

ORIGINAL

Baker Hostetler

Baker & Hostetler LLP

Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5304

T 202.861.1500
F 202.861.1783
www.bakerlaw.com

September 16, 2009

VIA MESSENGER

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Kenneth C. Howard, Jr.
direct dial: 202.861.1580
KHoward@bakerlaw.com

FILED/ACCEPTED

SEP 16 2009

Federal Communications Commission
Office of the Secretary

Attn: Chief, Video Division
Media Bureau

Re: *Scripps Howard Broadcasting Company*
Station WCPO-TV, Cincinnati, OH, Facility ID 59438,
Petition for Rulemaking to Amend the DTV Table of Allotments

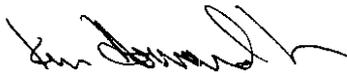
Dear Ms. Dortch:

Scripps Howard Broadcasting Company ("Scripps Howard"), licensee of commercial digital television ("DTV") Station WCPO-TV, Cincinnati, OH, through counsel, hereby submits a supplement to the Petition for Rulemaking ("Petition") it filed yesterday, September 15, 2009. That Petition requests the substitution of channel 22 for Station WCPO-TV's presently allotted digital channel 10.

The supplement is the "Engineering Statement of John F.X. Browne, P.E." This statement was inadvertently omitted from yesterday's filing. To ensure clarity, another copy of the short Petition--with the Engineering Statement included--is attached to this letter.

Please direct any questions concerning this matter to the undersigned.

Sincerely,



Kenneth C. Howard, Jr.
Counsel to Scripps Howard Broadcasting Company

KCH/bm
Enclosure

No. of Copies rec'd 044
List ABCDE
MB-Video 09-66

Before the
Federal Communications Commission
Washington, DC 20554

FILED/ACCEPTED

SEP 16 2009

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Scripps Howard Broadcasting Company)
)
To Amend the Post-Transition)
Digital Television Table of Allotments)
For WCPO-TV, Cincinnati, OH)

File No. _____

RM-_____

To: The Commission
Attn: Chief, Video Division
Media Bureau

PETITION FOR RULEMAKING

Pursuant to Section 73.623 of the rules of the Federal Communications Commission ("FCC" or "Commission"), Scripps Howard Broadcasting Company ("SHBC" or "Petitioner"), licensee of Station WCPO-TV, Cincinnati, Ohio (Facility ID 59438), which currently operates on digital channel 10, respectfully files this petition for rulemaking to amend the DTV Table of Allotments.

SHBC has served the Cincinnati market via Station WCPO-TV for more than 60 years, commencing operations in July 1949. SHBC was an early adapter of DTV technology, beginning digital operations on this ABC network affiliate in December of 1998.

Upon completing the digital transition for Station WCPO-TV on June 12, 2009, Petitioner became aware that many of the station's viewers were not receiving its digital signal. The station received a large number of telephone calls and emails from viewers unable to receive the station's new digital service. The many local viewers with indoor antennas were particularly affected.

SHBC promptly began efforts in coordination with the FCC to extend the station's digital service, culminating with the recently-approved power increase to the maximum permissible

No. of Copies rec'd _____
List ABCDE _____

level--28 kW ERP (see File No. BLCT-20090821AAZ). Unfortunately, further testing and follow-up contacts with viewers since the station raised its power show that the station is still unable to offer acceptable service throughout its former service area while operating on a VHF channel.

Accordingly, Petitioner proposes to change the allotted channel for Station WCPO-TV from VHF channel 10 to UHF channel 22 and to increase station ERP from 28 kW to 1000 kW. As demonstrated by the attached Engineering Statement prepared by John F.X. Browne, P.E., this proposed change would result in a predicted increase in population served of over 140,000 persons, as compared to the station's Appendix B facility. In addition, the station's noise-limited service contour would exceed the Appendix B noise-limited contour in all directions.

The proposed change can be accomplished in full compliance with all the Commission's technical rules. While studies show that the proposed facility would cause new interference above 0.5% to two facilities on record in the Commission's database for noncommercial educational television Station WCTE, Cookeville, TN, these facilities in fact are construction permits that pre-date Station WCTE's current authorization.

As demonstrated herein, the public interest would be served by the prompt initiation of a rulemaking proceeding proposing the substitution of DTV channel 22 for DTV channel 10 at Cincinnati in order to restore ABC network coverage and Station WCPO-TV's other program services to Cincinnati-area viewers.

Accordingly, the Petitioner respectfully requests that the post-transition DTV Table be amended for WCPO-TV to substitute DTV channel 22 for DTV channel 10 in Cincinnati in accordance with the technical parameters provided in the attached Engineering Statement. Upon grant of the Petition, Petitioner will promptly file an appropriate modification application seeking the Commission's consent to operate on channel 22.

Respectfully submitted,

Scripps Howard Broadcasting Company

By: 

Kenneth C. Howard Jr.
Baker & Hostetler LLP
1050 Connecticut Ave., NW, Suite 1100
Washington, DC 20036
(202) 861-1580

September 15, 2009

Its Attorney

B

ENGINEERING STATEMENT

OF

JOHN F.X. BROWNE, P.E.

IN SUPPORT OF A

PETITION FOR RULE MAKING

(CHANGE IN ALLOTTED POST-TRANSITION CHANNEL-WCPO)

DTV TABLE OF ALLOTMENTS

CINCINNATI, OH

Background

Scripps Howard Broadcasting Company (Scripps), licensee of WCPO, is petitioning for a Rule Making proceeding to amend the DTV Table of Allotments and change its presently allotted DTV Channel 10 at Cincinnati, OH to Channel 22. Scripps is proposing to operate WCPO on Channel 22 at the same location as its current DTV facility with an HAAT of 305m and an ERP of 1000 kW. The coordinates of the existing and proposed WCPO digital facilities are as follows:

(NAD27)

39° 07' 30" N
84° 29' 56" W

Since the transition, WCPO has received numerous calls from viewers living in Cincinnati DMA area complaining that they are unable to receive the WCPO signal on Channel 10 (including viewers using indoor receiving equipment). The WCPO technical staff

B

has worked with many of these callers to resolve the problems but it has become apparent that the digital Channel 10 signal is not providing these viewers with the same quality service that the analog Channel 9 facility provided. WCPO wishes to change its allotted post-transition Channel 10 facility to a higher power UHF facility in order to provide better service (particularly indoor service) to its viewers.

Channel Search

After a search of all "in-core" channels (using WCPO's present coordinates as a reference), Channel 22 appears to be the best available channel for WCPO in the Cincinnati, OH area. As WCPO is requesting a change in its allotted channel rather than a new allotment, it is not required to meet the Zone I minimum geographic spacing requirements specified in Section 73.623 of the FCC Rules.

Coverage of Proposed Channel 22 Facility

WCPO is proposing the following parameters for its operation on Channel 22:

| | |
|--------------|-------------|
| Coordinates: | 39° 07' 30" |
| | 84° 29' 56" |
| ERP: | 1000 kW |
| HAAT: | 305m |
| RCAMSL: | 514m |
| Pattern: | Omni |

The maximum allowable ERP for UHF stations in Zone I is 1000 kW at an HAAT of 365m [as stated in Section 73.622(f)(i) of the Commission's Rules]. The proposed WCPO facility meets these criteria as its HAAT will be 305m and, therefore, the proposed maximum ERP of 1000 kW is allowable.

B

A population comparison of the WCPO Ch. 10 Appendix B facility and the proposed Channel 22 facility is shown below:

Predicted Longley Rice Noise-Limited Population

WCPO Ch. 10 Facility (Appendix B): 3,082,000 (from 8th R&O table)

Proposed 1000 kW Ch. 22 Facility: 3,222,523

As the population data indicates, the proposed Channel 22 facility is predicted to provide an increase in service over that of the WCPO Appendix B facility. Moreover, the noise-limited contour of the proposed Channel 22 facility will exceed the noise-limited contour of the WCPO Channel 10 Appendix B facility in every direction.

International Coordination

The proposed facility is located within the Canadian border zone and coordination with the Canadian government is requested to the extent necessary in light of the FCC's ongoing negotiations with the Canadian administration.

Interference Study Results

Interference studies were run for the proposed Channel 22 facility with respect to domestic facilities with software that emulates the software used by the FCC (OET-69 analysis) at a cell size of 1 km. **WCPO is requesting the Commission use a cell size of 1 km (rather than the default 2 km cell size)** in its OET-69 analysis of the proposed facility as permitted under Section 73.616(e)(1) of the Commission's Rules.

The results of these studies indicate that the proposed Channel 22 facility would satisfy the 0.5% new interference criterion with respect to all other post-transition and Class A facilities; however, the studies do predict that the proposed facility would cause new

B

interference above 0.5% to two facilities on record in the Commission's database for WCTE (Channel 22 at Cookeville, TN). Upon further investigation, these two facilities for WCTE (BMPEDT20090430AAC and BMPEDT20080620ADW) are construction permits which pre-date the latest authorization for WCTE (BMPEDT20090626AAC) and, therefore, should no longer be considered in the interference analysis. Furthermore, WCTE has filed an application for license to cover (BLEDT20090729ACP), its most recent authorization, indicating that it has completed construction and begun operating a facility that is not predicted to receive more than the allowable 0.5% interference from the proposed Channel 22 facility.

Conclusion

In conclusion, it is requested that the Section 73.622 be amended as follows:

| | | |
|------------|---------------------|---------------------|
| : | | |
| : | | |
| Ohio | <u>Present</u> | <u>Proposed</u> |
| : | | |
| : | | |
| Cincinnati | 10, 12, 33, *34, 35 | 12, 22, 33, *34, 35 |

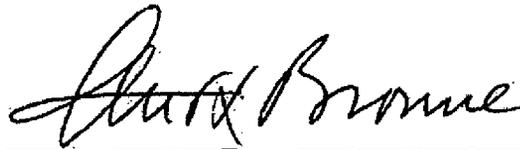
The proposed change can be made with the following specified parameters:

Channel 22 – Cincinnati, OH
 Max ERP: 1000 kW, ND
 HAAT: 305 m
 Site: 39° 07' 30" N
 84° 29' 56" W

(Operation with these parameters will provide the required 48 dBu F(50,90) signal over the entire city of Cincinnati, OH.)

B**Certification**

I hereby certify that the foregoing report or statement was prepared by me but may include work performed by others under my supervision or direction. The statements of fact contained therein are believed to be true and correct based on personal knowledge, information and belief unless otherwise stated; with respect to facts not known of my own personal knowledge, I believe them to be true and correct based on their origin from sources known to me to be generally reliable and accurate. I have prepared this document with due care and in accordance with applicable standards of professional practice.



John F.X. Browne, P.E.
September 14, 2009