

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

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In the Matter of)
)
)
Amendment of Section 73.622(b),) MB Docket No. 02-271
Table of Allotments,) RM-10441
Digital Television Broadcast Stations.)
(Belton, Texas))
)
)

NOTICE OF PROPOSED RULE MAKING

Adopted: September 4, 2002

Released: September 10, 2002

Comment Date: November 1, 2002
Reply Comment Date: November 18, 2002

By the Chief, Video Division:

1. The Commission has before it a petition for rule making filed by Central Texas College ("Central Texas"), licensee of station KNCT-TV, NTSC channel 46, Belton, Texas. Central Texas requests the substitution of DTV channel 38 for station KNCT-TV's assigned DTV channel 47c.

2. Central Texas states that adoption of its channel substitution proposal will increase the population served by the KNCT-DT and increase the area of coverage over the original channel 47c allotment. Central Texas also states that operation on DTV channel 38 will eliminate interference issues and technical restraints related to the station's current NTSC and DTV adjacent channel allotments.

3. We believe petitioner's proposal warrants consideration. DTV Channel 38 can be substituted for DTV Channel 47c at Belton, Texas, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates 30-59-08 N. and 97-37-51 W. In addition, we find that this channel change 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). We propose to substitute DTV Channel 38 for DTV Channel 47c for station KNCT-DT at Belton with the following specifications:

State & City	DTV Channel	DTV power (kW)	Antenna HAAT (m)
TX Belton	38	200	392.9

4. Accordingly, we seek comments on the proposed amendment of the DTV Table of

which has not been served on the petitioner, constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment, which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Attachment: Appendix

APPENDIX

1. Pursuant to authority found 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 PROPOSED TO AMEND** the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.). The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (*except in broadcast allotment proceedings*). See Electronic Filing of Documents in Rule Making Proceedings, GC Docket No. 97-113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S.