

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

In the Matter of

Amendment of Section 73.622(i),
Post-Transition Table of DTV Allotments,
Television Broadcast Stations
(Anchorage, Alaska)

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MB Docket No. 17-187
RM-11792

REPORT AND ORDER

Adopted: October 31, 2017

Released: October 31, 2017

(Proceeding Terminated)

By the Chief, Video Division, Media Bureau:

1. We hereby grant the request by Gray Television Licensee, LLC (Gray) that the Commission substitute channel 7 for channel 5 for station KYES-TV, Anchorage, Alaska.

2. In response to a petition for rulemaking filed by Gray, the Commission issued a Notice of Proposed Rulemaking.¹ Gray filed comments reaffirming its interest in the proposed channel substitution and stating that if the proposal is granted, it will promptly file an application for the facilities specified in the rulemaking petition and construct the station. No other comments were received. As Gray explained in its petition, the antenna currently used by KYES-TV is a repurposed analog antenna the previous station owner built which provides an inefficient signal. In addition, the current remote transmission site does not have a generator and KYES-TV goes silent when there is a power outage. By moving to sister station KTUU's location, and operating with an existing modern broadband antenna on a high-VHF channel, the station will be able to deliver an improved signal. Gray will also add the KYES-TV signal to the translator network used by KTUU, which will reduce most of the loss of service that would result from the proposed move.²

3. Upon review of the record, we conclude that the public interest will be served by granting Gray's request to substitute channel 7 for channel 5 at Anchorage. Channel 7 can be substituted for channel 5 at Anchorage, Alaska, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules,³ at coordinates 61-25-20 N. and 149-52-28 W. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission's rules⁴ with the following specifications:

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (m)	Service Pop. (thous.)
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¹ *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Anchorage, Alaska)*, Notice of Proposed Rulemaking, 32 FCC Rcd 5622 (Vid. Div. 2017). In the *Notice*, the Video Division waived the current freeze on the acceptance of rulemaking petitions by full power television stations requesting channel substitutions and the filing of modification applications that would increase a station's noise-limited contour beyond the station's currently licensed or authorized facility in April 2013.

² See Gray's Mar. 24, 2017 Petition for Rulemaking at 2-5.

³ 47 CFR § 73.625(a).

⁴ 47 CFR §§ 73.616, 73.623.

Anchorage, Alaska	7	50	240	379
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4. We also conclude that good cause exists to make the channel change effective immediately upon publication in the Federal Register, pursuant to Section 553(d)(3) of the Administrative Procedure Act.⁵ An expedited effective date will allow Gray to promptly construct its channel 7 facility to resolve significant over-the-air reception problems experienced by viewers and help mitigate instances where the station must go silent due to power outages at its current remotely-located site.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b), and 0.283 of the Commission's rules, **IT IS ORDERED**, That effective immediately after the date of publication of this Report and Order in the Federal Register, the Post-Transition Table of DTV Allotments, Section 73.622(i) of the Commission's rules, **IS AMENDED** with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Anchorage, Alaska	7

6. **IT IS FURTHER ORDERED**, That within five days of the effective date of this Order, Gray Television Licensee, LLC shall electronically submit to the Commission a minor change application for a construction permit specifying channel 7 in lieu of channel 5 on Form 2100, Schedule A, using the Commission's Licensing Management System (<https://enterprise.filing.fcc.gov/dataentry/login.html>).

7. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A) .

8. **IT IS FURTHER ORDERED**, That this proceeding **IS TERMINATED**.

9. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Media Bureau, (202) 418-1647.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁵ 5 U.S.C. § 553(d)(3).