



Federal Communications Commission
Washington, D.C. 20554

DA 08-2473
November 10, 2008
1800E3-JLB

Indianapolis Community Television, Inc.
c/o Robert L. Olender, Esq.
Koerner & Olender, PC
11913 Grey Hollow Court
North Bethesda, Maryland 20852-5706

Re: WDTI(TV), Indianapolis, Indiana
Facility ID No. 7908

Dear Licensee:

Indianapolis Community Television, Inc. ("ICTI"), the licensee of analog television station WDTI(TV) (IND), NTSC Channel *69, and digital television station WDTI-DT, DTV Channel *44, Indianapolis, Indiana, filed a letter requesting Commission authority to: (i) cease analog broadcasting on NTSC Channel *69 and surrender its license for the channel prior to the end of the DTV transition period; and (ii) thereafter operate WDTI-DT as a single channel, digital-only television station on DTV Channel *44. ICTI's proposal appeared on public notice on August 14, 2008.¹ The public notice required that ICTI comply with certain viewer notification requirements for a 60-day period prior to termination of its analog signal.

ICTI's request was submitted pursuant to the voluntary band-clearing mechanisms adopted by the Commission to facilitate the clearing of channels 59-69. In the *Upper 700 MHz MO&O and FNRPM*,² the Commission established a rebuttable presumption that, in certain circumstances, substantial public interest benefits will arise from a voluntary agreement between a 700 MHz licensee and an incumbent broadcast licensee on Channels 59-69 that clears the 700 MHz band of incumbent television licensee(s). In particular, this favorable presumption attaches to any requests that: (1) would make new or expanded wireless service, such as '2.5' or '3G' services, available to consumers; (2) would clear commercial frequencies that enable provision of public safety services; or (3) would result in the provision of wireless service to rural or other underserved communities. The applicant would also need to show that grant of the request would not result in any one of the following: (1) the loss of any of the four stations in the designated market area (DMA) with the largest audience share; (2) the loss of the sole service licensed to the local community; or (3) the loss of a community's sole service on a channel reserved for

¹ *Media Bureau Receives Request by Analog Television Station in the Upper 700 MHz Band to Cease Analog Broadcasting, Surrender NTSC License, and Operate as a Single Channel, Digital-Only Television Station*, DA 08-1854 (released August 14, 2008).

² *Service Rules for the 746-764 and 776-794 MHz Bands and Revisions to Part 27 of the Commission's Rules*, WT Docket No. 99-168 *et al.*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 20845 (2000) (*Upper 700 MHz MO&O and FNRPM*).

noncommercial educational broadcast service.³ The Commission further indicated that when this presumption is not established, or is rebutted, it would review regulatory requests by weighing the loss of broadcast service and the advent of new wireless service on a case-by-case basis.⁴

ICTI states that the public interest would be served by granting this request since it would facilitate the provision of new public safety services. WDTI(TV) is not the sole noncommercial educational television station licensed to Indianapolis, and there are a total of seven channels allotted to that community. In addition, the station is not one of the top-four stations in the Indianapolis DMA.

We conclude that ICTI has met all of the factors necessary to come within the rebuttable presumption, and accordingly, its request IS GRANTED, subject to the following conditions. Prior to permanently discontinuing analog service and surrendering its NTSC license, we expect ICTI to supply all cable systems carrying its digital signal with the conversion equipment necessary to translate WDTI-DT's signal to an analog signal, and to be in full compliance with the viewer notification requirements set forth in the public notice.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

³ *Id.* at 20870-71.

⁴ *Id.*