

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

In the Matter of)	
)	
Amendment of Section 73.606(b),)	MM Docket No. 01-332
Table of Allotments,)	RM-10334
Television Broadcast Stations.)	
(Pueblo, Colorado))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: March 1, 2002

Released: March 6, 2002

By the Chief, Video Services Division:

1. At the request of Zavaletta Broadcasting of Pueblo ("Zavaletta"), an applicant for a construction permit for a new television station to operate on channel 26+ at Pueblo, Colorado, the Commission has before it the Notice of Proposed Rule Making, 16 FCC Rcd 21810 (2001), proposing the substitution of channel 48 for channel 26+ at Pueblo.¹ Zavaletta file comments restating its interest in applying for channel 48, if allotted. Pappas Telecasting Companies also filed comments supporting the channel change.

2. We believe the public interest would be served by substituting channel 48 for channel 26+ since its adoption would eliminate the potential for interference to the co-channel DTV allotment of educational station KTSC in Pueblo. A staff engineering analysis indicates that channel 48 can be allotted to Pueblo in compliance with the minimum distance separation requirements of Sections 73.610 and 73.698 of the Commission Rules and with the criteria set forth in the Commission's Public Notice ("*Public Notice*"), released on November 22, 1999, DA 99-2605.² Channel 48 can be allotted with a zero offset at coordinates 38-21-30 N. and 104-33-24 W.

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 22, 2002, the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, IS AMENDED, with respect to the

¹ On December 13, 2001, the Commission released a Notice of Proposed Rule Making in this proceeding, indicating that the Notice was adopted December 19, 2001. By *Erratum* released December 14, 2001, the Commission corrected the adopted date to read December 10, 2001, in lieu of December 19, 2001. By that *Erratum* the Commission mistakenly noted that the petition for rule making was proposing to amend Section 73.622(b) of the Commission's Rules instead of Section 73.606(b).

² In that *Public Notice* the Commission stated that petitions to change the channel of an existing allotment must protect DTV stations as provided in Section 73.623(c), but without any allowance to create *de minimis* interference as defined in Section 73.623 (c)(2).

community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Pueblo, Colorado	5, *8, 32-, 48

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Zavaletta Broadcasting of Pueblo shall submit to the Commission an amendment to its pending application for a construction permit for a new television station at Pueblo, Colorado, specifying TV Channel 48 in lieu of TV Channel 26+.

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