

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

In the Matter of Amendment of Section 73.622,
Digital Television Table of Allotments
for KIFI-TV, Idaho Falls, Idaho
(Facility ID No. 66258)

MB Docket No. _____

Rulemaking No. _____

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

PETITION FOR RULEMAKING

NPG of Idaho, Inc. (“NPG”), licensee of full power commercial television station KIFI-TV (“KIFI”), Idaho Falls, Idaho (Facility ID No. 66258), requests that the Commission institute a rulemaking proceeding to amend the DTV Table of Allotments (the “DTV Table”) in Section 73.622(j) of the Commission’s rules.¹ NPG requests that the Commission amend the DTV Table to substitute UHF Channel 18 in the place of VHF Channel 8, with technical parameters as set forth in the attached “Technical Statement in Support of Petition for Rulemaking” prepared by du Treil, Lundin & Rackley, Inc. (the “Engineering Statement”). Granting this Petition will create a preferential arrangement of allotments by likely resolving reception issues currently experienced by a meaningful cross-section of the public in KIFI’s market and thereby expanding the availability of free over-the-air television service in KIFI’s market.

The overarching purpose behind the DTV Table is to “ensure that the spectrum is used efficiently and effectively . . . and to ensure that . . . digital TV fully serves the public

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

interest.”² When considering a channel substitution petition, the Commission analyzes the proposal’s effect on the public interest, including whether the proposed channel change would comply with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules and satisfy the technical requirements of Sections 73.616 and 73.623 of the rules.³

In the present case, KIFI’s proposed channel substitution would serve the public interest by likely resolving current reception challenges in KIFI’s existing service area. KIFI’s currently authorized VHF Channel 8 has difficulty reaching all members of the population within its service area, and has had such difficulty since the 2009, digital transition. Indeed, KIFI has received numerous complaints about reception (or lack thereof) of the VHF Channel 8 facility in the Idaho Falls market. This difficulty is not uncommon among TV broadcasters with VHF channel assignments—as recognized by the Commission nearly thirteen years ago, “VHF channels have certain characteristics that have posed challenges for their use in providing digital television service,” including that “the propagation characteristics of these channels allow undesired signals and noise to be receivable at relatively farther distances, nearby electrical devices tends to emit noise in this band that can cause interference, and reception of VHF signals requires physically larger antennas . . . relative to UHF channels.”⁴

² See *In re Advanced Television Systems & Their Impact Upon the Existing Television Broadcast Service*, 12 FCC Rcd 14588, ¶¶ 1, 76 (1997).

³ See, e.g., *Amend. of Section 73.622(j), Table of Allotments, Television Broad. Stations (Butte, Montana)*, Notice of Proposed Rulemaking, DA 22-249 (rel. Mar. 10, 2022).

⁴ See *In re of Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd 16498, ¶¶ 42, 44 (2010) (noting that record evidence demonstrated “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”).

Because substituting a UHF channel in place of a VHF channel is likely to remedy reception issues such as those KIFI's viewers have now experienced for over decade, the Commission has time and again recognized that the public interest is served by a channel substitution such as the one KIFI's Petition proposes.⁵ NPG therefore respectfully requests similar treatment for this Petition, especially given that KIFI is the only full-service VHF station in the market and the primary network affiliate for both ABC and CBS in the market.

The attached Engineering Statement sets forth in detail the proposed KIFI Channel 18 DTV Table specifications. This proposal complies with 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.⁶ The proposed Channel 18 facilities will provide full principal community coverage to Idaho Falls, Idaho.⁷ And although the proposed 500 kW Channel 18 facilities will fall slightly short of fully replicating the predicted noise-limited service contour ("NLSC") of the currently licensed KIFI-TV Channel 8 facilities, even a

⁵ See, e.g., *Amend. of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broad. Stations (Mesa, Arizona)*, DA 20-1436 (rel. Dec. 2, 2020) ("The channel substitution will permit the station to better serve its viewers, who have experienced reception problems with VHF channel 12."); *Amend. of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broad. Stations (Columbia, Missouri)*, DA 21-268 (rel. Mar. 4, 2021) (same); *Amend. of Section 73.622(j), Table of Allotments, Television Broad. Stations (Lufkin, Texas)*, Report & Order, DA 23-175 (Mar. 3, 2023) ("The proposed channel substitution will resolve significant over-the-air reception problems in [the station]'s existing service area, reception issues which the Commission has recognized results from the propagation characteristics of digital VHF signals and the deleterious effects manmade noise has on the reception of digital VHF signals.").

⁶ Engineering Statement, at 4 & "Interference Analysis" Exhibit.

⁷ *Id.* at "Predicted Coverage Contours" Exhibit (demonstrating principal community contour and Idaho Falls City Limits).

maximum 1000 kW non-directional Channel 18 facility would fall short of replicating the NLSC of the currently licensed KIFI-TV Channel 8 facilities.⁸

As further demonstrated by the attached Engineering Statement, when compared to KIFI's current Channel 8 DTV allotment, the proposed Channel 18 facilities will create only a *de minimis* predicted service loss of 327 persons under terrain-limited service analysis.⁹ In numerous prior cases the Commission has previously determined that greater predicted loss populations, such as 500 or less (i.e., approximately 1.53 times greater than that predicted for KIFI) are considered *de minimis* and therefore do not stand as an impediment to a proposed channel change.¹⁰ Further, such loss predictions necessarily fail to account for the longtime and ongoing service challenges many KIFI viewers are experiencing due to Channel 8's VHF propagation characteristics, challenges that KIFI expects will be remedied by switching to UHF operations on Channel 18.

For the foregoing reasons, NPG respectfully requests that the Commission grant this Petition and immediately commence a rulemaking proceeding to change the digital allotment for KIFI-TV from Channel 8 to Channel 18 as proposed herein.

⁸ *Id.* at 3.

⁹ *See id.* at 4 & "Loss Area Analysis" Exhibit.

¹⁰ *See, e.g., WSET, Inc.*, 80 FCC 2d 233, 246 (1980); *Amend. of Section 73.622(j), Table of Allotments, Television Broad. Stations (Butte, Montana)*, Report & Order, DA 22-1232, (Nov. 29, 2022) (characterizing *WSET* as holding to be *de minimis* loss population of approximately 550 persons); *Amend. of Section 73.622(j), Table of Allotments, Television Broad. Stations (Lufkin, Texas)*, Report & Order, DA 23-175 (Mar. 3, 2023) (same and holding loss population of 448 to be *de minimis*).

Respectfully submitted,

NPG OF IDAHO, INC.,

By:



Patrick Cross

BROOKS, PIERCE, McLENDON,

HUMPHREY & LEONARD, L.L.P.

Wells Fargo Capitol Center, Suite 1700

Raleigh, N.C. 27601

Raleigh, North Carolina 27602

Telephone: (919) 839-0300

Facsimile: (919) 839-0304

Attorney for Petitioner

Dated: May 19, 2023