

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

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In the Matter of)

Amendment of Section 73.622(i),)
Final DTV Table of Allotments,)
Television Broadcast Stations.)
(Boston, Massachusetts))

MB Docket No. 09-142)
RM-11552)

SEP 17 2009

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 15, 2009

Released: September 16, 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 WHDH-TV, the licensee of station WHDH-TV, channel 7, Boston, Massachusetts. WHDH-TV requests the substitution of its pre-transition DTV channel 42 for its post-transition DTV channel 7 at Boston.² WHDH-TV filed comments reaffirming its interest in the proposed channel substitution. No other comments were received.

2. We believe the public interest would be served by substituting channel 42 for channel 7 at Boston. WHDH-TV operated its pre-transition digital facility on channel 42 for approximately 10 years, until June 12, 2009, when it terminated its pre-transition digital channel 42 operations and commenced post-transition operations on channel 7, which had been its analog channel. According to WHDH-TV, it began receiving "numerous communications from its viewers about difficulty or inability to receive its digital signal on channel 7, apparently consistent with digital reception issues with channel 7 in many other markets."³ It also notes that the proposed channel 42 facility is predicted to serve a larger population than is predicted to receive service from its authorized channel 7 facility.⁴

3. Channel 42 can be substituted for channel 7 at Boston, Massachusetts, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules,⁵ at coordinates 42-18-41 N. and 71-13-0 W. 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:⁶

City and State	Channel	Power (kW)	Antenna (meters)	Service Pop. (thous.)
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¹ Boston, Massachusetts, DA 09-1770 (released August 7, 2009).

² As an interim measure, on June 16, 2009, the Commission granted WHDH-TV Special Temporary Authority to resume operations on digital channel 42. See File No. BDSTA-20090615AEV.

³ Petition for Rulemaking at p. 1.

⁴ See Supplement to Petition for Rulemaking, Engineering Statement at p. 2.

⁵ 47 C.F.R. § 73.625(a).

⁶ 47 C.F.R. §§ 73.616 and 73.623.

Boston, Massachusetts	42	948	288	7,183
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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 from 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>
Boston, Massachusetts	*19, 20, 30, 31, 32, 39, 42, *43

5. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, WHDH-TV shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 42 in lieu of channel 7 at Boston, Massachusetts.

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 Joyce L. Bernstein, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau