

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

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MM Docket No. 01-165
Table of Allotments,)	RM-9768
Digital Television Broadcast Stations.)	
(Clarksburg, West Virginia))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 3, 2002

Released: May 9, 2002

By the Chief, Video Division:

1. At the request of Davis Television Clarksburg, LLC ("Davis"), licensee of station WVFX(TV), NTSC channel 46, Clarksburg, West Virginia, the Commission has before it the Notice of Proposed Rule Making, 16 FCC Rcd 14515 (2001), proposing the substitution of DTV channel 10 for station WVFX(TV)'s assigned DTV channel 28. Davis filed comments restating its intention to apply for DTV channel 10, if allotted. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 10 for DTV channel 28 since it will permit Davis to reduced its operating expenses while increasing the number of persons receiving service from station WVFX-DT. DTV channel 10 can be allotted to Clarksburg, West Virginia, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates 39-18-02 N. and 80-20-37 W. Since the community of Clarksburg is located within 400 kilometers of the U.S.-Canadian border, concurrence by the Canadian government has been obtained for this allotment. 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 WVFX-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
WV Clarksburg	10	30	260	598

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 June 24, 2002, 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>
Clarksburg, West Virginia	10, 52

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Davis Television Clarksburg, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 10 in lieu of DTV Channel 28 for station.

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

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

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau