

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

In the Matter of)	
)	
Amendment of Section 73.622(j),)	MB Docket No. 22-420
Table of Allotments, Television Broadcast)	RM-11937
Stations (Yuma, Arizona))	
)	

REPORT AND ORDER

(Proceeding Terminated)

Adopted: February 23, 2023

Released: February 24, 2023

By the Chief, Video Division, Media Bureau:

1. The Video Division, Media Bureau (Bureau), has before it a Notice of Proposed Rulemaking¹ issued in response to a Petition for Rulemaking filed by Gray Television Licensee, LLC (Gray or Petitioner),² the holder of a construction permit for television channel 11 at Yuma, Arizona. Gray was the winning bidder for channel 11 at Yuma, Arizona in Auction 112,³ and asks for the substitution of UHF channel 27 for VHF channel 11 in the Table of TV Allotments.⁴ The Petitioner filed comments in support of the petition, as required by the Commission's rules (rules),⁵ reaffirming its commitment to apply for channel 27. No other comments were received.

2. We believe the public interest would be served by substituting channel 27 for channel 11 at Yuma, Arizona. The Petitioner states that grant of the proposed channel substitution will provide a robust signal for over-the-air reception while avoiding the well-documented indoor reception issues with digital VHF stations.⁶ According to the Petitioner, the Commission has recognized the deleterious effects manmade noise has on the reception of digital VHF signals, and that the propagation characteristics of these channels allow undesired signals and noise to be receivable at relatively farther distances compared to UHF channels, and nearby electrical devices can cause interference.⁷ The proposal complies with all relevant technical requirements for amendment of the Table of TV Allotments, including the interference protection requirements of section 73.616 of the Commission's rules (rules),⁸ and further demonstrates that the proposed channel 27 facility will provide full principal community coverage to Yuma, Arizona.⁹

¹ *Amendment of Section 73.622(j), Table of Allotments, Television Stations (Yuma, Arizona)*, MB Docket No. 22-420, Notice of Proposed Rulemaking, DA 22-1247 (rel. Dec. 2, 2022) (*NPRM*).

² Petition of Gray Television Licensee, LLC for Rulemaking (filed Oct. 28, 2022, LMS File No. 0000203015).

³ *See Auction of Construction Permits for Full Power Television Construction Permits; Winning Bidders Announced for Auction 112*, Public Notice, DA 22-659 (rel. June 23, 2022 OEA/MB).

⁴ 47 CFR § 73.622(j).

⁵ 47 CFR §§ 1.415, 1.419; *see also Buffalo, Iola, Normangee, and Madisonville, Texas*, MB Docket No. 07-729, Report and Order, 24 FCC Rcd 8192, 8194, para. 9 (Aud. Div. 2009).

⁶ *NPRM* at para. 2.

⁷ *Id.*

⁸ 47 CFR § 73.616.

⁹ *See* 47 CFR § 73.625.

Additionally, no change in transmitting location is proposed from that specified in the current construction permit.¹⁰

3. As proposed, channel 27 can be substituted for channel 11 at Yuma, Arizona, in compliance with the principal community coverage requirements of section 73.625(a) of the rules,¹¹ at coordinates 33° 03' 19.1" N and 114° 49' 46.9" W. In addition, we find that this channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the rules with the following specifications:¹²

<u>City and State</u>	<u>Channel</u>	<u>Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>Service Pop.</u>
Yuma, Arizona	27	100	451.6	388,364

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 Procedure Act.¹³ An expedited effective date is necessary in this case to ensure that Petitioner can construct the new facility as quickly as possible to provide new service to Yuma, Arizona.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g), (r), and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b), and sections 0.61, 0.204(b), and 0.283 of the rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, **IT IS ORDERED**, That effective immediately upon the date of publication in the Federal Register, the Table of Allotments, section 73.622(j) of the Commission's rules, 47 CFR § 73.622(j), **IS AMENDED**, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Yuma, Arizona	13, 27

6. **IT IS FURTHER ORDERED**, That within 10 days of the effective date of this Order, Gray Television Licensee, LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 27.

7. **IT IS FURTHER ORDERED**, That pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A), the Commission **SHALL SEND** a copy of the Order to Congress and to the Government Accountability Office.

8. **IT IS FURTHER ORDERED**, That should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 22-420 and RM-11937 **SHALL BE TERMINATED** and its docket closed.

9. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Video Division, Media Bureau, (202) 418-1647, Joyce.Bernstein@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹⁰ *NPRM* at para. 2.

¹¹ 47 CFR § 73.625(a).

¹² 47 CFR §§ 73.616, 73.623. The proposed facility is located within the Mexican coordination zone and concurrence from the Mexican government was obtained for this allotment.

¹³ 5 U.S.C. § 553(d)(3).