



Federal Communications Commission  
Washington, D.C. 20554

July 25, 2012

WRGB Licensee, LLC  
c/o Clifford M. Harrington, Esq.  
Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Re: WRGB(TV), Schenectady, New York  
Facility ID No. 73942

Dear Licensee:

This is with respect to the petition for rulemaking filed by WRGB Licensee, LLC (WRGB), the licensee of WRGB(TV), Schenectady, New York, requesting the substitution of channel 19 for WRGB's assigned channel 6 at Schenectady. For the reasons set forth below, the petition is dismissed.

Section 6403(g)(1)(B) of the recently enacted Spectrum Act<sup>1</sup> prohibits the Commission, beginning on the date of enactment and proceeding until a reverse spectrum auction is completed or certain findings related to auction revenue are made, from reassigning a broadcast television license from a VHF channel to a UHF channel unless: (i) such reassignment would not decrease the amount of UHF spectrum available for reallocation through auction, or (ii) a request for such reassignment was pending before the Commission on May 31, 2011, the date on which the Commission issued a public notice imposing a freeze on the filing of rulemaking petitions for channel substitutions.<sup>2</sup> WRGB filed its petition on May 3, 2012, well after the May 31, 2011 deadline specified in the *Spectrum Act*. Although the Commission has authority to waive regulatory requirements, it does not have authority to change or waive statutory requirements.<sup>3</sup>

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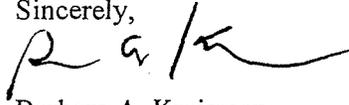
<sup>1</sup> See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § \_\_\_\_, 125 Stat. \_\_\_\_ (2012)(Spectrum Act). The Spectrum Act, which was enacted on February 22, 2012, gives the Commission authority to conduct incentive spectrum auctions and requires that it undertake such an auction for a portion of the UHF and VHF frequency bands. See, generally, *In the Matter of Innovation in the Broadcast Television Band*, ET Docket No. 10-235, Report and Order, FCC 12-45 (rel. April 27, 2012).

<sup>2</sup> See Public Notice, "Freeze on the Filing of Petitions for Digital Channel Substitutions, Effective Immediately," 26 FCC Rcd 7721 (2011).

<sup>3</sup> See *Reuters, Ltd. v. FCC*, 781 F.2d 946 (D.C. Cir. 1986) (express statutory limitations barred the Commission from acting on a petition for reconsideration that was filed after the due date).

In view of the foregoing, the petition for rulemaking filed by WRGB Licensee, LLC IS HEREBY DISMISSED.

Sincerely,

A handwritten signature in black ink, appearing to read 'B A Kreisman', with a long horizontal flourish extending to the right.

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

cc: Tom W. Davidson, Esq.