

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

In the Matter of	)	
	)	
Amendment of Section 73.622(i),	)	MB Docket No. 08-115
Final DTV Table of Allotments,	)	RM-11445
Television Broadcast Stations.	)	
(Omaha, Nebraska)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: December 17, 2008**

**Released: December 18, 2008**

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a petition for rulemaking filed by Mitts Telecasting Company (Mitts), the licensee of KXVO(TV), channel 15, Omaha, Nebraska, and licensee of KXVO-DT, pre-transition digital channel 38 and post-transition digital channel 15, Omaha, Nebraska. Mitts requested the substitution of channel 38 for post-transition digital channel 15 at Omaha, Nebraska. Mitts filed comments in support of its petition for rulemaking. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 38 for channel 15 at Omaha, Nebraska. KXVO-DT was planning to return to its analog channel 15 for post-transition digital operation. However, Mitts sought to remain on its pre-transition digital channel 38 for post-transition operation so that it can enjoy "substantial cost savings while ensuring service to all of the Station's current DTV service population."<sup>2</sup> Mitts' engineering analysis showed that its continued operation on channel 38 would reach a greater number of people than its current allotment on channel 15.<sup>3</sup>

3. DTV channel 38 can be substituted for DTV channel 15 at Omaha, Nebraska, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules,<sup>4</sup> at coordinates 41-04-16 N. and 96-13-31 W. In addition, the channel change meets the technical requirements set forth in Sections 73.616, 73.622(f)(5), and 73.623 of the Commission's rules<sup>5</sup> with the following specifications:

<sup>1</sup> *Omaha, Nebraska*, DA 08-1496 (released October 1, 2008).

<sup>2</sup> Petition for Rulemaking at 2.

<sup>3</sup> *Id.*

<sup>4</sup> 47 C.F.R. § 73.625(a).

<sup>5</sup> 47 C.F.R. §§ 73.616, 73.622(f)(5), and 73.623. Although the proposed channel substitution was predicted to cause impermissible interference to KMEG-DT, Sioux City, Iowa, KMEG-DT consented to the level of predicted interference in an amendment to the petition for rulemaking filed by Mitts on July 23, 2008.

State and City	DTV Channel	DTV Power (kw)	Antenna HAAT (meters)	DTV Service Pop. (thous.)
Omaha, Nebraska	38	490	475	1199

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 30 days after 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>
Omaha, Nebraska	*17, 20, 22, 38, 43, 45

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Mitts Telecasting Company shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 38 in lieu of DTV channel 15.

6. 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).

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

8. For further information concerning the proceeding listed above, contact Shaun A. Maher, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau