

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments) MB Docket No. 02-387
FM Broadcast Stations) RM - 10623
(Lahaina and Waianac, Hawaii))

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APR 21 2003

To: Assistant Chief, Audio Division
Media Bureau

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RESPONSE TO REPLY COMMENTS

Pacific Radio Group, Inc. ("Pacific"), licensee of Station KLHI(FM), Lahaina, Hawaii, by its counsel, hereby responds to the reply comments filed in this proceeding. Pacific has accompanied this supplement with a motion for its acceptance. In support hereof, Pacific states as follows:

1. Cox Radio, Inc. ("Cox") filed reply comments in this proceeding on March 3, 2002, the reply comment date. Cox had not participated at an earlier stage in this proceeding, and in its reply comments it raised a wholly new argument in opposition to Pacific's previously unopposed request to allot Channel 266C to Waianae, Hawaii as its first local service. Pacific will demonstrate herein that Cox's argument is without foundation.

2. Cox argues that a facility operating on Channel 266C cannot place the requisite 70 dBu contour over Waianac, as specified under Section 73.315 of the Commission's Rules, due to the requirement that it protect an FCC monitoring station located at Waipahu, Hawaii.¹ Cox states that in order to provide protection to the monitoring station Pacific will be obligated

¹ See 17C.F.R. § 73.1030(c). Pacific notes that this requirement to protect the monitoring station is a requirement imposed upon an applicant, not a rule making petitioner.

to implement a directional antenna, which, in turn, will reduce the signal strength in the direction of Waianae below the level required for city-grade coverage.

3. The basic premise of this argument is faulty, as can easily be seen with reference to the map attached as Exhibit E1. The monitoring station is generally southeast of the proposed transmitter site, and the community is generally northwest of the proposed transmitter site. Certainly a directional antenna can be designed to reduce power in the direction of the monitoring station while radiating full power in the opposite direction.¹ The need to protect the monitoring station should have almost no effect on the station's community coverage.

4. Attached as Exhibit E3 are terrain profiles from the proposed antenna site to four points within the community. These profiles show that a 150 meter tower will offer clear line-of-sight to the community of Waianac.² Moreover, a Class C facility will have no trouble developing a 70 dBu signal with clear line-of-sight at approximately 10 kilometers distance. Moreover, as Exhibit E2 shows, the ability to locate a Channel 266C facility is by no means limited to this particular tower site. The area in which a station could be located includes the community of Waianae itself, which clearly obviates any concern over the ability to place a city-grade signal over the community.

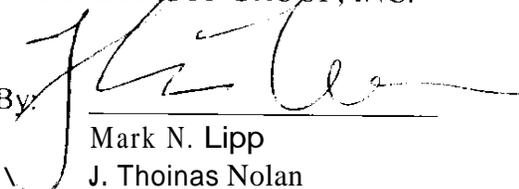
WHEREFORE, for the foregoing reasons, the Commission should deny Cox's objection and grant Pacific's proposal in this proceeding.

Moreover, the Commission is willing to waive the usual directional antenna limitations (rate-of-change and maximum-to-minimum ratios) when necessary for the protection of monitoring points. See *SHOWEM, Inc.*, 6 FCC Rcd 7364 (1991).

A small terrain feature intrudes within the signal path to the extreme northeast edge of the community. See Exhibit E3-d. The small size of this feature should not have a significant effect on the signal propagation in that direction. As the Engineering Statement indicates, the signal will still be in excess of 100 dBu over this portion of the community. See Exhibit E7. *Srr Jackson and Salyersville, Kentucky*, 17 FCC Rcd 4662 (2002) (signal to community exceeded 70 dBu even though path was partially terrain-obstructed).

Respectfully submitted,

PACIFIC RADIO GROUP, INC.

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Its Counsel

April 21, 2003

Engineering Statement
In Support of a
Petition for Rulemaking
KLHI
Pacific Radio Group, Inc.

Methods:

All path profile studies were calculated using the USGS 3-second terrain data and RadioSoft's Comstudy vcr. 2.2.12.13. The F(50,50) contour and site HAAT(using a terrain resolution of 3") were calculated using Comstudy ver. 2.2.12.13. Mapping was conducted using MapInfo ver. 7.0. Waianae community reference coordinates were obtained from Au Contraire Software's FMSTUDY vcr. 27.07. The proposed site elevation was obtained using a USGS 7.5 minute Quadrangle Map.

Background :

Cox Radio, Inc. ("Cox") filed reply comments on March 3, 2003 alleging that Pacific Radio Group's ("Pacific") Petition for Rule Making ("PRM")(Docket 02-387, RM-10623) is deficient based on a lack of city grade coverage of Waianae, HI

The issues raised in Cox's filed reply comments are:

1. Pacific does not provide any protection to the FCC monitoring station located at 21-22-45 N and 157-59-54 W.
2. In order to provide protection to the FCC monitoring station, Pacific would have to employ a directional antenna. Using the directional pattern of the master FM antenna of the tower at the proposed site, Pacific would be unable to provide city grade coverage of Waianae, HI.
3. Using the height of the tower at the proposed site, Pacific will be unable to provide line-of-sight to Waianae, HI due to a major terrain obstruction.

Response to filed Comments:

1. Pacific did not provide protection to the FCC monitoring station because it is unnecessary for a PRM. If, however, a directional antenna is needed to protect the FCC monitoring station, it will not affect the city grade coverage of Waianae since the monitoring station is in the opposite direction of Waianae. The FCC monitoring station is located at a bearing of 101 degrees from the proposed site and Waianae (using the community reference coordinates of 21-26-41 N and 158-11-24 W) is located at a bearing of 299 degrees from the proposed site (See Exhibit E1).
2. Cox may have incorrectly assumed that Pacific would be using the same directional pattern of the tower's master FM antenna located at the proposed coordinates of 21.23-

SI N and 158-06-01 **W**. This pattern would not be acceptable as it would limit the transmitted signal in the direction of Waianac. Pacific proposes to use a directional pattern that protects the FCC monitoring station and allows city-grade coverage of Waianae. **Also**, Pacific is not restricted to the proposed site. The site was chosen because it already has an existing tower, offers a high elevation to reduce the structure size of a lower, and has other towers in the immediate area. Considering these facts, Pacific has a reasonable assurance that another tower could be built in the immediate area or that another more suitable tower would be close by. Given the large area in which the proposed site could be located, city grade coverage of Waianae will not be a problem (See Exhibit E2).

3. In order to overcome the obstruction in the direction of Waianae, Pacific proposes to use a 150 meter tower (See Exhibit E3). To demonstrate that ample signal exists, Waianae can be encompassed by a 100 dBu F(50,50) contour (See Exhibit E4).

Statement of the Consultant

The engineering portion of the reply comments was prepared for Pacific Radio Group. It was developed by American Media Services, LLC. ("AMS") and **may** not be used for purposes other than submission to the Commission by Pacific Radio Group.

It may not be reproduced in its entirety, or in part, by anyone (other than from the Commission) without the written consent of AMS.

The information in this application is compiled from the most recent Commission and outside data. AMS is not responsible for errors resulting from incorrect data or unpublished rule and procedure changes.

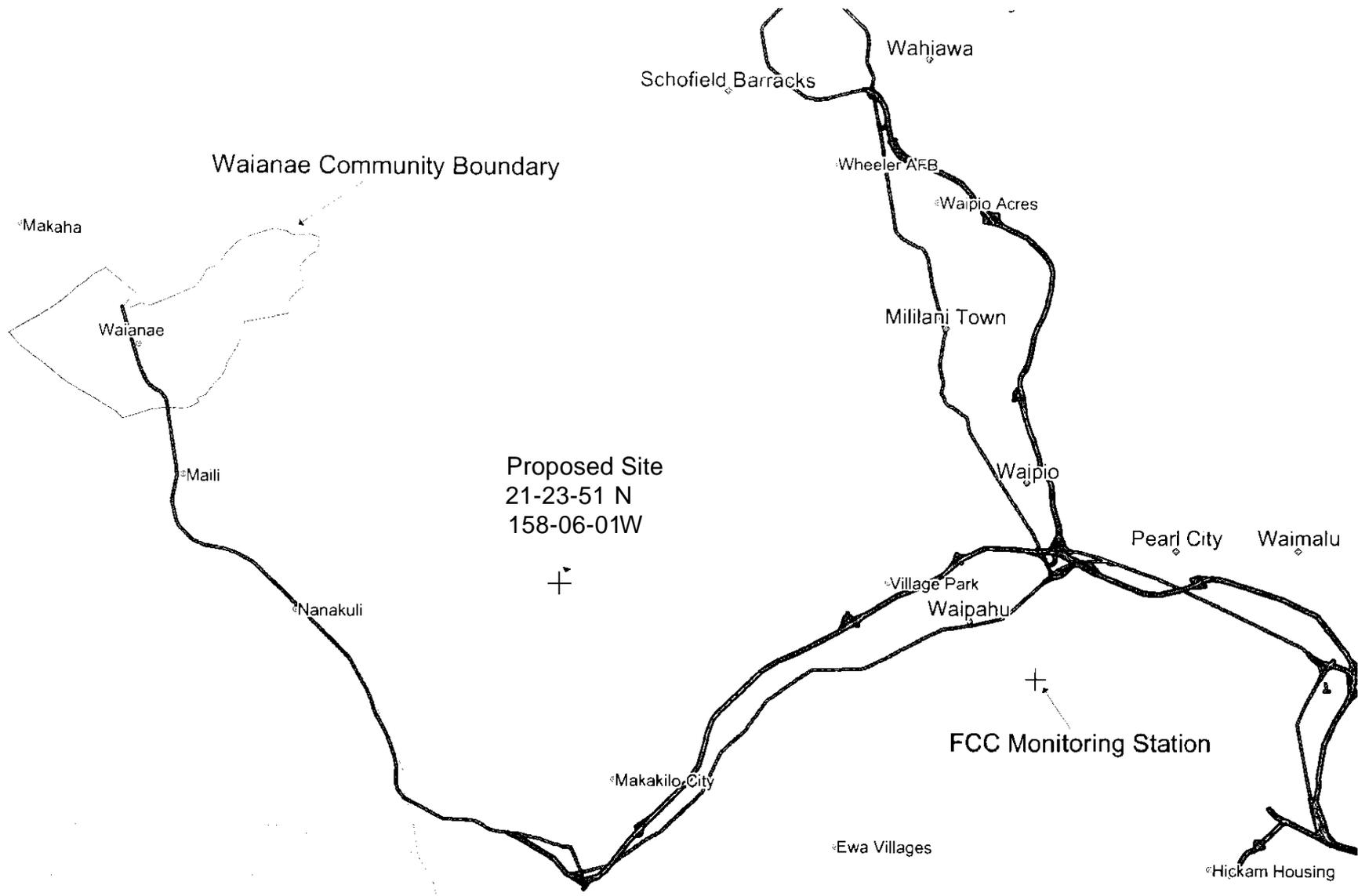
I personally prepared the foregoing exhibits. I certify to the best of my knowledge, education, and belief the above information is true and correct.

For American Media Services, LLC


Laramie Guest

April 16, 2003

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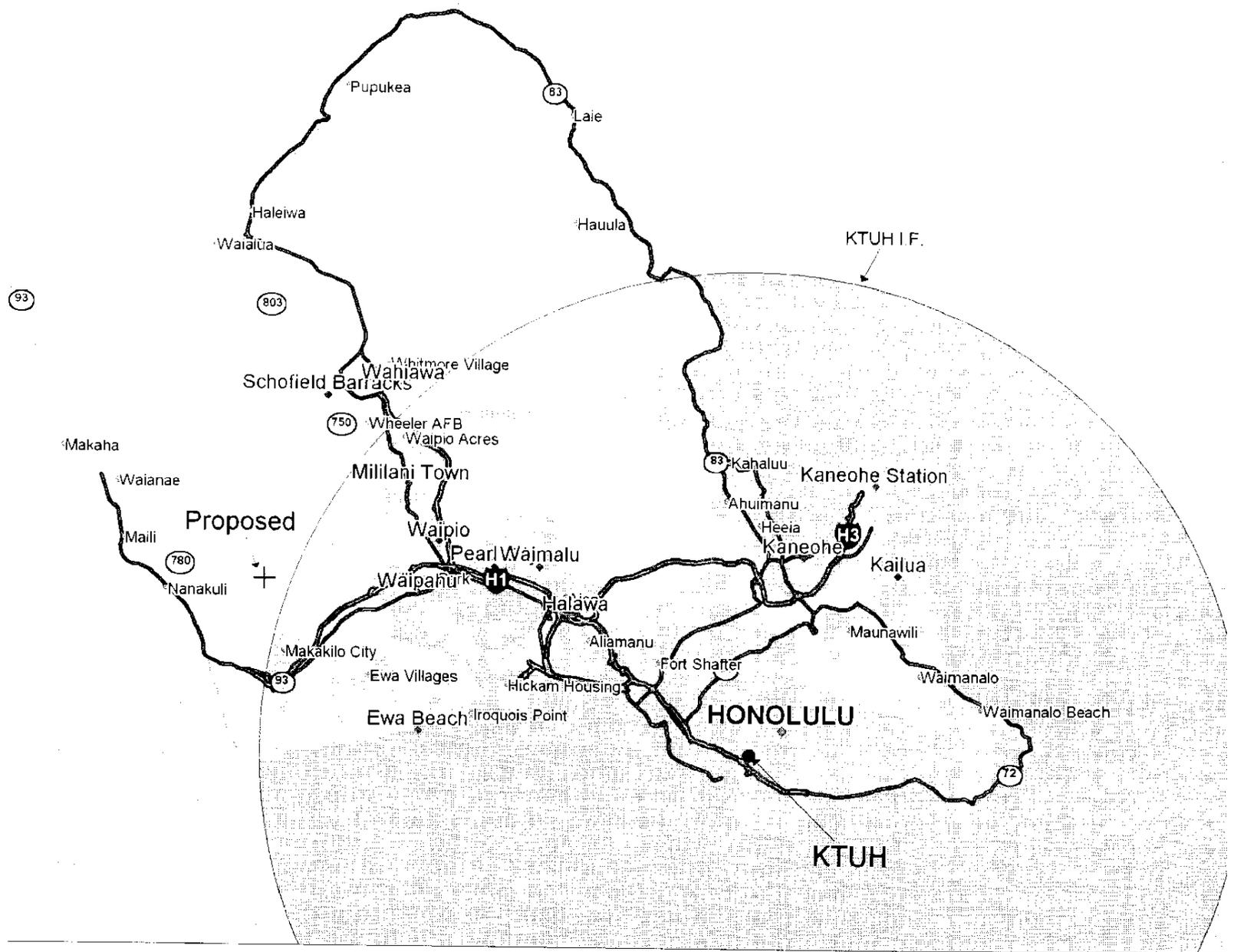


KLHI Relationship to Waianae and FCC Monitoring Station

Exhibit E I

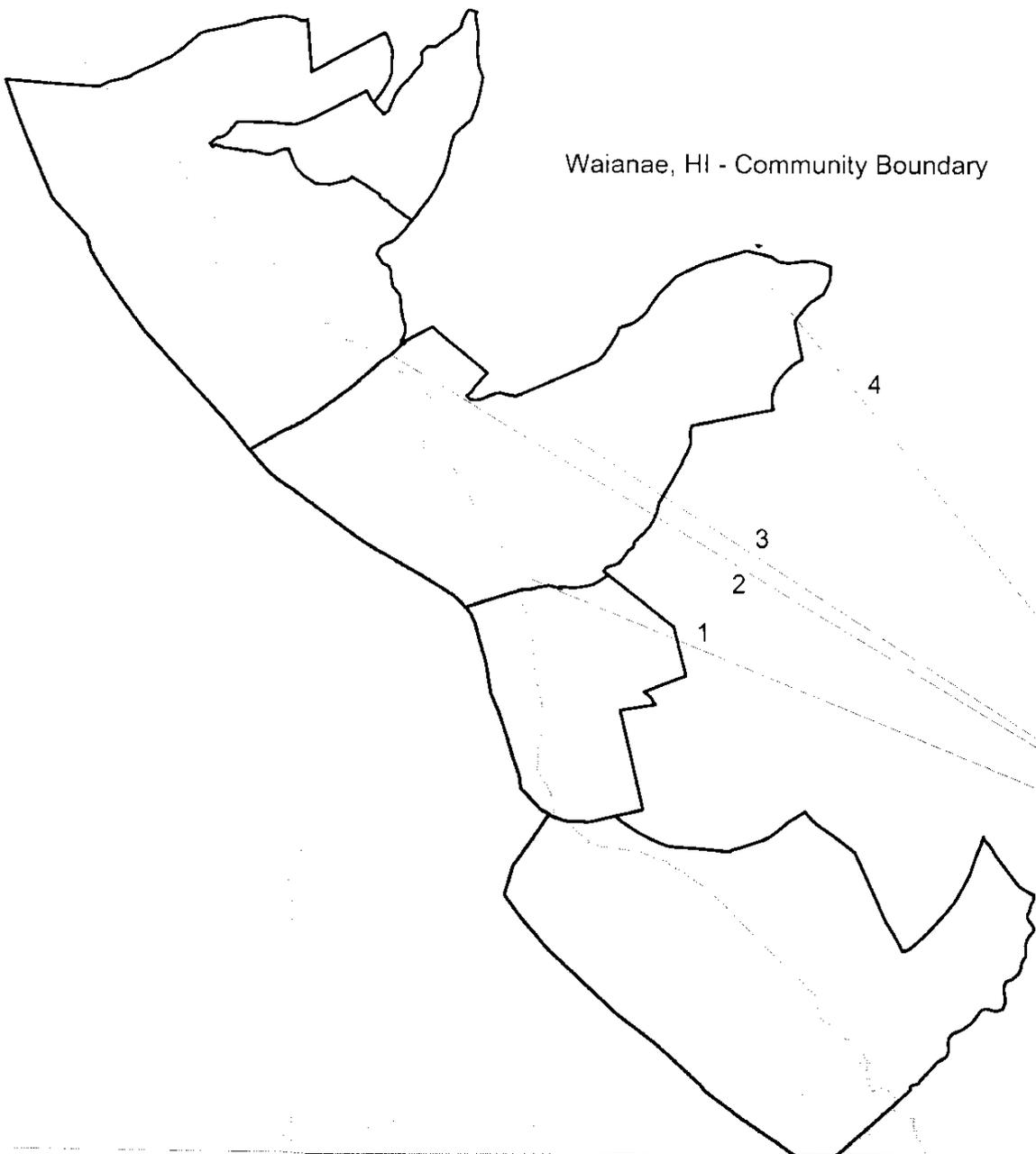


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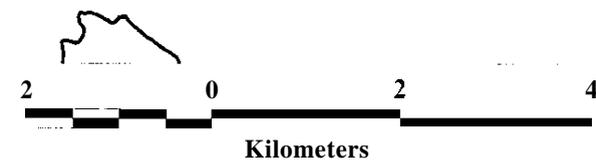


KLHI - Area to Locate Exhibit E2

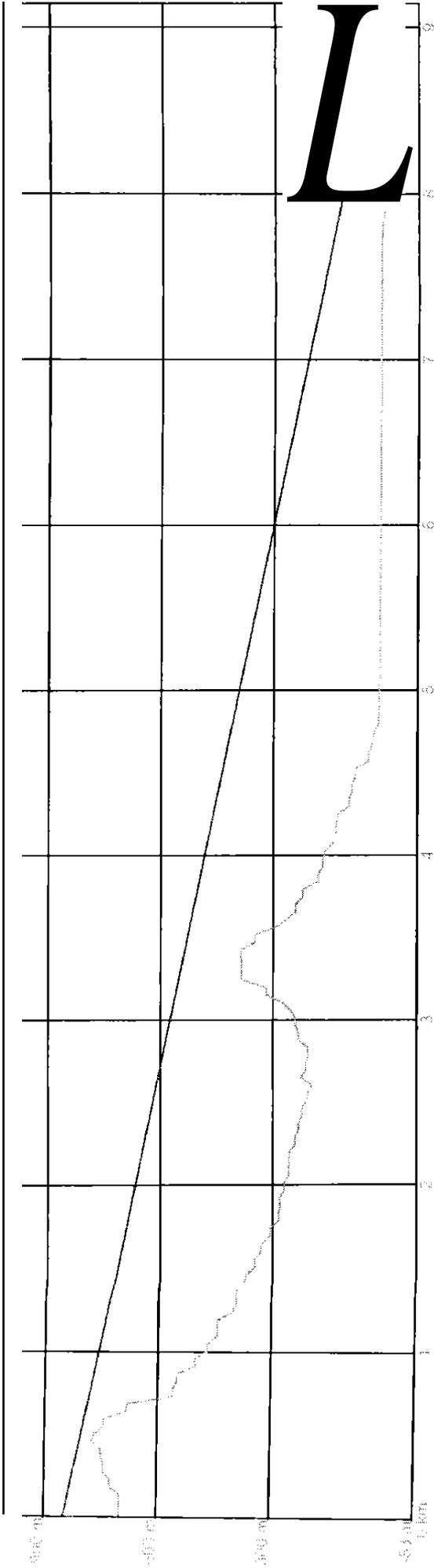




KLHI - Path Profile Study
Exhibit E3



ComStudy 2 Path Profile



Proposed

Lat: 21-23-51.0 N
 Lon: 158-09-01.0 W
 AMSL: 689 m
 Tower AGL: 150 m

Path #1

Lat: 21-25-46
 Lon: 158-10-54
 AMSL: 6 m
 Tower AGL: 9 m

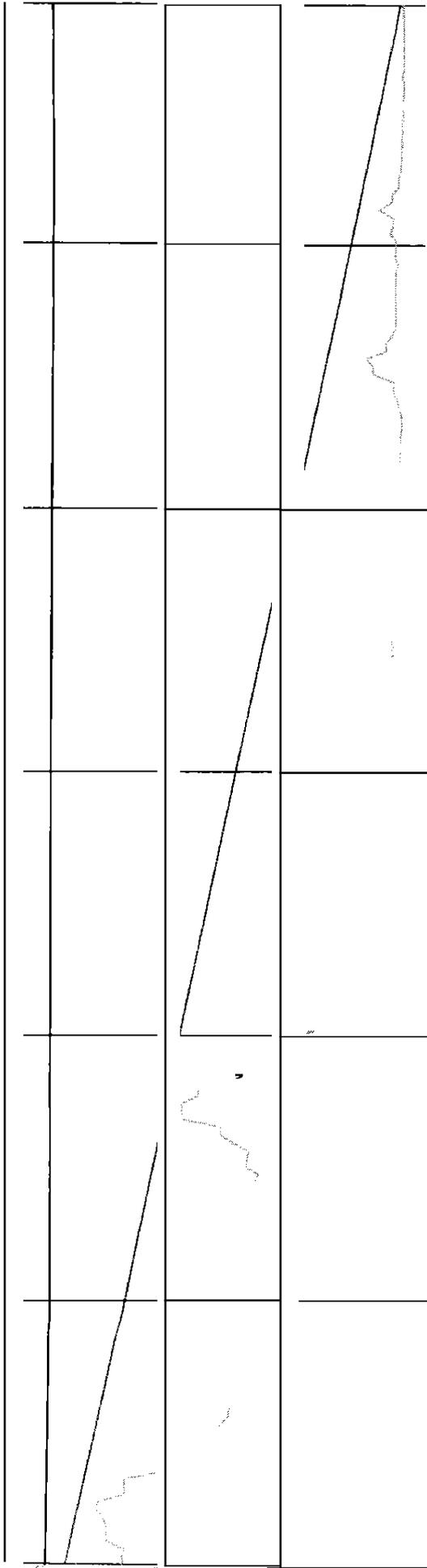
Profile Info

Distance: 9.14 Km
 Bearing: 292.87 deg
 # of points: 200
 K value: 1.333
 Frequency: 160.0000
 Clearance: 0.1

Losses

Base Loss: 95.2 dB

ComStudy 2 Path Profile



Proposed

Lat: 21-23-51.0 N
 Lon: 158-08-01.0 W
 AMSL: 639 m
 Tower AGL: 150 m

Path #2

Lat: 21-27-12.0 N
 Lon: 158-11-50.0 W
 AMSL: 1 m
 Tower AGL: 9 m

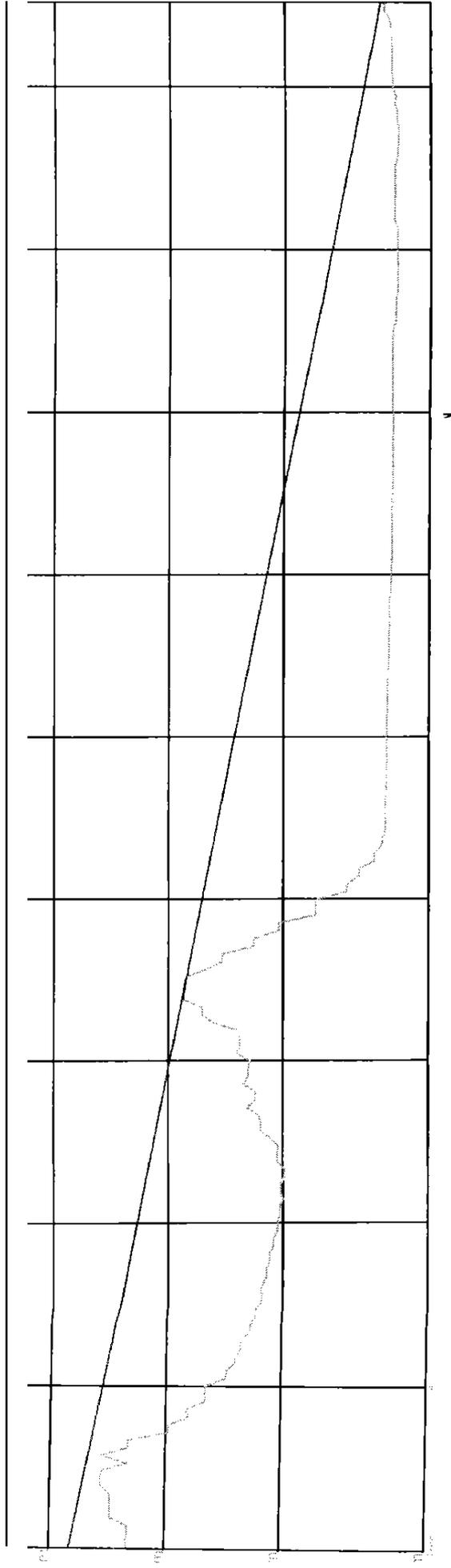
Profile Info

Distance: 11.80 Km
 Bearing: 301.76 deg
 # of points: 200
 K value: 1.333
 Frequency: 150.0000
 Clearance: 0.1

Losses

Base Loss: 99.0 dB

ComStudy 2 Path Profile



Proposed

Lat: 21-23-51.0 N
 Lon: 158-10-01.0 W
 AMSL: 590 m
 Tower AGL: 150 m

Path #3

Lat: 21-26-41.0 N
 Lon: 158-10-37.0 W
 AMSL: 41 m
 Tower AGL: 8 m

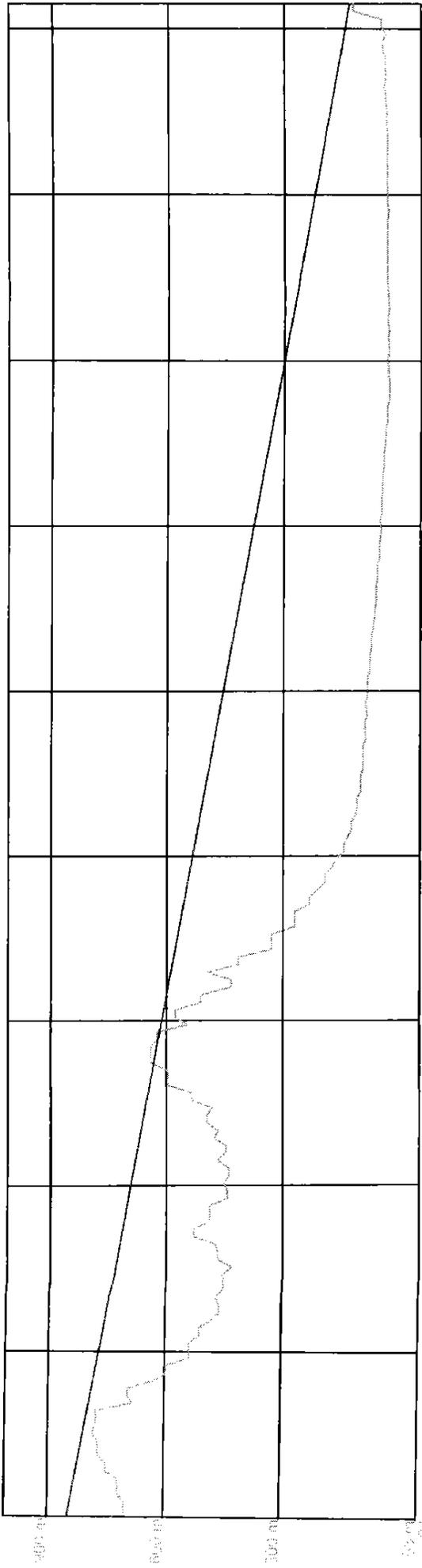
Profile Info

Distance: 9.51 Km
 Bearing: 303.50 deg
 # of points: 200
 K value: 1.333
 Frequency: 150.0000
 Clearance: 0 ft

