

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

In the Matter of)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 21-157
Post-Transition Table of DTV Allotments,)	RM-11902
Television Broadcast Stations)	
(Eagle River, Wisconsin))	

REPORT AND ORDER

(Proceeding Terminated)

Adopted: July 27, 2021

Released: July 28, 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 Petitioner requests the allotment of channel 26 to Eagle River, Wisconsin (Eagle River), in the DTV Table of Allotments as the community's second local service.²

2. The Petitioner filed comments in support of the petition, as required by the Commission's rules,³ reaffirming its commitment to apply for channel 26 and if authorized, to build a station promptly. No other comments were filed.⁴ We believe the public interest would be served by allotting channel 26 at Eagle River. Eagle River, which has a population of 1,398 persons according to the 2010 Census, clearly qualifies for community of license status for allotment purposes.⁵ In addition, the proposal would result in a second local service to Eagle River under the Commission's third allotment priority.⁶

3. The Petitioner demonstrates, and a staff engineering analysis confirms, that channel 26 can be allotted to Eagle River consistent with the minimum geographic spacing requirements for new

¹ *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Stations (Eagle River, Wisconsin)*, MB Docket No. 21-157, Notice of Proposed Rulemaking, DA 21-438 (rel. Apr. 16, 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.

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 Gray Television Comments at 2 (rec. May 27, 2021).

⁵ *NPRM* at para. 2. We also note that channel 28 (WYOW) is already allotted to Eagle River. *Id.*

⁶ The Commission determines a preferential arrangement of television allotments based on the following five priorities: (1) provide at least one television service to all parts of the United States; (2) provide each community with at least one television broadcast station; (3) provide a choice of at least two television services to all parts of the United States; (4) provide each community with at least two television broadcast stations; and (5) assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities. *Amendment of Section 3.606 of the Commission's Rules and Regulations*, Sixth Report and Order, 41 F.C.C. 148, 167-173 (1952).

DTV allotments in section 73.623(d) of the Commission's rules (rules),⁷ at 45° 55' 28.9" N and 89° 15' 28.5" W.⁸ In addition, the allotment point complies with section 73.625(a)(1) of the rules as the entire community of Eagle River is encompassed by the 48 dBμ contour.⁹

4. 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>
Eagle River, Wisconsin	26, 28

5. **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.

6. **IT IS FURTHER ORDERED**, That should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 21-157, RM-11902 **SHALL BE TERMINATED** and its docket closed.

7. **IT IS FURTHER ORDERED**, That the newly allotted channel 26 at Eagle River, Wisconsin, **SHALL BE AUTHORIZED** pursuant to the Commission competitive bidding rules, 47 CFR §§ 73.5000 *et seq.*

8. For further information concerning the proceeding listed above, contact Joyce Bernstein, Video Division, Media Bureau, (202) 418-1647, Joyce.Bernstein@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁷ 47 CFR § 73.623(d).

⁸ Concurrence from the Canadian government has been obtained for this allotment.

⁹ 47 CFR § 73.625(a)(1); *NPRM* at para. 3.