



# PUBLIC NOTICE

Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## Tentative Digital Channel Designations for Stations Participating in the First Round of DTV Channel Elections and Second Round Election Filing Deadline

In the *Second DTV Periodic Review Report and Order*,<sup>1</sup> the Commission adopted a multi-step channel election process through which the nation's full-power television broadcast licensees and permittees (licensees) will select their ultimate DTV channel inside the core (*i.e.*, channels 2-51). In the first round, licensees with in-core channels (either one or two in-core channels) filed First Round Election Forms by February 10, 2005, selecting which of their assigned channels they wished to use for digital operations. In this Public Notice we announce 1,713 tentative channel designations based upon these First Round Channel Elections. This list includes the 1,554 channel designations previously announced,<sup>2</sup> which included stations that are participating in approved Negotiated Channel Arrangements.<sup>3</sup> The attached list adds stations that have successfully resolved interference conflicts.<sup>4</sup> The call sign and tentative DTV channel designation for each licensee are set forth in Attachment I. Tentative channel designations in the relevant border zones are subject to appropriate international coordination. Licensees without a tentative channel designation at this time will receive tentative designations later in the channel election process.

Several stations have demonstrated good cause to amend their Form 382 First Round Election; we also find that other stations are not prejudiced by grant of these amendments because these

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<sup>1</sup> *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18,279 (2004).

<sup>2</sup> *Public Notice, DTV Tentative Channel Designations for 1,554 Stations Participating in the First Round of DTV Channel Elections*, DA 05-1743, released June 23, 2005.

<sup>3</sup> By *Report and Order*, DA-05-1619, released June 8, 2005, the Media Bureau approved 25 proposed negotiated channel arrangements (NCAs) and rejected 12 others. Several licensees filed timely petitions for reconsideration of the Bureau decision, which remain pending.

<sup>4</sup> Licensees that elected their in-core NTSC channel for digital operations that were found to cause impermissible interference to either (1) an in-core DTV channel that was elected in the first round; (2) an in-core DTV channel of any licensee that elected its NTSC channel in the first round but that still may revert to its DTV channel; or (3) another in-core NTSC channel elected in the first round, were notified and given 60 days to resolve the conflicts, either through mutual agreement, technical modifications, or reverting to their in-core DTV channel (or, if the station had no in-core DTV channel, proceeding to the second round). The deadline for resolving the interference conflicts, initially August 8, 2005, was extended to August 15, 2005. See *Public Notice, DTV Channel Election: First Round Conflict Decision Extension and Guidelines for Interference Conflict Analysis*, DA 05-2233, released August 2, 2005.

channels were available only to these stations in the first round and final Round One tentative channel designations have not been issued. These amendments are accepted and included on Attachment I.

WUOA, Tuscaloosa, Alabama, NTSC channel 23, does not have a paired DTV channel. In the first round, the licensee initially elected to go to the second round but later sought leave to elect channel 23 because a potential interference issue to a Class A station had been resolved.

WPVI-TV, Philadelphia, Pennsylvania, NTSC channel 6, has an out-of-core DTV channel. The licensee initially elected to go to the second round. After further testing of its ability to operate on its low-VHF channel 6, pursuant to an STA granted after the first round election deadline, the licensee sought leave to amend its Form 382 to elect channel 6 as its DTV channel.

WNYO-TV, Buffalo, New York, NTSC channel 49, DTV channel 34, initially elected and received a tentative channel designation for its NTSC channel 49. Because of international coordination developments, the licensee later sought leave to amend its Form 382 to elect its DTV channel 34.

WNPA-TV, Jeanette, Pennsylvania, NTSC channel 19, DTV channel 32. A rulemaking proceeding is pending to substitute DTV channel 49 for DTV channel 32. The electronic Form 382, however did not permit the licensee to specify channel 49. Thus, we are correcting the record to designate channel 49 as the licensee's tentative channel designation.

Further, the June 23, 2005 Public Notice incorrectly listed the tentative channel designation for WCGV, Milwaukee, Wisconsin. We are correcting the error to specify channel 25 as the licensee's tentative channel designation.

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The next form to be filed in the channel election process is FCC Form 384, Digital Channel Election Form Second Round Election, to be used by licensees participating in the second round of the DTV channel election process. Licensees that do not have an in-core channel (i.e., those with two out-of-core channels and out-of-core singletons) and licensees that elected to go to Round Two in the first round or that must go to Round Two as a result of an unresolved conflict, are eligible to file Form 384 to elect a channel in the Second Round. FCC Form 384 can be accessed from the FCC's website at [www.fcc.gov](http://www.fcc.gov) and is now available for electronic filing. FCC Form 384 must be filed with the FCC no later than October 24, 2005.

As described in paragraph 59 of the Order and on FCC Form 384, licensees should elect an available in-core channel (i.e., channels 2-51) for their ultimate digital channel by selecting item 1.a., or request that the Commission determine a "best available" channel for them at full replication facilities by selecting item 1.c. Parties to a Negotiated Channel Arrangement must

indicate their participation in an NCA by selecting item 1.b. and must complete Schedule A in Section II of FCC Form 384. Second round electors may indicate a contingent channel preference which would be used if the licensee chooses to resolve an interference conflict by rescinding its original second round channel election as part of a negotiated conflict resolution agreement with another licensee. Second Round electors that are parties to an NCA should elect a contingent channel preference for use if their NCA is rejected.

With respect to channels available for election in Round Two, licensees should note three pending matters that have not yet been resolved:

WABC-TV, New York, New York, NTSC channel 7, DTV channel 45. WABC elected its NTSC channel 7 in the first round and received a conflict letter. In its Form 383, WABC elected to revert to its DTV channel 45, but also filed a request for a waiver of the 0.1% interference standard. That waiver request remains pending.

WEDH, Hartford, Connecticut, NTSC channel \*24, DTV channel \*32 and WEDN, Norwich, Connecticut, NTSC channel 53\* and DTV channel \*45, propose to swap their DTV channels. NTSC channel 24 is released. The applications regarding the swap of DTV channels 32 and 45 remain pending.

KTRK-TV, Houston, Texas, NTSC channel 13, DTV channel 32. The station elected its NTSC channel but did not receive notice of an interference conflict until August 31, 2005. Thus, the 60-day deadline for KTRK to file its Form 383 has not yet passed.

Licensees participating in Round Two that are affected by one or more of these pending proceedings may elect an additional channel conditioned on their resolution. For example, a station in the New York market participating in round two may elect either channel 7 or channel 45, conditioned on the outcome of ABC's waiver request. Stations wishing to make such a conditional election must submit by the round two election deadline a detailed explanation of this conditional election by email to [form384@fcc.gov](mailto:form384@fcc.gov) and by regular mail to Nazifa Sawez, Federal Communications Commission, Room 2-A726, 445 12 Street, S.W., Washington, D.C. 20554. This submission must indicate (1) how the licensee is potentially affected by these pending proceedings, (2) what channel it prefers, and (3) what channel it would elect if its first choice becomes unavailable. If a station fails to adequately make this showing, the Commission reserves the right to reject the conditional election and/or place the station in Round Three. This conditional election for stations potentially affected by the above pending proceedings is in addition to, and not in lieu of, the contingent election process already reflected on Form 384.

For additional information, contact Joyce Bernstein or Nazifa Sawez of the Video Division, Media Bureau, at (202) 418-1647 or (202) 418-7059, or at [joyce.bernstein@fcc.gov](mailto:joyce.bernstein@fcc.gov) or [nazifa.sawez@fcc.gov](mailto:nazifa.sawez@fcc.gov). TTY: (202) 418-7172.

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