

**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 KTVH-DT, Helena, MT	)	
(Facility ID 5290)	)	

**PETITION FOR RULEMAKING**

Scripps Broadcasting Holdings LLC (“Scripps”), licensee of television station KTVH-DT, Helena, Montana (Facility ID No. 5290) (“KTVH” or the “Station”), hereby petitions the Commission to commence a rulemaking pursuant to Section 1.401 of the Commission’s rules<sup>1</sup> to amend the digital television Table of Allotments by allotting Channel 31 to KTVH in lieu of Channel 12.<sup>2</sup> As demonstrated herein, the proposed channel substitution for KTVH from VHF Channel 12 to UHF Channel 31 would allow the Station to significantly improve over-the-air service to viewers in the Helena, Montana market, which is important because the Helena market has a high percentage of over-the-air viewers. The proposed channel substitution would serve the public interest by addressing reception complaints KTVH has received from viewers. In addition, the proposed channel substitution would better serve Helena, Montana and the surrounding community by substantially improving its access to critical local news, emergency, NBC network, and other station programming.

**I. KTVH Signal Issues on Existing Channel 12 Facilities**

KTVH, an NBC affiliate, serves Helena, Montana and the surrounding area and

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<sup>1</sup> 47 C.F.R. § 1.401.

<sup>2</sup> 47 C.F.R. § 73.622(i).

broadcasts on Channel 12. 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.”<sup>3</sup> 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.”<sup>4</sup> 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.”<sup>5</sup>

These findings are representative of Scripps’ experience in Helena. Scripps has received numerous complaints from viewers living in the Helena area complaining that they are unable to receive the KTVH signal on Channel 12 (including viewers using indoor receiving equipment).

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<sup>3</sup> *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, 25 FCC Rcd 16498, 16511 ¶ 42 (2010).

<sup>4</sup> *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.”).

<sup>5</sup> *Assessment and Collection of Regulatory Fees for Fiscal Year 2020*, MB Docket No. 20-105, FCC 20-64 ¶ 52 (rel. May 13, 2020).

While KTVH technical staff has attempted to resolve these viewers' problems, it is apparent that the Station's digital Channel 12 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 KTVH's proposed parameters, Channel 31 can be substituted for Channel 12 at Helena, Montana, in compliance with the Commission's rules. The proposed facility would continue to provide a principal community contour completely covering KTVH's community of license<sup>6</sup> 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 surrounding co-channel or adjacent channel facility.<sup>8</sup>

Further, the Engineering Statement confirms KTVH's Channel 31 contour would be fully contained within the Station's existing Channel 12 contour with the exception of a 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 Helena.<sup>9</sup> An analysis using the Commission's TVStudy tool also indicates that KTVH's move from Channel 12 to Channel 31 is predicted to create a small area where viewers may lose service: an estimated 2,168 people live within the predicted loss area<sup>10</sup> The loss area is, however, also partially overlapped by the noise-

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<sup>6</sup> Engineering Statement at 2.

<sup>7</sup> *Id.* at 4.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at Figure 1.

<sup>10</sup> *Id.* at 4.

limited contours of KTGF-LD, Channel 19, Great Falls, Montana and KDBZ-CD, Channel 29, Bozeman, Montana, which both are also NBC affiliate stations. After accounting for the contour overlap from KTGF and KDBZ, the population contained within the loss area is reduced from 2,168 persons to 226 persons, which is *de minimis*.<sup>11</sup>

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.<sup>12</sup> Here, given the viewer complaints KTVH 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 31 therefore would serve the public interest by providing Helena-area residents with greater access to KTVH’s free-over-the-air signal with few viewers losing access to the station’s over-the-air service and a *de minimis* number of viewers losing access to the station’s network programming. The proposed channel substitution would therefore allow KTVH 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.<sup>13</sup> Many households are relying on free local broadcast signals, often in combination with online streaming services. This is

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<sup>11</sup> *Id.*

<sup>12</sup> *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).

<sup>13</sup> 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).

especially true in the Helena market where Scripps estimates that, on average, approximately 23 percent of viewers receive television broadcast signals over-the-air. 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.<sup>14</sup> And in a market like Helena, having a strong over-the-air signal becomes even more important during local emergencies such as wildfires, blizzards and tornados, 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 Helena market.

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<sup>14</sup> 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)

