

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

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MB Docket No. 02-93
Table of Allotments,)	RM-10414
Digital Television Broadcast Stations.)	
(Sacramento, California))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: August 2, 2002

Released: August 9, 2002

By the Chief, Video Division:

1. At the request of La Dov Educational Outreach, Inc. (“La Dov”), an applicant for a new television station to operate on channel *52 at Sacramento, California, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 7969 (2002), proposing the substitution of DTV channel *43 for NTSC channel *52.¹ La Dov filed comments stating its present intention to apply for DTV channel *43, if allotted.

2. We believe the public interest would be served by allotting DTV channel *43 since it would allow La Dov to provide a new noncommercial DTV service to the community of Sacramento while eliminating the potential for interference to station KICU-DT, San Jose, California. DTV channel *43 can be allotted to Sacramento, California, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 38-37-49 N. and 120-51-20 W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis*² impact that is applied to requests of “TV freeze Areas” applicants seeking to change channels pursuant to the guidelines outlined in the Commission’s November 22, 1999, *Public Notice*. DTV channel *43 can be allotted with the following specifications:

¹ La Dov filed its petition for rule making pursuant to the provisions outlined in the Commission’s Public Notice (“*Public Notice*”) released on November 22, 1999, DA 99-2605. In that *Public Notice* the Commission announced a window filing opportunity to allow applicants for new NTSC stations on channels 2-59 at locations inside of the “TV Freeze Areas” to file petitions for rule making seeking a new channel. The *Public Notice* also indicated that such petitions could request a DTV channel replacement for the NTSC channel allotment.

² As noted in the *Notice* of this proceeding, La Dov’s proposed operation on DTV channel *43 at Sacramento will cause 2.2 percent interference to a proposal filed by San Mateo County Community College District (“San Mateo”) to change DTV channels at San Mateo, California. See *Notice of Proposed Rule Making*, (San Mateo, California) 17 FCC Rcd 7269 (2002). However, San Mateo has stated its willingness to accept the interference, thereby we need not address the mutually exclusivity of these two proposals.

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
CA Sacramento	*43	100	304	1557

3. 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 September 23, 2002, the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Sacramento, California	3, *6, 10, 29-, 31-, 40-

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 September 23, 2002, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Sacramento, California	21, 35, *43, 48, *53, 55, 61

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, La Dov Educational Outreach, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV Channel *43 in lieu of TV Channel *52.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau