

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

In the Matter of )
Expanding the Economic and Innovation ) GN Docket No. 12-268
Opportunities of Spectrum Through Incentive )
Auction )

ORDER

Adopted: October 22, 2021

Released: October 25, 2021

By the Commission:

I. INTRODUCTION

1. By this Order, we adopt several rule updates to reflect the conclusion of the incentive auction and post-incentive auction transition period. First, we adopt a revised Table of Allotments (Table)1 to reflect changes to full power television channel allotments contained in the Post-Transition Table of Digital Television (DTV) Allotments (2018 Table).2 As described below, the Table we adopt today codifies Commission actions taken over the past several years that modified the DTV channel allotments reflected in the 2018 Table, including primarily actions related to the incentive auction and repacking process authorized by the Spectrum Act.3 We also delete or revise Commission rules that no longer have any practical effect given the conclusion of the incentive auction and post-incentive auction transition period, or that are otherwise obsolete or irrelevant.

II. BACKGROUND

2. To facilitate the proper management and interference protection of television spectrum, channel allotments for full power television stations in the United States, its territories, and possessions are listed and codified in Part 73 of the Commission’s rules. Applicants for full power DTV broadcast stations may only apply to construct on the channels designated in the codified Table of Allotments and only in the communities listed therein.4 To accommodate the analog to digital television transition, in 1997 the Commission allotted a paired DTV channel to analog television licensees and permittees.5 Congress later established a deadline of June 12, 2009 for full power stations to complete a nationwide

1 47 CFR § 73.622(j); Appendix.

2 47 CFR § 73.622(i) (revised as of Oct. 1, 2018). The 2018 Table refers to the Post-Transition Table of DTV Allotments as it appears in the October 1, 2018 version of the Code of Federal Regulations. The 2018 Table reflects the allotments that existed before the start of the broadcast television incentive auction in March 2016. Accordingly, the 2018 Table does not contain changes resulting from the incentive auction and post-auction transition.

3 Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, §§ 6402 (codified at 47 U.S.C. § 309(j)(8)(G)), 6403 (codified at 47 U.S.C. § 1452), 126 Stat. 156 (2012) (Spectrum Act). The incentive auction and repacking process are described in the Background section.

4 47 CFR § 73.622(c)(1).

5 47 CFR § 73.622(b); In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket No. 87-268, Sixth Report and Order, 12 FCC Rcd 14588 (1997), Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order, 13 FCC Rcd 7418 (1998).

DTV transition.<sup>6</sup> All full power stations terminated analog operations on that date (with minor and temporary exceptions) and thereafter broadcast solely on its allotted digital channel.<sup>7</sup>

3. In 2012, Congress passed the Spectrum Act that required the Commission to reorganize the ultra-high frequency (UHF) band using a first of its kind, two-sided incentive auction that reallocated broadcast television spectrum for mobile broadband services.<sup>8</sup> The linchpin to the two-sided auction was the repacking process that reorganized and assigned new channels to full power and Class A broadcast TV stations that would remain on the air after the auction in order to create a contiguous block of cleared spectrum.<sup>9</sup> In implementing the Spectrum Act, the Commission sought comment on whether to use the two-step rulemaking process for changing a station's channel assignment in the codified DTV Table of Allotments for purposes of implementing the results of the repacking process.<sup>10</sup> After considering the record on this issue, the Commission decided that it would not use a codified DTV Table or rulemaking procedures to implement channel changes resulting from the repacking process, explaining that this process would be burdensome, cause delays, and would be inconsistent with the goal of expeditiously implementing the results of the repacking process.<sup>11</sup> Rather, the Commission determined the Table would be amended to codify all new full power channel assignments after completion of the repacking and channel substitution process.<sup>12</sup>

4. As a result of the incentive auction, 145 broadcast stations accepted incentive payments to relinquish their spectrum rights and either go off the air or, in some cases, continue broadcasting through a channel sharing arrangement.<sup>13</sup> In addition, as a result of the repacking process, 987 full power

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<sup>6</sup> The DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009) (codified at 47 U.S.C. §§ 309(j)(14) and 337(e)) provided that “[a] full-power television broadcast license that authorizes analog television service may not be renewed to authorize such service for a period that extends beyond June 12, 2009.” 47 U.S.C. § 309(j)(14)(A).

<sup>7</sup> 47 CFR § 73.622(i). Furthermore, in order to facilitate the clearing of the 700 MHz band (television channels 52-69), the Commission required all low power and television translator stations to cease analog or digital operations on those channels by December 31, 2011. *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, MB Docket No. 03-185, Second Report and Order, 26 FCC Rcd 10732, 10743, para. 23 (2011).

<sup>8</sup> 47 U.S.C. § 1452(a)(1), (c)(1). See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6568-70, para. 1 (*Incentive Auction R&O*), *aff'd*, *National Ass'n of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015) (subsequent citations omitted). Only full power and Class A television stations were eligible to relinquish spectrum usage rights in the incentive auction. *Incentive Auction R&O*, 29 FCC Rcd at 6716-17, paras. 351-53.

<sup>9</sup> *Incentive Auction R&O*, 29 FCC Rcd 6567. In accordance with the requirements of the Administrative Procedure Act (APA) (5 U.S.C. § 553(b)) the Commission sought comment in a rulemaking proceeding on the details of the repacking process to ensure compliance with the statutory requirement to make all reasonable efforts to preserve, as of the date of the passage of the Spectrum Act, the coverage area and population served of broadcast stations remaining on the air after the auction. 47 U.S.C. § 1452(b)(2). *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Notice of Proposed Rulemaking, 27 FCC Rcd 12357 (2012) (*NPRM*).

<sup>10</sup> *NPRM*, 27 FCC Rcd at 12461-62, para. 315.

<sup>11</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6789-90, paras. 544-45.

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

<sup>13</sup> See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, GN Docket No. 12-268, Public Notice, 32 FCC Rcd 2786 (2017) (*Channel Reassignment Public Notice*); *Incentive Auction R&O*, 29 FCC Rcd at 6723-29, paras. 366-68 (License Relinquishment Bid) and 372-78 (Channel Sharing Bid).

and Class A stations were reassigned to new channels, including 30 band-changing auction winners,<sup>14</sup> and an additional 957 non-winning stations that would remain on the air with new channel assignments after the auction.<sup>15</sup>

5. After the incentive auction, the Media Bureau opened two filing windows for stations that were repacked.<sup>16</sup> These windows permitted certain reassigned stations or band changing stations to seek alternate channels.<sup>17</sup> A total of 49 stations applied for an alternate channel during these two windows and received a construction permit for a new channel.<sup>18</sup>

6. On July 13, 2020, the Commission completed a 39-month post-incentive auction transition period,<sup>19</sup> during which all 987 repacked stations vacated their pre-auction channels.<sup>20</sup> Also during the transition period, as a result of accepting winning bids in the incentive auction, 41 stations relinquished their licenses and went off the air and 104 stations implemented channel sharing arrangements.

7. With the incentive auction and 39-month post-incentive auction transition period complete, in November 2020 the Media Bureau lifted a number of filing freezes that pertain to the 2018 Table. These freezes were established in August 2004 in preparation for the DTV transition, and largely continued in place through the incentive auction and 39-month post-incentive auction transition period.<sup>21</sup> Specifically, the Media Bureau lifted freezes on:

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<sup>14</sup> See *Incentive Auction R&O*, 29 FCC Rcd at 6725-26, 6729-30, paras. 369-71 (UHF-to-VHF Bid) and 379-83 (High VHF-to Low VHF Bid).

<sup>15</sup> Congress provided \$2.75 billion for a TV Broadcaster Relocation Fund in the Spectrum Act and Reimbursement Expansion Act to reimburse certain costs associated with the post-incentive auction transition, including at least \$2.5 billion to reimburse costs incurred by full power and Class A television stations to move to new channel assignments and for multichannel video programming distributors to continue to carry the stations on the new channel assignments. 47 U.S.C. §§ 1452(b)(4)(A)(i), (ii), (j)-(n).

<sup>16</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6792-95, paras. 552-56.

<sup>17</sup> *Incentive Auction Task Force and Media Bureau Announce the Opening of the First Priority Filing Window for Eligible Full Power and Class A Television Stations from August 9 Through September 8, 2017*, Public Notice, 32 FCC Rcd 5785 (IATF/MB 2017); *Incentive Auction Task Force and Media Bureau Extend the Filing Deadline for the First Priority Filing Window for Eligible Full Power and Class A Television Stations- Revised Filing Deadline: September 15, 2017*, Public Notice, 32 FCC Rcd 6827 (IATF/MB 2017); *Incentive Auction Task Force and Media Bureau Announce the Opening of the Second Filing Window for Eligible Full Power and Class A Television Stations from October 3 Through November 2, 2017*, Public Notice, 32 FCC Rcd 6989 (IATF/MB 2017). The Commission also permitted reassigned stations to apply for expanded facilities. *Incentive Auction R&O*, 29 FCC Rcd at n.1569 (definition of “expanded facilities”). These minor change applications, however, did not involve changing a station’s channel and, thus, do not require any corresponding change in the Table of Allotments.

<sup>18</sup> In addition, twenty-four winning channel sharing bidders filed minor modification applications to change their station’s community of license, which they were permitted to do if they could not place a principal community signal over their pre-auction community of license from their shared locations. See *Incentive Auction R&O*, 29 FCC Rcd at 6726-28, paras. 372-76; 47 CFR § 73.625.

<sup>19</sup> *Incentive Auction R&O*, 29 FCC Rcd at 6797, para. 563; see also *Incentive Auction Task Force and Media Bureau Adopt Post-Incentive Auction Transition Scheduling Plan*, Public Notice, 32 FCC Rcd 890 (IATF/MB 2017).

<sup>20</sup> See *Invoice Filing Deadlines Established for TV Broadcaster Relocation Fund*, Public Notice, 35 FCC Rcd 11273, para. 2 (IATF/MB 2020). See also *Post-Incentive Auction Transition Successfully Meets 39-Month Deadline; Makes Spectrum Available for 5G Wireless Services and Applications, Spurring Job Creation and Economic Growth*, 2020 WL 3988027 (rel. July 13, 2020). A few stations were granted extensions, all of which completed their transitions by September 30, 2020.

<sup>21</sup> The freezes were imposed in connection with developing a channel election and repacking process that would assign television broadcasters an in-core (at that time, channels 2-51) post-transition DTV channel. See *Media Bureau Lifts Freeze on the Filing of Television Station Minor Modification Applications and Rulemaking Petitions*

(continued....)

- Petitions for rulemaking to change channels in the Table of Allotments.<sup>22</sup>
- Petitions for rulemaking for new allotments.
- Petitions for rulemaking to change communities of license.<sup>23</sup>

Given the pent-up demand for such changes, the Bureau received almost 50 petitions, primarily to substitute a UHF channel for a VHF channel, to change a station's community of license, or to allot a new channel, and the majority have been acted on and the actions are effective.<sup>24</sup> All the petitions were subject to a Notice of Proposed Rulemaking seeking comment on the proposed rule changes and all were adopted through a Report and Order, pursuant to the APA,<sup>25</sup> and published in the Federal Register.<sup>26</sup>

### III. DISCUSSION

#### A. The Post-Transition Table of Allotments.

8. We adopt today a Table that reflects all previously approved changes since the last table of allotments update in 2018.<sup>27</sup> Specifically, the new Table reflects the following actions by the

(Continued from previous page) \_\_\_\_\_

*Effective Fifteen Days After Publication in the Federal Register*, Public Notice, 35 FCC Rcd 11993 (MB 2020). This action was effective on November 27, 2020. See 85 FR 73706 (Nov. 19, 2020).

<sup>22</sup> The Bureau lifted this freeze in 2008 and re-imposed it in 2011. See *Commission Lifts the Freeze on the Filing of Maximization Applications and Petitions for Channel Substitutions, Effective Immediately*, Public Notice, 23 FCC Rcd 8330 (MB 2008); *Freeze on the Filing of Petitions for Digital Channel Substitutions, Effective Immediately*, Public Notice, 26 FCC Rcd 7721 (MB 2011).

<sup>23</sup> The Bureau had earlier partially lifted the freeze on the filing for community of license changes that did not require or involve changes in a station's technical facilities. Public Notice, *Media Bureau Partially Lifts Freeze on Filing Petitions for Rulemaking to Change Full Power Stations' Community of License*, 33 FCC Rcd 151 (MB 2018).

<sup>24</sup> The new Table includes changes from rulemaking petitions that became effective before the adopted date of this Order.

<sup>25</sup> 5 U.S.C. §§ 511 *et seq.* A small number of petitions were dismissed by the staff as defective pursuant to letter rulings.

<sup>26</sup> 47 CFR § 0.283 delegates authority to the Media Bureau to address "rulemaking proceedings involving the allotment of FM and television channels."

<sup>27</sup> We find good cause to make these revisions to the Table without notice and comment. 5 U.S.C. § 553(b)(3)(B) (providing that notice and comment are not required "when the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest"). These revisions merely correct outdated information from the 2018 Table as a result of channel reassignments and/or community of license changes that have already been approved by the Commission. The Spectrum Act provided that the right that a broadcast television licensee ordinarily has to protest a modification of its license pursuant to section 316 did not apply in the case of modifications made in connection with the incentive auction. 47 U.S.C. § 1452(h). See 47 U.S.C. § 316. The repack channel assignments were developed using a methodology that itself was subject to notice and comment. *Incentive Auction R&O*, 29 FCC Rcd at 6789-90, paras. 542-45. Applications for channel reassignments resulting from the incentive auction and repacking process were treated as minor change applications. *Id.* at 6790-91, para. 546. Such minor change applications that were granted are reflected in the new Table. Applications for alternate channels filed in the post-incentive auction filing windows were treated as major change applications, and thus subject to local public notice requirements and petitions to deny. *Incentive Auction R&O*, 29 FCC Rcd at 6794, para. 555. Such major change applications that were granted are reflected in the new Table. Changes to the 2018 Table made after various filing freezes were lifted in November 2020 were implemented using notice and comment rulemaking procedures. See, e.g., *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Eagle River, Wisconsin)*, MB Docket No. 21-157, Report and Order (DA 21-920, rel. July 29, 2021); *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (New Orleans, Louisiana)*, MB Docket No. 21-178, Report and Order (DA 21-770, rel. July 2, 2021). Such changes that were granted are reflected in the new Table.

Commission, described above: (1) the incentive auction and television repacking process authorized by the Spectrum Act; (2) channel changes requested by stations assigned to new channels as part of the incentive auction repacking process; and (3) changes adopted after lifting the freeze in November 2020 on the filing of rulemaking petitions to change the 2018 Table.<sup>28</sup>

9. The Appendix to this Order sets forth the new Table, as reflected in section 73.622(j) of the rules. The Table is in the same format, by state and community of license, as the 2018 Table that was contained in section 73.622(i), which we delete herein. The new Table conforms to the 2018 Table, and provides the following updates:

- All of the channels that are out-of-core for broadcast television stations since the close of the incentive auction (channels 38 through 51) are deleted.
- Channel numbers and associated communities are deleted if a winning bidder in the incentive auction relinquished spectrum usage rights with respect to such channel, unless (1) another station with the same community was assigned to that channel; or (2) a station that is authorized to serve that community is operating as a sharee pursuant to a channel sharing agreement; or (3) the allotment continued to satisfy the pertinent spacing requirements.<sup>29</sup>
- Channel numbers are changed in states and communities to reflect repacked channels from the *Channel Reassignment Public Notice*,<sup>30</sup> unless such channel was changed as the result of the grant of a major change application filed during one of the two post-incentive auction filing windows or in a subsequent rulemaking proceeding, in which case they reflect those grants.
- For stations that are channel sharing, the station's license authorizations reflect the shared status.<sup>31</sup> In addition, the adopted Table includes an "S" at the sharee's community of license<sup>32</sup> to indicate there is a shared station allotted to that community.
- Channels reserved for noncommercial educational (NCE) television stations continue to be identified in the Table by an asterisk.<sup>33</sup> Where an NCE television station is the host in a channel sharing partnership, its portion of the shared channel has been designated as

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<sup>28</sup> In addition, several changes in this category were adopted pursuant to filing freeze waivers.

<sup>29</sup> The allotment of one non-sharing, winning bidder station that relinquished its license continued to satisfy distance requirements in the community and that allotment remains in the Table. All other non-sharing, winning bidder station allotments no longer meet distance requirements in the community and are deleted from the Table.

<sup>30</sup> See *Channel Reassignment Public Notice*, 32 FCC Rcd 2786.

<sup>31</sup> See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, First Order on Reconsideration and Notice of Proposed Rulemaking, 30 FCC Rcd 6668, para. 20 (2015) ("[W]e will not permanently designate channels as 'shared' in the Table of Allotments. Instead, a channel's shared status will be indicated on a shared station's license.") (*First Order on Reconsideration*). See also *Channel Sharing by Stations Outside the Broadcast Television Spectrum Incentive Auction Context*, Gen. Docket No. 12-268, Report and Order, 32 FCC Rcd 2637, 2660, n.134 (2017) (full power sharee stations outside the auction context seeking to change their community of license are required to file a petition for rulemaking to amend the DTV Table).

<sup>32</sup> A "sharee" station is defined as a station relinquishing a channel in order to share with another station. A host station is defined as the station hosting a sharee pursuant to a channel sharing agreement. More than two stations may share a channel, so there may be multiple sharees in a channel sharing relationship, but only one host. See *Incentive Auction R&O*, 29 FCC Rcd at 6795, n.1580.

<sup>33</sup> 47 CFR § 73.622(a).

reserved for NCE use with an asterisk.<sup>34</sup> Where the NCE television station is the sharee with a commercial station, the television station's license indicates its NCE status and the "S" at the NCE television station's community of license also includes an asterisk.

## B. Deletion of Obsolete Rules

10. In addition, we adopt non-substantive, technical revisions to certain rules in 47 CFR Parts 1, 73, and 74 as set forth in the Appendix, and further described below.<sup>35</sup> Specifically, we remove references in certain rule provisions that are now outdated given the reallocation of television channels 38 through 51 for wireless broadband uses, the previous reallocation of channels 52 through 69 for wireless use at the end of the DTV transition in June 2009, and the conversion from analog to digital television technology.<sup>36</sup>

11. *Part 1, Subpart C – Rulemaking Proceedings.* We amend section 1.420 (a), (g), (h), and (i),<sup>37</sup> which specify the procedures for amending the TV Table of Allotments, by deleting cross-references to "§ 73.606(b)" and replacing them with "§ 73.622(j)," the updated Table of Allotments adopted in this Order.

12. *Part 73, Subpart E – Television Broadcast Stations.* We amend section 73.622<sup>38</sup> to delete the obsolete Tables in sections 73.622(b) and (i),<sup>39</sup> which are superseded by section 73.622(j), the updated Table of Allotments adopted in this Order. We also amend section 73.606 of our rules<sup>40</sup> by deleting the cross-reference to "Section 73.622(i)" and adding a cross-reference to "Section 73.622(j)," which sets forth the updated Table of Allotments adopted in this Order. We also designate 73.622(j) as the "successor regulation" to section 73.606.<sup>41</sup>

13. We also amend certain Part 73 rules to remove references to channels and frequency bands that are no longer in-core television spectrum given the reallocation of channels 38 through 51

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<sup>34</sup> *First Order on Reconsideration*, 30 FCC Rcd 6668 at para. 25.

<sup>35</sup> As part of its ongoing efforts to ensure that its rules are current, the Commission will, in a future proceeding, conduct a review of its rules to delete provisions relating to analog television and update other rules pertaining to television.

<sup>36</sup> See *supra* note 6. See also 47 CFR § 74.731(l) (September 1, 2015 Class A digital conversion deadline); 47 CFR § 74.731(m) (July 13, 2021 LPTV digital conversion deadline). Because these revisions merely eliminate provisions of the rules that are no longer effective and thus obsolete due to the reallocation of TV channel 38 and above as well as the conversion from analog to digital television technology, we find good cause to conclude that notice and comment procedures are unnecessary and would not serve any useful purpose in making these revisions. 5 U.S.C. § 553(b)(3)(B) (providing that notice and comment are not required "when the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest").

<sup>37</sup> 47 CFR § 1.420 (specifying procedures for amending the TV Table of Allotments). Section 73.606(b) was an analog TV Table of Allotments and was made obsolete by the transition to digital TV operations.

<sup>38</sup> *Id.* § 73.622 (the digital television table of allotments).

<sup>39</sup> *Id.* § 73.622(b) (initial DTV Table of Allotments, established on April 3, 1997); 73.622(i) (Post-Transition DTV Table of Allotments, established on December 22, 2007).

<sup>40</sup> *Id.* § 73.606.

<sup>41</sup> Section 73.606 (the analog TV Table of Allotments) is referenced in the statutory definition of a "qualified noncommercial educational television station" that qualifies for must carry rights, although the statute also refers to "any successor regulation" to section 73.606. 47 U.S.C. § 535(l)(1)(B) (defining "qualified noncommercial educational television station" as, among other things, "a full-service station or translator if such station or translator is licensed to a channel reserved for noncommercial educational use pursuant to section 73.606 of title 47, Code of Federal Regulations, or any successor regulations thereto"). See also 47 CFR § 76.55(a)(3)(ii) (same). We therefore designate section 73.622(j), the updated Table of Allotments adopted in this Order, as the "successor regulation" to section 73.606.

through the incentive auction repack and the previous reallocation of channels 52 through 69 at the end of the DTV transition in June 2009,<sup>42</sup> and/or refer to obsolete rule sections 73.606(b), 73.622(b), or 73.622(i) or reference analog TV stations or operations, or otherwise irrelevant information. Specifically, we delete references to the 2018 Table, the obsolete rules sections, and references to channel numbers that are now out-of-core for television stations in each of the following sections: 73.603(a); 73.613(b); 73.614(b)(5), 73.616(a); 73.622(a)(1) and (2), (b), (e)(1) and (2)), (f)(1), (g), (i); 73.623 (a), and (c),<sup>43</sup> and (g); 73.681; 73.687(a)(1) and (4), (e)(3) and (4), (i); 73.699; 73.1690 (a)(8) and (c)(3) and (4); 73.3572 (a)(1) and (4)(ii); 73.6006; 73.6010(a) and (c); 73.7000.<sup>44</sup> We also delete irrelevant information from section 73.625(a).<sup>45</sup> Finally, we delete section 73.3700(f), which sets forth the requirements for filing service rule waiver requests immediately following the close of the incentive auction in 2017.<sup>46</sup> Such waiver requests were required to be submitted no later than May 15, 2017 and all such requests have been disposed of in decisions that are now final.<sup>47</sup>

14. *Part 74, Subpart G – Low Power TV, TV Translator, and TV Booster Stations.* We also amend a number of Part 74 rules that apply to low power and television translator stations to remove references to channels and frequency bands that are no longer in-core television spectrum and/or reference analog TV operations which are no longer permitted. Specifically, we revise sections 74.702(a)(2) and (3), (b); 74.703 (f) and (g); 74.707; 74.735(a), (b), and (c); 74.786 (c) and (d)-(g); 74.787(c); 74.792(a); and 74.795(c)(1).<sup>48</sup>

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<sup>42</sup> See *Reallocation of Television Channels 60-69, the 746-806 MHz Band, ET Docket No. 97-152, Report and Order, 12 FCC Rcd 22953 (1998)*; *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), GN Docket No. 01-74, Report and Order, 17 FCC Rcd 1022 (2002)*.

<sup>43</sup> Specifically, we are amending section 73.623(c) because it pertains to amendments to section 73.622(b) which we are deleting in this Order.

<sup>44</sup> 47 CFR §§ 73.603(a) (numerical designation of television channels); 73.613(b) (protection of Class A TV stations); 73.614 (power and antenna height requirements); 73.616 (post-DTV transition interference protection); 73.622 (digital television table of allotments); 73.623 (DTV applications and changes to DTV allotments); 73.625(a) (DTV coverage of principal community and antenna system); 73.681 (definitions); 73.687 (transmission system requirements); 73.699 (TV engineering charts); 73.1690 (modification of transmission systems); 73.3572 (processing of TV broadcast, Class A TV broadcast, low power TV, TV translators, and TV booster applications); 73.6006 (channel assignments); 73.6010(a) (Class A TV station protected contour); 73.7000 (definition of terms in subpart K of Part 73).

<sup>45</sup> This rule sets forth the community coverage contour signal strength that stations must provide to the entire principal community to be served. The deleted material sets forth the signal strength of a station's noise limited contour, which represents the station's overall coverage, and thus, has no applicability to section 73.625(a) and deleting it does not alter the rule and avoids confusion.

<sup>46</sup> 47 § 73.3700(f). See 47 U.S.C. § 1452(b)(4)(B) (providing that a television licensee may, instead of being reimbursed for relocation costs, receive a waiver of the Commission's "service rules" permitting it to make "flexible use" of its spectrum in order "to provide services other than broadcast television services").

<sup>47</sup> *Channel Reassignment Public Notice*, 32 FCC Rcd 2786, para. 92.

<sup>48</sup> 47 CFR §§ 74.702 (channel assignments); 74.703 (interference); 74.707 (low power TV and TV translator station protection); 74.735 (power limitations); 74.786 (digital channel assignments); 74.787 (digital licensing); 74.792 (digital low power TV and TV translator protected contour); and 74.795 (digital low power TV and TV translator transmission system facilities).

<sup>49</sup> See 5 U.S.C. §§ 601(2) (definition of "rule"), 604(a) (requiring a final regulatory flexibility analysis when an agency promulgates a final rule "after being required ... to publish a general notice of proposed rulemaking").

#### IV. PROCEDURAL MATTERS

15. *Regulatory Flexibility Analysis.* Because these rule changes are being adopted without notice and comment, the Regulatory Flexibility Act, 5 U.S.C. §§ 601 *et seq.*, does not apply.<sup>49</sup>

16. *Paperwork Reduction Act.* This Order does not contain new or substantively modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13 (44 U.S.C. §§ 3501-3520). In addition, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(c)(4).

17. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this Order to Congress and the Government Accountability office, pursuant to 5 U.S.C. § 801(a)(1)(A).

#### V. ORDERING CLAUSES

18. Accordingly, **IT IS ORDERED** that, pursuant to the authority contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(g), (r), and 307(b), and in section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. § 553(b)(3)(B), effective 30 days after the date of publication of this Order in the Federal Register, the Commission’s Rules **ARE AMENDED** as set forth in the Appendix.

19. **IT IS 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 this Order to Congress and to the Government Accountability Office.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary



**APPENDIX****Final Rules**

Deleted text is marked with a strikethrough and bolded other text is currently and remains part of the Commission's rules.

Part 1 of Title 47, Subpart C, Rulemaking Proceeding of the U.S. Code of Regulations is amended to read as follows:

**PART 1**

1. The Authority citation for Part 1 continues to read as follows:

AUTHORITY: 5 U.S.C. 553

2. Section 1.420 is amended by revising paragraphs (a), (g), (h), and (i) as follows:

(a) Comments filed in proceedings for amendment of the FM Table of Allotments (§73.202 of this chapter) or the Television Table of Allotments (§73.~~606~~622(j) of this chapter) which are initiated on a petition for rule making shall be served on petitioner by the person who files the comments

(g) The Commission may modify the license or permit of a UHF TV station to a VHF channel in the same community in the course of the rule making proceeding to amend §73.~~606(b)~~622(j), or it may modify the license or permit of an FM station to another class of channel through notice and comment procedures, if any of the following conditions are met: \* \* \*

(h) Where licensees (or permittees) of television broadcast stations jointly petition to amend §73.~~606(b)~~622(j) and to exchange channels, and where one of the licensees (or permittees) operates on a commercial channel while the other operates on a reserved noncommercial educational channel within the same band, and the stations serve substantially the same market, then the Commission may amend §73.~~606(b)~~622(j) and modify the licenses (or permits) of the petitioners to specify operation on the appropriate channels upon a finding that such action will promote the public interest, convenience, and necessity

(i) In the course of the rule making proceeding to amend §73.202(b) or §73.~~606(b)~~622(j), the Commission may modify the license or permit of an FM or television broadcast station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's or permittee's present assignment.

\*\*\*

Part 73 of Title 47 of the U.S. Code of Federal Regulations is amended to read as follows:

**PART 73 – RADIO BROADCAST SERVICES**

3. The Authority citation for Part 73 continues to read as follows:

AUTHORITY: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

\*\*\*

4. Section 73.603 is amended by revising paragraph (a) as follows to delete references to channels 38 through 69 and 614 through 806 MHz:

(a)

<u>Channel No.</u>	<u>Frequency band (MHz)</u>
2	54-60
3	60-66
4	66-72
5	76-82
6	82-88
7	174-180
8	180-186
9	186-192
10	192-198
11	198-204
12	204-210
13	210-216
14	470-476
15	476-482
16	482-488
17	488-494
18	494-500
19	500-506
20	506-512
21	512-518
22	518-524
23	524-530
24	530-536
25	536-542
26	542-548
27	548-554
28	554-560
29	560-566
30	566-572
31	572-578
32	578-584
33	584-590
34	590-596
35	596-602
36	602-608

\*\*\*

5. Section 73.606 is amended as revised to read as follows:

The table of allotments set forth in Section 73.622~~(i)~~(j) of this Part contains the channels designated for the listed communities in the United States, its Territories, and possessions. Channels designated with an asterisk are assigned for use by noncommercial educational broadcast stations only.

6. Section 73.613 is amended by revising paragraph (b) as follows:

(b) Due to the frequency spacing which exists between TV channels 4 and 5, between channels 6 and 7, and between channels 13 and 14, first-adjacent channel protection standards shall not be applicable to these pairs of channels. Some interference protection requirements of this section only apply to stations transmitting on the UHF TV channels 14 through ~~51~~36 (See § 73.603(a) of this part).

\*\*\*

7. Section 73.614 is amended by revising paragraph (b)(5) as follows:

(b) *Maximum power.* Applications will not be accepted for filing if they specify a power which exceeds the maximum permitted boundaries specified in the following formulas:

(5) Channels 14-~~69~~36 in Zones I, II, and III:

$$ERP_{\text{Max}} = 84.57 - 17.08 * \text{Log}_{10}(\text{HAAT})$$

And,

$$27 \text{ dBk} \leq ERP_{\text{Max}} \leq 37 \text{ dBk}$$

Where:

$ERP_{\text{Max}}$  = Maximum Effective Radiated Power measured in decibels above 1 kW (dBk).

HAAT = Height Above Average Terrain measured in meters.

The boundaries specified are to be used to determine the maximum possible combination of antenna height and  $ERP_{\text{dBk}}$ . When specifying an  $ERP_{\text{dBk}}$  less than that permitted by the lower boundary, any antenna HAAT can be used. Also, for values of antenna HAAT greater than 2,300 meters the maximum ERP is the lower limit specified for each equation.

\*\*\*

8. Section 73.616 is amended by revising paragraph (a) as follows:

(a) A petition to add a new channel to the post-transition DTV Table of Allotments contained in §73.622~~(i)~~(j) of this subpart will not be accepted unless it meets: the DTV-to-DTV geographic spacing requirements of §73.623(d) with respect to all existing DTV allotments in the post-transition DTV Table; the principle community coverage requirements of §73.625(a); the Class A TV and digital Class A TV protection requirements in paragraph (f) of this section; the land mobile protection requirements of §73.623(e); and the FM radio protection requirement of §73.623(f).

\*\*\*

9. Section 73.622 is amended by revising paragraph (a) as follows:

(a) *General.* The following table of allotments contains the digital television (DTV) channel allotments designated for the listed communities in the United States, its Territories, and possessions. ~~The initial DTV Table of Allotments was established on April 3, 1997, to provide a second channel for DTV service for all eligible analog television broadcasters.~~ Requests for addition of new DTV allotments, or requests to change the channels allotted to a community must be made in a petition for rule

making to amend the DTV Table of Allotments. A request to amend the DTV table to change the channel of an allotment in the DTV table will be evaluated for technical acceptability using engineering criteria set forth in §73.623(c). A request to amend the DTV table to add a new allotment will be evaluated for technical acceptability using the geographic spacing criteria set forth in §73.623(d). DTV allotments designated with an asterisk are assigned for use by non-commercial educational broadcast stations only. ~~Stations operating on DTV allotments designated with a “c” are required to comply with paragraph (g) of this section.~~ Rules governing noncommercial educational TV stations are contained in §73.621. Where there is only one technically available channel available in a community, an entity that would be eligible to operate a noncommercial educational broadcast station may, prior to application, initiate a rulemaking proceeding requesting that an unoccupied or new channel in the community be changed or added as reserved only for noncommercial educational broadcasting upon demonstrating that the noncommercial educational proponent would provide a first or second noncommercial educational TV service to 2,000 or more people who constitute 10% of the population within the proposed allocation's noise limited contour.

(1) Petitions requesting the addition of a new allotment must specify a channel in the range of channels 2-5136.

~~(2) Petitions requesting a change in the channel of an initial allotment must specify a channel in the range of channels 2-58.~~

\*\*\*

10. Remove § 73.622(b), (f)(1), (g), and (i). Revise rule to add § 73.622(j).

~~§ 73.622(b) (DTV Table of Allotments)~~

~~————(f)(1) *DTV maximum power and antenna heights.*~~

~~(1) The maximum, or reference, effective radiated power (ERP) and antenna height above average terrain (antenna HAAT) for an allotment included in the initial DTV Table of Allotments are set forth in Appendix B of the *Memorandum Opinion and Order* (referenced in paragraph (c) of this section). In each azimuthal direction, the reference ERP value is based on the antenna HAAT of the corresponding analog TV station and achieving predicted coverage equal to that analog TV station's predicted Grade B contour, as defined in section 73.683.~~

~~(g) *DTV stations operating on channels above an analog TV station.*~~

~~(1) DTV stations operating on a channel allotment designated with a “c” in paragraph (b) of this section must maintain the pilot carrier frequency of the DTV signal 5.082138 MHz above the visual carrier frequency of any analog TV broadcast station that operates on the lower adjacent channel and is located within 88 kilometers. This frequency difference must be maintained within a tolerance of  $\pm 3$  Hz.~~

~~(2) Unless it conflicts with operation complying with paragraph (g)(1) of this section, where a low power television station or TV translator station is operating on the lower adjacent channel within 32 km of the DTV station and notifies the DTV station that it intends to minimize interference by precisely maintaining its carrier frequencies, the DTV station shall cooperate in locking its carrier frequency to a common reference frequency and shall be responsible for any costs relating to its own transmission system in complying with this provision~~

~~(i) Post-Transition of DTV Allotments~~

[Removed]

\*\*\*

11. Section 73.622 is amended by revising paragraph (e)(1) as follows:

(e) *DTV Service Areas.* (1) The service area of a DTV station is the geographic area within the station's noise-limited F(50,90) contour where its signal strength is predicted to exceed the noise-limited service level. The noise-limited contour is the area in which the predicted F(50,90) field strength of the station's signal, in dB above 1 microvolt per meter (dBu) as determined using the method in section 73.625(b) exceeds the following levels (these are the levels at which reception of DTV service is limited by noise):

	dBu
Channels 2-6	28
Channels 7-13	36
Channels 14- <del>69</del> 36	41

\*\*\*

12. Section 73.622 is amended by revising paragraph (e)(2) as follows:

(2) Within this contour, service is considered available at locations where the station's signal strength, as predicted using the terrain dependent Longley-Rice point-to-point propagation model, exceeds the levels above. Guidance for evaluating coverage areas using the Longley-Rice methodology is provided in *OET Bulletin No. 69*. Copies of this document are available on the FCC's website. See <https://www.fcc.gov/general/oet-bulletins-line>.

**Note to paragraph (e)(2): During the transition, in cases where the assigned power of a UHF DTV station in the initial DTV Table is 1000 kW, the Grade B contour of the associated analog television station, as authorized on April 3, 1997, shall be used instead of the noise-limited contour of the DTV station in determining the DTV station's service area. In such cases, the DTV service area is the geographic area within the station's analog Grade B contour where its DTV signal strength is predicted to exceed the noise-limited service level, i.e., 41 dB, as determined using the Longley-Rice methodology.**

\*\*\*

13. Section 73.622(j) Table of TV Allotments is inserted as follows:

Community	Alabama Channel No.
Anniston	9
Bessemer	14
Birmingham	7, *10, 20, 29, 30
Demopolis	*19
Dothan	21, 36
Dozier	*10
Florence	2, *22
Gadsden	26

Gulf Shores	27
Homewood	21
Hoover	33
Huntsville	15, 17, 18, 19, *24
Louisville	*30
Mobile	9, 15, 18, 20, 23, *30
Montgomery	8, 22, *27, 28, 31
Mount Cheaha	*12
Opelika	17
Ozark	33
Selma	25, 34
Troy	19
Tuscaloosa	6, 36
Tuskegee	18

## Alaska

Community	Channel No.
Anchorage	7, *8, 10, 12, 20, *26, 28, 33
Bethel	*3
Fairbanks	7, *9, 18, 26
Juneau	*10, 11
Ketchikan	13
North Pole	20
Sitka	7

## Arizona

Community	Channel No.
Douglas	36
Flagstaff	13, 22, 32
Green Valley	34
Holbrook	*11
Kingman	19
Mesa	18
Phoenix	*8, 10, 15, 17, 20, 24, 26, 27, 29, 33
Prescott	7
Sierra Vista	21
Tolleson	31
Tucson	9, 16, 19, 23, 25, *28, *30, 32
Yuma	11, 13

## Arkansas

Community	Channel No.
Arkadelphia	*13
Camden	18
El Dorado	*10, 27
Eureka Springs	25
Fayetteville	*9, 15
Fort Smith	18, 21, 27
Harrison	31
Hot Springs	16
Jonesboro	18, *20, 27
Little Rock	*7, 12, 22, 28, 30, 32, *36

Mountain View	*13
Pine Bluff	24, 34
Rogers	33
Springdale	29

Community	California Channel No.
Anaheim	12
Arcata	22
Avalon	S
Bakersfield	10, 25, 26, 33
Bishop	20
Calipatria	36
Ceres	*15
Chico	20, 36
Clovis	27
Concord	S
Corona	25
Cotati	*5
El Centro	9, 22
Eureka	3, *11, 17, 28
Fort Bragg	8
Fremont	S
Fresno	7, 20, 30, *32, 34
Garden Grove	S
Hanford	21
Huntington Beach	*S
Inglewood	S
Long Beach	18
Los Angeles	4, 7, 9, 11, 13, *28, 31, 34, 35, 36, *S
Merced	11
Modesto	18
Monterey	32, S
Oakland	31
Ontario	29
Palm Springs	26, 28
Palo Alto	S
Paradise	30
Porterville	23
Rancho Palos Verdes	30
Redding	*9, 15
Riverside	S
Sacramento	*9, 10, 21, 22, 24, 35
Salinas	8, 11
San Bernardino	*5, 24
San Diego	8, 10, 17, 18, *19, 26
San Francisco	7, 12, 20, 28, 29, *30, 32, S, S, *S
San Jose	13, 19, 33, 36, *S
San Luis Obispo	15, 34
San Mateo	*27
Sanger	36
Santa Ana	33

Santa Barbara	21, 27
Santa Maria	19
Stockton	23, 25, 26
Twentynine Palms	23
Vallejo	34
Ventura	S
Visalia	*22, 28
Watsonville	*25

## Colorado

Community	Channel No.
Boulder	32
Broomfield	*13
Castle Rock	15
Colorado Springs	22, 24, 26
Denver	7, 9, 18, *20, 28, 31, *33, 34, 35, 36
Durango	15, *20, 33
Fort Collins	21
Glenwood Springs	23
Grand Junction	2, 7, 12, 15, *18
Greeley	17
Longmont	29
Montrose	13
Pueblo	*8, 25, 27
Steamboat Springs	10
Sterling	23

## Connecticut

Community	Channel No.
Bridgeport	S
Hartford	*30, 34, 36, S
New Britain	31
New Haven	10, S, *S
New London	28
Norwich	*9
Stamford	*21
Waterbury	33

## Delaware

Community	Channel No.
Dover	5
Seaford	*24
Wilmington	2, *13, 34

## District of Columbia

Community	Channel No.
Washington	7, 9, *31, *33, 34, 36, S, S



Florida	
Community	Channel No.
Boca Raton	*25
Boynton Beach	*S
Bradenton	29
Cape Coral	34
Clearwater	21
Clermont	23
Cocoa	*30, 32
Daytona Beach	11, 15
Destin	29
Fort Lauderdale	30
Fort Myers	15, *22, 31
Fort Pierce	*18, 20
Fort Walton Beach	14, 21, 25
Gainesville	8, 16, *36
High Springs	29
Hollywood	24
Jacksonville	*9, 13, 14, 18, 19, 20, *21
Key West	3, 8
Lake Worth	36
Lakeland	18
Leesburg	7, *S
Live Oak	17
Marianna	26
Melbourne	14, 22
Miami	9, 10, 21, 22, 23, *26, 27, 28, *29, 31, 32
Naples	28, 32
New Smyrna Beach	*24
Ocala	31
Orange Park	10
Orlando	26, 27, 28, 33, *34, 35
Palm Beach	7
Panama City	9, 13, 16, *28
Panama City Beach	33
Pensacola	17, *24, 34, 35
Sarasota	24
St. Petersburg	10, 19, S
Stuart	34
Tallahassee	22, 24, 27, *32
Tampa	9, 12, *13, 17, 20, *S
Tequesta	16
Tice	33
Venice	25
West Palm Beach	12, 13, 35

Georgia	
Community	Channel No.
Albany	10, 29
Athens	*7, 18
Atlanta	10, 19, *21, 25, 27, 31, 32, *34, 36
Augusta	27, 28, 36

Bainbridge	19
Baxley	35
Brunswick	24
Chatsworth	*4
Cochran	*9
Columbus	*5, 11, 15, 24, 35
Cordele	34
Dalton	28
Dawson	*7
Macon	13, 26, 30, 33
Monroe	22
Pelham	*6
Perry	23
Rome	16
Savannah	*8, 16, 22, 23
Thomasville	20
Toccoa	24
Valdosta	31
Waycross	*7
Wrens	*6

## Hawaii

Community	Channel No.
Hilo	9, 11, 13, 22, 23
Honolulu	8, *11, *18, 19, 20, 22, 23, *26, 27, 31, 33, 35
Kailua	29
Kailua-Kona	25
Kaneohe	32
Wailuku	7, *10, 12, 16, 21, 24
Waimanalo	15

## Idaho

Community	Channel No.
Boise	7, 15, 20, *21
Caldwell	10
Coeur d'Alene	*18
Filer	*18
Idaho Falls	8, 20, 36
Lewiston	32
Moscow	*12
Nampa	13, 24
Pocatello	*17, 23, 31
Sun Valley	5
Twin Falls	11, *22, 34

## Illinois

Community	Channel No.
Aurora	S
Bloomington	28
Carbondale	*8
Champaign	32, 34
Charleston	*30

Chicago	12, 19, 22, 23, 24, *25, 33, 34, S, *S
Decatur	20, 22
East St. Louis	28
Freeport	9
Galesburg	8
Harrisburg	34
Jacksonville	*18
Joliet	35
Macomb	*36
Marion	30
Moline	*23, 31
Mount Vernon	13
Naperville	S
Olney	*23
Oswego	10
Peoria	24, 25, 26, *35
Quincy	22, 32, *34
Rock Island	4
Rockford	13, 16, 36
Springfield	11, 15, 16
Urbana	*9, 36

## Indiana

Community	Channel No.
Angola	12
Bloomington	27, 28, *33, S
Elkhart	30
Evansville	*9, 12, 22, 26, 28
Fort Wayne	*18, 20, 24, 32, 34
Gary	*17, S
Hammond	21
Indianapolis	7, 9, 13, *21, 22, *23, 25
Kokomo	15
Lafayette	11
Marion	S
Muncie	19
Richmond	S
Salem	16
South Bend	27, 29, *31, 36
Terre Haute	10, 18, 35
Vincennes	*31

## Iowa

Community	Channel No.
Ames	5, 23, *34
Burlington	21
Cedar Rapids	22, 27, 29, 32
Council Bluffs	*33
Davenport	17, 30, *34
Des Moines	8, *11, 13, 16, 19
Dubuque	14
Fort Dodge	*25

Iowa City	*12, 25
Mason City	*18, 24
Newton	36
Ottumwa	15
Red Oak	*35
Sioux City	9, 14, *28, 30, 32
Waterloo	7, *35

## Kansas

Community	Channel No.
Colby	17, *19
Derby	31
Dodge City	*21
Ensign	6
Garden City	11, 13
Goodland	10
Great Bend	22
Hays	7, *16
Hoisington	14
Hutchinson	*8, 19, 35
Lakin	*8
Lawrence	25
Pittsburg	7, 13
Salina	17
Topeka	*11, 12, 13, 16, 27
Wichita	10, 12, 15, 26

## Kentucky

Community	Channel No.
Ashland	13, *36
Beattyville	7
Bowling Green	13, *18, 24, *29
Covington	*22
Danville	19
Elizabethtown	*23
Harlan	S
Hazard	12, *33
Lexington	21, 27, 28, *35
Louisville	8, 11, 14, *30, 32, *34, 36
Madisonville	*31
Morehead	*30
Murray	*17
Newport	15
Owensboro	17
Owenton	*24
Paducah	19, *23, 25
Pikeville	*23
Richmond	25
Somerset	*17

## Louisiana

Community	Channel No.
Alexandria	26, 31, *33, 35
Baton Rouge	9, 13, 24, *25, 34
Columbia	11
Hammond	35
Lafayette	10, 16, *23, 28
Lake Charles	7, 18, *20
Minden	32
Monroe	8, *13
New Iberia	17
New Orleans	15, 19, 21, *23, 26, 27, *28, 29, 33
Shreveport	16, *17, 23, 28, 34
Slidell	17
West Monroe	19, 22

## Maine

Community	Channel No.
Augusta	*10
Bangor	2, 7, 13
Biddeford	*36
Calais	*10
Lewiston	24
Orono	*9
Poland Spring	8
Portland	15, 31, 34
Presque Isle	8, *10
Waterville	17

## Maryland

Community	Channel No.
Annapolis	*21
Baltimore	11, 12, *22, 25, 26, 27, S
Frederick	*28
Hagerstown	23, *29
Oakland	*26
Salisbury	*16, 29, 32
Silver Spring	S

## Massachusetts

Community	Channel No.
Boston	*5, 20, 21, 22, *32, 33, 34, 35
Cambridge	S
Foxborough	S
Lowell	*S
Marlborough	27
New Bedford	24, S
Norwell	10
Pittsfield	7
Springfield	11, *13, 26
Woburn	S
Worcester	19

Michigan	
Community	Channel No.
Alpena	11, *24
Ann Arbor	24
Bad Axe	*15
Battle Creek	17, 21
Bay City	23, 30
Cadillac	9, 32, *34
Calumet	5
Cheboygan	16
Detroit	7, *20, 21, 25, 31, 32, 34
East Lansing	*33
Escanaba	32
Flint	12, 16
Grand Rapids	7, *11, 13, 19
Ishpeming	10
Kalamazoo	*5, 8, 22
Lansing	14, 28, S
Manistee	*20
Marquette	*8, 19, 35
Mount Clemens	27
Mount Pleasant	*26
Muskegon	24
Onondaga	10
Saginaw	18, 36
Sault Ste. Marie	8, 10
Traverse City	29, 35
Vanderbilt	21

Minnesota	
Community	Channel No.
Alexandria	7, 24
Appleton	*10
Austin	*20, 36
Bemidji	*9, 26
Brainerd	*28
Chisholm	11
Crookston	*16
Duluth	*8, 10, 18, 27, 33
Hibbing	13, *31
Mankato	12
Minneapolis	9, 22, 29, 30, 31, 32
Redwood Falls	27
Rochester	10, 26
St. Cloud	16
St. Paul	*23, *34, 35
Thief River Falls	10
Walker	12
Worthington	*15

Mississippi	
Community	Channel No.
Biloxi	*16, 32
Booneville	*9
Bude	*18
Columbus	27
Greenville	15
Greenwood	*25, 32
Gulfport	25
Hattiesburg	22
Holly Springs	26
Jackson	12, 14, *20, 21, 23, 30
Laurel	7
Magee	34
Meridian	13, 24, *28, 31
Mississippi State	*8
Natchez	15
Oxford	*36
Senatobia	*S
Tupelo	11, 17
Vicksburg	36
West Point	16

Missouri	
Community	Channel No.
Cape Girardeau	32, 36
Columbia	17, 27
Hannibal	22
Jefferson City	20, 29
Joplin	17, 23, *35
Kansas City	*18, 24, 29, 30, 31, 32, 34, 36
Kirksville	33
Osage Beach	22
Poplar Bluff	15
Sedalia	15
Springfield	10, *16, 19, 28
St. Joseph	7, 21
St. Louis	14, *23, 24, 26, 31, 33, 35

Montana	
Community	Channel No.
Billings	10, 11, *16, 18
Bozeman	*8, 13
Butte	5, 19, 20, 24
Glendive	5
Great Falls	7, 8, 17, *21, 26
Hardin	22
Havre	9
Helena	12, 29
Kalispell	9, *15
Miles City	3
Missoula	7, *11, 20, 23

## Nebraska

Community	Channel No.
Alliance	*13
Bassett	*7
Grand Island	11
Hastings	5, *28
Hayes Center	6
Kearney	18
Lexington	*26
Lincoln	8, 10, *12, 15
McCook	12
Merriman	*12
Norfolk	*19
North Platte	2, *9
Omaha	*17, 20, 22, 26, 29, 31
Scottsbluff	29
Sidney	7
York	24

## Nevada

Community	Channel No.
Elko	10
Ely	27
Henderson	9
Las Vegas	2, 7, *11, 13, 16, 22, 29
Laughlin	32
Paradise	20
Reno	8, 11, 12, *15, 20, 23, 26
Tonopah	9
Winnemucca	7

## New Hampshire

Community	Channel No.
Concord	23
Derry	S
Durham	*11
Keene	*18
Littleton	*23
Manchester	9
Merrimack	29

## New Jersey

Community	Channel No.
Atlantic City	4
Camden	*23
Jersey City	S
Linden	35
Middletown Township	3
Millville	S
Montclair	*S
Mount Laurel	S
New Brunswick	*8



Newark	12, 26
Newton	18
Paterson	S
Princeton	S
Secaucus	25
Trenton	*S
Vineland	S
Wildwood	36

## New Mexico

Community	Channel No.
Albuquerque	7, 13, 16, *17, 22, 24, 26, *35, 36
Carlsbad	19, 25
Clovis	12
Farmington	12
Hobbs	29
Las Cruces	*23, 26
Portales	*32
Roswell	8, 10, 21, 27
Santa Fe	*8, 10, 27, 29
Silver City	10, 12

## New York

Community	Channel No.
Albany	8, 12, 24
Amsterdam	19
Batavia	24
Binghamton	7, 8, 27, *31
Buffalo	16, *31, 32, 33, 34, 36, S
Carthage	8
Corning	*25, 30
Elmira	23, 35
Garden City	*32
Ithaca	13
Jamestown	5
New Rochelle	S
New York	7, 11, *24, 27, 34, 36, S
Norwood	*23
Plattsburgh	14, *36
Riverhead	29
Rochester	9, 10, 21, *22, 28
Saranac Lake	34
Schenectady	22, *25, 35
Smithtown	23
Springville	7
Syracuse	14, 15, 17, 18, 19, *20, 36
Utica	29, 30, 34
Watertown	*26, 31

## North Carolina

Community	Channel No.
Archer Lodge	S
Asheville	13, *20, S
Belmont	25
Burlington	26
Chapel Hill	*20
Charlotte	*9, 18, 19, 23, 24
Concord	*21
Durham	9, 14
Edenton	*29
Fayetteville	22
Goldsboro	8
Greensboro	28, 35, S
Greenville	12, 19, *25, 36
Hickory	14
High Point	31
Jacksonville	16, *28
Kannapolis	32
Lexington	S
Linville	*36
Lumberton	*30
Manteo	13
New Bern	10
Raleigh	15, 17, 18
Roanoke Rapids	*27
Rocky Mount	32
Wake Forest	S
Washington	34
Wilmington	*21, 23, 24, 29
Winston-Salem	16, 29, *33

## North Dakota

Community	Channel No.
Bismarck	12, 17, *22, 26, 31
Devils Lake	8, *25
Dickinson	7, *9, 19
Ellendale	*20
Fargo	*13, 19, 21, 36
Grand Forks	*15, 27
Jamestown	7
Minot	10, 13, 14, *15, 24
Pembina	12
Valley City	24
Williston	8, *11, 14

## Ohio

Community	Channel No.
Akron	17, 22, *24
Alliance	*29
Athens	*32
Bowling Green	*22

Cambridge	*6
Canton	S, S
Chillicothe	23
Cincinnati	12, *17, 18, 20, 26
Cleveland	8, 15, 19, *35, 36
Columbus	14, *16, 21, 27, 28
Dayton	31, 33, 34, *35, 36
Lima	4, 8
London	S
Lorain	S
Mansfield	12
Oxford	*29
Portsmouth	15
Sandusky	3
Shaker Heights	10
Springfield	S
Steubenville	9
Toledo	5, 11, 13, 23, 26, *29
Youngstown	31, 33, S
Zanesville	30

## Oklahoma

Community	Channel No.
Ada	17
Bartlesville	36
Cheyenne	*8
Claremore	*32
Eufaula	*31
Lawton	11
Muskogee	20
Norman	16
Oklahoma City	7, *13, 15, 18, 19, 23, 24, 25, 27, 33
Okmulgee	28
Shawnee	29
Tulsa	8, 10, *11, 12, 16, 22, 26, 34
Woodward	35

## Oregon

Community	Channel No.
Bend	*11, 18, 21
Coos Bay	11, 22
Corvallis	*7
Eugene	9, 17, 28, *29, 31
Grants Pass	30
Klamath Falls	13, 29, *33
La Grande	*13, 16
Medford	5, *8, 10, 12, 26
Pendleton	11
Portland	*10, 12, 24, 25, 26, 32
Roseburg	18, 19, 36
Salem	22, 33

## Pennsylvania

Community	Channel No.
Allentown	S, *S
Altoona	6, 24, 31
Bethlehem	9
Clearfield	*15
Erie	12, 21, 26, *27, 28
Greensburg	28
Harrisburg	10, 32, *36
Hazleton	22
Jeannette	11
Johnstown	8, 35
Lancaster	8, S
Philadelphia	6, 17, 28, 30, 31, 33, *S
Pittsburgh	*4, 16, 20, 21, 23, 25, 27
Red Lion	S
Scranton	12, 21, 33, 34, *S
Wilkes-Barre	11
Williamsport	29
Willow Grove	S
York	S

## Rhode Island

Community	Channel No.
Newport	17
Providence	*2, 7, 12, 25

## South Carolina

Community	Channel No.
Allendale	*21
Anderson	35
Beaufort	*32
Charleston	17, 19, 20, *24, 25, 34
Columbia	7, 10, 15, 22, 25, *33
Conway	*28
Florence	13, *16, 26, 27
Greenville	2, *8, 17, 30
Greenwood	*26
Hardeeville	26
Myrtle Beach	32, 36
Rock Hill	34, S
Spartanburg	11, *S
Sumter	*29, 31

## South Dakota

Community	Channel No.
Aberdeen	9, *17
Brookings	*8
Eagle Butte	*13
Florence	3
Huron	12
Lead	5, 10

Lowry	*11
Martin	*8
Mitchell	26
Pierre	*10, 19
Rapid City	2, 7, 16, 21, *26
Reliance	13
Sioux Falls	7, 11, 13, 21, *24, 36
Vermillion	*34

## Tennessee

Community	Channel No.
Chattanooga	8, 9, 13, 14, *35
Cleveland	23
Cookeville	*22
Crossville	31
Franklin	32
Greeneville	28
Hendersonville	33
Jackson	21, 35
Jellico	18
Johnson City	9
Kingsport	32
Knoxville	7, 10, 15, 26, *29, 34
Lebanon	25
Lexington	*27
Memphis	5, 13, 23, 25, 28, *29, 31, 33
Murfreesboro	16
Nashville	*7, 10, 20, 21, 27, 30, 36
Sneedville	*24
Tazewell	36

## Texas

Community	Channel No.
Abilene	15, 29, 30
Alvin	36
Amarillo	*9, 10, 15, 19, 20
Arlington	25
Austin	7, 21, *22, 23, 33, 34
Baytown	31
Beaumont	12, 15, *29
Belton	17
Big Spring	33
Blanco	18
Borger	31
Bryan	24
College Station	16, 29
Conroe	*12
Corpus Christi	8, 10, 19, *23, 26, 27
Dallas	8, *14, 21, 27, 32, 35, 36
Decatur	30
Del Rio	28
Denton	*29

Eagle Pass	18
El Paso	*13, 15, 16, 17, 18, 20, *21, 25
Farwell	18
Fort Worth	9, 18, 19, 24
Fredericksburg	8
Galveston	22, *23
Garland	33
Greenville	23
Harlingen	16, 18, *21
Houston	*8, 11, 13, 19, 21, *24, 26, 34, 35
Irving	34
Jacksonville	22
Katy	25
Kerrville	32
Killeen	13
Lake Dallas	31
Laredo	8, 19
Llano	27
Longview	20, S
Lubbock	16, *25, 27, 31, 35, 36
Lufkin	9
McAllen	17
Midland	18, 26
Nacogdoches	15
Odessa	7, 9, 15, 23, *28, 30
Port Arthur	27
Rio Grande	14
Rosenberg	30
San Angelo	11, 16, 19
San Antonio	*9, 12, 15, *16, 24, 28, 29, 30
Sherman	12
Snyder	17
Sweetwater	20
Temple	9
Texarkana	26
Tyler	7
Uvalde	26
Victoria	11, 20
Waco	10, *20, 26, 28
Weslaco	13
Wichita Falls	15, 22, 28
Wolfforth	23

## Utah

Community	Channel No.
Cedar City	14
Logan	12
Ogden	24, 35, *36
Price	11
Provo	*17, 29, 32
Richfield	*19
Salt Lake City	19, 20, 23, *27, 28, 30, 34

St. George	*18, 21
Vernal	16

## Vermont

Community	Channel No.
Burlington	7, 16, 20, *32
Montpelier	S
Rutland	*10
St. Johnsbury	*28
Windsor	*S

## Virginia

Community	Channel No.
Arlington	15
Ashland	8
Bristol	35
Charlottesville	2, *26, 32
Culpeper	*S
Danville	S
Grundy	14
Hampton	11
Hampton-Norfolk	*31
Harrisonburg	20
Lynchburg	7, 21
Manassas	35
New Market	*S
Norfolk	16, 32, 33
Petersburg	28
Portsmouth	19, 20
Richmond	10, *22, 23, 24, *29
Roanoke	*3, 27, 30, 34, 36
Spotsylvania	*S
Staunton	*12
Virginia Beach	7, 21

## Washington

Community	Channel No.
Bellevue	24, 33
Bellingham	14, 19
Centralia	*19
Everett	31
Kennewick	27
Pasco	18
Pullman	*10, 24
Richland	*22, 26
Seattle	*9, 16, 23, 25, 30, 36
Spokane	*7, 13, 15, 20, 28, 34, 36
Tacoma	11, 13, 21, *27, *34
Vancouver	30
Walla Walla	9
Yakima	14, 16, *21, 33

## West Virginia

Community	Channel No.
Bluefield	17, 25
Charleston	18, 24, 29
Clarksburg	12, 13
Grandview	*8
Huntington	*9, 10, 22
Lewisburg	11
Martinsburg	13
Morgantown	*34
Oak Hill	31
Parkersburg	35
Weston	5
Wheeling	7

## Wisconsin

Community	Channel No.
Antigo	19
Appleton	36
Chippewa Falls	21
Crandon	13
Eagle River	26, 28
Eau Claire	17, 25
Fond du Lac	5
Green Bay	14, 18, 22, 23, *25
Janesville	21
Kenosha	30
La Crosse	8, *15, 28, 33
Madison	11, 18, 19, *20, 26
Mayville	34
Menomonie	*27
Milwaukee	*8, 27, 28, 29, 31, 32, S, *S
Park Falls	*36
Racine	S
Rhineland	16
Superior	19
Suring	15
Wausau	7, 9, *24
Wittenberg	31

## Wyoming

Community	Channel No.
Casper	*8, 12, 14, 17, 20
Cheyenne	11, 27, 30
Jackson	11
Lander	7, *8
Laramie	*8
Rawlins	9
Riverton	10
Rock Springs	13
Sheridan	7, 13



Guam	
Community	Channel No.
Hagåtña	8, 12
Tamuning	14
Puerto Rico	
Community	Channel No.
Aguada	25
Aguadilla	12, 17
Arecibo	35
Bayamón	S
Caguas	11, *24
Carolina	30
Fajardo	13, *15, 16
Guayama	34
Humacao	23
Mayagüez	20, 29, 31, 32
Naranjito	18
Ponce	7, 9, 14, *19, 36, S
San Juan	21, *26, 27, 28, S
San Sebastián	33
Toa Baja	*S
Yauco	S
US Virgin Islands	
Community	Channel No.
Charlotte Amalie	17, 21, *36
Christiansted	20, 23

\*\*\*

14. Section 73.623 is amended by revising paragraph (a) as follows and deleting paragraphs (c) and (g).

(a) *General.* This section contains the technical criteria for evaluating applications requesting DTV facilities that do not conform to the provisions of §73.622 and petitions for rule making to amend the ~~pre-transition~~ DTV Table of Allotments (§73.622(bj)). Petitions to amend the DTV Table (other than those also expressly requesting amendment of this section) and applications for new DTV broadcast stations or for changes in authorized DTV stations filed pursuant to this section will not be accepted for filing if they fail to comply with the requirements of this section. Petitions for rule making and applications seeking facilities that will operate after the end of the DTV transition must also comply with §73.616.

~~(e) Minimum technical criteria for modification of DTV allotments included in the initial DTV Table of Allotments and for applications filed pursuant to this section~~

~~(g) Negotiated agreements on interference. Notwithstanding the minimum technical criteria for DTV allotments specified above, DTV stations operating on allotments that are included in the initial DTV Table may: operate with increased ERP and/or antenna HAAT that would result in additional interference to another DTV station or an analog TV station if that station agrees, in writing, to accept the additional interference; and/or implement an exchange of channel allotments between two or more licensees or permittees of TV stations in the same community, the same~~

~~market, or in adjacent markets provided, however, that the other requirements of this section and of section 73.622 are met with respect to each such application. Such agreements must be submitted with the application for authority to construct or modify the affected DTV station or stations. The larger service area resulting from a negotiated change in ERP and/or antenna HAAT will be protected in accordance with the provisions of paragraph (c) of this section. Negotiated agreements under this paragraph can include the exchange of money or other considerations from one station to another, including payments to and from noncommercial television stations assigned reserved channels. Applications submitted pursuant to the provisions of this paragraph will be granted only if the Commission finds that such action is consistent with the public interest.~~

[Removed]

\*\*\*

15. Section 73.625 is amended by revising paragraph (a) as follows:

(a) *Transmitter location.* (1) The DTV transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, the following minimum F(50,90) field strength in dB above one uV/m will be provided over the entire principal community to be served:

Channels 2-6	35 dBu
Channels 7-13	43 dBu
Channels 14- <del>69</del> 36	48 dBu
<b>Channels 2-6</b>	<b>28 dBu</b>
<b>Channels 7-13</b>	<b>36 dBu</b>
<b>Channels 14-<del>69</del></b>	<b>41 dBu</b>

\*\*\*

16. Section 73.681 is amended by revising the definition of *Television broadcast band* as follows:

*Television broadcast band.* The frequencies in the band extending from 54 to ~~806~~608 megahertz which are assignable to television broadcast stations. These frequencies are 54 to 72 megahertz (channels 2 through 4), 76 to 88 megahertz (channels 5 and 6), 174 to 216 megahertz (channels 7 through 13), and 470 to ~~806~~608 megahertz (channels 14 through ~~69~~36).

\*\*\*

17. Section 73.687 is amended by revising paragraphs (a)(1) and (4), (e)(3) and (4), and (i) as follows:

(a) *Visual transmitter.* (1) The field strength or voltage of the lower sideband, as radiated or dissipated and measured as described in paragraph (a)(2) of this section, shall not be greater than -20 dB for a modulating frequency of 1.25 MHz or greater and in addition, for color, shall not be greater than -42 dB for a modulating frequency of 3.579545 MHz (the color subcarrier frequency). For both monochrome and color, the field strength or voltage of the upper sideband as radiated or dissipated and measured as described in paragraph (a)(2) of this section shall not be greater than -20 dB for a modulating frequency of 4.75 MHz or greater. For stations operating on Channels 15-~~69~~36 and employing a transmitter delivering maximum peak visual power output of 1 kW or less, the field strength or voltage of the upper and lower sidebands, as radiated or dissipated and measured as described in

paragraph (a)(2) of this section, shall depart from the visual amplitude characteristic (Figure 5a of §73.699) by no more than the following amounts:

\*\*\*

(4) The radio frequency signal, as radiated, shall have an envelope as would be produced by a modulating signal in conformity with §73.682 and Figure 6 or 7 of §73.699, as modified by vestigial sideband operation specified in Figure 5 of §73.699. For stations operating on Channels 15-~~69~~36 the radio frequency signal as radiated, shall have an envelope as would be produced by a modulating signal in conformity with §73.682 and Figure 6 or 7 of §73.699.

\*\*\*

(e)(3) TV broadcast stations operating on Channel 14 ~~and Channel 69~~ must take special precautions to avoid interference to adjacent spectrum land mobile radio service facilities. Where a TV station is authorized and operating prior to the authorization and operation of the land mobile facility, a Channel 14 station must attenuate its emissions within the frequency range 467 to 470 MHz ~~and a Channel 69 station must attenuate its emissions within the frequency range 806 to 809 MHz~~ if necessary to permit reasonable use of the adjacent frequencies by land mobile licensees.

(e)(4) The requirements listed below apply to permittees authorized to construct a new station on TV Channel 14 ~~or TV Channel 69~~, and to licensees authorized to change the channel of an existing station to Channel 14 ~~or to Channel 69~~, to increase effective radiated power (ERP) (including any change in directional antenna characteristics that results in an increase in ERP in any direction), or to change the transmitting location of an existing station.

(i) For the purposes of this paragraph, a protected land mobile facility is a receiver that is intended to receive transmissions from licensed land mobile stations within the frequency band below 470 MHz ~~(as relates to Channel 14) or above 806 MHz (as relates to Channel 69)~~, and is associated with one or more land mobile stations for which a license has been issued by the Commission, or a proper application has been received by the Commission prior to the date of the filing of the TV construction permit application. However, a land mobile facility will not be protected if it is proposed in an application that is denied or dismissed and that action is no longer subject to Commission review. Further, if the land mobile station is not operating when the TV facility commences operation and it does not commence operation within the time permitted by its authorization in accordance with part 90 of this chapter, it will not be protected.

\*\*\*

18. Section 73.699 is amended to revise Figures 10b and 10c to delete “Channels 14 – 69” and replace with “Channels 14 – 36.”

\*\*\*

19. Section 73.1690 is amended to revise paragraphs (a)(8) and (c)(3) and (4) as follows:

(a)(8) A commercial TV or noncommercial educational TV station operating on Channels 14 ~~or Channel 69~~ or a Class A TV station on Channel 14 may increase its horizontally or vertically polarized ERP only after the grant of a construction permit. A television or Class A television station on Channels 15 through 21 within 341 km of a cochannel land mobile operation, or 225 km of a first-adjacent channel land mobile operation, must also obtain a construction permit before increasing the horizontally or vertically polarized ERP (see part 74, §74.709(a) and (b) for tables of urban areas and corresponding

reference coordinates of potentially affected land mobile operations).

\*\*\*

(c)(3) A directional TV on Channels 2 through 13 or 22 through ~~68~~36 or a directional Class A TV on Channels 2 through 13 or 22 through ~~51~~36, or a directional TV or Class A TV station on Channels 15 through 21 which is in excess of 341 km (212 miles) from a cochannel land mobile operation or in excess of 225 km (140 miles) from a first-adjacent channel land mobile operation (*see* part 74, §74.709(a) and (b) for tables of urban areas and reference coordinates of potentially affected land mobile operations), may replace a directional TV or Class A TV antenna by a license modification application, if the proposed horizontal theoretical directional antenna pattern does not exceed the licensed horizontal directional antenna pattern at any azimuth and where no change in effective radiated power will result. The modification of license application on Form 302-TV or Form 302-CA must contain all of the data set forth in §73.685(f) or §73.6025(a), as applicable.

\*\*\*

(4) Commercial and noncommercial educational FM stations operating on Channels 221 through 300 (except Class D), ~~NTSC TV stations operating on Channels 2 through 13 and 22 through 68~~, Class A TV stations operating on Channels 2 through 13 and 22 through ~~51~~36, and TV and Class A TV stations operating on Channels 15 through 21 that are in excess of 341 km (212 miles) from a cochannel land mobile operation or in excess of 225 km (140 miles) from a first-adjacent channel land mobile operation (*see* part 74, §74.709(a) and (b) for tables of urban areas and reference coordinates of potentially affected land mobile operations), which operate omnidirectionally, may increase the vertically polarized effective radiated power up to the authorized horizontally polarized effective radiated power in a license modification application. Noncommercial educational FM licensees and permittees on Channels 201 through 220, that do not use separate antennas mounted at different heights for the horizontally polarized ERP and the vertically polarized ERP, and are located in excess of the separations from a Channel 6 television station listed in Table A of §73.525(a)(1), may also increase the vertical ERP, up to (but not exceeding) the authorized horizontally polarized ERP via a license modification application. Program test operations may commence at full power pursuant to §73.1620(a)(1).

\*\*\*

20. Section 73.3572 is amended to revise paragraph (a)(1) and (4)(ii) as follows:

(a) Applications for TV stations are divided into two groups:

(1) In the first group are applications for new stations or major changes in the facilities of authorized stations. A major change for TV broadcast stations authorized under this part is any change in frequency or community of license which is in accord with a present allotment contained in the Table of Allotments (§73.~~606~~622(j)). Other requests for change in frequency or community of license for TV broadcast stations must first be submitted in the form of a petition for rulemaking to amend the Table of Allotments.

(4)(ii) Provided further, that a low power TV or TV translator or TV booster station ~~authorized on a channel from channel 52 to 69, or~~ which is causing or receiving interference or is predicted to cause or receive interference to or from an authorized DTV station pursuant to §74.706 of this chapter, or which is located within the distances specified in paragraph (4)(iv) of this section to the coordinates of co-channel DTV authorizations (or allotment table coordinates if there are no authorized facilities at different coordinates), may at any time file a displacement relief application for a change in output channel, together with any technical modifications which are necessary to avoid interference or continue serving

the station's protected service area. Such an application will not be considered as an application for a major change in those facilities. Where such an application is mutually exclusive with applications for new low power TV, TV translator or TV booster stations, or with other nondisplacement relief applications for facilities modifications of Class A TV, low power TV, TV translator or TV booster stations, priority will be afforded to the displacement application(s) to the exclusion of other applications, **provided the permittee or licensee had tendered its initial application for a new LPTV or TV translator station to operate on channels 52-56 prior to the August 2000 filing window.**

\*\*\*

21. Section 73.3700 is amended to delete paragraph (f).

(f) ~~Service rule waiver~~

~~(1) Waiver requests.~~

~~(i) A broadcast television station licensee described in paragraph (e)(1)(i) of this section may file a request with the Chief, Media Bureau for a waiver of the Commission's service rules pursuant to section 6403(b)(4)(B) of the *Spectrum Act* during a 30-day window commencing upon the date that the Channel Reassignment Public Notice is released.~~

~~(ii) A broadcast television station licensee may request that a waiver be granted on a temporary or permanent basis.~~

~~(2) A licensee will have 10 days following a grant of the waiver to notify the Commission whether it accepts the terms of the waiver.~~

~~(3) A licensee is required to meet all requirements for receiving payment of relocation costs under section 6403(b)(4) of the *Spectrum Act* established by the Commission, including the requirements of paragraph (e) of this section, until its waiver request is granted and the licensee accepts the terms of the waiver.~~

~~(4) A licensee that is granted and accepts the terms of the waiver or a licensee with a pending waiver application must comply with all filing and notification requirements, construction schedules, and other post-auction transition deadlines set forth in paragraphs (b), (c), and (d) of this section.~~

[Removed]

\*\*\*

22. Section 73.6006 is amended to revise as follows:

Class A TV stations will not be authorized ~~on UHF TV channels 5237 through 69, or~~ on channels unavailable for TV broadcast station use pursuant to §73.603 of this part.

\*\*\*

23. Section 73.6010 is amended to delete paragraph (a) and revise paragraph (c) as follows:

(a) ~~A Class A TV station will be protected from interference within the following predicted signal contours:~~

~~(1) 62 dBu for stations on Channels 2 through 6;~~

~~(2) 68 dBu for stations on Channels 7 through 13; and~~

~~(3) 74 dBu for stations on Channels 14 through 51.~~

[Removed]

\* \* \*

(c) A digital Class A TV station will be protected from interference within the following predicted signal contours:

(1) 43 dBu for stations on Channels 2 through 6;

(2) 48 dBu for stations on Channels 7 through 13; and

(3) 51 dBu for stations on Channels 14 through 5136.

\*\*\*

24. Section 73.7000 is amended to revise the following definitions:

*Nonreserved (Unreserved) channels.* Channels which are not reserved exclusively for noncommercial educational use, and for which commercial entities could thus be eligible to operate full power stations. Such channels appear without an asterisk designation in the FM Table of Allotments (§73.202) and TV Table of Allotments (§73.~~606~~622(j)). In the event of a request to allocate a nonreserved channel as reserved pursuant to §73.202(a) or §73.~~606(a)~~622(j), the channel remains classified as nonreserved until release of a Commission decision granting such request.

\*\*\*

*Reserved channels.* Channels reserved exclusively for noncommercial educational use, whether by the portion of the spectrum in which they are located (*i.e.* FM channels 200 to 220) or by a case-by-case Commission allotment decision (channels that appear with an asterisk designation in the FM Table of Allotments (§73.202) or TV Table of Allotments (§73.~~606~~622(j)).

\*\*\*

25. Section 74.702 is amended to revise paragraphs (a)(2) and (3) and (b) as follows:

(a) An applicant for a new low power TV or TV translator station or for changes in the facilities of an authorized station shall endeavor to select a channel on which its operation is not likely to cause interference. The applications must be specific with regard to the channel requested. Only one channel will be assigned to each station.

\*\*\*

(2) Any one of the UHF Channels from 14 to ~~69~~36, inclusive, may be assigned to a UHF low power TV or TV translator station. In accordance with §73.603(c) of part 73, Channel 37 will not be assigned to such stations.

~~(3) Application for new low power TV or TV translator stations or for changes in existing stations, specifying operation above 806 MHz will not be accepted for filing. License renewals for existing TV translator stations operating on channels 70 (806-812 MHz) through 83 (884-890 MHz) will be granted only on a secondary basis to land mobile radio operations.~~

[Removed]

(b) Changes in the ~~TV Table of Allotments or Digital Television~~ Table of Allotments (§§73.606(b) 622(j) ~~and 73.622(a), respectively~~, of part 73 of this chapter), authorizations to construct new ~~TV broadcast analog or~~ DTV stations or to authorizations to change facilities of existing such stations, may be made without regard to existing or proposed low power TV or TV translator stations. Where such a change results in a low power TV or TV translator station causing actual interference to reception of the ~~TV broadcast analog or~~ DTV station, the licensee or permittee of the low power TV or TV translator station shall eliminate the interference or file an application for a change in channel assignment pursuant to §73.3572 of this chapter.

\*\*\*

26. Section 74.703 is amended to delete paragraphs (f) and (g):

~~(f) It shall be the responsibility of a digital low power TV or TV translator station operating on a channel from channel 52-69 to eliminate at its expense any condition of interference caused to the operation of or services provided by existing and future commercial or public safety wireless licensees in the 700 MHz bands. The offending digital LPTV or translator station must cease operations immediately upon notification by any primary wireless licensee, once it has been established that the digital low power TV or translator station is causing the interference.~~

~~(g) An existing or future wireless licensee in the 700 MHz bands may notify (certified mail, return receipt requested), a digital low power TV or TV translator operating on the same channel or first adjacent channel of its intention to initiate or change wireless operations and the likelihood of interference from the low power TV or translator station within its licensed geographic service area. The notice should describe the facilities, associated service area and operations of the wireless licensee with sufficient detail to permit an evaluation of the likelihood of interference. Upon receipt of such notice, the digital LPTV or TV translator licensee must cease operation within 120 days unless:~~

~~(1) It obtains the agreement of the wireless licensee to continue operations;~~

~~(2) The commencement or modification of wireless service is delayed beyond that period (in which case the period will be extended); or~~

~~(3) The Commission stays the effect of the interference notification, upon request.~~

[Removed]

\*\*\*

27. Section 74.707 is amended to revise paragraph (a)(1) as follows:

A low power TV or TV translator will be protected from interference from other low power TV or TV translator stations, or TV booster stations within the following predicted contours:

- (i) 62 dBu for stations on Channels 2 through 6;
- (ii) 68 dBu for stations on Channels 7 through 13; and
- (iii) 74 dBu for stations on Channels 14 through ~~69~~51.

\*\*\*

28. Section 74.735 is amended to revise paragraphs (a), (b), and (c) as follows:

~~(a) The maximum peak effective radiated power (ERP) of an analog low power TV, TV translator, or TV booster station shall not exceed:~~

~~(1) 3 kW for VHF channels 2-13; and~~

~~(2) 150 kW for UHF channels 14-69.~~

(b) The maximum ERP of a digital low power TV, TV translator, or TV booster station (average power) shall not exceed:

(1) 3 kW for VHF channels 2-13; and

(2) 15 kW for UHF channels 14-~~69~~51

(c) The limits in paragraphs ~~(a) and~~ (b) apply separately to the effective radiated powers that may be obtained by the use of horizontally or vertically polarized transmitting antennas, providing the applicable provisions of §§74.705, 74.706, 74.707 and 74.709 are met. For either omnidirectional or directional antennas, where the ERP values of the vertically and horizontally polarized components are not of equal strength, the ERP limits shall apply to the polarization with the larger ERP. Applications proposing the use of directional antenna systems must be accompanied by the following:

\*\*\*

29. Section 74.786 is amended to revise paragraph (c) as follows and delete paragraphs (d) through (g):

(c) UHF channels 14 to 36 ~~and 38 to 51~~ may be assigned to a UHF digital low power television or television translator station. In accordance with §73.603(c) of this chapter, Channel 37 will not be assigned to such stations.

~~(d) UHF Channels 52-59 may be assigned to a digital low power television or television translator station for use as a digital conversion channel. These channels may also be assigned as a companion digital channel if the applicant is able to demonstrate that a~~



~~suitable in core channel is not available. Stations proposing use of such channels shall notify all potentially affected 700 MHz wireless licensees not later than 30 days prior to the submission of their application (FCC Form 346). Applicants shall notify wireless licensees of the 700 MHz spectrum comprising the same TV channel and the adjacent channel within whose licensed geographic boundaries the digital LPTV or translator station is proposed to be located, and also notify licensees of co-channel and adjacent channel spectrum whose service boundaries lie within 75 miles and 50 miles, respectively, of their proposed station location. Specific information for this purpose can be obtained from the Commission's auction Web site at <http://www.fcc.gov/auctions>.~~

~~(e) UHF Channels 60-69 may be assigned to a digital low power television or television translator station for use as a *digital conversion channel* only. Stations proposing use of such channels shall notify all potentially affect 700 MHz commercial licensees not later than 30 days prior to the submission of their application (FCC Form 346) in the manner provided in paragraph of this section. Stations proposing use of channels 63, 64, 68 and 69 must secure a coordinated spectrum use agreement with the pertinent 700 MHz public safety regional planning committee and state administrator prior to the submission of their application (FCC Form 346). Coordination shall be undertaken with regional planning committee and state administrator of the region and state within which the digital LPTV or translator station is proposed to be located, and those of adjoining regions and states with boundaries within 75 miles of the proposed station location. Stations proposing use of channels 62, 65, and 67 must notify the pertinent regional planning committee and state administrator not later than 30 days prior to the submission of their application (FCC Form 346). Notification shall be made to the regional and state administrators of region and state within which the digital LPTV or translator station is proposed to be located, and those of adjoining regions and states with boundaries within 50 miles of the proposed station location. Information for this purpose is available at the above web site and also at the following internet sites: <http://wireless.fcc.gov/publicsafety700MHzregional.html>, <http://wireless.fcc.gov/publicsafety/700MHz/state.html>, and <http://wireless.fcc.gov/publicsafety/700MHz/interop-contacts.html>.~~

~~(f) Application for new analog low power television or television translator stations specifying operation above Channel 51 will not be accepted for filing. Applications for displacement relief on channels above 51 will continue to be accepted.~~

~~(g) After 11:59 pm local time on December 31, 2011, low power television and TV translator stations may no longer operate any analog (NTSC) or digital facilities above Channel 51.~~

[Removed]

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30. Section 74.787 is amended to delete paragraph (c):

~~(e) Not later than 11:59 pm local time on September 1, 2011, low power television or TV translator stations operating analog (NTSC) or digital facilities above Channel 51, that have not already done so, must file a digital displacement application for a channel below Channel 52 pursuant to the procedures in subsection (a)(4) of this rule. Low power television and TV translator stations operating analog (NTSC) or digital facilities above Channel 51 that have not submitted a digital displacement application by 11:59 pm local time on September 1, 2011 will be required to cease operations altogether by December 31, 2011. These stations' authorization for facilities above Channel 51 shall be cancelled. Any digital displacement application submitted by a low power television or TV translator station operating analog (NTSC) or digital facilities above Channel 51~~

~~that is submitted after 11:59 pm local time on September 1, 2011 will be dismissed. In addition, any outstanding construction permit (analog or digital) for an channel above Channel 51 will be rescinded on December 31, 2011, and any pending application (analog or digital) for a channel above Channel 51 will be dismissed on December 31, 2011, if the permittee has not submitted a digital displacement application by 11:59 pm local on September 1, 2011.~~

[Removed]

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31. Section 74.792 is amended to revise paragraph (a) as follows:

A digital low power TV or TV translator will be protected from interference from other low power TV, TV translator, Class A TV or TV booster stations or digital low power TV, TV translator or Class A TV stations within the following predicted contours:

- (1) 43 dBu for stations on Channels 2 through 6;
- (2) 48 dBu for stations on Channels 7 through 13; and
- (3) 51 dBu for stations on Channels 14 through ~~69~~51.

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32. Section 74.795 is amended to revise paragraph (c)(1) as follows:

(c) The following additional requirements apply to digital heterodyne translators:

- (1) The maximum rated power output (digital average power over a 6 MHz channel) shall not exceed 30 watts for transmitters operating on channels 14-~~69~~51 and 3 watts for transmitters operating on channels 2-13; and

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