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April 5, 2005

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APR - 5 2005

**VIA HAND DELIVERY**

Ms. Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
Portals II - 12th Street Lobby  
Filing Counter - TW-A325  
445 12th Street, SW  
Washington, D.C. 20554

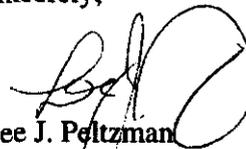
Federal Communications Commission  
Office of Secretary

Re: MD Docket No. 05-10  
RM - \_\_\_\_\_  
(The Dalles, Tualatin, Eugene, Albany,  
Lebanon, Paisley, Diamond Lake,  
Oregon and Goldendale, Washington)  
Reply Comments

Dear Ms. Dortch:

Transmitted herewith, on behalf of Portland Broadcasting, LLC, M.S.W. Communications, LLC, Columbia Gorge Broadcasting, Inc. and Extra Mile Media, Inc., is an original and four (4) copies of their Reply Comments. Please contact undersigned counsel in the event the Commission has any questions with respect to this filing.

Sincerely,



Lee J. Peltzman  
Counsel for  
PORTLAND BROADCASTING, LLC

Enclosure

0 + 4

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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APR - 5 2005

Federal Communications Commission  
Office of Secretary

In the Matter of )  
)  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Station )  
(The Dalles, Tualatin, Eugene, Albany, )  
Lebanon, Paisley, Diamond Lake, Oregon )  
and Goldendale, Washington) )

MB Docket No. \_\_\_\_\_  
RM - \_\_\_\_\_

To: Office of the Secretary  
Assistant Chief, Audio Division  
Media Bureau

**REPLY COMMENTS**

Portland Broadcasting, LLC, Columbia Gorge Broadcasting, Inc., M.S.W.

Communications, Inc. and Extra Mile Media, Inc. (together, the "Joint Petitioners"), by undersigned counsel, hereby file their Reply Comments in MB Docket No. 05-10. In support of their position, the Joint Petitioners state the following:

The Joint Petitioners filed their proposal in the form of a Petition for Rule Making. However, unbeknownst to Joint Petitioners, SSR Communications Incorporated ("SSR") filed a Counterproposal in MB Docket No. 05-10 which, among other things, proposed the addition of FM Channel 280C at Monument, Oregon. The Joint Petitioners in their Petition for Rule Making have proposed Channel 279C at Paisley, Oregon as a city of license change for Station KXPC-FM, Lebanon, Oregon. As the attached Engineering Statement explains, the Monument and Paisley proposals appear to be mutually exclusive; that is, the channels presently proposed for these communities cannot both be granted. Engineers for the Joint Petitioners have not had sufficient time to determine whether a solution may be reached to remove this apparent mutual

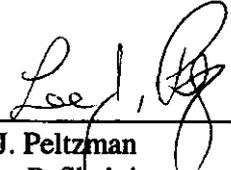
exclusivity. The Joint Petitioners will file additional Comments when they have explored all available options.

Respectfully submitted,

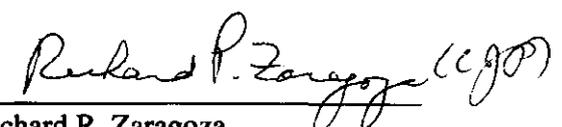
PORTLAND BROADCASTING, L.L.C.

M.S.W. COMMUNICATIONS, LLC

By: \_\_\_\_\_

  
Lee J. Peltzman  
Aaron P. Shainis  
Shainis & Peltzman, Chartered  
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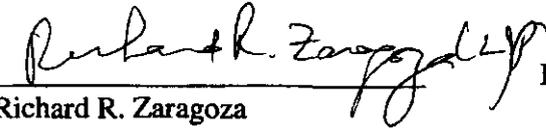
By: \_\_\_\_\_

  
Richard R. Zaragoza  
Bryan McGinnis  
Shaw Pittman, LLP  
2300 N Street, NW  
Washington, DC 20037-1128

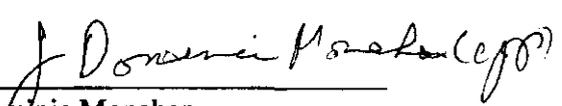
COLUMBIA GORGE BROADCASTING, INC.

EXTRA MILE MEDIA, INC.

By: \_\_\_\_\_

  
Richard R. Zaragoza  
Bryan McGinnis  
Shaw Pittman, LLP  
2300 N Street, NW  
Washington, DC 20037-1128

By: \_\_\_\_\_

  
J. Dominic Monahan  
Luvaas Cobb Richards & Fraser, PC  
777 High Street, Suite 300  
Eugene, OR 97401

Dated: April 5, 2005

## **ENGINEERING STATEMENT**

In Support of

Reply Comments

KXPC-FM Ch 279C Lebanon, OR  
KACI (FM) Ch 249C2 The Dalles, OR  
KMSW (FM) Ch 224C3 The Dalles, OR  
KHPE (FM) Ch 300C Albany, WA  
The Joint Parties

MB Docket 05-10, RM-11140

### INTRODUCTION

On March 21<sup>st</sup>, 2005 this firm filed a petition for rule making for a group known collectively in the engineering statement as ‘The Joint Parties.’ Among other things, the parties sought to delete channel 279C at Lebanon, OR and allocate channel 279C to Paisley, OR. This move accommodated the use of channel 279C for channel 300C at Albany, OR (KHPE). Channel 300C was proposed to be substituted for channel 250C at the licensed site of KNRQ, Eugene, OR. The substitution of channel 300C for channel 250C at the licensed site of LNRQ allows KACI The Dalles, OR to change community of license to Tualatin, OR on its MX channel 250C2.

