

Federal Communications Commission

DA 02-1668

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

In the Matter of)
)
Amendment of Section 73.622(b),)
Table of Allotments,)
Digital Television Broadcast Stations.)
(San Mateo, California))

MB Docket No. 02-84
RM-10339

REPORT AND ORDER
(Proceeding Terminated)

Adopted: July 11, 2002

Released: July 18, 2002

By the Chief, Video Division:

1. At the request of San Mateo County Community College District ("San Mateo Community"), licensee of noncommercial educational station KCSM-TV, NTSC channel *60, San Mateo, California, the Commission has before it the Notice of Proposed Rule Making (Notice), 17 FCC Rcd 7269 (2002), proposing the substitution of DTV channel *43 for station KCSM-TV's assigned DTV channel *59. San Mateo Community filed comments restating its interest in applying for DTV *43, if allotted. No other comments were filed.

2. We believe the public interest would be served by adopting San Mateo Community's proposal since it would save station KCSM-TV from investing unrecoverable capital to construct an out-of-core temporary digital facility. DTV channel *43 can be allotted to San Mateo, California, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 37-45-19 N. and 122-27-06 W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for station KCSM-DT¹ with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
CA San Mateo	*43	1000	444	5476

3. 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 September 3, 2002, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

¹ As stated in the Notice, La Dov Educational Outreach, Inc., filed a proposal requesting the substitution of DTV channel *43 for NTSC channel *52 at Sacramento, California. See Sacramento, California, 17 FCC Rcd 7969 (2002). Although La Dov's proposal would cause 2.2 interference to San Mateo Community's channel substitution proposal, petitioner has agreed to accept the 2.2 percent interference, therefore, we need not address the mutually exclusivity of these two proposals.

<u>City</u>	<u>Channel No.</u>
San Mateo, California	*43

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, San Mateo County Community College District shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV Channel *43 in lieu of DTV Channel *59 for station KCSM-DT.

5. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau