

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

In the Matter of)	
)	
Amendment of Section 73.622(j),)	MB Docket No. 22-376
Table of Allotments, Television Broadcast)	RM-11934
Stations (Norwell, Massachusetts))	
)	

REPORT AND ORDER

(Proceeding Terminated)

Adopted: January 9, 2023

Released: January 9, 2023

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 Rulemaking² filed by RNN Boston License Co., LLC (Petitioner), the licensee of full power television station WWDP, Norwell, Massachusetts (Station or WWDP). The Petitioner has requested the substitution of UHF channel 36 for VHF channel 10 in the Table of TV Allotments. The Petitioner filed comments in support of the petition, as required by the Commission's rules (rules),³ reaffirming its commitment to apply for channel 36. No other comments were received.

2. We believe the public interest would be served by substituting channel 36 for channel 10 at Norwell, Massachusetts. According to the Petitioner, it has received many complaints from viewers unable to receive a reliable signal on channel 10, a VHF channel.⁴ The Petitioner further states that the Commission has recognized the deleterious effects manmade noise has on the reception of digital VHF signals, and that the propagation characteristics of these channels allow undesired signals and noise to be receivable at relatively farther distances compared to UHF channels, and nearby electrical devices can cause interference.⁵

3. An analysis conducted using the Commission's *TVStudy* software tool indicates that WWDP's proposed channel substitution is predicted to create areas where viewers may lose service. However, we believe any possible harm resulting from the loss of service to some viewers is outweighed by the overall benefit of improving reception to the Station's viewers, including the Station's community

¹ *Amendment of Section 73.622(j), Table of Allotments, Television Stations (Norwell, Massachusetts)*, MB Docket No. 23-376, Notice of Proposed Rulemaking, DA 22-1132 (rel. Oct. 27, 2022) (*NPRM*).

² Petition of RNN Boston License Co., LLC for Rulemaking, LMS File No. 0000193261, as amended (filed June 13, 2022) (Petition).

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 Petition at 2.

⁵ *Id.* citing *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, ET Docket No. 10-235, Notice of Proposed Rulemaking, 25 FCC Rcd 16498, 16511, para. 42 (2010). WWDP's channel sharing partner, WMFP(TV), Foxborough, Massachusetts, which is also owned by RNN, has similarly received complaints and would benefit from the proposed channel change. *NPRM* at para. 2.

of license. Moreover, the viewers in the loss area are already well-served by five or more stations and no viewers will lose service from one of the four major networks or any noncommercial educational station.⁶

4. As proposed, channel 36 can be substituted for channel 10 at Norwell, Massachusetts, in compliance with the principal community coverage requirements of section 73.625(a) of the rules,⁷ at coordinates 42° 18' 37.0" N and 71° 14' 12.0" 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:⁸

<u>City and State</u>	<u>Channel</u>	<u>Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>Service Pop.</u>
Norwell, Massachusetts	36	1000	318.4	6,509,527

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.⁹ An expedited effective date is necessary in this case to ensure that WWDP 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 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 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>
Norwell, Massachusetts	36

7. **IT IS FURTHER ORDERED**, That within 10 days of the effective date of this Order, RNN Boston License Co., LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 36 in lieu of channel 10.

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. 22-376 and RM-11934 **SHALL BE TERMINATED** and its docket closed.

⁶ *Id.* As the Petitioner points out, the Commission is “generally most concerned where there is a loss of an area’s only network or NCE TV service, or where the loss results in an area becoming less that well-served, i.e., served by fewer than five full-power stations.” *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, MB Docket No. 07-91, Notice of Proposed Rulemaking, 22 FCC Rcd 9478, 9493, para. 38 (2007); *NPRM* at n.5.

⁷ 47 CFR § 73.625(a).

⁸ 47 CFR §§ 73.616, 73.623.

⁹ 5 U.S.C. § 553(d)(3).

10. 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