

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

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|--|---|---------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Section 73.622(i), |) | MB Docket No. 15-98 |
| Post-Transition Table of DTV Allotments, |) | RM-11748 |
| Television Broadcast Stations |) | |
| (Providence, Rhode Island) |) | |

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: May 22, 2015

Released: May 22, 2015

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a *Notice of Proposed Rulemaking*¹ issued in response to a petition for rulemaking filed by WJAR Licensee, LLC (the Licensee), the licensee of WJAR(TV), channel 51, Providence, Rhode Island. The Licensee requests the substitution of channel 50 for channel 51 at Providence.

2. The Licensee filed comments reaffirming its interest in the proposed channel substitution and stating that if the proposal is granted, it will promptly file an application for the facilities specified in its rulemaking petition and construct the station. The Licensee asserts that adopting the proposed channel substitution would serve the public interest because it would remove any potential interference with a wireless licensee in the Lower 700 MHz A Block located directly adjacent to channel 51 in the Providence, Rhode Island-New Bedford, Massachusetts and Boston, Massachusetts television markets.²

3. We believe the public interest will be served by substituting channel 50 for channel 51 at Providence for the reasons stated by the Licensee. Channel 50 can be substituted for channel 51 at Providence as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 41-51-54 N. and 71-17-15 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:

¹ *Amendment of Section 73.622(i), Post-Transition Table of Allotments, Digital Television Broadcast Stations (Providence, Rhode Island)*, Notice of Proposed Rulemaking, DA 15-481 (rel. Apr. 21, 2015) (the "NPRM").

² WJAR Licensee, LLC May 11, 2015 Comments at 1.

| City and State | Channel | Power (kW) | Antenna HAAT (meters) | Service Pop. (thous.) |
|--------------------------|---------|---------------|--------------------------|--------------------------|
| Providence, Rhode Island | 50 | 1000 | 306 | 6,340 ³ |

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.⁴ An expedited effective date is necessary in this case in light of the upcoming Pre-Auction Licensing Deadline by which stations must license newly constructed facilities in order for the facilities to be eligible for protection in the broadcast incentive auction repacking process.⁵

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 after the date of publication of this Report and Order in the Federal Register, the Post-Transition Table of DTV 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 Nos.</u> |
|--------------------------|---------------------|
| Providence, Rhode Island | 12, 13, *21, 50 |

6. IT IS FURTHER ORDERED, That within five days of the effective date of this Order, WJAR Licensee, LLC shall electronically submit to the Commission a minor change application for a construction permit specifying channel 50 in lieu of channel 51 on Form 2100, Schedule A, using the Commission's Licensing Management System (<https://enterprise.filing.fcc.gov/dataentry/longin.html>).

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.

³ The *NPRM* had waived the Commission's general policy not to accept contingent rule making petitions, where the Licensee's interference study results showed that there is one Class A television station, WRIW-CD, that was predicted to be affected by the proposed allotment of channel 50 to Providence, and that the licensee of WRIW-CD had entered into an agreement with T-Mobile to change to channel 36. *See NPRM* at 2 n.7. That contingency has been removed, because the application for a construction permit to migrate WRIW-CD from channel 51 to channel 36 filed by the licensee of WRIW-CD was granted on May 20, 2015. *See* FCC File No. 0000001262. WRIW-CD is currently operating on channel 36 pursuant to Special Temporary Authority.

⁴ 5 U.S.C. § 553(d)(3).

⁵ *See Media Bureau Designates May 29, 2015 as Pre-Auction Licensing Deadline*, Public Notice, 30 FCC Rcd 393 (MB 2015). *See also Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567 (2014).

9. For further information concerning the proceeding listed above, contact Jeremy Miller, Media Bureau, (202) 418-1507.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau