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February 12, 2002

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**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-B204  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION

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FEDERAL COMMUNICATIONS COMMISSION  
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Re: Petition for Rule Making, Shafter, California

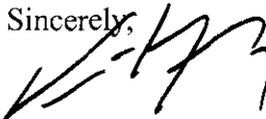
Dear Mr. Caton:

Transmitted herewith, on behalf of American General Media of Texas, Inc., licensee of Station KCOO (FM), Shafter, California, are an original and four copies of its Supplement to Petition for Rule Making.

Please date stamp the extra enclosed copy and return it to the undersigned.

Should any questions arise concerning this matter, please communicate with the undersigned.

Sincerely,



Vincent J. Curtis, Jr.

Counsel for

American General Media of Texas, Inc.

VJC/st

Enclosure

cc: As shown on Certificate of Service (with enclosure)

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BEFORE THE

**Federal Communications Commission**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
Amendment of Section 73.202(b)	)	
Table of Allotments	)	MM Docket No. ____
FM Broadcast Stations	)	RM-_____
Channel 226A at	)	
Shafter, California	)	

**SUPPLEMENT TO PETITION FOR RULE MAKING**

Comes now American General Media of Texas, Inc. (“American”), the licensee of Station KCOO (FM), Shafter, California, by its attorneys, and respectfully supplements its Petition for Rule Making filed on December 28, 2001, to add Channel 226A to Shafter, California. In support, the following is stated:

1. In its initial Petition, American demonstrated that strong public interest reasons exist for the allocation of Channel 226A to Shafter and the issuance of a show cause order to KCOO to change operation to that channel. KCOO currently operates from a tower site as a sublessee of Tri-Caballero, Inc. As reflected in the attached declaration of L. Rogers Brandon, Vice President of American (see Exhibit No. 1), KCOO has been advised by the owner of the land on which its tower sits (Affentrager and Sons Dairy Farm, Inc.) that they have begun court proceedings to seize control of and dismantle the tower because of failure of Tri-Caballero to make lease payments. It is anticipated that the Court proceeding will terminate shortly and that the Affentrager family will move to dismantle the tower by the end of June.

2. Mr. Brandon’s declaration goes on to note that in conversations with Affentrager, it is clear that what is driving their decision is the need to recover the land presently used for the tower for the purpose of additional dairy use. Attached to Mr. Brandon’s declaration are articles

from The Bakersfield Californian which discuss in detail the problems that dairy farmers in the Bakersfield area are finding in attempting to obtain zoning authority for increased dairy farming use.

3. Also attached hereto is an engineering statement from Klein Broadcast Engineering (see Exhibit No. 2) which discusses the difficulties which KCOO will have in finding a new site, particularly with the short time frame that exists. The site that is now available to KCOO would meet all the technical requirements for use on Channel 226A but the current operation of KCOO from the new site would be theoretically in violation of the short spacing limitations of Section 73.215(a)(1) and (a)(2) vis-a-vis Station KVLI (FM), Lake Isabella, California. Thus, the allotment of Channel 226A to Shafter and reassignment to KCOO (FM) will prevent the interruption and loss of service.

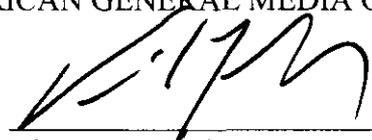
### CONCLUSION

When added to the prior public interest showing, it is evident that the clear and distinct possibility of loss of service that KCOO faces calls for the Commission to allocate Channel 226A to Shafter, California and to issue a show cause order to KCOO to relocate to that channel.

Respectfully submitted,

AMERICAN GENERAL MEDIA OF TEXAS, INC.

By:



Vincent J. Curtis, Jr.  
Its attorney

February 12, 2002

Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209  
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**EXHIBIT NO. 1**

**DECLARATION OF L. ROGERS BRANDON**

## DECLARATION

I, L. Rogers Brandon, the Vice President of American General Media of Texas, the licensee of station KCOO (FM), Shafter, California, hereby state as follows:

Oversight of the operation of KCOO (FM) is one of my duties in American General Media. I believe that the KCOO station is in jeopardy of losing its tower site lease. Our lease for tower space is with Tri-Caballero. Tri-Caballero owns the tower and leases the underlying land from Affentrager and Sons Dairy Farm, Inc. I have been contacted by the principals of Affentrager, who informed me that Tri-Caballero, Inc. is in default of the land lease and that suit was filed. We have verified with the Superior Court of the State of California in Kern County that Affentrager filed an unlawful detainer action against Tri-Caballero in December of 2001 to obtain possession of the tower. California law allows an abridged and swift eviction through its courts. Apparently, Tri-Caballero was served with a summons and complaint but has not filed any response to the complaint. Two months have elapsed since the complaint was filed so it would be too late for Tri-Caballero to respond now, in any case.

Affentrager further informed me that Affentrager will obtain possession of the land and the ownership of the tower in February, and that the KCOO-FM tower space lease will then be void. I believe that Tri-Caballero has abandoned the tower as they have not answered the lawsuit or returned correspondence regarding the matter.

Based on conversations with Affentrager, I believe that KCOO-FM will have only until June, 2002 to operate from that tower. At that point, Affentrager may be expected to dismantle the tower and convert the land to its originally designated use as dairy farm land. The value of dairy land has skyrocketed in Kern County in the past two years as a result of two concurrent factors: 1) Dairies are fleeing the highly populated areas of Los Angeles for the more rural areas of Kern County; and 2) Kern County has newly taken a restrictive view of permitting land to be converted to dairy use. This has placed a high premium on land originally zoned for dairy use, such as the Affentrager property. I have attached several articles from the Bakersfield Californian, the local daily newspaper, demonstrating this phenomenon. Based on conversations with the Affentrager management, I am confident Affentrager intends to take advantage of its dairy zoning as soon as possible.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on this 8<sup>th</sup> day of FEB, 2002;

  
\_\_\_\_\_  
L. Rogers Brandon



## Politics and power

Address: <http://www.bakersfield.com/local/story/741058p-789387c.html>

The Bakersfield Californian

Saturday December 22, 2001, 09:36:45 PM

Government showed up on our power bills, invaded our television sets, asked for more money and offered plans for improving the air we breathe, the places we shop, the way we drive and how we get rid of trash.

Power costs soared as rolling blackouts splattered across the state, fallout from the state's failed electricity restructuring scheme.

The Borba dairies continued to inspire sharp debate before the Kern County Board of Supervisors, ending in approval of the controversial project.

Small-town politics hit a fever pitch in Taft, splitting the council and the populous of the small west Kern city.

And city of Bakersfield leaders struggled to make the pieces of a high-profile redevelopment project fit into a quickly shrinking time line.

The decisions made in 2001 about air pollution standards, shopping centers, new political boundaries and freeway construction promise to affect Kern County's life in 2002 and the years to come.

Power peril plagues California

As the year began, Californians realized just how badly their officials had miscalculated in trying to deregulate the market for electricity.

Rolling blackouts began in mid-January, just about the time sky-high natural gas bills landed in mailboxes.

Gov. Gray Davis and the Legislature scrambled to stabilize the power supply by speeding construction of new power plants and authorizing the state to buy electricity for the credit-strapped utilities. They also strove to keep utilities from sliding into bankruptcy -- without success in the case of Pacific Gas & Electric Co.

Bakersfield was hit with rolling blackouts on two days, March 19 and 20, but to the surprise and relief of everyone, blackouts ended before the peak-demand summer months.

Development down the tubes

Dire omens, tenuous deal points and last-minute revelations kept the drama high as the Bakersfield City Center project battled through 2001.

A city-owned baseball stadium for the Bakersfield Blaze and a private commercial center anchored by a movie theater and an ice rink hung in the balance.

The Bakersfield City Council approved a deal with Walnut Creek developer Ray Olmscheid in March amid serious questions about Olmscheid's ability to finance the deal.

It was also unclear if the city could lease the baseball stadium, which Olmscheid said was needed to make the commercial center viable.

