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FILE NUMBER **20661-002**

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March 27, 1996

MAR 28 1996

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

VIA OVERNIGHT COURIER

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W. (SC 1170)
Washington, D.C. 20554

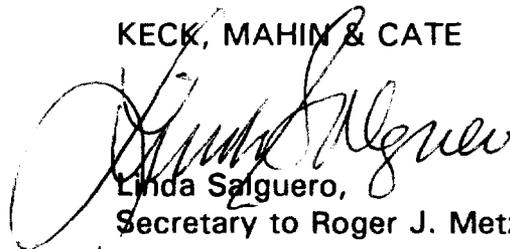
Re: *Comments for Hurricane Communications, Inc.*

Dear Mr. Secretary:

Please file the enclosed "Comments" for the above-referenced entity. I am enclosing one original and four copies for the FCC and an extra copy for file-endorsing and return to our offices.

Very truly yours ,

KECK, MAHIN & CATE


Linda Salguero,
Secretary to Roger J. Metzler

\\s
Enclosures

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Before the
Federal Communications Commission

MM Docket No. 96-7

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations,)
(Banks and Redmond, Oregon))

RM-8732

RECEIVED

MAR 28 1996

COMMUNICATIONS
SECTION

To: Chief, Allocations Branch,

COMMENTS OF HURRICANE BROADCASTING

1. Hurricane Broadcasting, Inc., a California corporation ("Hurricane"), through counsel, hereby files its Comments in the above referenced Notice of Proposed Rule Making and Order to Show Cause (hereinafter the "NPRM"). In this NPRM, the Commission proposes to modify the Table of Allotments by the substitution of Channel 298C1 for Channel 298C2 at Banks, Oregon, and the modification of the license for Station KDBX to specify 298C1. Further, in order to allow the foregoing, the NPRM also proposes the substitution of Channel 269C2 for Channel 298C2 at Redmond, Oregon, and the modification of Radio Station KLRR's license to specify operation on the substituted Channel 269C2.

2. The NPRM is the result of a petition by Radio Station KDBX, licensed to Banks, Oregon. Banks is a small community that is a suburb of Portland, Oregon. The result of the changes proposed by the NPRM, if adopted, will be that a Class C2 on the outskirts of Portland will become a Class C1 station and cover more of the already well served Portland metro. In addition, of course, the station will be able to make more money and be more valuable to a prospective investor.

3. Hurricane hereby proposes an alternative which it believes will serve the public interest better than the increase in power for a suburban Portland station. The alternative is an allocation of Channel 269C2 to Sunriver, Oregon.

4. Sunriver, a community of 1500-1600 permanent residents swells to 10,000 during the peak tourist season. It has an elective owners association which acts as a local government, it has its own police department, fire department, and road maintenance department. It has its own post office, its own Rotary Club, and its own Chamber of commerce. It has a local mall with between 50 and 60 businesses, gas stations, hotels and restaurants. Even though Sunriver is not a Census Designated Place, its residents clearly consider themselves a community.

5. The Commission's third highest priority in allocating licenses to communities is first local service.¹ Allocating Channel 269C2 to Sunriver as its first local service in contrast to allocating the channel to Banks where the channel will be the 45th aural service fits that priority. The attached engineering from Hatfield & Dawson shows that Channel 269C2 meets the allocation and other criteria for assigning a frequency to Sunriver.

6. Allocating Channel 298C1 to Banks does not meet any of priority announced by the FCC higher than the allocation to Sunriver. Since those priorities are i. first aural service, ii. second aural service, iii. first local service, iv. other public interest considerations, it is also obvious that the allocation to Banks does not meet any of the allocation priorities.

6. Moreover, as the attached engineering demonstrates, the allocation to Sunriver also fits the directives given by the Communications Act that there be a 'fair and equitable distribution of frequencies'. Table A to the attached engineering lists the 27 FM stations providing 60 dBu service and the 17 AM stations providing 5 mV/m service to all or part of the area that would receive 60 dBu service from the KDBX proposal (i.e., the upgrade for Banks, with the substitution of channels at Redmond). To quote from the engineering

"Were channel 269C2 to be substituted for channel 298C2 at Redmond, allowing for the upgrade of channel 298C2 to channel 298C1 at Banks, the additional service provided by KDBX would amount to the 44th [probably the 45th in all actuality] aural service to the area not currently served by KDBX. There would be no new service at Sunriver."

¹ The FM allotment priorities are: 1) first aural service, 2) second aural service, 3) first local service, and 4) other public interest matters. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982).

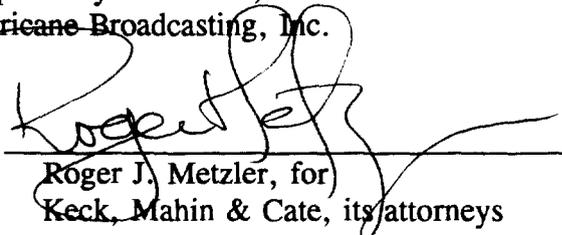
7. In accordance with Commission policy, Hurricane hereby expressly states (i) that it will apply for the proposed channel if allocated and (ii) that it will construct and operate the facility, assuming the CP is granted to Hurricane.

8. Wherefore, it is respectfully requested that the Commission not make the channel assignments proposed in RM-8732, but instead amend the Table of Assignments, 47 CFR 73.202, to include an allotment of Channel 269C2 at Sunriver, Oregon as Sunriver's first local service.

Respectfully Submitted,
Hurricane Broadcasting, Inc.

Date March 27, 1996

By:



Roger J. Metzler, for
Keck, Mahin & Cate, its attorneys

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ENGINEERING STATEMENT

This Engineering Statement is prepared on behalf of Hurricane Communications, Inc.

The Commission has before it a Rulemaking RM-8732, which proposes the substitution of channel 298C1 for channel 298C2 at Banks, Oregon for the use of KDBX(FM). This Rulemaking further proposes the substitution of channel 269C2 for channel 298C2 at Redmond, Oregon, forcing a channel change for station KLRR(FM) at Redmond, Oregon.

This Rulemaking would not serve the public interest as well as would the allotment of channel 269C2 as a first local FM service at Sunriver, Oregon. Table A lists the 27 FM stations which already provide 60 dBu service and the 17 AM stations which already provide 5 mV/m service to all or part of the areas which would benefit from the upgrade at Banks, Oregon, i.e. that area which does not currently receive 60 dBu service from KDBX but which would receive 60 dBu service from KDBX were it allowed to upgrade.

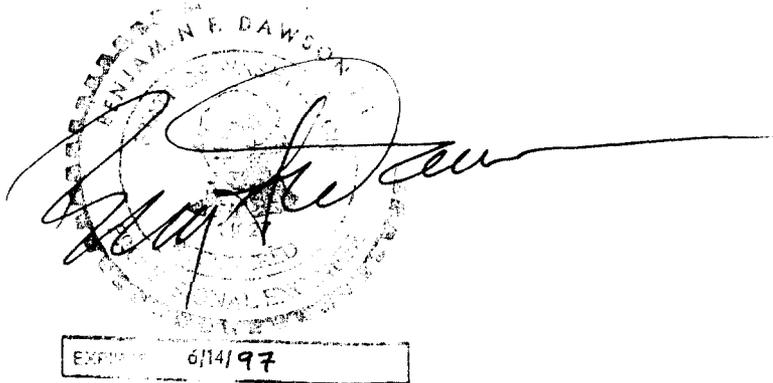
All station contours were calculated in accordance with the Rules and Regulations of the Federal Communications Commission. The 60 dBu contours of FM stations were determined from the technical data contained in the most recent edition of the FCC FM Engineering Database. The listed antenna height above average terrain was used together with topographic data obtained from the digitized 30 second or 3 second database. The 5 mV/m daytime contours of AM stations were determined from the technical data contained in the most recent edition of the FCC AM Engineering Database. The listed antenna parameter information was used together with a digitized version of the FCC M-3 or Region II ground conductivity database.

