

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

In the Matter of)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 10-49
Post-Transition Table of DTV Allotments,)	RM-11593
Television Broadcast Stations.)	
(Beaumont, Texas))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 6, 2010

Released: April 7, 2010

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 Freedom Broadcasting of Texas, L.L.C. (“Freedom Broadcasting”), the licensee of KFDM(TV), channel 21, Beaumont, Texas. Freedom Broadcasting requests the substitution of channel 25 for channel 21 at Beaumont. Freedom 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 25 for channel 21 at Beaumont. Freedom Broadcasting asserts that following the June 12, 2009 digital transition, viewers situated in an area to the east of the KFDM(TV) tower site, who formerly received a strong analog signal, could not receive KFDM(TV)’s digital signal.² In order to alleviate its service difficulties, Freedom Broadcasting asserts that its “goal is to maximize the facilities of KFDM(TV).”³ However, Freedom Broadcasting explains that “because of the need to protect first adjacent channel station KLTL-TV [at Lake Charles, Louisiana], station KFDM(TV) is not able to fully maximize its coverage on channel 21.”⁴ Freedom Broadcasting states that its own further analysis of the station’s service difficulties, “in conjunction with its consulting engineers and antenna manufacturer, indicates that these problems will persist even at the fully authorized ERP of 350 k[W] so long as the station remains on channel 21.”⁵ Freedom Broadcasting, therefore, concludes that by changing to channel 25, KFDM(TV) “will no longer be

¹ *Beaumont, Texas*, DA 10-307 (rel. Feb. 24, 2010).

² *Freedom Broadcasting Petition for Rulemaking* at 3.

³ *Id.* at 2.

⁴ *Id.*

⁵ *Id.* at 3

required to directionalize its signal to protect KLTL-TV, and will be able to use an omni-directional antenna mounted on top of its tower, which should once again provide a good quality signal throughout its service area, including the western portion.”⁶ Finally, Freedom Broadcasting asserts the substitution of channel 25 for channel 21 at Beaumont will serve the public interest by enabling station KFDM(TV) to serve an additional “121,000 persons as compared to the currently authorized 350 kw directional facility” and “to provide service to a number of viewers who received KFDM(TV) analog service, but lost service when the station transitioned to digital operations.”⁷

3. Channel 25 can be substituted for channel 21 at Beaumont, Texas, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 30-08-24 N. and 93-58-44 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	Channel	Power (kW)	Antenna HAAT (meters)	Service Pop. (thous.)
Beaumont, Texas	25	350	274	667

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.⁸ An expedited effective date is necessary in this case to ensure that station KFDM(TV) 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>
Beaumont, Texas	12, 25, *33

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Freedom Broadcasting of Texas, L.L.C. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 25 in lieu of channel 21.

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.

⁶ *Id.* at 3-4.

⁷ *Id.* at 4.

⁸ 5 U.S.C. § 553(d)(3).

9. For further information concerning the proceeding listed above, contact Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
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