After months of harsh rhetoric and failed deadlines, the Patton family, owners of the Blaze, agreed to a last-minute deal to sell the team to the California League of Professional Baseball -- securing a stadium lease for the city in October.

But Olmscheid said that gave him very little time to finalize the \$30 million in project funding he had been working to secure for nearly two years.

Rancho Cucamonga Quakes owner Hank Stickney, who was funding the Cal League purchase of the Blaze, pulled out when it seemed Olmscheid wouldn't make a financing deadline on Dec. 18.

The deal unraveled in the first week of December.

Political turmoil hits Taft

Some residents -- after a year of political bickering -- were suggesting giving Taft its old name back: Moron.

Councilmen investigated each other's spending, got sued for releasing a consultant's credit card number and faced two recall efforts. Constituents accused one councilman of threatening them and another of illiteracy.

By the end of 2001, the council had fired eight-year City Manager Eric Ziegler, a \$20 million railway-rehab project had derailed and residents had booted Councilman Cliff Thompson from office.

The cows come home

Kern County leaders laid out the welcome mat for more than 28,000 cows in November when they approved the controversial Borba dairies -- again.

It was the second go around for the two dairies, which were proposed by Chino dairymen George and James Borba. They have been trying to build the sizable dairies on land southwest of Bakersfield since 1998.

The dairies were actually approved by the board in July 2000, but that decision was challenged in court by environmental groups.

A new court-ordered environmental review was completed and presented to the supervisors in November.

The board's second vote, Dec. 4, was identical to the first, 4-1, with Supervisor Ken Peterson voting against the dairies.

Traffic flow tackled

Bakersfield and Kern County elected leaders endorsed a 30-year, \$1.6 billion transportation plan for metropolitan Bakersfield in July and October.

According to the plan, local traffic would flow alongside the Kern River on a local expressway, while long-haul truckers and interstate travelers would bypass Rosedale Highway in favor of 7th Standard Road.

The transportation plan was devised during the yearlong \$1.9 million Bakersfield Systems Study. Leaders commissioned the study to fix east-west traffic flow, solve the problem of dead-end freeways and relieve congestion.

#### Pollution problems abound

The San Joaquin Valley's poor air quality brought penalties and lawsuits during 2001.

The valley failed to meet a crucial clean air deadline for cutting smog. As a result, the valley's smog problem was deemed "severe" in November, a designation that carries increased pollution fees for businesses. The valley now faces a 2005 deadline to cut smog pollutants by 30 percent.

Local environmental groups threatened the San Joaquin Valley Air Pollution Control District with two lawsuits.

One potential suit was settled and resulted in the adoption of several new pollution controls. The second suit, now in the middle of a 60-day warning period, takes the air district to task for not requiring large dairies to file air quality permits.

Residents also filed suit against the U.S. Environmental Protection Agency in November, charging lax oversight of the valley air district.

#### Bikers, nature lovers deal

Getting environmental groups to agree with dirt bikers and land developers on anything isn't easy.

But the city of Bakersfield and a group interested in creating an open-space preserve and trails system on 2,500 acres along the Kern River bluffs showed it can be done.

After exhaustive meetings among plan supporters, the Sierra Club, area property owners, hikers, mountain bikers, off-highway motorists and equestrian groups, city staff developed a plan and submitted it to the Bakersfield Planning Commission and the City Council.

Both groups approved the plan, which includes support for the creation of an off-road vehicle park to replace the bluffs as a dirt bike recreation area.

Groups are now working to find financing for both the open-space area and the off-highway park.

#### State faces budget shortfall

There were hardly any storm clouds on the horizon in early January when Gov. Gray Davis proposed a \$104.7 billion state budget, his third spending plan swollen by a booming economy. By May, things had started looking sour and Davis said he was preparing for a \$3.4 billion drop in revenue over the next two years.

But the downward spiral got worse, and by November, Legislative Analyst Elizabeth Hill said the state faced a \$12.4 billion two-year budget deficit.

Since the state is required to have a balanced budget, that will mean major cuts in education and nearly every other state program in the new budget that Davis is scheduled to unveil Jan. 10.

#### Arsenic and old politics

After becoming a political football in Washington, D.C., a new arsenic rule was adopted in late October.

For more than a year, Kern County drinking water providers closely followed the political maneuvering -- some of the highest arsenic concentrations are found in the southern San Joaquin Valley.

Now some 40 water providers have to figure out how to remove the naturally occurring element to meet the new 10-parts-per-billion standard. Customer bills could jump anywhere from \$32 a year to \$327 a year, depending on the size of the water system.

Water providers have until 2006 to meet the new standard.

#### Redistricting winning game

The redrawing of legislative and congressional districts that happens every 10 years to account for changes in population was unusually smooth this year.

There was none of the partisan rancor typical of most previous reapportionments, the process that can determine which party controls the state for the next decade.

That's because Republican and Democratic leaders agreed on a bipartisan plan that protects most incumbents of both parties and preserves the current partisan split in the state Assembly and Senate and California's congressional delegation, all of which are dominated by Democrats.

In Kern County, three of the four lawmakers running for re-election or seeking higher office found themselves with districts in which they should win easily. They are Rep. Bill Thomas, R-Bakersfield, and Assemblymen Dean Florez, D-Shafter, and Roy Ashburn, R-Bakersfield.

But with term limits, there were not enough districts to go around, and some incumbents found themselves with poor prospects. One of those is Assemblyman Phil Wyman, R-Tehachapi, who found he needed to move his voting address and run for re-election in a district in Los Angeles and San Bernardino counties.

Latino organizations have filed legal demands to get some of the districts redrawn, including Thomas'.

Boundaries barely budge

Even with Assemblyman Florez, pushing hard, Kern County supervisors refused to make major changes to their district boundaries this summer.

Florez had called for creation of an all-westside district, saying the current boundaries shortchange the rural area. Supervisors instead tweaked their boundaries just enough to offset population shifts since the 1990 census.

The board is required to re-examine its boundaries after each census.

Commercial project in works

Castle & Cooke California proposed a new, upscale commercial center along the south side of the Kern River just west of Calloway Drive in 2001.

The plan was pitched by company leaders as a better version The Marketplace, the company's popular southwest center. But, like The Marketplace, The Crossings at Riverwalk drew fire from nearby residents.

The project was heavily critiqued by both the Planning Commission and the City Council. A host of technical limitations to building sizes, uses, location and look were tacked onto the approval that was finally granted the project.

Sheriff sees turbulent times

With tears in his eyes, Sheriff Carl Sparks announced he will not run for re-election, ending what will be a 12-year stint as Kern County's top cop.

A trio of candidates quickly lined up to be his successor, including Cmdr. Hal Chealander, Kern County Supervisor Steve Perez and California Highway Patrol Officer Mack Wimbish.

Sparks also made headlines in August when he revealed the sheriff's property room had lost a kilo of cocaine and a quarter-pound of methamphetamine. Since then, Sparks has created two new positions and rerouted more than \$200,000 for improvements to the evidence warehouse.

Hail to Bakersfield's chief

Ambulance company owner Harvey Hall took office as Bakersfield's new mayor in January 2001, joining two new City Council members who were sworn into office in December 2000.

His most notable addition to the city was the installation of a red carpet in the council chambers to welcome the public. He said

he was committed to recognizing the positive achievements of the city's residents.

In Sue Benham's first year representing Ward 2 she voted against the City Center project and focused on improvement projects in her ward -- such as a cleanup plan for International Square park.

Banker Harold Hanson spent part of his first year representing Ward 5 serving on a financial oversight committee that reviewed the City Center project.

Time to take out the trash

Residents in unincorporated areas of metropolitan Bakersfield and Oildale began receiving trash service this past year -- whether they wanted it or not.

Over the protest of some residents, supervisors voted in August 2000 to require trash service for all unincorporated properties. The new service took effect Jan. 1.

The change affected more than 30,000 property owners.

Carrizo Plain gains protection

In January, President Bill Clinton designated Carrizo Plain as a national monument, marking 204,107 acres of rolling, largely untouched grasslands as a potential tourist draw.

The new Carrizo Plain monument came with little fanfare and has gone uncontested, unlike Kern County's other recent designation, the Giant Sequoia National Monument, which is now the subject of an ongoing lawsuit by recreation and logging interests.

Davis unveils plan at BC

Gov. Gray Davis made a rare gubernatorial visit to Kern County on June 1 as he hosted an economic summit targeted at boosting business activity and job creation in the region.

In a daylong program at Bakersfield College, Davis announced creation of a "Buy California" program to encourage Californians to purchase fruits, vegetables and other food products that come from their home state.

-- *Compiled by Californian staff writers James Burger, Christine Bedell, Kerry Cavanaugh, Davin McHenry and Vic Pollard*



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## Borba decision back in judge's hands

Address: <http://www.bakersfield.com/local/story/741527p-790048c.html>

By DAVIN McHENRY, Californian staff writer  
e-mail: [davinmchenry@bakersfield.com](mailto:davinmchenry@bakersfield.com)

Tuesday December 25, 2001, 09:16:27 PM

The Borba dairies may be satisfactory to Kern County officials, but now the Borbas will have to see if their project meets the approval of a local judge.

Superior Court Judge Roger Randall halted the project earlier this year and demanded more environmental review of the two dairies, which would house 28,000 cows southwest of Bakersfield.

Now that the review is complete and the Board of Supervisors has approved the project once again, the Borbas' attorneys and county counsel are preparing to submit their report to Randall. The judge has to sign off before the project can move forward.

While county officials have 90 days to turn in their report, Deputy County Counsel James Thebeau said the paperwork should be to the judge within a few weeks. From there, it will be up to the judge how to proceed and whether a hearing will be necessary, Thebeau said.

"That's really the judge's decision," he said. "He could do a number of things. But we're confident that (the additional review) will satisfy him."

Attorneys for the Sierra Club and the Center on Race, Poverty and the Environment are expected to ask the judge for even more review and to keep the dairies on hold.

"Our position is the (environmental review) is still inadequate and the county has not done a sufficient job of mitigating the huge pollution problems that this giant animal factory will create," said Aaron Isherwood, an attorney with the Sierra Club.

The groups were able to convince Randall in May that the original environmental review for the dairies wasn't enough, particularly in the area of cumulative effects. Supervisors had approved the project in July 2000 based on that review.

A supplemental environmental review was completed earlier this year and was eventually presented to the Board of Supervisors on Dec. 4. The new information made little difference in the outcome, with the board approving the project again 4-1 – exactly as it did more than a year earlier.

Chino dairymen George and James Borba first proposed their dairies in 1998, creating a stir among environmental activists. Local and state activists have argued that the dairies would be too big and too close to urban areas and could potentially create significant air and groundwater pollution.





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## Duplicate Borba suit baffles county lawyers

Address: <http://www.bakersfield.com/local/story/748820p-801270c.html>

By DAVIN McHENRY, Californian staff writer  
e-mail: [davinmchenry@bakersfield.com](mailto:davinmchenry@bakersfield.com)

Tuesday January 08, 2002, 09:40:09 PM

Even though their first lawsuit is still pending, a pair of environmental groups are suing over the Borba dairies once again -- a move that has county officials and attorneys scratching their heads.

The Center on Race, Poverty and the Environment and the Sierra Club filed a new lawsuit Tuesday that challenges the two proposed dairies, which would house more than 28,000 cows southwest of Bakersfield. The dairy critics argue that the Borbas' latest environmental impact report, approved by the Board of Supervisors Dec. 4, is incomplete.

The confusing thing, county attorneys say, is that both groups already have a pending lawsuit on the issue.

"It's puzzling," said Bruce Divelbiss, chief deputy county counsel. "I haven't seen anything like this before.

The two groups filed their original suit in August 2000, just weeks after the board approved the Borba dairies for the first time.

Kern County Superior Court Judge Roger Randall sided with the environmental groups in the first suit, saying the dairies hadn't been studied enough. Randall ordered more review, which was completed earlier this year and presented to the board Dec. 4.

The Board of Supervisors signed off on the project a second time with an identical 4-1 vote.

However, before any work can begin on the dairies, Randall must review the new environmental report and give it his blessing. Although a hearing date has yet to be set, both sides are expected to get a chance to make their case directly to Randall before he makes his decision, county attorneys said.

"They are going to get a full day in court on this already," Divelbiss said.

Caroline Farrell, a lawyer with the center, noted that a hearing isn't guaranteed and the new suit was filed Tuesday in part to ensure that they get a day in court.

"It is up to the judge whether there will be a hearing," she said. "If we waited we might lose our opportunity to make objections. That's why we filed the new lawsuit now."

Farrell also noted that the new suit includes some issues that would not be discussed at the yet-to-be-scheduled hearing, particularly the environmental report's analysis of cumulative impacts.

"There are still some flaws under (California Environmental Quality Act) that aren't being addressed," she said.

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## Borba bashes groups

Address: <http://www.bakersfield.com/local/story/749468p-801715c.html>

The Bakersfield Californian

Wednesday January 09, 2002, 10:57:51 PM

A day after being hit with a second lawsuit, George Borba Jr. lashed out at two environmental groups that have sued to stop the two dairies he hopes to build with his cousin, James Borba.

In a press release, George Borba described the latest lawsuit as "harassment" from the Center on Race, Poverty and the Environment and the Sierra Club. The groups filed a new suit Tuesday against the Borba dairies.

"This latest action confirms that no matter how many hoops we jump through it will never be enough for the (center)," Borba stated in the release.

The Borba cousins have been trying to build their dairies, which would house more than 28,000 cows southwest of Bakersfield, since 1998.

The project was approved by the Board of Supervisors in July 2000 but was quickly challenged in court by the center and the Sierra Club. Local Judge Roger Randall ordered further environmental review of the dairies, which was completed late last year. The Board of Supervisors approved the dairies for a second time Dec. 4.

But before the project can move forward, Randall must also sign off on the dairies. He is expected to hold a hearing before making that decision.

Caroline Farrell, attorney for the Center on Race, Poverty and the Environment has said the new suit was aimed in part at ensuring the environmental groups get their day in court.

The Borbas dismissed that argument, saying the new suit is actually aimed at bogging down the project with court delays.



more to follow

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## Borbas, critics back to court

Address: <http://www.bakersfield.com/local/story/749889p-801914c.html>

By DAVIN McHENRY, Californian staff writer  
e-mail: [davinmchenry@bakersfield.com](mailto:davinmchenry@bakersfield.com)

Thursday January 10, 2002, 10:26:22 PM

Critics and supporters of the controversial Borba dairies will get at least one more day in court to make their cases.

Kern County Superior Court Judge Roger Randall has called for a Feb. 19 hearing on the proposed dairies, which would house more than 28,000 cows southwest of Bakersfield. The hearing will be the latest hurdle the dairies have had to overcome since they were first proposed in 1998 and approved by the county in 2000.

Environmental groups the Center on Race, Poverty and the Environment and the Sierra Club, sued to stop the dairies in August 2000 and force dairymen George and James Borba to do more environmental review. Randall agreed, and a second environmental impact report was prepared on the dairies.

Supervisors signed off on that report and approved the dairies for a second time in December. But before work can proceed, Randall must sign off as well.

The Center on Race, Poverty and the Environment and the Sierra Club are expected to submit their written comments to the judge by the end of the month.

Attorneys for the county and the Borbas are expected to turn in their response in early February.

At the hearing, both sides will get to put forth their arguments.

Even if Randall agrees to allow the dairies to go forward, his decision could be appealed. Attorneys with the groups have also filed a separate lawsuit that challenges the second environmental report.

George Borba has described the new suit as "harassment" and called for it to be withdrawn now that a hearing date has been set to resolve the first suit.

Caroline Farrell, attorney with the Center on Race, Poverty and the Environment, has said the new suit -- filed before the Feb. 19 hearing was announced -- was, in part, aimed at ensuring critics of the dairies got a day in court. Now that a hearing is certain, Farrell said the future of the new suit is uncertain.

"I have yet to figure out with my co-counsel how (the hearing) will affect the new lawsuit, if at all."

**EXHIBIT NO. 2**

**ENGINEERING STATEMENT FROM KLEIN BROADCAST ENGINEERING**

# ***KLEIN BROADCAST ENGINEERING***

*dedicated to improving the science and technology of radio & television communications*

## **ENGINEERING STATEMENT**

**RE:**

**KCOO(FM) SHAFTER, CALIFORNIA  
FM CHANNEL 282 A  
REQUESTS  
FM CHANNEL 226 A**

**FEBRUARY 2002**

### **INTRODUCTION and ENGINEERING STATEMENT**

The petitioner American General Media of Texas, Inc., and licensee of FM Broadcast Station KCOO(FM) at Shafter, California, has filed a Petition for Rulemaking to add FM Channel 226 A at Shafter, California and requests the Commission to modify the license of KCOO(FM) to specify FM Channel 226 A in lieu of FM Channel 282 A. In addition to other public interest reasons set forth by the Petitioner, this request was made because the licensee of KCOO(FM) has been notified by its landlord, from whom it subleases tower space that the landlord wishes to terminate the lease agreement and dismantle the tower antenna support structure of KCOO(FM) as soon as possible.

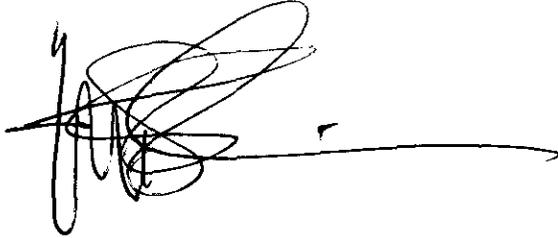
This writer has studied the area around Shafter, California, and has found no suitable existing tower structures on which to locate the main transmission facility of KCOO(FM). In addition it would be very difficult, if not impossible to locate vacant land on which to build a new tower and main transmission facility for KCOO(FM), due to the real estate market conditions that exist in the area and the availability of land suitable for location of such a facility that complies with Section 73.207 or Section 73.215 of the Commission's Rules. The length of time required for the development of such a facility could take several years. KCOO(FM) has only a matter of months before it must vacate its current site and relocate to prevent loss or interruption of service to the general public.

The licensee/petitioner has access to an existing tower site suitable for the prompt relocation of the main transmission facilities of KCOO(FM) if the requested allotment of FM Channel 226 A were made to Shafter, California. This existing site could be used for the relocation of the KCOO(FM) main transmission facility on FM Channel 226 A and would comply with Section 73.215 of the Commission's Rules if the proposed allotment of FM Channel 226 A at Shafter, California were made by the Commission, as requested.

INTRODUCTION and ENGINEERING STATEMENT cont'd page two: KCOO(FM)

By acting favorably on the petitioner's request, the petitioner/licensee of KCOO(FM) will be able to prevent an interruption or loss of service to the general public and its Principal Community, Shafter, California.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Elliott Kurt Klein, Consulting Broadcast Engineer

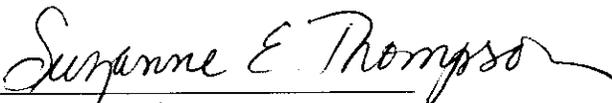
08 February 2002

**CERTIFICATE OF SERVICE**

I, Suzanne E. Thompson, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a true copy of the Supplement to Petition for Rule Making was sent this 12<sup>th</sup> day of February 2002, by hand delivery, to the following:

John A. Karousos  
Mass Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 3-A320  
Washington, D.C. 20554

Sharon McDonald  
Mass Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 3-A226  
Washington, D.C. 20554

  
Suzanne E. Thompson