

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In the Matter of
FOSTERING EXPANDED USE OF UHF TELEVISION } Docket No. 14229
CHANNELS }

FIFTH REPORT AND MEMORANDUM OPINION AND ORDER

(Adopted February 9, 1966)

BY THE COMMISSION : COMMISSIONER WADSWORTH ABSENT.

1. On June 4, 1965, the Commission adopted the fourth report and order in the above-entitled matter (FCC 65-504)¹ which included a revised table of assignments different from that originally proposed in two respects.

(1) Only a few assignments were made on channels above channel 69, pending a decision on a proposal issued simultaneously with the fourth report and order, to create a new class of low-powered "community" or local television station which would operate on the upper 14 UHF channels.

(2) Commercial assignments were not made in cities of less than 25,000 population except where there was an existing station or where an active interest in inaugurating new UHF television broadcast service had been expressed. To the extent that such small communities have been omitted, the table may be termed "unsaturated."

2. Shortly after the revised table was issued, Commission engineers discovered an error in the computer program fed into the computer to create the revised table. The computer program is described fully in appendix D attached hereto. The error caused the computer to obtain an incorrectly high "impact" figure when considering the assignment of channels 15-28 inclusive and this resulted in the selection of a somewhat less efficient assignment in many cases. The lessened efficiency was not so great as to be readily apparent and the error was discovered during a study of the feasibility of manually evaluating "impact" to determine whether such a burden should be placed on petitioners for new assignments who might not have access to a computer. It may be noted that the manual evaluation was found to be an exceedingly exacting and difficult task.

3. The remarkable ability of the computer to examine and manipulate stored data and to perform complex calculations rapidly made it possible to assess quickly the loss in efficiency by creating a completely new assignment plan after the program error had been corrected. When compared to the plan adopted in the fourth report and order the overall improvement in efficiency appeared to be slight. However, it was noted that a few additional assignments would be made to

¹ 30 F.R. 7711, 5 R.R. 2d 1587.

64. Exclusive of Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands, which were not made a part of this proceeding, the corrected table of assignments adopted herein contains 1,756 VHF and UHF assignments in 792 cities. Of this total 615 are reserved for educational use (107 VHF and 508 UHF channels) and 1,141 are unreserved (551 VHF and 590 UHF channels).

65. The corrected table of assignments adopted herein provides assignments in the top 150 markets²⁰ approximately as follows:

(a) Twenty-two of the top 25 markets have 6 or more unreserved assignments. The remaining three have five assignments.

(b) Seventeen of the next 50 markets (26-75) have 6 or more unreserved assignments; 24 markets have 5 assignments; 8 markets have 4 assignments and 1 market has only 3 unreserved assignments.

(c) One of the next 25 markets (76-100) has 6 or more unreserved assignments; 4 markets have 5 assignments; 18 markets have 4 assignments; 1 market has 3 assignments and 1 market has only 2 unreserved assignments.

(d) Two of the next 50 markets (101-150) have 6 unreserved assignments; 6 markets have 5 assignments; 11 markets have 4 assignments; 30 markets have 3 assignments; and 1 market has 2 unreserved assignments.

Thus, with minor exceptions the top 25 markets have 6 or more unreserved assignments; the 26th to 75th markets have 5 or more unreserved assignments; the 76th to 100th markets have 4 or more unreserved assignments; and, the 101st to 150th markets have 3 or more unreserved assignments. At the 150th market level net weekly circulation is approximately 95,000 TV households. Below this level, the great majority of assignments have been made on the basis of one or two channels per market. The above distribution of assignments should not be interpreted as a finding that markets of the different sizes mentioned can support the number of stations provided for, or that they could not support more. Additional channel requirements are expected to develop in many places not included in the table of assignments adopted herein and except where the maximum capacity of the UHF television broadcast band has been reached, such assignments can be provided as the need arises.

66. *Specific actions: action on the Commission's own motion.* In the fourth report and order herein (pars. 27 (j) and (l)) we discussed two rulemaking petitions which were being denied, and mentioned further efforts to find channels to meet the demands shown in the petitions. These were: (1) A channel for an additional educational assignment at Washington, D.C.; and (2) a substitute assignment for channel 74 at Cincinnati, Ohio, which we left in the table in spite of our view that channels 70 and above might well be devoted to a different type of TV station. In both instances, the further review and revision of the table has resulted in assignments to meet these demands. Channel *32 is reserved for educational use at Washington, D.C., in the new table (in addition to channel *26). At Cincinnati, the new table provides two nonreserved channels—19 and 64—in addition to *48.²¹ On our mo-

²⁰The assignments in the table are listed by individual communities but they may be grouped for statistical purposes on a market basis. The market rank follows the American Research Bureau (ARB) listing based on net weekly circulation.

²¹Later rulemaking petitions filed by the same petitioners since the issuance of the fourth report and order have requested both of these assignments. However, they are not being made for this reason, but on our own motion as a result of further consideration of the table.

19. *Stephens County Broadcasting Co.* seeks the assignment of channel 33 as a first assignment at Toccoa, Ga. In the new table channel 32 is so assigned.
20. *Tel-Electronics Inc.* seeks a first commercial assignment (specifically channel 22) at Pikeville, Ky. The new table contains a first commercial channel there; pursuant to the principle stated in paragraph 60 channel *22 is reserved and 51 is not reserved.
21. *Trinity Broadcasting Co.* seeks channel 20 instead of channel 40 for its use at Fort Worth, Tex. (it is an applicant). In the new table channel 21, the lowest UHF channel assigned there, is available for commercial use.
22. *Western New York Educational Television Association, Inc.*, licensee of a Buffalo educational station, opposes the reservation of its channel. In the new table the reservation is withdrawn, leaving one educational reservation.
23. Two petitions for reconsideration of the third report and order, filed by *Cascade Broadcasting Co.* and *Columbia Empire Broadcasting Corp.*, have been denied; see paragraphs 21, 22, and 23.

Petitions for Rulemaking

1. The following rulemaking petitions have been granted to the extent that, on the Commission's own motion, first or additional channels have been assigned in the places requested in the table of assignments adopted today:

RM-810.—Alabama Educational Television Committee (Louisville, Ala.)

RM-829.—Diversa Communications, Inc. (Dallas, Tex.)

RM-835.—D. H. Overmyer Broadcasting Co. (Cincinnati, Ohio)

RM-840.—Greater Washington Educational Television Association, Inc. (Washington, D.C.)

RM-851.—Brilliant Music, Inc. (Ventura, Calif.)

RM-852.—Paul E. Morgan (Palm Springs, Calif.)

RM-870.—Electronic Technicians Associations, Inc. (Winston-Salem, N.C.)

2. The following rulemaking petitions have been granted to the extent that, in the further notice of proposed rulemaking adopted today, additions to and changes in the table of assignments adopted today are proposed:

RM-821.—Ben Karns (Richmond, Ind.)

RM-824.—General Media Television, Inc. (Gary, Ind.)

RM-827.—Crescent Broadcasting Co. (Durham and Raleigh, N.C.)

RM-843.—Midway Television, Inc. (Flint, Mich.)

RM-852.—Paul E. Morgan (Palm Springs, Calif.)

RM-855.—Central Broadcasting Co. (Gastonia, N.C.)

RM-877.—Monroe Broadcasting Co. (Monroe, N.C.)

RM-879.—Apple Valley Broadcasting, Inc. (Kennewick, Wash.)

RM-894.—Kentucky Authority for Educational Television (Owenton, Ky.)

3. Disposition of other pending rulemaking petitions by actions taken in the fifth report and order adopted today is as follows:

RM-802.—*Waco Broadcasting Corp.* seeks channel 14 for Waco, Tex., by shifting channels at Seguin, Tex. Channel 25 has been selected as a more efficient assignment (it is the lowest of three UHF channels assigned to Waco) and is available for commercial use.

RM-815.—*Robert J. Parcettes* seeks the assignment of channel 63 as a first channel for Herndon, Va. *Denied*; the scarcity of channels in the Baltimore-Washington area makes it impossible to assign one to the relatively small community of Herndon, which may qualify for a low-power "community" station if that use of channels 70 and above is decided on.

RM-820.—*Upper Valley Television Broadcasters, Inc.* requests a switch in the educational reservation at Hanover, N.H., to the higher of two channels assigned. The request is *denied* as such, for reasons stated in paragraph 60; however, the overall reassignment has resulted in the selection of lower channels for Hanover, and channel 31 is available there for commercial use instead of 57.

RM-833.—*Kentucky Authority for Educational Television* seeks lower reserved channels at Ashland, Bowling Green, Elizabethtown, and Morehead, than those provided in the fourth report and order (which were *61, *65, *57, and *64, respectively). In the new table the respective assignments are *25, *53, *38 and *23, selected as the most efficient assignments

and applying the principle set forth in paragraph 60 (the Ashland reservation is the lower of two channels, the Bowling Green reservation is the higher of two UHF channels, and the other two places have no commercial assignments).

RM-856 and RM-857.—*D. H. Overmyer Broadcasting Co.*, permittee at Pittsburgh, Pa., and Rosenberg, Tex., seeks lower channels in those cities for its stations (39 for 53 and 14 for 58, respectively); these requests were made on the basis of the pattern of assignments adopted in the fourth report and order. These petitions are *denied*; as stated in the text there has been no attempt to satisfy requests for lower channels, as such, in preparing the new plan. Petitioner may review its requests in light of the new plan and renew them with a showing, as described in paragraph 63, that a requested lower assignment would not result in loss of efficiency.

RM-876.—*East Kentucky Broadcasting Corp.* requests the assignment of channel 22 to Pikeville, Ky., in addition to the reserved channel assigned there. A first commercial assignment appears warranted and channel 51 is assigned in the new table. In line with the principle stated in paragraph 60, the lower channel assigned (*22) is reserved for educational use.

APPENDIX C

The authorizations of the following permittees and licensee *Are modified* from their present channels to new channels as listed below.

Permittee or licensee, city, and State	Old channel	New channel
Caucellia City Telecasters, Sacramento, Calif. (KTXL).....	29	40
Connecticut State Board of Education, Bridgeport, Conn. (WCTB).....	71	49
Connecticut State Board of Education, Norwich, Conn. (WCTN).....	63	53
Plains Television Corp., Champaign, Ill. (WICU).....	33	26
Indiana State College Board, Terre Haute, Ind. (WISU-TV).....	57	26
D. H. Overmyer Broadcasting Co., Newport, Ky. (WSCO-TV).....	74	19
Westport Television, Inc., Kansas City, Mo.	30	41
Pershing Television Corp., Kansas City, Mo.	54	63
Upper Valley Broadcasters, Inc., Lebanon, N.H. (WRLH).....	49	31
Southwestern Ohio Television, Inc., Springfield, Ohio (WSWO-TV).....	66	26
Rovan Television, Inc., Florence, S.C.	28	21
Trinity Broadcasting Co., Fort Worth, Tex.	40	21
Georgia State Board of Education, Ashburn, Ga.	42	23
Board of Trustees of Southern Illinois University, Olney, Ill.	45	16
Board of Trustees of Vincennes University, Vincennes, Ind.	34	22

APPENDIX D

PRINCIPLES EMPLOYED IN THE CREATION OF THE ASSIGNMENT PLAN FOR UHF TELEVISION BROADCAST CHANNELS

1. The computer program used for creating the UHF assignment plan adopted herein was developed in the light of some 20 years of experience in manually constructing assignment plans, the initial experiments with a computer by the National Association of Educational Broadcasters (NAEB), and approximately a year of testing and refining the program originally produced for use on the Commission's Univac III computer. A considerable amount of flexibility has been provided. The geographic separations between assignments may be varied either upward or downward around the required minimum separation, the lowest available channel may be assigned or the computer may be instructed to examine a specified number of available assignments and to choose the one having the least impact on remaining available but unassigned channels, the computer may be instructed not to make an assignment but merely to print out the channels available for assignment, or it may be instructed to make as many assignments as possible in the cities listed in the table or to make a predetermined number of assignments in such cities. The number may be different for every city in the table. In addition to providing lists of all assignments, VHF and UHF, in all cities, the computer provides information as to the remaining available but