

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

)	
In the Matter of)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 09-160
Final DTV Table of Allotments,)	RM-11558
Television Broadcast Stations.)	
(Traverse City, Michigan))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 7, 2009

Released: October 8, 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 Barrington Traverse City License LLC (“Barrington”), the permittee of station WPBN-TV, channel 7, Traverse City, Michigan. Barrington requests the substitution of channel 47 for its allotted post-transition digital channel 7 at Traverse City. Barrington’s proposal also specifies use of the channel 47 technical parameters of WFQX-TV, Cadillac, Michigan, which has already been granted a requested substitution of channel 32 for its allotted post-transition digital channel 47 at Cadillac, Michigan.² Because operation of station WPBN-TV from the new technical parameters would result in a loss of service to persons residing within the Grade B contour of WPBN-TV’s former analog operation, Barrington proposes to operate a replacement digital television translator station on channel 50 at Traverse City.³ Barrington filed comments reaffirming its interest in the proposed channel substitution.

2. We believe the public interest would be served by substituting channel 47 for channel 7 at Traverse City. Barrington does not have a construction permit to operate on its post-transition digital channel 7 and is currently operating pursuant to Special Temporary Authority (“STA”) with reduced power on both channel 50, its pre-transition digital channel, and channel 7.⁴ When the Commission allotted channel 7 to Traverse City for post-transition use, it denied an opposition filed by WOOD License Company, LLC (“WOOD License”), asserting that WPBN-TV’s post-transition operation on channel 7 would cause impermissible interference to the post-transition operation of WOOD-TV on channel 7 at Grand Rapids, Michigan.⁵ On March 21, 2008, Barrington filed an application for a construction permit for

¹ *Traverse City, Michigan*, DA 09-1963 (released August 28, 2009).

² *See Cadillac, Michigan*, 24 FCC Rcd 4760 (Vid. Div. 2009).

³ FCC File No. BDRTCDT-20090724ACJ, granted August 4, 2009. In adopting the digital replacement translator service, the Commission stated that its intent was “[t]o assist full-service stations to replace service to any loss areas” that might result when a station transitions to its final, post-transition digital facilities. *See Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Replacement Digital Low Power Television Stations*, Report and Order, 24 FCC Rcd 5931, ¶¶ 3-4 (2009).

⁴ FCC File Nos. BDSTA-20081230AAJ and BDSTA-20081230AAK.

⁵ *See Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service*, Memorandum Opinion and Order and Order on Reconsideration of the Seventh Report and Order and Eighth Report and Order, 23 FCC Rcd 4220, 4245 (2008) (“*Eighth Report and Order*”). WOOD License filed a petition for reconsideration of

channel 7,⁶ and WOOD License soon thereafter filed an objection, again alleging impermissible interference to WOOD-TV. Barrington's application remains pending. The channel substitution thus will resolve a long-standing proceeding involving station WPBN-TV and station WOOD-TV over the post-transition use of channel 7 at Traverse City and Grand Rapids. Moreover, with use of the replacement translator, the loss of service to existing viewers is minimal and is outweighed by the increase in NBC service provided by both station WPBN-TV and station WOOD-TV as a result of the proposal.

3. Channel 47 can be substituted for channel 7 at Traverse City, Michigan, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules,⁷ at coordinates 44-44-53 N. and 85-04-08 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:⁸

City and State	Channel	Power (kW)	Antenna (meters)	Service Pop. (thous.)
Traverse City, Michigan	47	500	393	379

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.⁹ An expedited effective date is necessary in this case to ensure that station WPBN-TV can provide improved 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>
Traverse City, Michigan	29, 47

6. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Barrington Traverse City License LLC, shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 47 in lieu of DTV channel 7.

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.

the *Eighth Report and Order* on April 21, 2008, which remains pending.

⁶ FCC File No. BPCDT-20080321ACW.

⁷ 47 C.F.R. § 73.625(a).

⁸ 47 C.F.R. §§ 73.616 and 73.623.

⁹ 5 U.S.C. § 553(d)(3).

9. For further information concerning the proceeding listed above, contact David J. Brown, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau