

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

In the Matter of	)	
	)	
Amendment of Section 73.622(b),	)	MM Docket No. 01-15
Table of Allotments,	)	RM-10030
Digital Television Broadcast Stations.	)	
(Missoula, Montana)	)	

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: July 24, 2001**

**Released: July 27, 2001**

By the Chief, Video Services Division:

1. At the request of KPAX Communications, Inc. ("KPAX"), licensee of station KPAX-TV, NTSC channel 8, Missoula, Montana, the Commission has before it the Notice of Proposed Rule Making, 16 FCC Rcd 2232 (2001), proposing the substitution of DTV channel 7 for station KPAX-TV's assigned DTV channel 35. KPAX filed comments reconfirming its intention to construct and operate station KPAX-DT on DTV channel 7.

2. We believe the public interest would be served by adopting KPAX's proposal since it will permit KPAX to reduce its build-out costs by enabling the station to share facilities while eliminating potential adjacent channel interference problems with KTMF-DT, DTV channel 36 at Missoula. Since Missoula is located within 400 kilometers of the U.S.-Canadian border, concurrence by 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 KPAX-DT with the following specifications:

<u>State &amp; City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
MT Missoula	7	28.0	623	134

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 10, 2001, 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>
Missoula, Montana	7, *27, 36, 40

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, KPAX Communications, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 7 in lieu of DTV Channel 35 for station KPAX-DT.

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