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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Ione, Oregon; Walla Walla,)
Washington and Athena,)
Hermiston, La Grande, and)
Arlington, Oregon))
)
(Monument, Oregon; Prairie)
City, Prineville, and Sisters,)
Oregon and Weiser, Idaho; The)
Dalles, Tualatin, Eugene,)
Albany, Lebanon, Paisley, and)
Diamond Lake, Oregon and)
Goldendale, Washington)

DOCKETED BY ORIGINAL

MB Docket No. 05-9
RM-11141
RM-11242

MB Docket No. 05-10
RM-11140
RM-11241
RM-11279

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

MOTION TO SEVER

Two Hearts Communications, LLC ("Two Hearts"), by its attorney, hereby moves to sever MB Docket No. 05-09 from this consolidated rulemaking proceeding.

I. Background.

The Commission consolidated MM Docket 05-9 ("05-9") and MM Docket 05-10 ("05-10") because Two Hearts' counterproposal in 05-9 to change Station KHSS' city of license from Walla Walla,

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NOV 13 2006

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Washington to Athena, Oregon, and to upgrade KHSS' channel to 264C2 conflicted with a counterproposal filed by SSR Communications, Inc. ("SSR") in 05-10 to allot Channel 265C at Prairie City, Oregon. *Report and Order (Ione, Oregon; Walla Walla, Washington, et al.)* ("R&O") released September 5, 2006 (DA06-1759), 71 Fed Reg. 56407 (Sept. 27, 2006). The conflict between the Two Hearts' counterproposal in 05-9 and SSR's counterproposal in 05-10 was resolved by a settlement agreement between these parties, approved by the Commission in the R&O, which substituted Channel 260C for 265C at Prairie City and which also substituted Channel 280C1 for 280C at Monument, Oregon, in order to eliminate a conflict between SSR's counterproposal and a counterproposal filed in 05-10 by a group referred to in the R&O as the Joint Petitioners.

On October 27, 2006, the Joint Petitioners filed a Petition for Reconsideration of that portion of the R&O which dismissed their counterproposal on the ground that there was "a reasonable likelihood" that the FAA would not permit station KNRQ-FM to operate on Channel 300C at its existing site and the counterproposal was predicated upon KNRQ-FM being able to operate on Channel 300C from that site.

Discussion

In view of the fact that the allotment changes that were adopted by the R&O eliminated all conflicts between the allotment proposals involved in this consolidated proceeding and the fact that the Petition for Reconsideration does not challenge the propriety of any of those allotment changes, there is no reason why 05-9 should not be immediately severed from this consolidated proceeding so that the change in Station KHSS' city of license and channel classification and the related allotment changes which were the subject of 05-9 can become final.¹ Moreover, severance of 05-9 from this proceeding will serve the public interest by clearing the way for Two Hearts to proceed immediately with the construction of Station KHSS' new Athena facilities and for the two stations that must change their channels of operation before KHSS can commence operating on Channel 264C2 at Athena, KQFM and KWRL, to make the required channel changes, thereby hastening the day when Athena will begin receiving its first local broadcast service.² In this regard, the Commission's attention is directed to the fact that its staff has

1 As a practical matter, the actions taken in the R&O effectively severed 05-9 from 05-10 by eliminating any conflict between any of the proposals in the two proceedings.

2 While Two Hearts could proceed with construction of KHSS' new Athena facilities at its own risk prior to the allotment changes adopted in the R&O becoming final, the absence of finality may make it difficult for Two Hearts to obtain the necessary financing to construct the facilities and to reimburse KQFM and KQRL for their costs of changing their channels of operation to accommodate the change in KHSS' channel allotment. Moreover, even if Two Hearts were able to obtain the necessary financing before the allotment changes are final, it is likely that KQFM and KQRL would be unwilling to implement the required changes in their channels prior to finality.

already granted Two Hearts' application to implement the relocation of KHSS to Athena.

The President of SSR and the attorneys for the Joint Petitioners have all authorized the undersigned to state that they have no objection to grant of this Motion.

WHEREFORE, for the foregoing reasons, it is respectfully submitted that the public interest would be served by the immediate severance of MM Docket 05-9 from this proceeding and by the issuance of an order stating that by virtue of such severance the allotment changes made in that Docket are final.

Respectfully submitted,

David Tillotson

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November 7, 2006

Certificate of Service

I hereby certify that on this 7th day of November, 2006, copies of the foregoing Motion to Sever have been served via U.S. mail, postage prepaid, or where indicated by an asterisk via email, upon the following persons:

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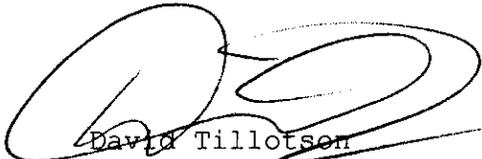
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