

**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 KRIS-TV, Corpus Christi, TX)	
(Facility ID 25559))	

PETITION FOR RULEMAKING

Scripps Broadcasting Holdings LLC (“Scripps”), licensee of television station KRIS-TV, Corpus Christi, Texas (Facility ID No. 25559) (“KRIS” 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 26 to KRIS in lieu of Channel 13.² As demonstrated herein, the proposed channel substitution for KRIS from VHF Channel 13 to UHF Channel 26 would allow the Station to significantly improve over-the-air service to viewers in the Corpus Christi, Texas market which is important because the Corpus Christi market has a high percentage of over-the-air viewers. The proposed channel substitution would serve the public interest by addressing reception complaints KRIS has received from viewers. In addition, the proposed channel substitution would better serve the Corpus Christi, Texas community by substantially improving its access to critical local news, emergency, NBC network, and other station programming.

I. KRIS Signal Issues on Existing Channel 13 Facilities

KRIS, an NBC affiliate, serves Corpus Christi, Texas, and broadcasts on Channel 13. The

¹ 47 C.F.R. § 1.401.

² 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.”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 Corpus Christi. Scripps has received numerous complaints from viewers living in the Corpus Christi Designated Market Area complaining that they are unable to receive the KRIS signal on Channel 13 (including

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).

viewers using indoor receiving equipment). The KRIS technical staff has tried to work with these callers to resolve their problems, but it is apparent that the Station's digital Channel 13 signal is not providing these viewers with the 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 KRIS's proposed parameters, Channel 26 can be substituted for Channel 13 at Corpus Christi, Texas, in compliance with the Commission's rules. The proposed facility would continue to provide a principal community contour completely covering KRIS'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.

Further, the Engineering Statement confirms KRIS's Channel 26 contour would be fully contained within the Station's existing Channel 13 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 Corpus Christi.⁸ An analysis using the Commission's TVStudy tool also indicates that KRIS's move from Channel 13 to Channel 26 is predicted to provide an increase in service over that of the KRIS Channel 13 allotment facility. While the channel change will result in net service gains, there is a very small area predicted to

⁶ Engineering Statement at 3.

⁷ *Id.* at 6.

⁸ *See id.* at 3-4.

lose service: an estimated 15 people live within the predicted loss area, which is *de minimis*.⁹

The loss area is also overlapped by the noise-limited contours of three other stations: KIII (Ch. 8 at Corpus Christi, TX), KVCT (Ch. 11 at Victoria, TX), and KAVU-TV (Ch. 20 at Victoria, TX) and, therefore, the proposed change will not create any areas where the only existing service is lost (a “white” area).¹⁰

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.¹¹ Here, given the viewer complaints KRIS 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 26 therefore would serve the public interest by providing Corpus Christi-area residents with greater access to KRIS’s free over-the-air signal with few, if any, viewers losing access to the station’s over-the-air service. The proposed channel substitution would therefore allow KRIS to provide better service (particularly indoor service), and better serve its viewers with a more robust and reliable UHF signal.

Scripps also notes that in April 2020, high winds generated during a storm caused the Scripps-owned tower supporting the full-service KRIS Channel 13 antenna to collapse. The Station is currently silent pursuant to Special Temporary Authority¹² while Scripps has worked

⁹ *Id.* at 5. In contrast to the *de minimis* loss area, Scripps expects 3,339 people to be contained within the gain area.

¹⁰ *Id.*

¹¹ *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).

¹² See FCC File Number 0000113306, as extended by FCC File Number 0000125185. Scripps acknowledges that KRIS must resume broadcasting no later than April 29, 2021, and plans to do so pursuant to interim facilities.

diligently to replace the facility, securing space on a nearby site owned by American Tower to install a new antenna. Scripps fully intended to build out a new Channel 13 facility to replace the one lost in the storm. However, the FCC recently lifted its “freeze” on maximizations and channel changes at the end of 2020.¹³ In light of this, Scripps seeks to expeditiously build out a new UHF facility which can significantly improve the off-air reception of KRIS, thereby benefiting its viewers.

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.¹⁴ Many households are relying on free local broadcast signals, often in combination with online streaming services. This is especially true in the Corpus Christi market where on average, 30 percent of viewers receive television broadcast signals over-the-air with one county, Kenedy County, having estimated over-the-air viewership of almost 76 percent.¹⁵ 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.¹⁶ And in a market like Corpus Christi,

¹³ See *Media Bureau Lifts Freeze on the Filing of Television Station Minor Modification Applications and Rulemaking Petitions Effective Fifteen Days After Publication in the Federal Register*, Public Notice, 35 FCC Rcd 11993 (MB 2020). This action took effect on November 27, 2020. See 85 FR 73706 (Nov. 19, 2020).

¹⁴ 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).

¹⁵ Data obtained from Scarborough Research, Spring 2020.

¹⁶ 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->

having a strong over-the-air signal becomes even more important during local emergencies such as hurricanes, 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 Corpus Christi market.

III. Conclusion

The public interest would be served by promptly granting Scripps' request to move KRIS from Channel 13 to Channel 26 so that Corpus Christi-area viewers may benefit from substantially improved over-the-air broadcast television service.

Respectfully submitted,

SCRIPPS BROADCASTING HOLDINGS LLC

By: /s/
Christina H. Burrow
Cooley, LLP
1299 Pennsylvania Ave, N.W.
Suite 700
Washington, DC 20004

Counsel for Scripps Broadcasting Holdings LLC

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