

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

In the Matter of)	
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)	
Amendment of Section 73.622(i),)	MB Docket No. 09-129
Final DTV Table of Allotments,)	RM-11549
Television Broadcast Stations.)	
(Hutchinson and Wichita, Kansas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: August 31, 2009

Released: August 31, 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 Sunflower Broadcasting, Inc. (“Sunflower”), the licensee of stations KWCH-DT, Hutchinson, Kansas, channel 12, and KSCW-DT, Wichita, Kansas, channel 19. Sunflower requests the substitution of channel 19 for KWCH-DT’s assigned channel 12 at Hutchinson and the substitution of channel 12 for KSCW-DT’s assigned channel 19 at Wichita. Sunflower 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 channel 19 for channel 12 at Hutchinson and by substituting channel 12 for channel 19 at Wichita. Prior to the DTV transition, KWCH-DT operated on digital channel 19.² Sunflower asserts that since June 12, 2009, when KWCH-DT transitioned from its pre-transition DTV channel 19 to its post-transition DTV channel 12, Sunflower has received numerous complaints from viewers that they are no longer able to receive KWCH-DT’s signal.³ In contrast, Sunflower has received no reports of viewers experiencing problems receiving the KSCW-DT signal on channel 19. Sunflower asserts that “KWCH-DT is the leading provider of news and weather information in Central and Western Kansas,” and “believes that the public interest would be better served by moving KWCH[-DT] to the more reliable channel 19 signal, particularly during tornado seasons in Kansas.”⁴

3. Channel 19 can be substituted for channel 12 at Hutchinson, Kansas and channel 12 can be substituted for channel 19 at Wichita, Kansas, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, both at coordinates 38-03-38 N. and 97-45-49 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:⁵

City and State	DTV Channel	DTV Power	Antenna HAAT	DTV Service Pop
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¹ *Hutchinson and Wichita, Kansas*, DA 09-1576 (released July 22, 2009).

² See FCC File No. BLCDDT-20050621AAR, granted August 15, 2005.

³ *Sunflower Petition for Rulemaking* at 1.

⁴ *Id.* at 2.

⁵ 47 C.F.R. §§ 73.616 and 73.623.

		(kW)	(meters)	(thous.)
Hutchinson, Kansas	19	1,000	421	829
Wichita, Kansas	12	19.1	449	822

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.⁶ An expedited effective date is necessary in this case to ensure that station KWCH-DT can restore service to former analog and digital viewers 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>
Hutchinson, Kansas	*8, 19, 35
Wichita, Kansas	10, 12, 26, 45

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Sunflower Broadcasting, Inc. shall submit to the Commission minor change applications for construction permits (FCC Form 301) specifying channel 19 in lieu of channel 12 at Hutchinson and channel 12 in lieu of channel 19 at Wichita.

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

⁶ 5 U.S.C. § 553(d)(3).