

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

In the Matter of	)	
	)	
Amendment of Section 73.622(i),	)	MB Docket No. 21-59
Post-Transition Table of DTV Allotments,	)	RM-11883
Television Broadcast Stations	)	
(Corpus Christi, Texas)	)	

**REPORT AND ORDER**

**(Proceeding Terminated)**

**Adopted: April 5, 2021**

**Released: April 5, 2021**

By the Chief, Video Division, Media Bureau:

1. The Video Division, Media Bureau (Bureau), has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a Petition for Rulemaking filed by Scripps Broadcasting Holdings, LLC (Scripps), the licensee of KRIS-TV (NBC), channel 13, Corpus Christi, Texas. Scripps has requested the substitution of UHF channel 26 for VHF channel 13 at Corpus Christi in the DTV Table of Allotments.<sup>2</sup>

2. Scripps filed comments in support of the petition, as required by the Commission's rules,<sup>3</sup> reaffirming its commitment to applying for channel 26.<sup>4</sup> No other comments were filed. We believe the public interest would be served by substituting channel 26 for channel 13 at Corpus Christi. The channel substitution will permit the station to better serve its viewers, who have experienced reception problems with VHF channel 13.<sup>5</sup> Scripps also noted that while there is a small terrain limited predicted loss area when comparing the licensed channel 13 and the proposed channel 26 facilities, all but 15 people living within the predicted loss area will continue to be well served, a number which the Commission has recognized as *de minimis*.<sup>6</sup> Finally, Scripps explained that the timing of the channel change is important because in April 2020, high winds caused the tower supporting the KRIS-TV antenna to collapse, taking the station silent, and Scripps would prefer to build out a new UHF facility which can significantly improve the over-the-air reception of KRIS-TV, rather than replace the VHF facility.<sup>7</sup>

<sup>1</sup>*Amendment of Section 73.73.622(i), Post-Transition Table of DTV Allotments, Television Stations (Corpus Christi, Texas)*, MB Docket No. 21-59, Notice of Proposed Rulemaking, DA 21-202 (rel. Feb. 22, 2021) (*NPRM*).

<sup>2</sup> 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.2.

<sup>3</sup> 47 CFR §§ 1.415, 1.419; see also *Buffalo, Iola, Normangee, and Madisonville, Texas*, Report and Order, MB Docket No. 07-729, 24 FCC Rcd 8192, 8194, para. 9 (Aud. Div. 2009).

<sup>4</sup> Scripps also reiterated the statements and arguments made in its petition (Scripps Comments).

<sup>5</sup> *NPRM* at para. 2

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at para. 3. KRIS-TV is currently operating, as of March 11, 2021, from a temporary site on interim facilities pursuant to Special Temporary Authority. Scripps Comments at 2.

3. As proposed, channel 26 can be substituted for channel 13 at Corpus Christi, Texas, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission's rules,<sup>8</sup> at coordinates 27-45-32.9 N and 97-36-27.3 W.<sup>9</sup> 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:<sup>10</sup>

<u>City and State</u>	<u>DTV Channel</u>	<u>DTV Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop.</u>
Corpus Christi, Texas	26	1000	294.8	565,098

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 Procedure Act.<sup>11</sup> An expedited effective date is necessary in this case to ensure that KRIS-TV can operate with improved service to its viewers 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, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b), and sections 0.61, 0.204(b) and 0.283 of the Commission's rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, **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, 47 CFR § 73.622(i), **IS AMENDED**, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Corpus Christi, Texas	8, 10, *23, 26, 27, 38

6. **IT IS FURTHER ORDERED**, That within 30 days of the effective date of this Order, Scripps Broadcasting Holdings, LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 26 in lieu of channel 13.

7. **IT IS FURTHER ORDERED**, That pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A), the Commission **SHALL SEND** a copy of the Order to Congress and to the Government Accountability Office.

8. **IT IS FURTHER ORDERED**, That should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 21-59 **SHALL BE TERMINATED** and its docket closed.

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

<sup>8</sup> 47 CFR § 73.625(a).

<sup>9</sup> The proposed facility is located within the Mexican coordination zone, *NPRM* at para. 4, and the Mexican government has concurred.

<sup>10</sup> 47 CFR §§ 73.616, 73.623.

<sup>11</sup> 5 U.S.C. § 553(d)(3).