

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
theDove Media, Inc.)	MB Docket No. _____
Amendment of Section 73.622(j),)	
Digital Television Table of Allotments)	Rulemaking No. _____
(Jacksonville, Oregon))	

To: Office of the Secretary
Attn: Chief, Media Bureau

PETITION FOR RULEMAKING

theDove Media, Inc. (“theDove”), by its attorneys and pursuant to Sections 1.401, 1.420, and 73.622(a) of the Commission’s rules, hereby petitions the Federal Communications Commission to institute a rulemaking proceeding for the purpose of amending the Digital Television Table of Allotments (the “DTV Allotment Table”) contained in Section 73.622(j) of the Commission’s rules to allocate non-commercial educational (“NCE”) DTV Channel 4 to Jacksonville, Oregon.

The following table summarizes the change requested in this Petition to the DTV Allotment Table:

Community	Present	Proposed
Jacksonville, OR		*4

I. TECHNICAL COMPLIANCE

The proposed allocation of NCE DTV Channel 4 to Jacksonville, Oregon can be accomplished in accordance with all of the Commission’s rules governing allocations. As demonstrated by the Engineering Statement of Erik C. Swanson, of the firm Hatfield & Dawson Consulting Engineers, attached hereto (the “Engineering Statement”), the proposed allotment

point complies with the geographic spacing requirements provided in Section 73.623(d) of the Commission's rules. As further reflected in the Engineering Statement, the proposed allotment point will provide full principal community coverage to Jacksonville, Oregon in conformance with Section 73.625(a). Finally, as reflected in the Engineering Statement, the proposed allotment meets the applicable post-transition DTV station interference protection requirements set forth in Section 73.616.

II. PUBLIC INTEREST SHOWING

Section 307(b) of the Communications Act of 1934, as amended (the "Act"), requires the Commission to make a "fair, efficient, and equitable distribution" of television licenses to communities across the country. The Commission has described the goal of the DTV Allotment Table as ensuring the provision of digital television service "to the American people in an expeditious and efficient manner."¹ The Commission defines its television allotment priorities as: (1) to provide at least one television service to all parts of the United States; (2) to provide each community with at least one television broadcast station; (3) to provide a choice of at least two television services to all parts of the United States; (4) to provide each community with at least two television broadcast stations; and (5) to assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities.² The proposed allotment in this Petition

¹ See, e.g., *Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Nampa, Idaho)*, Report and Order, 19 FCC Rcd. 4491, 4493 (2004); *Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Albany, New York)*, Report and Order, 19 FCC Rcd. 4329, 4331 (2004); see also *Advanced Television Systems & Their Impact Upon the Existing Television Broadcast Service*, Sixth Report and Order, 12 FCC Rcd. 14588, ¶ 76 (1997).

² *Amendment of Section 3.606 of the Commission's Rules and Regulations*, Sixth Report and Order, 41 F.C.C. 148, 167-173 (1952).

will serve the public interest by providing both a first local TV station to Jacksonville, Oregon, and a first NCE TV service to that community.³

Jacksonville, Oregon qualifies as a community for DTV allotment purposes. The Commission has defined “communities” as geographically identifiable population groupings with common local interests – a criteria generally satisfied if the proposed community is either incorporated or listed in the U.S. Census.⁴ Jacksonville was incorporated in 1860 and the community had a population of 3,020 as of the 2020 Census.⁵ Because Jacksonville is therefore a well-established community, a detailed showing of such criteria under Section 307(b) of the Act is not necessary for purposes of this Petition.⁶

III. NCE QUALIFICATIONS

If the allocation proposed in this Petition is adopted by the Commission, theDove intends

³ Jacksonville, Oregon is currently served by two TV translator stations: K21BG-D, Jacksonville, Oregon (Facility ID No. 60745); and K15KL-D, Jacksonville, Oregon (Facility ID No. 168424). The Commission, however, considers translator services to be secondary services, and are therefore not considered in determining services to a community. See *Expanding Economic Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd. 6567, 6838 n.1850 (2014) (“[T]he Commission’s policies promoting the ‘fair distribution’ of broadcast stations, including allotment priorities for first or second ‘local’ service, [] do not apply to LPTV and TV translator stations.” (citing first *Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, First Report and Order, 13 FCC Rcd. 15920, n.109 (1998); and then citing 47 U.S.C. § 307(b))).

⁴ *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments (North Pole and Plattsburgh, New York)*, Report and Order, 26 FCC Rcd. 32, 33, ¶ 2 (Media Bureau 2010) (“*North Pole and Plattsburgh, New York*”) (citing *FM Assignment Policies and Procedures*, Second Report and Order, 90 F.C.C.2d 88, 101 (1982)).

⁵ Jacksonville, Oregon, WIKIPEDIA, https://en.wikipedia.org/wiki/Jacksonville,_Oregon (last visited Aug. 2, 2023); Jacksonville, Oregon, U.S. CENSUS BUREAU, https://data.census.gov/profile/Jacksonville_city,_Oregon?g=160XX00US4137000 (last visited Aug. 2, 2023).

⁶ *North Pole and Plattsburgh, New York*, 26 FCC Rcd. at 33, ¶ 2 (citing *FM Assignment Policies and Procedures*, 90 F.C.C.2d at 101).

to apply for a construction permit for DTV Channel 4 if its allotted, and, if authorized, to build a station promptly.⁷ theDove is qualified to be the licensee/permittee of an NCE TV station and these qualifications are a matter of record before the Commission.⁸

CONCLUSION

For the foregoing reasons, theDove respectfully requests that the Commission grant this Petition, and immediately commence a rulemaking proceeding to amend the DTV Allotment Table to allocate NCE DTV Channel 4 to Jacksonville, Oregon.

Respectfully submitted,

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⁷ See *Amendment of Section 73.622(j), Table of Allotments, Television Broadcast Stations (Vernon, Alabama)*, Notice of Proposed Rulemaking, 37 FCC Rcd. 427, 428, ¶ 5 (Media Bureau 2022) (citing *Buffalo, Iola, Normangee, and Madisonville, Texas*, Report and Order, 24 FCC Rcd. 8192, 8194, ¶ 9 (Media Bureau 2009) (“[A] showing of continuing interest is required before a channel will be allotted[,] [and] . . . [i]t is the Commission’s policy to refrain from making an allotment to a community absent an expression of interest.”))).

⁸ See CDBS File No. BALED-20031125AHM.

Attachment A

Engineering Statement of Erik C. Swanson, PE, PMP

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**Engineering Statement
Petition for Rulemaking
Channel 4 at Jacksonville, Oregon
August 2023**

Introduction

This Engineering Statement has been prepared on behalf of theDove Media, Inc. ("theDove"), in support of a Petition for Rulemaking proposing to add Channel *4 as a new vacant allotment at Jacksonville, Oregon, to be reserved for non-commercial use.

Counterproposal

theDove proposes that Channel *4 be allotted as a new vacant digital television channel at Jacksonville, and (as documented in the pleading to which this Engineering Statement is attached) pledges to file an application for Channel *4 at Jacksonville if that allotment is made.

Channel *4 can be allotted for use at Jacksonville in compliance with the geographic spacing requirements contained in Section 73.623(d) of the Commission's Rules, with the following specifications:

Community of License

Jacksonville, Oregon

Fully-spaced allotment site coordinates (NAD83)

42-17-56 NL
122-45-00 WL

Zone

II

The following table demonstrates that the proposed allotment is fully-spaced to all full-power cochannel and adjacent channel stations and allotments in the vicinity.

Callsign	Community	Channel	Coordinates	Distance	Requirement	Pass/Fail
KIEM-TV	Eureka	3	40-43-49.0 123-57-11.0	201.09 km	0-20 km or 110+ km	Pass
Vacant	Fort Bragg	4	39-41-38.4 123-34-46.7	297.58 km	273.6 km	Pass

Additionally, any cochannel or adjacent-channel Class A stations are located at least 300 kilometers distant from the allotment site.

The proposed fully-spaced allotment site is located at an existing tower site just 18 kilometers east of Jacksonville. At this location, and assuming a nominal 28 meter antenna height above ground level, the 8-radial antenna HAAT is 425 meters. At this height the allowable digital ERP is 22 kW, and the resulting distance to the 35 dBu F(50,90) principal community contour is 105.6 kilometers. Therefore the proposed allotment site will allow the station to provide full principal community contour coverage to the city of Jacksonville.

This proposal will serve the public interest by providing a first local television station to Jacksonville. Jacksonville qualifies as a community for allotment purposes, as it is an incorporated city with a 2020 Census population of 3,020 persons, located in Jackson County, Oregon.

Statement of Engineer

This Engineering Statement supporting a Petition for Rulemaking to add Channel *4 at Jacksonville, Oregon, has been prepared by me or under my direct supervision. All representations herein are true to the best of my knowledge. I am a consulting engineer in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and Colorado.

Signed this 11th day of August, 2023



Erik C. Swanson, P.E.