

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

In the Matter of)	
)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 09-111
Final DTV Table of Allotments,)	RM-11541
Television Broadcast Stations.)	
(Colorado Springs, Colorado))	

**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 Gray Television Licensee, LLC (“Gray”), the licensee of station KKTV(TV), DTV channel 10, Colorado Springs, Colorado. Gray has requested the substitution of DTV channel 49 for DTV channel 10 at Colorado Springs. Gray 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 49 for DTV channel 10 at Colorado Springs. According to Gray, it receives a substantial amount of interference on channel 10. In addition, numerous viewers throughout the KKTV(TV) service area are experiencing reception problems inherent with high VHF digital channels in certain markets. Operation of the proposed channel 49 facility will increase the population predicted to be served by the station by almost a million persons, resolve the VHF reception problems experienced by present viewers and improve the possibility for future service to viewers using hand-held and mobile devices.

3. DTV channel 49 can be substituted for DTV channel 10 at Colorado Springs, Colorado, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 38-44-42 N. and 104-51-43 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.)
Colorado Springs, CO	49	550	725	1,922

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 KKTV(TV) can restore and

¹ *Colorado Springs, Colorado*, DA 09-1432 (released June 26, 2009).

² 47 C.F.R. §§ 73.616 and 73.623.

³ 5 U.S.C. § 553(d)(3).

improve service to the market as quickly as possible.

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>
Colorado Springs, CO	22, 24, 49

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Gray Television Licensee, LLC, shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 49 in lieu of DTV channel 10.

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