

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

In the Matter of	)	
	)	
Amendment of Section 73.622(i),	)	MB Docket No. 08-208
Final DTV Table of Allotments,	)	RM-11495
Television Broadcast Stations	)	
(Fort Wayne, Indiana)	)	

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: May 20, 2009**

**Released: May 27, 2009**

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a petition for rulemaking filed by WISE-TV License, LLC (“WISE”), licensee of WISE-TV, analog channel 33, and WISE-DT, DTV channel 19, Fort Wayne, Indiana, requesting the substitution of DTV channel 18 for its assigned post-transition DTV channel 19 at Fort Wayne. WISE filed comments. No other comments were received.

2. We believe the public interest will be served by substituting DTV channel 18 for post-transition DTV channel 19 at Fort Wayne because the proposed facility will increase the currently allotted post-transition DTV service population. Furthermore, this channel change resolves WISE’s mutual-exclusivity with a maximization application for station WXMI-DT, DTV channel 19, Grand Rapids, Michigan.<sup>2</sup>

3. DTV channel 18 can be substituted for post-transition DTV channel 19 at Fort Wayne, Indiana as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 41-06-08 N. and 85-11-05 W. Since the proposed facility is located within the Canadian coordination zone, concurrence from the Canadian government has been obtained for this allotment. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission’s rules with the following specifications:

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (meters)	DTV Service Pop. (thous.)
Fort Wayne, Indiana	18	320	224	1059

4. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to Section 553(d)(3) of the Administrative Procedures

<sup>1</sup> *Fort Wayne, Indiana*, 23 FCC Rcd. 14641 (Vid. Div. 2009).

<sup>2</sup> *See id.* at ¶ 2.

Act.<sup>3</sup> An expedited effective date is necessary in this case in order to expedite processing of the station's post-transition DTV application for DTV channel 18 and to ensure that it is able to timely complete construction of its new DTV facility.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective immediately upon the date of publication of this Report and Order in the Federal Register, the DTV Table of Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Fort Wayne, Indiana	18, 24, 31, 36, *40

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Entravision Holdings, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 18 in lieu of post-transition DTV channel 19.

7. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

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

9. For further information concerning the proceeding listed above, contact Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>3</sup> 5 U.S.C. § 553(d)(3).