

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

In the Matter of
Amendment of Section 73.622(j),
Table of Allotments,
Television Broadcast Stations
(Vernon, Alabama)
MB Docket No. 22-30
RM-11916

REPORT AND ORDER

(Proceeding Terminated)

Adopted: April 4, 2022

Released: April 4, 2022

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 Alabama Educational Television Commission (Petitioner or AETC). The Petitioner, which is the licensee of nine NCE television broadcast stations in Alabama, requests the allotment of channel *4 to Vernon, Alabama, in the Table of Allotments as the community's first local noncommercial educational (NCE) television service.

2. The Petitioner filed comments in support of the petition, as required by the Commission's rules, reaffirming its commitment to apply for channel *4 and if authorized, to build a station promptly. A number of elected officials also filed comments in support of AETC's allotment request. We believe the public interest would be served by allotting channel *4 at Vernon, Alabama. Vernon, which has a population of 5,551, clearly qualifies for community of license status for allotment purposes. In addition, the proposal would result in a first local service to Vernon under the Commission's second allotment priority.

1 Amendment of Section 73.622(j), Table of Allotments, Television Stations (Vernon, Alabama), MB Docket No. 22-30, Notice of Proposed Rulemaking, DA 22-66 (rel. Jan. 20, 2022) (NPRM).

2 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).

3 Comments were filed in MB Docket No. 22-30 by J. Scott Boman, the Mayor of Sulligent, Alabama; Stanley Allred, the Mayor of Millport, Alabama; Commissioners David Gunnels, Kevin King, Jeff Long, Judge Sharon D. Nethery, and Johnny Allen of the Lamar County Commission; and the Honorable Robert B. Aderholt, U.S. House of Representatives.

4 See NPRM at para. 2.

5 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, 167-73 (1952). NCE television stations are identified in the Table by an asterisk to indicate they are reserved for noncommercial educational use. 47 CFR § 73.622(a).

3. The Petitioner demonstrates, and a staff engineering analysis confirms, that channel *4 can be allotted to Vernon, Alabama, consistent with the minimum geographic spacing requirements for new DTV allotments in section 73.623(d) of the Commission's rules (rules),⁶ at 33° 54' 44.26" N and 87° 48' 06.20" W. In addition, the allotment point complies with section 73.625(a)(1) of the rules as the entire community of Vernon is encompassed by the 35 dBμ contour.⁷

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 thirty (30) days from 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>
Vernon, Alabama	*4

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. 22-30, RM-11916, **SHALL BE TERMINATED** and its docket closed.

7. **IT IS FURTHER ORDERED**, That the newly allotted channel *4 at Vernon, Alabama, **SHALL BE AUTHORIZED** pursuant to the Commission's application and selection procedures for reserved noncommercial educational television channels, 47 CFR §§ 73.7000 *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

⁶ 47 CFR § 73.623(d).

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