

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

In the Matter of	)	
	)	
	)	
Amendment of Section 73.622(i)	)	MB Docket No. 18-383
Post-Transition Table of DTV Allotments	)	RM-11822
(Cookeville and Franklin, Tennessee)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: March 6, 2019**

**Released: March 6, 2019**

By the Chief, Video Division, Media Bureau:

**I. INTRODUCTION**

1. At the request of ION Media License Company, LLC (ION), licensee of digital television station WNPX-TV, channel 36, Cookeville, Tennessee (WNPX), the Commission has before it an unopposed *Notice of Proposed Rulemaking (NPRM)* to amend the Post-Transition Table of DTV Allotments to reallocate channel 36 from Cookeville to Franklin, Tennessee.<sup>1</sup> ION filed comments in support of the *NPRM*.<sup>2</sup> For the reasons below, we: (1) grant ION's request to change WNPX's community of license to Franklin, Tennessee; (2) amend the Post-Transition Table of DTV Allotments to reflect the change; (3) modify WNPX's license to reflect that its community of license is Franklin, Tennessee; and (4) condition any authorizations implementing this community of license change on continued service to Cookeville, Tennessee.

**II. BACKGROUND**

1. On December 6, 2018, ION filed a petition for rulemaking proposing to reallocate channel 36 from Cookeville to Franklin<sup>3</sup> pursuant to Section 1.420(i) of the Commission's rules.<sup>4</sup> In the Petition,

<sup>1</sup> *Amendment of Section 73.622(i), Table of Allotments, Post-Transition Table of DTV Allotments (Cookeville and Franklin, Tennessee)*, Notice of Proposed Rulemaking, DA 18-1267 (rel. Dec. 19, 2018).

<sup>2</sup> Comments and Expression of Continued Interest of ION Media License Company, LLC (filed Feb. 15, 2019) (ION Comments).

<sup>3</sup> Petition for Rulemaking of ION Media License Company, LLC (Petition).

<sup>4</sup> See Petition at 1. Section 1.420(i) of the rules provides that the Commission, during a rulemaking proceeding to amend the Table of Allotments, may modify a station's license to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. 47 CFR § 1.420(i); see also *Modification of FM and TV Authorizations to Specify a New Community of License*, Report and Order, 4 FCC Rcd 4870, 4873, para. 22 (1989) (*Change in Community R&O*), *recon. granted in part*, 5 FCC Rcd 7094 (1990) (*Recon MO&O*). The Commission will apply this procedure in the limited circumstances where: (1) the new allotment will be mutually exclusive with a station's existing allotment; (2) the new allotment will result in a preferential arrangement of the allotments according to the Commission's television allotment priorities; and (3) the new allotment will not deprive a community of its sole local transmission outlet. *Change in Community RO&O*, 4 FCC Rcd at 4874, para. 28.

ION claimed that proposed reallocation is mutually exclusive with WNPX's current allotment because it is based on the technical specifications currently authorized for the station.<sup>5</sup> Furthermore, ION stated that the proposed reallocation is consistent with the Commission's second allotment priority because it will provide Franklin with its first local transmission service.<sup>6</sup> ION explained that Franklin not only qualifies as a community for allotment purposes, but is also a larger community than Cookeville and is deserving of its first local transmission service. ION noted that Franklin (population of 62,487, compared to Cookeville's population of 30,435) is the county seat of Williamson County, Tennessee, and has an active government that oversees the city's fourteen departments, including the City of Franklin Fire and Police Departments.<sup>7</sup> ION documented that Franklin has 14 public schools, five local newspapers, eight hospital/medical centers, and over 127 churches.<sup>8</sup> Finally, ION claimed that the proposed reallocation will not deprive Franklin of its sole broadcast station as it will continue to be served by station WCTE(TV), licensed to Upper Cumberland Broadcast Council, on channel \*22 at Cookeville.<sup>9</sup>

2. On December 19, 2018, the Video Division issued the *NPRM*, which concluded that ION provided sufficient information to warrant further consideration of its proposal to amend the DTV Table of Allotments by deleting channel 36 at Cookeville and substituting channel 36 at Franklin.<sup>10</sup> Accordingly, the Video Division sought public comment on whether the Commission should grant the proposed reallocation.<sup>11</sup>

3. On February 15, 2019, ION filed comments expressing continued support for the proposed reallocation.<sup>12</sup> ION reiterated that the proposed reallocation would serve the public interest because it satisfies the Commission's second allotment priority.<sup>13</sup>

### III. DISCUSSION

4. When evaluating such a proposal, the Commission compares the proposed reallocation against the existing allotment to determine whether the change would result in a preferential arrangement of allotments.<sup>14</sup> The Commission will consider any proposal to change the Post-Transition Table of DTV Allotments to be in the public interest if it satisfies one of the Commission's five allotment priorities.<sup>15</sup> Here, we find that the proposal represents a preferential arrangement of allotments pursuant to the Commission's second allotment priority by providing Franklin, the county seat of Williamson County,

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<sup>5</sup> Petition at 2.

<sup>6</sup> *Id.*

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

<sup>8</sup> *Id.* at 3-4.

<sup>9</sup> *Id.* at 4.

<sup>10</sup> *Supra* n.1, para. 4.

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

<sup>12</sup> *Supra* n.2.

<sup>13</sup> ION Comments at 2.

<sup>14</sup> *Amendment of Section 3.606 of the Commission's Rules and Regulations*, Sixth Report and Order, 41 F.C.C. 148, 167-173 (1952).

<sup>15</sup> *Id.* The five allotment priorities are: (1) to provide at least one television service to all parts of the United States; (2) to provide each community with at least one television broadcast station; (3) to provide a choice of at least two television services to all parts of the United States; (4) to provide each community with at least two television broadcast stations; and (5) to assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities. *Id.*

Tennessee, with its first local television service. Moreover, because Cookeville will not be deprived of its sole local service, we believe that grant of the proposed reallocation is in the public interest.<sup>16</sup>

#### IV. ORDERING CLAUSES

5. **ACCORDINGLY, IT IS ORDERED** that the Petition for Rulemaking filed by ION Media Company, LLC, licensee of WNPX-TV, Cookeville, Tennessee, **IS GRANTED**.

6. **IT IS FURTHER ORDERED** that, pursuant to the authority in Sections 154(i), 155(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended,<sup>17</sup> and Sections 0.61, 0.204(b), and 0.283 of the Commission's rules,<sup>18</sup> the DTV Table of Allotments, Section 73.622(i) of the Commission's rules, **IS AMENDED**, with respect to Cookeville and Franklin, Tennessee, to read as follows:

City and State	Channel No.	
	Present	Amended
Cookeville, Tennessee	*22, 36	*22
Franklin, Tennessee	-	36

7. **IT IS FURTHER ORDERED** that the authorization for station WNPX-TV **IS MODIFIED** to reflect that the station's community of license is Franklin, Tennessee.

8. **IT IS FURTHER ORDERED** that any authorization implementing this community of license change **IS CONDITIONED** upon continued service to Cookeville, Tennessee.

9. **IT IS FURTHER ORDERED** that the Commission will send a copy of this order to Congress and the Government Accountability Office pursuant to the Congressional Review Act.<sup>19</sup>

10. **IT IS FURTHER ORDERED** that this proceeding **IS TERMINATED**.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

<sup>16</sup> *Recon MO&O*, 5 FCC Rcd at 7096, paras. 16-17.

<sup>17</sup> 47 U.S.C. §§ 154(i), 155(c)(1), 303(g) and (r), and 307(b).

<sup>18</sup> 47 CFR §§ 0.61, 0.204(b), and 0.283.

<sup>19</sup> 5 U.S.C. §§ 801 *et seq.*