

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

In the Matter of
Amendment of Section 73.622(i),
Final DTV Table of Allotments,
Television Broadcast Stations.
(Montgomery, Alabama)
)
)
)
) MB Docket No. 08-230
) RM-11504
)
)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 27, 2009

Released: January 30, 2009

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking issued in response to a petition for rulemaking filed by Woods Communications Corporation ("Woods"), the licensee of WCOV-TV, analog channel 20, and permittee of station WCOV-DT, DTV channel 16, Montgomery, Alabama, requesting the substitution of its analog channel, channel 20, for its assigned post-transition DTV channel 16 at Montgomery. Woods filed comments. No other comments were received.

2. We believe the public interest will be served by substituting DTV channel 20 for post-transition DTV channel 16. According to Woods, the use of post-transition DTV channel 20 will result in a 2.7% increase in service population and a 1.2% increase in service area. Furthermore, Woods claims that this post-transition channel substitution will provide the station with significant economic benefits.

3. DTV channel 20 can be substituted for post-transition DTV channel 16 at Montgomery, Alabama as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 31-58-28 N. and 86-09-44 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:

Table with 5 columns: City and State, DTV Channel, DTV Power (kW), Antenna HAAT (meters), DTV Service Pop. (thous.). Row 1: Montgomery, Alabama, 20, 460, 518, 810.

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. An expedited effective date is necessary in this case in order to expedite processing of the station's

1 Montgomery, Alabama, DA 08-2544 (released November 20, 2008).
2 Woods Petition for Rulemaking at 3.
3 Id.
4 5 U.S.C. § 553(d)(3).

post-transition DTV application for DTV channel 20 at Montgomery, Alabama and to ensure that it is able to complete construction prior to the end of the DTV transition, so that persons who presently receive FOX network service from WCOV-TV do not lose service when the station must cease its analog operations.⁵

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>
Montgomery, Alabama	12, 20, *27, 32, 46

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Woods Communications Corporation shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 20 in lieu of post-transition DTV channel 16.

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

⁵ Woods is presently operating on DTV channel 16 at a reduced facility which provides service to only 65% of the population within the protected Grade B contour of WCOV-TV. *See* File No. BDTUCT-20081021ABK, Section III, Question 2.