

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

In the Matter of)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 21-72
Post-Transition Table of DTV Allotments,)	RM-11888
Television Broadcast Stations)	
(Green Bay, Wisconsin))	

REPORT AND ORDER

(Proceeding Terminated)

Adopted: May 17, 2021

Released: May 17, 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 WLUK Licensee, LLC (Licensee), the licensee of WLUK-TV (FOX), channel 12, Green Bay, Wisconsin. The Licensee has requested the substitution of UHF channel 18 for VHF channel 12 in the DTV Table of Allotments.²

2. The Licensee filed comments in support of the petition, as required by the Commission's rules,³ reaffirming its commitment to applying for channel 18. No other comments were filed. We believe the public interest would be served by substituting channel 18 for channel 12 at Green Bay, Wisconsin. The Licensee states that the Commission has recognized that VHF channels have certain propagation characteristics which may cause reception issues for some viewers, and that the reception of VHF signals requires larger antennas generally not well suited to the mobile applications relative to UHF channels.⁴ In addition, according to the Licensee, WLUK-TV has received numerous complaints from viewers unable to receive the Station's over-the-air signal, despite being able to receive signals from other

¹*Amendment of Section 73.73.622(i), Post-Transition Table of DTV Allotments, Television Stations (Green Bay, Wisconsin)*, MB Docket No. 21-72, Notice of Proposed Rulemaking, DA 21-271 (rel. Mar. 4, 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. As a result of the Commission's Incentive Auction and repacking process, WLUK-TV was repacked from channel 11 to channel 12. *See Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, GN Docket No. 12-268, Public Notice, 32 FCC Rcd 2786 (2017). The Media Bureau, however, has yet to adopt a revised Table of Allotments to reflect the new full power channel assignments that resulted from the Incentive Auction and repacking. For the purpose of this proceeding, we shall refer to WLUK-TV's repacked channel 12 and to the Post-Transition Table of DTV Allotments, 47 CFR § 73.622(i) (2018). 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.

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

⁴ *NPRM* at para. 2.

stations.⁵ The Licensee also submitted an analysis, using the Commission's *TV Study* software analysis program, demonstrating that WLUK-TV will continue to serve all of the population located within the licensed channel 12 contour.

3. As proposed, channel 18 can be substituted for channel 12 at Green Bay, Wisconsin, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission's rules (rules),⁶ at coordinates 44-24-32.0 N and 87-59-31.0 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:⁷

<u>City and State</u>	<u>DTV Channel</u>	<u>DTV Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop.</u>
Green Bay, Wisconsin	18	500	384	1,187,616

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.⁸ An expedited effective date is necessary in this case to ensure that WLUK-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>
Green Bay, Wisconsin	18, 23, 39, 41, *42

6. **IT IS FURTHER ORDERED**, That within 30 days of the effective date of this Order, WLUK Licensee, LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 18 in lieu of channel 12.

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. 21-72 and RM-11888 **SHALL BE TERMINATED** and its docket closed.

⁵ *Id.* While the Licensee contends that the channel substitution would benefit ATSC 3.0 reception in addition to ATSC 1.0 reception, *id.*, we do not find that the Licensee's arguments concerning ATSC 3.0 reception to be a controlling factor in our decision, especially given the early stages of deployment and limited availability of consumer devices.

⁶ 47 CFR § 73.625(a).

⁷ 47 CFR §§ 73.616, 73.623.

⁸ 5 U.S.C. § 553(d)(3).

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