

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

In the Matter of )  
 )  
 )  
 Amendment of Section 73.622(i), ) MB Docket No. 08-244  
 Final DTV Table of Allotments, ) RM-11507  
 Television Broadcast Stations. )  
 (Scranton, Pennsylvania) )

**REPORT AND ORDER  
 (Proceeding Terminated)**

**Adopted: April 16, 2009**

**Released: April 17, 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 MPS Media of Scranton License, LLC (“MPS Media”), the licensee of WSWB-DT, DTV channel 31, Scranton, Pennsylvania. MPS Media has been assigned DTV channel 38 for post-transition use and now requests the substitution of its pre-transition DTV channel 31 for DTV channel 38. MPS Media filed comments. No other comments were received

2. We believe the public interest would be served by substituting DTV channel 31 for DTV channel 38. The channel substitution will permit the station to reach a larger DTV service area than is possible at its current allotment, while at the same time serving all of the current Appendix B population.

3. DTV channel 31 can be substituted for DTV channel 38 at Scranton, Pennsylvania as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 41-26-09 N. and 75-43-46 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:

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (meters)	DTV Service Pop. (thous.)
Scranton, Pennsylvania	31	100	352	1031

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.<sup>2</sup> An expedited effective date is necessary in this case to ensure that MPS Media is able to complete any technical changes prior to the end of the DTV transition, and so that it can provide improved service to the market as quickly as possible.

<sup>1</sup> *Scranton, Pennsylvania*, DA 08-2701 (released December 12, 2008).

<sup>2</sup> 5 U.S.C. § 553(d)(3).

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>
Scranton, Pennsylvania	13, 31, 32, *41, 50

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, MPS Media of Scranton License, LLC, shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 31 in lieu of DTV channel 38.

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 David J. Brown, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau