

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

In the Matter of)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 21-57
Post-Transition Table of DTV Allotments,)	RM-11882
Television Broadcast Stations)	
(Savannah, Georgia))	

REPORT AND ORDER

(Proceeding Terminated)

Adopted: April 26, 2021

Released: April 26, 2021

By the Chief, Video Division, Media Bureau:

1. The Video Division, Media Bureau (Bureau), has before it a Notice of Proposed Rulemaking¹ issued in response to a Petition for Rulemaking filed by Gray Television Licensee, LLC (Petitioner), the licensee of WTOC-TV (CBS), channel 11 (WTOC or Station), Savannah, Georgia. The Petitioner has requested the substitution of UHF channel 23 for VHF channel 11 at Savannah in the DTV Table of Allotments.²

2. The Petitioner filed comments in support of the petition, as required by the Commission's rules,³ reaffirming its commitment to applying for channel 23. No other comments were filed. We believe the public interest would be served by substituting channel 23 for channel 11 at Savannah. As stated by Gray in its channel substitution request, the Commission has recognized that VHF channels have certain propagation characteristics which may cause reception issues for some viewers, and also that the reception of VHF signals requires larger antennas relative to UHF channels.⁴ According to the Petitioner, many of its viewers experience significant difficulty receiving WTOC's signal and its channel substitution proposal will allow the Station to deliver a more reliable over-the-air signal to viewers.⁵ Gray has demonstrated that all of the terrain-limited service area of WTOC's licensed channel 11 will receive terrain-limited service from the proposed channel 23, and that operation on channel 23 will not result in any predicted loss of service.⁶

¹*Amendment of Section 73.73.622(i), Post-Transition Table of DTV Allotments, Television Stations (Savannah, Georgia)*, MB Docket No. 21-57, Notice of Proposed Rulemaking, 36 FCC Rcd 1595 (Vid. Div. 2021) (*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*, 36 FCC Rcd at 1595, n.2.

³ 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).

⁴ *NPRM*, 36 FCC Rcd at 1595, para. 2.

⁵ *Id.*

⁶ *Id.* See also, Petition of Grey Television Licensee, LLC for Rulemaking (filed Nov. 27, 2020), LMF File No. 0000127532 at 4, Engineering Exhibit at 4-5.

3. As proposed, channel 23 can be substituted for channel 11 at Savannah, Georgia, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission's Rule (rules),⁷ at coordinates 32-03-15.0 N and 81-21-0.0 W. In addition, we find that this channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the rules with the following specifications:⁸

<u>City and State</u>	<u>DTV Channel</u>	<u>DTV Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop.</u>
Savannah, Georgia	23	1000	442.0	968,310

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.⁹ An expedited effective date is necessary in this case to ensure that WTOC 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>
Savannah, Georgia	*9, 22, 23, 39

6. **IT IS FURTHER ORDERED**, That within 30 days of the effective date of this Order, Gray Television Licensee, LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 23 in lieu of channel 11.

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. 21-57 and RM-11822 **SHALL BE TERMINATED** and its docket closed.

9. For further information concerning the proceeding listed above, contact Andrew Manley, Video Division, Media Bureau, (202) 418-0596, Andrew.Manley@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁷ 47 CFR § 73.625(a).

⁸ 47 CFR §§ 73.616, 73.623.

⁹ 5 U.S.C. § 553(d)(3).