

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

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MB Docket No. 02-91
Table of Allotments,)	RM-10411
Digital Television Broadcast Stations.)	
(Cheboygan, Michigan))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 16, 2003

Released: January 23, 2003

By the Chief, Video Division:

1. At the request of WPBN/WTOM License Subsidiary, Inc. (“WPGN”), licensee of WTOM-TV, NTSC channel 4, Cheboygan, Michigan, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 7959 (2002), proposing the substitution of DTV channel 35 for station WTOM-TV’s assigned DTV channel 14. WPGN filed comments. No other comments were received.

2. WPGN filed comments reiterating its intention to apply for DTV channel 35, if allotted. WPGN states that the allotment of DTV channel 35 in lieu of DTV channel 14 is necessary in order to avoid unintentional interference to the adjacent band of frequencies used primarily for land-mobile operations. According to WPGN, the potential for interference with land-mobile communications in the Cheboygan community is even greater than the Commission anticipated due to the older land-mobile equipment used by the Cheboygan emergency personnel. WPGN states that adoption of its proposal will help eliminate this unintentional interference to land mobile service while enabling station WTOM-DT to provide the requisite coverage to the entire Cheboygan community.

3. We believe the public interest would be served by substituting DTV channel 35 for DTV channel 14 since it will enable station WTOM-DT to cure its interference concerns with the land mobile operations in Cheboygan. DTV channel 35 can be allotted to Cheboygan, Michigan, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 45-39-01 N. and 84-20-37 W. Since the community of Cheboygan is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government has been obtained for this allotment. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station WTOM-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
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MI Cheboygan	35	80	168	68
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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 March 10, 2003, 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>
Cheboygan, Michigan	35

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, WPBN/WTOM License Subsidiary, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 35 in lieu of DTV Channel 14 for station WTOM-DT.

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