

**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. 25-247
Allotments, Television Broadcast Stations	)	RM-12008
(West Point, Mississippi)	)	

**NOTICE OF PROPOSED RULEMAKING**

**Adopted: August 11, 2025**

**Released: August 11, 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 Deputy Chief, Video Division, Media Bureau:

**I. INTRODUCTION**

1. The Video Division, Media Bureau (Bureau) of the Federal Communications Commission (Commission), has before it a petition for rulemaking (Petition) filed by WLOV License LLC (WLOV or Petitioner), the licensee of full power television station WLOV-TV (Station or WLOV-TV), channel 16, West Point, Mississippi (West Point).<sup>1</sup> WLOV requests that the Bureau substitute channel 26 for channel 16 at West Point in the Table of TV Allotments (Table),<sup>2</sup> with the technical parameters specified in the Petition.

**II. BACKGROUND**

2. In its Petition, WLOV explains that the Station was previously co-located with WEPH(TV), Tupelo, Mississippi (Facility ID No. 83946). When its prior equipment and tower lease agreement expired, WLOV-TV relocated to the only other tall tower in the market (New Tower).<sup>3</sup> In February 2024, WLOV-TV commenced operations from New Tower under special temporary authority (STA).<sup>4</sup> It has since continued to operate pursuant to STA, albeit covering a reduced service area compared to its licensed parameters.<sup>5</sup> WLOV has now reached an agreement with the licensee of WCBI-TV, which is also located on the New Tower, for the two stations to operate with a shared antenna.<sup>6</sup> However, to implement this plan, WLOV requests that the Station be permitted to change channels from 16 to 26 in order to avoid adjacent channel interference with WEPH, which continues to operate on channel 17 and the tower from which WLOV-TV previously operated.<sup>7</sup>

3. When WLOV-TV and WEPH were co-located, no interference issues arose from the

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<sup>1</sup> Petition for Rulemaking filed by WLOV License LLC, LMS File No. 0000270404 (filed May 7, 2025) (Petition).

<sup>2</sup> 47 CFR § 73.622(j).

<sup>3</sup> Petition at 2-3.

<sup>4</sup> See *id.* at 2; Request for Special Temporary Authority, LMS File No. 0000237987 (granted Feb. 2, 2024) (STA).

<sup>5</sup> According to staff analysis, under the STA, the Station operates at less than half the height and at less than a quarter the power of its licensed facility. This results in a coverage area less than half the size of the licensed facility.

<sup>6</sup> Petition at 3.

<sup>7</sup> *Id.*

first-adjacent channel operation.<sup>8</sup> However, WLOV-TV's proposed relocation will result in increased interference between these first-adjacent channel stations due to the increased distance between them.<sup>9</sup> Thus, the Petitioner asserts that if the Station changes to channel 26 and co-locates with WCBI-TV, which operates on channel 27, the first-adjacent channel interference issues with WEPH will disappear and WLOV-TV will once again be co-located with an adjacent channel station—in this case WCBI-TV—thus eliminating any interference potential.<sup>10</sup> In the Engineering Statement, WLOV confirms that the proposed channel substitution would not cause impermissible interference to any other full power or Class A station.<sup>11</sup> The Engineering Statement also demonstrates that the proposed channel contour would continue to provide full principal community coverage to West Point.

4. The Petitioner notes that while a comparison of the licensed channel 16 service area with the proposed channel 26 service area shows some loss areas within the Station's noise limited service contour (NLSC), virtually all of the loss area (40,353 persons) "is, and will remain, well served [sic], with five or more other services, and most of the loss area has ten or more other services."<sup>12</sup> According to the Petitioner, while 661 persons within the NLSC loss area will become underserved, 982 persons that were previously underserved viewers will gain new service.<sup>13</sup> In addition, when taking into account terrain, no viewers within the station's NLSC will become underserved.<sup>14</sup> Finally, the Petitioner asserts that if the Station had to continue to operate on channel 16, in order to prevent interference, it would have to significantly reduce its power.<sup>15</sup> Staff observes, as evidenced by the Station's STA operations, that such a change in power would result in potentially more viewer loss than under its instant proposal.

### III. DISCUSSION

5. We believe that the Petitioner's channel substitution proposal for WLOV-TV warrants consideration. Based on an analysis by Bureau staff, channel 26 can be substituted for channel 16 as proposed, in compliance with the principal community coverage requirements of section 73.618 of the Commission's rules (Rules),<sup>16</sup> at coordinates 33-45'-6.0" N+ and 88-52'-40.0" W-. In addition, we find that this channel change meets the technical requirements set forth in section 73.622(a) of the Rules.<sup>17</sup> The Petitioner anticipates that nearly all of the loss area is, and will remain, well-served, and when taking into account terrain-loss, the proposal would not result in a loss of service to any viewers within the Station's licensed channel 16 NLSC.<sup>18</sup> Absent this channel change, the Station would need to

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<sup>8</sup> *Id.* See [https://www.rabbitears.info/kb/adjacent-channel\\_interference](https://www.rabbitears.info/kb/adjacent-channel_interference) (last visited Aug. 8, 2025) (explaining how adjacent channel interference is predicted for television stations).

<sup>9</sup> Petition at 3.

<sup>10</sup> *Id.* at 4.

<sup>11</sup> Petition, Engineering Statement at 2-3 (Engineering Statement).

<sup>12</sup> Petition at 5 and Engineering Statement at 3.

<sup>13</sup> Engineering Statement at 3-4.

<sup>14</sup> *Id.* at 4 & Fig. 3. Petitioner asserts that in considering the terrain-limited coverage predictions of the proposed channel 26 operations, all of the proposed channel 16 facility's NLSC loss population (40,353 persons) would be within the NLSC of five or more other services. *Id.* at 4.

<sup>15</sup> See Petition at 4 (according to Petitioner, adjacent channel interference would limit WLOV-TV on channel 16 to just 63 kW, whereas the proposed channel substitution would allow WLOV-TV to operate at 150 kW).

<sup>16</sup> 47 CFR § 73.618.

<sup>17</sup> 47 CFR § 73.622(a).

<sup>18</sup> See *Amendment of Section 73.622(j), Table of Allotments, Television Broadcast Stations (Idaho Falls, Idaho)*, MB Docket No. 23-287, Report and Order, 38 FCC Rcd 10433 (MB 2023) (in taking into account terrain, the channel substitution proposal would result in the loss of service to 327 persons, a number the Commission considers to be a *de minimis* loss of service).

significantly reduce power, whereas under the instant proposal the Station would serve a greater number of people. In addition, since Petitioner's licensed transmission site is no longer available to it and New Tower is the only other existing tall tower in the market, the proposed channel substitution would allow the Petitioner to transition from STA to permanent, licensed operation. Therefore, we tentatively conclude that the benefits of the proposal to the public outweigh any potential harms. We seek comment on this tentative conclusion.

6. Accordingly, we propose to substitute channel 26 for channel 16 for WLOV-TV at West Point with the following specifications:

<u>City and State</u>	<u>DTV Channel</u>	<u>DTV Power (kW)</u>	<u>Antenna HAAT (m)</u>
West Point, Mississippi	26	150	580.3

7. We seek comment on our proposed amendment of the Table, section 73.622(j) of the Rules,<sup>19</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>
West Point, Mississippi	16	26

#### IV. PROCEDURAL MATTERS

8. *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>20</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>21</sup>

9. *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>22</sup>
- (b) The filing of a counterproposal may lead the Commission to allot a different channel than was requested in the Petition.<sup>23</sup>

10. *Comments and Reply Comments.* Pursuant to sections 1.415, 1.419, and 1.420 of the Rules,<sup>24</sup> interested parties may file comments and reply comments on or before the dates indicated on the

<sup>19</sup> 47 CFR § 73.622(j).

<sup>20</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>21</sup> 47 CFR § 1.420(j).

<sup>22</sup> 47 CFR § 1.420(d).

<sup>23</sup> 47 CFR § 1.420(g)(2).

<sup>24</sup> 47 CFR §§ 1.415, 1.419, and 1.420.

first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>25</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 (Attention: Video Division, Media Bureau).**
  - 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>26</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.

11. *Service.* Pursuant to section 1.420 of the Rules,<sup>27</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>28</sup> Additionally, a copy of such comments should be served on counsel for petitioner, as follows:

Daniel Kirkpatrick  
Baker & Hostetler LLP  
1050 Connecticut Avenue, NW  
Suite 1100  
Washington, D.C. 20036

12. *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>29</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>30</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>31</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

<sup>25</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

<sup>26</sup> Hand-delivered or messenger delivered paper filings continue to NOT be accepted at FCC Headquarters.

<sup>27</sup> 47 CFR § 1.420.

<sup>28</sup> See 47 CFR § 1.420(a), (b) and (c).

<sup>29</sup> 47 CFR §§ 1.1200 *et seq.*

<sup>30</sup> 47 CFR § 1.1208.

<sup>31</sup> 47 CFR § 1.1204(a)(10).

this service requirement.<sup>32</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.

13. *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>33</sup> Accordingly, the Commission will publish the required summary of this Notice of Proposed Rulemaking on <https://www.fcc.gov/proposed-rulemakings>.

14. *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.

15. *Paperwork Reduction and Regulatory Flexibility.* The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, as amended,<sup>34</sup> do not apply to a rulemaking proceeding to amend the Table, section 73.622(j) of the Rules.<sup>35</sup> This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995.<sup>36</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>37</sup>

16. *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).

17. *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

18. **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**.

19. **IT IS FURTHER ORDERED** that, pursuant to applicable procedures set forth in sections 1.415, 1.419, 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. 25-247 and RM-12008 on or

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<sup>32</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>33</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.

<sup>34</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>35</sup> 47 CFR § 73.622(j).

<sup>36</sup> See 44 U.S.C. §§ 3501-3520.

<sup>37</sup> See 44 U.S.C. § 3506(c)(4).

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

David J. Brown  
Deputy Chief, Video Division  
Media Bureau