



Federal Communications Commission
Washington, D.C. 20554

April 3, 2012

DA 12-363
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Entravision Holdings, LLC
c/o Richard E. Wiley, Esq.
Wiley Rein LLC
1776 K Street, NW
Washington, DC 20006

Re: Application for Review

Amendment of Section 73.622(b)
Table of Allotments
Digital Television Broadcast Stations
(Hagerstown and Silver Spring, Maryland)

Dear Counsel:

This letter is in reference to the above-captioned Application for Review, filed on October 3, 2002, by Entravision Holdings, LLC (Entravision), the licensee of WJAL(TV), Hagerstown, Maryland, which seeks to reverse the dismissal of its request to change the station's community of license to Silver Spring, Maryland.¹ For the reasons stated below, we dismiss the Application for Review as moot.

Entravision's Petition for Rulemaking, as originally filed, proposed the reallocation of WJAL's then-paired digital Channel 16 to Silver Spring. In the course of the DTV transition, however, Entravision ultimately selected Channel 39 as its final, post-transition channel. Thereafter, on April 24, 2006, it filed a "Supplement to Application for Review," notifying the Commission of the change and eliminating any continued interest in the reallocation of Channel 16 to Silver Spring. In doing so, Entravision rendered its Petition for Rulemaking and subsequent legal challenges moot. Moreover, our rules and procedures do not contemplate the submission of a new channel reallocation proposal in a supplemental pleading to a pending application for review.

¹ Commission staff dismissed Entravision's Petition for Rulemaking, concluding that, due to a substantial short spacing to the land mobile allocation on channel 17, grant of the proposal would cause significant disruption to existing public safety and emergency operations in the Washington, DC metropolitan area. See Letter from Barbara A. Kreisman, Chief, Video Division, to Entravision Holdings, LLC, dated July 25, 2003 (Ref. No. 1800E3-BEL). The Media Bureau subsequently denied Entravision's Petition for Reconsideration. See *Hagerstown and Silver Spring, Maryland*, Memorandum Opinion and Order, 19 FCC Rcd 3006 (MB 2004).

Finally, even if we were inclined to overlook the procedural irregularities of Entravision's new proposal and waive the freeze on the filing of petitions for rulemaking by television stations to change their community of license,² the Commission's priorities no longer support such an action. Pursuant to the recommendations made in the National Broadband Plan,³ the Commission has initiated a rulemaking proceeding to consider voluntary incentive auctions, which could result in the reallocation of up to 120 MHz from the television broadcast band for mobile broadband use, as well as methodologies for repacking full-power television channels to increase efficiency.⁴ Allowing Entravision to move a digital station into a top ten television market runs counter to these policy goals.

ACCORDINGLY, IT IS ORDERED That, the Application for Review filed by Entravision Holdings, LLC, is DISMISSED.

Sincerely,

William T. Lake
Chief, Media Bureau

cc: Barry A. Friedman, Esq.

² See "Freeze on the Filing of Petitions for Digital Channel Substitutions," Public Notice, DA 11-959 (rel. May 31, 2011).

³ See *Connecting America: the National Broadband Plan*, Federal Communications Commission, Washington, D.C. (2010); available at <http://www.broadband.gov/plan/>. In the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, § 6001(k)(2)(D), 123 Stat. 115, 516 (2009), Congress directed the Commission to create the Broadband Plan to ensure broadband access for every American.

⁴ *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to the VHF*, Notice of Proposed Rulemaking, 25 FCC Rcd 16498, 16503 (2010).