

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

In the Matter of	)	
	)	
Amendment of Section 73.622(j), Table of TV	)	MB Docket No. 25-215
Allotments, Television Broadcast Stations	)	RM-12005
(Jacksonville, Oregon)	)	

**NOTICE OF PROPOSED RULEMAKING**

**Adopted: July 8, 2025****Released: July 8, 2025****Comment Date: [30 days after date of publication in the Federal Register]****Reply Comment Date: [45 days after date of publication in the Federal Register]**

By the Chief, Video Division, Media Bureau:

**I. INTRODUCTION**

1. The Video Division, Media Bureau (Bureau), has before it a petition for rulemaking (Petition)<sup>1</sup> filed by theDove Media, Inc. (TDM or Petitioner), the permittee of a new noncommercial educational (NCE) television station to serve Jacksonville, Oregon, with Facility ID No. 791569 (Station).<sup>2</sup> Petitioner requests that the Bureau substitute channel \*24 for channel \*4 at Jacksonville in the Table of TV Allotments (Table),<sup>3</sup> with the technical parameters specified in the Petition.

**II. BACKGROUND**

2. In support of its channel substitution request,<sup>4</sup> the Petitioner asserts that the proposed channel substitution will serve the public interest, convenience, and necessity because it will enable the Station to provide a more robust over-the-air signal while avoiding the well-documented indoor reception issues with digital VHF stations.<sup>5</sup> The Petitioner states that the Commission has recognized that VHF channels have certain characteristics that pose challenges for their use in providing digital television service, including propagation characteristics that allow undesired signals and noise to be receivable at

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<sup>1</sup> Petition of theDove Media, Inc., LMS File No. 0000270072 (filed Apr. 30, 2025, as amended on May 16, 2025) (Petition). The Petitioner amended its Petition on May 16, 2025 to correct the authorized and proposed latitude listed in the engineering exhibit. 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).

<sup>2</sup> See LMS File No. 0000258945 (granted Feb. 18, 2025) (CP).

<sup>3</sup> 47 CFR § 73.622(j).

<sup>4</sup> The Petitioner makes several additional claims in its Petition, including that the channel substitution is permissible (1) “under the Commission’s intraband television channel exchanges policy;” (2) “because this proposal is for an exchange rather than deletion of a channel reservation, the Commission’s policy disfavoring dereservation of noncommercial educational stations would not be implicated;” and (3) “because this proposal seeks an exchange for a vacant commercial channel and there is no existing commercial station licensee to jointly petition, section 1.420(h) of the Commission’s rules is inapposite.” Petition at 2. We find that these additional arguments are not relevant to the request or our tentative conclusions. As such, we decline to address them.

<sup>5</sup> *Id.* at 4.

relatively farther distances.<sup>6</sup> Additionally, the Petitioner notes that the Commission has observed “large variability in the performance (especially intrinsic gain) of indoor antennas available to consumers, with most antennas receiving fairly well at UHF and the substantial majority not so well to very poor at high-VHF.”<sup>7</sup>

3. An engineering statement provided by the Petitioner confirms that the proposed channel \*24 contour would provide full principal community coverage to Jacksonville.<sup>8</sup> The Petitioner’s engineering statement confirms that the proposed channel substitution contour would not cause impermissible interference to any other full-power and Class A television facilities<sup>9</sup> and because the Station is unbuilt, there would be no loss of existing television service to the public.<sup>10</sup> Furthermore, the proposed channel \*24 facility would remain at the transmission site specified in its CP and proposes to operate at an effective radiated power of 6 kW and height above average terrain (HAAT) of 413 meters.

### III. DISCUSSION

4. We believe that the Petitioner’s channel substitution proposal for the Station warrants consideration. Based on an analysis by Bureau staff, channel \*24 can be substituted for channel \*4 as proposed, in compliance with the principal community coverage requirements of section 73.618 of the Commission’s rules (Rules),<sup>11</sup> at coordinates 42-17-51.4" N+ and 122-45-04.1" W-. In addition, we find that this channel change meets the technical requirements set forth in section 73.622(a) of the Rules.<sup>12</sup> The substitution of channel \*24 for channel \*4 in the Table will also allow Petitioner to construct its new facility on a UHF channel and avoid the known viewer reception issues on its currently authorized VHF channel.

5. Accordingly, we propose to substitute channel \*24 for channel \*4 at Jacksonville with the following specifications:

<u>City and State</u>	<u>DTV Channel</u>	<u>DTV Power (kW)</u>	<u>Antenna HAAT (m)</u>
Jacksonville, Oregon	*24	6	413

6. We seek comment on our proposed amendment of the Table, section 73.622(j) of the Rules,<sup>13</sup> for the community listed below to read as follows:

<u>City and State</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Jacksonville, Oregon	*4	*24

<sup>6</sup> *Id.* at 4, 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) (*Channel Sharing NPRM*).

<sup>7</sup> Petition at 4, citing *Channel Sharing NPRM*, 25 FCC Rcd at 16512, para. 44.

<sup>8</sup> Petition, Engineering Statement at 2.

<sup>9</sup> *Id.* at 2-3. The Petitioner acknowledges that the proposed channel substitution would displace low-power television station KDSO-LD, Medford, Oregon (Facility ID 125327). However, the Petitioner states that KDSO-LD is licensed to TDM and carries the programming to be aired on the new Station, and, therefore, its displacement would present no loss in service to the public. Petition at 5.

<sup>10</sup> Petition at 2.

<sup>11</sup> 47 CFR § 73.618.

<sup>12</sup> 47 CFR § 73.622(a).

<sup>13</sup> 47 CFR § 73.622(j).

#### IV. PROCEDURAL MATTERS

7. *Showings Required.* Comments are invited on the proposal discussed in this Notice of Proposed Rulemaking (NPRM). The Petitioner or any proponent that expresses interest in the allotment will be expected to answer whatever questions are presented in initial comments. The petitioner of a proposed allotment is required to file comments even if it only resubmits or incorporates by reference its former pleadings. The petitioner must restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly.<sup>14</sup> Failure to file may lead to denial of the request. Any requests by a proponent for withdrawal or dismissal of an allotment request must be filed with the Commission in accordance with section 1.420(j) of the Rules.<sup>15</sup>

8. *Cut-off Protection.* The following procedures will govern the consideration of the filings in this proceeding:

- (a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.<sup>16</sup>
- (b) The filing of a counterproposal may lead the Commission to allot a different channel than was requested in the Petition.<sup>17</sup>

9. *Comments and Reply Comments.* Pursuant to sections 1.415, 1.419, and 1.420 of the Rules,<sup>18</sup> interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>19</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
  - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.<sup>20</sup>
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

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<sup>14</sup> See, e.g., *Buffalo, Iola, Normangee, and Madisonville, Texas*, MB Docket No. 07-279, Report and Order, 24 FCC Rcd 8192, 8194, para. 9 (MB 2009).

<sup>15</sup> 47 CFR § 1.420(j).

<sup>16</sup> 47 CFR § 1.420(d).

<sup>17</sup> 47 CFR § 1.420(g)(2).

<sup>18</sup> 47 CFR §§ 1.415, 1.419, and 1.420.

<sup>19</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

<sup>20</sup> Hand-delivered or messenger delivered paper filings continue to NOT be accepted at FCC Headquarters.

