

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

In the Matter of)	
)	
)	
Amendment of Section 73.622(i),)	MB Docket No. 08-250
Final DTV Table of Allotments,)	RM-11508
Television Broadcast Stations.)	
(Santa Ana, California))	
)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 4, 2009

Released: February 5, 2009

Effective Date: [30 days after the date of publication in the Federal Register]

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 Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network (“Trinity”), the licensee of KTBN-TV, analog channel 40, and KTBN-DT, DTV channel 23, Santa Ana, California, requesting the substitution of DTV channel 33 for post-transition DTV 23 at Santa Ana. Trinity filed comments. No other comments were received

2. We believe the public interest would be served by substituting DTV channel 33 for post-transition DTV channel 23 at Santa Ana. The proposed channel substitution will permit KTBN-DT to replicate a substantially larger portion of its existing analog service area from its current antenna site by increasing its digital service population by over 1,600,000 viewers.²

3. DTV channel 33 can be substituted for post-transition DTV channel 23 at Santa Ana, California, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission’s rules, at coordinates 34-13-27 N. and 118-03-44 W. The proposed facility is within the Mexican coordination zone, and concurrence for this allotment has been obtained from the Mexican government. 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 *Santa Ana, California*, DA 08-2728 (released December 18, 2008).

² Trinity Petition for Rulemaking at 3-4.

City and State	DTV Channel	DTV Power ³ (kW)	Antenna HAAT (meters)	DTV Service Pop. (thous.)
Santa Ana, California	33	1000	890	15334

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 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>
Santa Ana, California	33

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 33 in lieu of post-transition DTV channel 23 at Santa Ana.

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 Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
 Chief, Video Division
 Media Bureau

³ Trinity’s proposal to operate with 1000 kW ERP exceeds the maximum allowance for an antenna HAAT of 890 meters permitted by Section 73.622(f)(8)(ii) of the Commission’s Rules. 47 U.S.C. § 73.622(f)(8)(ii). However, Section 73.622(f)(5) permits the maximum ERP to be exceeded in order to provide the same geographic coverage as the largest station within the same market. The new post-transition KTBN-DT facility will not exceed the post-transition coverage contour area of KCBS-DT, DTV channel 43, Los Angeles, California, the largest station within KTBN-DT’s market, and thus, is in complete compliance with Section 73.622(f)(5) of the rules.