Were channel 269C2 to be substituted for channel 298C2 at Redmond, allowing for the upgrade of channel 298C2 to channel 298C1 at Banks, the additional service provided by KDBX would amount to the 44th aural service to the area not currently served by KDBX. There would be no new service provided at Sunriver.

The attached FM channel study and 70 dBu contour map exhibit demonstrate that channel 269C2 can be allotted at Sunriver, Oregon in accordance with §73.207 of the Commission's Rules, assuming operation from the licensed site of KXIX(FM) channel 231C at Bend, Oregon. The coordinates for KXIX(FM) are 44° 02' 48" NL x 121° 31' 53" WL. The coordinates of Sunriver, Oregon are 43° 52' 35" NL x 121° 27' 10" WL.

Clearly, the public interest would be better served by the allotment of channel 269C2 as a first local FM service at Sunriver, Oregon than it would by the channel substitutions at Banks and Redmond proposed in RM-8732. It is therefore respectfully requested that §73.202 of the Rules be amended to include the allotment of channel 269C2 at Sunriver, Oregon, and that the Proposed Rulemaking RM-8732 be denied.

Signed, this 22nd day of March, 1996.

A circular professional engineer seal for Benjamin F. Dawson III, P.E., is stamped over a handwritten signature. The seal contains the text "BENJAMIN F. DAWSON III" and "P.E.". Below the seal is a rectangular stamp with the text "EXPIRES 6/14/97".

EXPIRES 6/14/97

Benjamin F. Dawson III, P.E.

Seattle, WA

FM SEPARATION STUDY

Job Title :269C2 Sunriver at KXIX Site

Separation Buffer 100 km

FCC DB Date : 02/22/96

Channel 269C2 (101.7 MHz)

Coordinates : 44-02-48 121-31-53

Call Status	City State	FCC File No.	Channel Freq.	ERP(kw) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
K215AU LIC	Riley, etc. OR	BLFT870520TC	215D 90.9	.050 631.0	DA 43-33-30 120-04-20	114.4	129.36 .00	0 TRANS
TO CHANNEL 212								
KWAX LIC	Eugene OR	BLED930308KB	216C1 91.1	21.5 370.0	44-00-04 123-06-45	268.3	126.88 99.88	27 CLEAR
NEW CP	Sutherlin OR	BPH911003MB	266A 101.1	.20 514.0	43-23-49 123-28-09	245.8	172.04 117.04	55 CLEAR
KUFO LIC	Portland OR	BLH821018AR	266C 101.1	100. 500.0	45-30-58 122-43-59	330.3	188.98 83.98	105 CLEAR
KCHQ CP	Altamont OR	BPH920930JQ	267C1 101.3	60.0 269.0	42-05-32 121-26-35	178.1	217.24 138.24	79 CLEAR
*To amend to channel 249C1 per D91-341								
KFLY LIC	Corvallis OR	BLH5870	268C2 101.5	28.0 30.0	44-35-44 123-14-54	294.7	149.94 19.94	130 CLEAR
PADD	The Dalles OR	RM8741	268C3 101.5	.0	45-31-28 121-07-22	11.0	167.38 50.38	117 CLEAR
Reserved for Non-Commercial Use Site Restriction 8.8km Southwest								
KLRR PADD	Redmond OR	RM8732	269C2 101.7	.0	44-04-41 121-19-57	77.5	16.32 -173.68	190 SHORT
K269DK LIC	Prineville, etc. OR	BLFT860811TA	269D 101.7	.071 721.0	DA 44-25-03 121-06-01	39.6	53.72 .00	0 TRANS
TRANSLATOR FOR KSJJ, REDMOND, OR.								
K269DH LIC	Florence, etc. OR	BLFT900116TB	269D 101.7	.016 256.0	43-57-26 124-04-26	268.1	204.17 00	0 TRANS
TRANSLATOR FOR KPNWFM, EUGENE, OR.								
KZXR LIC	Prosser WA	BLH901119KI	269C3 101.7	3.5 265.0	46-11-12 119-45-13	29.8	275.92 98.92	177 CLEAR
KINKFM LIC	Portland OR	BLH860923KD	270C 101.9	100. 510.0	45-31-21 122-44-46	330.1	190.12 2.12	188 CLOSE

FACILITIES & COVERAGE CONTOURS

PROPOSED FM RADIO STATION

SUNRIVER, OR

Channel 269 101.7 MHz

Class C2, Omnidirectional Antenna

HAAT = 274 Meters

TERRAIN AVG. = 1571 Meters AMSL

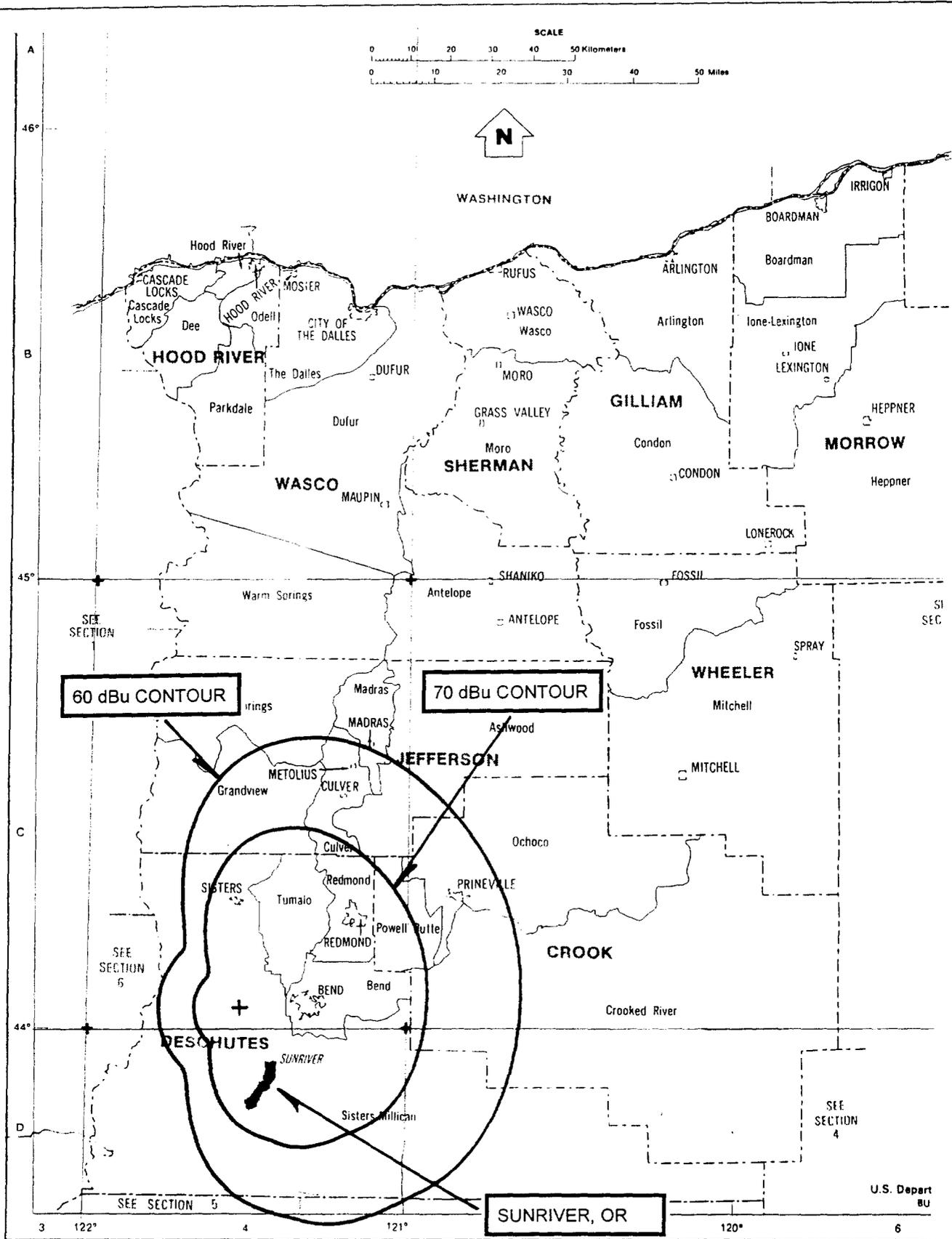
DISTANCE TO CONTOURS
F(50,50)

RAD. CENTER = 1845 Meters AMSL

AZIMUTH (°True)	HAT (m)	HAAT (m)	ERP (kW)	ERP (dBk)	70 dBu (km)	60 dBu (km)
0	1410	435	14.93	11.74	41.0	62.4
45	1234	611	14.93	11.74	48.9	72.1
90	1260	585	14.93	11.74	47.8	70.9
135	1363	482	14.93	11.74	43.1	65.3
180	1642	203	14.93	11.74	28.6	46.8
225}	1818	27	14.93	11.74	11.1	19.9
270}	1917	-72	14.93	11.74	11.1	19.9
315}	1925	-80	14.93	11.74	11.1	19.9
*161	1511	334	14.93	11.74	36.1	55.9

} - Contour computed using 30 m per §73.313(e).

* - Extra radial through Sunriver, OR; not included in average.



HATFIELD & DAWSON
 CONSULTING ENGINEERS

MAP EXHIBIT SHOWING
 269C2 COVERAGE OF SUNRIVER, OR
 FROM KXIX(FM) SITE

HURRICANE COMMUNICATIONS, INC.

3/96

TABLE A

**FM Stations Providing 60 dBu Service and
AM Stations Providing 5 mV/m Service
To the KDBX Additional Service Area**

KGON(FM)	222C	Portland, OR	45-29-20 NL	122-41-40 WL
KAST(FM)	225C1	Astoria, OR	46-10-54 NL	123-48-19 WL
KPDQ(FM)	229C	Portland, OR	45-29-20 NL	122-41-40 WL
KUKN(FM)	233A	Kelso, WA	46-12-54 NL	123-02-24 WL
KNRK(FM)	234C3	Camas, WA	45-27-08 NL	122-32-47 WL
KXL(FM)	238C	Portland, OR	45-29-23 NL	122-41-47 WL
KXXO(FM)	241C	Olympia, WA	46-38-07 NL	122-28-01 WL
KKSN(FM)	246C	Portland, OR	45-29-20 NL	122-41-40 WL
KUPL(FM)	253C	Portland, OR	45-27-13 NL	122-32-45 WL
KWJJ(FM)	258C1	Portland, OR	45-29-20 NL	122-41-40 WL
KRKT(FM)	260C	Albany, OR	44-38-46 NL	123-16-11 WL
KKRZ(FM)	262C	Portland, OR	45-31-22 NL	122-45-07 WL
KUFO(FM)	266C	Portland, OR	45-30-58 NL	122-43-59 WL
KINK(FM)	270C	Portland, OR	45-31-21 NL	122-44-46 WL
KMNT(FM)	275C	Centralia, WA	46-33-18 NL	123-03-27 WL
KKCW(FM)	277C	Beaverton, OR	45-31-22 NL	122-45-07 WL
KXPC(FM)	279C	Lebanon, OR	44-30-20 NL	122-57-38 WL
KMCQ(FM)	283C	The Dalles, OR	45-42-41 NL	121-07-07 WL
KKRH(FM)	286C1	Salem, OR	45-29-20 NL	122-41-40 WL
KLYK(FM)	288A	Longview, WA	46-09-52 NL	122-51-13 WL
KCGB(FM)	288A	Hood River, OR	45-42-07 NL	121-32-10 WL
NEW	290C2	Vancouver, WA	45-31-27 NL	122-44-48 WL
KFAT(FM)	291C	Corvallis, OR	44-38-45 NL	123-16-13 WL
KKJZ(FM)	294C1	Lake Oswego, OR	45-27-17 NL	122-32-58 WL

KAZL(FM)	296C3	Castle Rock, OR	46-20-35 NL	123-05-54 WL
KSKD(FM)	296C1	Sweet Home, OR	44-28-59 NL	122-34-55 WL
KDBX(FM)	298C2	Banks, OR	45-31-22 NL	122-45-07 WL
KHPE(FM)	300C	Albany, OR	44-38-46 NL	123-16-11 WL
KOAC(AM)	550 kHz	Corvallis, OR	44-38-12 NL	123-11-33 WL
KOTK(AM)	620 kHz	Portland, OR	45-36-05 NL	122-41-09 WL
KXL(AM)	750 kHz	Portland, OR	45-24-05 NL	122-26-47 WL
KZTW(AM)	860 kHz	Fairview, OR	45-33-26 NL	122-29-08 WL
KWIP(AM)	880 kHz	Dallas, OR	44-55-45 NL	123-17-22 WL
KWJJ(AM)	1080 kHz	Portland, OR	45-33-26 NL	122-29-08 WL
KEX(AM)	1190 kHz	Portland, OR	45-25-20 NL	122-33-57 WL
KCCS(AM)	1220 kHz	Salem, OR	44-58-57 NL	123-00-17 WL
KLYC(AM)	1260 kHz	McMinnville, OR	45-13-19 NL	123-10-21 WL
KBAM(AM)	1270 kHz	Longview, WA	46-10-58 NL	122-57-28 WL
KSLM(AM)	1390 kHz	Salem, OR	44-56-32 NL	123-04-17 WL
KEDO(AM)	1400 kHz	Longview, WA	46-08-57 NL	122-58-44 WL
KYKN(AM)	1430 kHz	Keizer, OR	44-55-36 NL	122-57-19 WL
KCKX(AM)	1460 kHz	Stayton, OR	44-48-10 NL	122-44-03 WL
KBZY(AM)	1490 kHz	Salem, OR	44-57-03 NL	123-02-43 WL
KLOG(AM)	1490 kHz	Kelso, WA	46-07-00 NL	122-53-07 WL
KMBD(AM)	1590 kHz	Tillamook, OR	45-27-24 NL	123-52-36 WL

PROOF OF SERVICE BY OVERNIGHT MAIL

I am employed in the County of San Francisco, State of California. I am over the age of 18 years, and not a party to this action; my business address is One Maritime Plaza, 23rd Floor, San Francisco, California 94111.

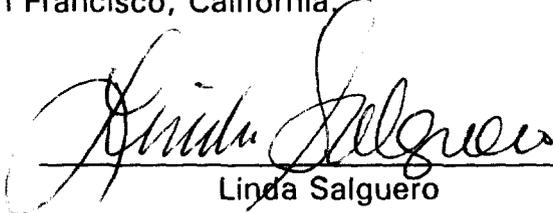
On March 27, 1996, I served the document described as COMMENTS OF HURRICANE COMMUNICATIONS, INC. on the parties in this action by depositing with an overnight mail service a true copy thereof enclosed in a sealed envelope addressed as follows:

**James P. Riley, Esq.
Anne Goodwin Crump, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street, 11th Floor
Rosslyn, VA 22209**

I am "readily familiar" with the firm's practice of collection and processing correspondence for express overnight mailing. Under that practice, it would be deposited on that same day with a facility regularly maintained by the express service carrier, or to a carrier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with all delivery fees paid at San Francisco, California in the ordinary course of business.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 27, 1996 at San Francisco, California


Linda Salguero