

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

In the Matter of )
)
Amendment of Section 73.622(j), ) MB Docket No. 23-287
Table of Allotments, Television Broadcast ) RM-11961
Stations (Idaho Falls, Idaho) )

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 7, 2023

Released: November 7, 2023

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 NPG of Idaho, Inc. (Petitioner),<sup>2</sup> the licensee of station KIFI-TV (KIFI or Station), channel 8, Idaho Falls, Idaho (Idaho Falls). The Petitioner has requested the substitution of UHF channel 18 for VHF channel 8 in the Table of TV Allotments.<sup>3</sup> The Petitioner filed comments in support of the petition, as required by the Commission’s rules (rules),<sup>4</sup> reaffirming its commitment to apply for channel 18.<sup>5</sup> No other comments were received.

2. We conclude that the public interest would be served by substituting channel 18 for channel 8 at Idaho Falls, Idaho. In support of its channel substitution request, the Petitioner states that KIFI has received numerous complaints about reception of its channel 8 facility since the end of the DTV transition in 2009, and that the channel substitution will serve the public interest by resolving the reception issues currently experienced by viewers in the Station’s service area and expanding the availability of reliable, free over-the-air network television service within the Station’s market. In this regard, the Petitioner notes that the Commission has recognized that VHF channels pose challenges in providing digital television service, including propagation characteristics in the band that allow undesired signals and noise to interfere at relatively farther distances compared to UHF channels, and for nearby electrical devices to cause interference.<sup>6</sup> Therefore, many current viewers within the Station’s noise limited service contour who do not currently receive the Station will be able to do so once the channel substitution is implemented.<sup>7</sup> Moreover, when using the Commission’s TVStudy software tool, the proposed channel 18 facility will create a predicted service loss of only 327 persons, which the Petitioner asserts is de minimis.<sup>8</sup>

<sup>1</sup> Amendment of Section 73.622(j), Table of Allotments, Television Stations (Idaho Falls, Idaho), MB Docket No. 23-287, Notice of Proposed Rulemaking, DA 23-750 (rel. Aug. 23, 2023) (NPRM).

<sup>2</sup> Petition of NPG of Idaho, Inc. for Rulemaking (filed June 15, 2023) on file at LMS File No. 0000216788 (Petition).

<sup>3</sup> 47 CFR § 73.622(j).

<sup>4</sup> 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 (MB 2009).

<sup>5</sup> NPRM at para. 2.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id.; Petition at 4, n.4 and Technical Exhibit at 3-4 and Figure 1.

3. As proposed, channel 18 can be substituted for channel 8 at Idaho Falls in compliance with the principal community coverage requirements of section 73.625(a) of the rules,<sup>9</sup> at coordinates 43° 30' 04.0" N and 112° 39' 46.0" W.<sup>10</sup> 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. Although the Petitioner's proposal would result in a loss of programming to a limited number of viewers, we find that the overall benefits of the proposed channel change in resolving reception issues outweighs any possible harm to the public interest. When taking into account terrain, the Petitioner's proposal would result in a loss of service to 327 persons, which the Commission considers to be a *de minimis* loss of service.<sup>11</sup> In addition, the proposed channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the rules with the following specifications:<sup>12</sup>

<u>City and State</u>	<u>Channel</u>	<u>Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>Service Pop.</u>
Idaho Falls, Idaho	18	500	444	314,687

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>13</sup> An expedited effective date is necessary in this case to ensure that KIFI 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 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>
Idaho Falls, Idaho	18, 20, 36

6. **IT IS FURTHER ORDERED**, That within 10 days of the effective date of this Order, NPG of Idaho, Inc. shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 18.

7. **IT IS FURTHER ORDERED**, That pursuant to section 801(a)(1)(A) of the

<sup>9</sup> 47 CFR § 73.625(a). The Commission recently amended its rules to create a new section 73.618 (Antenna location and principal community coverage), which relocates, verbatim, the language from section 73.625(a) (DTV coverage of principal community and antenna system). *See Amendment of Part 73 of the Commission's Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations*, MB Docket No. 22-227, Report and Order, FCC 23-72 at para. 37 (rel. Sept. 19, 2023) (*Part 73 Amendment R&O*). The amended rules are not effective as of the date of release of this Report and Order and as such we continue to make reference to 47 CFR § 73.625(a).

<sup>10</sup> Gray does not propose a change in its currently authorized transmitter location. *NPRM* at 2. It does propose a slight increase in ERP for its proposed channel 16 facility. *Id.*

<sup>11</sup> *See WSET, Inc.*, 80 FCC 2d 233, 246 (1980) (finding loss population of approximately 556 persons to be *de minimis*).

<sup>12</sup> 47 CFR §§ 73.616, 73.623. The Commission also recently amended its rules, including combining parts of sections 73.616(a) (Post-transition DTV station interference protection), 73.622(a), and 73.623(a) into one rule that includes all requirements for modifying a television allotment, modified section 73.622(a) (Table of TV allotments). *Part 73 Amendment R&O* at para. 38. The adopted order also relocated section 73.616(c), specifying the protected facilities of TV allotments, to new section 73.619(d). *Part 73 Amendment R&O* at para. 37. As such we continue to make reference to 47 CFR §§ 73.616 and 73.623.

<sup>13</sup> 5 U.S.C. § 553(d)(3).

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. 23-287 and RM-11961 **SHALL BE TERMINATED** and its docket closed.

9. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Video Division, Media Bureau, [Joyce.Bernstein@fcc.gov](mailto:Joyce.Bernstein@fcc.gov).

FEDERAL COMMUNICATIONS COMMISSION

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