

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
(Tolleson, Arizona)
MB Docket No. 16-93
RM-11764

REPORT AND ORDER

Adopted: June 28, 2016

Released: June 28, 2016

(Proceeding Terminated)

By the 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 America 51, L.P. (America 51), the licensee of KPPX-TV, channel 51, Tolleson, Arizona. America 51 requests the substitution of channel 31 for channel 51 at Tolleson.

2. America 51 filed comments reaffirming its interest in the proposed channel substitution and stating that if the proposal is granted, it will promptly file an application for the facilities specified in the rulemaking petition and construct the station. America 51 asserts that adopting the proposal would serve the public interest because it would remove any potential interference with authorized wireless operations in the Lower 700 MHz A Block adjacent to channel 51 in the Phoenix, Arizona market. In addition, America 51 agrees that KPPX-TV will be protected in the incentive auction at its channel 51 operating parameters even after its move to channel 31, and recognizes that as a result of repacking during the incentive auction, it may be required to move from channel 31. America 51 also asks that the Commission make the channel change effective immediately. No other comments were received.

3. We believe the public interest will be served by substituting channel 31 for channel 51 at Tolleson. Channel 31 can be substituted for channel 51 at Tolleson, Arizona as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 33-20-03 N. and 112-03-38 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 Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Tolleson, Arizona), Notice of Proposed Rulemaking, 31 FCC Rcd 3583 (Vid. Div. 2016).

2 America 51 May 6, 2016 Comments at 1-2.

3 America 51 March 29, 2016 Supplement to Petition for Rulemaking at 1-2; America 51 April 12, 2016 Further Supplement to Petition for Rulemaking at 2.

4 May 6, 2016 Comments at 2.

5 47 C.F.R. § 73.625(a).

6 The proposed facility is located within the Mexican coordination zone, and concurrence from the Mexican government has already been obtained for this allotment in connection with the upcoming incentive auction.

7 47 C.F.R. §§ 73.616, 73.623.

specifications:

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (m)	Service Pop. (thous.)
Tolleson, Arizona	31	645	548	3,235

4. We also conclude that good cause exists to make the channel change effective immediately upon publication in the Federal Register, pursuant to Section 553(d)(3) of the Administrative Procedure Act.<sup>8</sup> An expedited effective date will allow America 51 to promptly construct its channel 31 facility to permit expansion of wireless operations in the Lower 700 MHz A Block to additional consumers sooner than would be otherwise in the Phoenix area.<sup>9</sup>

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 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 No.</u>
Tolleson, Arizona	31

6. **IT IS FURTHER ORDERED**, That within five days of the effective date of this Order, America 51, L.P. shall electronically submit to the Commission a minor change application for a construction permit specifying channel 31 in lieu of channel 51 on Form 2100, Schedule A, using the Commission's Licensing Management System (<https://enterprise.filing.fcc.gov/dataentry/login.html>).

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 Joyce Bernstein, Media Bureau, (202) 418-1647.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

<sup>8</sup> 5 U.S.C. § 553(d)(3).

<sup>9</sup> March 29, 2016 Further Supplement at 1-2.