

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

In the Matter of
Amendment of Section 73.622(j),
Table of TV Allotments, Television Broadcast
Stations (Waynesboro, Virginia)
MB Docket No. 24-4
RM-11974

REPORT AND ORDER
(PROCEEDING TERMINATED)

Adopted: March 7, 2024

Released: March 7, 2024

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 (Petition) filed by VPM Media Corporation (Petitioner). The Petitioner requests the allotment of reserved noncommercial educational (NCE) television channel \*12 to Waynesboro, Virginia (Waynesboro), in the Table of TV Allotments as the community's first local television service and its first NCE television service. The Petitioner filed comments in support of the Petition, as required by the Commission's rules (rules), reaffirming its commitment to apply for channel \*12 and if authorized, to promptly construct the facility. No other comments were received.

2. We find the public interest would be served by allotting channel \*12 at Waynesboro, which, as of the 2020 Census, has a population of 22,196 and clearly qualifies for community of license status for allotment purposes. Waynesboro has its own ZIP Code, two post offices, city council, public school system, police department, and library. The proposal would also result in a first local service to Waynesboro under the Commission's second allotment priority.

3. The Petitioner demonstrates, and a staff engineering analysis confirms, that channel \*12 can be allotted to Waynesboro consistent with the minimum geographic spacing requirements for new

1 Amendment of Section 73.622(j), Table of TV Allotments, Television Broadcast Stations (Waynesboro, Virginia), MB Docket No. 24-4, Notice of Proposed Rulemaking, DA 24-30 (MB Jan. 11, 2024) (NPRM); VPM Media Corporation's Petition for Rulemaking, LMS File No. 0000235050 (filed Jan. 9, 2024) (Petition).

2 NCE television stations are identified in the Table of TV Allotments by an asterisk to indicate they are reserved for noncommercial educational use. 47 CFR §73.622(a).

3 47 CFR §§ 1.415, 1.419; see also Buffalo, Iola, Normangee, and Madisonville, Texas, MB Docket No. 07-279, Report and Order, 24 FCC Rcd 8192, 8194, para. 9 (MB 2009).

4 Comments of VPM Media Corporation at 1-2 (filed Jan. 19, 2024).

5 See NPRM at para. 2.

6 Id.

7 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) (emphasis added).

DTV allotments in section 73.622(k) of the rules,<sup>8</sup> at 37° 38' 24" N and 78° 27' 11" W (allotment point). In addition, the allotment point complies with section 73.618 of the rules as the entire community of Waynesboro is encompassed by the 43 dBμ contour.<sup>9</sup>

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 TV 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>
Waynesboro, Virginia	*12

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. 24-4, RM-11974, **SHALL BE TERMINATED** and its docket closed.

7. **IT IS FURTHER ORDERED**, That the newly allotted channel \*12 at Waynesboro, Virginia, **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 Emily Harrison, Video Division, Media Bureau, [Emily.Harrison@fcc.gov](mailto:Emily.Harrison@fcc.gov).

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

<sup>8</sup> 47 CFR § 73.622(k). The Commission recently amended its rules to relocate the text from prior section 73.623(d), relating to the minimum distance separations for new TV allotments, to a new section 73.622(k) (Table of TV allotments). *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. 38 (rel. Sept. 19, 2023) (*Part 73 Amendment R&O*). The amended rules are effective as of March 4, 2024, and the revised paragraph numbers are reflected herein. *See Media Bureau Announces March 4, 2024 Effective Date for All Revisions to Part 73 Commission Rules for Full Power and Class A Television Stations*, Public Notice, DA 24-196 (MB Mar. 4, 2024) (*Part 73 Effective Date Public Notice*).

<sup>9</sup> *See* 47 CFR § 73.618. The Commission also amended its rules to create a new section 73.618 (Antenna location and principal community coverage), which relocates, verbatim, the language from prior section 73.625(a) (DTV coverage of principal community and antenna system). *See Part 73 Amendment R&O* at para. 37. The amended rules are effective as of March 4, 2024, and the revised paragraph numbers are reflected herein. *See Part 73 Effective Date Public Notice*.