

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

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MM Docket No. 99-297
Table of Allotments,)	RM-9726
Digital Television Broadcast Stations.)	
(Oklahoma City, Oklahoma))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 1, 2001

Released: June 6, 2001

By the Chief, Video Services Division:

1. At the request of Ohio/Oklahoma Hearst-Argyle Television, Inc. ("Hearst-Argyle"), permittee of station KOCO-TV, NTSC channel 5, Oklahoma City, Oklahoma, the Commission has before it the Notice of Proposed Rule Making, 14 FCC Rcd 17029 (1999), proposing the substitution of DTV channel 7 for station KOCO-TV's assigned DTV channel 16. Hearst-Argyle and KSWO Television Company, Inc. ("KSWO") filed comments.

2. KSWO, licensee of KSWO-TV, NTSC channel 7, Lawton, Oklahoma, filed comments stating that KSWO-TV operates on NTSC channel 7, the same channel that Hearst-Argyle proposes to operate at Oklahoma City, and claims there will be interference to KSWO-TV from KOCO-DT. KSWO acknowledges that the proposed interference to KSWO-TV from KOCO-DT falls within the Commission's guidelines, but believes that such interference has the potential to disrupt the established viewing habits of residents of the KSWO-TV service area.

3. By KSWO's own admission, any interference to the KSWO-TV service area falls within the Commission's guidelines for interference as defined in Section 73.623 of the Commission's Rules. Thus, no further examination of this issue is required. Likewise, KSWO's concerns about its possible use of channel 7 for DTV in the future is bare speculation and requires no further consideration.¹ We find that the allotment of DTV channel 7 at Oklahoma City, at the reduced power level, is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of DTV allotments under Section 73.623(c)(2) for station KOCO-DT. Since the amended Hearst-Argyle proposal has met all of the Commission's replication and technical standards, we believe that the public interest would be served by substituting DTV channel 7 for DTV channel 16 at Oklahoma City since it could enable station KOCO-TV to replicate a larger part of its service area. DTV channel 7 can be allotted to Oklahoma City, Oklahoma, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates (35-33-45 N. and 97-29-24 W.) following the specifications:

¹ We note that Hearst-Argyle did amend its technical proposal on March 19, 2001, to reduce operating power from 45 kW to 42 kW. However, the power reduction was unrelated to KSWO's interference claim.

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
OK Oklahoma City	7	42.0	446	1248

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 23, 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:

<u>City</u>	<u>Channel No.</u>
Oklahoma City, Oklahoma	7, 15c, 24, 27, *32, 33, 39, 42, 50, 51

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Ohio/Oklahoma Hearst-Argyle Television, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 7 in lieu of DTV Channel 16 for station KOCO-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