

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

In the Matter of)

Amendment of Section 73.622(i),)
Final DTV Table of Allotments,)
Television Broadcast Stations.)
(Amarillo, Texas))

MB Docket No. 09-70
RM-11534

REPORT AND ORDER
(Proceeding Terminated)

Adopted: July 13, 2009

Released: July 14, 2009

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking¹ issued in response to a petition for rulemaking filed by Amarillo Junior College District ("Amarillo Jr. College"), the licensee of noncommercial educational station KACV-DT, DTV channel *8, Amarillo, Texas. Amarillo Jr. College has requested the substitution of DTV channel *9 for DTV channel *8 at Amarillo. Amarillo Jr. College filed comments. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel *9 for DTV channel *8 at Amarillo. According to Amarillo Jr. College, "the technical constraints of operation on DTV [c]hannel *8 at Amarillo, with other DTV facilities operating on the same frequency elsewhere, preclude Amarillo [Jr. College] from improving its facilities at all without a change in DTV channel."² This channel change will permit KACV-DT to provide service to all persons who reside within its analog service area, as well as additional persons that do not presently receive service from the station. Amarillo Jr. College plans to utilize the pre-transition DTV channel 9 facilities of KFDA-DT, Amarillo, Texas, which is now operating its channel 10 post-transition facility.

3. DTV channel *9 can be substituted for DTV channel *8 at Amarillo, Texas, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 35-20-33 N. and 101-49-21 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 rules with the following specifications:³

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (meters)	DTV Service Pop. (thous.)
Amarillo, Texas	*9	30	398	347

4. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to Section 553(d)(3) of the Administrative Procedures

¹ *Amarillo, Texas*, DA 09-1200 (released May 28, 2009).

² *Amarillo Jr. College Petition for Rulemaking* at 1.

³ 47 C.F.R. §§ 73.616 and 73.623.

Act.⁴ An expedited effective date is necessary in this case to ensure that station KACV-DT can provide improved service to the market as quickly as possible.

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 upon the date of publication of this Report and Order in the Federal Register, the DTV Table of 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>
Amarillo, Texas	7, *9, 10, 15, 19

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Amarillo Junior College District, shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV channel *9 in lieu of DTV channel *8.

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 Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁴ 5 U.S.C. § 553(d)(3).