

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

In the Matter of
Amendment of Section 73.622(i),
Post-Transition Table of DTV Allotments,
Television Broadcast Stations.
(Birmingham, Alabama)
MB Docket No. 13-261
RM-11707

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 4, 2014

Released: February 4, 2014

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 the Alabama Educational Television Commission ("AETC"), the licensee of station WBIQ(TV), Birmingham, Alabama. AETC was originally licensed on channel *10 and has operated noncommercial education television continuously on that channel since 1953.² Previously, on March 2, 2010, the Commission substituted channel *39 for channel *10 at Birmingham at AETC's request.³ AETC now seeks to return to its previously allotted channel *10 at Birmingham.

2. AETC filed comments reaffirming its interest in the proposed channel substitution. AETC re-states that allowing the station to remain on its previously allotted channel *10 will "advance the public interest by allowing AETC to conserve its limited resources,"⁴ and avoid "disrupting service to the public."⁵ AETC explains that it is a government entity "with finite, limited resources ...," and that "the general limitations faced by governmental entities have been exacerbated during the long-standing economic downturn ..."⁶ AETC notes that reallocation of channel *10 "would allow WBIQ to continue its licensed operation, would eliminate the need for new facilities, and would allow the funds saved to be redirected back into public interest programming and other needs of the ... AETC stations."⁷ Furthermore, AETC states that by allowing the station to remain on channel *10, "the viewing public will continue to receive the DTV service that it has received in the past, on the same channel on which it received analog service for many years before the transition."⁸ AETC concludes by

1 Birmingham, Alabama, Notice of Proposed Rulemaking, 28 FCC Rcd 15469 (Vid. Div. 2013) (granted waiver of the Commission's freeze on the filing of petitions for rulemaking by television stations seeking a channel substitution, Freeze on the Filing of Petitions for Digital Channel Substitutions, Public Notice, 26 FCC Rcd 7721 (MB 2011)).

2 AETC Petition for Rulemaking at 1 (filed Aug. 29, 2013); AETC Comments at 2 (filed Jan. 10, 2014).

3 Birmingham, Alabama, Report and Order, 25 FCC Rcd 1970 (Vid. Div. 2010).

4 AETC Comments at 2.

5 Id. at 3.

6 Id. at 2.

7 Id. at 2.

8 Id. at 3.

stating that “If [c]hannel *10 is reallocated to Birmingham as requested, AETC will, as necessary, promptly file a new application for construction permit to operate on [c]hannel *10 to fulfill Commission requirements.”⁹

3. We believe that the public interest will be served by substituting channel *10 for channel *39 at Birmingham, Alabama for the reasons stated by AETC. Channel *10 can be substituted for channel *39 at Birmingham as proposed and in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules at coordinates 39-29-04 N. and 86-48-25 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.)
Birmingham, Alabama	*10	3	426.2	1,456

4. 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 the date of 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>
Birmingham, Alabama	*10, 13, 30, 36, 50

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, the Alabama Educational Television Commission shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying channel *10 in lieu of channel *39.

6. 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).

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

8. For further information concerning the proceeding listed above, contact Adrienne Y. Denysyk, Media Bureau, (202) 418-2651.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
 Chief, Video Division
 Media Bureau

⁹ *Id.* at 3-4.