

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Section 73.622,)	MB Docket No. _____
Digital Television Table of Allotments)	
For KKCO(DT), Grand Junction, Colorado)	Rulemaking No. _____
(Facility 35200))	

To: Office of the Secretary, Federal Communications Commission
Attn: Chief, Media Bureau

PETITION FOR RULEMAKING

Gray Television Licensee, LLC (“Gray”), licensee of full power commercial television station KKCO(DT) (“KKCO”), Grand Junction, Colorado, hereby requests that the Commission institute a rulemaking proceeding for the purpose of amending the DTV Table of Allotments (the “DTV Table”) contained in Section 73.622(i) of the Commission’s rules.¹ Gray requests that the Commission amend the DTV Table to substitute UHF Channel 30 for VHF Channel 12 with the technical parameters as set forth in the attached Engineering Statement. As set forth herein, grant of this Petition will create a preferential arrangement of allotments by expanding the availability of free over-the-air television service in this market.

The FCC has described the goal of the DTV Table as ensuring the provision of digital television service “to the American people in an expeditious and efficient manner.”² In considering channel substitution requests, the Commission considers the

¹ See 47 C.F.R. §§ 1.401, 1.420, and 73.622(i).

² 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, ¶ 6 (2004); *Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Albany, New York)*, 19 FCC Rcd. 4329, ¶ 7 (2004); see also *Advanced*

petitioner's public interest justification and whether the proposal would comply with the principal community coverage requirements of Section 73.625(a).³

This channel substitution serves the public interest because it will resolve significant over-the-air ("OTA") reception problems in KKCO's existing service area.⁴ With viewers increasingly reliant on OTA signals to receive the most valued video content,⁵ providing a strong broadcast signal is more important than it has been in decades. Yet, the challenges with digital reception of VHF signals are well-documented. Ten years ago, the Commission recognized the deleterious effects manmade noise has on the reception of VHF signals, finding that "the propagation characteristics of these

Television Systems & Their Impact Upon the Existing Television Broadcast Service, 12 FCC Rcd. 14588, ¶ 76 (1997).

³ See, e.g., *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Mesa, Arizona)*, Notice of Proposed Rulemaking, 35 FCC Rcd. 11400, ¶ 7 (2020) ("*Mesa NPRM*"); *Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Ontario, California)*, Notice of Proposed Rulemaking, 16 FCC Rcd. 2276, ¶ 3 (2001); *Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments, Digital Broadcast Stations. (Moscow, Idaho)*, Notice of Proposed Rulemaking, 17 FCC Rcd. 19447, ¶ 3 (2002).

⁴ See *Mesa NPRM* at ¶ 6 (recognizing effect of "VHF propagation challenges"); *Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Missoula, Montana)*, Notice of Proposed Rulemaking, 16 FCC Rcd. 2232, ¶¶ 2-3 (2001) (finding that proposal to substitute channels to improve signal coverage and eliminate interference "warrants consideration.").

⁵ See, e.g., Parks Associates, *TV Antenna Usage in US Broadband Households Jumped to 25% in 2019 and Is Expected to Grow More as COVID-19 Keeps Consumers at Home* (Mar. 26, 2020), available at <http://www.parksassociates.com/blog/article/pr-02762020> (finding that OTA viewing increased from 15% in 2018 to 25% in 2019); Phil Kurz, TVTechnology, *New Research Reveals Resurgence in OTA Antenna Viewing* (Apr. 29, 2019), available at <https://www.tvtechnology.com/news/new-research-reveals-resurgence-in-ota-antenna-viewing> (finding that viewers consume 19% of viewing time over the air); Nielsen Local Watch Report, *The Evolving Over-the-Air Home* (Jan. 14, 2019), available at <https://www.nielsen.com/wp-content/uploads/sites/3/2019/04/q2-2018-local-watch-report.pdf> (finding that more than 14% of TV households lack cable or satellite service).

channels allow undesired signals and noise to be receivable at relatively farther distances, nearby electrical devices tend[] to emit noise in this band that can cause interference, and reception of VHF signals requires physically larger antennas ... relative to UHF channels.”⁶ The Commission also observed 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.”⁷

Attached is an Engineering Statement of Chesapeake RF Consultants, LLC (“Chesapeake”),⁸ which sets forth in detail the proposed KKCO Channel 30 DTV Table specifications. This proposal is in compliance with all relevant technical requirements for amendment of the post-transition DTV Table, including the interference protection requirements of 47 C.F.R. § 73.616 and the 0.5% *de minimis* interference standard with respect to all allotments and assignments, existing and proposed. The proposed Channel 30 facilities will provide full principal community coverage to Grand Junction, Colorado.

Although the proposed Channel 30 facilities will result in a slight reduction in KKCO’s predicted population served, once terrain-limited coverage predications are taken into account, the proposed Channel 30 facilities will result in only a *de minimis* loss area. Grand Junction resides in a deep valley along the Colorado River. As a result, substantial terrain blockage surrounds Grand Junction and exists throughout the region.

⁶ See *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd. 16498, ¶ 42 (2010) (recognizing that “VHF channels have certain characteristics that have posed challenges for their use in providing digital television service.”)

⁷ *Id.* at ¶ 44.

⁸ See Exhibit 1.

This, in turn, causes the standard noise limited service contour (“NLSC”) for Grand Junction television stations to overstate stations’ actual coverage area and population. As demonstrated in the Engineering Statement, once terrain-limitations are factored into the analysis the population loss as a result of the proposed substitution would be a mere 4 persons, which falls well below the *de minimis* loss area threshold that the Commission has previously established.⁹

For the foregoing reasons, Gray respectfully requests that the Commission grant this Petition and immediately commence a rulemaking proceeding to change the digital allotment for KKCO from Channel 12 to Channel 30 as proposed herein.

Respectfully submitted,

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⁹ See *Application of WSET, INCORPORATED (WSET-TV), Lynchburg, Virginia For Construction Permit*, 80 F.C.C.2d 233, 246 (1980) (finding loss area of population of 500 *de minimis*).

Exhibit 1