

12. As to the technical merits of MBI's proposal for The Dalles, Mr. Beverage has examined MBI's Channel 256C3 showing. While he concludes (Beverage Statement at 5) that it would be technically permissible to allot Channel 256C3 to The Dalles, Mr. Beverage demonstrates (*id.* and Figures 7-9) that allotting Channel 268C3 represents a more efficient use of the spectrum, which is in the paramount public interest. Specifically, as Figure 9 illustrates, allotting Channel 268C3 to The Dalles with the site coordinates specified in the Report and Order will increase the future educational station's 60 dBu coverage area by 29% (2046 square kilometers versus 1580 square kilometers) and, most importantly, will increase the station's potential audience by 64% (48,075 persons versus 29,319 persons). This is especially significant in a comparative allotment analysis, since the "need for or lack of public radio service" was specifically identified in FM Channel Policies/Procedures, 90 FCC 2d 88, 92 n.8 (1982), as a factor warranting special consideration when comparative allotment analyses are being made.

13. Moreover, as Mr. Beverage tabulates (*id.* at 6 and Exhibit I of Station KBBT-FM's July 3, 1996 "Consolidated Joint Counterproposal Reply Comments" (attached hereto as Exhibit B)), Station KFLY's areas and populations would be only 1220 square kilometers and 26,724 persons greater if it were granted full Class C facilities (instead of the Class C1 upgrade that the Report and Order allows), while the failure to upgrade CBS's Station KBBT-FM to Class C1 (as a result of allotting Channel 256C3 to The Dalles) would deprive Station KBBT-FM of an increased 60 dBu service area of 7908 square kilometers and an increased audience of 231,322 persons. Under these circumstances, CBS submits that it is appropriate for the Bureau to affirm the Report and Order's determination that the public interest is better served by allotting Channel 268C3 to The Dalles, instead of Channel 256C3. See also Section IV below.

(5) The Commission did not violate its cut-off rules by putting out Channel 268C3 for comment

14. MBI also asserts (Petition at n.4 and 17-19) that the Bureau violated its application cut-off rules by putting out Channel 268C3 for comment in the Dalles NPRM, instead of the allegedly more favored proposal of LifeTalk Broadcasting Association ("LifeTalk") for Channel 256C3. In a vain attempt to support its reasoning, it has appended LifeTalk's November 20, 1995 Petition for Rule Making to MBI's Petition for Reconsideration (MBI Exhibit B). However, examination of LifeTalk's Petition, which was not filed by communications counsel and did not contain the imprimatur of a consulting engineer, reveals that it contained spacing studies for four possible channels – 256C3, 291C3, 268C3, and 240C3. While Channel 256C3 was listed as LifeTalk's first choice, CBS submits that it was reasonable for the Bureau to treat the other three channels as viable alternatives, and, in its several pleadings in this proceeding since November 1995, LifeTalk has never disputed the Bureau's choice of Channel 268C3.

15. In short, having been aware of LifeTalk's Petition for Rule Making and not having previously raised any cut-off objection to Channel 268C3 in its July 5, 1996 "Comments" or elsewhere in this proceeding, it is untimely and disingenuous for MBI to assert at this late date (Petition at 19) that it "had no notice that any alternative channel was contemplated" or that "LifeTalk proposed no alternative channels in its petition". The Commission is obliged to be especially painstaking when dealing with pro se petitions, see Christian Children's Network, Inc., 1 FCC Rcd 982 (Rev. Bd. 1986), citing Martin-Trigona v. Smith, 712 F.2d 1421, 1424 (D.C. Cir. 1983), and it was fully reasonable for the Bureau to construe LifeTalk's Petition for

Rule Making as a request for Channel 256C3 with three alternatives. Hence, the Bureau properly treated Channel 268C3 as having been proposed by LifeTalk on November 20, 1995 (the date that LifeTalk's Petition was filed). Therefore, the Channel 268C3 proposal, as put out for comment in the Dalles NPRM and adopted in the Report and Order, does not violate the Commission's cut-off rules and policies for applications and rulemaking petitions.

(6) LifeTalk adequately responded to the Commission's directive about agreeing to build a tall tower

16. Finally, MBI (Petition at 20-21) renews its previous claim that LifeTalk's allotment proposal should be disallowed because LifeTalk allegedly did not timely make an explicit pledge concerning erection of a higher tower, which the Commission requested in the Dalles NPRM. The Report and Order (13 FCC Rcd at 6604) concludes that LifeTalk's response was adequate, although "for absolute clarity" it could have phrased itself more precisely. CBS agrees that LifeTalk's original response was adequate. There are no magic words which were necessary to meet the Dalles NPRM's requirement for an "affirmative statement". The purpose of the requirement was not to trip up LifeTalk, but, rather, to alert LifeTalk to a special construction requirement and to obtain LifeTalk's assent. CBS urges that, even without LifeTalk's subsequent clarifying July 15, 1996 "Supplement," the record demonstrates LifeTalk's assent and compliance with the Dalles NPRM's request. MBI's objection is extremely formalistic, hypertechnical, and self-serving. It should be summarily denied.

IV. Grant of KFLY's Class C upgrade application would not better serve the public interest

17. In the final Section C of its Petition (at 22-24), MBI elaborates on its view (see Paragraph 4, supra) that the public interest would be better served by granting Station KFLY's

full Class C upgrade instead of either the Banks upgrade by itself or the combination of the Banks upgrade and the allotment of a first noncommercial educational allotment to The Dalles. As CBS will now show, MBI is fatally mistaken in two respects.

18. First and foremost, CBS submits that it is erroneous and misleading for MBI to posit the comparative allotment choices in the Report and Order as being: (1) KFLY Class C upgrade; or (2) KBBT-FM upgrade; or (3) KBBT-FM upgrade/Dalles allotment. As CBS noted in Paragraphs 1 and 11, supra, MBI filed a Form 301 one-step upgrade application on May 15, 1998 (File No. BPH-980515IC), which was accepted for filing on June 10, 1998 (Broadcast Applications, Report No. 24259, p. 9). Attached hereto as Exhibit C is the cover letter accompanying that application, in which MBI concedes that the Report and Order, as it presently stands, allows Station KFLY to upgrade to Channel 268C1 by filing an application outside of the rulemaking proceeding.

19. Specifically, MBI states in its cover letter that its May 1998 application is to "preserve the opportunity to upgrade from Class C2 to Class C1 status...[and that grant of this application] will enable MBI to improve service to the public from KFLY without forcing MBI to relinquish its right to continue to seek grant of its application for Class C facilities [through its Petition for Reconsideration in the rulemaking proceeding]." Thus, it is clear, by MBI's own admission, that the comparative allotment choices in this proceeding are actually: (1) KFLY Class C upgrade; or (2) KFLY Class C1 upgrade/KBBT-FM upgrade; or (3) KFLY Class C1 upgrade/ KBBT-FM upgrade/Dalles allotment.

20. Second, CBS submits that the above restatement of the true comparative allotment choices in the Report and Order demonstrates, inso facto, that, under FM Channel Policies/

Procedures, supra, and Archilla-Marcocci Spanish Radio Co., supra, the Report and Order correctly concluded that the public interest would be best served by approving "Option 3" -- KFLY Class C1 upgrade/KBBT-FM upgrade/Dalles allotment. This is so because Option 3 not only maximizes the number of upgrades and new allotments granted in this proceeding, consistent with the teachings of Archilla-Marcocci Spanish Radio Co., supra, but also: (a) grants a first noncommercial educational allotment to The Dalles, which has special public interest significance under FM Channel Policies/Procedures, 90 FCC 2d at 92. n.8; and (b) affords Station KFLY an increase in areas and populations of 8270 square kilometers and 299,245 persons, which is only 1220 square kilometers and 26,724 persons less in areas and populations than if Station KFLY were granted its full Class C facilities (see Exhibit B hereto).

21. Expressing the comparative allotment choices in this proceeding numerically (based on Exhibit B), they are as follows:

Option 1: KFLY	Ch. 268C	17,900 sq. kM	764,320 persons
KBBT-FM (same)	Ch. 298C2	8,486 sq. kM	1,518,676 persons
Option 2: KFLY	Ch. 268C1	16,680 sq. kM	737,596 persons
KBBT-FM	Ch. 298C1	16,394 sq. kM	1,749,998 persons
Option 3: KFLY	Ch. 268C1	16,680 sq. kM	737,596 persons
KBBT-FM	Ch. 298C1	16,394 sq. kM	1,749,998 persons
The Dalles allot.	Ch. 268C3	5,390 sq. kM	48,075 persons

Simply stated, contrary to MBI, the above facts and data fully demonstrate that the public interest in this proceeding is best served by granting Option 3 (or even Option 2), instead of Option 1.

V. Conclusion

22. In sum, CBS urges that MBI is manifestly wrong when it argues that granting its proposed full Class C facilities alone has greater public interest importance than granting a Class C1 upgrade to KFLY, a Class C1 upgrade to Station KBBT-FM, and a first noncommercial educational service to The Dalles. The correct choice is not between granting "the KFLY upgrade and the KBBT upgrade" (Petition at 24). Rather, it is between improving FM broadcast service in three communities (Corvallis, Banks, and The Dalles), or only in Corvallis. MBI is being unabashedly greedy in its desire to obtain full Class C facilities for itself, regardless of the consequences for two other Oregon communities, when the paramount public interest clearly lies in affirming the rulemaking allotments made in the Report and Order and awarding MBI the substantial areas and populations increases inherent in granting Station KFLY's May 1998 Class C1 one-step upgrade application.

WHEREFORE, in view of the foregoing, CBS respectfully requests that the Bureau should either grant the parties' settlement agreement in full or should affirm the allotments made

in the Report and Order and grant MBI's pending Form 301 application (File No. BPH-980515IC) to upgrade Station KFLY(FM) to Channel 268C1 at Corvallis, Oregon.

Respectfully submitted,

CBS RADIO LICENSE INC.

By 
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Jerold L. Jacobs

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(202) 463-4640

Its Attorneys

Dated: June 30, 1998

**ENGINEERING STATEMENT
CONCERNING ANALYSIS OF TECHNICAL
ARGUMENTS CONTAINED IN
PETITION FOR RECONSIDERATION
IN MM DOCKETS 96-7, 96-12 AND
CONSTRUCTION PERMIT MODIFICATION FOR KFLY(FM)
BANKS, REDMOND, SUNRIVER AND CORVALLIS, OREGON**

JUNE 1998

**ENGINEERING STATEMENT
CONCERNING ANALYSIS OF TECHNICAL
ARGUMENTS CONTAINED IN
PETITION FOR RECONSIDERATION
IN MM DOCKETS 96-7, 96-12 AND
CONSTRUCTION PERMIT MODIFICATION FOR KFLY(FM)
BANKS, REDMOND, SUNRIVER AND CORVALLIS, OREGON**

JUNE 1998

SUMMARY

The following engineering statement has been prepared on behalf of **CBS Radio License, Inc.**, licensee of **KBBT(FM)**, Banks, Oregon. On May 19, 1998, **Madgekal Broadcasting, Inc.**, licensee of **KFLY(FM)**, Corvallis, Oregon, filed a **Petition for Reconsideration** in **MM Docket Numbers 96-7 and 96-12** concerning its one-step upgrade application for **KFLY**, Corvallis, Oregon. **Madgekal** puts forth several engineering comments. The arguments are summarized below and then discussed fully herein. According to **Madgekal**:

- 1) In a Report and Order released April 3, 1998, Channel 268C3 was allotted to The Dalles at reference coordinates N.L. 45° 34' 00", W.L. 120° 55' 00". The Commission erred in that the allotment coordinates are terrain obstructed to The Dalles and the site will not place a 70 dBu city grade signal over The Dalles.
- 2) The allotment coordinates specified by the Commission for Channel 268C3 in its February, 1996 NPRM (RM-8741), N.L. 45° 31' 28", W.L. 121° 07' 22", are similarly terrain obstructed and do not allow 70 dBu city grade service to The Dalles.
- 3) Reserved Channels 201C3, 211C3, 213C3 and 215C3 are available for use at The Dalles, at an existing site near Stacker Butte, and will meet all FCC Rules and Regulations. For allocation and Channel 6 protection requirement purposes, the site of K256AC was utilized.

- 4) Channel 256C3 is available for allotment to The Dalles at a site known as Haystack Butte, N.L. 45° 41' 01", W.L. 120° 57' 17".
- 5) Channel 256C3 may be allotted at a site which provides line of sight to most of The Dalles, and the facility will provide 70 dBu service to all of The Dalles.

TERRAIN OBSTRUCTION - 70 dBu CITY GRADE SERVICE

The terrain profile plots submitted by Madgekal have been reviewed. Exhibit 8 is a set of six profiles from the April 1998 allotment coordinates for Channel 268C3 to The Dalles. Exhibit 9 is a set of eight profiles from the February 1996 coordinates for Channel 268C3 to The Dalles. Exhibit 10 is a set of ten terrain profiles from Madgekal's proposed Channel 256C3 allotment coordinates to The Dalles.

Review of these profiles, and our independent analysis thereof, shows that the Madgekal terrain profiles are based on 3 second terrain data rather than the 30 second terrain data typically used by the FCC staff for analysis and application processing purposes. Most importantly, based on our experience and independent analysis, use of the 3 second data in this general region tends to increase the height of peaks and decrease the height of some valleys, resulting in path profiles which show as obstructed but which do not show as obstructed when 30 second terrain data is used.

Standard Allocation Branch policy is to assume that a given site will provide 70 dBu service to the allotment community if the site is located within the appropriate 70 dBu distance from the city reference coordinates. In cases where a terrain obstruction has been found to exist between a proposed allotment site and the community of license, it does not necessarily follow that the proposal does not meet the requirements of *Section 73.315*. In Bald Knob and Clarendo, Arkansas, 6 FCC Rcd 7435, 7436 (Assistant Chief, Allocations Branch 1991), the Commission stated that line-of-sight must be obtained over the entire community, and in Jefferson City, Tennessee, 10 FCC Rcd 12207, 12209 (Chief, Allocation Branch 1995), an allotment was denied because the petitioner failed to demonstrate the existence of a site that could provide line-of-sight to the entire community. However, these cases must be taken in the context in which

they were written. Neither petitioner successfully demonstrated that the obstruction would not prevent the proposed site location from serving the community of license with a signal level of 70 dBu or greater. In true fact, the Commission has long held that *73.315(b)* is advisory in nature and not an absolute requirement. See e.g. Jesse Willard Shirley, 36 FCC 2d 127, 128-29, 24 RR 2d 982, 985. On the other hand, *Section 73.315(a)* is controlling, and this Rule demands that 70 dBu service be provided to the community of license.

In the case at hand, Madgekal's consulting engineer has performed no computations for the 70 dBu signal level based on the terrain profiles provided. Despite the fact that the engineering provides no alternative 70 dBu signal level analysis based on terrain profiles, Madgekal's pleading (page 16) states, "severe terrain obstructions render it impossible to deliver a city-grade signal to the community." This statement is factually incorrect as will be shown below and is without support in Madgekal's underlying engineering studies.

The Longley-Rice propagation method, Version 1.2.2, has been accepted by the Commission as an alternate prediction method to be used to accurately determine signal levels over irregular terrain. This is the propagation method described in OET Bulletin No. 69 to be used for analysis of signal levels as set forth in Part 73 of the Rules as implemented by Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order in MM Docket No. 87-268, released February 23, 1998. This method has been used to determine signal levels over The Dalles. Figure 1 depicts The Dalles corporate boundary, the F(50,50) 70 dBu, and the Longley-Rice 70 dBu signal levels based on the February 1996 allotment coordinates. Figure 2 depicts The Dalles corporate boundary, the F(50,50) 70 dBu, and the Longley-Rice 70 dBu signal levels based on the April 1998 allotment coordinates. Both sites show 100% 70 dBu service to The Dalles, using either the F(50,50) curves or the Longley-Rice propagation method. It is noted that in Pathfinder Communications Corporation (WCUZ-FM), 3 FCC Rcd 4146, 4147, Note 3 (1988), the Commission stated that alternative supplemental methods of determining coverage under *Section 73.313(e)* are allowed, and went on to state, ".....at least 50 percent of a community receives a signal level of 70 dBu or greater, is a reasonable and useful standard for determining adequate community coverage when employing alternate supplemental methods in addition to our propagation curves."

NCE CHANNEL AVAILABILITY

The engineering statement accompanying Madgekal's Petition shows that basic allocation studies were performed at the site of FM translator K256AC for Channels 201, 211, 213 and 215 at an ERP of 0.2 kW and HAAT of 561 meters (minimum Class C3 facilities), and the statement concludes that each channel is available. The studies are found in Exhibit 2, but are not sufficiently thorough to support the conclusion drawn by Madgekal. Attached as Figures 3 and 4 are allocation maps for Channels 213 and 215CE, using the K256AC site & RC with an ERP of 0.2 kW as suggested by Madgekal. Both sites violate *Section 73.509* of the Rules in that there is prohibited overlap of contours to existing stations, and they are not, therefore, available. It is noted that contour locations are based on use of 3 second terrain data rather than the 30 second terrain data used by Madgekal, and the more accurate terrain data yields more accurate contour locations.

This leaves Channels 201 and 211C3. These channels are not involved in prohibited contour overlap even at an ERP of 0.63 kW, which is the correct ERP for full Class C3 facilities at the HAAT of 561 meters.

To determine whether Channels 201C3 and 211C3 are actually available for application, it is necessary to determine if they meet the requirements of *Section 73.525* of the Rules concerning protection to television Channel 6. In this case, station KOIN (TV), Portland, Oregon is an affected Channel 6 facility. Figure 5 is a map depicting the KOIN 47 dBu Grade B contour and the Channel 201C3 48 dBu F(50,10) interference contour. FCC Rule *Section 73.525* allows for a maximum of 4,000 persons inside the area of interference which is the area where interference from Channel 201 would occur within the affected Channel 6 Grade B 47 dBu contour. In this case, an estimate of the total interference to Channel 6 was made by calculating the area and population inside the 48 dBu overlap area within the KOIN 47 dBu contour. The population is 51,177 persons in an area of 7,890 square kilometers.

A similar analysis was performed for Channel 211C3, as shown in Figure 6. Here, the population inside the overlap area is 23,695 persons in an area of 1,056 square kilometers. In both cases, the population far exceeds the 4,000 person maximum. Based on the basic analysis above, it is believed that neither Channel

201 nor 211C3 may be applied for due to interference with television Channel 6 in violation of *Section 73.525* of the Commission's Rules and Regulations.

CHANNEL 256C3 ALTERNATIVE ALLOTMENT FOR THE DALLES

Madgekal provides an allocation study, *Exhibit 4*, and coverage map, *Exhibit 11*, to support its proposition that Channel 256C3 may also be allotted to The Dalles from a site known as Haystack Butte, N.L. 45° 41' 01" W.L. 120° 57' 17". A review of the proposal shows compliance with FCC Rule *Section 73.207*. The proposed site coordinates are located 19.7 km from The Dalles city reference coordinates at a bearing of 240°, which complies with the Channel C3 70 dBu distance of 23.2 kilometers. As Madgekal states, there is good line-of-sight to much, but not all, of The Dalles.

However, the public interest is not fully served by allocating Channel 256C3 to The Dalles because Channel 268C3 is a more effective use of the spectrum. *Figures 7-9* are the 70 dB and 60 dBu contours for the Channel 256C3 proposal and for the two Channel 268C3 allotment sites. Computations of area and population have been made and dictate that Channel 268C3 is the preferred allotment channel as seen below.

<u>Figure</u>	<u>Site</u>	<u>60 dBu Contour</u>	
		<u>Area - Sq. km</u>	<u>Population - Persons</u>
7	256C3	1,580	29,319
8	268C3 - 1996	2,057	49,707
9	268C3 - 1998	2,046	48,075

CONCLUSION

Based on the analysis herein, the following facts are believed to be true:

- 1) Channel 268C3 was allotted to The Dalles, and Longley-Rice studies included herein confirm that The Dalles will be served with a signal level of 70 dBu, or greater, for both the 1998 allotment coordinates and the earlier 1996 allotment coordinates.

- 2) Madgekal has offered four NCE FM channels as being available for use at The Dalles. Based on studies herein, two of the channels violate *Section 73.509* of the Rules and the remaining two channels violate *Section 73.525* of the Rules. Based on these rule violations, it is concluded that LifeTalk's original assertion that no C3 channels are available in the non-commercial band was correct.

- 3) Channel 256C3 may be allotted to The Dalles but, based on the data provided by Madgekal, that allotment would serve approximately 470 square km less land area and approximately 19,000 fewer persons than Channel 268C3.

It should also be noted that the allotment of Channel 268C3 at The Dalles, at the 1998 reference coordinates, meets *Section 73.207* distance separation standards to KFLY as a full C1 facility.

KFLY's upgrade options are summarized below in terms of area and population:

<u>Facility</u>	<u>Area - Sq. Km</u>	<u>60 dBu Population - Persons</u>
268C2 License	8,410	438,351
268C1	16,680	737,596
268C	17,900	764,320

The additional 26,724 persons gain associated with a KFLY upgrade from Class C1 to Class C operation appears minimal in comparison to the 299,245 person gain available to KFLY at this time by upgrading from Class C2 to Class C1 facilities.

The foregoing was prepared on behalf of **CBS Radio License, Inc.** by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By _____



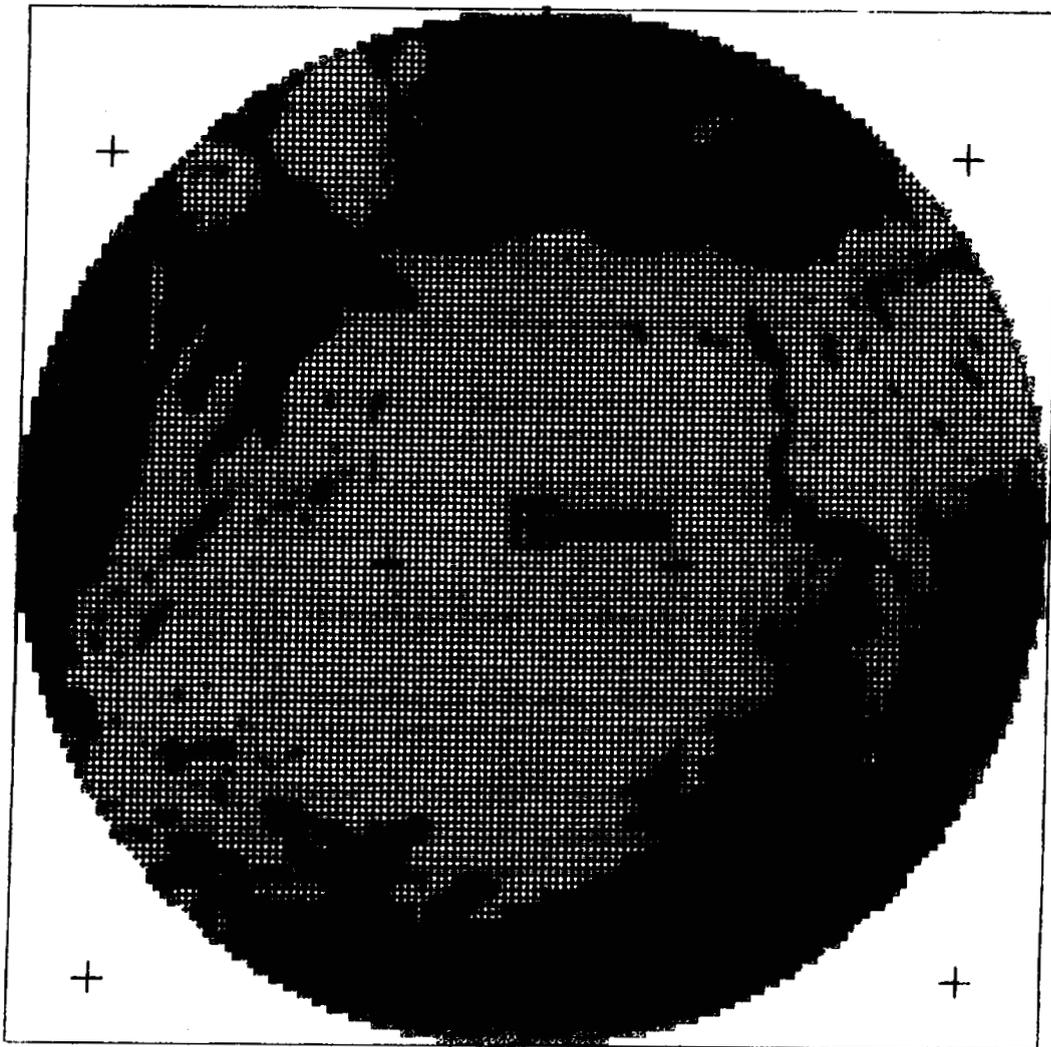
Clarence M. Beverage
for *Communications Technologies, Inc.*
Marlton, New Jersey

SUBSCRIBED AND SWORN TO before me,

this 26th day of June, 1998,

Esther G. Sperbeck, NOTARY PUBLIC

ESTHER G. SPERBECK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCT. 15, 2002



SHOMAP™: 1996.map

Prop. model: Longley-Rice v1.2.2
 Time: 60.0% Loc.: 60.0%
 Prediction Confidence Margin: 0.0dB
 Climate: Continental Temperate
 Groundcover: None
 Atmospheric Abs.: none
 K Factor: 1.333
 RX Antenna - Type: OMNI
 Height: 9.1 m AGL Gain: 0.00 dBd
 Field strength at remote

☐ > 70.0 dBuV/m
 * 60.0 to 70.0 dBuV/m
 ☐ < 60.0 dBuV/m

Minimum receiver threshold level: -200.0 dBmW

Site	Ant. Elev. AMSL (m)	ERPd (dBW)	Ant. Type/Orient.	Coordinates
1996PROP group: 1	101.6000	43.66	Omni-H	N45°31'28.00" W121°07'22.00"

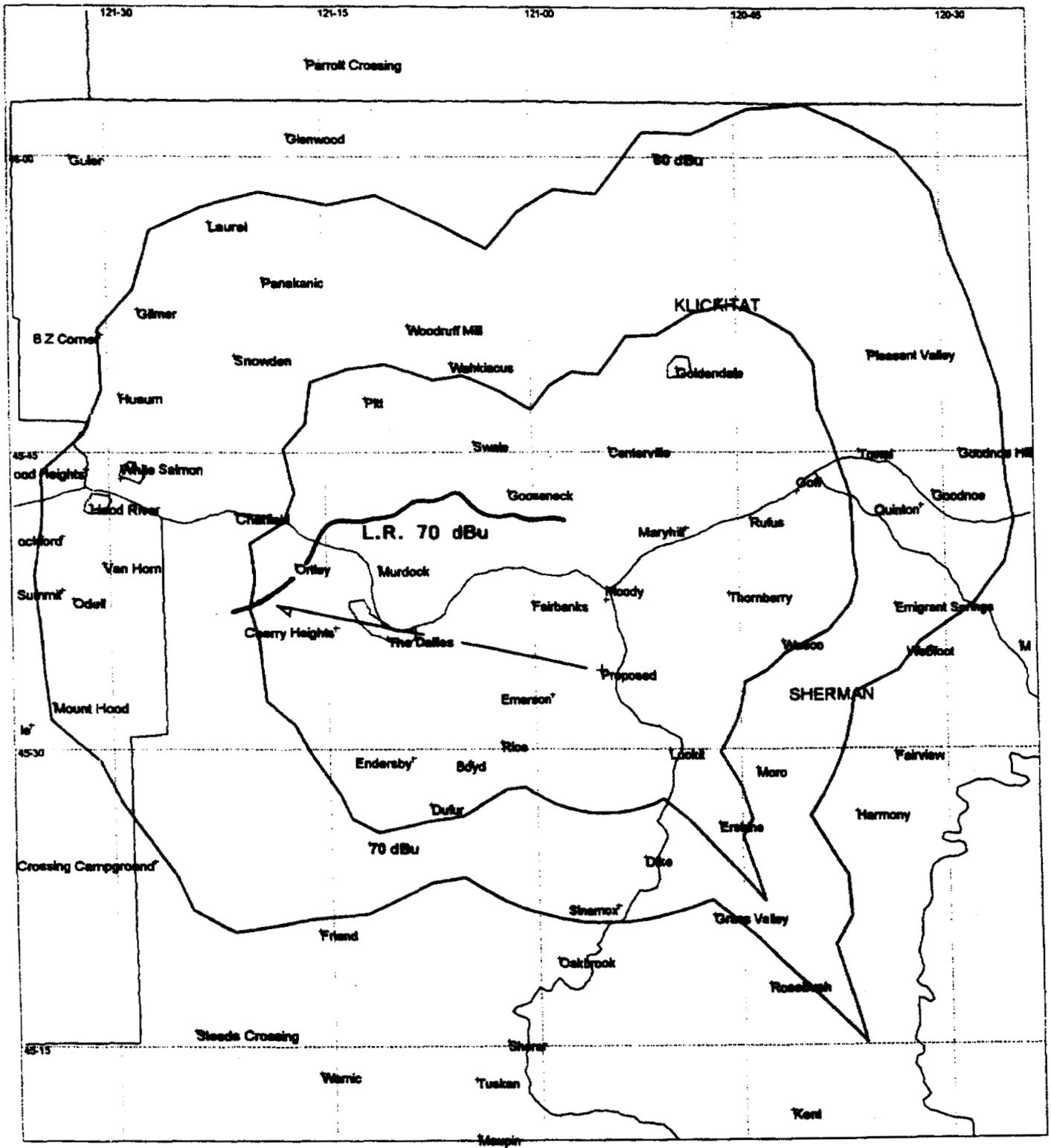


OH 268C3 FEB. 1996 REF. COOR

Communications Technologies, Inc.

FIGURE 1 PAGE 2 JUNE 1998

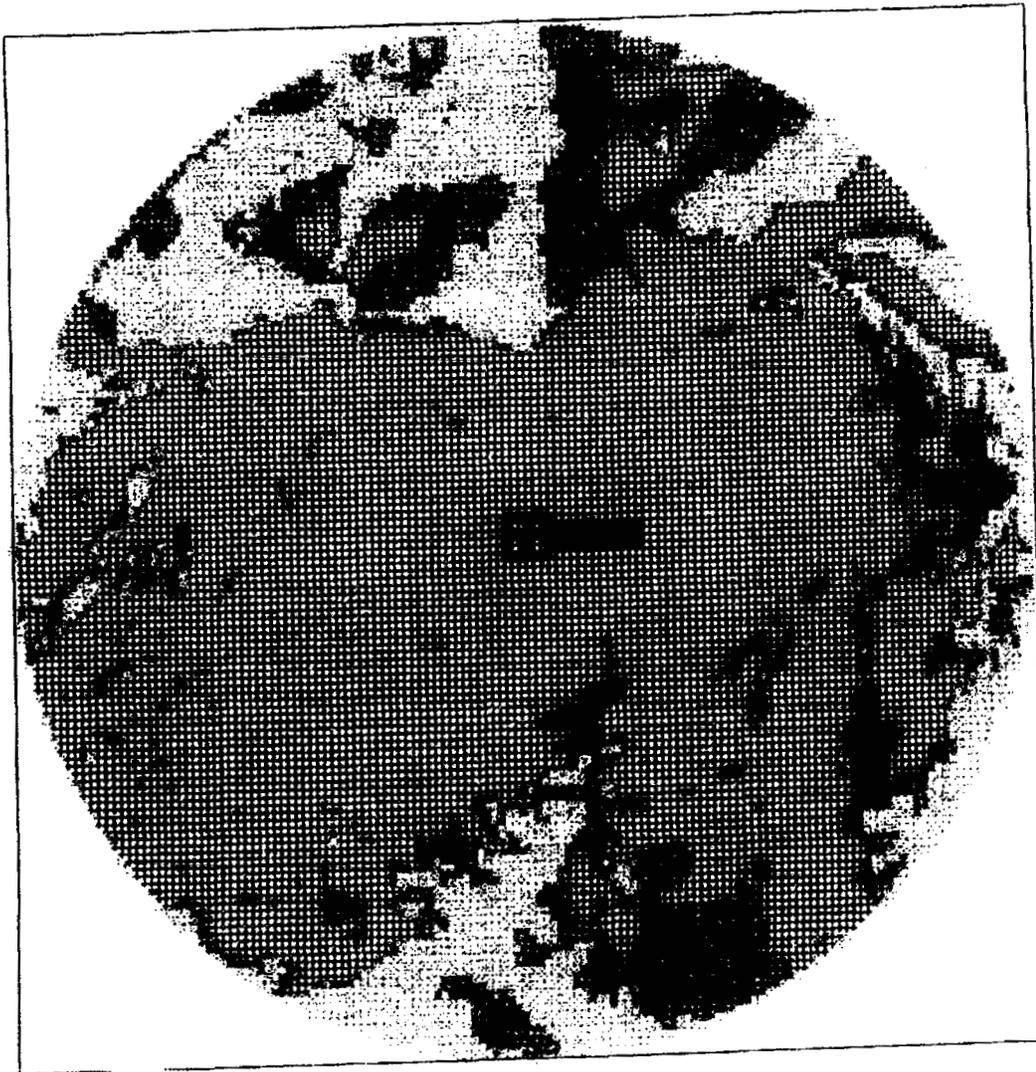
FIGURE 2 CH 268C3 APRIL 1998 REF. COORD. 25 KW & 100 M



Communications Technologies, Inc. Marilton, NJ June 1998

Scale 1:500000
 — FM Service — FM City Grade — County Borders — State Borders — Lat-Lon Grids — City Borders

25 Km



SH-DMAP™: 1998.map

Prop. model: Longley-Rice v1.2.2
 Time: 50.0% Loc.: 50.0%
 Prediction Confidence Margin: 0.0dB
 Climate: Continental Temperature
 Groundcover: None
 Atmospheric Abs.: none
 K Factor: 1.333
 RX Antenna - Type: OMNI
 Height: 9.1 m AGL Gain: 0.00 dBd
 Field strength at remote

✦ > 70.0 dBuV/m
 ✧ 60.0 to 70.0 dBuV/m
 ✨ < 60.0 dBuV/m

Minimum receiver threshold level: -200.0 dBmW

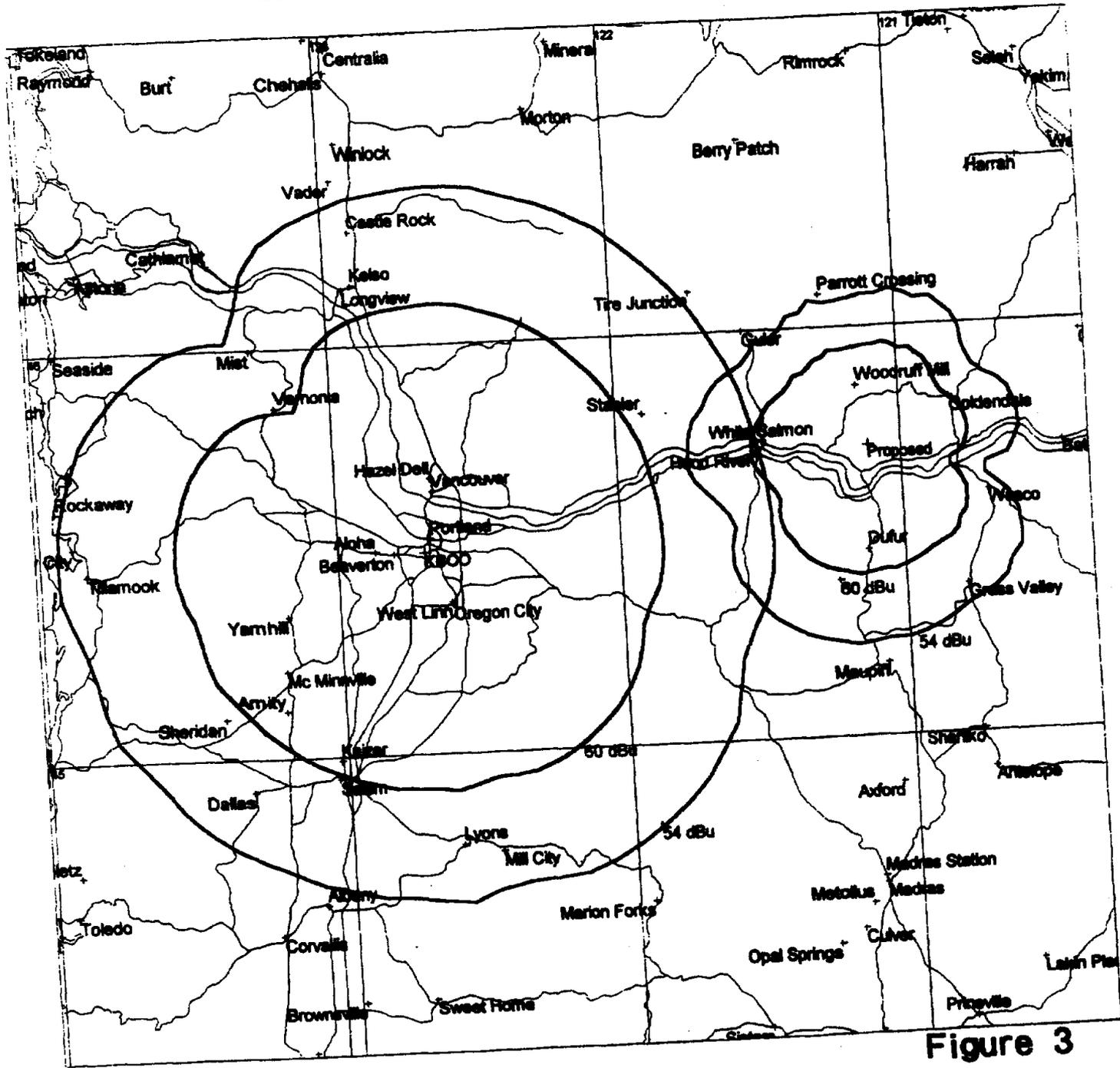
Site	Ant. Elev. AMSL (m)	ERPd (dBW)	Ant. Type/Orient.	Coordinates
Proposed group:	475.0	43.98	Omni-V	N45°34'00.01" W120°55'00.00"



CH 268C3 April 1998 Ref. Coord.

Communications Technologies, Inc.
 FIGURE 2 PAGE 2 JUNE 1998

Channel 213 C3 Allocation - The Dalles, Oregon



Communications Technologies, Inc. Marlton, NJ 08053 May 1998

Scale 1:1500000
 --- FM Service

— FM Interfering

— Highways

— State Borders

--- Lat-Lon Grids

50 Km

Channel 215 C3 Allocation - The Dalles, Oregon

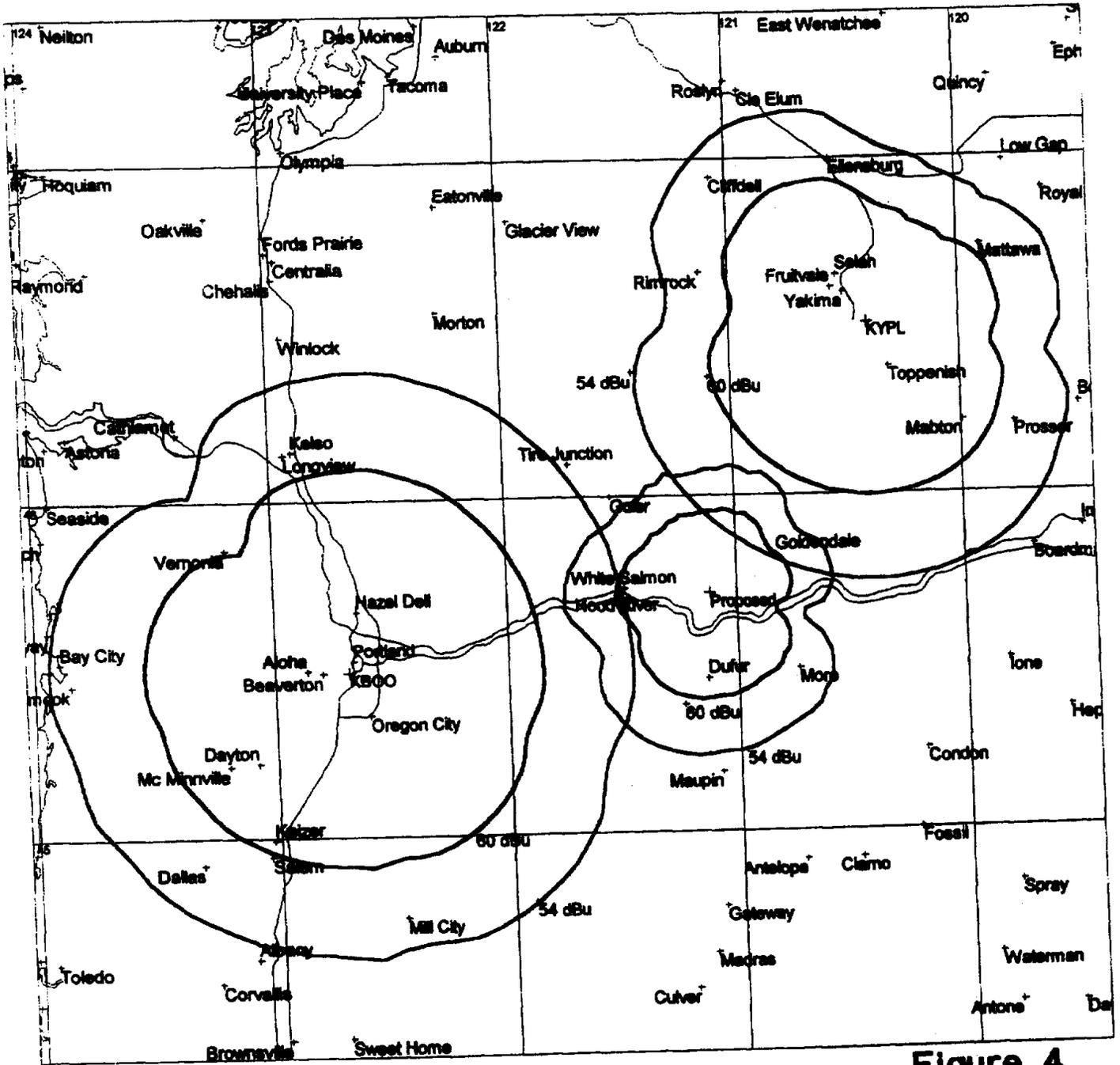


Figure 4

Communications Technologies, Inc. Marlton, NJ 08053 May 1996

Scale 1:1900000

50 Km

— FM Service — FM Interfering — Highways — State Borders - - Lat-Lon Grids

FCC F(50,50) 70 and 60 dBu - Haystack CH 256C3

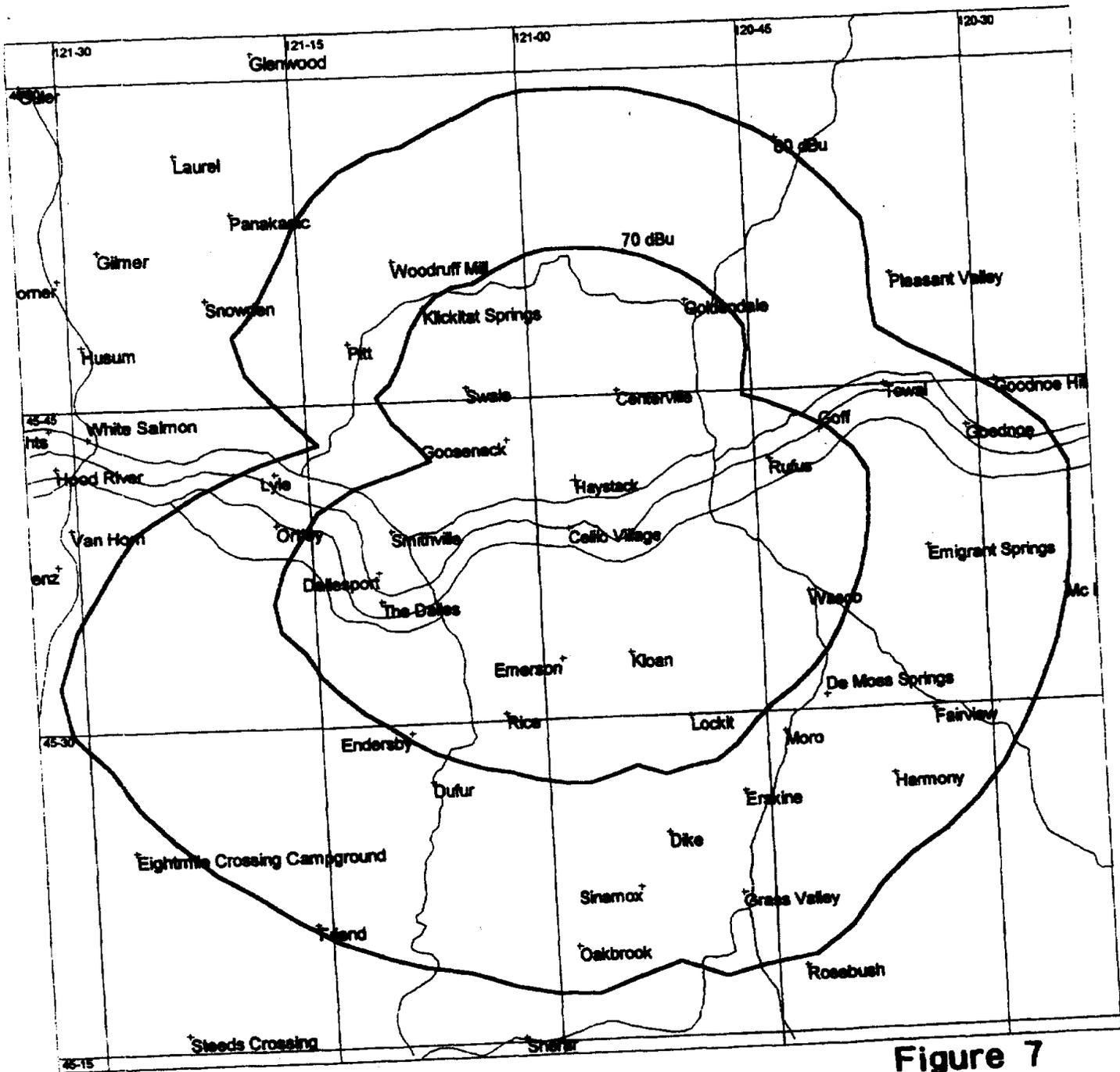


Figure 7

Communications Technologies, Inc. Marlton, NJ 08053 May 1988

25 Km

Scale 1:480000

— FM Service

— Highways

— State Borders

-- Lat-Lon Grids

FCC F(50,50) 70 and 60 dBu - CH 268C3 1996

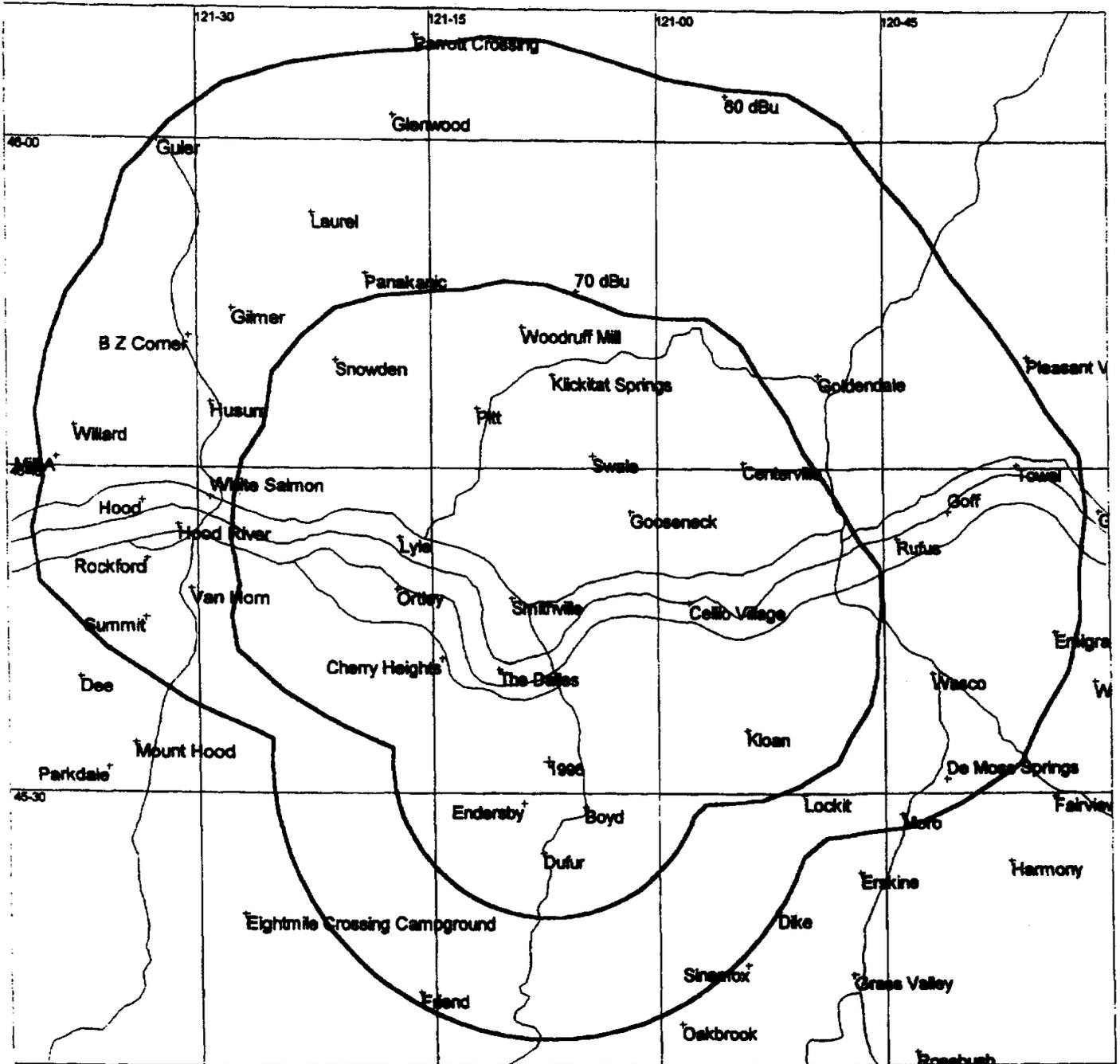


Figure 8

Communications Technologies, Inc. Marlton, NJ 08053 May 1996

Scale 1:490000

25 Km

