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

)	
In the Matter of)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 09-122
Final DTV Table of Allotments,)	RM-11544
Television Broadcast Stations.)	
(Bangor, Maine))	

REPORT AND ORDER (Proceeding Terminated)

Adopted: December 31, 2009 Released: January 4, 2010

By the Chief, Video Division, Media Bureau:

- The Commission has before it a Notice of Proposed Rulemaking¹ issued in response to a 1. petition for rulemaking filed by Community Broadcasting Service ("Community Broadcasting"), the licensee of WABI-TV, channel 19, Bangor, Maine. Community Broadcasting has requested the substitution of channel 13 for channel 19 at Bangor. Community Broadcasting filed comments reaffirming its interest in the proposed channel substitution. No other comments were received.
- We believe the public interest would be served by substituting channel 13 for channel 19 at Bangor. Community Broadcasting estimates that this channel substitution will reduce WABI-TV's annual energy costs by over \$100,000, which in turn will permit it to continue its extensive schedule of local programming.² In addition, the licensee explains that operation on channel 13 will enable the station to utilize a solid state transmitter, rather than the tube transmitter presently used, for an additional annual cost savings of \$15,000.³ Furthermore, Community Broadcasting claims that its direct competitors in its market operate on channels 2 and 7, thereby allowing its competitors to use less power than WABI-TV.⁴ As a result, Community Broadcasting maintains that "[a]llowing WABI[-TV] to operate on a lower channel more in line with other stations in the market would provide similar operating conditions to WABI[-TV] by allowing WABI[-TV] to reduce the cost of electricity" and "would help alleviate any competitive disadvantage[s]."5
- Channel 13 can be substituted for channel 19 at Bangor, Maine, as proposed, in compliance 3. with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 44-42-13 N. and 69-04-47 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

⁶ The proposed facility is located within the Canadian coordination zone, and the Canadian government has concurred with this allotment

¹ Bangor, Maine, 24 FCC Rcd 9115 (Vid. Div. 2009).

² Community Broadcasting Petition for Rulemaking at 4 (filed on June 3, 2009).

³ *Id.* at 4-5.

⁴ *Id*. at 4.

⁵ *Id*. at 5.

specifications: 7

City and State	Channel	Power (kW)	Antenna HAAT	Service Pop.	
			(meters)	(thous.)	
Bangor, Maine	13	12	401	485	

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 immediately upon the date of publication of this Report and Order in the Federal Register, the Post-Transition Table of DTV Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

City and State Channel Nos. Bangor, Maine 2, 7, 13

- 5. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Community Broadcasting Service, shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 13 in lieu of channel 19.
- 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 Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman Chief, Video Division Media Bureau

⁷ 47 C.F.R. §§ 73.616 and 73.623.