

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

In the Matter of)
)
)
Amendment of Section 73.622(i),) MB Docket No. 08-125
Final DTV Table of Allotments,) RM-11457
Television Broadcast Stations.)
(Scranton, Pennsylvania))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 26, 2009

Released: February 27, 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 Local TV Pennsylvania License, LLC (“Local TV”), the licensee of WNEP-DT, DTV channel 49, Scranton, Pennsylvania, requesting the substitution of DTV channel 50 for its pre-transition DTV channel 49 at Scranton. Local TV filed comments. No other comments were received

2. We believe the public interest would be served by substituting DTV channel 50 for DTV channel 49. The channel substitution will permit the station to reach a larger DTV service area than is possible at its current allotment, while at the same time serving all viewers who currently receive analog and digital service from the station.

3. DTV channel 50 can be substituted for DTV channel 49 at Scranton, Pennsylvania as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 41-11-0 N. and 75-52-10 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:

City and State	DTV Channel	DTV Power (kW)	Antenna HAAT (meters)	DTV Service Pop. (thous.)
Scranton, Pennsylvania	50	490	509	2348

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.² An expedited effective date is necessary in this case to ensure that Local TV is able to complete construction prior to the end of the DTV transition, and so that it can provide improved service to the market as quickly as possible.

¹ *Scranton, Pennsylvania*, 23 FCC Rcd 10480 (MB 2008).

² 5 U.S.C. § 553(d)(3).

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>
Scranton, Pennsylvania	13, 32, 38, *41, 50

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Local TV Pennsylvania License, 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 49.

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 David J. Brown, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau