

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

In the Matter of)
)
KVVU Broadcasting Corporation) MB Docket No. 21-____
) RM-_____
Petition for Rulemaking to Amend the)
DTV Table of Allotments for)
Station KVVU-TV, Henderson, NV)
(Facility ID 35870)

PETITION FOR RULEMAKING

KVVU Broadcasting Corporation (“Meredith”), licensee of television station KVVU-TV, Henderson, Nevada (Facility ID No. 35870) (“KVVU” 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 24 to KVVU in lieu of Channel 9.² As demonstrated herein, the proposed channel substitution for KVVU from VHF Channel 9 to UHF Channel 24 would allow the Station to significantly improve over-the-air service to viewers in the Las Vegas, Nevada market which is important because the Las Vegas market has a high percentage of over-the-air viewers. The proposed channel substitution would serve the public interest by addressing reception complaints KVVU has received from viewers. In addition, the proposed channel substitution would better serve the Las Vegas, Nevada community by substantially improving its access to critical local news, emergency, FOX network, and other station programming.

I. KVVU Signal Issues on Existing Channel 9 Facilities

KVVU, a FOX affiliate, serves the Las Vegas, Nevada market, and broadcasts on

¹ 47 C.F.R. § 1.401.

² 47 C.F.R. § 73.622(i).

Channel 9. 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 Meredith’s experience in Las Vegas. Meredith has received numerous complaints from viewers living in the Las Vegas Designated Market Area complaining that they are unable to receive the KVVU signal on Channel 9 (including viewers

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).

using indoor receiving equipment). The KVVU technical staff has tried to work with these callers to resolve their problems, but it is apparent that the Station's digital Channel 9 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 KVVU's proposed parameters, Channel 24 can be substituted for Channel 9 in compliance with the Commission's rules. The proposed facility would continue to provide a principal community contour completely covering KVVU's community of license, Henderson, Nevada, and would not cause impermissible interference to any other station. 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.

Meredith recognizes that since the current KVVU Channel 9 facility is maximized to 120 kW, there would be a considerable area of coverage contour (NLSC) loss when KVVU moves to Channel 24. Meredith notes, however, that most of the loss area is sparsely populated and the predicted population loss, as shown in Figure 1 of the attached Engineering Statement, is approximately 3.5%. However, when a more detailed analysis is conducted using a terrain-limited analysis, the Engineering Statement shows that only 152 persons in the NLSC gap area would lose service from KVVU. And, only an estimated 135 people – 0.007 percent of the population served within KVVU's existing contour – would be predicted to live in portions of the loss area that are not otherwise well-served, and none of those viewers would lose access to

their only over-the-air television service.⁶ In fact, all 135 persons are predicted to continue to receive two other over-the-air full service television services. Accordingly, the Channel 24 proposal would not result in any population losing their first or second over-the-air television service.

The Commission will approve a modification even with some resulting service loss if it is “supported by a strong showing of countervailing public interest benefits,” such as additional service gains.⁷ Here, the proposed move to Channel 24 would serve the public interest by providing Las Vegas-area residents with greater access to KVVU’s free over-the-air signal. The proposed channel substitution would allow KVVU 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.⁸ Many households are relying on free local broadcast signals, often in combination with online streaming services. This is especially true in the Las Vegas market where on average, more than 25 percent of viewers receive television broadcast signals over-the-air.⁹ The COVID-19 pandemic has helped to

⁶ See *Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 22 FCC Rcd 9478, 9493 ¶ 38 (2007) (“The Commission is generally most concerned where there is a loss of an area’s only network or NCE TV service, or where the loss results in an area becoming less than well served, *i.e.*, served by fewer than five full-power over-the-air signals.”) (footnotes and citations omitted).

⁷ *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).

⁸ 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).

⁹ Proprietary data from Nielsen shows that for June 2021, approximately 27.4% of TV homes in Las Vegas received television service over-the-air.

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.¹⁰ And in a market like Las Vegas, having a strong over-the-air signal becomes even more important during local emergencies such as flash floods, wind storms, earthquakes or wildfires 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 Las Vegas market.

¹⁰ 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 Meredith's request to move KVVU from Channel 9 to Channel 24 so that Las Vegas-area viewers may benefit from substantially improved over-the-air broadcast television service.

Respectfully submitted,

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