



## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 23-281; RM-11958; DA 23-706; FR ID 165158]

### Television Broadcasting Services; Alamogordo, New Mexico

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has before it a petition for rulemaking filed by Vision Broadcasting Networks, Inc. (Petitioner), requesting the allotment of reserved noncommercial educational (NCE) channel \*4 to Alamogordo, New Mexico as the community's first local television service.

**DATES:** Comments must be filed on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] and reply comments on or before [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, 45 L Street, NE, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the Petitioner as follows: James L. Oyster, Esq., 108 Oyster Lane, Castleton, Virginia 22716.

**FOR FURTHER INFORMATION CONTACT:** Joyce Bernstein, Media Bureau, at (202) 418-1647; or Joyce Bernstein, Media Bureau, at [Joyce.Bernstein@fcc.gov](mailto:Joyce.Bernstein@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Petitioner contends that Alamogordo is a community deserving of a new television broadcast service. In support, the Petitioner states that Alamogordo, with a 2020 population of 30,898 is the county seat of Otero County. Alamogordo has a mayor, six Commissioners, and a city manager; police, fire, public works, and utility departments, planning, engineering, and community and economic development departments; a

library, school district, numerous businesses and places of worship; and its own ZIP Code. The Petitioner states its intention to file an application for channel \*4, if allotted, and take all necessary steps to obtain a construction permit. The proposed amendment to the Table of TV Allotments warrants consideration. The Petitioner's proposal would result in a first local service to Alamogordo under Allotment Priority (2) of the Commission's television allotment priority standard. The Petitioner demonstrates, and a staff engineering analysis confirms, that channel \*4 can be allotted to Alamogordo, New Mexico, consistent with the minimum geographic spacing requirements for new allotments in section 73.623(d) of the Commission's rules. In addition, the allotment point complies with section 73.625(a)(1) of the rules as the entire community of Alamogordo is encompassed by the 35 dB $\mu$  contour.

This is a synopsis of the Commission's *Notice of Proposed Rulemaking*, MB Docket No. 23-281; RM-11958; DA 23-706, adopted August 16, 2023, and released August 16, 2023. The full text of this document is available for download at <https://www.fcc.gov/edocs>. To request materials in accessible formats (braille, large print, computer diskettes, or audio recordings), please send an email to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or call the Consumer & Government 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, Pub. L. 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Pub. L. 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, do not apply to this proceeding.

Members of the public should note that all *ex parte* contacts are prohibited from the time a Notice of Proposed Rulemaking is issued to the time the matter is no longer subject to Commission consideration or court review, *see* 47 CFR 1.1208. There are, however, exceptions

to this prohibition, which can be found in section 1.1204(a) of the Commission’s rules, 47 CFR 1.1204(a).

See sections 1.415 and 1.420 of the Commission’s rules for information regarding the proper filing procedures for comments, 47 CFR 1.415 and 1.420.

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

Television.

Federal Communications Commission.

**Thomas Horan,**

*Chief of Staff,*

*Media Bureau.*

**Proposed Rule**

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 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, 155, 301, 303, 307, 309, 310, 334, 336, 339.

2. Amend § 73.622 by adding, in the table in paragraph (j), under New Mexico, in alphabetical order the entry for “Alamogordo” to read as follows:

**§ 73.622 Digital television table of allotments.**

\* \* \* \* \*

(j) \* \* \*

Community	Channel No.
* * * * *	
<b>New Mexico</b>	
* * * * *	
Alamogordo	*4

\* \* \* \* \*

[FR Doc. 2023-18343 Filed: 8/24/2023 8:45 am; Publication Date: 8/25/2023]