

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

In the Matter of)
)
)
Amendment of Section 73.622(i),) MB Docket No. 08-194
Final DTV Table of Allotments,) RM-11488
Television Broadcast Stations.)
(Huntsville, Alabama))

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 5, 2011

Released: January 12, 2011

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 Local TV Alabama License, LLC (“Local TV”), the licensee of station WHNT-TV, Huntsville, Alabama. Previously, Local TV had filed a petition for rulemaking in which it requested the substitution of channel 46 for its originally assigned channel 19 at Huntsville, stating that it could provide service to more viewers on channel 46 than on channel 19, and the staff granted this request on December 17, 2008.² Local TV now seeks a return to its previously allotted channel 19. According to Local TV, because the Commission has cancelled the license of an adjacent channel station in Florence, Alabama,³ it can now operate on channel 19 with a higher power level to reach more viewers. Local TV filed comments in support. No other comments were received.

2. We believe the public interest would be served by substituting channel 19 for channel 46. Channel 19 can be substituted for channel 46 at Huntsville, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules,⁴ at coordinates 34-44-19 N. and 86-31-56 W. This channel change further meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission’s rules⁵ with the following specifications:

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT(meters)	DTV Service Pop. (thous.)
Huntsville, AL	19	250	531	1299

¹ *Huntsville, Alabama*, Notice of Proposed Rulemaking, DA 10-2000 (Vid. Div. rel. Oct. 19, 2010).

² *Huntsville, Alabama*, Report and Order, 23 FCC Rcd 18006 (Vid. Div. 2008)

³ *ETC Communications, Inc.*, 25 FCC Rcd 10686 (Vid. Div. 2010).

⁴ 47 C.F.R. § 73.625(a).

⁵ 47 C.F.R. §§ 73.616 and 73.623. On September 18, 2009, Local TV entered into an interference agreement with WDBB-TV, Inc., licensee of station WDBB(TV), Bessemer, Alabama. Pursuant to the agreement, station WDBB(TV) agrees to accept interference to 1.75% of its population from the proposed facility, on the condition that Local TV will obtain written consent from WDBB-TV, Inc. to any future modification of station WHNT-TV’s facilities that would further increase the amount of predicted interference to station WDBB(TV).

3. 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 30 days after 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>
Huntsville, AL	19, *24, 32, 41, 48

4 IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Local TV Alabama License, LLC, shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 19 in lieu of channel 46.

5. 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).

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. 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