

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

In the Matter of)	
)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 08-105
Final DTV Table of Allotments,)	RM-11444
Television Broadcast Stations.)	
(Huntsville, Alabama))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 7, 2008

Released: October 17, 2008

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 WAFF License Subsidiary, LLC (WAFF) licensee of WAFF-DT, pre-transition digital and post-transition digital channel 49, Huntsville, Alabama, requesting the substitution of channel 48 for post-transition digital channel 49 at Huntsville, Alabama. WTVM filed comments. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 48 for DTV channel 49. Although WAFF-DT has a licensed post-transition digital facility on channel 49, the station does not currently provide service to approximately 17 percent of the population within the Huntsville-Decatur-Florence, Alabama DMA.² This is due to the presence of a full-power digital station and a Class A station, both of which would receive interference from a fully-maximized WAFF-DT operation on channel 49.³ Substitution of channel 48 would enable WAFF-DT to increase service to 96% of the viewers in the station's television market.⁴

3. DTV channel 48 can be substituted for DTV channel 49 at Huntsville, Alabama as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 34-42-39 N. and 86-32-7 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:

¹ *Huntsville, Alabama*, DA 08-1497 (released July 15, 2008).

² Petition at 1.

³ *Id.* at 1-2.

⁴ Petition Technical Exhibit at 1.

City and State	DTV Channel	DTV Power (kw)	Antenna HAAT (meters)	DTV Service Pop. (thous.)
Huntsville, AL	48	356	576	1309

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>
Huntsville, Alabama	19, *24, 32, 41, 48

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, WAFF License Subsidiary, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 48 in lieu of DTV channel 49.

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