

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

In the Matter of)
)
)
Amendment of Section 73.622(i),) MB Docket No. 08-132
Final DTV Table of Allotments,) RM-11464
Television Broadcast Stations.)
(Clovis, New Mexico))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 26, 2009

Released: January 29, 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 Barrington Amarillo License LLC (“Barrington”), the licensee of KVIH-TV, analog channel 12, and permittee of KVIH-DT, DTV channel 20, Clovis, New Mexico, requesting the substitution of its analog channel, channel 12, for its assigned DTV channel 20 for post-transition use at Clovis. Barrington filed comments. No other comments were received

2. We believe the public interest would be served by substituting DTV channel 12 for DTV channel 20. In order to construct a digital facility on channel 20, Barrington must first remove the existing analog channel 12 antenna from its tower, which could result in disruption of ABC network service to viewers for as long as 120 days. In addition, the proposed channel 12 facility substantially matches the service area population predicted to be served by the station’s Appendix B DTV facility.

3. DTV channel 12 can be substituted for DTV channel 20 at Clovis, New Mexico as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 34-11-34 N. and 103-16-44 W. 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.) |
|--------------------|-------------|-------------------|--------------------------|------------------------------|
| Clovis, New Mexico | 12 | 5.0 | 204 | 86 |

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 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 12 and to ensure that it is able to complete construction

¹ Clovis, New Mexico, DA 08-2719 (released December 17, 2008).

² 5 U.S.C. § 553(d)(3).

prior to the end of the DTV transition, so that persons who presently receive service from KVIH-TV do not lose ABC network service when the station ceases its analog operations.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:

| <u>City and State</u> | <u>Channel No.</u> |
|-----------------------|--------------------|
| Clovis, New Mexico | 12 |

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Barrington Amarillo License LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 12 in lieu of DTV channel 20.

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 Barrington is presently operating on DTV channel 20 at a reduced facility which provides service to only 72.8% of the population within the protected Grade B contour of KVIH-TV. *See* File No. BDTUCT-20081020ATY, Section III, Question 2.