

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

In the Matter of)	
)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 09-147
Final DTV Table of Allotments,)	RM-11554
Television Broadcast Stations.)	
(New Orleans, Louisiana))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: September 22, 2009

Released: September 23, 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 Louisiana Media Company, LLC (“Louisiana Media”), the licensee of station WVUE-DT, channel 8, New Orleans, Louisiana. Louisiana Media requests the substitution of its pre-transition DTV channel 29 for its post-transition DTV channel 8 at New Orleans. Louisiana Media 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 29 for channel 8 at New Orleans. Louisiana Media states that since it began operating exclusively on its post-transition channel 8 facility in December 2008, it has received thousands of complaints from viewers throughout its service area who had formerly received the station’s analog and pre-transition digital signals, but are now unable to receive the station’s signal on digital channel 8. Louisiana Media further states that the station’s effective radiated power (“ERP”) on channel 8 is not sufficient for the signal to be received by many viewers, particularly those who reside in multiple dwelling unit buildings, and that it is unable to increase the station’s ERP due to potential interference to an adjacent-channel station in Baton Rouge, Louisiana. Louisiana Media believes the proposed channel substitution will enable it to restore service to all of its former viewers.

3. Channel 29 can be substituted for channel 8 at New Orleans, Louisiana, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules,² at coordinates 29-57-14 N. and 89-56-58 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 rules³ with the following specifications:

City and State	Channel	Power (kW)	Antenna (meters)	Service Pop. (thous.)
New Orleans, Louisiana	29	850	292	1,792

¹ *New Orleans, Louisiana*, DA 09-1805 (released August 14, 2009).

² 47 C.F.R. § 73.625(a).

³ 47 C.F.R. §§ 73.616 and 73.623.

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.⁴ An expedited effective date is necessary in this case to ensure that station WVUE-DT can restore service to former 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 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>
New Orleans, Louisiana	*11, 15, 21, 26, 29, *31, 36, 43, 50

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Louisiana Media Company shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 29 in lieu of channel 8 at New Orleans, Louisiana.

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

⁴ 5 U.S.C. § 553(d)(3).