

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

In the Matter of)	
)	
Amendment of Section 73.622(j),)	MB Docket No. 23-244
Table of Allotments, Television Broadcast)	RM-11955
Stations (Knoxville, Tennessee))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 6, 2023**Released: October 6, 2023**

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 Tennessee TV, LLC (Petitioner),² the licensee of television station WKNX-TV (WKNX-TV or Station), channel 7, Knoxville, Tennessee (Knoxville). The Petitioner has requested the substitution of UHF channel 21 for VHF channel 7 in the Table of TV Allotments.³ The Petitioner filed comments in support of the petition, as required by the Commission's rules (rules),⁴ reaffirming its commitment to apply for channel 21.⁵ No other comments were received.

2. We find the public interest would be served by substituting channel 21 for channel 7 at Knoxville, Tennessee. Petitioner asserts that the channel substitution would serve the public interest by resolving current reception challenges faced by viewers within the Station's authorized channel 7 noise limited service contour (NLSC), who as a result of the Station's operation on a VHF channel have experienced difficulty receiving its signal, particularly since the June 12, 2009 digital transition.⁶ The Petitioner further states that the Commission has recognized that VHF channels 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 and large variability in the performance of indoor antennas available to viewers, with most antennas performing very poorly on high VHF channels.⁷ In its Supplement, the Petitioner provided a technical analysis showing that while 50,322 persons located along the eastern, southern, and western fringes of the Station's authorized channel 7 NLSC would not be within the proposed channel 21 noise-limited service contour, the entire loss area was within the NLSC of at least five other full power or Class A television stations, including four other full power television

¹ *Amendment of Section 73.622(j), Table of Allotments, Television Stations (Knoxville, Tennessee)*, MB Docket No. 23-244, Notice of Proposed Rulemaking, DA 23-622 (rel. July 20, 2023) (*NPRM*).

² Petition of Tennessee TV, LLC for Rulemaking (filed Feb. 7, 2023 and amended Mar. 2, 2023) on file at LMS File No. 0000200505 (Petition and Supplement, respectively).

³ 47 CFR § 73.622(j).

⁴ 47 CFR §§ 1.415, 1.419; *see also Buffalo, Iola, Normangee, and Madisonville, Texas*, MB Docket No. 07-729, Report and Order, 24 FCC Rcd 8192, 8194, para. 9 (MB 2009).

⁵ Comments of Tennessee TV, LLC at 1, 2 (filed Aug. 24, 2023).

⁶ *NPRM* at para. 2.

⁷ *Id.*

stations licensed to Knoxville or a community in the Knoxville Designated Market Area.⁸

3. As proposed, channel 21 can be substituted for channel 7 at Knoxville in compliance with the principal community coverage requirements of section 73.625(a) of the rules,⁹ at coordinates 36° 00' 36.0" N and 083° 55' 57.0" W. Although the Petitioner's proposal would result in a number of persons no longer being within WKNX-TV's NLSC when the station moves to channel 21, all of those persons will continue to be well served by at least five other full power or Class A stations,¹⁰ and we find that the overall benefits of the proposed channel change by resolving reception issues outweigh any possible harm to the public interest.¹¹ In addition, we find that this channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the rules with the following specifications:¹²

<u>City and State</u>	<u>Channel</u>	<u>Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>Service Pop.</u>
Knoxville, Tennessee	21	1000	382	1,686,827

4. 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.¹³ An expedited effective date is necessary in this case to ensure that WKNX-TV can operate with improved service to its viewers as quickly as possible.

5. 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 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:

⁸ *NPRM* at para. 4. These include WBIR-TV, WATE-TV, and WVLT-TV, all licensed to Knoxville, Tennessee, and WPXK-TV, Jellico, Tennessee. *Id.* at n.8. Other full power and Class A stations also serve the loss areas. In fact, much of the loss area is served by significantly more than five other television stations. *Id.* at para. 4 and n.7. As noted above, the loss area is distributed along the eastern, southern, and western fringes of the Station's authorized channel 7 NLSC, and different areas are served by a different complement of full power and Class A stations. The Petitioner provided a list of full power and Class A stations included in the loss area analysis (Supplement at Exh. D) and contour maps demonstrating that all of the loss area would continue to receive service from at least seven, and as many as 20, other stations. *Id.* at Exhs. E-1 through E-4.

⁹ 47 CFR § 73.625(a). The Commission recently amended its rules to create a new section 73.618 (Antenna location and principal community coverage), which relocates, verbatim, the language from section 73.625(a) (DTV coverage of principal community and antenna system). *See 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. 37 (rel. Sept. 19, 2023) (*Part 73 Amendment R&O*). The amended rules are not effective as of the date of release of this Report and Order and as such we continue to make reference to 47 CFR § 73.625(a).

¹⁰ *See supra* n.8.

¹¹ We do not give any weight to the Petitioner's arguments concerning ATSC 3.0 reception given the prospective nature of its claims and limited availability of consumer devices. *See NPRM* at n.4; Petition at 2-3 and n.7.

¹² 47 CFR §§ 73.616, 73.623. The Commission also recently amended its rules, including combining parts of sections 73.616(a) (Post-transition DTV station interference protection), 73.622(a), and 73.623(a) into one rule that includes all requirements for modifying a television allotment, modified section 73.622(a) (Table of TV allotments). *Part 73 Amendment R&O* at para. 38. The adopted order also relocated section 73.616(c), specifying the protected facilities of TV allotments, to new section 73.619(d). *Part 73 Amendment R&O* at para. 37. As such we continue to make reference to 47 CFR §§ 73.616 and 73.623.

¹³ 5 U.S.C. § 553(d)(3).

City and StateChannel No.

Knoxville, Tennessee

10, 15, 21, 26, *29, 34

6. **IT IS FURTHER ORDERED**, That within 10 days of the effective date of this Order, Tennessee TV, LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 21.

7. **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.

8. **IT IS FURTHER ORDERED**, That should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 23-244 and RM-11955 **SHALL BE TERMINATED** and its docket closed.

9. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Video Division, Media Bureau, Joyce.Bernstein@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau