

DOCKET FILE COPY ORIGINAL

**From:** "MICHAEL D BROWN" <mike@brownbroadcast.com>  
**To:** <MMBSecretary@fcc.gov>  
**Date:** Wed, Dec 5, 2001 9:06 PM  
**Subject:** Petition for Reconsideration Docket 00-87 /

Attached is a Petition for Reconsideration in Docket 00-87, re: FM table of allotments

This is being filed in response to the FCC news release of Nov 29, 2001. In this case, due to the anthrax problem, the original and copies were filed at the Gettysburg, PA office, AS DIRECTED BY FCC STAFF, and was received there on Nov 26, 2001. (See attached cover letter of Dec 5, 2001 for details.)

As of Dec 3, it apparently had not been routed to the proper offices in DC. This filing was also resent today via fax to 202-418-0187, and via Airborne Express to 445 12th St. SW, Washington DC -- which should then be diverted to Maryland.

As noted in the attached Dec 5 cover letter dated Dec 5, 2001, please register this as having been timely filed (it was due Nov 26).

Attached:

new\_cvr.pdf -- Dec 5 cover letter and exhibits  
nov23cvr.pdf-- original cover letter accompanying original Petition for Reconsideration  
PetRecon.pdf-- Petition for Reconsideration Docket 00-87

Thank you.  
Tom Holland  
Secretary, Muddy Broadcasting Company

No. of Copies rec'd 1  
List ABCDE

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# Muddy Broadcasting Company

2780 SW Talbot Rd. Portland, Oregon, U.S.A. 97201-1698

December 5, 2001

Magalie Salas, Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RE: Petition for Reconsideration of Report and Order, Docket 00-87  
**Resubmission of Information Due to Delivery Difficulties**

Submitted by: fax, email, and private express package service

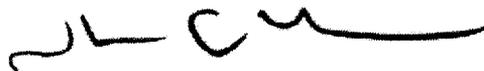
An original and eleven (11) copies of a Petition for Reconsideration of Report and Order, Docket 00-87, was submitted to the FCC, and received on November 26, 2001. Due to the anthrax situation, we were told by FCC staff persons that such petitions, when sent via private express services such as Fed Ex and Airborne, were now to be sent to Rear Entrance, 35 York St., Gettysburg, PA. We placed two telephone calls to the Gettysburg office, one prior to and one following the filing. We explained explicitly what was being filed, and were told both times and in no uncertain terms by FCC staff, that Gettysburg was now the proper location to send such filings.

Having not seen the filing appear on the Docket by December 3, 2001, we placed additional phone calls to the Commission. We were told today by Bill Caton, office of the Secretary, FCC, that such submissions should be addressed to 445 12<sup>th</sup> St S.W., Washington, D.C. 20024, and that private courier services will know that this is to be diverted to the Capitol Heights, MD, address. We are now resubmitting the entire filing via fax (to 202-418-0187), email (to [MMBSecretary@fcc.gov](mailto:MMBSecretary@fcc.gov)), and via Airborne courier service to the 12<sup>th</sup> Street address.

In view of the unfortunate confusion that this tragic anthrax situation has created, and in view of the clearly incorrect information that was directly given to us by FCC staff, Muddy Broadcasting respectfully requests that this filing be deemed as being filed in a timely manner and be given due consideration.

A copy of the Airborne Express tracking results, showing the delivery to Gettysburg on Nov. 26, 2001, is attached.

Sincerely,



Thomas C. Holland  
Muddy Broadcasting Company  
2780 SW Talbot Rd.  
Portland, OR 97201-1698

DELIVERY MANIFEST

ROUTE H03	DRIVER'S NAME R. Sobles	DATE 11-26-01	MANIFEST NUMBER 2
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284 565 0522

35741847275

24340908772

24600629863

6283 8922 274

35622986276

30124578772

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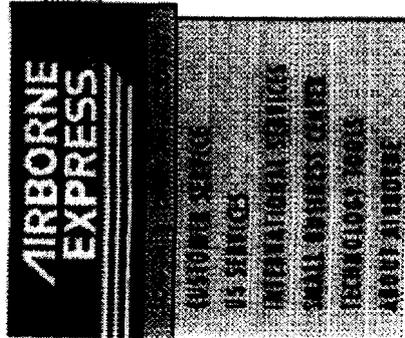
28194265573

28194270075

POS	TIME	SIGNATURE / DESCRIPTION CODE	PRINT NAME / RES ADDRESS	COO / PCOOD	Check	Qty
1	1016	Kathy Harrison	K. HANISON	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1021	R. Braswell	R. BRASWELL	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1026	D. Rahn	D. RAHN	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1034	K. Chadwick	K. CHADWICK	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1041	C. Gardner	C. GARDNER	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1045	<del>TOPICK</del>	<del>TOPICK</del>	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1045	<del>TOPICK</del>	<del>TOPICK</del>	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1053	B. Kellman	B. KELLMAN	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1056	E. Bates	E. BATES	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1110	J. Wanner	J. WANNER	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1112	D. Garity	D. GARTY	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1116	J. Rickrode	J. RICKRODE	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1118	B. Baker	B. BAKER	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1123	J. Kemler	J. KEMLER	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1146	E. Jace	310 MARSH CREEK RD	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1205	B. Hyrenko	B. HYRENKO	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1233	K. Durash	K. DURASH	\$	<input type="checkbox"/>	<input type="checkbox"/>
1	1233	<del>TOPICK</del>	<del>TOPICK</del>	\$	<input type="checkbox"/>	<input type="checkbox"/>

RECEIVER COMMENTS: (ALSO INDICATE LINE #)

DRIVER	DATE/TIME	VERIFIED BY	PAGE	PAGES	180 AND	AIRBORNE EXPRESS
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SHIP TRACK	TRANSIT TIMES	RATES	PICKUPS	LOCATIONS
BY TRACKING NUMBER				
BY REFERENCE BY FINAL BY COURIER COMMENTS				

**TRACKING RESULTS: DETAILED VIEW**

Tracking Number: 2845650522

**Shipment Summary:**

Current Status: Delivered  
 Delivered on: Nov 28 2001 10:16 am  
 Delivered to: K HANIBON  
 Signed for by:

**Shipment History:**

Date	Time	Activity	Location**
Nov 26 2001	10:16 am 8:42 am	Delivered. Arrived at Airborne.	Harrisburgh, PA Harrisburgh, PA
Nov 23 2001	4:51 pm 9:29 am	Left Airborne Picked up by Airborne.	West Portland, OR Shipper's Door

\* status times reflect the time zone where the update took place.  
 \*\* cities reflect the Airborne terminal servicing the area.

# Muddy BROADCASTING COMPANY

2780 SW Talbot Rd. Portland, Oregon, U.S.A. 97201-1698

November 23, 2001

Secretary  
Federal Communications Commission  
Washington, D.C. 20554

c/o  
Federal Communications Commission  
Rear Entrance - 35 York Street  
Gettysburg, PA 17325  
(off-site mailroom for courier service)

Included herein is an original and eleven (11) copies of Muddy Broadcasting Company's Petition for Reconsideration of the Report and Order in Docket 00-87. Please contact me in the event that there are questions regarding this Petition.



Thomas C. Holland  
Secretary/Treasurer -  
Muddy Broadcasting Company

Muddy Broadcasting Company  
Attn: Thomas C. Holland  
2780 SW Talbot Rd.  
Portland, Oregon 97201-1698

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON DC 20554**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>AMENDMENT OF SECTION 73.202(b)</b>	)	<b>MM Docket No. 00-87</b>
<b>TABLE OF ALLOTMENTS</b>	)	<b>RM-9870</b>
<b>FM BROADCAST STATIONS</b>	)	<b>RM-9961</b>
<b>(BRIGHTWOOD, MADRAS, BEND</b>	)	
<b>AND PRINEVILLE OREGON)</b>	)	

TO: John Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RECONSIDERATION**

November 23, 2001

Muddy Broadcasting Company (“Muddy”) hereby petitions for reconsideration of the Report and Order in the above captioned proceeding. This Petition is based on the provisions of 47 CFR §1.429(b)(1) in that “the facts relied on relate to events which have occurred or circumstances which have changed since the last opportunity to present them to the Commission,” and/or §1.429(b)(2) “the facts relied on were unknown to petitioner until after his last opportunity to present them to the Commission, and he could not through the exercise of ordinary diligence have learned of the facts in question prior to such opportunity.” Specifically, due to a recent class downgrade by KSTE-FM<sup>1</sup>, Vancouver WA, there are now new locations

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<sup>1</sup>KSTE-FM was formerly known as KBET-FM, KKLQ, and KXXM.

with good line-of sight that can be used for allotting Channel 291C1 to Madras, OR. These better locations were not available until recently, due to the former short spacing with KSTE-FM. These changed conditions can now allow Channel 251C3 to be allocated to Brightwood, OR, as Muddy sought in its original Petition for Rulemaking in this Docket.

### **I. BACKGROUND**

On March 16, 2000, Muddy Broadcasting Company filed a Petition for Rulemaking to add Channel 251C3 to the FM table of allotments, for the community of Brightwood, OR. The reference coordinates chosen were at an established radio site, with full line of sight to Brightwood. The FCC found merit in the Petition, and issued a Notice of Proposed Rulemaking on May 10, 2000.

Subsequently, Madras Broadcasting filed a counter-proposal to instead allocate Channel 251C1 to the community of Madras, OR. This would require channel substitutions to be made by on-air station KTWS (FM), Bend, OR, and to the vacant Ch 254C3 allotment at Prineville, OR. On July 25, 2000, Muddy filed Comments in Opposition to the Madras Broadcasting counterproposal, showing that while there were no other channels that could be allocated to Brightwood, there were several alternative channels that could be allocated to Madras, including Channel 291C1. Comments in support Muddy's position were also filed by the Chamber of Commerce and the Fire District in the Brightwood area, and by Combined Communications, owners of KTWS.

On September 20, 2000, the FCC issued a Public Notice on the Madras Broadcasting counterproposal. Both Madras Broadcasting and Muddy filed comments on this Notice, on

October 5, 2000. Madras Broadcasting prepared terrain profiles, which attempted to show that the Channel 291C1 alternative channel proposed by Muddy was more severely terrain blocked than their Channel 251C1 counterproposal, and would require a much taller tower to provide line of sight coverage. Muddy reiterated its previous points, and showed two additional lower class channels that might be used to serve Madras. This would normally have been the last opportunity that Muddy would have to formally comment in the proceeding.

On October 18, 2000, Muddy filed a Motion to Strike the October 5, 2000, comments of Madras Broadcasting as an unauthorized pleading improperly raising new arguments that should have been addressed earlier in the proceeding. Also, an analysis by Muddy found that the Madras Broadcasting terrain profile studies were faulty and misleading. When showing the Madras Broadcasting Ch 251C1 counterproposal, they used an elevation of 2398 feet (731 meters) as the elevation for the community of Madras. When showing a terrain profile of the Muddy alternative Ch 291C1, they used a lower elevation of 2238 feet (682 meter) for Madras. The result was a skewed comparison. When an “apples to apples” comparison was made<sup>2</sup>, Muddy showed that both Ch 251C1 and Ch 291C1 were equally mediocre<sup>3</sup>, requiring tower heights above ground to clear all intervening terrain that were within 2% of each other. Muddy concluded that the Commission must therefore find that both channels are either acceptable or

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<sup>2</sup>Using 3 second data at 0.1km intervals from the transmitter site, with ground elevations for both the transmitter site and the community of Madras obtained from the pertinent 7.5 second USGS topographical map.

<sup>3</sup>Based on this method, the Madras Counterproposal site would require a tower approximately 2740 feet (835 meters) above ground level, while the Muddy Broadcasting Company (as proposed July 25, 2000) “old” alternative Ch 291C1 site would require a tower approximately 2800 feet (853 meters) above ground level

unacceptable on the terrain obstruction issue. Either way, this would allow the allotment of Channel 251C3 to Brightwood. This was the last opportunity for Muddy to comment in the proceeding.

What followed was an Opposition to the Motion to Strike filed by Madras Broadcasting, and an Order to Show Cause issued by the FCC to Combined Communications. In Combined Communications' reply, another channel, 227C1, was found that could be allocated to Madras. It would require a frequency substitution to the vacant allotment at Condon, OR. Finally, on January 23, 2001, Madras Broadcasting submitted a reply, which was to be the last comment in the Docket.

On October 26, 2001, the Commission released a Report and Order, granting Channel 251C1 to Madras, and no channel to Brightwood. The Commission found that 291C1 would not work as an alternative channel to serve Madras, because of "massive terrain blocking". It also found that Channel 251C1 at Madras Broadcasting's site (as presented in their original counterproposal) would not require an excessively tall tower to overcome a massive terrain obstruction, and was therefore acceptable. It further ruled that Channel 227C1 introduced a new community (Condon, OR) into the proceeding, too late in the process. With only one channel deemed available - 251 - and both communities lacking first local service, the allotment was awarded to the larger community of Madras.

## **II. KSTE-FM, VANCOUVER, WA ISSUES**

KSTE-FM is pertinent to this case because it was a major limiting factor in the options of where Channel 291C1 (Muddy's alternative channel for Madras) could be located. KSTE-FM

operates on first-adjacent channel 290 (105.9mhz). Muddy Broadcasting Company has periodically downloaded and saved historical copies of the FCC fmfeng.dat “flat-file” FM databases. We have copies of these files dated June 6 and November 20, 2001. These files are maintained constantly by FCC staff, and are used as the primary data source by a wide variety of third-party channel study software packages. According to these files, KSTE-FM maintained a Class C1 CP database entry until at least June 6, 2001, long after all comment periods on the Madras/Brightwood Docket were closed. Muddy also has a printout of an Available Channel Interference Analysis from the FCC LPFM Channel Finder, dated June 15, 2001, which clearly shows that KSTE-FM (then KKLQ) still maintained its C1 designation, requiring protection. Apparently, sometime between June 15 and November 20, 2001, this Class C1 database entry was deleted by the FCC.

Now, with KSTE-FM on the air and permanently downgraded to a C2 (and at a location farther from Madras), large new areas are open for allotment sites on Channel 291C1 to serve Madras. These sites are northeast of Madras, close to the Allotment Site approved in the Report and Order. These areas northeast of Madras provide the least amount of terrain obstructions. As shown in the next section, Muddy has found a new Ch 291C1 Allotment Site in this area that provides better line-of-sight and less terrain obstruction than the Ch 251C1 site approved in the Report and Order. It also provides better line-of-sight and less terrain obstruction than the “old” Ch 291C1 site proposed by Muddy in July, 2000. This new site is at **44:49:12N; 120:38:57W**. It can provide 70dbu coverage to all of Madras in compliance with 47 CFR §73.315. Unlike all other potential C1 allotment sites that have been discussed in this proceeding, this new site has already been developed as a radiofrequency communications site, with power and an access road.

*Muddy is presenting this new alternative allotment site under the provisions of 47 CFR §1.429(b)(1) and/or (b)(2). Clearly, the facts that the Commission relied on to make its decision have changed, and did so since the last opportunity to formally present them had passed. Or, alternately, in case the problem turns out to be a lag in the database maintenance by FCC staff, Muddy could not, through the exercise of ordinary diligence, have learned of these facts in question prior to such opportunity.*

#### **Timeline for KSTE-FM:**

April 28, 1998      Original CP Granted - Class C2 at 45:40:46N; 122:22:06W -  
Livingston Mountain - near Camas, WA

Nov. 17, 1999 CP Granted - upgraded to Class C1 at 45:27:13N; 122:32:45W -  
Mt. Scott - near Portland, OR

Aug. 24, 2000      CP Granted - Class C2 at 45:31:21N; 122:44:45W -  
Sylvan District - Portland, OR  
*Mt. Scott C1 CP remains on FCC database*

Feb. 5, 2001      KSTE-FM signs on the air at Sylvan  
*Mt. Scott C1 CP remains on FCC database*

Apr. 12, 2001      302-FM Application for Station License at Sylvan site, Accepted for Filing  
*Mt. Scott C1 CP remains on FCC database*

Jun. 6, 2001      Mt. Scott C1 CP still appears on FCC database

June 15, 2001      Mt. Scott C1 CP still appears on the LPFM Channel Finder

Nov. 20, 2001 Mt. Scott C1 CP no longer on FCC database

### **III. DISCUSSION**

Based on its methodology, Muddy Broadcasting Company believes that its previous

characterization of both 251C1 and 291C1 (at “old” site proposed by Muddy on July 25, 2000) as being equally mediocre to serve Madras, is valid. However, we recognize that different engineering methodologies and different terrain datums can yield different results. Most staff work at the FCC, for example, relies on 30-second digitized terrain data. An examination of several past cases wherein the FCC has ruled that an intervening terrain obstruction was or was not acceptable, suggests that the ground elevations within a community were those that were indicated by the digitized terrain data. In studies done by Telecommunications Analysis Services<sup>4</sup> (sometimes used by FCC staff), the defaults for their “Profile” studies are 3-second terrain data, destination point elevations as indicated by the terrain data, and 0.1km elevation sampling intervals along the radial. In order to more closely comport to the apparent methods used by the FCC in judging such cases, we shall use both 3-second and 30-second data, 0.1km elevation sampling intervals, and receiver elevations as indicated by the terrain data, in this Petition for Reconsideration.

**Exhibit 1** shows a terrain profile from the Report and Order Allocation Site to the reference coordinates of the community of Madras, using 3-second data. It shows that a 365 meter tower would be necessary to provide full line-of-sight coverage. **Exhibit 2** shows a profile from the new Ch 291C1 Allocation Site now being suggested by Muddy, also using 3-second data. It shows that a tower 329 meters above ground would be required. **Exhibits 3 and 4** show these same comparisons, using 30-second terrain data. In both comparisons, the results are very close, with the Muddy site shown as being superior when the more accurate 3-second terrain data

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<sup>4</sup>TA Services is part of the National Telecommunication and Information Administration, Institute for Telecommunications Sciences

is used.

Cases before the FCC have arisen over the years that discuss minor local obstructions. Since many communities are in deep valleys surrounded by hills, it is often impossible to present true line-of-sight to an entire community unless the antenna is right on the ridgeline - not possible in some instances. Towers located some distance from the ridgeline may have to make huge increases in tower height, in order to overcome what often is just a minor shadowing problem. Recognizing this, **Exhibits 5 - 8** compare the two sites using both terrain datums, but ignoring the minor shadowing caused by the ridgeline immediately surrounding Madras<sup>5</sup>. Under these conditions, the new Muddy site is clearly superior. It has less midpoint terrain problems than does the Report and Order site. With 30 second data, the Report and Order site would require a tower 2 ½ times the height of the new Muddy site.<sup>6</sup> *Clearly, since the Report and Order site has been found to be acceptable in regards to terrain obstructions, so should the new Muddy site.* See **Exhibit 9** for a Data Summary of the terrain profiles.

**Exhibit 10** shows a current spacing study for the new Muddy Ch 291C1 site. All other stations would be provided with the required clearances, in accordance with §73.207. This Exhibit also contains a spacing study based on June 6, 2001 FCC data, showing the presence of the short-spaced KSTE-FM C1 CP. Thus, the new Muddy Ch 291C1 site would not have been possible, until after at least June 6, 2001.

**Exhibit 11** is a site map, clearly showing that this has been developed as a radio site.

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<sup>5</sup>Both sites provide over 70dbu coverage with towers that clear the mid-point obstructions, when computed by the Longley-Rice method, despite this minor local shadowing.

<sup>6</sup>Under these conditions, the Muddy New Alternate Site would require a tower 82m (269ft) above ground level, while the Report and Order Allotment Site would require a tower 203m (666ft) above ground level.

#### IV. CONCLUSIONS

Throughout this proceeding, the Commission has repeatedly stated that both Brightwood and Madras are deserving of an allotment.<sup>7</sup> We agree. The only hurdle is that the Commission determined that only one channel was available, and so a decision had to be made on the relative merits of the two communities. The Commission found that (“old” site) Channel 291C1 would not work because of “massive terrain blocking.” It also found that the allotment site for Channel 251C1 for Madras did not have this problem, and was acceptable. In light of the *new* site presented herein for Channel 291C1 that is superior to the Channel 251C1 site that has already been judged to be acceptable; in light of the fact that this new site was not available for usage (or appeared not to be available for usage) prior to the last opportunity to present it to the Commission; and, in light of the fact that the conditions of this Petition for Reconsideration are in compliance with §1.429 of the FCC Rules, Muddy Broadcasting Company strongly urges the Commission to reconsider the Report and Order, and allot Channel 291C1 to Madras, OR, and Channel 251C3 to Brightwood, OR.

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<sup>7</sup>1. Notice of Proposed Rulemaking, Released May 19, 2000, “...(Brightwood) proposal warrants further consideration because it complies with our technical requirements and could serve the public interest.

2. Order to Show Cause, Released November 17, 2000, “We believe that both proposals in this proceeding could provide significant public interest benefits.”

3. Report and Order, Released October 26, 2001, “We find that both Brightwood and Madras are communities for allotment purposes and deserving of an allotment...”

In light of all the circumstances presented herein, Muddy Broadcasting Company respectfully requests that the Commission reconsider the Report and Order in this proceeding and grant the relief it has requested.

I certify that the material contained herein is true, to the best of my knowledge and ability.

MUDDY BROADCASTING COMPANY

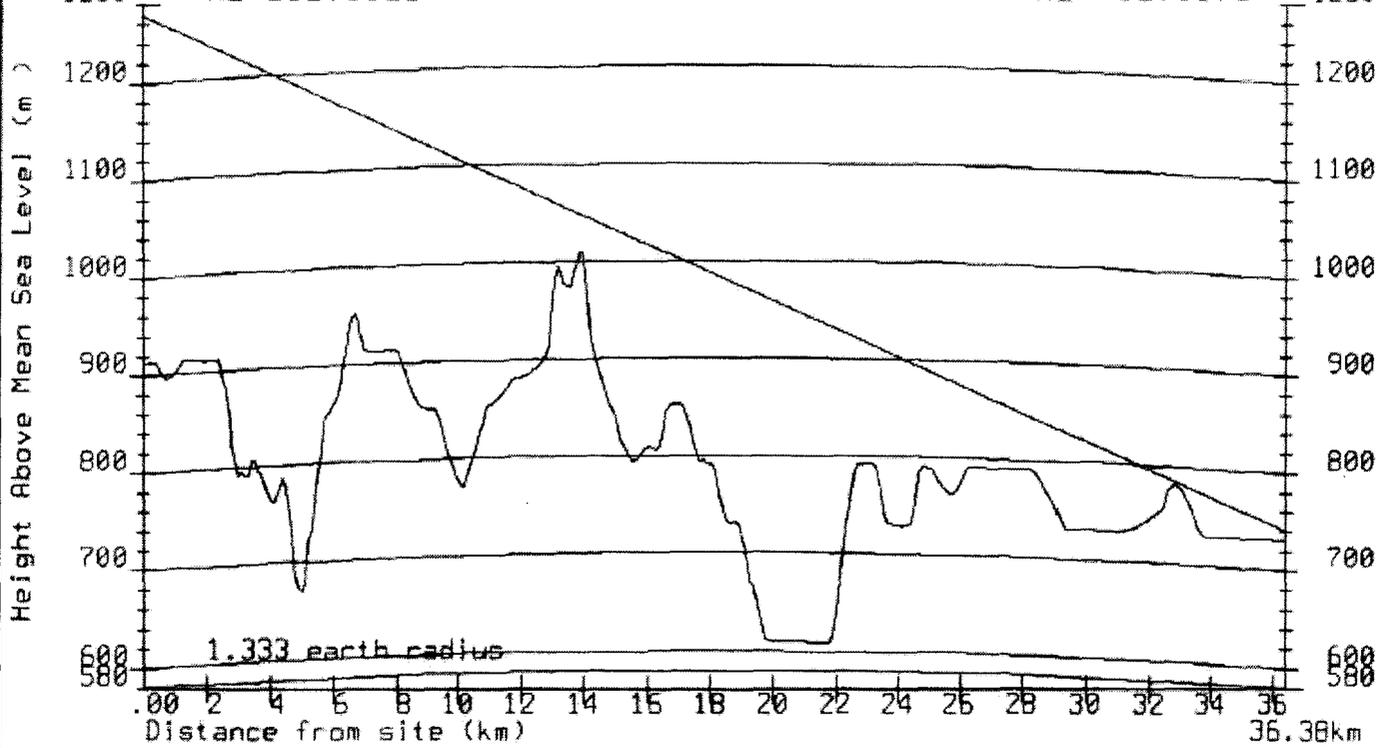
By  AS SEC. TOLLAS.  
Thomas C. Holland, Secretary/Treasurer  
Muddy Broadcasting Company

All correspondence should now be sent to:

Muddy Broadcasting Company  
Attn: Thomas C. Holland  
2780 SW Talbot Rd.  
Portland, Oregon 97201-1698

25101 REPORT AND ORDER ALLOTMENT SITE  
 TERRAIN PROFILE TO MADRAS - 3 SEC DATA  
 MUDDY BROADCASTING COMPANY  
 11/21/01

REPORT & ORDER SITE		MADRAS	
44:50:02.0N	903.00 MSL + 365.00 AGL	731.00 MSL + 9.10 AGL	44:38:00.0N
120:45:55.0W	1268.00 MSL	740.10 MSL	121:07:42.0W
1200	Az 232.3528	Az 52.0973	1200

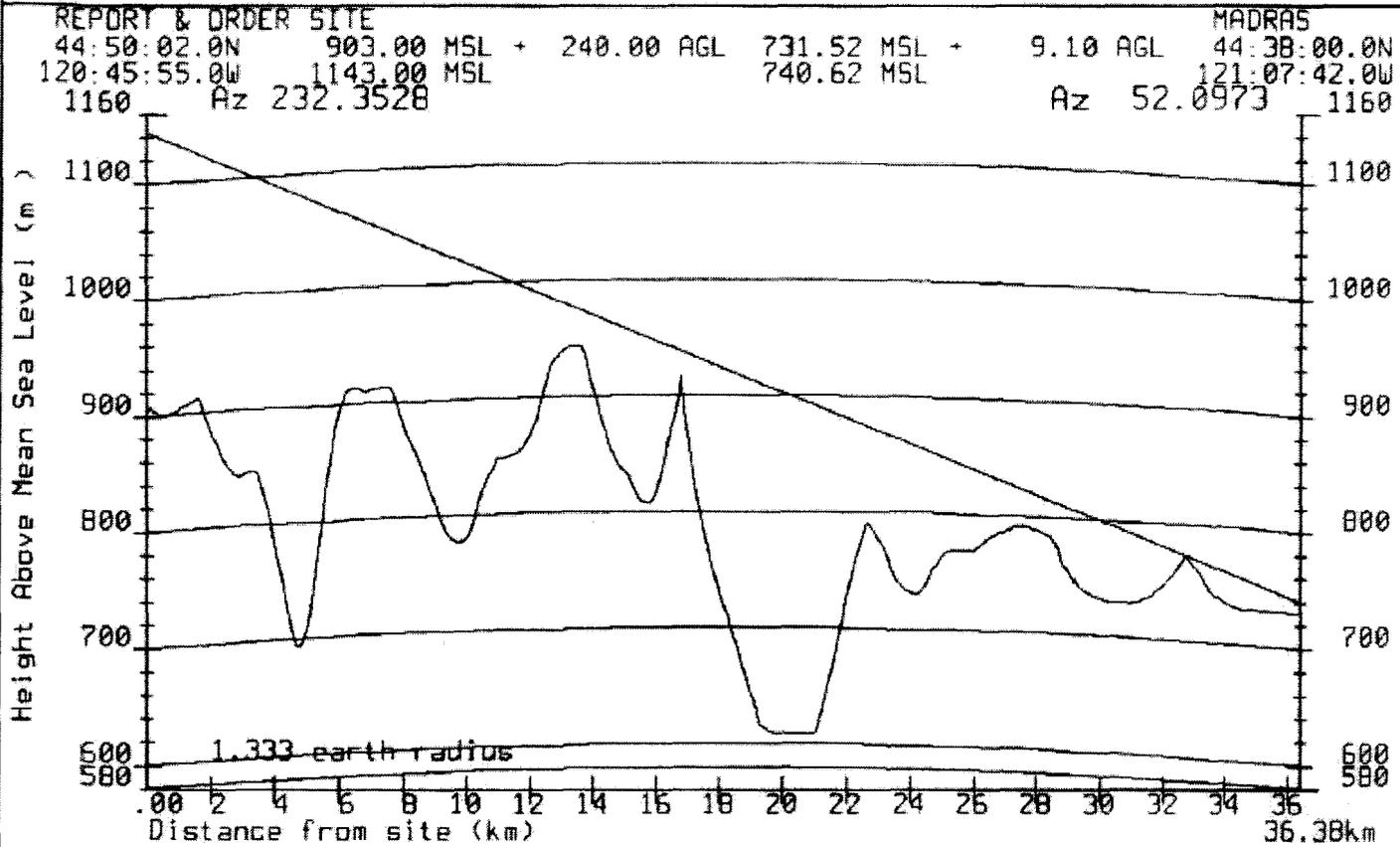


Elevation values from  
 3-second elevation data

EXHIBIT 1  
 REPORT & ORDER ALLOTMENT SITE  
 3-SECOND DATA



.251C1 REPORT AND ORDER ALLOTMENT SITE  
 TERRAIN PROFILE TO MADRAS - 30 SEC DATA  
 MUDDY BROADCASTING COMPANY  
 11/21/01

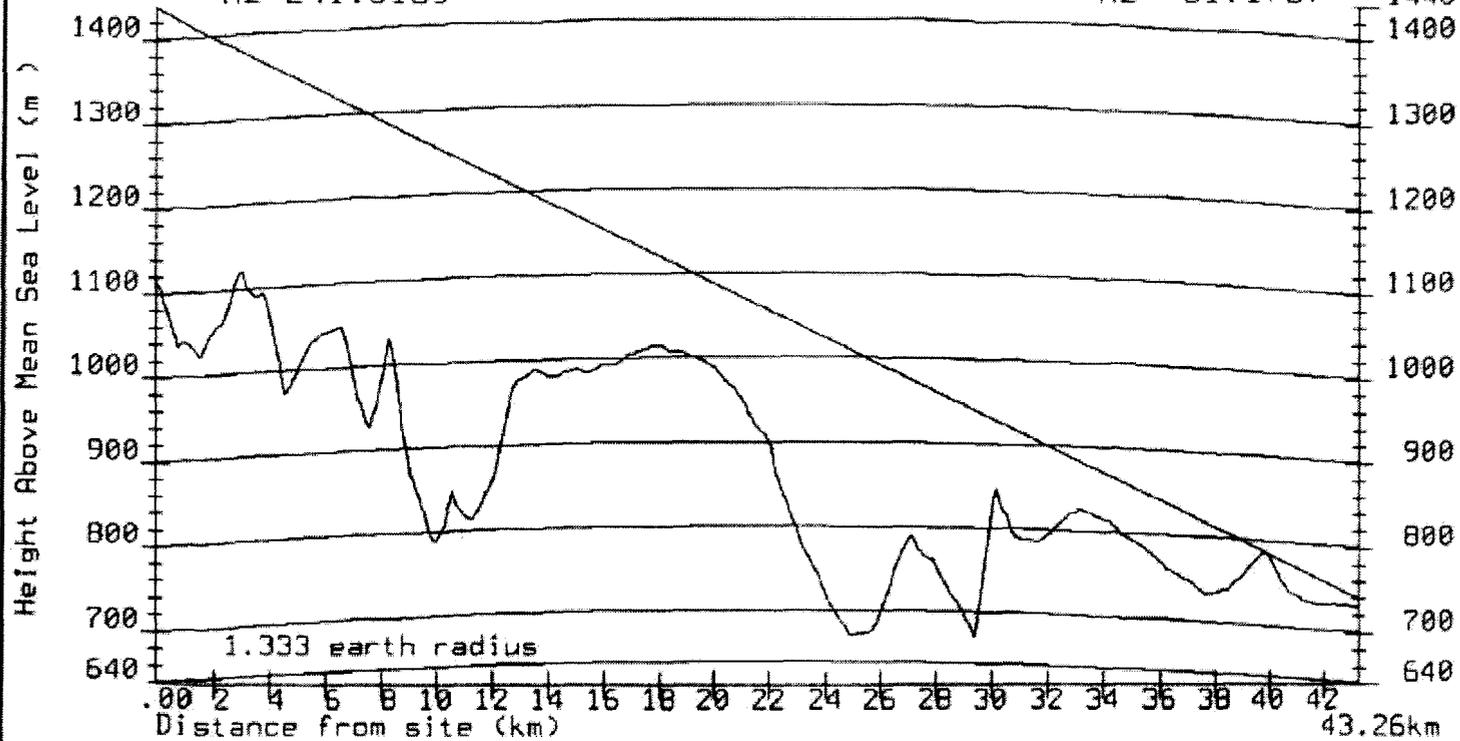


Elevation values from:  
 30-second elevation data

EXHIBIT 3  
 REPORT & ORDER ALLOTMENT SITE  
 30-SECOND DATA

NEW 291C1 ALTERNATE ALLOTMENT SITE  
 TERRAIN PROFILE TO MADRAS - 30 SEC DATA  
 MUDDY BROADCASTING COMPANY  
 11/21/01

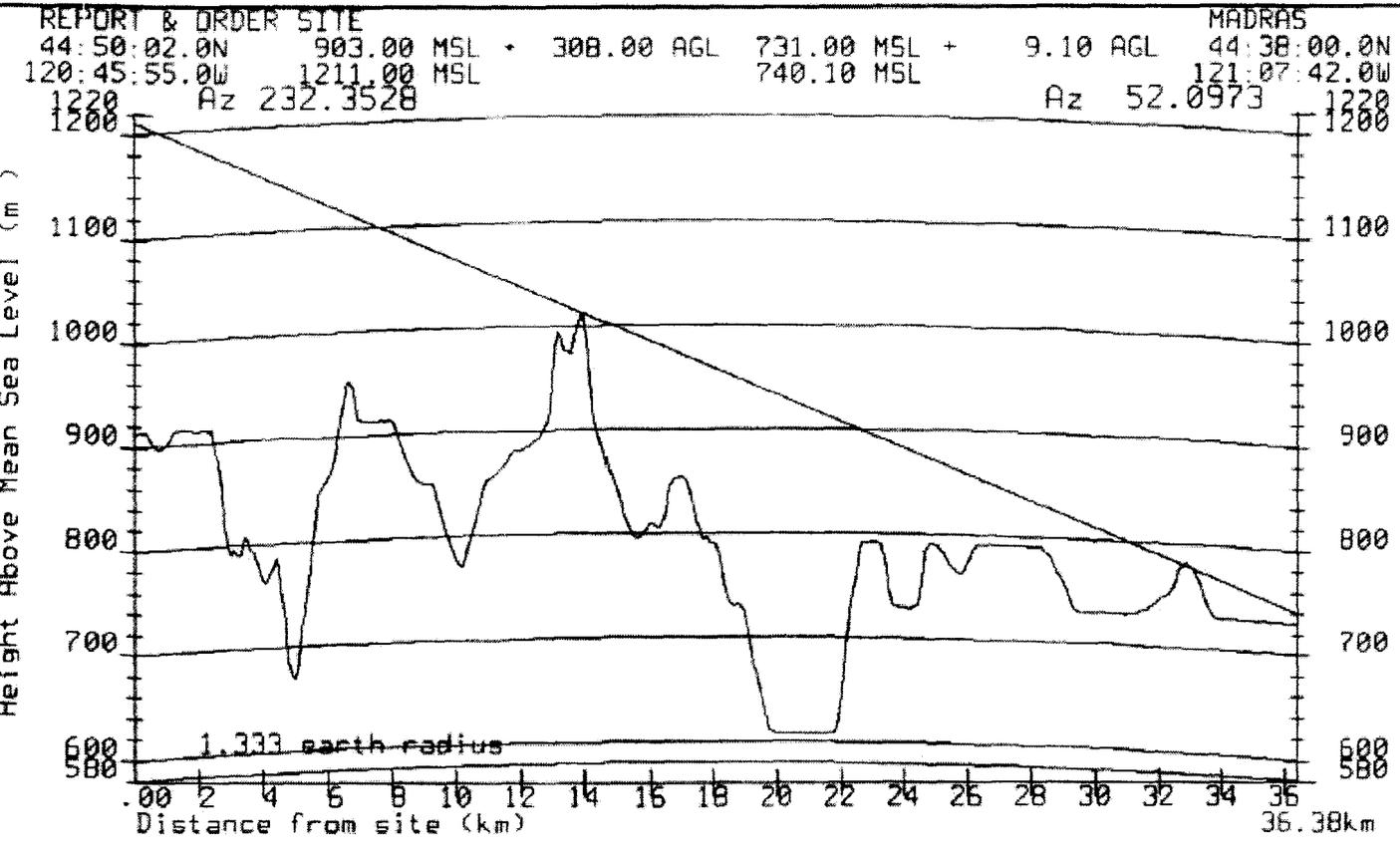
NEW 291C1 ALLOT SITE				MADRAS	
44:49:12.0N	1180.00 MSL	+ 257.00 AGL	731.52 MSL	+ 9.10 AGL	44:38:00.0N
120:38:57.0W	1437.00 MSL		740.62 MSL		121:07:42.0W
	Az 241.5139				Az 61.1767
					1440



Elevation values from:  
 30-second elevation data

EXHIBIT 4  
 NEW 291C1 ALTERNATE ALLOTMENT SITE  
 30-SECOND DATA

.251C1 REPORT AND ORDER ALLOTMENT SITE  
 IGNORING MINOR SHADOWING NEAR MADRAS  
 3 SECOND DATA  
 MUDDY BROADCASTING COMPANY 11/21/01



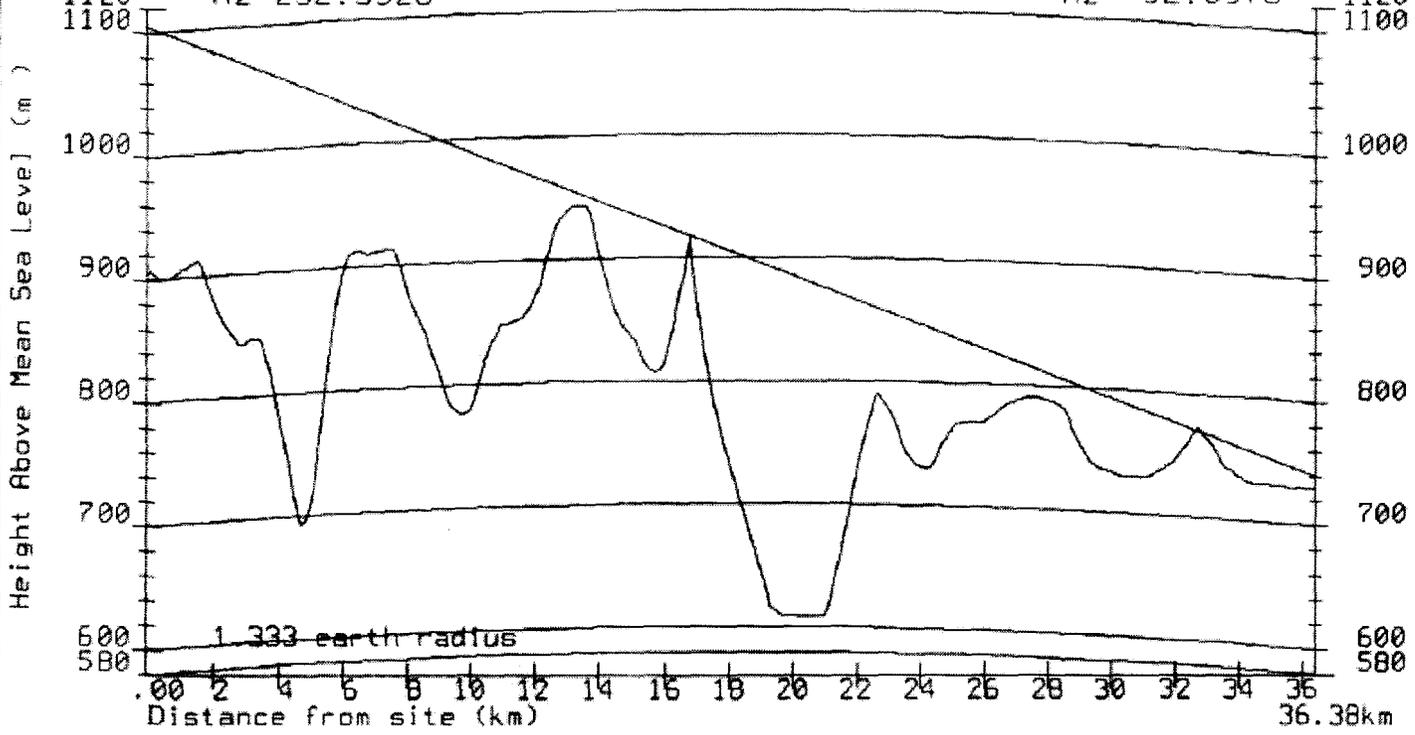
Elevation values from:  
 3-second elevation data

**EXHIBIT 5**  
 REPORT & ORDER ALLOTMENT SITE  
 IGNORING MINOR SHADOWING NEAR MADRAS - 3-SECOND DATA



.251C1 REPORT AND ORDER ALLOTMENT SITE  
 IGNORING MINOR SHADOWING NEAR MADRAS  
 30 SECOND DATA  
 MUDDY BROADCASTING COMPANY 11/21/01

REPORT & ORDER SITE MADRAS  
 44:50:02.0N 903.00 MSL + 203.00 AGL 731.52 MSL + 9.10 AGL 44:38:00.0N  
 120:45:55.0W 1105.00 MSL 740.62 MSL 121:07:42.0W  
 1120 Az 232.3528 Az 52.0973 1120

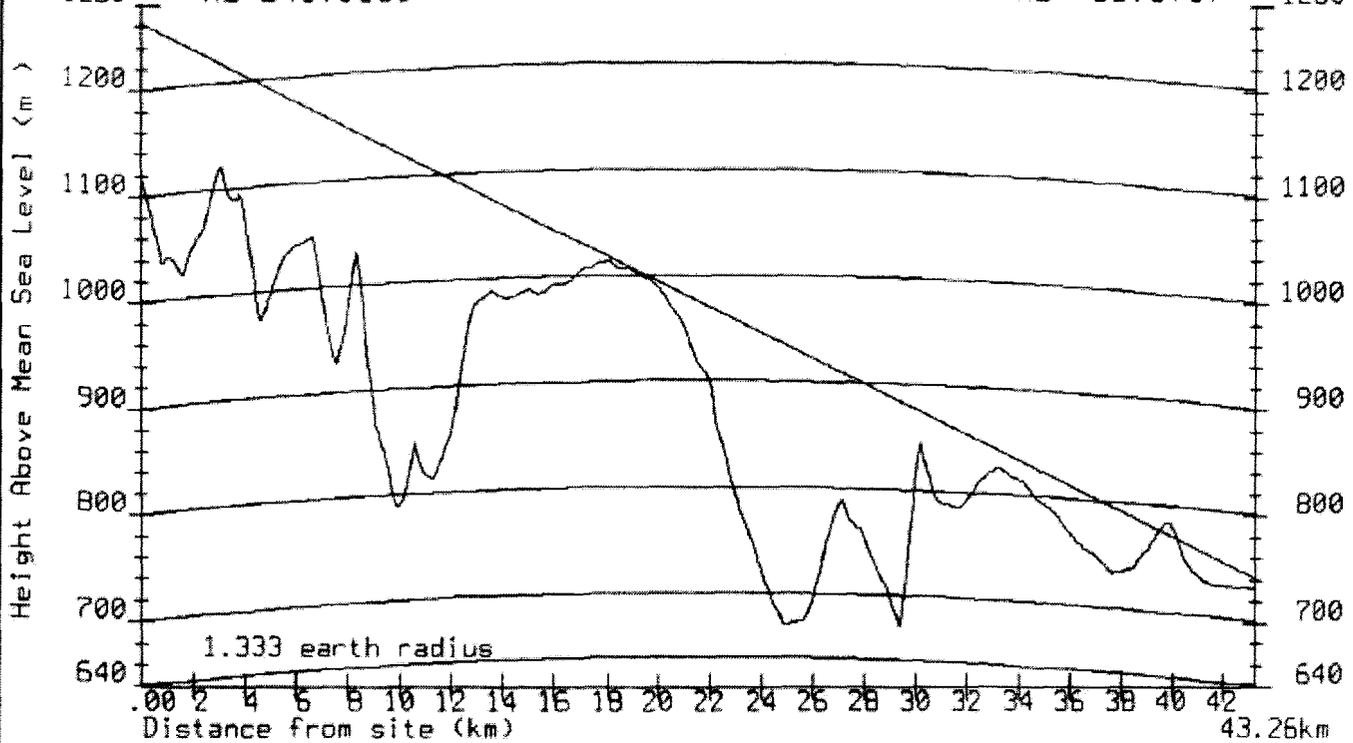


Elevation values from:  
 30-second elevation data

EXHIBIT 7  
 REPORT & ORDER ALLOTMENT SITE  
 IGNORING MINOR SHADOWING NEAR MADRAS - 30-SECOND DATA

NEW 291C1 ALTERNATE ALLOTMENT SITE  
 IGNORING MINOR SHADOWING NEAR MADRAS  
 30 SECOND DATA  
 MUDDY BROADCASTING COMPANY 11/21/01

NEW 291C1 ALLOT SITE			MADRAS		
44:49:12.0N	1180.00 MSL +	82.00 AGL	731.52 MSL +	9.10 AGL	44:38:00.0N
120:38:57.0W	1262.00 MSL		740.62 MSL		121:07:42.0W
1280	Az 241.5139			Az 61.1767	1280



Elevation values from:  
 30-second elevation data

**EXHIBIT 8**  
 NEW 291C1 ALTERNATE ALLOTMENT SITE  
 IGNORING MINOR SHADOWING NEAR MADRAS - 30-SECOND DATA

## EXHIBIT 9

### TERRAIN PROFILE DATA SUMMARY

	TERRAIN DATA	TWR HT REQ FOR FULL CLEARANCE	TWR HT REQ FOR CLEARANCE, IGNORING MINOR SHADOWING NEAR MADRAS
Report & Order Allotment site	3 sec	365m (1197ft)	308m (1010ft)
Muddy Broadcasting Ch 291C1 new Alternate site	3 sec	329m (1079ft)	128m (420ft)
Report & Order Allotment site	30 sec	240m (787ft)	203m (666ft)
Muddy Broadcasting Ch 291C1 new Alternate site	30 sec	257m (843ft)	82m (269ft)

- terrain was examined at 0.1km intervals from the allotment sites
- standard FCC four-point average method was used for terrain heights
- endpoint was at the reference coordinates for Madras, using elevation as reported by the datum

**Report and Order Allotment site:** Channel: 251C1  
 Location: 44:50:02N; 120:45:55W  
 Ground level: 903m A.M.S.L.

**Muddy Broadcasting Company  
 New Alternate Allotment Site:** Channel: 291C1  
 Location: 44:49:12N; 120:38:57W  
 Ground level: 1180m A.M.S.L.

***Conclusion: The Muddy Broadcasting Company Alternate Allotment Site is equal or superior to the Report and Order Allotment Site, which has already been deemed acceptable (regarding terrain blockage factors) by the Commission.***

## EXHIBIT 10 SPACING STUDIES

### NEW 291C1 SITE FOR MADRAS ALLOTMENT - BASED DIRECTLY ON FCC DATABASE OF 11/20/01

*Showing full spacing to all other facilities*

Study for: Muddy Broadcasting Company  
Search Channel:291 Class: C1 Latitude:444912 Longitude:1203857

Station	Location	Ch	Cl	St	Brg	Dist	Req	Diff	OK/Short
KQAK	BEND	289	C1	USE	219.5	110.99	82.	28.99	OK
KQAK	BEND	289	C1	LIC	213.5	98.7	82.	16.7	OK
KQAK	BEND	289	C1	CP	213.5	98.7	82.	16.7	OK
KSTE-FM	VANCOUVER	290	C2	CP	296.2	182.38	158.	24.38	OK
KSTE-FM	VANCOUVER	290	C2	USE	297.7	184.76	158.	26.76	OK
KLOO-FM	CORVALLIS	291	C	LIC	265.6	208.53	270.	-61.47	Short <sup>1</sup>
KLOO-FM	CORVALLIS	291	C	LIC	262.9	210.03	270.	-59.97	Short <sup>1</sup>
MADRAS	MADRAS	291	C1	ADD	176.1	22.49	245.	-222.51	Short <sup>2</sup>
CORVAL	CORVALLIS	292	C	VAC	265.6	208.53	209.	-.47	OK <sup>3</sup>
KLOO-FM	CORVALLIS	292	C	APP	265.6	208.53	209.	-.47	OK <sup>3</sup>
MADRAS	MADRAS	293	A	ADD	231.9	51.28	75.	-23.72	Short <sup>4</sup>

<sup>1</sup>Channel 291C for KLOO-FM, Corvallis, OR, is moot. They are already on the air on channel 292C, as ordered by MM Docket 87-523. A 302-FM Application for Station License has been filed and is pending.

<sup>2</sup>This the original Ch 291C1 alternative site proposed by Muddy Broadcasting - now moot

<sup>3</sup>Fully spaced per §73.208(c)(8), "separations are to be rounded to the nearest kilometer."

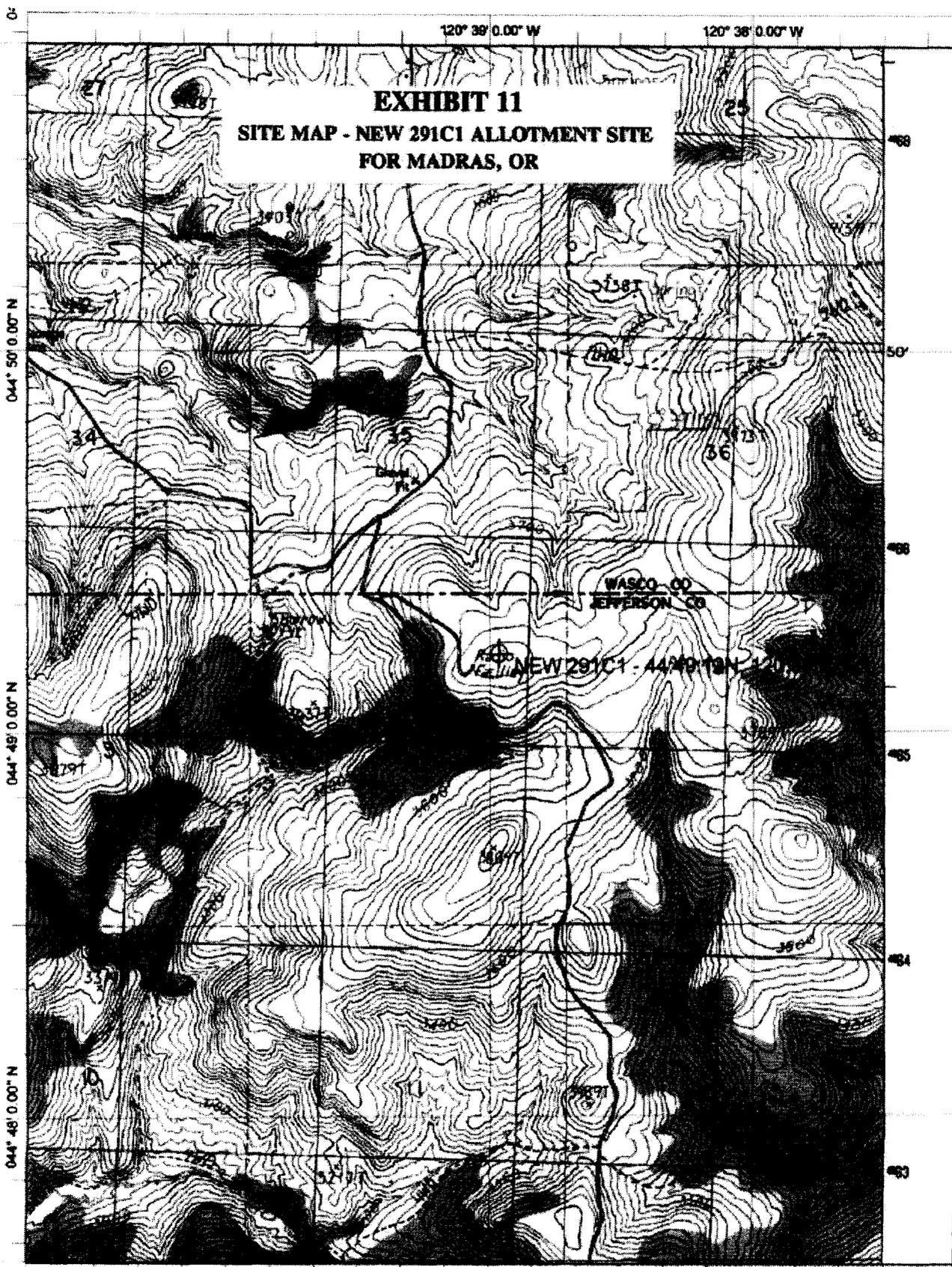
<sup>4</sup>This is one of the alternative channels previously presented by Muddy Broadcasting - now moot

### NEW 291C1 SITE FOR MADRAS ALLOTMENT - BASED DIRECTLY ON FCC DATABASE OF 06/01/01

*Showing the lack of adequate spacing to KSTE-FM 290C1 on this date*

Study for: Muddy Broadcasting Company  
Search Channel:291 Class: C1 Latitude:444912 Longitude:1203857

Station	Location	Ch	Cl	St	Brg	Dist	Req	Diff	OK/Short
KQAK	BEND	289	C1	USE	219.5	110.99	82.	28.99	OK
KQAK	BEND	289	C1	LIC	213.5	98.7	82.	16.7	OK
KQAK	BEND	289	C1	CP	213.5	98.7	82.	16.7	OK
<b>KSTE-FM</b>	<b>VANCOUVER</b>	<b>290</b>	<b>C1</b>	<b>CP</b>	<b>296.</b>	<b>164.98</b>	<b>177.</b>	<b>-12.02</b>	<b>Short</b>
KSTE-FM	VANCOUVER	290	C2	CP	296.2	182.38	158.	24.38	OK
KSTE-FM	VANCOUVER	290	C2	USE	297.7	184.76	158.	26.76	OK
KLOO-FM	CORVALLIS	291	C	LIC	265.6	208.53	270.	-61.47	Short
MADRAS	MADRAS	291	C1	ADD	176.1	22.49	245.	-222.51	Short
KBKS	TACOMA	291	C	LIC	334.6	307.41	270.	37.41	OK
CORVAL	CORVALLIS	292	C	VAC	265.6	208.53	209.	-.47	Short

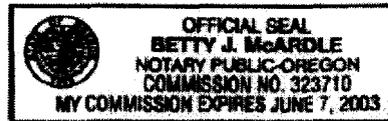


**CERTIFICATE OF SERVICE**

1. Betty J. McArdle

hereby certify that copies of the foregoing "PETITION FOR RECONSIDERATION", MM  
Docket No. 00-87, were sent via First Class U.S. Mail, postage prepaid, on this 23rd day of  
November, 2001 to the following:

Madras Broadcasting  
Lee J. Peltzman, Esq.  
Suite 240  
1850 M Street, N.W.  
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signed: \_\_\_\_\_

*Betty J. McArdle*