— FM Service — Highways — State Borders - - Lat-Lon Grids

FCC F(50,50) 70 and 60 dBu - CH 268C3 1998

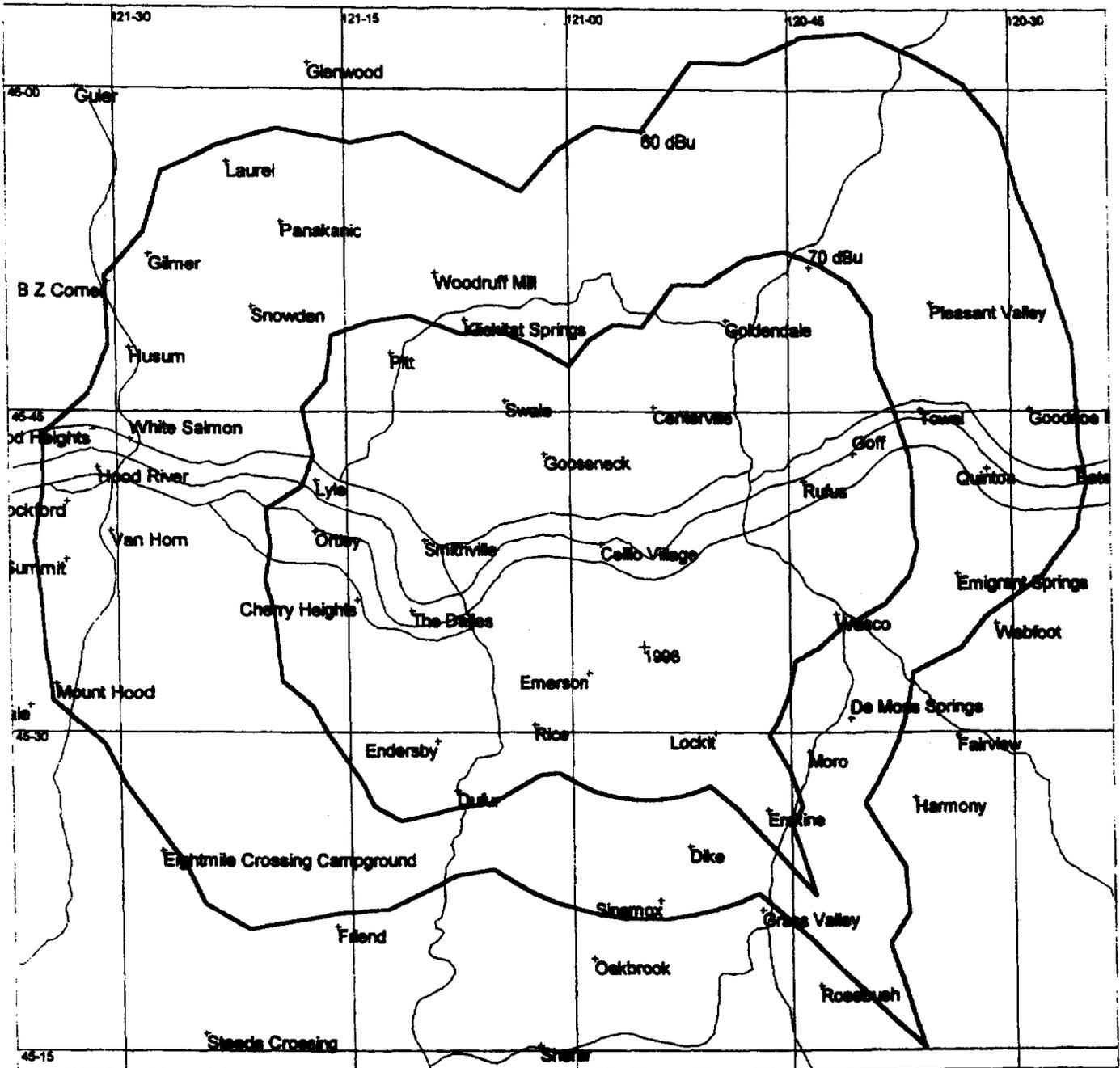


Figure 9

Communications Technologies, Inc. Marlton, NJ 08053 May 1998

Scale 1:500000

25 Km

— FM Service — Highways — State Borders - - Lat-Lon Grids

EXHIBIT I

AREA AND POPULATION COMPARISON
BANKS AND REDMOND, OREGON
MM DOCKET NO. 96-7, RM-8732
AND

THE DALLES, OREGON
MM DOCKET NO. 96-12, RM 8741
JUNE 1996 [Corrected June 1998]*

ALTERNATIVE 1:

<u>Community</u>	<u>Facility</u>	<u>Area Sq. km</u>	<u>Population Persons</u>
Banks, OR	Ch 298C2	8,486	1,518,676
	Ch 298C1	<u>16,394</u>	<u>1,749,998</u>
	gain	7,908 Sq. km	231,322 persons
			231,322 persons*
Redmond, OR	Ch 298C2	8,263	92,420
	Ch 269C2	<u>8,263</u>	<u>92,420</u>
	gain	0 Sq. km	0 persons
The Dalles, OR	Ch 268C3	5,167	49,084
	total gain	<u>13,075</u> Sq. km	<u>270,406</u> persons

ALTERNATIVE 2:

Corvallis, OR	Ch 268C2	8,410	438,351
	Ch 268C	<u>17,900</u>	<u>764,320</u>
	gain	9,490 Sq. km	325,969 persons

Gain-ALTERNATIVE 1 vs. ALTERNATIVE 2 3,585 Sq. km (55,563) persons

EXHIBIT I

- 2 -

ALTERNATIVE 3:

<u>Community</u>	<u>Facility</u>	<u>Area Sq. kM</u>	<u>Population Persons</u>
Banks, OR	Ch 298C2	8,486	1,518,676
	Ch 298C1	<u>16,394</u>	<u>1,749,998</u>
	gain	7,908 Sq. kM	231,322 persons 231,322 persons*
Redmond, OR	Ch 298C2	8,263	92,420
	Ch 269C2	<u>8,263</u>	<u>92,420</u>
	gain	0 Sq. kM	0 persons
The Dalles, OR (Alternate Site)	Ch 268C3	5,390 Sq. kM	48,075 persons
Corvallis, OR	Ch 268C2	8,410	438,351
	Ch 268C1	<u>16,680</u>	<u>737,596</u>
	gain	8,270 Sq. kM	299,245 persons
	total gain	21,568 Sq. kM	568,642 persons 578,642 persons*

- Notes:
1. Population Data from 1990 U.S. Census and counted at the block level.
 2. Area data is total area within the 60 dBu contour. Water or area outside U.S. Corp. Boundary not deducted from total.

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May 14, 1998

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Madgekal Broadcasting, Inc.
Station KFLY(FM), Corvallis, Oregon
Modification Application

Dear Ms. Salas:

Madgekal Broadcasting, Inc. ("MGI"), licensee of Station KFLY(FM), Corvallis, Oregon, herein submits in triplicate, via the Commission's lockbox bank, a "one-step" upgrade application for Station KFLY. Through this application Station KFLY seeks to modify its facilities and change from a Class C2 station to a Class C1 station.

MBI currently has pending a one-step upgrade application for full Class C facilities for Station KFLY (BPH-960206IE). That application became entangled in two FM allotment proceedings, MM Docket Nos. 96-7 and 96-12. In a Report and Order in those proceedings released April 3, 1998 and published in the Federal Register on April 21, 1998 (62 Fed. Reg. 19663), the Chief, Allocations Branch, Mass Media Bureau, treated MBI's application as a counterproposal, denied MBI's proposal and granting conflicting proposals. MBI intends to file a petition for reconsideration of the Report and Order.

Because final resolution of MM Docket Nos. 96-7 and 96-12 is expected to take a substantial amount of time and because MBI wishes to at least preserve the opportunity to upgrade from Class C2 to Class C1 status, this application is being submitted as an interim measure. This application does NOT amend BPH-960206IE. To the extent necessary, MBI requests waiver of Sections 73.3517 and 73.3518 of the Commission's Rules.

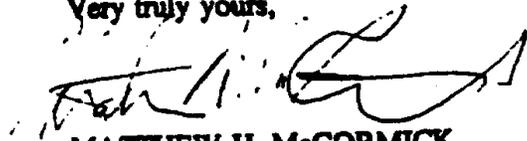
Acceptance and processing at this time of the application submitted herewith is appropriate. By processing and granting this application, the Commission will enable MBI to improve service to the public from KFLY without forcing MBI to relinquish its right to continue to seek grant of its application for Class C facilities.

Ms. Magalie Roman Salas, Secretary
Page Two
May 14, 1998

Also transmitted herewith is an FCC Form 159 and a check in the amount of \$690.00 in payment of the requisite filing fee.

Should any questions arise in connection with this matter, please communicate directly with this office.

Very truly yours,

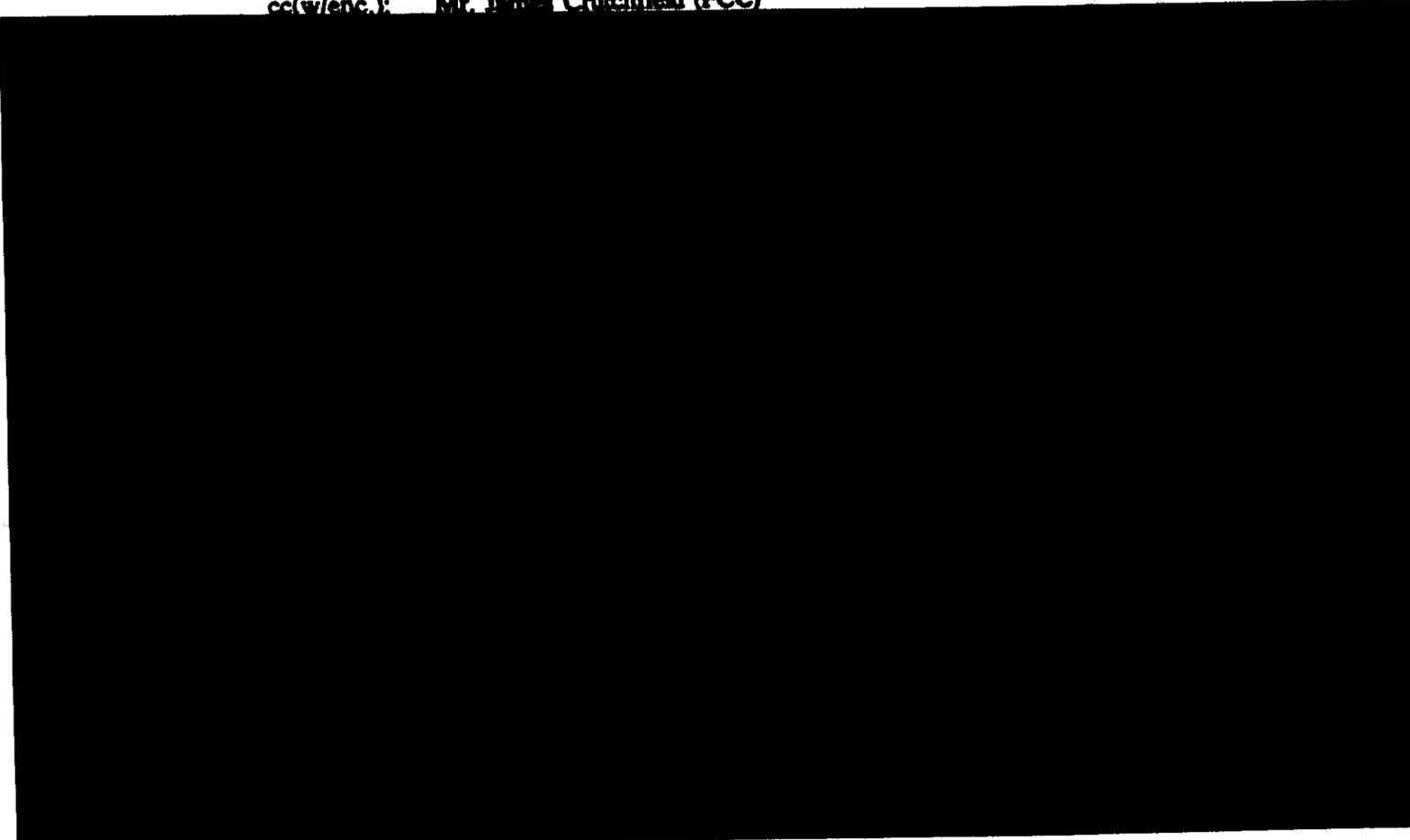


MATTHEW H. McCORMICK
Counsel for
MADGEKAL BROADCASTING, INC.

MHM/jmr

Enclosures

cc(w/enc.): Mr. James Crutchfield (FCC)



CERTIFICATE OF SERVICE

I, Lisa M. Holland, a secretary in the law firm of Vinson & Elkins, do hereby certify that on this 19th day of August, 2004, I caused copies of the foregoing "**Supplement**" to be mailed, first class postage prepaid, or hand delivered, addressed to the following persons:

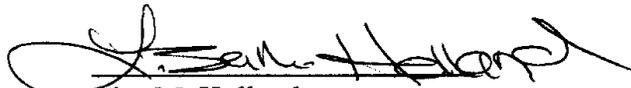
* Deborah A. Dupont
Media Bureau
Federal Communications Commission
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* Hand-delivered