

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

In the Matter of
Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Bozeman, Montana)
MM Docket No. 01-163
RM-10134

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 2, 2001

Released: November 7, 2001

By the Chief, Video Services Division:

1. At the request of Montana State University ("MSU"), licensee of noncommercial station KUSM(TV), NTSC channel *9, Bozeman, Montana, the Commission has before it the Notice of Proposed Rule Making, 16 FCC Rcd 14500 (2001), requesting the substitution of DTV channel *8 for station KUSM(TV)'s assigned DTV channel *20. MSU and KCTZ Communications, Inc. filed comments supporting the channel substitution proposal at Bozeman. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel *8 for DTV channel *20 since it will permit station KUSM(TV) to reduce its build-out and operating costs while reducing some of its terrain shielding problems. DTV channel *8 can be allotted to Bozeman, Montana, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates 45-40-24 N. and 110-52-02 W. Since the community of Bozeman 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 KUSM(TV) with the following specifications:

Table with 5 columns: State & City, DTV Channel, DTV power (kW), Antenna HAAT (m), DTV Service Pop. (thous.). Row 1: MT Bozeman, *8, 160, 305, 80

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 December 24, 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:

1 KCTZ Communications, Inc. filed comments stating that the adoption of MSU's proposal will facilitate the shared use of a community tower by the two Bozeman stations.

<u>City</u>	<u>Channel No.</u>
Bozeman, Montana	*8, 13 ²

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Montana State University shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV Channel *8 in lieu of DTV Channel *20 for station KUSM(TV).

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

² The DTV Table of Allotments was amended to reflect the substitution of DTV channel 13 for DTV channel 16 at Bozeman, Montana, for station KBZK(TV). See Report and Order, MM Docket No. 01-30, Bozeman, Montana., 16 FCC Rcd 9278 (2001).