



Federal Communications Commission
Washington, D.C. 20554

DA 08-2047
Released: September 5, 2008
1800E3-JLB

Barrington Amarillo License LLC
c/o Jennifer A. Johnson, Esq.
Covington & Burling LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401

Re: KVIH-DT, Clovis, New Mexico
File No. BPRM-20080602AOB
Facility ID No. 178260

Dear Licensee:

This is with respect to the above-referenced petition for rulemaking filed by Barrington Amarillo License LLC ("Barrington"), the licensee of station KVIH-TV (ABC), analog channel 12, and permittee of KVIH-DT, DTV channel 20, Clovis, New Mexico.¹ Barrington requests the substitution of its present analog channel, channel 12, as its DTV channel for post-transition use at Clovis.

In support of its channel substitution request, Barrington states that because of tower loading concerns and the need to remove the existing analog channel 12 antenna from the tower prior to commencing construction of the final channel 20 digital facility, it estimates that it will take between 90 and 120 days to complete construction of its authorized channel 20 facility. According to Barrington, during the 90 to 120 day time period necessary for construction of the channel 20 post-transition facility, the station's only service to its community of license would be via its present 0.26 kW DTV facility.² Barrington asserts that the switch to digital service on channel 12 would involve only one night of disruption in analog service and thus, the requested channel substitution would allow it to avoid a significant disruption of service to existing viewers.³

Our engineering analysis shows that Barrington's channel substitution proposal would result in a loss of over-the-air television service to 11.81% of the population within the noise limited contour of its Appendix B facility.⁴ It is well settled that the Commission considers losses of television service to existing viewers to be *prima facie* inconsistent with the public interest.⁵ We believe that the temporary loss of ABC service to

¹ KVIH-TV is a satellite of station KVII(TV), Amarillo, Texas.

² See File No. BDSTA-20020411ABG.

³ Barrington also states that it would be able to reuse its existing channel 12 antenna and transmission line.

⁴ The station's Appendix B facility does not fully replicate the Grade B service area of KVIH-TV. Thus, the number digital facility on channel 12, is probably higher.

⁵ See Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MB Docket No. 07-91, *Report and Order*, 23 FCC Rcd 2994, n.317 (2007).

those viewers who do not currently receive service from the station's 0.26 kW DTV facility for a period of up to four months, is preferable to the permanent loss of ABC service to approximately 10,000 persons who currently reside within the Grade B contour of KVIH-TV and the noise limited contour of the presently authorized facilities of KVIH-DT on channel 20.⁶ Based upon this significant loss of over-the-air television service, we conclude that the proposed channel substitution fails to serve the public interest, convenience and necessity and accordingly, does not warrant further consideration.

In view of the foregoing, the above-referenced petition for rulemaking filed by Barrington Amarillo License LLC IS HEREBY DISMISSED.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁶ While Barrington did not provide an analysis of other over-the-air television services that would be available to viewers in the proposed loss area, it appears that most of the viewers in the proposed loss area would no longer receive any over-the-air ABC network service.