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BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

AUG 13 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 02-136
Table of Allotments,)	RM-10458
FM Broadcast Stations)	RM-
(Arlington, Coos Bay, Fossil,)	RM-
Gladstone, Hermiston, Manzanita,)	RM-
Moro, Portland, Springfield-Eugene,)	RM-
The Dalles and Tillamook, Oregon;)	
Aberdeen, Bellingham, College Place,)	
Covington, Forks, Hoquiam, Ilwaco,)	
Kent, Long Beach, Shoreline, Trout)	
Lake and Walla Walla, Washington))	

TO: Assistant Chief, Audio Division
Media Bureau

REPLY AND REQUEST TO SEVER PROCEEDING

Two Hearts Communications, LLC (THC), licensee of FM Broadcast Station KHSS, Channel 264C3, Walla Walla, Washington, by its attorney, hereby respectfully submits this Reply in the above-captioned proceeding. Further, THC respectfully requests the Commission to sever the portion of this multiple-city proceeding involving Arlington and Hermiston, Oregon and Walla Walla and College Place, Washington, as the allocations matters involving those communities do not impact the rest of the communities that

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are now involved Docket 02-136¹. In support whereof, the following is shown:

Summary of July 29, 2002 Filings

1. There are now four counter-proposals in response to the proposal put out for public comment in the above-captioned proceeding. Of those, only the proposal of THC involves an attempt by an existing station to improve its facilities while continuing to serve the same core market as at present. KHSS(FM) would remain at its present transmitter site for its proposed upgrade to Class C2 status, and would provide a first local commercial aural broadcast outlet to the community of College Place, Washington, which is adjacent to KHSS(FM)'s present community of license of Walla Walla.

2. The other three counter-proposals involve the uprooting of existing service in smaller, outlying markets in favor of relocating the respective stations to communities in metropolitan areas:

(A) Mid-Columbia Broadcasting, Inc., the licensee of KMCQ(FM), Channel 283C, The Dalles, Oregon, who initiated this proceeding, has now counterproposed its original proposal to specify Kent, Washington a community located just east of Sea-Tac International Airport, in lieu of

¹THC requested the allocation of Channel 263C2 (in lieu of Channel 261C2) at Arlington, Oregon, mutually-exclusive with the proposal of Mid-Columbia Broadcasting, Inc. et al to allocate Channel 261C2 at

Covington, Washington, as KMCQ(FM)'s new city of license, with a downgrade to Class C2 status (and other changes in the FM Table of Allotments);

(B) The licensee of KDUX-FM, Aberdeen, Washington, also seeks to move into the Seattle area, specifying Shoreline, a community contiguous to Seattle's northern city limit, as KDUX-FM's new city of license, and proposes a frequency move from Channel 284C2 to Channel 283C2 (along with other changes in the FM Table of Allotments); and

(C) New Northwest Broadcasters LLC, the licensee of KAST-FM, Astoria, Oregon, seeks to relocate into the Portland, Oregon metropolitan area, and in particular, the community of Gladstone, Oregon as KAST-FM's new community of license, and proposes a frequency move from Channel 225C1 to Channel 226C3 (along with other changes in the FM Table of Allotments).

3 The THC counterproposal is mutually-exclusive with the original proposal in Docket 02-136 in that it proposes a different channel number at Arlington, Oregon. The KAST-FM counterproposal is mutually-exclusive with the original proposal in Docket 02-136 in that it proposes a different channel number at Trout Lake, Washington. Neither the THC nor KAST-FM counterproposals appear to be mutually-exclusive with the end-game proposed by KMCQ(FM) and KDUX-FM—the use

Arlington. Mid-Columbia merely needs a Class C2 on any available

of Channel 283 in the Seattle market (nor are the THC and KAST-FM counterproposals mutually-exclusive with any necessary step to achieve the goals of KMCQ(FM) or KDUX-FM, other than the channel numbers at Arlington, Oregon and Trout Lake, Washington, which are changeable). The THC and KAST-FM counterproposals are not mutually-exclusive, and both could be granted by the Commission independently of the outcome of the KMCQ(FM) and KDUX-FM proposals.

