

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

In the Matter of)
)
)
Amendment of Section 73.622(i),) MB Docket No. 08-252
Final DTV Table of Allotments,) RM-11509
Television Broadcast Stations.)
(Cadillac, Michigan))

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 20, 2009

Released: April 21, 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 Cadillac Telecasting Co. (“CTC”), the licensee of WFQX-TV, analog channel 33, and WFQX-DT, DTV channel 47, Cadillac, Michigan, requesting the substitution of DTV channel 32 for DTV channel 47 for post-transition use at Cadillac. CTC filed comments. No other comments were received

2. We believe the public interest would be served by substituting DTV channel 32 for DTV channel 47. The noise-limited contour of WFQX-DT, as presently constructed on channel 47, does not provide service to over 85,000 persons who presently receive service from WFQX-TV. Substituting channel 32 for channel 47 will permit the construction of a post-transition digital facility at the current analog site which fully replicates the analog service area.

3. DTV channel 32 can be substituted for DTV channel 47 at Cadillac, Michigan as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 44-8-12 N. and 85-20-33 W. Since the proposed facility is located within the Canadian coordination zone, concurrence from the Canadian government has been obtained for this allotment. 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.)
Cadillac, Michigan	32	175	426	512

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.² An expedited effective date is necessary in this case in order to expedite processing of the station’s

¹ Cadillac, Michigan, DA 08-2775 (released December 23, 2008).

² 5 U.S.C. § 553(d)(3).

post-transition DTV application for DTV channel 12 and to ensure that it is able to complete construction prior to the end of the DTV transition, so that persons who presently receive service from WFQX-TV do not lose FOX network service when the station ceases its analog operations.

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>
Cadillac, Michigan	9, *17, 32

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Cadillac Telecasting Co. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 32 in lieu of DTV channel 47.

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

Clay C. Pendarvis
Associate Chief, Video Division
Media Bureau