

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

In the Matter of	)	<b>DRAFT</b>
	)	
Amendment of Section 73.622(i)	)	
Table of Allotments,	)	MB Docket No.
Digital Television Table of Allotments	)	RM-
(Cookeville, Tennessee and Franklin, Tennessee)		

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

**PETITION FOR RULE MAKING**

ION MEDIA LICENSE COMPANY, LLC (“Petitioner”), licensee of digital television station WNPX-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 36 at Cookeville, Tennessee and substitute Channel 36 at Franklin, Tennessee.<sup>2</sup> Pursuant to Section 1.420, Petitioner further requests that the license for WNPX-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 36 TO FRANKLIN 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 television allotment priorities. Those 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>

Reallotment of WNPX-TV’s Channel 36 from Cookeville to Franklin would represent a preferential allotment pursuant to Priority 2, as Franklin is a much larger community than Cookeville and the reallocation would provide the larger community of Franklin with its first licensed local full-power television station.<sup>7</sup> WNPX-TV will provide a signal that encompasses the entire City of Franklin from the station’s currently authorized transmission facilities, as shown in Exhibit A.<sup>8</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, 45 (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.*

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

The City of Franklin, named after founding father Benjamin Franklin, was founded on October 26, 1799 and is one of the principal cities in Middle Tennessee. With a 2010 Census population of 62,487 people, City of Franklin is the county seat of Williamson County and qualifies as a community for allotment purposes.<sup>9</sup> The City of Franklin is governed by a Board of Mayor and Alderman. There are eight Alderman on the Board. Four are elected from the four political divisions (wards) of the City, and four are elected at-large. Franklin's Alderman are elected for four-year terms, with the ward alderman elected in one cycle, and the mayor and at-large aldermen elected two years later.

The governing board is responsible for deciding on the city's policies and procedures by passing Resolutions, Municipal Ordinances and the Municipal Code, all of which are implemented by the various City Departments.<sup>10</sup> The City Administrator oversees the City's fourteen departments, which include the City of Franklin Fire Department, City of Franklin Police Department, Water Management Department, Sanitation and Environmental Services Department, and Planning and Sustainability.

Furthermore, the City of Franklin has 16 city parks, 24 acres of historic parks, 4 football fields, 8 tennis courts, 15 baseball fields and 5 multipurpose fields. The Parks Department's mission is dedicated to provide quality parks and services to enhance the quality

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<sup>7</sup> According to the 2010 Census, Cookeville has a population of 30,435 and Franklin has a population of 62,487. See United States Census Bureau American Fact Finder, available at <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

<sup>8</sup> See Exhibit A

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

<sup>10</sup> See <https://www.franklintn.gov/>



of life for its residents. The City of Franklin also has fourteen public schools, including eight elementary schools, two middle schools, and four high schools. The City of Franklin is served by five local newspapers; eight hospitals/medical centers; and over 127 churches. Exhibit B presents overall statistics on the City of Franklin.<sup>11</sup>

Despite its size and importance, there are currently no full-power television stations licensed to the City of Franklin. Accordingly, an allotment at Franklin would qualify for consideration under Priority 2 as the community's first local service. Moreover, Cookeville – WNPX-TV's current city of license – will continue to have a full-power television station allotted to it, Tennessee Educational Television station WCTE(TV), which is licensed to Upper Cumberland Broadcast Council. 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 to amend the DTV Table of Allotments to delete Channel 36 at Cookeville, Tennessee and substitute Channel 36 at Franklin, Tennessee. If this Petition is granted, Petitioner will file all necessary applications to modify Petitioner's authorizations for WNPX-TV to specify Franklin as the station's community of license.

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<sup>11</sup> See Exhibit B.

Respectfully Submitted,



Terri McGalliard

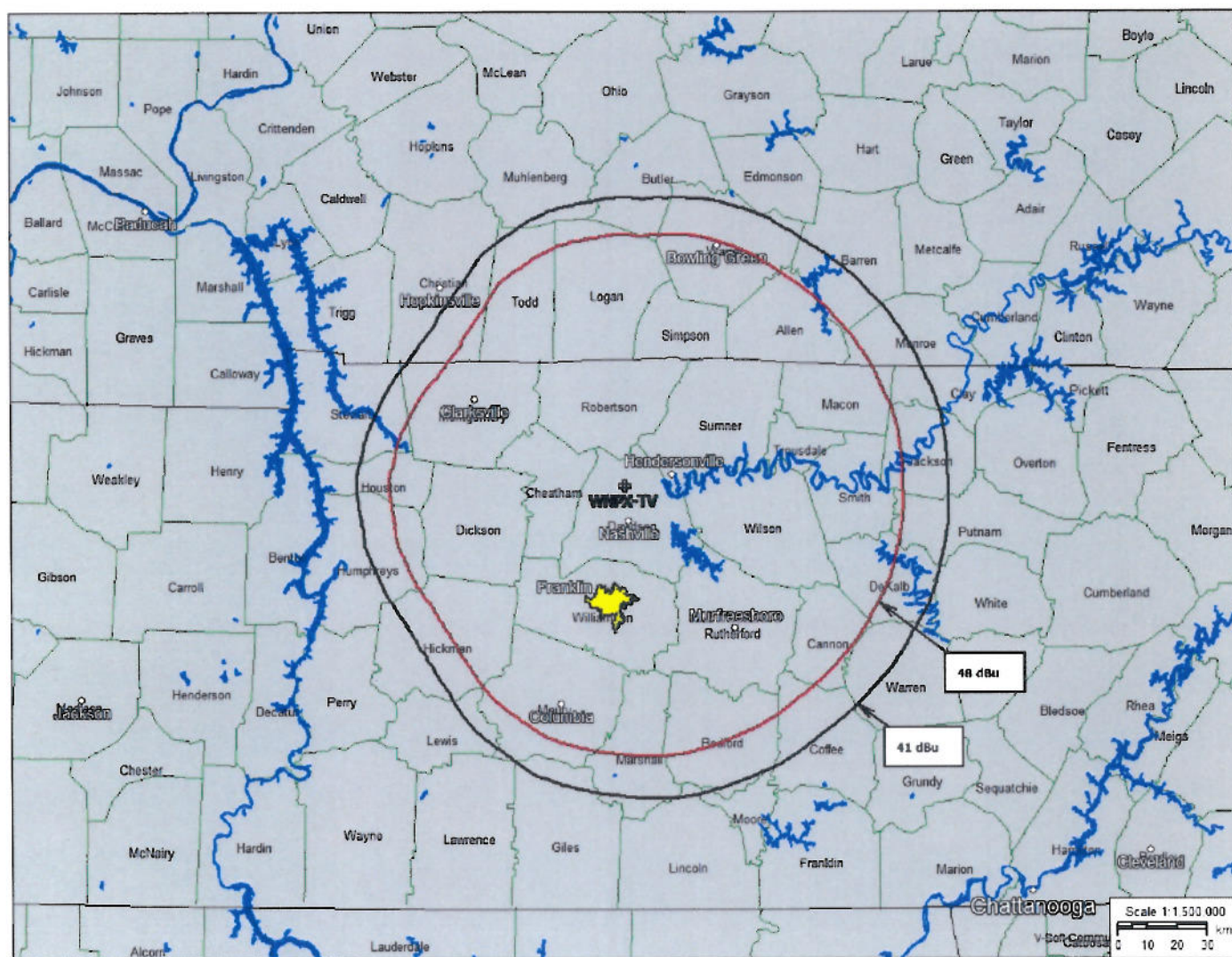
Secretary

ION Media License Company, LLC

**ION Media Networks, Inc.**  
601 Clearwater Park Road  
West Palm Beach, FL 33401

**EXHIBIT A**

Technical Exhibit – Contour of WNPX-TV  
Serving Franklin, Tennessee



## **EXHIBIT B**

Overall statistics on the City of Franklin



<b>Category</b>	<b>Franklin, TN</b>
Population	74,794 (2016)
Police	Franklin, TN Police Dept.
Fire	8 fire stations
Post Offices	1 post office location
Government (City)	Office of the Mayor City Administrator City Aldermen (8) City Departments: Finance Human Resources Administration Planning Parks Police Fire Sanitation/Environmental Public Arts City Commissions: Development Capital Investments Building & Street Standards Battlefield Preservation Planning Housing Transit Zoning Historic Preservation Information & Technology Sanitation Water Management Industrial Development
Newspapers	Williamson Herald Tennessean Review Appeal Brentwood Journal La Campana
Libraries	Williamson County Public Library Leiper's Fork Library
Colleges	Williamson College Columbia State Community College New College Franklin
Universities	Belmont University-Williamson County WGU Tennessee
Trade/Technical Schools	Dental Staff School of Tennessee Franklin Brentwood Arts Academy The Actor's School Dark Horse Institute Franklin School of Performing Arts Institute of Performing Arts O'More College of Design The Hargest Academy of Performing Arts
Public Schools	8 elementary schools 2 middle schools 4 high schools

	18 private schools
Senior Citizen Services	JL Clay Senior Center Tradition Senior Living Center Home Helpers of Middle Tennessee Senior Resource Guide Always Home Morning Pointe of Franklin Williamson County Enrichment Center
Hospitals/Medical Centers	Williamson Medical Center Healthsouth Rehab Hospital Monroe Carell Jr. Children's Hospital Vanderbilt University Medical Center Vanderbilt Eye Institute/Tennessee Lions Pediatric Eye Center Vanderbilt Children's Psychiatry St. Thomas Medical Partners Camp Behavioral Connection
Radio Stations	WAKM(AM) 950 KHz WHEW(AM) 1380 KHz WNFN(FM) 106.7 MHz WRLT(FM) 100.1 MHz
Television Stations with an OTA signal	11
Performing Arts	Franklin School of Performing Arts Academy Park Performing Arts Center Studio Tenn Pull-Tight Players The Hargest Academy of Performing Arts Act Two Players-School of Music and Theatre Franklin Brentwood Arts Academy
Synagogues	Kol Dodi Messianic Congregation
Mosque/Islamic Center	Islamic Center of Williamson County
Churches (representative list-Franklin has over 127 churches)	Fellowship Church Church of the City Gateway Franklin Church Harpeth Christian Church Franklin Church of Christ Franklin First Methodist Church Clearview Baptist Church St. Paul's Episcopal Church St. Philip's Catholic Church Full Life Assembly of God Luminous Anglican Parish Clayborne Tabernacle Iglesia la Vina Franklin Esperanza Church New Life Korean Church Christ Community Church 5 Stones Church
Parks (representative list-Franklin has over 50 parks)	Bicentennial Park Franklin Recreation Complex Freedom Run Dog Park Liberty Park Aspen Grove Park Trinity Park Judge Fulton Greer Park

	Pinkerton Park Fort Granger Park Crockett Park
Historic Sites	Assault on the Cotton Gin Park Primm Park Collins Farm Historic Site Marcella Vivrette Smith Park Carnton Fort Granger Park Lotz House Museum Carter House Winstead Hill Park
Sports	Jim Warren Park Football Fields 1 & 2 Granny White Park (tennis)
Festivals/Fairs	Main Street Festival Pilgrimage Festival Grape Stomp Festival Williamson County Fair
Local Attractions	Owl's Hill Nature Preserve Stonycreek Farm Deerwood Arboretum SOAR Adventure Tower
Galleries	Gallery 202 Rare Prints Gallery