

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

In the Matter of	)	
	)	
Amendment of Section 73.622(i),	)	MB Docket No. 08-98
Final DTV Table of Allotments,	)	RM-11435
Television Broadcast Stations.	)	
(Honolulu and Waimanalo, Hawaii)	)	

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: October 21, 2008**

**Released: October 22, 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 joint petition for rulemaking filed by Pacifica Broadcasting Company (PBC), licensee of KALO(TV), channel \*38, Honolulu, Hawaii, and permittee of KALO-DT, DTV channel \*10, Honolulu, Hawaii, and Oceania Christian Church (OCC), licensee of single-channel station KUPU(TV), channel 56, Waimanalo, Hawaii, and post-transition DTV channel 38. PBC and OCC requested the substitution of DTV channel \*38 for channel \*10 at Honolulu, Hawaii, and channel 15 for channel 38 at Waimanalo, Hawaii. PBC and OCC filed joint comments. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel \*38 for channel \*10 at Honolulu, Hawaii, and channel 15 for channel 38 at Waimanalo, Hawaii. PBC has had difficulty obtaining authorization for its DTV facility on Channel \*10 due to the proximity of the Commission's monitoring station at Waipahu, Hawaii.<sup>2</sup> We find that the public interest will be served by allowing PBC to return to its analog channel \*38, since it will expedite construction of its post-transition DTV facilities. The station is already operating on that channel in analog, and PBC should be able to construct and operate a digital facility on that channel with no greater potential for interference to the monitoring station.<sup>3</sup> In addition, KUPU(TV) must also change its post-transition DTV channel. However, OCC has yet to complete construction and begin operating its post-transition DTV facilities on Channel 38 and has agreed to accept channel 15 as its substitute channel for post-transition DTV operations.<sup>4</sup>

3. DTV channel \*38 can be substituted for DTV channel \*10 at Honolulu, Hawaii, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's

<sup>1</sup> *Honolulu and Waimanalo, Hawaii*, DA 08-1485 (released July 21, 2008).

<sup>2</sup> Joint Petition at 2.

<sup>3</sup> *Id.* at 3. PBC's proposed facility is 10.6 kilometers from the monitoring station.

<sup>4</sup> *Id.* at 4.

rules,<sup>5</sup> at coordinates 21-23-45 N. and 158-05-58 W. and DTV channel 15 can be substituted for channel 38 at Waimanalo, Hawaii at coordinates 21-19-23 N. and 157-40-53 W. In addition, we find that these channel changes meet the technical requirements set forth in Sections 73.616 and 73.623 of the Commission's rules with the following specifications:

State and City	DTV Channel	DTV Power (kw)	Antenna HAAT (meters)	DTV Service Pop. (thous.)
Honolulu, Hawaii	*38	262	577	800
Waimanalo, Hawaii	15	12	373	543

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>
Honolulu, Hawaii	8, 9, *11, 19, 23, 27, 31, 33, 35, *38, 40, *43
Waimanalo, Hawaii	15

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Pacifica Broadcasting 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 \*10.

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

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 Shaun A. Maher,

<sup>5</sup> 47 C.F.R. § 73.625(e).

Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
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