

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

In the Matter of)
)
Amendment of Section 73.622(i),) MB Docket No. 21-219
Post-Transition Table of DTV Allotments,) RM-11907
Television Broadcast Stations)
(Quincy, Illinois))

REPORT AND ORDER

(Proceeding Terminated)

Adopted: July 15, 2021

Released: July 16, 2021

By the Chief, Video Division, Media Bureau:

1. The Video Division, Media Bureau (Bureau), has before it a Notice of Proposed Rulemaking issued in response to a Petition for Rulemaking filed by WGEM License, LLC (Petitioner), the licensee of WGEM-TV (NBC), channel 10, Quincy, Illinois. The Petitioner has requested the substitution of UHF channel 19 for VHF channel 10 in the DTV Table of Allotments.

2. The Petitioner filed comments in support of the petition, as required by the Commission's rules, reaffirming its commitment to apply for channel 19. Gray Television, Inc., which has an agreement to acquire 100% of the stock of the Petitioner's parent corporation, also filed comments in support of the petition and commits to apply for channel 19 if the Commission approves the acquisition. We believe the public interest would be served by substituting channel 19 for channel 10 at Quincy, Illinois. In support of its channel substitution request, the Petitioner states that the Commission has recognized that VHF channels have certain characteristics that pose challenges for their use in providing digital television service. The Petitioner has attempted to address the station's reception issues through multiple technical avenues, but continues to receive numerous complaints of poor or no reception from viewers. In addition, the Petitioner demonstrated that while the proposed channel 19 facility will result in a slight reduction (approximately 9.4 kilometers) in WGEM-TV's noise limited contour, using the

1Amendment of Section 73.73.622(i), Post-Transition Table of DTV Allotments, Television Stations (Quincy, Illinois), MB Docket No. 21-219, Notice of Proposed Rulemaking, DA 21-583 (rel. May 17, 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 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 LMS File No. 0000136230; Media Bureau Establishes Pleading Cycle for Applications Filed for the Transfer of Control and Assignment of Broadcast Licenses from Quincy Media, Inc., to Gray Television Inc., and Designates Proceeding as Permit-But-Disclose for Ex Parte Purposes, Public Notice, DA 21-313 (rel. Mar. 12, 2021).

5 NPRM at para. 2.

6 Id.

Longley-Rice propagation model the proposed channel 19 facility will have an extended terrain-limited service throughout the gap area, and thus, there will be no loss of service.⁷

3. As proposed, channel 19 can be substituted for channel 10 at Quincy, Illinois, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission's rules (rules),⁸ at coordinates 39-57-04.0 N and 91-19-54.0 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:⁹

<u>City and State</u>	<u>DTV Channel</u>	<u>DTV Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop.</u>
Quincy, Illinois	19	1000	238	310,818

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.¹⁰ An expedited effective date is necessary in this case to ensure that WGEM-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), (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>
Quincy, Illinois	19, 32, *34

6. **IT IS FURTHER ORDERED**, That within 30 days of the effective date of this Order, WGEM License, LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 19 in lieu of channel 10.

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. 21-219 and RM-11907 **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

⁷ *Id.*

⁸ 47 CFR § 73.625(a).

⁹ 47 CFR §§ 73.616, 73.623.

¹⁰ 5 U.S.C. § 553(d)(3).