### DISCUSSION

When The Joint Parties PRM was filed there were no conflicts in channel spacing that appeared in the Commission’s database. However, it appears that SSR Communications, Inc. (“SSR”) filed a counterproposal to the allotment of channel 266A at Monument, OR that included a request for the allotment of channel 280C at Monument. The Joint Parties had allotment studies conducted to determine if the SSR counterproposal was in conflict with its proposed allotment of channel 279C at Paisley for use by KXPC. When the allotment reference for channel 280C is inserted into the KXPC allocations study at Paisley it depicts that a prohibited short space is indeed created. This short space is 30.50

kilometers which is too significant to eliminate with a slight modification of reference coordinates.

The allotment reference for channel 279C at Paisley was carefully chosen to give the maximum service to a white area and 2,287 persons in the white area. In addition, it was chosen to guarantee line of sight to the community of Paisley. For The Joint Parties to modify its reference coordinates by 30.50 is impossible for the allotment of channel 279C at Paisley and therefore it eliminates the entire Joint Parties PRM.

The SSR counterproposal appeared in the Commission's filing data April 1<sup>st</sup>. Therefore the Joint Parties engineering firm has not had an opportunity to explore any options. It appears that line of sight limitations for channel 279C at Paisley greatly limit the ability to keep the channel 280C filing at Monument and channel 279C at Paisley from being mutually exclusive.

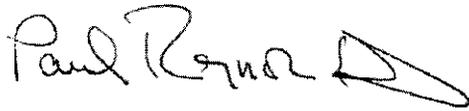
#### EXHIBIT

Exhibit E, Figure 1 is an allocation study for the allotment of channel 279C at Paisley. It uses the same reference coordinates as those used in The Joint Parties petition for rule making. In essence it is the same study as Figure 9 in the original petition. However, in this study the SSR proposal to allocate channel 280C at Monument is included. The study verifies that there is a MX situation between the two proposed allotments. The prohibited short space is 30.50 kilometers

CONCLUSION

The instant engineering study provides documentation that The Joint Parties' petition is inadvertently in conflict with a counterproposal that was filed in the Monument, OR NPRM of MB Docket 05-10, RM 1140. No engineering options are being advanced by the Joint Parties at this time. The instant study is only to advise the Commission that a conflict exists in the event that the Monument proceeding is MX with other filings and further comment periods are contemplated.

Respectfully Submitted,  
REYNOLDS TECHNICAL ASSOCIATES, LLC.

A handwritten signature in black ink that reads "Paul Reynolds" followed by a stylized flourish.

Paul Reynolds, Manager

Reynolds Technical Associates, LLC  
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Chelsea, AL 35043  
205.618.2020

[paulr@reynoldstechnical.com](mailto:paulr@reynoldstechnical.com)

**ENGINEERING STATEMENT**

In Support of  
Reply Comments

KXPC-FM Ch 279C Lebanon, OR  
KACI (FM) Ch 249C2 The Dalles, OR  
KMSW (FM) Ch 224C3 The Dalles, OR  
KHPE (FM) Ch 300C Albany, WA  
The Joint Parties



MB Docket 05-10, RM-11140

**ALLOCATIONS STUDY**

Deleting Ch 279C Lebanon, OR and allotting Ch 279C Paisley, OR (KXPC)  
(Depicting MX status with SSR Counterproposal in above captioned Docket)

REFERENCE				CLASS = C		DISPLAY DATES		
42 56 23 N				Current	Spacings	DATA	04-01-05	
120 13 14 W						SEARCH	04-05-05	
----- Channel 279 - 103.7 MHz -----								
Call	Channel	Location		Dist	Azi	FCC	Margin	
-----								
Community of Paisley				OR 38.06	224.2			
Reference Coordinates:								
North Latitude:								
West Longitude:								
KXPCFM CP -N 279C	Lebanon			OR 258.80	315.7	290.0	-31.20	
<b>NEW ADD 280C Monument</b>				<b>OR 210.50</b>	<b>16.7</b>	<b>241.0</b>	<b>-30.50</b>	
Of Concern:								
SSR Counterproposal for Ch 280C at								
Monument, OR at;								
NL: 44-45-00, WL: 119-28-40								
<b><u>NOTE: MX with Joint Parties PRM filed March 21<sup>st</sup>, 2005</u></b>								
KXPCFM LIC 279C	Lebanon			OR 281.10	309.3	290.0	-8.90	
Of Note:								
Licensed and operating site (Form 302 on file)								
Of KXPC before proposed channel deletion at								
Lebanon and allotment at Paisley.								
Demonstrates allotment is MX with present KXPC								
authorized facilities.								
KHPE.P LIC 279C	Albany			OR 309.98	308.7	290.0	19.98	
Of Note:								
Substitution of Ch 279C for Ch 300C								
proposed at Albany, OR for use by KHPE at;								
NL: 44-38-25, WL: 123-16-25								
KLDZ LIC 278C1	Medford			OR 239.64	253.3	209.0	30.64	
KSYCFM LIC 280C1	Yreka			CA 247.23	234.0	209.0	38.23	
KWPKFM LIC 281C2	Sisters			OR 155.05	325.1	105.0	50.05	
RADD ADD 277C	Alturas			CA 157.40	183.3	105.0	52.40	
AL280 VAC 280C1	Weiser			ID 294.82	56.9	209.0	85.82	
-----								

**CERTIFICATE OF SERVICE**

I certify that on this 5<sup>th</sup> day of April, 2005, I caused to be sent by U.S. mail, postage prepaid, copies of the foregoing Reply Comments to the following:

Haystack Broadcasting, Inc.  
620 East Third Street  
The Dalles, OR 97058

Cumulus Licensing Corp.  
3535 Piedmont Road  
Building 14, 14<sup>th</sup> Floor  
Atlanta, GA 30305

  
Karen McNeill