

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

In the Matter of )
)
Amendment of Section 73.622(j), ) MB Docket No. 21-130
Table of Allotments, ) RM-11897
Television Broadcast Stations )
(Portland, Oregon) )

REPORT AND ORDER

(Proceeding Terminated)

Adopted: January 12, 2022

Released: January 12, 2022

By the Chief, Video Division, Media Bureau:

- 1. The Video Division, Media Bureau (Bureau), has before it a Notice of Proposed Rulemaking...
2. The Petitioner filed comments in support of the petition...
3. We believe the public interest would be served by substituting channel 21 for channel 12 at Portland, Oregon.

1 Amendment of Section 73.73.622(i), Post-Transition Table of DTV Allotments, Television Stations (Portland, Oregon), MB Docket No. 21-130, Notice of Proposed Rulemaking, DA 21-843 (rel. July 16, 2021) (NPRM).

2 Gray Television Licensee, LLC acquired the license from the Petitioner on December 1, 2021. LMS File Nos. 0000176274 and 0000145491.

3 As noted in the NPRM at n.2, 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.

4 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).

5 See NPRM at para. 2.

6 Id.

contour would fully encompass the existing channel 12 contour, and an analysis using the Commission's *TVStudy* software indicates that Petitioner's proposal would result in an increase of 39,677 persons predicted to receive KPTV service and 499 persons that would gain a second over the air signal.<sup>7</sup>

4. As proposed, channel 21 can be substituted for channel 12 at Portland, Oregon, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission's rules (rules),<sup>8</sup> at coordinates 45-31-18.0 N and 122-44-57.0 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:<sup>9</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>
Portland, Oregon	21	1000	543	3,041,506

5. 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>10</sup> An expedited effective date is necessary in this case to ensure that KPTV can operate with improved service to its viewers as quickly as possible.

6. 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 Table of Allotments, section 73.622(j) of the Commission's rules, 47 CFR § 73.622(j), **IS AMENDED**, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Portland, Oregon	*10, 21, 24, 25, 26, 32

7. **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 21 in lieu of channel 12.

8. **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.

9. **IT IS FURTHER ORDERED**, That should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 21-130 and RM-11897 **SHALL BE TERMINATED** and its docket closed.

10. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Video Division, Media Bureau, Joyce.Bernstein@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

<sup>7</sup> *Id.* at n.5.

<sup>8</sup> 47 CFR § 73.625(a).

<sup>9</sup> 47 CFR §§ 73.616, 73.623.

<sup>10</sup> 5 U.S.C. § 553(d)(3).