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FILED/ACCEPTED

JAN - 5 2007

Federal Communications Commission  
Office of the Secretary

January 5, 2007

VIA HAND DELIVERY

Ms. Marlene Dortch, Esq.  
Office of the Secretary  
Federal Communications Commission  
Portals II - 12<sup>th</sup> Street Lobby  
TW-A325  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: MB Docket No. 05-9, RM-11141, RM-11242  
(Ione, Oregon; Walla Walla, Washington; and Athena, Hermiston, La Grange,  
and Arlington, Oregon)  
MB Docket No. 05-10, RM-11140, RM-11241, RM-11279  
(Monument, Oregon; Prairie City, Prineville, and Sisters, Oregon and Weiser,  
Idaho; The Dalles, Tualatin, Eugene, Albany, Lebanon, Paisley, Diamond  
Lake, Oregon; and Goldendale, Washington)

Dear Secretary Dortch:

On November 9, 2006, Cumulus Licensing LLC ("Cumulus"), licensee of Station KNRQ-FM, Eugene, Oregon ("KNRQ"), filed an Opposition to the Joint Petitioners'<sup>1</sup> Petition for Reconsideration (the "Petition") which seeks reconsideration of the Commission's dismissal of the Joint Petitioners' counterproposal in MB Docket No. 05-10.<sup>2</sup> As noted by the Joint

<sup>1</sup> The Joint Petitioners are Portland Broadcasting, LLC; Columbia Gorge Broadcasters, Inc.; M.S.W. Communications, LLC and Extra Mile Media, Inc.

<sup>2</sup> See Report and Order, DA 06-1759 (rel. Sept. 5, 2006); 71 Fed. Reg. 56407 (Sept. 27, 2006) (the "Decision").

Secretary Dortch  
January 5, 2007  
Page 2

Petitioners in a letter dated December 12, 2006, the Opposition was filed prior to the Public Notice of the Petition in the Federal Register.

The Petition was published in the Federal Register on December 20, 2006. 71 Fed. Reg. 76337 (Dec. 20, 2006). Therefore, out of an abundance of caution, and to ensure that the Opposition is associated with the proper docket, a copy of the Opposition as filed on November 9, 2006 is attached hereto. There have been no changes made to the Opposition.

If you have any questions regarding this submission, please contact the undersigned.

Very truly yours,



Nathaniel J. Hardy  
Alan C. Campbell

Counsel for Cumulus Licensing LLC

Enclosure

cc: Peter Doyle, Chief, Media Bureau (w/ encl.)\*  
John A. Karousos, Assistant Chief, Media Bureau (w/ encl.)\*  
Andrew Rhodes, Esq. (w/ encl.)\*  
Mr. Julius Knapp (w/ encl.)\*  
Haystack Broadcasting, Inc. (w/ encl.)  
Matthew K. Wesolowski (w/ encl.)  
Lee. J. Peltzman, Esq. (w/ encl.)  
John J. McVeigh, Esq. (w/ encl.)  
David Tillotson, Esq. (w/ encl.)  
J. Dominic Monahan, Esq. (w/ encl.)  
Richard R. Zaragoza, Esq. (w/ encl.)  
Ms. Marsha J. MacBride (w/ encl.)

\* denotes hand delivery.

**FILE COPY**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 05-9
Table of Allotments, FM Broadcast Stations.)	)	RM-11141
(Ione, Oregon; Walla Walla, Washington;	)	RM-11242
and Athena, Hermiston, La Grange,	)	
and Arlington, Oregon)	)	
	)	
Monument, Oregon; Prairie City, Prineville,	)	MB Docket No. 05-10
and Sisters, Oregon and Weiser, Idaho;	)	RM-11140
The Dalles, Tualatin, Eugene, Albany,	)	RM-11241
Lebanon, Paisley, Diamond Lake, Oregon;	)	RM-11279
and Goldendale, Washington)	)	
	)	

**FILED/ACCEPTED**

**NOV - 9 2006**

Federal Communications Commission  
Office of the Secretary

To: Marlene H. Dortch, Secretary  
Office of the Secretary

ATTN: Chief, Audio Division, Media Bureau

**OPPOSITION TO  
PETITION FOR RECONSIDERATION**

1. Cumulus Licensing LLC ("Cumulus"), licensee of Station KNRQ-FM, Eugene, Oregon ("KNRQ"), submits this Opposition to the Joint Petitioners'<sup>1</sup> Petition for Reconsideration (the "Petition") which seeks reconsideration of the Commission's dismissal of the Joint Petitioners' counterproposal in MB Docket No. 05-10 (the "Counterproposal").<sup>2</sup> Among other changes, the Counterproposal sought to substitute Channel 300C for Channel 250C at Eugene, Oregon and modify the license of KNRQ accordingly. The Commission dismissed the Counterproposal finding that there was a reasonable likelihood that the assignment of Channel

<sup>1</sup> The Joint Petitioners are Portland Broadcasting, LLC; Columbia Gorge Broadcasters, Inc.; M.S.W. Communications, LLC and Extra Mile Media, Inc.

<sup>2</sup> See Report and Order, DA 06-1759 (rel. Sept. 5, 2006); 71 Fed. Reg. 56407 (Sept. 27, 2006) (the "Decision").

300C to KNRQ would "exceed obstruction standards and/or have an adverse physical or electromagnetic interference ["EMI"] effect upon navigable airspace or air navigation facilities in connection with the Mahlon Sweet Field Airport" and would have "a negative impact on air/ground communications and cause unacceptable interference to the Eugene, Oregon Instrument Landing System (ILS) operated by the FAA." Decision, at para. 15. This Decision was based on the FAA's issuance of a Notice of Presumed Hazard on April 15, 2006, which found that the "potential for [EMI] exists," should KNRQ be forced to operate on Channel 300C.<sup>3</sup> The Commission correctly dismissed the Counterproposal due to the FAA's valid and very real concern of interference to navigation aids used at Mahlon Sweet Field, which serves the Eugene area.

2. The Joint Petitioners claim that the Bureau erred in dismissing the Counterproposal because (i) the Bureau did not have the authority to dismiss the Counterproposal based on EMI to FAA facilities in an FM Channel rulemaking proceeding, and (ii) that the decision was premature. The Joint Petitioners are incorrect on both counts.

3. Channel 300C Cannot Be Alloted to KNRQ. The Joint Petitioners' assertion that they are currently working with the FAA to identify alternate ILS frequencies to eliminate EMI concerns due to the proposed channel change for KNRQ is simply untrue. Gary M. Allen, President of Aviation Systems, Inc. and Cumulus' aviation consultant, has confirmed that the FAA views the matter as closed.<sup>4</sup> Mr. Allen spoke with the FAA official who oversaw the

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<sup>3</sup> See FAA Notice of Presumed Hazard (April 15, 2006) ("Hazard Notice"). For convenience, a copy of the Hazard Notice is attached hereto as Attachment 1. The Hazard Notice was filed by Cumulus in this proceeding on May 2, 2006, as Attachment 1 to the "Comments of Cumulus Licensing LLC to Order to Show Cause."

<sup>4</sup> See Attachment 2, Letter dated November 8, 2006, from Gary M. Allen, Ph.D., Esq. to Alan C. Campbell, Esq. ("Allen Letter").

evaluations that are discussed in the Feasibility Report<sup>5</sup> on November 7, 2006, and that official confirmed that no further work was being conducted on the Joint Petitioners' request to find alternate ILS frequencies as the FAA determined that there was no feasible solution to resolve the FAA's EMI concerns with the substitution of Channel 300C for Channel 250C at Eugene, Oregon. The FAA official explained to Mr. Allen that the Feasibility Report had been forwarded to the FAA Northwest Mountain Region Frequency Management Office and:

that Office conducted rigorous studies to ascertain if there were any available frequencies in the northwest which could be employed at the EUG and ADE Localizers and would not be subject to EMI from KNRQ-FM operating on Channel 300 and no viable solution was found. See, Allen Letter, at pg. 2 (emphasis in original).

While the final FAA determination effectively closes the door on the Joint Petitioners, Cumulus will address several of the other arguments offered by the Joint Petitioners.

4. The FCC Does Consider FAA EMI Interference at the Allotment Stage. Contrary to the Joint Petitioners' argument, the Commission does consider potential EMI to air navigation facilities authorized by the FAA in FM allotment proceedings. For example, in *Mt. Juliet and Belle Meade, Tennessee*, the Commission confirmed the Bureau's reallocation of Channel 294A from Mt. Juliet to Belle Meade, Tennessee, and modified the construction permit for Station WNPL(FM), Mt. Juliet, Tennessee to specify Belle Meade as the community of license. The Commission took this action because the allotment as originally assigned to Mt. Juliet could not be used due to EMI to FAA air navigation facilities.<sup>6</sup> In this case, the Bureau determined that there was no location for a Mt. Juliet allocation which would "satisfy the FAA concerns

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<sup>5</sup> The Feasibility Report was issued by the FAA on June 30, 2006 and is an attachment to the Petition.

<sup>6</sup> Memorandum Opinion and Order, 15 FCC Rcd 8226, FCC 00-153 (2000).

regarding EMI to air navigation and enable Station WNPL to provide 70 dBu service to Mt. Juliet....and there were no other FM channels available to Mt. Juliet."<sup>7</sup>

5. Similarly, in an allotment proceeding involving La Fayette, Georgia,<sup>8</sup> the Bureau deleted a channel allotted to La Fayette after it was determined that the allotment would cause EMI to FAA facilities and there were no fully spaced alternate sites or channels that would meet the FCC's service coverage requirements and satisfy the FAA's concerns. In deleting Channel 298A in this proceeding, the Bureau stated: "[h]ad this information been included in the record of the rulemaking proceeding allotting this channel, we would not have allotted this channel to La Fayette."<sup>9</sup>

6. And, in *Sebring and Miami, Florida*,<sup>10</sup> the Bureau determined that although a technically feasible transmitter site existed for a proposed FM channel allotment, the site was unacceptable because it was too close to the Sebring Regional Airport. This determination was made at the allotment stage because the Commission "believe[d] it doubtful that FAA approval would be granted for a transmitter site so close to [the Sebring Regional Airport's] terminal." *Id.*, at para. 6. It was apparent to the Commission that the FAA would not permit the construction of the proposed station, so the rulemaking proposal was dismissed. In sum, the Commission does consider EMI to FAA facilities at the allotment stage. In fact, should the EMI prove to be insurmountable, the Bureau has deleted or changed allotments rather than create potential interference with FAA air navigation aids.<sup>11</sup>

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<sup>7</sup> *Id.*, at para. 3.

<sup>8</sup> *La Fayette, Georgia*, Report and Order, 13 FCC Rcd 2093, DA 98-101 (1998).

<sup>9</sup> *Id.* at para. 5 [emphasis added].

<sup>10</sup> Report and Order, 10 FCC Rcd 6577 (1995).

<sup>11</sup> The Joint Petitioner's reliance on *Southwestern Bell* to posit that the FCC need not take into account EMI to FAA facilities is confusing. See *Southwestern Bell Wireless, Inc. v. Johnson City Board of County Commissioners*, 199 F. 3d 1185 (10th Cir. 1999). The case focuses on the

7. Cumulus' EMI Experience. Cumulus is acutely aware of the importance of avoiding interference with air navigation aids as it was forced to take Station KQHN(FM), Oil City, Louisiana, off the air for almost a year due to EMI to navigation aids used by aircraft at the Barksdale Air Force Base. The FAA determined that KQHN, which operated on Channel 300C2, interfered with navigation aids only after the station was constructed and operating. The station only recently resumed broadcasting on Channel 247C2, after its channel and community of license were changed to address the EMI issues in a complex and lengthy rulemaking proceeding.<sup>12</sup> Cumulus certainly has no desire to repeat this experience with Station KNRQ and appreciates the Bureau's decision to terminate this proceeding now.

8. Joint Petitioners Request for Grant of the Counterproposal. Recognizing that it is even premature to make such a request, the Joint Petitioners half-heartedly ask the Bureau to grant their proposal (Petition, pg. 6), in contrast to their real intent to reinstate the proceeding. This is something that cannot be considered at this stage since the Bureau did not address the non-FAA related substantive issues offered by the Joint Petitioners in support of the Counterproposal and challenged by Cumulus.<sup>13</sup> In support of this plea, the Joint Petitioners recount their alleged claims of public interest benefits that would result. *See*, Petition, Engineering Statement, pg. 2. However, even this passing reference fails to recognize contrary

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Federal preemption of local zoning boards' ability to prohibit the construction of wireless telecommunications towers. The case does not stand for the assertion that the FCC cannot or should not consider the concerns of other Federal agencies when making decisions regarding EMI, especially when the agency is the FAA which regulates and protects air navigation from hazardous conditions.

<sup>12</sup> *See Dubach, Natchitoches, Oil City and Shreveport, Louisiana, and Grosebeck, Longview, Nacogdoches, Tennessee Colony and Waskom, Texas*, Report and Order, 20 FCC Rcd 19495, FCC 05-198 (2005).

<sup>13</sup> Indeed, MB Docket No. 05-10 included numerous other proposed changes to the FM Table of Allotments, nine (9) of which were granted by the Bureau as part of its Decision. It would have been unreasonable and unfair to the other rule making advocates to further delay action on their filings to accommodate the Joint Petitioners.

evidence offered by Cumulus and not yet evaluated by the Bureau. For example, the claim that the overall proposal would provide some new radio service, ignores the countervailing fact, among others, that the relocation of KACI-FM from The Dalles, Oregon to Tualatin, Oregon, would create significant white and gray areas. More specifically, the relocation of KACI-FM, coupled with the relocation of Station KMCQ-FM, from Channel 283C at The Dalles to Channel 283C3 at Covington, Washington,<sup>14</sup> will create a white area of 646 persons in 414.7 square kilometers and a gray area of 1,502 persons in 464.9 square kilometers. *See*, Cumulus Reply Comments filed on October 19, 2005, Technical Statement, pgs. 3-4.

9. Joint Petitioners Reliance on KHPE-FM Is Misplaced. The Joint Petitioners assert that Station KHPE-FM, Albany, Oregon, operates on Channel 300 in proximity to several airports, apparently without any harmful EMI to their navigation aids even though they claim that the FAA computer models indicate such interference should occur. *See*, Petition, pgs. 4-5 and Engineering Statement, pgs. 1-2. This deduction leads the Joint Petitioners into error and their brash statement that: "[t]his points out the absurdity of relying on frequency approval by another agency when Commission-licensed stations have operated on that frequency for decades without complaint." In fact, the KHPE example is not comparable to what would occur if KNRQ was forced to broadcast on Channel 300C at its present transmitter site. As explained in the Allen Letter, the potential impact of broadcast stations on FAA navigation aids depends, among other factors, on the location of the station's transmitter site in relation to the airport runways. In this case, Mr. Allen confirms the FAA conclusion that there will be an adverse impact if KNRQ operates on Channel 300C at its transmitter site, whereas there is no such

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<sup>14</sup> This allocation was affirmed on October 31, 2006. *See Arlington, The Dalles, Moro, Fossil, Astoria, Oregon et. al*, Memorandum Opinion and Order, FCC 06-160, MB Docket No. 02-136 (released Oct. 31, 2006).

adverse impact, nor would any be expected, from KHPE operating on Channel 300 at its transmitter site.<sup>15</sup>

10. No FAA Proceeding is Ongoing. Finally, the Joint Petitioners' apparently outdated claim that they are working with the FAA to find acceptable ILS frequencies that would not receive EMI from KNRQ operating on Channel 300C discredits the importance and the complexity of changing ILS frequencies. As noted in the FAA Feasibility Report,

"this request for the FAA to change ILS frequencies is more involved than just changing the crystals: it involves cutting tuned cables, adjusting antenna heights, changing aeronautical charts and published instrument, approach procedures, and conducting flight tests. This assumes that there are frequencies available, which has not been verified." See, Feasibility Report, page 2 [emphasis added].

This decision by the FAA is itself over four and half months old and, as confirmed by the Allen Letter, it will not be changed, nor are the Joint Petitioners currently engaged in any proceedings at the FAA to do so.

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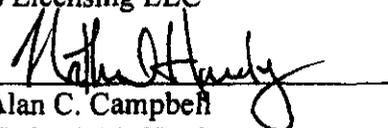
<sup>15</sup> Indeed, the act of determining the impact of potential EMI is extremely reliant of the facts. This is evidenced by the FAA's initial conclusion that KNRQ would not cause an adverse impact on navigation aids if it operated on Channel 300C at its existing transmitter site, because the FAA used the wrong coordinates for the KNRQ tower. When the correct coordinates are used, the result is predicted "brute force" EMI.

Conclusion.

The Joint Petitioners' have not presented any reason to reverse the Decision. They have put forth nothing that would call into question the Bureau's prudent decision to protect FAA navigation aids from interference from FCC-licensed broadcast stations. Serendipitously for the Joint Petitioners, the FCC has now adopted new FM rule making procedures which they will soon be able to use in order to pursue their plans. Indeed, the cavalier manner in which they have proceeded in this case leaves the impression that their real intent is to try to keep the proceedings in Docket 05-10 alive until the new rules are in effect and they can measure which set of procedures might better suit their plans.

Respectfully submitted,  
Cumulus Licensing LLC

By:

  
Alan C. Campbell  
Nathaniel J. Hardy  
Its Counsel

**IRWIN, CAMPBELL & TANNENWALD, P.C.**  
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(202) 728-0400

November 9, 2006

**CERTIFICATE OF SERVICE**

I, Tracy Lynn Houchens, hereby certify that on November 9, 2006, copies of the foregoing "Opposition to Petition for Reconsideration" have been served via U.S. mail, postage prepaid, or by hand delivery upon the following persons:

Peter Doyle, Chief\*  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

John A. Karousos, Assistant Chief\*  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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David Tillotson, Esq.  
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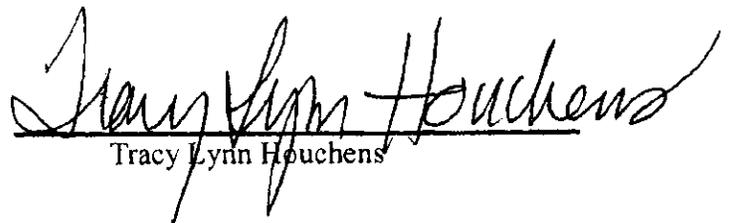
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Tracy Lynn Houchens

\* Denotes Hand Delivery

# ATTACHMENT 1



Federal Aviation Administration  
Air Traffic Airspace Branch, ASW-520  
2601 Meacham Blvd.  
Fort Worth, TX 76137-0520

Aeronautical Study No.  
2005-ANM-2379-OE  
Prior Study No.  
1990-ANM-246-OE

Issued Date: 04/15/2006

Gary Kline  
Cumulus Media  
PO Box 4555  
Lafayette, IN 47903

**\*\* NOTICE OF PRESUMED HAZARD \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: Antenna Tower  
Location: Eugene, OR  
Latitude: 44-0-7.0 N NAD 83  
Longitude: 123-6-54.0 W  
Heights: 373 feet above ground level (AGL)  
1668 feet above mean sea level (AMSL)

Initial findings of this study indicated that the structure as described exceeds obstruction standards and/or would have an adverse physical or electromagnetic interference effect upon navigable airspace or air navigation facilities. Pending resolution of the issues described below, the structure is presumed to be a hazard to air navigation.

See attachment for additional information.

The study revealed that the potential for electromagnetic interference exists. See attached page(s) for further information.

NOTE: PENDING RESOLUTION OF THE ISSUE(S) DESCRIBED ABOVE, THE STRUCTURE IS PRESUMED TO BE A HAZARD TO AIR NAVIGATION. THIS LETTER DOES NOT AUTHORIZE CONSTRUCTION OF THE STRUCTURE EVEN AT A REDUCED HEIGHT. ANY RESOLUTION OF THE ISSUE(S) DESCRIBED ABOVE MUST BE COMMUNICATED TO THE FAA SO THAT A FAVORABLE DETERMINATION CAN SUBSEQUENTLY BE ISSUED.

IF MORE THAN 60 DAYS FROM THE DATE OF THIS LETTER HAS ELAPSED WITHOUT ATTEMPTED RESOLUTION, IT WILL BE NECESSARY FOR YOU TO REACTIVATE THE STUDY BY FILING A NEW FAA FORM 7460-1, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION.

If we can be of further assistance, please contact our office at (907)271-5863. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2005-ANM-2379-OE.

**Signature Control No: 439975-454239**

(NPH)

Robert van Haastert  
Specialist

Attachment(s)  
Additional Information

**Additional Information for ASN 2005-ANM-2379-OE**

This site will have a negative impact on air/ground communications for the FAA Instrument Landing System (ILS) facilities located near your proposed location.

The present study indicates the site will cause unacceptable interference to the Eugene, OR ILS on its planned operating frequency of 107.9 MHz at 100 kilowatts of power.

Any questions regarding this issue should be directed to Fred Neudecker, Frequency Management Officer, ANM-473, (425)227-2637.

## ATTACHMENT 2

November 8, 2006

Mr. Alan Campbell  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Ave, NW Suite 200  
Washington, DC 20036

Re: Petition for Reconsideration by Portland Broadcasting et al (the "Joint Petitioners")

Dear Mr. Campbell:

The Joint Petitioners allege in the Petition for Reconsideration that the Federal Communications Commission ("FCC") had erroneously dismissed their earlier Petition for Rule Making ("PRM") via the Report and Order ("R&O") released September 5, 2006 (DA 06-1759), 71 Fed. Reg. 56407 (September 27, 2006). They claim that the FCC acted too hastily in dismissing their PRM because the Joint Petitioners and their aviation consultant were in an ongoing process with the Federal Aviation Administration ("FAA") to resolve the EMI issues raised by Joint Petitioners proposal for station KNRQ-FM at Eugene Oregon to change from Channel 250 to Channel 300. This assertion is simply not based in the factual history or current reality.

The FAA had issued a Notice of Presumed Hazard ("NPH") under Aeronautical Study Number ("ASN") 2005-ANM-2379-OE on April 15, 2006 on that proposed frequency change at KNRQ-FM. The finding of that NPH was that Channel 300 would cause "unacceptable interference" to the Instrument Landing System ("ILS") at Mahlon Sweet Field in Eugene, Oregon.

On June 8, 2006 Portland Broadcasting filed a request for a feasibility study of changing the frequencies of the EUG and ADE Localizers at Mahlon Sweet Field in order to accommodate the change of KNRQ-FM to Channel 300. This request suggested certain frequencies as possibilities but did not limit the feasibility study request to those frequencies.

On June 30, 2006 the FAA issued a Feasibility Report under ASN 2006-ANM-1254-OE which reaffirmed the finding of ASN 2005-ANM-2379-OE on the negative consequences of changing KNRQ-FM to Channel 300. With respect to Localizer frequency changes, the Feasibility Report clearly stated that even if there were available frequencies (which was unknown at that time) that such changes involved complex engineering studies and implementation including "cutting tuned cables, adjusting antenna heights, changing

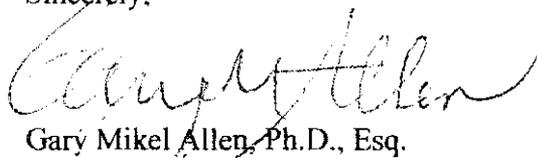
aeronautical charts and published instrument approach procedures, and conducting flight tests.” The request was forwarded to the FAA Northwest Mountain Region Frequency Management Office. That Office conducted rigorous studies to ascertain if there were any available frequencies in the northwest which could be employed at the EUG and ADE Localizers and would be not be subject to EMI from KNRQ-FM operating on Channel 300 and no viable solution was found.

On November 7, 2006, I personally contacted Robert van Haastert, the FAA Obstacle Evaluation Service Specialist for Oregon who was the case manager for the NPH and Feasibility Report mentioned above and asked if there was any validity to Joint Petitioners’ claim that there was an ongoing collaborative process between the FAA and the Joint Petitioner’s aviation consultant to find a resolution. After conferring with the Frequency Management Officer Fred Neudecker, Mr. van Haastert informed me that the FAA is not working with anyone on this matter, that the Frequency Management Office had expended a substantial research effort and found no feasible solution for the potential EMI at the EUG and ADE Localizers and that the case is closed.

Hence, the basic assertion of the Joint Petitioners that the R&O had prematurely cutoff the process before any “definitive, final judgment of the FAA” is simply not supported by the facts

The Joint Petitioners also assert that station KHPE-FM in Albany, Oregon currently operates on Channel 300 without any apparent problem and that if KHPE-FM had been subjected to the same process as has the Joint Petitioners it might never have been issued a license. The basis for this claim is that “applying the FAA Airspace Analysis program to the KHPE-FM frequency results in similar EMI problems.” It is true that this computer program indicates some EMI potential for KHPE-FM and that station would have been carefully scrutinized by the FAA had the station thoughtfully considered its potential impact on air navigation before taking any action. However, KHPE-FM is located over 32 nautical miles from the EUG and ADE Localizers whereas KNRQ-FM is less than eight nautical miles and they are not situated similarly with respect to the Frequency Protected Service Volumes (“FPSV”) of the two localizers. Consequently, KNRQ-FM on Channel 300 predicts much higher intensity levels of two-signal and three-signal intermodulation effects and, more significantly, predicts a “brute force” effect not indicated by KHPE-FM. Trying to draw some comparison between these two is just not accurate and is a blatant attempt to draw attention away from the fact that KNRQ-FM operating on Channel 300 predicts a severe EMI impact on the localizers at Mahlon Sweet Field for which there is no feasible solution and is unacceptable to the FAA.

Sincerely,



Gary Mikel Allen, Ph.D., Esq.  
President