

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

In the Matter of	)	
	)	
Amendment of Section 73.622(b),	)	MM Docket No. 00-116
Table of Allotments,	)	RM-9877
Digital Television Broadcast Stations.	)	
(Kansas City, Missouri)	)	

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

**Adopted: July 24, 2001**

**Released: July 27, 2001**

By the Chief, Video Services Division:

1. At the request of KMBC Hearst-Argyle Television ("KMBC"), licensee of station KMBC(TV), NTSC channel 9, Kansas City, Missouri, the Commission has before it the Notice of Proposed Rule Making, 15 FCC Rcd 11341 (2000), proposing the substitution of DTV channel 7 for station KMBC(TV)'s assigned DTV channel 14. KMBC filed comments. Saga Quad States Communications, Inc. ("Saga"), licensee of station KOAM-TV, DTV channel 30, Pittsburg, Kansas, filed comments styled as a counterproposal.<sup>1</sup> KMBC and Saga filed reply comments.

2. We believe the public interest would be served by adopting the KMBC's proposal to substitute DTV channel 7 for DTV 14 since it would enable station KMBC(TV) to eliminate the potential adverse impact on nearby land mobile facilities. DTV channel 7 can be allotted to Kansas City, Missouri, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates (39-05-01 N. and 94-30-57 W.). 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 KMBC(TV) with the following specifications:

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<sup>1</sup> Saga filed comments styled as a counterproposal, stating that there are 6 potential television channels that could be allotted to Kansas City in lieu of channel 14. Saga alleges that KMBC's proposal to use DTV channel 7 at Kansas City would adversely impacts Saga's future use of channel 7 for DTV at Pittsburg, Kansas. It suggests that the rule making should be dismissed without prejudice subject to later filing if Saga elects not to use channel 7 at Pittsburg. We find that Saga's request is not an acceptable counterproposal. Counterproposals must be technically and procedurally correct when filed. Saga failed to include a technical showing with specific site coordinates indicating that the proposed channels could be allotted in compliance with the Commission's Rules. In addition, Saga did not filed a bona fide expression of interest to use DTV channel 7 at Pittsburg, but rather, requests the Commission to delay and/or dismiss KMBC's proposal until some future date when Saga decides if it is desirous of using channel 7 as it permanent DTV channel in Pittsburg, Kansas. We also note that Saga has filed a petition for rule making , dated December 12, 2000, requesting the substitution of DTV channel 13 for station KOAM-TV assigned DTV channel 30 at Pittsburg. Since Saga's "counterproposal" is unacceptable, we need not address KMBC's responsive comments.

<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>
MO Kansas City	7	115	357	2086

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>
Kansas City, Missouri	7, *18, 24, 31, 34, 42c, 47, 51c

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, KMBC Hearst-Argyle Television shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 14 in lieu of DTV Channel 7 for station.

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