

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

In the Matter of	)	
	)	
Amendment of Section 73.622(b),	)	MM Docket No. 00-242
Table of Allotments,	)	RM-9998
Digital Television Broadcast Stations.	)	
(Weston, West Virginia)	)	

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: March 5, 2001**

**Released: March 6, 2001**

By the Chief, Video Services Division:

1. At the request of Withers Broadcasting Company of West Virginia ("Withers"), licensee of station WDTV(TV), NTSC channel 5, Weston, West Virginia, the Commission has before it the Notice of Proposed Rule Making, 15 FCC Rcd 23760 (2000), proposing the substitution of DTV channel 6 for DTV channel 58 at Weston. Withers filed comments renewing its interest in applying for DTV channel 6, if allotted.<sup>1</sup> No other comments were filed.

2. We believe the public interest would be served by substituting DTV channel 6 for DTV channel 58 since it would alleviate the NRAO's objection to the use of DTV channel 58 at Weston and permit station WSTV(TV) to operate on a core allotment. DTV channel 6 can be allotted to Weston, West Virginia, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates (39-04-29 N. and 80-25-28 W.).<sup>2</sup> 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 WDTV(TV) with the following specifications:

<u>State &amp; City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
WV Weston	6	10.0	253	501

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 April 20, 2001, the DTV Table of

<sup>1</sup> Withers also submitted a copy of a letter from the National Radio Astronomy Observatory ("NRAO") located in Green Bank, West Virginia, indicating its support of Withers' channel substitution proposal.

<sup>2</sup> Since Weston is located within the protected areas of the NRAO's "Quiet Zone" at Green Bank, West Virginia, the licensee of station WDTV-DT will be required to comply with the notification requirement of Section 73.1030(a) of the Commission's Rules.

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>
Weston, West Virginia	6

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Withers Broadcasting Company of West Virginia shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 6 in lieu of DTV Channel 58 for station WDTV(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