

Federal Communications Commission

WASHINGTON, D.C.

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In the Matter of)
)
Amendment of Section 73.622(b),)
Table of Allotments,)
Digital Television Broadcast Stations.)
(Scottsbluff, Nebraska))

MM Docket No. 00-140
RM-9916

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING

Duhamel Broadcasting Enterprises ("Duhamel"), licensee of television broadcast station KDUH-TV, NTSC Channel 4, Scottsbluff, Nebraska, by its undersigned attorneys and in response to the Commission's Notice of Proposed Rule Making in the above-captioned proceeding, DA 00-1803 (released August 18, 2000) ("NPRM"), hereby files these Comments in support of the NPRM's proposal to substitute DTV Channel 7 for KDUH-TV's assigned DTV Channel 20 at Scottsbluff.

1. Duhamel commenced this proceeding on October 28, 1999 with its filing of a Petition for Rule Making requesting that the Commission amend the digital television Table of Allotments as proposed in the NPRM. In its Petition, Duhamel demonstrated that the proposed channel substitution would comply with the Commission's technical requirements for digital television. Specifically, Duhamel showed that DTV Channel 7 could be substituted for DTV Channel 20 in compliance with the principal community coverage requirements as well as the 2 percent criterion for *de minimis* impact set forth in Sections 73.625(c) and 73.623(c)(2) of the Commission's rules. Moreover, Duhamel demonstrated that the digital channel substitution would serve the public interest by eliminating the necessity of constructing a new tower, installing a larger and more costly transmitter and transmission line, and operating with a considerably higher and more costly output level, thereby permitting Duhamel to allocate more

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of its resources to expeditiously commencing digital service to the Scottsbluff area. The Commission has granted other DTV allotment proposals in similar circumstances. See Albany, Georgia, MM Docket No. 99-319, RM-9756, DA 00-1591, 2000 FCC LEXIS 3742 (July 20, 2000) (granting request to substitute DTV Channel 12 for DTV Channel 30 at Albany, Georgia, because substitution would reduce station's need to modify existing towers or build new ones). Duhamel also demonstrated that adoption of the proposed channel substitution would permit KDUH-TV to serve a greater number of viewers. Duhamel hereby incorporates its Petition by reference.

2. Moreover, Duhamel reiterates its expression of interest in the substitution of DTV Channel 7 for DTV Channel 20 at Scottsbluff. If the proposal set forth in this proceeding is adopted, Duhamel will expeditiously apply for a permit to construct the digital KDUH-TV facilities on Channel 7 and, if authorized, will proceed promptly with the construction and operation of the station.

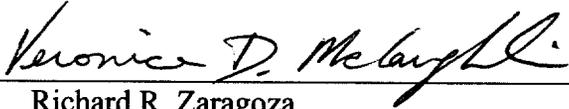
3. Duhamel requests that the Commission act expeditiously to grant the NPRM's proposal in order to allow Duhamel sufficient time to prepare and file its application for a construction permit, receive a grant of that application, order equipment, take delivery, and construct the facilities before the May 1, 2002 deadline.

For the foregoing reasons, Duhamel urges the Commission to immediately adopt the NPRM's proposal to substitute DTV Channel 7 for DTV Channel 20 at Scottsbluff, Nebraska, as the digital channel assigned to KDUH-TV.

Respectfully submitted,

DUHAMEL BROADCASTING ENTERPRISES

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Dated: October 10, 2000

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