

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

In the Matter of

Amendment of Section 73.606(b),
Table of Allotments,
Television Broadcast Stations; and
Section 73.622(b), Table of Allotments
Digital Broadcast Television Stations
(Seattle, Washington,)

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MB Docket No. 04-265
RM-10439

REPORT AND ORDER
(Proceeding Terminated)

Adopted: July 13, 2007

Released: July 18, 2007

By the Chief, Video Division, Media Bureau:

1. At the request of KCTS Television ("Petitioner"), an applicant for NTSC TV channel *62, Seattle Washington, the Commission has before it the *Notice of Proposed Rule Making* ("Notice"), 19 FCC Rcd 14421 (2004), proposing the substitution of DTV channel *53 for channel *62 at Seattle.¹ Petitioner filed comments. No other comments or counterproposals were filed.

2. As stated in the *Notice*, Seattle, Washington, is located within 400 kilometers of the U.S.-Canadian border and concurrence from the Canadian government was solicited for the allotment of DTV channel *53 pursuant to the standards outlined in the *Letter of Understanding (LOU) between the Commission and Industry Canada, released September 29, 2000*. However, after the record closed, the Canadian government filed an objection to petitioner's proposal using the technical parameters of 500 kW and 714m HAAT indicating that the allotment of DTV *53 at Seattle did not provide adequate protection to CIVI-TV channel 53 in Victoria, BC and DTV channel 53 in Chilliwack, BC. Petitioner amended its proposal to reduce the power to 240 kW and 714m HAAT. Nevertheless, the Canadian government objected to the amended proposal on the basis that it would failed to protect DTV channel 53 at Chilliwack, BC. Based upon the Canadian government's objection, petitioner's proposal will be denied.

3. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to Government Accountability Office, pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A) because this proposed rule is denied herein.)

4. Accordingly, IT IS ORDERED That the Petition for Rule Making filed by KCTS Television IS DENIED.

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

¹ Washington Family Broadcasting, the mutually exclusive applicant for NTSC channel *62 at Seattle, had filed a letter agreeing to join KCTS in its petition for rule making to allot DTV channel *53 at Seattle, Washington.

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