

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

In the Matter of)	
)	
Amendment of Section 73.622(j),)	MB Docket No. 24-112
Table of Allotments, Television Broadcast)	RM-11981
Stations (Jacksonville, Florida))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: July 24, 2024

Released: July 24, 2024

By the Chief, Video Division, Media Bureau:

1. The Video Division, Media Bureau (Bureau), has before it a Notice of Proposed Rulemaking¹ issued in response to a Petition for Rulemaking filed by Multimedia Holdings Corporation (Petitioner or Multimedia), the licensee of WTLV (Station or WTLV), channel 13, Jacksonville, Florida (Jacksonville).² The Petitioner has requested the substitution of UHF channel 33 for VHF channel 13 in the Table of TV Allotments.³ TEGNA Inc., on behalf of its wholly owned subsidiary, Multimedia, filed comments in support of the Petition, as required by the Commission’s rules (rules), reaffirming Multimedia’s commitment to apply for channel 33 and, if authorized, to promptly implement the facilities modifications necessary for the Station to operate on channel 33.⁴ No other comments were received.

2. We conclude that the public interest would be served by substituting channel 33 for channel 13 at Jacksonville. According to the Petitioner, the Station has received persistent reception complaints from viewers, many of whom state that they can receive signals from other local stations on UHF channels, but not WTLV on VHF channel 13.⁵ The Petitioner states that the Commission has recognized that VHF channels have certain characteristics that pose challenges for their use in providing digital television service, including propagation characteristics that allow undesired signals and noise to be receivable at relatively far distances,⁶ and that although VHF reception issues are not universal, “environmental noise blockages affecting [VHF] signal strength and reception exist” and “[vary] widely from service area to service area.”⁷ Additionally, the Petitioner notes that the Commission has observed the large variability in the performance of indoor antennas available to consumers, with most antennas receiving “fairly well at UHF and . . . not so well to very poor at high-VHF.”⁸

¹ *Amendment of Section 73.622(j), Table of Allotments, Television Broadcast Stations (Jacksonville, Florida)*, MB Docket No. 24-112, Notice of Proposed Rulemaking, DA 24-358 (MB Apr. 16, 2024) (*NPRM*).

² Petition of Multimedia Holdings Corporation for Rulemaking (filed Jan. 19, 2024, amended Jan. 30, 2024), on file at LMS File No. 0000235765 (Petition).

³ 47 CFR § 73.622(j).

⁴ 47 CFR §§ 1.415, 1.419; *see also Buffalo, Iola, Normangee, and Madisonville, Texas*, MB Docket No. 07-279, Report and Order, 24 FCC Rcd 8192, 8194, para. 9 (MB 2009). *See* Comments of TEGNA Inc. at 2 (filed May 20, 2024). We will continue to refer to the Petitioner as “Multimedia” in this *Report and Order*.

⁵ *NPRM* at para. 2 and n.3.

⁶ *Id.* at para. 2.

⁷ *Id.*

⁸ *Id.*

3. WTLV is an NBC network affiliate and while an analysis provided by the Petitioner indicates that the Station's move to channel 33 will result in 274,303 persons no longer being located within the Station's noise limited service contour (NLSC),⁹ all but 16,737 persons in the predicted loss area are within the NLSC of three other NBC affiliated TV stations.¹⁰ Further, when the Commission's *TVStudy* software is run for the Station's licensed and proposed facility with the "Study Area Mode" set to "unrestricted" to predict coverage outside the proposed channel 33 NLSC,¹¹ all viewers in the remaining predicted loss area would continue to receive over-the-air NBC network programming from WTLV on channel 33. Thus, once service provided by other NBC stations and the terrain-limited coverage predictions are taken into account, we find that the proposed channel 33 facility will result in no loss of NBC service to existing viewers within the Station's current NLSC.¹²

4. We also find that the proposal complies with all relevant technical requirements for amendment of the Table of TV Allotments, including the interference protection requirements of section 73.622(a) of the rules, and further demonstrates that the proposed channel 33 facility will provide full principal community coverage to Jacksonville as required by section 73.618 of the rules.¹³ In fact, this

⁹ See 47 CFR § 73.619 (defining the noise limited service contour (NLSC) of full power television stations and the method of computation) (formerly §§ 73.625(b) and 73.683(c)). The Commission recently amended its television rules to reflect the transition from analog to digital-only operations, the completion of the post-incentive auction transition, and to reorganize a portion of the part 73 rules to make them easier to find and more practical for users. See *Media Bureau Announces March 4, 2024 Effective Date for All Revisions to Part 73 Commission Rules for Full Power and Class A Television Stations*, MB Docket No. 22-227, Public Notice, DA 24-196 (MB Mar. 4, 2024); *Amendment of Part 73 of the Commission's Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations*, MB Docket No. 22-227, Report and Order, FCC 23-72 at para. 40 (Sept. 19, 2023) (*Part 73 Amendment R&O*).

¹⁰ *NPRM* at para. 3. These stations are WSAV-TV, Savannah, Georgia; WNBW-DT, Gainesville, Florida; and WESH, Daytona Beach, Florida. The Petitioner used V-Soft Probe-5, Version 5.40a, and the staff confirmed the Petitioner's results using the Commission's *TVStudy* software, which is available with no charge to the public. *Id.* at n.9. Further, many viewers in the service loss area are likely already relying upon these stations for their NBC service; for example, some of the loss population is in Gainesville, Florida, which has its own NBC affiliate, WNBW-DT. In previous channel substitution rulemaking proceedings, the Bureau has considered, on a case-by-case basis, the loss area from stations affiliated with the same network when evaluating viewer loss. See, e.g., *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Schenectady, New York)*, MB Docket No. 21-127, Report and Order, 36 FCC Rcd 9849, 9850, para. 3 (MB 2021) ("Petitioner submitted an analysis, using the Commission's *TVStudy* software analysis program, demonstrating that after taking into account service provided by other CBS stations, all of the population located within WRGB's original post-DTV transition channel 6 noise limited contour will continue to receive CBS service, except for 30 people.").

¹¹ In previous channel substitution rulemaking proceedings, the Bureau has taken into account, on a case-by-case basis, terrain-limited coverage populations when evaluating predicted service loss. See *Amendment of Section 73.622(j), Table of Allotments, Television Broadcast Stations (Odessa, Texas)*, MB Docket No. 22-435, Report and Order, 38 FCC Rcd 1350, 1350, para. 2 (MB 2023). Because reception of a station's signal does not stop at the edge of a station's NLSC, particularly where there is excessively flat terrain such as in the area of Florida covered by WTLV, viewers that will no longer be within WTLV's channel 33 NLSC will still be able to receive the Station's signal. *NPRM* at para. 3, n.10. Although following the channel substitution we predict 16,737 person will not be within WTLV's or another NBC affiliate's NLSC, because of the propagation and reception issues associated with high-VHF channels, some of these viewers may not be able to receive WTLV today. See *supra* para. 2.

¹² *NPRM* at paras. 3-4.

¹³ See 47 CFR §§ 73.622(a) and 73.618 (formerly §§ 73.616(a) and 73.623(a), and 73.625(a), respectively); see also *supra* n.9. We give no weight to the Petitioner's argument that substituting UHF channel 33 for VHF channel 13 would improve the Station's ability to offer ATSC 3.0 service over-the-air. The Bureau has repeatedly refused to consider this as a factor in channel substitution rulemaking proceedings since ATSC 3.0 is still in the early stages of deployment and the availability of consumer devices remains limited. See *Amendment of Section 73.622(j), Table of TV Allotments, Television Broadcast Stations (Las Vegas, Nevada)*, MB Docket No. 21-221, Report and Order, DA 23-

(continued...)

channel substitution from VHF to UHF will help improve service to existing viewers, including those in the Station's principal community of license, by eliminating reception issues related to the Station's current operation on a high-VHF channel.

5. As proposed, channel 33 can be substituted for channel 13 at Jacksonville in compliance with the principal community coverage requirements of section 73.618(a) of the rules,¹⁴ at coordinates 30-16'-25" N. and 81-33'-12" W. In addition, we find that this channel change meets the technical requirements set forth in section 73.622(a) of the rules with the following specifications:¹⁵

<u>City and State</u>	<u>Channel</u>	<u>Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>Service Pop.</u>
Jacksonville, Florida	33	1000	290.4	1,465,674

6. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to section 553(d)(3) of the Administrative Procedure Act.¹⁶ An expedited effective date is necessary in this case to ensure that WTLV can operate with improved service to its viewers as quickly as possible.

7. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g), (r) and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b), and sections 0.61, 0.204(b), and 0.283 of the rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, **IT IS ORDERED**, That effective immediately upon the date of publication in the Federal Register, the Table of TV Allotments, section 73.622(j) of the Commission's rules, 47 CFR § 73.622(j), **IS AMENDED**, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Jacksonville, Florida	*9, 14, 18, 19, 20, *21, 33

8. **IT IS FURTHER ORDERED**, That within 10 days of the effective date of this Order, Multimedia Holdings Corporation shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 33.

9. **IT IS FURTHER ORDERED**, That pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A), the Commission **SHALL SEND** a copy of the Order to Congress and to the Government Accountability Office.

10. **IT IS FURTHER ORDERED**, That should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 24-112 and RM-11981 **SHALL BE TERMINATED** and its docket closed.

990 (MB Oct. 18, 2023); *Amendment of Section 73.622(j), Table of Allotments, Television Broadcast Stations (Kalispell, Montana)*, MB Docket No. 23-79, Report and Order, 38 FCC Rcd 6077 (MB 2023).

¹⁴ 47 CFR § 73.618(a).

¹⁵ 47 CFR §§ 73.622(a) (formerly §§ 73.616 and 73.623). *See supra* n.9 and *Part 73 Amendment R&O* at para. 40.

¹⁶ 5 U.S.C. § 553(d)(3).

11. For further information concerning the proceeding listed above, contact Joyce Bernstein, Video Division, Media Bureau, at Joyce.Bernstein@fcc.gov; or Mark Colombo, Video Division, Media Bureau, at Mark.Colombo@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

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