

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

In the Matter of
Amendment of Section 73.622(i),
Final DTV Table of Allotments,
Television Broadcast Stations.
(Oklahoma City, Oklahoma)
MB Docket No. 10-19
RM-11589

REPORT AND ORDER
(Proceeding Terminated)

Adopted: March 8, 2010

Released: March 9, 2010

By the Associate Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking issued in response to a petition for rulemaking filed by Griffin Licensing, L.L.C. ("Griffin"), the licensee of KWTV-DT, channel 9, Oklahoma City, Oklahoma. Griffin requests the substitution of channel 39 for channel 9 at Oklahoma City. Griffin 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 39 for channel 9 at Oklahoma City. Griffin states that it "has experienced significant technical difficulties" since returning to its former VHF analog channel for post-transition operations, and that it "has received viewer complaints from throughout the KWTV-DT service area." Griffin explains that due to its post-transition technical difficulties, it "sought and obtained authority to operate on its pre-transition DTV channel, Channel 39, on an experimental basis," and that "Since obtaining such experimental authority, KWTV-DT has experienced a noticeable increase in the number of viewers able to receive the KWTV-DT signal." Griffin, therefore, concludes that "substituting Channel 39 for Channel 9 at Oklahoma City will substantially resolve the reception issues that KWTV viewers have been experiencing." Finally, Griffin states that the operation of KWTV-DT on channel 39 at Oklahoma City "is predicted to serve 103.4% of the population served by the former KWTV analog Channel 9 facility."

3. Channel 39 can be substituted for channel 9 at Oklahoma City, Oklahoma, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 35-35-52 N. and 97-29-22 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

1 Oklahoma City, Oklahoma, DA 10-109 (rel. Jan. 21, 2010).
2 Griffin Petition for Rulemaking at 1.
3 Id. at 2 (citing File No. BDSTA-20090721AFN (granted Aug. 31, 2009), File No. BDSTA-20091008ADE (granted Oct. 19, 2009)).
4 Id. at 2.
5 Id.
6 Id.

specifications:

City and State	Channel	Power (kW)	Antenna HAAT (meters)	Service Pop. (thous.)
Oklahoma City, Oklahoma	39	1000	478	1,456

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>7</sup> An expedited effective date is necessary in this case to ensure that station KWTW-DT can quickly alleviate its reception problems.

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 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:

<u>City and State</u>	<u>Channel Nos.</u>
Oklahoma City, Oklahoma	7, *13, 15, 24, 27, 33, 39, 40, 50, 51

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Griffin Licensing, L.L.C. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 39 in lieu of channel 9.

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

Clay C. Pendarvis  
Associate Chief, Video Division  
Media Bureau

<sup>7</sup> 5 U.S.C. § 553(d)(3).