4. As to the KMCQ(FM) and KDUX-FM proposals, they are directly mutually-exclusive with each other, as only one of them can operate on Channel 283 in the Seattle metropolitan area. Furthermore, there are at least five objections to any use of Channel 283 in the Seattle area that would displace existing Class D FM Broadcast Station KMIH, Mercer Island, Washington, including a substantial objection filed by the Mercer Island School District, licensee of KMIH.

Request to Sever

5. The Commission has in the past granted a motion to sever portions of a multi-city FM Table of Allotments proceeding where it appeared that there is no "technical conflict" between proposals. ***FM Table of Allotments, Bon Air, Virginia et al***, 6 FCC Rcd 4917 (1991).

6. In this case, so long as the Commission will allocate Channel 263C2 at Arlington, Oregon, there is no

channel to provide "replacement service".

conflict between the THC counterproposal and any other proposal or counterproposal in this case². The public interest, convenience and necessity would be well served by bringing improved service over KHSS(FM), as well as a new channel at Arlington, Oregon, at the earliest possible time.

Other Matters

7. Finally, THC wishes to clarify two matters as to its own counterproposal. First, THC requests that the Commission use reference coordinates for the allocation of Channel 264C2 at College Place which the same as the coordinates for the existing KHSS(FM) transmitter site, 45° 59' 04" North Latitude and 118° 10' 08" West Longitude. Second, THC's consulting engineer, McKenna Communications, Inc., has prepared a coverage contour map for a proposed KHSS(FM) Class C2 facility at its present site and maximum Class C2 facilities, which demonstrates that the proposed use of Channel 264C2 provides city-grade (70 dBu) or better coverage to all of College Place, Washington.

8. Additionally, with respect to the allocation of Channel 263C2 at Arlington, Oregon, it is respectfully requested that the Commission impose a site restriction requiring the location of any station at Arlington 11 km west of that community, in order to permit station KQFM(FM),

Hermiston, Oregon, to upgrade its facilities to Class C3 status on Channel 261A by means of a "one step" application. It is therefore respectfully requested that the Commission use as the reference coordinates for Arlington, Oregon North 45° 42' 45" Latitude, West 120° 21' 00" Longitude.

Conclusion

9. Improved service to the public over KHSS(FM) can be achieved, without any other party or city having a loss of service or the defeat of an improvement proposal, by the granting of the KHSS(FM) counterproposal. Further, the public interest, convenience and necessity would be well served by a severing of the THC counterproposal (as well as the KAST-FM counterproposal), from the KMCQ(FM) and KDUX-FM counterproposals which are in conflict with each other, but not in irremediable conflict with either the THC or KAST-FM counterproposals.

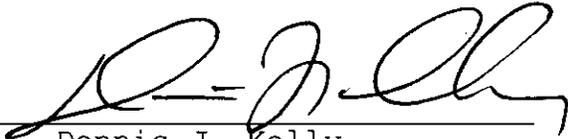
WHEREFORE, it is respectfully urged that the Commission amend the FM Table of Allotments in accord with the THC counterproposal, as follows:

Community	Present	Proposed
Arlington, Oregon	--	263C2
Walla Walla, Washington	227C1, 239C, 246C, 256C2, 264C3	227C1, 239C, 246C, 256C2
College Place, Washington	--	264C2
Hermiston, Oregon	263A	261A

²Likewise, the Commission could sever the KAST-FM counterproposal from the rest of this case were it to allocate Channel 236A in lieu of Channel 226A at Trout Lake, Washington.

Respectfully submitted,

TWO HEARTS COMMUNICATIONS, LLC

By 
Dennis J. Kelly
(D. C. Bar #292631)
Its Attorney

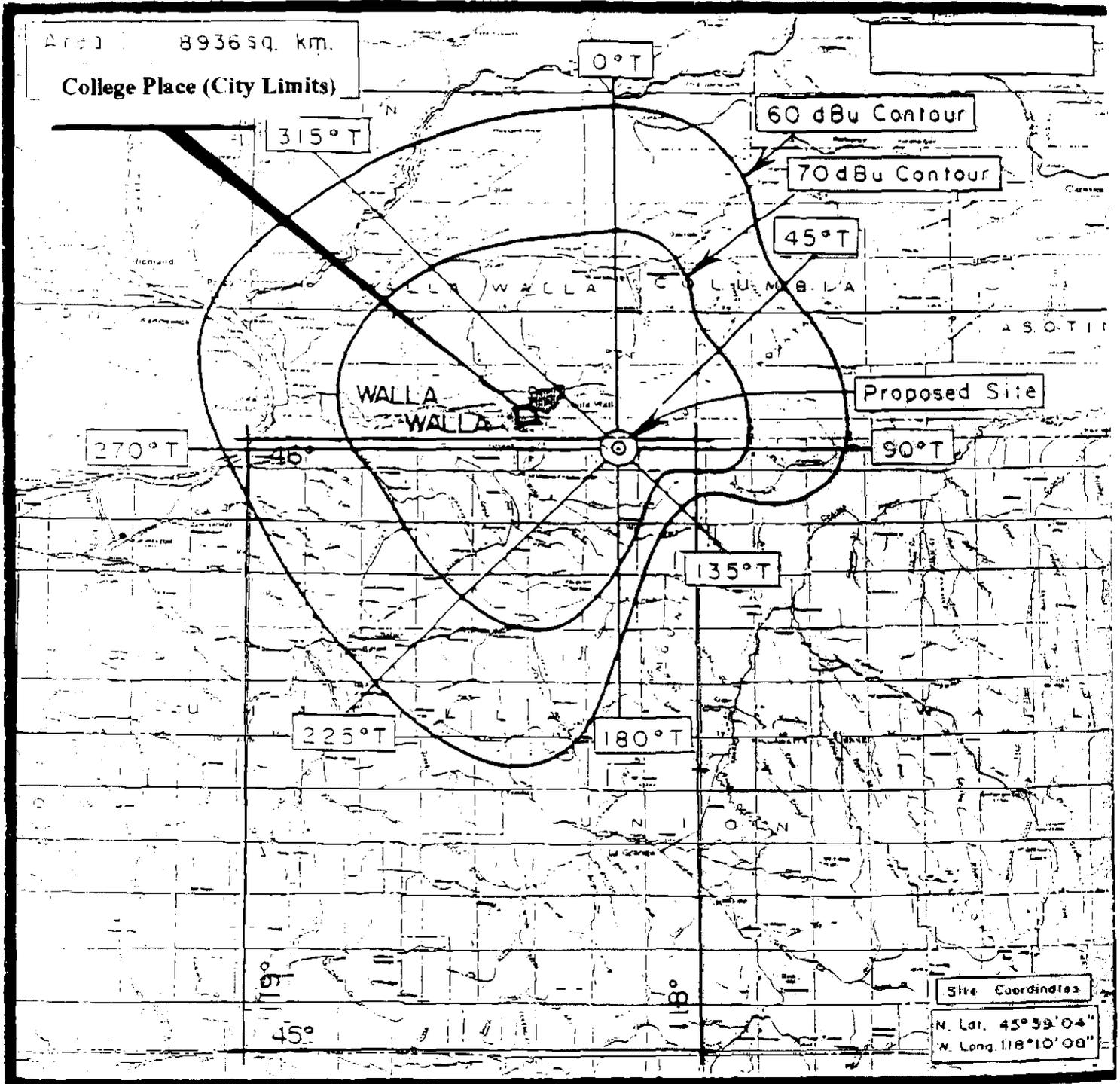
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August 13, 2002

**McKENNA
COMMUNICATIONS, INC.**

**PUBLIC SAFETY RADIO SYSTEMS
BROADCAST CONSULTANTS**

**RADIO STATION KHSS - FM
C-2 Coverage Area Map**



CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing "Reply and Request to Sever Proceeding" were served by first-class United States mail, postage prepaid, on this 13th day of August, 2002 upon the following:

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