

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

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In the Matter of)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 08-117
Final DTV Table of Allotments,)	RM-11450
Television Broadcast Stations.)	
(St. Paul, Minnesota))	

**ORDER
(Proceeding Terminated)**

Adopted: May 18, 2009

Released: May 22, 2009

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking¹ issued in response to a petition for rulemaking filed by Twin Cities Public Television, Inc. (“Twin Cities”), the licensee of noncommercial educational station KTCI-TV, analog channel *17 and KTCI-DT, pre-transition digital channel *16, and permittee of post-transition digital channel *26, St. Paul, Minnesota, requesting the substitution of channel *38 for its post-transition digital channel *26. Duluth-Superior Area Educational Television Corporation (“Duluth-Superior”), the licensee of noncommercial educational station WDSE-TV/DT, Duluth, Minnesota, filed comments in the proceeding, in which it counter-proposed that the Commission allocate digital channel *23, *24 or *25 to St. Paul for post-transition use by Twin Cities, and allocate digital channel *38 to Superior, Wisconsin for a new noncommercial educational television station.

2. On April 24, 2009, Twin Cities and Duluth-Superior filed a Joint Request for Approval of Settlement Agreement and Request for Withdrawal of Counterproposal. The Joint Request states that Duluth-Superior has agreed to withdraw its counterproposal and that Twin Cities has agreed to request the substitution of channel *23, rather than channel *38, as its post-transition digital channel.² The Joint Request also states that Duluth-Superior has agreed to reimburse Twin Cities for expenses incurred in connection with the channel *23 channel substitution request, and in making modifications to equipment which Twin Cities acquired for a facility on channel *38.

3. We believe, for the reasons set forth in the Joint Request for Approval, that the public interest would be served by approving the Joint Request and dismissing Twin Cities’ rulemaking petition requesting the substitution of channel *38 as its post-transition channel.

4. Accordingly, IT IS ORDERED that the Petition for Rulemaking to substitute channel *38 for channel *26 at St. Paul, Minnesota filed by Twin Cities Public Television, Inc. and the counterproposal comments filed by Duluth-Superior Area Educational Television Foundation ARE HEREBY DISMISSED.

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

¹ *St. Paul, Minnesota*, 23 FCC Rcd 10043 (Vid. Div. 2008).

² We are separately issuing a Notice of Proposed Rulemaking seeking comment on Twin Cities’ request that we substitute channel *23 for its post-transition operations.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau