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

SEP 15 2009

In the Matter of)

Amendment of Section 73.622(i),
Final DTV Table of Allotments,
Television Broadcast Stations.
(Ann Arbor, Michigan)

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MB Docket No. 09-118
RM-11545

REPORT AND ORDER
(Proceeding Terminated)

Adopted: August 12, 2009

Released: August 18, 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 ION Media Licensee Company, LLC, Debtor-In-Possession ("ION"), the licensee of WPXD-TV, digital channel 31, Ann Arbor, Michigan.² ION requests the substitution of digital channel 50 for digital channel 31 at Ann Arbor. ION 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 DTV channel 50 for DTV channel 31 at Ann Arbor. According to ION, "operation on [c]hannel 50 would allow the [s]tation to better serve the [s]tation's DMA."³ Furthermore, ION explains that the proposed facility will allow a substantial improvement in service as compared to its present licensed facility by providing new service to over 1.8 million additional persons.⁴

3. DTV channel 50 can be substituted for DTV channel 31 at Ann Arbor, Michigan, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 42-29-01 N. and 83-18-44 W. The proposed facility is located within the Canadian coordination zone, and the Canadian government has concurred with 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:⁵

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (meters)	DTV Service Pop (thous.)
Ann Arbor, Michigan	50	345	293	5,232

¹ *Ann Arbor, Michigan*, DA 09-1510 (released July 8, 2009).

² On June 5, 2008, the Commission granted the *pro forma* applications for the assignment of licenses from ION Media Company, LLC to ION Media License Company, LLC, Debtor-In-Possession. The licensee submitted a consummation notice on the same date. See FCC File No. BALCT-20090520AGP, *et. al.*

³ *ION Petition for Rulemaking* at 2.

⁴ *Id.*, Attachment A, Technical Exhibit, at 2.

⁵ 47 C.F.R. §§ 73.616 and 73.623.

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.⁶ An expedited effective date is necessary in this case to ensure that station WPXD-TV can provide improved service to its market as quickly as possible.

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>
Ann Arbor, Michigan	50

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, ION Media Licensee Company, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 50 in lieu of DTV channel 31.

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

⁶ 5 U.S.C. § 553(d)(3).