

that filers have engaged in the analysis necessary to meet Congress's objective of developing more accurate broadband coverage data. In particular, the Commission requires each mobile and fixed service provider to include certifications as to the accuracy of its data submissions by a certified PE or corporate engineering officer, in which the engineer certifies "that he or she has examined the information contained in the submission and that, to the best of the engineer's actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct and in accordance with the service provider's ordinary course of network design and engineering." This certification is in addition to the corporate officer certification required by the Broadband DATA Act and the Commission's *Second Order and Third Further Notice*, 86 FR 18124, April 7, 2021.

3. In the July 2022 *BDC Limited Waiver*, the Bureaus found that granting a limited waiver of the rule was "consistent with the policy objectives of the rule because providers will still be required, under the terms of the limited waiver the Commission adopted, to have an engineer review and certify their BDC submissions to help ensure the accuracy of the broadband data they submit" and that the limited waiver "only modifies the engineering certification requirement to allow providers to use otherwise-qualified engineers who are not certified PEs to make the required certifications."

4. Petitioners assert that the "BDC process under the waiver has been effective, with no impact to the quality or accuracy of the BDC filings, and there remains an ongoing industry need for a waiver of the PE requirement." The Petition says the industry, particularly smaller providers, is still experiencing hardships regarding the scarcity of PE licensure in the workforce and continues to face "significant challenges" meeting the PE certification requirement. The Petition also asserts that broadband providers can provide accurate broadband data without certification by licensed PEs. Petitioners therefore request that the Commission renew or extend the *BDC Limited Waiver*, or otherwise grant a new waiver, of the requirement that BDC certification be completed by a licensed PE for three additional data filing cycles and continue to allow providers that do not have access to licensed PEs to certify data with an engineering professional with the same qualifications specified in the *BDC Limited Waiver*.

5. The Commission seeks comment on these and other issues raised by the Petition as they may impact both fixed and mobile broadband service providers.

Federal Communications Commission.

**Amy Brett,**  
Chief of Staff Wireless Telecommunications Bureau.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 23-280; RM-11957; DA 23-705; FR ID 165142]

### Television Broadcasting Services Colusa, California

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has before it a petition for rulemaking filed by One Ministries, Inc. (Petitioner), requesting the allotment of reserved noncommercial educational (NCE) channel \*2 to Colusa, California as the community's first local television service.

**DATES:** Comments must be filed on or before September 21, 2023 and reply comments on or before October 6, 2023.

**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 Colusa is a community deserving of a new television broadcast service. In support, the Petitioner states that Colusa, with a 2020 population of 6,411 is the seat of Colusa County and known for its agricultural production. The Petitioner further states that Colusa has a mayor, mayor pro tem, and three council members; police, public works, parks and recreation, planning, fire, and utility departments; a library, airport, and numerous businesses and places of worship; and its own Zip Code. The Petitioner states its intention to file an application for channel \*2, 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 Colusa under Allotment Priority (2) of the Commission's television allotment priority standard. The Petitioner demonstrates, and a staff engineering analysis confirms, that channel \*2 can be allotted to Colusa, California, 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 Commission's rules as the entire community of Colusa is encompassed by the 35 dBμ contour.

This is a synopsis of the Commission's *Notice of Proposed Rulemaking*, MB Docket No. 23-280; RM-11957; DA 23-705, 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, 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.

### 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, by adding in the table in paragraph (j), under California, in alphabetical order the entry for “Colusa” to read as follows:

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

Community	Channel No.
* * * * *	* * * * *
<b>California</b>	
* * * * *	* * * * *
Colusa .....	*2
* * * * *	* * * * *

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MB Docket No. 23-279; RM-11956; DA 23-703; FR ID 165046]

**Television Broadcasting Services Tulare, California**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission has before it a petition for rulemaking filed by One Ministries, Inc. (Petitioner), requesting the allotment of reserved noncommercial educational (NCE) channel \*3 to Tulare, California as the community’s first local television service.

**DATES:** Comments must be filed on or before September 21, 2023 and reply comments on or before October 6, 2023.

**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 Tulare is a community deserving of a new television broadcast service. In support, the Petitioner states that Tulare, with a 2020 population of 70,733 was founded in 1872 by the Southern Pacific Railroad and is in the heart of agricultural San Joaquin Valley, halfway between Los Angeles and San Francisco.

Tulare is known for its agricultural production and home to the nation’s largest single-site dairy complex. The Petitioner further states that Tulare has a mayor and five council members; police, public works, planning, engineering, and community and economic development departments; a library, school district, and numerous businesses and places of worship. The Petitioner states its intention to file an application for channel \*3, 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 Tulare under Priority (2) of the Commission’s television allotment priority standard. The Petitioner demonstrates, and a Bureau staff engineering analysis confirms, that channel \*3 can be allotted to Tulare, California, consistent with the minimum geographic spacing requirements for new allotments in section 73.623(d) of the Commission’s.

This is a synopsis of the Commission’s *Notice of Proposed Rulemaking*, MB Docket No. 23-279; RM-11956; DA 23-703, 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, 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.

**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, by adding in the table in paragraph (j), under California, in alphabetical order the entry for “Tulare” to read as follows:

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

Community	Channel No.
* * * * *	* * * * *
<b>California</b>	
* * * * *	* * * * *
Tulare .....	*3
* * * * *	* * * * *

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