

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

In the Matter of
Amendment of Section 73.622(i),
Final DTV Table of Allotments,
Television Broadcast Stations.
(Bryan, Texas)
MB Docket No. 09-34
RM-11522

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 22, 2009

Released: April 23, 2009

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking issued in response to a petition for rulemaking filed by Comcorp of Bryan License Corp. ("Comcorp"), the licensee of KYLE-DT, DTV channel 29, Bryan, Texas. On November 5, 2008, the staff granted Comcorp's request to substitute DTV channel 29 for its originally assigned DTV channel 28 at Bryan, as well as to move its transmitter location and make associated technical changes. In the instant rulemaking, Comcorp requests permission to return to its previously allotted DTV channel 28 at the original technical specifications. Comcorp filed comments. No other comments were received

2. We believe the public interest would be served by permitting Comcorp to return to DTV channel 28. No one who is currently receiving DTV service from station KYLE-DT will lose DTV service as a result of the channel change. The original channel substitution proposal was developed prior to the current financial crisis. Comcorp states that current economic conditions no longer permit it to move to DTV channel 29.

3. DTV channel 28 can be substituted for DTV channel 29 at Bryan, Texas as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 30-41-18 N. and 96-25-35 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:

Table with 5 columns: City and State, DTV Channel, DTV Power (kW), Antenna HAAT (meters), DTV Service Pop. (thous.). Row 1: Bryan, Texas, 28, 50, 220, 272

1 Bryan, Texas, DA 09-606 (released March 17, 2009).
2 Bryan, Texas, 23 FCC Rcd 16440 (Vid. Div. 2008).
3 The time period for filing a petition for reconsideration of the original amendment to the Post-Transition DTV Table of Allotments had expired prior to filing of the instant petition for rulemaking.
4 Station KYLE(TV) filed a request to terminate analog service on February 17, 2009. See File No. BLSTA-20090122ACW.

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.⁵ An expedited effective date is necessary in this case to reflect Comcorp’s current service to the market.

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>
Bryan, Texas	28, 50

6. IT IS FURTHER ORDERED, That within 30 days of the effective date of this Order, Comcorp of Bryan License Corp. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 28 in lieu of DTV channel 29.

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

⁵ 5 U.S.C. § 553(d)(3).