

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

In the Matter of
Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(ATlantic City, New Jersey)
MM Docket No. 01-49
RM-10032

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 23, 2001

Released: May 25, 2001

By the Chief, Video Services Division:

1. At the request of Lenfest Broadcasting, LLC ("Lenfest"), licensee of station WWAC-TV, NTSC channel 53, Atlantic City, New Jersey, the Commission has before it the Notice of Proposed Rule Making, 66 FR 12750, February 28, 2001, proposing the substitution of DTV channel 44 for station WWAC-TV's assigned DTV channel 50. Lenfest filed comments stating its intention to apply for DTV channel 44, if allotted to Atlantic City. Hispanic Broadcasters of Philadelphia, L.L.C. ("HBP"), filed supporting comments.

2. We believe the public interest would be served by adopting Lenfest's proposal since it enables station WWAC-DT to serve a much larger population and eliminates the potential for interference from the first-adjacent DTV allotment on channel 49 at Atlantic City. DTV channel 44 can be allotted to Atlantic City, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates (39-55-06 N. and 75-02-44 W.). In addition, we find that this channel is acceptable under the 2 percent criterion for de minimis impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station WWAC-TV with the following specifications:

Table with 5 columns: State & City, DTV Channel, DTV power (kW), Antenna HAAT (m), DTV Service Pop. (thous.). Row 1: NJ Atlantic City, 44, 200, 208, 4890

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective July 9, 2001, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

1 HBP states that it is the permittee of WWSI(TV), Atlantic City, New Jersey, which has been assigned DTV channel 49 for its digital operations. HBP agrees that moving WWAC-DT from channel 50 to channel 44 will alleviate the potential for interference between WWAC-DT and WWSI-DT and eliminate the mutual exclusivity between the DTV applications of WWAC-DT and WWSI-DT.

City

Channel No.

Atlantic City, New Jersey

44, 49

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Lenfest Broadcasting, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 44 in lieu of DTV Channel 50 for station WWAC-TV.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Services Division
Mass Media Bureau