

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

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MB Docket No. 03-234
Table of Allotments,)	RM-10699 ¹
Digital Television Broadcast Stations.)	
(Fargo, North Dakota))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 12, 2004

Released: February 19, 2004

By the Chief, Video Division:

1. At the request of North Dakota Television License Sub., LLC (“NDTV”), licensee of station KVLV-TV, Fargo, North Dakota, the Commission has before it the Notice of Proposed Rule Making, 18 FCC Rcd 23966 (2003), proposing the substitution of DTV channel 44 for KVLV’s assigned DTV channel 58.² NDTV filed comments expressing its continuing interest in the allotment of DTV channel 44 to Fargo. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 44 for DTV channel 58 since it would permit station KVLV-DT to operate on an in-core channel. DTV channel 44 can be allotted to Fargo, North Dakota, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 47-20-32 N. and 97-17-20 W. Since the community of Fargo is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government was 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 KVLV-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>
ND Fargo	44	414	543	313

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

¹ In the *Notice of Proposed Rule Making* in this proceeding, the rule making number was incorrect. On January 8, 2004, the Commission issued an *Erratum* acknowledging the mistake.

² In its petition for rule making, NDTV stated that adoption of its proposal to operate on an in-core channel would eliminate the need for buying and installing a second transmission line and reinforcing its existing tower. NDTV claimed that it could save approximately \$615,000 in transition costs.

of the Commission's Rules, IT IS ORDERED, That effective April 5, 2004, 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>
Fargo, North Dakota	19, 21, *23, 44

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, North Dakota Television License Sub, LLC shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 44 in lieu of DTV Channel 58 for station KVLV-DT.

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

6. 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