

Federal Communications Commission

DA 04-3473

NOV 5 9 57 AM '04

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

DISPATCH

In the Matter of)	
)	
Amendment of Section 73.606(b),)	MB Docket No. 04-281
Table of Allotments,)	RM-11041
Television Broadcast Stations; and)	
Section 73.622(b), Table of Allotments)	
Digital Broadcast Television Stations.)	
(Mobile, Alabama))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 28, 2004

Released: November 5, 2004

By the Chief, Video Division:

1. At the request of Paxson Communications Corporation and the dismissing applicants (“Applicants”), for a new commercial television to operate on channel 61 at Mobile, Alabama, the Commission has before it the Notice of Proposed Rule Making, 19 FCC Rcd 13835 (2004), proposing the substitution of DTV channel 18 for channel 61 at Mobile.¹ Paxson and TCCM filed comments supporting the channel substitution at Mobile, Alabama.

2. Initially, the Applicants requested the substitution of channel 50 for channel 61. However, after the petition was filed, the Commission adopted an *Order* reallocating the 698-746 MHz Spectrum Band (television channels 52-59) from use by television broadcasters.² In that *Reallocation Report and Order*, the Commission dismissed pending petitions for new NTSC channel allotments on channels 52-59, but provided an opportunity for parties to file a petition for rule making or amendment to their petitions to specify a new NTSC or a DTV channel on channels 2-51 or to propose a DTV allotment. The Applicants amended to their proposal seeking a new DTV channel allotment at Mobile.

3. We believe the public interest would be served by adopting the Applicants’ proposal since it would provide the community of Mobile with a new DTV service. DTV channel 18 can be allotted to Mobile, Alabama, as proposed, in compliance with Sections 73.622(a) and

¹ The Applicants include: Paxson Communications Corporation, Television Capital Corporation of Mobile (“TCCM”), Fant Broadcast Development, LLC and Marri Broadcasting, L.P. (together, Fant and Marri are the dismissing applicants for channel 61. In 1996, TCCM, Fant and Marri filed mutually exclusive applications for a construction permit to operate on NTSC channel 61 at Mobile. In 1998, the three applicants resolved mutual exclusivities and filed, on January 30, 1998, a “Joint Approval of Universal Settlement” seeking grant of the TCCM application and the dismissal of the applications submitted by Fant and Marri. Concurrently, TCCM and Paxson submitted an amendment to the surviving application seeking the substitution of Paxson as the surviving applicant.

² See *Reallocation and Service Rules for 698-746 MHz Spectrum Band (Television Channels 52-59)* (“*Reallocation Report and Order*”), Report and Order in GN Docket No. 01-74, 17 FCC Rcd 1022 (2002).

73.625(a) at coordinates 30-36-45 N. and 87-38-43 W. DTV channel 18 can be allotted with 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>
AL Mobile	18	396	552	1115

4. 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 December 20, 2004, the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Mobile, Alabama	5+, 10+, 15+ 21+, *31, *42

5. IT IS FURTHER ORDERED, That effective December 20, 2004, 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:

<u>City</u>	<u>Channel No.</u>
Mobile, Alabama	9, 18, 20, 27, *41, 47

6. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Paxson Communications Corporation shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 18 in lieu of TV Channel 61 at Mobile.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. 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