

**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. (Santa Fe, New Mexico))))))	MB Docket No. 09-110 RM-11542

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: August 4, 2009

Released: August 6, 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 the Regents of the University of New Mexico (“the University”), the licensee of station KNMD-DT, DTV channel *9, Santa Fe, New Mexico. The University has requested the substitution of DTV channel *8 for DTV channel *9 at Santa Fe. The University filed comments reaffirming its interest in the proposed channel substitution. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel *8 for DTV channel *9 at Santa Fe. According to the University, the use of channel *8 will increase the number of persons served by KNMD-DT by more than 7 percent, with most of the gain area in rural, sparsely populated areas of New Mexico.

3. DTV channel *8 can be substituted for DTV channel *9 at Santa Fe, New Mexico, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 35-12-44 N. and 106-26-57 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:²

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (meters)	DTV Service Pop (thous.)
Santa Fe, New Mexico	*8	5.14	1274	924

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.³ An expedited effective date is necessary in this case to ensure that station KNMD-DT can extend service to underserved areas as quickly as possible.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r)

¹ *Santa Fe, New Mexico*, DA 09-1431 (released June 26, 2009).

² 47 C.F.R. §§ 73.616 and 73.623.

³ 5 U.S.C. § 553(d)(3).

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>
Santa Fe, New Mexico	*8, 10, 27, 29

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, The Regents of the University of New Mexico shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV channel *8 in lieu of DTV channel *9.

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