

considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

116. In the NPRM, the Commission takes steps to minimize the economic impact on small entities and considers significant alternatives by proposing and seeking alternative proposals designed to balance its requirements to provide support that is sufficient to achieve the Commission’s universal service goals, while also providing appropriate incentives for prudent and efficient expenditures. With these goals in mind, in the NPRM, the Commission took the steps of considering measures related to the budget for the Alaska Connect Fund support mechanism that could potentially benefit legacy support recipients, including small entities, by having their support shifted towards costs that are trending higher for such carriers. For example, the Commission considered providing funding for both areas that still requires buildout and ongoing support for areas that are already built out. In addition, the Commission also considered allowing the option to participate in the Alaska Connect Fund for small entities and other carriers that are not current support recipients. In considering these matters, the Commission notes that the costs of high-cost universal service is ultimately borne by consumers through the contributions factors assessed on their bills.

117. The Commission also considered alternatives for specific deployment obligations for carriers receiving Alaska Plan support. For example, the Commission considered whether it should change the obligations to require the deployment of broadband at a different speed, for example 100/20 Mbps consistent with the Infrastructure Act. Alternatively, the Commission considered retaining the existing requirement that support recipients offer broadband at speeds of 25/3 Mbps deployment obligations, as well as revisiting deployment obligations to account for another government agency making a qualifying award with enforceable deployment obligations in the carrier’s service area. If the Commission were to adopt lower

broadband speed obligations, like 25/3 Mbps, it might reduce costs for small and other legacy support recipients. A carrier’s costs may also be reduced if other funding programs award funding in the rate-of-return carrier’s service area, and that carrier is no longer required to serve the locations receiving the alternative funding. However, these scenarios may affect support for such carriers if the Commission adjusts support to account for the lower costs or duplicative funding.

118. Additionally, the Commission considered alternatives for specific deployment obligations for mobile-provider participants that receive Alaska Connect Fund support. For example, the Commission considered whether it should require the deployment of 5G–NR at 35/3 Mbps, or whether it should revisit deployment obligations to account for another agency making a qualifying award with enforceable deployment obligations in the carrier’s service area. If the Commission were to adopt lower broadband speed obligations, like 7/1 Mbps, it might reduce costs for small and other legacy support recipients. A carrier’s costs may also be reduced if other funding programs award grants in the mobile participant’s awarded area, and if carriers receiving duplicative support are no longer required to serve the locations receiving the alternative funding. However, as is the case for rate-of-return carriers, these scenarios may result in the reduction of support for these carriers if the Commission adjusts support to account for the lower costs or duplicative funding.

119. Lastly, in consideration of reducing the economic burden small and other entities might experience, the Commission seeks comment on alternatives for reducing a carrier’s support amount to reflect the availability of funding from other Federal and state programs in their service areas or to reflect that an unsubsidized competitor serves the area. For example, the Commission could identify whether the timing for BEAD funding, which instructs states to award funding for unserved locations, underserved locations and community anchor institutions, overlaps with the Alaska Connect Fund funding, thereby warranting changing the timing for awarding support amounts.

120. The matters discussed in the NPRM are designed to ensure the Commission has a better understanding of both the benefits and the potential burdens associated with the different actions and methods before adopting its final rules.

121. To assist in the Commission’s evaluation of the economic impact on small entities, as a result of actions it has proposed in the NPRM, and to better explore options and alternatives, the Commission has sought comment from the parties. In particular, the Commission seeks comment on whether any of the burdens associated the filing, recordkeeping and reporting requirements described in this document can be minimized for small businesses. Through comments received in response to the NPRM and the IRFA, including costs and benefits information and any alternative proposals, the Commission expects to more fully consider ways to minimize the economic impact on small entities. The Commission’s evaluation of the comments filed in this proceeding will shape the final alternatives it considers, the final conclusions it reaches, and the actions it ultimately takes in this proceeding to minimize any significant economic impact that may occur on small entities as a result of any final rules that are adopted.

### III. Ordering Clauses

122. *It is ordered* that, pursuant to the authority contained in sections 1, 2, 4, 5, 201–06, 214, 218–220, 251–52, 254, 256, 301, 303, 309, 332, and 403, and of the Act, as amended, 47 U.S.C. 151–52, 154–55, 201–06, 214, 218–20, 251–52, 254, 256, 301, 303, 309, 332, and 403 this NPRM is adopted. This NPRM will be effective upon publication in the **Federal Register**, with comment dates indicated therein.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2023–25375 Filed 11–16–23; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 23–380; RM–11968; DA 23–1053; FR ID 184411]

### Television Broadcasting Services Missoula, Montana

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Video Division, Media Bureau (Bureau), has before it a petition for rulemaking filed August 16, 2023, by Sinclair Media Licensee, LLC (Petitioner or Sinclair), the licensee of KECI–TV, channel 13, Missoula, Montana (Station or KECI–TV). As discussed below, the

Station is currently operating on channel 13 and Sinclair successfully petitioned to have its channel changed from channel 13 to channel 20. The Petitioner now requests the substitution of channel 21 for channel 20 at Missoula, Montana (Missoula) in the Table of TV Allotments.

**DATES:** Comments must be filed on or before December 18, 2023 and reply comments on or before January 2, 2024.

**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: Paul A. Cicelski, Esq., Lerman Senter, PLLC, 2001 L Street NW, Washington, DC 20036.

**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:** In 2021, the Bureau granted Sinclair’s request to substitute UHF channel 20 for VHF channel 13 at Missoula, and Sinclair currently holds a construction permit to modify its facility to operate on channel 20. While the adopted channel 20 noise limited service contour (NLSC) did not completely encompass the relevant channel 13 NLSC, the Bureau found there would only be a loss of service to approximately 65 persons, a number the Commission considers *de minimis*. In addition, the adopted channel 20 facility is predicted to serve a total of 252,689 persons, a net gain of 38,879 potential viewers over the existing KECI-TV channel 13 facility. Sinclair simultaneously had requested and was granted the substitution of UHF channel 20 for VHF channel 6 for co-owned station KTVM-TV, Butte, Montana. As a result, both KTVM-TV and KECI-TV would operate on a co-channel basis. Sinclair had determined that predicted interference from both stations operating on channel 20 would affect less than 1 percent of the populations within the noise limited service contours. The Petitioner now requests that we substitute channel 21 for channel 20 for KECI-TV, stating that in preparing to construct the new facilities on channel 20, local engineering staff realized that the real-world interference consequences of both stations operating on channel 20 would result in a significant number of persons receiving interference, a greater impact than was realized when the *TVStudy* analyses had been done. The Petitioner went on to state that “such interference would not be localized, but rather would be spread throughout large portions of the

Missoula and Butte service areas. An analysis provided by the Petitioner using the Commission’s *TVStudy* software tool indicates that operation of KECI-TV on channel 21 instead of channel 20 would result in an estimated 40,481 additional persons within the Station’s NLSC being able to receive the Station’s signal. This is an increase of 1,602 person over the population that would be served if the Station were to remain on channel 20.

We believe that the Petitioner’s channel substitution proposal for KECI-TV warrants consideration. Channel 21 can be substituted for channel 20 at Missoula, Montana, as proposed, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission’s Rules (rules) at coordinates 47-01’-04.0” N and 114-00’-50.0” W. In addition, we find that this channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the rules. The proposed channel substitution would not cause any additional loss of service, but would increase the population served within KECI-TV’s NLSC, as well as within KTVM-TV’s NLSC, by resolving co-channel interference issues caused by the stations’ approved co-channel operation.

This is a synopsis of the Commission’s *Notice of Proposed Rulemaking*, MB Docket No. 23-380; RM-11968; DA 23-1053, adopted November 7, 2023, and released November 7, 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, Public Law 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, Public Law 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.

*Providing Accountability Through Transparency Act:* The Providing Accountability Through Transparency Act, Public Law 118-9, requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule. The required summary of this Notice of Proposed Rulemaking/Further Notice of Proposed Rulemaking is available at <https://www.fcc.gov/proposed-rulemakings>.

**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 SERVICE**

■ 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, in the table in paragraph (j), under “Montana”, by revising the entry for “Missoula” to read as follows:

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

Community	Channel No.
* * * * *	
(j) * * *	
<b>Montana</b>	
* * * * *	
Missoula .....	* 11, 21, 23, 25.
* * * * *	