

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

In the Matter of)
)
Amendment of Section 73.622(i),) MB Docket No. 21-55
Post-Transition Table of DTV Allotments,) RM-11880
Television Broadcast Stations)
(Kearney, Nebraska))

REPORT AND ORDER

(Proceeding Terminated)

Adopted: April 26, 2021

Released: April 26, 2021

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 KHGI Licensee, LLC (Licensee), the licensee of KHGI (ABC), channel 13, Kearney, Nebraska. The Licensee has requested the substitution of UHF channel 18 for VHF channel 13 in the DTV Table of Allotments.²

2. The Licensee filed comments in support of the petition, as required by the Commission’s rules,³ reaffirming its commitment to applying for channel 18. No other comments were filed. We believe the public interest would be served by substituting channel 18 for channel 13 at Kearney, Nebraska. The channel substitution will permit the station to better serve its viewers, who have experienced reception problems with VHF channel 13.⁴ According to the Licensee, KHGI, as a VHF channel station, has a long history of dealing with severe reception problems exacerbated by the analog to digital conversion.⁵ Further, the Licensee demonstrated that the proposed channel change will result in a predicted increase of more than 37,000 persons in KHGI’s overall population served, and Bureau staff has confirmed there is no loss of service.⁶

3. As proposed, channel 18 can be substituted for channel 13 at Kearney, Nebraska, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission’s rules (rules),⁷ at coordinates 40-39-27.9 N and 98-52-05.0 W. In addition, we find that this

¹Amendment of Section 73.73.622(i), Post-Transition Table of DTV Allotments, Television Stations (Kearney, Nebraska), MB Docket No. 21-55, Notice of Proposed Rulemaking, 36 FCC Rcd 1585 (Vid. Div. 2021) (NPRM).

² As noted in the NPRM, on April 13, 2017, the Commission completed the incentive auction and broadcast television spectrum repacking authorized by the Spectrum Act, and the post-incentive auction transition period ended on July 13, 2020. The Bureau will amend the rules to reflect all new full power channel assignments in a revised Table of Allotments, but because the Table has not yet been amended, the Bureau has continued to refer to the Post-Transition Table of DTV Allotments, 47 CFR § 73.622(i) (2018), for the purpose of this proceeding. See NPRM, 36 FCC Rcd at 1585, n.2.

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

⁴ NPRM, 36 FCC Rcd at 1585, para. 2.

⁵ Id.

⁶ Id.

⁷ 47 CFR § 73.625(a).

channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the rules with the following specifications:⁸

<u>City and State</u>	<u>DTV Channel</u>	<u>DTV Power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop.</u>
Kearney, Nebraska	18	1000	338	240,173

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.⁹ An expedited effective date is necessary in this case to ensure that KHGI can operate with improved service to its viewers 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, 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 Commission's 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 DTV Table of Allotments, section 73.622(i) of the Commission's rules, 47 CFR § 73.622(i), **IS AMENDED**, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Kearney, Nebraska	18

6. **IT IS FURTHER ORDERED**, That within 30 days of the effective date of this Order, KHGI Licensee, LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 18 in lieu of channel 13.

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. 21-55 and RM-11880 **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

⁸ 47 CFR §§ 73.616, 73.623.

⁹ 5 U.S.C. § 553(d)(3).