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

In the Matter of	)	
	)	
SINCLAIR MEDIA LICENSEE, LLC	)	MB Docket No. 20- _____
	)	RM - ____
Petition for Rulemaking to Amend the	)	
DTV Table of Allotments for	)	
Station WCYB-TV, Bristol, VA	)	
(Facility ID No. 2455)	)	

PETITION FOR RULEMAKING

SINCLAIR MEDIA LICENSEE, LLC, licensee of television station WCYB-TV, Bristol, Virginia (Facility ID No. 2455) ("WCYB" or the "Station"), hereby requests that the Commission commence a rulemaking pursuant to Section 1.401 of the Commission's rules[1] in order to amend the DTV Table of Allotments by allotting UHF Channel 35 to WCYB in lieu of low-band VHF Channel 5 consistent with the technical parameters as set forth in the attached Engineering Statement.[2] As demonstrated herein, the proposed channel substitution for WCYB from low-VHF Channel 5 to UHF Channel 35 would allow WCYB to significantly improve its over-the-air service to the Station's viewers in the Bristol market. Indeed, as demonstrated herein, the proposed channel change from Channel 5 to Channel 35 would result in a substantial increase in signal receivability for WCYB's core viewers and enable viewers to receive the Station's signal with a significantly smaller antenna.

The proposed channel substitution would serve the public interest because WCYB has had a long history of dealing with severe reception problems since the Station was licensed on

[1] 47 C.F.R. § 1.401.

[2] *See* Engineering Statement of John E. Hidle, P.E., In Support of a Petition to Amend the Table of Allotments for WCYB, Bristol Virginia ("Engineering Statement").

Channel 5.[3] The reception issues were exacerbated by the analog to digital conversion. This is not surprising as the Commission has long 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."[4] The Commission has also specifically stated with respect to operation on low-VHF channels that:

> use of the low-VHF Channels 2-6 for digital service could be particularly difficult because of the generally higher levels of background noise on those channels … We note that many indoor antennas are not marketed for reception of low-VHF channels. As indicated above, the engineers participating in our Broadcast Engineering Forum indicated the view that the options for improving TV service on the VHF channels, especially those in the low-VHF band, are limited. They indicated that while practical power increases could marginally improve reception there are physical and practical limitations to achieving any significant reception improvement. Their general opinion was that the effect of a power increase would not be sufficient to compensate for reception problems caused by the increased RF noise level in the band and physical limitations on the size and efficiency of the transmit and receive antennas.[5]

These sound conclusions by the Commission have proven to be absolutely correct and are entirely consistent with the experience of WCYB operating on low-VHF Channel 5. Indeed, WCYB has received numerous complaints from viewers unable to receive the Station's over-the-air signal,

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[3] *See* LMS File No. BLCDT-20050824ABJ.

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

[5] *Id.* (internal citations omitted). As is common knowledge, even if low-VHF antennas were readily available for consumers, which they are not, the large size of any such antennas would not be suitable for consumer use. Further, as the Commission is aware, VHF antennas that were commonly available for consumers for analog reception have consistently exhibited extremely poor performance on the low-VHF channels.

despite being able to receive signals from other local stations. Permitting WCYB to operate on UHF Channel 35 instead of low-VHF Channel 5 will alleviate the Station's reception issues and will improve service to local viewers. Importantly, the proposal will result in more effective building penetration for indoor antenna reception and will also greatly improve the Station's ability to provide ATSC 3.0 service to homes and portable devices, to the ultimate benefit of the Station's viewers and the public interest in Bristol.

