

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.622(i)	)	
Table of Allotments,	)	MB Docket No.
Digital Television Table of Allotments	)	RM-
(Morehead, Kentucky and Richmond, Kentucky)	)	

To: Office of the Secretary  
Attn: Video Division, Media Bureau

**PETITION FOR RULE MAKING**

ION MEDIA LEXINGTON LICENSE, INC. (“Petitioner”), licensee of digital television station WUPX -TV, and pursuant to Section 307(b) of the Communications Act of 1934, as amended, and Section 1.420 of the Commission’s rules,<sup>1</sup> hereby submits this Petition for Rulemaking (the “Petition”) to request that the Commission amend Section 73.622(i) of its Rules, the DTV Table of Allotments, to delete Channel 25 at Morehead, Kentucky and substitute Channel 25 at Richmond, Kentucky.<sup>2</sup> Pursuant to Section 1.420, Petitioner further requests that the license for WUPX-TV also be modified to specify the new community of license without allowing competing applications.<sup>3</sup>

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<sup>1</sup> 47 U.S.C. § 307(b); 47 C.F.R. § 1.420(i).

<sup>2</sup> ION recognizes that the Television Table of Allotments has not been updated since the conclusion of Auction 1000 and that the Commission intends to adopt a fully revised Table of Allotments following the repack. *See* Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, *Report and Order*, 29 FCC Rcd 6567, n. 1545 (2014). The requested change should be included in the permanent Television Table of Allotments adopted by the Commission.

<sup>3</sup> Modification of FM and TV Authorizations to Specify a New Community of License, *Report and Order*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990).

## **I. REALLOTMENT OF CHANNEL 25 TO RICHMOND SATISFIES THE FCC'S ALLOTMENT PRIORITIES.**

Pursuant to Section 307(b) of the Communications Act of 1934, as amended, the Commission must provide a “fair, efficient and equitable distribution of radio service” among the various states and communities in the country.<sup>4</sup> In considering a proposal to reallocate a television station from one community to another, the Commission compares the existing allotment and the proposed allotment to determine whether or not the proposal will result in a preferential arrangement of allotments.<sup>5</sup> In making this determination, the Commission has long applied a series of five allotment priorities. Those television allotment priorities are to “(1) provide at least one television service to all parts of the United States; (2) provide each community with at least one television broadcast station; (3) provide a choice of at least two television services to all parts of the United States; (4) provide each community with at least two television broadcast stations; and (5) assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities.”<sup>6</sup>

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<sup>4</sup> 47 U.S.C. § 307(b).

<sup>5</sup> See, e.g., *North Pole and Plattsburg, New York*, *Report and Order*, 26 FCC Red 32, 33 (2011), citing Amendment of Section 3.606 of the Commission’s Rules and Regulations, *Sixth Report and Order*, 41 FCC 148, 167-173 (1952).

<sup>6</sup> *Id.*

Reallotment of WUPX-TV's Channel 25 from Morehead to Richmond would represent a preferential allotment pursuant to Priority 2, as Richmond is a much larger community than Morehead and the reallotment would provide the larger community of Richmond with its first local full-power television service.<sup>7</sup>

WUPX-TV will provide a signal that encompasses the entire City of Richmond from the station's proposed transmission facilities. WUPX-TV's proposal is shown in Exhibit A.<sup>8</sup>

## **II. THE COMMUNITY OF RICHMOND DESERVES A FIRST LOCAL TELEVISION SERVICE.**

The City of Richmond was founded in 1798 and is the third-largest city in the Bluegrass Region. Richmond qualifies as a community for allotment purposes. With a 2010 Census population of 31,364 people, the City of Richmond is the county seat of Madison County.<sup>9</sup> The City operates under a council–manager government. The citizens elect a mayor and four city commissioners who form the Board of Commissioners. The Board of Commissioners is the legislative body of the city government and represents the interests of the citizens when applicable. The Board of Commissioners appoints a city manager, who administers the day-to-day operations of the city.

