

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

In the Matter of)	
)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 09-163
Post-Transition Table of DTV Allotments,)	RM-11562
Television Broadcast Stations.)	
(Lexington, Kentucky))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 22, 2009

Released: October 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 Gray Television Licensee, LLC (“Gray”), the licensee of WKYT-TV, channel 13, Lexington, Kentucky. Gray requests the substitution of channel 36 for channel 13 at Lexington. 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 channel 36 for channel 13 at Lexington. As asserted by Gray, this “channel substitution serves the public interest by resolving significant reception problems in certain areas of WKYT[-TV]’s predicted service area” and by “bringing consistency to the market as all other stations in this market broadcast on a UHF channel.”² In addition, the new WKYT-TV facility operating on channel 36 at Lexington will increase the net total population served by the station.³

3. Channel 36 can be substituted for channel 13 at Lexington, Kentucky, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules,⁴ at coordinates 38-02-23 N. and 84-24-10 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 rules⁵ with the following specifications:

City and State	Channel	Power (kW)	Antenna (meters)	Service Pop. (thous.)
Lexington, Kentucky	36	1000	299	983

4. We also conclude that good cause exists to make this channel change effective immediately

¹ *Lexington, Kentucky*, DA 09-2041 (released September 14, 2009).

² Gray Comments at 1.

³ Gray Petition for Rulemaking at 3.

⁴ 47 C.F.R. § 73.625(a).

⁵ 47 C.F.R. §§ 73.616 and 73.623.

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 WKYT-TV 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 Post-Transition of 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>
Lexington, Kentucky	36, 39, 40, *42

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 channel 36 in lieu of channel 13 at Lexington, Kentucky.

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).