

**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. 26-196
Allotments, Television Broadcast Stations	)	RM-12024
(Elko, Nevada)	)	

NOTICE OF PROPOSED RULEMAKING

Adopted: July 31, 2026

Released: July 31, 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) filed by Reno (KENV-TV) Licensee, Inc. (Licensee), the Licensee of full service television station KENV-DT (KENV-DT or Station), Elko, Nevada (Elko).¹ The Licensee holds a construction permit (CP) to construct a facility on UHF channel 20 at Elko,² and now requests that the Bureau substitute VHF channel 10 for UHF channel 20 in the Table of TV Allotments (Table),³ with the technical parameters as set forth in KENV-DT's current license.⁴

II. BACKGROUND

2. On July 19, 2023, the Bureau granted a petition for rulemaking submitted by the Licensee to substitute UHF channel 20 for VHF channel 10 at Elko.⁵ On August 14, 2023, the Licensee was granted a CP for its new channel, with an expiration date of August 14, 2026.⁶ The Licensee states that it is "unable to complete construction of the Channel 20 facility by the deadline specified in the Station's granted construction permit."⁷ Thus, the Licensee requests amendment of the Table to allow it to continue to operate on VHF channel 10, and proposes to specify the technical parameters of its currently licensed VHF channel 10 facility.⁸

III. DISCUSSION

3. We believe that the Licensee's channel substitution proposal for KENV-DT warrants

¹ Petition of Reno (KENV-TV) Licensee, Inc. for Rulemaking (filed Apr. 13, 2026), on file at LMS File No. 0000295348 (Petition).

² LMS File No. 0000219148.

³ 47 CFR § 73.622(j).

⁴ LMS File No. 0000001632.

⁵ *Amendment of Section 73.622(j), Table of Allotments, Television Broadcast Stations (Elko, Nevada)*, MB Docket No. 23-78, Report and Order, 38 FCC Rcd 6199 (MB 2023).

⁶ *See supra* note 2.

⁷ Petition at 2.

⁸ *Id.* at 1-2.

consideration. KENV-DT is currently operating on VHF channel 10 and the substitution of VHF channel 10 for UHF channel 20 in the Table will allow the Station to remain on the air and continue to provide service to viewers within its service area. Given that the Licensee proposes to utilize its currently licensed parameters, we believe VHF channel 10 can be substituted for UHF channel 20 at Elko as proposed, in compliance with the principal community coverage requirements of section 73.618(a) of the Commission's rules (Rules),⁹ at coordinates 40° 41' 58.8" N and 115° 54' 10.9" W. In addition, we find that this channel change meets the technical requirements set forth in section 73.622(a) of the Rules.¹⁰

4. We propose to substitute VHF channel 10 for UHF channel 20 for KENV-DT at Elko with the following specifications:

<u>City and State</u>	<u>Channel</u>	<u>Power (kW)</u>	<u>Antenna HAAT (m)</u>
Elko, Nevada	10	1.5	562.2

5. Accordingly, we seek comment on the proposed amendment of the Table, section 73.622(j) of the Rules,¹¹ for the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Elko, Nevada	20	10

IV. PROCEDURAL MATTERS

6. *Showings Required.* Comments are invited on the proposal discussed in this Notice of Proposed Rulemaking (NPRM). 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.¹² Failure to file may lead to denial of the request. The petitioner or any proponent that expresses interest in the allotment will be expected to answer whatever questions are presented in initial comments. Any request 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.¹³

7. *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.¹⁴
- (b) The filing of a counterproposal may lead the Commission to allot a different channel than was requested in the Petition.¹⁵

8. *Comments and Reply Comments.* Pursuant to sections 1.415, 1.419, and 1.420 of the

⁹ 47 CFR § 73.618(a).

¹⁰ 47 CFR § 73.622(a).

¹¹ 47 CFR § 73.622(j).

¹² 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).

¹³ 47 CFR § 1.420(j).

¹⁴ 47 CFR § 1.420(d).

¹⁵ 47 CFR § 1.420(g)(2).

Rules,¹⁶ 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).¹⁷

- 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.¹⁸
 - 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.

9. *Service.* Pursuant to section 1.420 of the Rules,¹⁹ 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 petitioner. 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.²⁰ Additionally, a copy of such comments should be served on counsel for petitioner, as follows:

Scott R. Flick
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street NW
Washington, D.C. 20036

10. *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.²¹ 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.²² 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.²³ However, any new written information elicited from such a

¹⁶ 47 CFR §§ 1.415, 1.419, and 1.420.

¹⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

¹⁸ Hand-delivered or messenger delivered paper filings continue to NOT be accepted at FCC Headquarters.

¹⁹ 47 CFR § 1.420.

²⁰ See 47 CFR § 1.420(a), (b) and (c).

²¹ 47 CFR § 1.1200 *et seq.*

²² 47 CFR § 1.1208.

²³ 47 CFR § 1.1204(a)(10).

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.²⁴ 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.

11. *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.²⁵ Accordingly, the Commission will publish the required summary of this Notice of Proposed Rulemaking on <https://www.fcc.gov/proposed-rulemakings>.

12. *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.

13. *Paperwork Reduction and Regulatory Flexibility.* The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, as amended,²⁶ do not apply to a rulemaking proceeding to amend the Table of TV Allotments, section 73.622(j) of the Rules.²⁷ This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995.²⁸ 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 2002.²⁹

14. *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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

15. *Additional Information.* For further information concerning the proceeding listed above, contact the following Video Division, Media Bureau staff: Emily Harrison at Emily.Harrison@fcc.gov or Mark Colombo at Mark.Colombo@fcc.gov.

V. ORDERING CLAUSES

16. **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**.

²⁴ 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).

²⁵ 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.

²⁶ 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).

²⁷ 47 CFR § 73.622(j).

²⁸ See 44 U.S.C. §§ 3501-3520.

²⁹ See 44 U.S.C. § 3506(c)(4).

17. **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. 26-196 and RM-12024 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