

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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| In the Matter of                       | ) |                     |
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| Amendment of Section 73.622            | ) | MB Docket No. _____ |
| Digital Television Table of Allotments | ) |                     |
| For KTNV-TV, Las Vegas, Nevada         | ) |                     |
| (Facility ID No. 74100)                | ) | RM No. _____        |
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To: Office of the Secretary  
Attn: Chief, Media Bureau

**PETITION FOR RULEMAKING**

Scripps Broadcasting Holdings LLC (“Scripps”), licensee of KTNV-TV (“KTNV” or the “Station”), by its attorneys, hereby respectfully petitions the Commission to institute a rulemaking proceeding pursuant to Section 1.401 of the Commission’s Rules for the purpose of amending the DTV Table of Allotments by allotting Channel 26 for KTNV in lieu of Channel 13.<sup>1</sup> As demonstrated herein, the proposed channel substitution for KTNV from VHF Channel 13 to UHF Channel 26 would allow the Station to significantly improve over-the-air reception for viewers in the Las Vegas, Nevada market. Grant of this Petition will create a preferential arrangement of allotments by expanding the ability of viewers in the Las Vegas market to receive over-the-air the critical local news, emergency, ABC network, and other programming presented by the Station.

The goal of the DTV Table of Allotments is to ensure the delivery of over-the-air television service “to the American people in an expeditious and efficient manner.”<sup>2</sup> The

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<sup>1</sup> See 47 C.F.R. §§ 1.401, 73.622(i).

<sup>2</sup> See, e.g., *In the Matter of Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Nampa, Idaho)*, Report and Order, 19 FCC Rcd 4491, 4493

Commission in evaluating a proposed channel substitution will consider the Petitioner's public interest showing and whether the proposal will comply with the principal community coverage requirements on Section 73.625(a) of the Commission's Rules.<sup>3</sup> The substitution proposed herein clearly satisfies these standards.

In connection with the transition of all television stations to digital broadcasting, the Commission has recognized that VHF channels face significant challenges related to propagation and reception.<sup>4</sup> In particular, the Commission has recognized the detrimental effects of manmade noise on reception of VHF signals, finding that the "propagation characteristics of these channels...allow undesired signals and noise to be receivable at relatively farther distances," and 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>5</sup>

Scripps' experience with KTNV demonstrates the real-world application of these issues. KTNV has received many complaints from viewers asserting that they are unable to reliably receive the Station's signal on Channel 13. The Station has attempted to work with viewers to resolve these complaints, but it has become clear that the Station's Channel 13 operation is not providing the quality service these viewers deserve. In addition, as part of the implementation of

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(2004); *In the Matter of Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Albany, New York)*, 19 FCC Rcd 4279, 4331 (2004); *In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, 13 FCC Rcd 7418, 7479 (1998).

<sup>3</sup> See, e.g., *In the Matter of Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Corpus Christi, Texas)*, Report and Order, DA 21-396 (rel. April 5, 2021).

<sup>4</sup> *In the Matter of Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd 16498, 16511 (2010).

<sup>5</sup> *Id.*

the ATSC 3.0 transition in the Las Vegas market, the CW programming of local station KVCW has been simulcast in an ATSC 1.0 format on KTNV's Channel 13 rather than KVCW's UHF Channel 29.<sup>6</sup> Since this change, KVCW has informed KTNV that they have received an increased number of receivability complaints regarding that programming, suggesting that the move to a VHF channel is negatively impacting reception.

The engineering study attached as Exhibit A hereto (the "Engineering Statement") confirms that with KTNV's proposed technical parameters, Channel 26 can be substituted for Channel 13 at Las Vegas, Nevada, in compliance with the Commission's rules. The proposed facility would continue to provide a principal community contour completely covering KTNV's community of license of Las Vegas, and would not cause impermissible interference to any other station.<sup>7</sup> 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 co-channel or adjacent channel facility.<sup>8</sup>

The Engineering Statement also confirms that KTNV's Channel 26 contour would continue to reach virtually all of the population within the Station's current contour. Specifically, the proposal would create a loss area of 460.9 square kilometers, containing only five people, or less than two ten thousandths of a percent of the Station's total proposed service area population.<sup>9</sup> The entire geographic loss area will continue to be served by at least one station (KLAS-TV), and the entire loss area population will continue to be served by two stations (KLAS-TV and KMCC(TV)). As a result, the proposed change will not create any "white

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<sup>6</sup> See LMS File No. 0000112811, Application for Modification to License (Next Gen) of KVCW, granted May 15, 2020.

<sup>7</sup> Engineering Statement at 1.

<sup>8</sup> Id.

<sup>9</sup> Id at 2.

areas.” This minimal service loss area and population would be offset by a small gain area of 523.9 square kilometers, including 223 people.

The Commission will approve an allotment modification despite some resulting service loss if the proposal is “supported by a strong showing of countervailing public interest benefits.”<sup>10</sup> Here, the significant public interest benefits of the proposal far outweigh the extremely minimal service population loss of five people. As noted above, KTNV has received numerous complaints of poor reception due to the characteristics of the Station’s current VHF channel. Viewers in the Las Vegas market are also increasingly reliant on over-the-air television, with almost 25 percent of television households receiving programming exclusively over-the-air.<sup>11</sup> Moreover, it is well documented that the differences between VHF and UHF channels is especially pronounced for indoor reception. This is particularly important in the Las Vegas market, which has lower than average rates of home ownership, particularly among minority populations.<sup>12</sup> Much of the housing in the market is also high-density, including many multi-family dwellings. Combined, these factors make it significantly more likely that viewers in the market may find it difficult or impossible to install the type of outdoor antennas required to reliably receive KTNV’s over-the-air VHF signal. Finally, as noted above, VHF channels are less well suited to mobile applications, undermining the ability of those channels to deliver to viewers the full benefits enabled by the transition to ATSC 3.0. The channel substitution

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<sup>10</sup> *Third Periodic Review of the Commission’s Rule and Policies Affecting the Conversion to Digital Television*, 22 FCC Rcd 9478, 9493 (2007).

<sup>11</sup> Data obtained from Nielsen Media Research.

<sup>12</sup> See, e.g. US Census Bureau at <https://data.census.gov/cedsci/profile?g=0500000US32003> (last visited May 11, 2021), showing homeownership rate of 53.8% in Clark County vs 64.0% nationally; see also Las Vegas Review-Journal, *Vegas Homeownership Rate Below the National Average* (Nov. 30, 2019), available at <https://www.reviewjournal.com/post/1903979>, reporting homeownership rates of 62% among whites and only 35 percent among blacks.

proposed herein would allow KTNV to provide better service to all of its viewers, but particularly these viewers that rely on over-the-air reception using indoor antennas, as well as those who wish to take advantage of mobile reception.

For the reasons set forth above, Scripps respectfully submits that the public interest would be served by prompt approval of this request to substitute UHF Channel 26 for VHF Channel 13 for KTNV so that the Station can deliver substantially improved over-the-air service to Las Vegas viewers.

Respectfully submitted,

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