

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

In the Matter of)	
)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 08-140
Final DTV Table of Allotments,)	RM-11470
Television Broadcast Stations)	
(Williston, North Dakota))	

**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 Rulemaking¹ issued in response to a petition for rulemaking filed by Prairie Public Broadcasting, Inc. (“PPB”), the licensee of noncommercial educational station KWSE-DT, channel *51, Williston, North Dakota, requesting the substitution of DTV channel *11 for channel *51 at Williston. PPB filed comments. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel *11 for DTV channel *51. PPB owns and operates a statewide public television network consisting of nine television stations in North Dakota. The power cost for replicating KWSE-TV’s analog service area on channel *11 will total less than \$6,000 a year, compared to over \$100,000 a year on channel *51. The channel substitution will also permit PPB to save money on equipment.

3. DTV channel *11 can be substituted for DTV channel *51 at Williston, North Dakota as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at the coordinates 48-08-30 N. and 103-53-34 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	Antenna HAAT	DTV Service Pop.
		(kW)	(meters)	(thous.)
Williston, North Dakota	*11	9.48	276	51

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 Act,² in light of the June 12, 2009 DTV transition deadline.³

¹ *Williston, North Dakota*, 23 FCC Rcd 10598 (Vid. Div. 2008).

² 5 U.S.C. § 553(d)(3).

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:

City and State _____	Channel No. _____
Williston, North Dakota	8, *11, 14

6. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Prairie Public Broadcasting, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV channel *11 in lieu of DTV channel *51.

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 Joyce L. Bernstein, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

³ See DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009).