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September 15, 2009

FILED/ACCEPTED

SEP 15 2009

Federal Communications Commission
Office of the Secretary

VIA MESSENGER

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

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 Petition for Rulemaking ("Petition") requesting the substitution of channel 22 for Station WCPO-TV's presently allotted digital channel 10.

The Petition is filed pursuant to Section 73.623 of the rules of the Federal Communications Commission, 47 C.F.R. § 73.623, to amend the DTV Table of Allotments.

Please direct any questions concerning this matter to the undersigned.

Sincerely,



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

KCH/reo
Enclosure

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MB 09-65

Before the
Federal Communications Commission
Washington, DC 20554

FILED/ACCEPTED
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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

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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: 

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September 15, 2009

Its Attorney