

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

In the Matter of)
)
Amendment of Section 73.622(i),) MB Docket No. 20-334
Post-Transition Table of DTV Allotments,) RM-11864
Television Broadcast Stations)
(Portland, Oregon))
)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 2, 2020

Released: December 2, 2020

By the Chief, Video Division, Media Bureau:

1. The Media Bureau, Video Division (Bureau), has before it a Notice of Proposed Rulemaking¹ issued in response to a petition for rulemaking filed by Sander Operating Co. III LLC (Sander), the licensee of KGW, channel 8 (NBC), Portland, Oregon. Sander has requested the substitution of channel 26 for channel 8 at Portland in the DTV Table of Allotments.² The Bureau had instituted a freeze on the acceptance of rulemaking petitions by full power television stations requesting channel substitutions in May 2011, and waived the freeze to consider Sander’s proposal to substitute channel 26 at Portland.³

2. TEGNA, Inc., on behalf of its subsidiary, Sander, filed comments in support of the petition, as required by the Commission’s rules,⁴ reaffirming its commitment to applying for channel 26. No other comments were filed. We believe the public interest would be served by substituting DTV channel 26 for channel 8 at Portland. The channel substitution will permit the station to better serve its viewers, who have experienced reception problems with VHF channel 8.

3. DTV channel 26 can be substituted for DTV channel 8 at Portland, Oregon, as proposed, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission’s

¹Amendment of Section 73.73.622(i), Post-Transition Table of DTV Allotments, Television Stations (Portland, Oregon), Notice of Proposed Rulemaking, DA 20-1193 (rel. Oct. 13, 2020) (NPRM).

² As noted in the NPRM, on April 13, 2017, the Commission completed the incentive auction and broadcast television spectrum repacking authorized by the Spectrum Act, and the post-incentive auction transition period ended on July 13, 2020. The Bureau will amend the rules to reflect all new full power channel assignments in a revised Table of Allotments, but because the Table has not yet been amended, the Bureau has continued to refer to the Post-Transition Table of DTV Allotments, 47 CFR § 73.622(i) (2018), for the purpose of this proceeding. See NPRM at n.1.

³ NPRM at paras. 2-3, 5-6. The Bureau has since lifted the freeze. See Media Bureau Lifts Freeze on the Filing of Television Station Minor Modification Applications and Rulemaking Petitions Effective Fifteen Days After Publication in the Federal Register, Public Notice, DA 20-1269 (rel. Oct. 29, 2020). This action was effective on November 27, 2020. See 85 FR 73706 (Nov. 19, 2020).

⁴ 47 CFR §§ 1.415, 1.419.

rules,⁵ at coordinates 45-31-20.5 N and 122-44-49.5 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:⁶

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (m)	DTV Service Pop.
Portland, Oregon	26	1000	538.7	3,026,588

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.⁷ An expedited effective date is necessary in this case to ensure that station KGW can provide improved service to the market as quickly as possible.

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 the date of publication 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>
Portland, Oregon	*10, 12, 26, 40, 43, 45

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Sander Operating Co. III LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule B) specifying DTV channel 26 in lieu of DTV channel 8.

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 L. Bernstein, Video Division, Media Bureau, (202) 418-1647, Joyce.Bernstein@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
 Chief, Video Division
 Media Bureau

⁵ 47 CFR § 73.625(a).

⁶ 47 CFR §§ 73.616, 73.623.

⁷ 5 U.S.C. § 553(d)(3).