The City government oversees municipal services such as the Richmond Fire Department, the Richmond Police Department, Richmond Recycling Plant, and Richmond

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<sup>7</sup> According to the 2010 Census, Morehead has a population of 6,845 and Richmond has a population of 31,364. See United States Census Bureau American Fact Finder, available at <http://factfinder.census.gov/faces/nav/jsf/pales/community facts.xhtml>

<sup>8</sup> See Exhibit A

<sup>9</sup> See United States Census Bureau American Fact Finder, available at <http://factfinder.census.gov/faces/nav/jsf/pages/community facts.xhtml>

Utilities (including Water, Gas and Sanitary Sewer services). The City has a Planning and Zoning Department that helps shape Richmond's future and fosters sustainable growth for tomorrow. Richmond has fifteen Public Schools, including two middle schools, one high school and three technical/trade schools. Exhibit B presents overall statistics on the City of Richmond.<sup>10</sup>

Despite its size and importance, there are currently no full-power television stations licensed to Richmond. Accordingly, an allotment at Richmond would qualify for consideration under Priority 2 as the community's first local service. Moreover, Morehead will continue to have a television station allotted to it, Kentucky Educational Television Station WKMR(TV). As a result, the proposed allotment does not in any way compromise Priority 1. Nor will the proposed change of community of license create any new interference to any other television station or other licensed operation in the service area.

### **III. CONCLUSION**

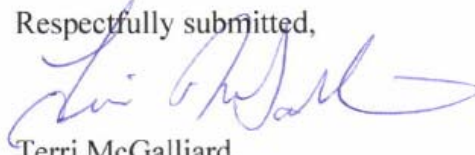
Petitioner respectfully requests that the Commission issue a Notice of Proposed Rulemaking on an expedited basis to amend the DTV Table of Allotments to delete Channel 25 at Morehead, Kentucky and substitute Channel 25 at Richmond, Kentucky. Petitioner will file all necessary applications to modify Petitioner's authorizations for WUPX-TV to specify Richmond as the station's community of license.

To provide the parties with the ability to complete the repack according to scheduled phase, WUPX-TV requests that it be permitted to make its community of license change expeditiously.

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<sup>10</sup> See Exhibit B

Respectfully submitted,

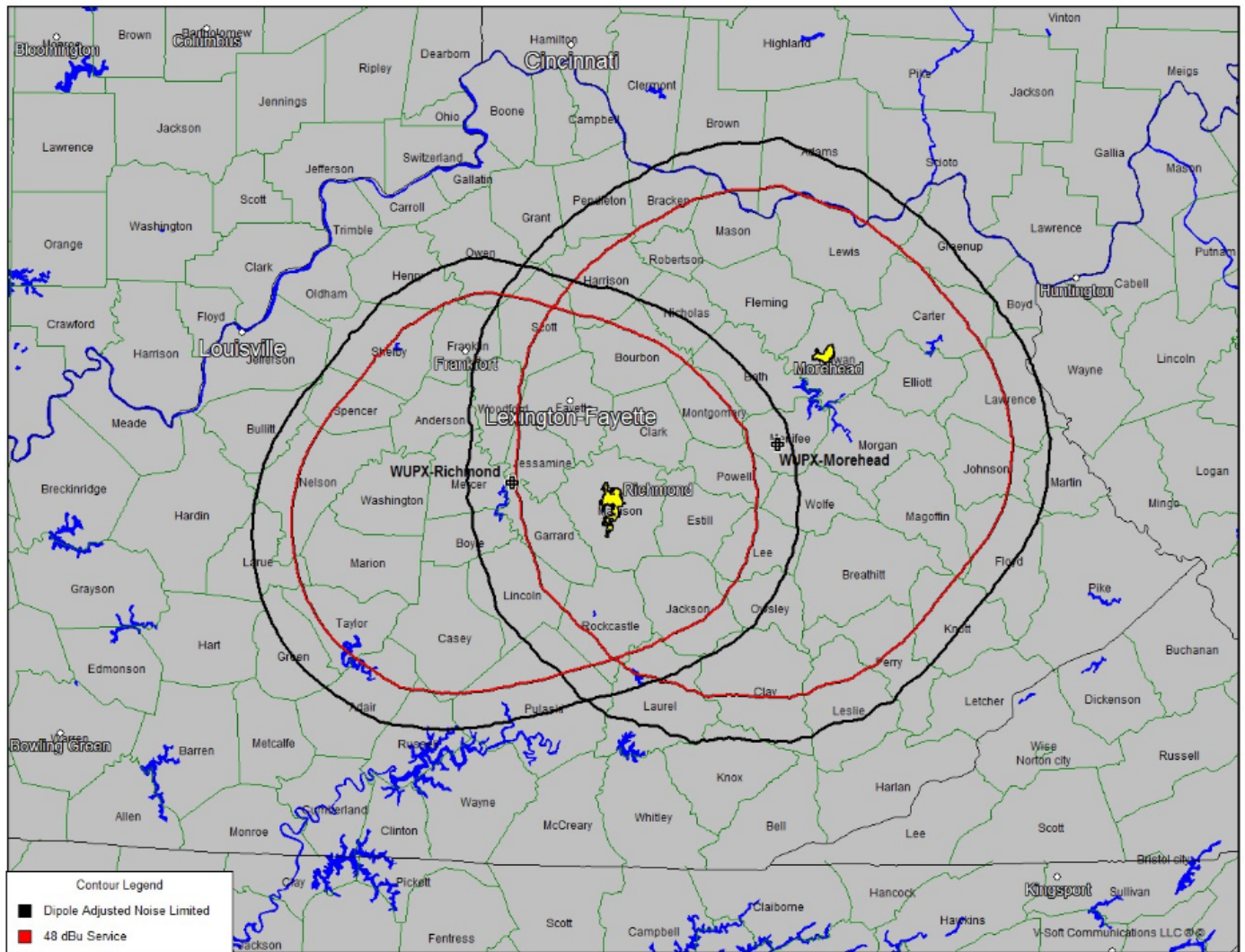


Terri McGalliard  
Secretary  
ION Media Lexington License, Inc.

**ION Media Networks, Inc.**  
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**EXHIBIT A**

Technical Exhibit – Contour of WUPX-TV  
Serving Richmond, KY



## **EXHIBIT B**

Overall statistics on the City of Richmond



Category	Richmond, KY
Population	31,364 (2010)
Police	Richmond, KY Police Dept.-1 station
Fire	4 fire stations
Post Offices	3 post office locations
Government (City)	Office of the Mayor City Manager City Clerk Commissioners Finance Department Planning and Zoning Building Construction and Code Enforcement Parks and Recreation Public Works Utilities Safety and Risk Management Ethics Board Human Rights Commission
Newspapers	The Richmond Register
Libraries	Madison County Public Library  Eastern Kentucky University Library
Colleges	14 within 100 miles of city center
Universities	<u>Eastern Kentucky University</u>
Public Schools	5 elementary schools 2 middle schools 1 high school 1 prep school 1 catholic school 2 private schools 3 technical/trade schools
Senior Citizen Services	Richmond Senior Citizen Center
Airports	Central Kentucky Regional Airport
Hospitals/Medical Centers	Baptist Health- Richmond Baptist Health-Meridian Way Madison County Children's Services KentuckyOne Urgent Care
Radio Stations	WEKY (1340 AM) WCBR (1110 AM) WEKU (88.9 FM) WVLK-FM (101.5 FM) WCYO-FM (100.7 FM) WLFX-FM (106.7 FM)
Performing Arts	EKU Center for the Arts

	The Spotlight Theatre/Playhouse
Synagogues	Chavay Zion Synagogue
Mosque/Islamic Center	Masjid of Richmond
Churches (representative list-Richmond has over 50 churches)	Vineyard Community Church First Baptist Church Eastside Community Church First United Methodist Church Real Life Community Church Richmond Church of Christ GracePoint Church St. Mark's Catholic Church Big Hill Christian Church First Christian Church Unity Baptist Church Rosedale Baptist Church Westside Christian Church Episcopal Church of our Savior Trinity Missionary Baptist Church Journey Community Church St. Thomas Lutheran Church St. Paul A.M.E. Church Ashland Church University Church of Christ First Church of the Nazarene The Church of Jesus Christ of Latter Day Saints
Museums	Invinton House Museum EKU Hummel Planetarium Baptist Preacher Andrew Tribbles Grave Ft. Boonesborough EKU Fred Parker Giles Gallery
Parks	Battlefield Park Fort Boonesborough State Park Richmond Kentucky Visitor Center E.C. Million Memorial Park Lake Reba Park Camp Catalpa Park Taylor Fork Ecological Area Paradise Cove Aquatic Center Irvine McDowell City Park Lake Reba Park
Historic Sites	White Hall State Historic Site Christopher "Kit" Carson Historical Marker Historic Elmwood Estate Historic Mount Pleasant House Boone Trace DAR Monument Battle of Richmond Visitor Center

Sports	Earle Combs Stadium Gertrude Hood Field Eastern KY University: soccer, football, baseball, basketball, cross country, golf, volleyball, track and field
Festivals/Fairs	Arts Festival
Local Attractions	Battle of Richmond Visitors Center EKU Center for the Arts Battlefield Park Hummel Planetarium at ECU Chenault Vineyards
Galleries	Chestnut Tree Gallery Creative Arts by Sherri The Pocket Gallery Ronald Gosses Caroline Williams Landenart Gallery on Main