

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

In the Matter of)
)
Amendment of Section 73.606(b),) MM Docket No. 01-2
Table of Allotments,) RM-10036
Television Broadcast Stations.)
(New Iberia, Louisiana))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 4, 2001

Released: April 6, 2001

By the Chief, Video Services Division:

1. At the request of Iberia Communications, L.L.C. ("Iberia"), the Commission has before it the Notice of Proposed Rule Making, 16 FCC Rcd 663 (2000), proposing the substitution of channel 53 for channel 36- at New Iberia, Louisiana.¹ Iberia filed responsive comments expressing its interest in applying for channel 53, if allotted to New Iberia.

2. We believe the public interest would be served by the channel substitution since it would permit Iberia to implement the first local TV service at New Iberia. A staff engineering analysis indicates that channel 53 can be allotted to New Iberia with a minus offset in compliance with the minimum distance separation requirements of Sections 73.610 and 73.698 of the Commission Rules and with the criteria set forth in the Commission's *Public Notice*.² The coordinates for channel 53- at New Iberia are North Latitude 30-12-48 and West Longitude 91-45-58.

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 May 21, 2001, 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:

¹ On March 3, 2000, Iberia filed a petition for rule making to invoke 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 persons with certain pending requests for new analog (NTSC) television stations to modify their requests to eliminate technical conflicts with digital television (DTV) stations and/or to move from channels 60 through 69. In this case, Iberia states that the original NTSC TV channel 36 allotment at New Iberia would create interference with the proposed use of DTV channel 36 for station WWL-DT at New Orleans, Louisiana. *See, Notice of Proposed Rule Making* in MM Docket No. 00-188, 15 FCC Rcd 60163 (2000). Thus, Iberia seeks to change the allotment at New Iberia in order to eliminate the potential interference concerns associated with the use of channel 36 at New Iberia.

² In the *Public Notice* the Commission stated that petitions to change the channel of an existing allotment must protect DTV stations as provided in Section 73.623(c), but without any allowance to create *de minimis* interference as defined in Section 73.623(c)(2).

CityChannel No.

New Iberia, Louisiana

53-

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, Iberia Communications, L.L.C. shall submit to the Commission a minor amendment to its pending application for a construction permit for a new television station at New Iberia, Louisiana, specifying Channel 53- in lieu of Channel 36-.

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

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

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Services Division
Mass Media Bureau