

777 High Street, Suite 300
Eugene, OR 97401-2787

Mailing: P.O. Box 10747
Eugene, OR 97440-2747

FCC Mail Room

Phone: 541-484-9292 / Fax: 541-343-1206
Email: dmonahan@luvaascobb.com

DOCKET FILE COPY ORIGINAL

APR 10 2008

J. Dominic Monahan
Attorney at Law

April 9, 2008

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

VIA UPS OVERNIGHT

RE: Petition for Rulemaking

Dear Ms. Dortch:

There is transmitted herewith on behalf of KSRV, Inc., the licensee of Station KWRL(FM), La Grande, Oregon [Facility ID 24797], an original and four copies of a Petition for Rulemaking to institute a rulemaking to amend Section 73.202(b) of the FM Table of Allotments.

An extra copy of this transmittal letter is enclosed, as well as a pre-addressed, stamped envelope. Please confirm your receipt of the filing of this Petition for Rulemaking by date stamping the extra copy of this transmittal letter and returning it to the undersigned counsel.

Should additional information be desired concerning this Petition for Rulemaking please contact the undersigned counsel.

Respectfully submitted,

KSRV, INC.


J. Dominic Monahan, Its Counsel

JDM/nlk
Enclosures
cc: David N. Capps

No. of Copies rec'd 044
List ABCDE
MB Audio 0815

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

Received & Inspected

APR 10 2008

FCC Mail Room

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(La Grande, Oregon and Prairie City, Oregon)

TO: Marlene H. Dortch, Secretary
Federal Communications Commission

PETITION FOR RULEMAKING

KSRV, Inc., the licensee of Station KWRL(FM), La Grande, Oregon [Facility ID 24797], respectfully request that the Commission amend its Table of Allotments to allocate Channel 260C-2 to La Grande, Oregon, in substitution of Channel 255C-1. Station KSRV(FM) presently operates on Channel 260C-1 in La Grande, Oregon, but has been ordered to shift to Channel 225C-1 by the *Report and Order* issued in MB Docket No. 05-9. Pursuant to that *Order*, Station KWRL(FM) has applied for and received a construction permit for Channel 225C-1 in order to implement that change. However, a subsequent engineering showing has now determined that Station KWRL(FM) can operate on its existing frequency, *i.e.* Channel 260C-1, at the new Channel 225C-1 transmitter site on Clark Mountain, provided that Channel 272C is substituted for the vacant Channel 260C allotment in Prairie City, Oregon. (This allotment for Prairie City was also added by the *Report and Order* in MB Docket No. 05-9.)

The requested changes in the FM Table of Allotments are as follows:

| Community | Present | Proposed |
|----------------------|----------------|-----------------|
| La Grande, Oregon | 225C-1 | 260C-1 |
| Prairie City, Oregon | 260C | 272C |

BACKGROUND

The original rulemaking in MM Docket 05-9 requiring Station KWRL(FM) to shift to Channel 225C-1 was a proposal filed by Two Hearts Broadcasting (“Two Hearts”), the licensee of Station KHSS(FM), Walla Walla, Washington. Two Hearts sought to shift from Channel 264C-3 to Channel 264C-2 and change its community of license to Athena, Oregon. The same *Report and Order* also required Station KQFM(FM) in Hermiston, Oregon [Facility ID 27076], licensed to Westend Radio, LLC, to shift its frequency from Channel 263A to Channel 261A. It was this reallocation which required Station KWRL(FM) to shift from Channel 260C-1 to Channel 225C-1.

Station KQFM(FM) has already filed and received a permit to implement this move (*see* BMPH-20070418AAW, granted September 17, 2007). Two Hearts has filed its application and has also received a grant of its permit to shift channels (*see* BMPH-20061020ACG, granted October 30, 2006).

The attached spacing study shows that the proposed Channel 260C-1 allotment and transmitter site meets the co-channel and adjacent channel spacing requirements for Class C-1 stations as set out in Section 73.207 of the Commission’s rules, with the exception of the short-spacing to the vacant allotment on Channel 260C in Prairie City. Attached is a second channel study demonstrating that Channel 272C can be substituted for Channel 260C at Prairie City, using the contemplated Channel 272C allotment site coordinates in the CDBS data base. Channel 272C is site restricted 29.3 Km southeast of Prairie City. The minimum Class C 70 dBu contour distance is 59.1 Km. Thus this site will provide the requisite 70 dBu service to 100% of Prairie City.

The proposed substitution of Channel 272C for Channel 260C in Prairie City does not conflict with or affect any established broadcast operations for the proposed use of Channel 260C-1 in Prairie City. As set out in the attached allocation study, Channel

272C is available for use at Prairie City and this modification will not have any impact on any of the other changes made in MB Docket No. 05-9.

By allowing Station KWRL(FM) to remain on its original operating channel, Two Hearts will save substantial reimbursement expenses to KSRV, Inc., and will avoid the audience disruption which flows from shifting a station's established signal from one place on the dial to another. In this instance the proposed shift would have been seriously disruptive to KWRL's listening audience because it would have meant a change in dial position by some 25 channels, a signal move that would have required a major promotional campaign to educate KWRL's established listenership in the avoidance of listenership loss.

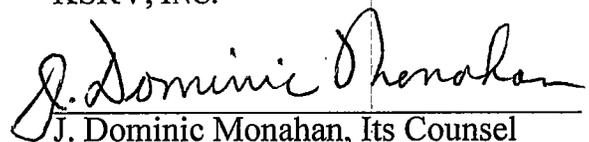
The expedited allocation of Channel 260C-1 to La Grande, Oregon will accelerate the completion of Station KQFM's move to Channel 261A in Hermiston, which is a necessary first step to Station KHSS(FM) moving to Channel 264C-2. In addition, the use of Channel 260-1 at a newly proposed transmitter site will permit Station KWRL to utilize an omnidirectional antenna instead of a directional pattern.

KSRV, Inc., through its counsel, respectfully requests that the Commission authorize the aforementioned change in allotments by amending the FM Table of Allocations to specify Channel 260C-1 instead of Channel 225C-1 at La Grande, Oregon, and to simultaneously substitute Channel 272C for Channel 260C in Prairie City, Oregon.

DATED this 9th day of April, 2008.

Respectfully submitted,

KSRV, INC.


J. Dominic Monahan, Its Counsel