

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

In the Matter of	)	
	)	
Amendment of Section 73.622(i),	)	MB Docket No. 21-53
Post-Transition Table of DTV Allotments,	)	RM-11878
Television Broadcast Stations	)	
(St. George, Utah)	)	

**REPORT AND ORDER**

**(Proceeding Terminated)**

**Adopted: May 20, 2021**

**Released: May 20, 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 KUTV Licensee, LLC (Licensee), the licensee of KMYU (MyNetwork/CBS), channel 9, St. George, Utah. The Licensee has requested the substitution of UHF channel 21 for VHF channel 9 in the DTV Table of Allotments.<sup>2</sup>

2. The Licensee filed comments in support of the petition, as required by the Commission’s rules,<sup>3</sup> reaffirming its commitment to applying for channel 21. No other comments were filed. We believe the public interest would be served by substituting channel 21 for channel 9 at St. George, Utah. The Licensee asserts that KMYU, as a VHF channel station, has a long history of dealing with severe reception problems exacerbated by the analog to digital conversion. In addition, the Licensee states that the substitution of channel 21 for channel 9 will result in enhanced signal levels to a large percentage of the population within KMYU’s service area, without any predicted loss of coverage and with a predicted increase of more than 8,000 persons in the KMYU service area.<sup>4</sup>

3. As proposed, channel 21 can be substituted for channel 9 at St. George, Utah, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission’s rules (rules),<sup>5</sup> at coordinates 37-03-48.0 N and 113-34-26.0 W. In addition, we find that this channel change

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<sup>1</sup>*Amendment of Section 73.73.622(i), Post-Transition Table of DTV Allotments, Television Stations (St. George, Utah)*, MB Docket No. 21-53, Notice of Proposed Rulemaking, 36 FCC Rcd 1574 (Vid. Div. 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*, 36 FCC Rcd at 1574, 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> *NPRM*, 36 FCC Rcd at 1574, para. 2.

<sup>5</sup> 47 CFR § 73.625(a).

meets the technical requirements set forth in sections 73.616 and 73.623 of the rules with the following specifications:<sup>6</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>
St. George, Utah	21	250	43	165,358

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>7</sup> An expedited effective date is necessary in this case to ensure that KMYU 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>
St. George, Utah	*18, 21

6. **IT IS FURTHER ORDERED**, That within 30 days of the effective date of this Order, KUTV Licensee, LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 21 in lieu of channel 9.

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. 21-53 and RM-11878 **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>6</sup> 47 CFR §§ 73.616, 73.623.

<sup>7</sup> 5 U.S.C. § 553(d)(3).