

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. 26-151
Allotments, Television Broadcast Stations ) RM-12022
(Alamogordo, New Mexico) )

NOTICE OF PROPOSED RULEMAKING

Adopted: June 16, 2026

Released: June 16, 2026

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),1 by Vision Broadcasting Network, Inc. (Petitioner), the permittee of a new NCE television station KAVD(TV) (KAVD or Station) (Facility ID No. 791813) on channel \*4, Alamogordo, New Mexico (Alamogordo).2 The Petitioner requests the substitution of VHF channel \*11 for VHF channel \*4 at Alamogordo in the Table.3 The Petitioner specifies a high VHF channel instead of its current low VHF channel to allow for improved over-the-air reception.4

II. BACKGROUND

2. In support of its channel substitution request, the Petitioner asserts that allowing the Station to move to a high VHF channel would serve the public interest by improving signal reception for viewers.5 The Petitioner observes that the Commission has recognized that low-VHF channels have certain characteristics that have posed challenges for their use in providing digital television service, including "generally higher levels of background noise. . . ."6 Additionally, "because of the need for longer elements to receive longer wavelength low-VHF signals, it is likely that the reception capabilities of an indoor antenna at low-VHF will generally [] be less than at high-VHF."7

3. An engineering statement provided by the Petitioner confirms that the proposed channel \*11 contour would provide full principal community coverage to Alamogordo. Further, because the

1 Petition of Vision Broadcasting Network, Inc., for Rulemaking, LMS File No. 0000287144 (filed Jan. 20, 2026, as amended on Apr. 30, 2026) (Petition). Allotments in the Table of TV Allotments (Table) designated by an asterisk (\*) are reserved for noncommercial educational (NCE) use. 47 CFR § 73.622(a).

2 LMS File No. 0000258980 (CP).

3 47 CFR § 73.622(j).

4 Petition at 1.

5 Id.

6 Id. at 2-3 (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. 43 (2010) (VHF Improvements NPRM)).

7 Id. at 3 (citing VHF Improvements NPRM, 25 FCC Rcd at 16512, at para. 44).

Station is unbuilt, there would be no loss of existing television service to the public.<sup>8</sup> In fact, the Petition states that the proposed channel change is predicted to result in a “substantial increase in signal quality for KAVD’s coverage area and enable viewers to receive the Station’s signal with a significantly smaller indoor antenna.”<sup>9</sup> The Petitioner’s engineering statement also confirms that the proposed channel substitution contour would not cause impermissible interference to any other licensed facilities.<sup>10</sup> Additionally, no change in transmitting location is proposed from that specified in the current CP.<sup>11</sup> The Petition also proposes to increase its effective radiated power from 6 to 19 kilowatts (kW) and adjust its height above average terrain (HAAT) from 510 to 504 meters (m).<sup>12</sup>

### III. DISCUSSION

4. We believe that the Petitioner’s channel substitution proposal for KAVD warrants consideration. KAVD is currently operating on channel \*4, and the substitution of channel \*11 for channel \*4 in the Table will allow the Station to improve its over-the-air reception within its coverage area. We believe channel \*11 can be substituted for channel \*4 at Alamogordo, as proposed, in compliance with the principal community coverage requirements of section 73.618(a) of the Commission’s rules (Rules),<sup>13</sup> at coordinates 32° 49' 48.0" N and 105° 53' 14.0" W. In addition, we find that this channel change meets the technical requirements set forth in section 73.622(a) of the Rules.<sup>14</sup>

5. We propose to substitute channel \*11 for channel \*4 for KAVD at Alamogordo with the following specifications:

<u>City and State</u>	<u>Channel</u>	<u>Power (kW)</u>	<u>Antenna HAAT (m)</u>
Alamogordo, New Mexico	*11	19	504

6. Accordingly, we seek comment on the proposed amendment of the Table, section 73.622(j) of the Rules,<sup>15</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>
Alamogordo, New Mexico	*4		*11

### 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

<sup>8</sup> See, e.g., *Amendment of Section 73.622(j), Table of TV Allotments, Television Broadcast Stations (Jacksonville, Oregon)*, MB Docket No. 25-215, Report and Order, 40 FCC Rcd 7220 (MB 2025) (finding that because the station was unbuilt, there would be no loss of existing television service to the public).

<sup>9</sup> Petition at 2.

<sup>10</sup> *Id.*, Exhibit A - Engineering Statement at 7.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 5.

<sup>13</sup> 47 CFR § 73.618(a).

<sup>14</sup> 47 CFR § 73.622(a). Since the proposed facility is located within the Mexican coordination zone, concurrence from the Mexican government must be obtained for this allotment.

<sup>15</sup> 47 CFR § 73.622(j).

and, if authorized, to build a station promptly.<sup>16</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>17</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>18</sup>
- (b) The filing of a counterproposal may lead the Commission to allot a different channel than was requested in the Petition.<sup>19</sup>

9. *Comments and Reply Comments.* Pursuant to sections 1.415, 1.419, and 1.420 of the Rules,<sup>20</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>21</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>22</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.

10. *Service.* Pursuant to section 1.420 of the Rules,<sup>23</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

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<sup>16</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>17</sup> 47 CFR § 1.420(j).

<sup>18</sup> 47 CFR § 1.420(d).

<sup>19</sup> 47 CFR § 1.420(g)(2).

<sup>20</sup> 47 CFR §§ 1.415, 1.419, and 1.420.

<sup>21</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

<sup>22</sup> Hand-delivered or messenger delivered paper filings are NOT accepted at FCC Headquarters.

<sup>23</sup> 47 CFR § 1.420.

directed. A certificate of service shall accompany such comments and reply comments.<sup>24</sup> Additionally, a copy of such comments should be served on counsel for petitioner, as follows:

James Oyster  
Law Offices of James L Oyster  
108 Oyster Lane  
Castleton, VA 22716

11. *Ex Parte Notices– Restricted.* The proceeding this *NPRM* initiates shall be treated as a “restricted” proceeding in accordance with the Commission’s *ex parte* Rules.<sup>25</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>26</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>27</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>28</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>29</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.

14. *Paperwork Reduction and Regulatory Flexibility.* The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, as amended,<sup>30</sup> do not apply to a rulemaking proceeding to amend the Table of TV Allotments, section 73.622(j) of the Rules.<sup>31</sup> This document does not contain proposed information collection requirements subject to the Paperwork

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<sup>24</sup> See 47 CFR §§ 1.420(a), (b) and (c).

<sup>25</sup> 47 CFR §§ 1.1200 *et seq.*

<sup>26</sup> 47 CFR § 1.1208.

<sup>27</sup> 47 CFR § 1.1204(a)(10).

<sup>28</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>29</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>30</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>31</sup> 47 CFR § 73.622(j).

Reduction Act of 1995.<sup>32</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>33</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 the following Video Division, Media Bureau staff: Devin Loveland at [Devin.Loveland@fcc.gov](mailto:Devin.Loveland@fcc.gov) or Mark Colombo 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 of TV Allotments, 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, 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. 26-151 and RM-12022 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

David J. Brown  
Chief, Video Division  
Media Bureau

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<sup>32</sup> See 44 U.S.C. §§ 3501-3520.

<sup>33</sup> See 44 U.S.C. § 3506(c)(4).