As an initial matter, for the Station's signal to be received at all by viewers, it would require an antenna gain of at least 4 dB (according to planning factors) and an antenna elevated 30 feet above ground! As further evidence of why the requested channel change from VHF Channel 5 is absolutely necessary, attached are charts taken from the instruction manuals for Potomac Instruments Field Strength Meters, which are used to determine the actual physical size of the wavelengths of digital VHF and UHF channels. These charts are specifically utilized to adjust the length of the reference dipole antennas associated with each instrument according to the frequency being measured. As shown in the charts, the dipole antenna length for Channel 13, the shortest VHF antenna, would be **over two feet** for a portable device, and an antenna for Channel 7 would be even longer. An antenna of this size is unrealistic for use in a portable mobile device. In contrast, the charts indicate the dipole length for Channel 14, the longest UHF antenna, to be only **10.2 inches**, which is used in portable devices capable of UHF signal reception which are currently being manufactured. Consequently, the ability of broadcast television stations to use the groundbreaking new ATSC 3.0 technology, which will dramatically enhance the television viewing experience for mobile consumers, depends on those stations being able to broadcast on UHF channels. This fact alone should justify the requested channel change as being overwhelmingly in the public interest.

In this case, in light of the persistent coverage and reception issues that the Station has historically faced on low-VHF Channel 5 to the detriment of the Station's viewers in WCYB's core coverage area, any nominal population loss in outlying areas of the Station's contour would be more than outweighed by the substantial improvement in the Station's actual over-the-air reception within its community of license and in other core portions of its service area. [6] Consequently, the proposed move to Channel 35 would serve the public interest by giving Bristol's viewers significantly improved access to WCYB's signal.

Now that Phase 10 has been completed and the repack is winding down, grant of the instant Petition would have no impact on the Post-Transition Table of DTV Allotments or otherwise affect the analysis of repacking methodologies.[7] Indeed, the Media Bureau already permitted full power, Class A, and low power stations to propose substitutions of their assigned channels as part of the post-auction transition.[8] Additionally, as shown in the attached Engineering Statement, WCYB's proposed move from Channel 5 to Channel 35 protects all operating and approved post-Auction facilities in accordance with the Commission's rules.

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[6] As the Bureau is aware, even where a proposed modification would result in some minimal service loss, the Commission will approve the proposed modification so long as its "supported by a strong showing of countervailing public interest," such as offsetting service gains. *See Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, NPRM, 22 FCC Rcd 9478, 9493 ¶ 38 & n.70.

[7] *See Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Station WNLO(TV), Buffalo, New York*, NPRM, MB Docket No. 19-118, DA 19-316 at ¶ 6 (MB April 23, 2019) (proposing to waive channel-substitution and contour extension freezes "because the underlying purpose of the freeze is not implicated" given that "the incentive auction and repacking have been completed"), *proposal adopted by* Report and Order, MB Docket No. 19-118, DA 19-553 (MB June 12, 2019).

[8] *See Incentive Auction Closing and Channel Reassignment Public Notice the Broadcast TV Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final TV Band Channel Assignments Announced; Post-Auction Deadlines Announced, Public Notice*, 32 FCC Rcd. 2786 ¶ 71 (2017); *Incentive Auction Task Force and Media Bureau Announce Post Incentive Auction Special Displacement Window April 10, 2018, Through May 15, 2018, And Make Location and Channel Data Available*, Public Notice, 33 FCC Rcd. 1234 ¶ 6 (IATF and MB 2018).

Further, WCYB has confirmed with its vendors that they have the capacity to supply the antenna and transmitter equipment necessary for WCYB's proposed Channel 35 facility without adversely impacting any other station's repack progress. WCYB's proposed channel substitution thus does not in any way obstruct the Commission's repacking process, making the instant Petition ripe for Media Bureau approval and grant.

Accordingly, the public interest would be best served by promptly granting WCYB's request to move from Channel 5 to Channel 35 consistent with the Engineering Statement, so that Bristol-area viewers may benefit from substantially improved over-the-air broadcast television service as soon as possible, consistent with §73.622(i) of the Commission's Rules.

Conclusion

For the foregoing reasons, the proposed amendment to the DTV Table of Allotments will clearly serve the public interest. Petitioners therefore respectfully request that the DTV Table be amended in accordance with the specifications set forth in the attached Engineering Statement.

Respectfully Submitted,

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