Losses

Base Loss: 95.6 dB

ComStudy 2 Path Profile



Proposed

Lat: 21-23-51.0 N
 Lon: 158-06-01.0 W
 AMSL: 093 m
 Tower AGL: 150 m

Path #4

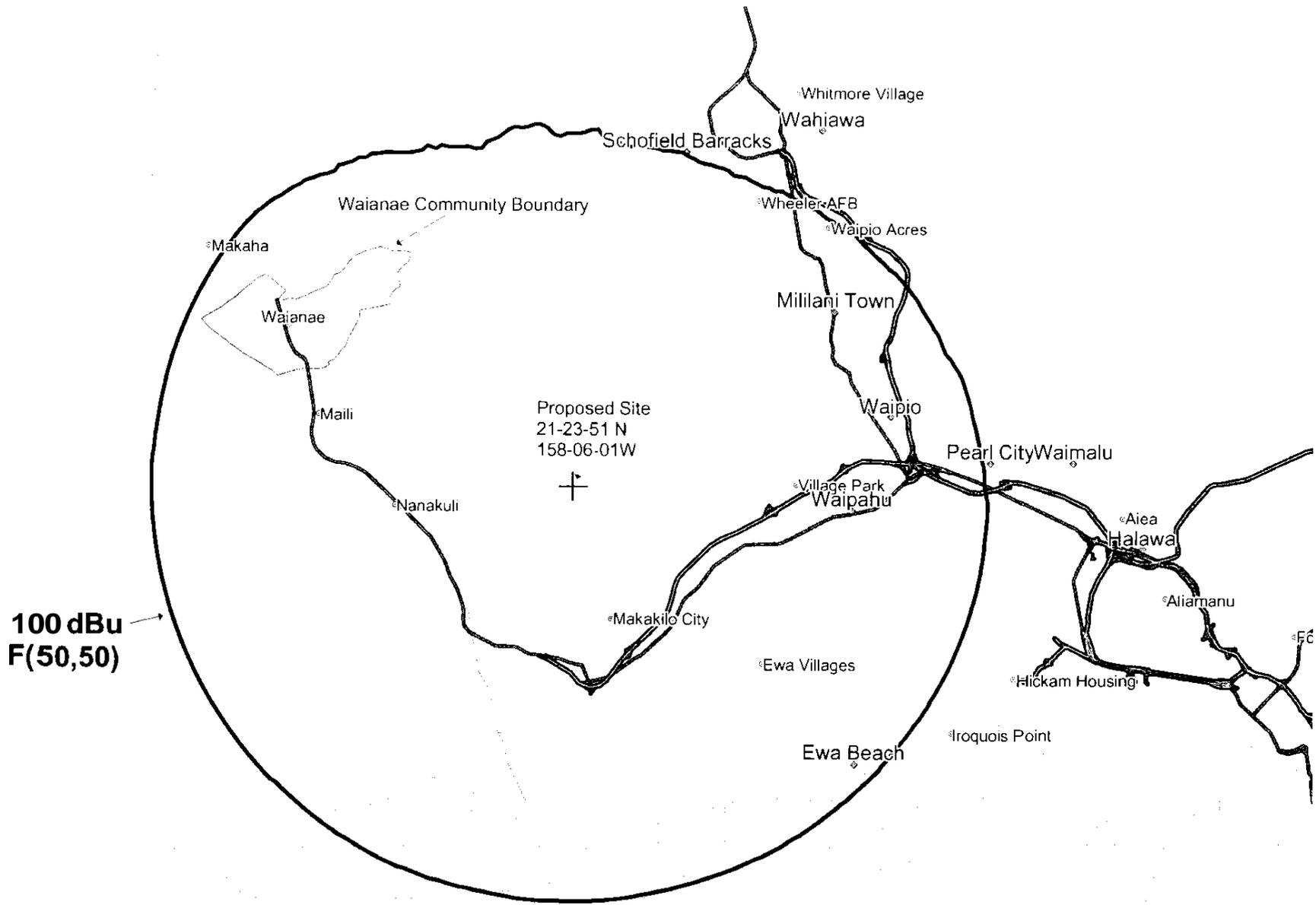
Lat: 21-27-43.0 N
 Lon: 158-09-19.0 W
 AMSL: 122 m
 Tower AGL: 9 m

Profile Info

Distance: 9.15 Km
 Bearing: 321.54 deg
 # of points: 200
 K value: 1.333
 Frequency: 150.0000
 Clearance: 0.6

Losses

Base Loss: 95.2 dB



**KLHI - 100 dBu F(50,50) Coverage
Exhibit E4**

Site Elevation: 695m
 RCAMSL: 845 m
 PAAT: 704 m - Equivalent ERP: 69 kW



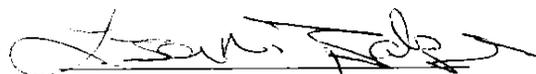
CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 21st day of April, 2003, caused *to* be mailed by first-class mail, postage prepaid. copies of the foregoing "**Response to Reply Comments**" to the following:

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