

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

	)	
In the Matter of	)	
	)	
Amendment of Section 73.622(i),	)	MB Docket No. 09-125
Final DTV Table of Allotments,	)	RM-11548
Television Broadcast Stations.	)	
(Biloxi, Mississippi)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: September 3, 2009**

**Released: September 4, 2009**

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a petition for rulemaking filed by WLOX License Subsidiary, LLC (“WLOX”), the permittee of station WLOX(TV), channel 13, Biloxi, Mississippi. WLOX has requested the substitution of its pre-transition digital channel 39 for its allotted post-transition channel 13 at Biloxi. WLOX 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 39 for channel 13 at Biloxi. According to WLOX, when it discontinued its pre-transition channel 39 digital service on June 12, 2009, a significant number of viewers complained of the sudden inability to receive the station’s signal on channel 13 using indoor antennas.<sup>2</sup> In addition, WLOX states that many area viewers depend upon battery powered receivers in order to obtain emergency information during hurricanes, and even receivers positioned close to Biloxi are unable to consistently receive the station’s channel 13 signal.<sup>3</sup> On June 22, 2009, the Commission granted WLOX Special Temporary Authority to resume operation on channel 39 and WLOX reports that it has experienced a significant reduction in reception-related complaints.<sup>4</sup>

3. DTV channel 39 can be substituted for DTV channel 13 at Biloxi, Mississippi, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 30-43-22 N. and 89-05-28 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:<sup>5</sup>

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (meters)	DTV Service Pop (thous)
Biloxi, Mississippi	39	715	366	1,030

<sup>1</sup> *Biloxi, Mississippi*, DA 09-1543 (released July 16, 2009).

<sup>2</sup> WLOX Petition for Rulemaking at 1.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

<sup>5</sup> 47 C.F.R. §§ 73.616 and 73.623.

4. 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 30 days after 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>
Biloxi, Mississippi	*16, 39

5. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, WLOX License Subsidiary, LLC, shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 39 in lieu of DTV channel 13.

6. 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).

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. 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