10. *Service.* Pursuant to section 1.420 of the Rules,<sup>21</sup> all submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. The person filing the comments shall serve comments on the petitioners. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. A certificate of service shall accompany such comments and reply comments.<sup>22</sup> Additionally, a copy of such comments should be served on counsel for petitioner, as follows:

Emilie de Lozier  
Wilkinson Barker Knauer, LLP  
1800 M Street NW  
Suite 800N  
Washington, DC 20036

11. *Ex Parte Notices– Restricted.* The proceeding this Notice initiates shall be treated as a “restricted” proceeding in accordance with the Commission’s *ex parte* rules.<sup>23</sup> For purposes of this restricted notice and comment rulemaking proceeding, members of the public are advised that no *ex parte* presentations are permitted from the time the Commission adopts a notice of proposed rulemaking until the proceeding has been decided and such decision in the applicable docket is no longer subject to reconsideration by the Commission or review by any court.<sup>24</sup> An *ex parte* presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding.<sup>25</sup> However, any new written information elicited from such a request or any summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding in a particular docket unless the Commission specifically waives this service requirement.<sup>26</sup> Any comment that has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

12. *Providing Accountability Through Transparency Act.* The Providing Accountability Through Transparency Act requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule.<sup>27</sup> Accordingly, the Commission will publish the required summary of this Notice of Proposed Rulemaking on <https://www.fcc.gov/proposed-rulemakings>.

13. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection via ECFS (<http://apps.fcc.gov/ecfs/>). Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

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<sup>21</sup> 47 CFR § 1.420.

<sup>22</sup> See 47 CFR § 1.420(a), (b), and (c).

<sup>23</sup> 47 CFR § 1.1200 *et seq.*

<sup>24</sup> 47 CFR § 1.1208.

<sup>25</sup> 47 CFR § 1.1204(a)(10).

<sup>26</sup> 47 CFR § 1.1204(a)(10)(ii). In addition, an oral presentation in a restricted proceeding not designated for hearing requesting action by a particular date or giving reasons that a proceeding should be expedited other than the need to avoid administrative delay is permitted. A detailed summary of the presentation must be filed in the record and served by the person making the presentation on the other parties to the proceeding, who may respond in support or opposition to the request for expedition, including by oral *ex parte* presentation, subject to the same service requirement. 47 CFR § 1.1204(a)(11).

<sup>27</sup> 5 U.S.C. § 553(b)(4). The Providing Accountability Through Transparency Act, Pub. L. No. 118-9 (2023), amended section 553(b) of the Administrative Procedure Act.

14. *Paperwork Reduction and Regulatory Flexibility.* The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, as amended,<sup>28</sup> do not apply to a rulemaking proceeding to amend the Table, section 73.622(j) of the Rules.<sup>29</sup> This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995.<sup>30</sup> In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002.<sup>31</sup>

15. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

16. *Additional Information.* For further information concerning the proceeding listed above, contact Emily Harrison, Video Division, Media Bureau at [Emily.Harrison@fcc.gov](mailto:Emily.Harrison@fcc.gov) or Mark Colombo, Video Division, Media Bureau at [Mark.Colombo@fcc.gov](mailto:Mark.Colombo@fcc.gov).

## V. ORDERING CLAUSES

17. **IT IS ORDERED** that, pursuant to authority found in 47 U.S.C. 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 Rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, **IT IS PROPOSED TO AMEND** the Table, section 73.622(j) of the rules, 47 CFR § 73.622(j), as set forth in this *NPRM*, and this *NPRM* **IS ADOPTED**.

18. **IT IS FURTHER ORDERED** that, pursuant to applicable procedures set forth in sections 1.415, 1.419, and 1.420 of the Rules, 47 CFR §§ 1.415, 1.419, and 1.420, interested parties may file comments, including counterproposals, on the *NPRM* in MB Docket No. 25-215 and RM-12005 on or before thirty (30) days after publication in the Federal Register and reply comments on or before forty-five (45) days after publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>28</sup> See 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et seq.*, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

<sup>29</sup> 47 CFR § 73.622(j).

<sup>30</sup> See 44 U.S.C. §§ 3501-3520.

<sup>31</sup> See 44 U.S.C. § 3506(c)(4).