirms KXLF's Channel 15 contour would be fully contained within the Station's existing Channel 5 contour with the exception of a very small area, and the contour would continue to reach virtually all of the population within the Station's current service area, including fully covering the city of Butte.⁹ An analysis using the Commission's TVStudy tool also indicates that KXLF's move from Channel 5 to Channel 15 is predicted to create a small area where viewers may lose service: an estimated 3,008 people live within the predicted loss area.¹⁰ The loss area is, however, also partially overlapped by the

⁶ Engineering Statement at 2.

⁷ *Id.* at 4.

⁸ *Id.*

⁹ *Id.* at Figure 1.

¹⁰ *Id.* at 4.

noise-limited contour of KPAX-TV, KBZK and KXLH-LD, all of which are also CBS affiliate stations. After accounting for the contour overlap from these other stations, the population contained within the loss area that are predicted to lose CBS programming is reduced from 3,008 persons to 139 persons, which is *de minimis*.¹¹ In addition, as the attached Engineering Statement shows, the loss area is also partially overlapped by the noise-limited contours of numerous other stations.

The Commission will approve a modification despite some resulting service loss (which, in this case would be minimal), if it is “supported by a strong showing of countervailing public interest benefits,” such as additional service gains.¹² Here, given the viewer complaints KXLF has received about reception issues, the nominal population loss would be outweighed by the substantial improvement in the station’s over-the-air reception as well as the predicted increase in service. The proposed move to Channel 15 therefore would serve the public interest by providing Butte-area residents with greater access to KXLF’s free-over-the-air signal with few viewers losing access to the station’s over-the-air service. The proposed channel substitution would therefore allow KXLF 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.¹³ Many households are relying

¹¹ *Id.*

¹² *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).

¹³ 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).

on free local broadcast signals, often in combination with online streaming services. This is especially true in the Butte market where Scripps estimates that, on average, as much as 25 percent of viewers receive television broadcast signals over-the-air. 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.¹⁴ And in a market like Butte, having a strong over-the-air signal becomes even more important during local emergencies such as wildfires, blizzards and tornados, 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 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 Butte market.

¹⁴ 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)

III. Conclusion

The public interest would be served by promptly granting Scripps' request to move KXLF from Channel 5 to Channel 15 so that Butte-area viewers may benefit from substantially improved over-the-air broadcast television service.

Respectfully submitted,

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