

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

In the Matter of)	
)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 08-163
Final DTV Table of Allotments,)	RM-11482
Television Broadcast Stations.)	
(Yuma, Arizona))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 20, 2009

Released: May 27, 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 Pappas Arizona License, LLC ("Pappas"), the licensee of station KSWT(TV), analog channel 13, and the permittee of KSWT-DT, DTV channel 16, Yuma, Arizona, requesting the substitution of its analog channel 13 for post-transition DTV channel 16 at Yuma. Pappas filed comments. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 13 for DTV channel 16. This channel substitution will permit Pappas "to convert its present analog transmitter on channel 13 and use the presently-licensed analog antenna."² Pappas states that this will allow it "to save substantial expenses and will permit the completion of the construction of the Station's post-transition [facility] prior to the end of the DTV transition."³ Moreover, the facility will increase KSWT-DT's service population.

3. DTV channel 13 can be substituted for DTV channel 16 at Yuma, Arizona, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 33-03-17 N. and 114-49-34. Since the proposed facility is located within the Mexican coordination zone, concurrence from the Mexican government has been obtained for this allotment. 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:

City and State	DTV Channel	DTV Power	Antenna HAAT	DTV Service Pop.
		(kW)	(meters)	(thous.)
Yuma, Arizona	13	20	480	324

¹ *Yuma, Arizona*, 23 FCC Rcd 12119 (Vid. Div. 2008).

² *Pappas Petition for Rulemaking* at 2.

³ *Id.*

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 Act.⁴ An expedited effective date is necessary in this case because KSWT-DT requires time to complete construction of its post-transition DTV facility prior to June 12, 2009, the mandatory DTV transition statutory deadline. Without an expedited effective date, persons who presently receive service from KSWT(TV) will lose service when the station ceases its analog operations.⁵

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>
Yuma, Arizona	11, 13

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Pappas Arizona License, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 13 in lieu of DTV channel 16.

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

Clay C. Pendarvis
Associate Chief, Video Division
Media Bureau

⁴ 5 U.S.C. § 553(d)(3).

⁵ Pappas is presently operating on DTV channel 16 at a reduced facility which provides service to only 55% of the population within the protected Grade B contour of KSWT (TV). *See* File No. BDTUCT-20081017ADI, Section III, Question 2.