



**6712-01**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

**[MB Docket No. 13-72; RM-11694, DA 13-448]**

**Television Broadcasting Services; Ely, Nevada to Middletown Township, New Jersey**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has been notified by PMCM TV, LLC (“PMCM”), the licensee of KNVN(TV), channel 3, Ely, Nevada, that it wished to the reallocate channel 3 from Ely, Nevada to Middletown, New Jersey, pursuant to section 331(a) of the Communications Act of 1934, as amended. While the Commission denied PMCM’s Reallocation Request, PMCM appealed the decision to the United States Court of Appeals for the District of Columbia, which subsequently reversed the Commission’s denial and remanded the Commission to approve PMCM’s Reallocation Request. Therefore, channel 2 is allocated at Middletown, New Jersey as requested, as it complies with the principle community coverage and technical requirements set forth in the Commission’s rules.

**DATES:** This rule is effective **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**FOR FURTHER INFORMATION CONTACT:** Adrienne Y. Denysyk,

[adrienne.denysyk@fcc.gov](mailto:adrienne.denysyk@fcc.gov), Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s Report and Order, MB Docket No. 13-72, adopted March 15, 2013, and released March 18, 2013. The full text of this document is available for public inspection and copying during normal business hours in the FCC’s Reference Information Center at Portals II, CY-A257, 445 12th Street, SW, Washington, DC, 20554. This document will also be available via ECFS (<http://fjallfoss.fcc.gov/ecfs/>). This document may be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., 445 12<sup>th</sup> Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via the company’s website, <http://www.bcpiweb.com>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, see 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Television

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division, Media Bureau

### **Final rule**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

#### **PART 73 -- RADIO BROADCAST SERVICES**

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336, and 339.

#### **§ 73.622 [Amended]**

2. Section 73.622(i), the Post-Transition Table of DTV Allotments is amended by adding channel 3 to Middletown Township, New Jersey and removing channel 3 at Ely, Nevada.

[FR Doc. 2013-08526 Filed 04/11/2013 at 8:45 am; Publication Date: 04/12/2013]