

July 31, 2008

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Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby - TW - A325
Washington, D.C. 20554

Re: Petition for Rule Making
La Grande and Prairie City, Oregon
MB Docket No. 08-67; RM-11426
Counterproposal by Pacific Empire Radio Corporation

Dear Ms, Dorsch:

Enclosed are an original and four (4) copies of a Counterproposal to the Petition for Rule Making to reallocate Channel 260C1 at La Grande, Oregon and to reallocate Channel 272C at Prairie City, Oregon.

Respectfully submitted,

PACIFIC EMPIRE RADIO CORPORATION

By: 

Jay Mlazgar

Vice President and General Manager
Pacific Empire Radio Corporation
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CERTIFICATE OF SERVICE

I, Jay Mlazgar, do hereby certify that I have on this 31st day of July, 2008, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**counterproposal**" to the following:

Office of the Secretary
Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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KNLT-FM
New Northwest Broadcasters
1011 Western Avenue
Suite 920
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PACIFIC EMPIRE RADIO CORPORATION

By: 

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Vice President and General Manager
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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b))
FM Table of Allotments,) MB Docket No. 08-67
FM Broadcast Stations.) RM-11426
(La Grande and Prairie City, Oregon))
)

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

COUNTERPROPOSAL

Pacific Empire Radio Corporation ("Pacific Empire"), permittee of Stations KUBQ(FM), La Grande, Oregon, KRJT(FM), Elgin, Oregon, and KKBC(FM), Baker, Oregon, hereby submits this counterproposal to the *Notice of Proposed Rule Making*, DA 08-1425 (rel. June 13, 2008) ("*NPRM*") in the above captioned proceeding. Pacific Empire proposes to (1) allot Channel 272C to Huntington, Oregon as that community's first local service and (2) allot Channel 254C3 to College Place, Washington as that community's first local service. Pacific Empire states that if the Commission grants this counterproposal, Pacific Empire will apply for Channel 272C at Huntington and Channel 254C3 at College Place and that it will participate in the auction process for the channel. Pacific Empire also states that should it become the winning bidder in the auctions it will construct and operate the stations. In order to accomplish this change, the following amendments to the FM Table of Allotments are requested (listed alphabetically)

Community	Channel No.	
	Present	Proposed
Baker, Oregon	237A 284C	280C1 284C
College Place, Washington		254C3
Elgin, Oregon	290A	260C1
La Grande, Oregon	225C1 254C2	225C1 237C1
Huntington, Oregon		272C
Monument, Oregon	280C1	290C1
Prairie City, Oregon	260C	294C
Walla Walla, Washington	227C1 239C 246C 264C3	227C1 239C0 246C 264C3

In support whereof, Pacific Empire states as follows:

I. PRELIMINARY MATTERS,

1. Pacific Empire owns all but two of the affected stations for the changes proposed herein. KSRV, Inc., licensee of Station KWRL, Channel 225C1, La Grande, Oregon, proposed the substitution of Channel 272C for vacant Channel 260C at Prairie City, Oregon. This substitution would permit Station KWRL to continue operation on Channel 260C1. To this end, KSRV, Inc. filed an application proposing the modification of the Station KWRL to specify operation on Channel 260C1. Pacific Empire proposes to add Channel 272C at Huntington, Oregon as that community's first local service. The Pacific Empire proposal conflicts with the *NPRM* proposal to substitute Channel 272C for vacant Channel 260C at Prairie City OR.

2. Pacific Empire also proposes to add Channel 254C3 at College Place, Washington as that community's first local service. This counterproposal will require Station KWRL (FM), to substitute Channel 260C1 for Channel 225C1. Pacific Empire therefore supports and requests that the Commission grant the proposal of KSRV, Inc., licensee of Station KWRL, to substitute Channel 260C1 for Channel 225C1 and to relocate the station to a new transmitter site at their requested site

of 45 07'21"NL and 117 46'48"WL, however, Pacific Empire requests that Channel 260C1 be reallocated to Elgin, Oregon as part of the Pacific Empire counterproposal.

3. With respect to the remaining station, Pacific Empire requests that the Commission issue an Order to Show Cause to New Northwest Broadcasters, LLC, the Licensee of Station KNLT(FM) Walla Walla, Washington, to show why its license should not be reclassified from Channel 239C to Channel 239C0 at its current site.

II. CONFLICT WITH THE *NPRM*.

1. As indicated in the attached Engineering Statement, the proposal offered herein to add Channel 272C at Huntington, Oregon as that community's first local service, conflicts with the *NPRM* proposal to substitute Channel 272C for vacant Channel 260C at Prairie City, Oregon. As demonstrated herein, the collective changes offered herein include (1) establishment of first local services in the communities of Huntington, Oregon and College Place, Washington (with a combined population of 8,333), (2) improved allocations for vacant channels at Monument and Prairie City Oregon, (3) a net gain in radio service to 357,591 people, (4) a first aural service to 3,450 persons, and (5) a first local service to 8,333 persons. Pacific Empire finds that Channel 294C can be substituted for Channel 260C rather than Channel 272C at Prairie City, Oregon, Thus the Commission must favor this counterproposal for its priority 1, 2, and 3 benefits over the substitution of Channel 272C for vacant Channel 260C at Prairie City, Oregon.

The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1988).

III. COMPLIANCE WITH THE COMMISSION'S TECHNICAL RULES

A. NEW CHANNEL, HUNTINGTON, OREGON.

1. Pacific Empire proposes to allot Channel 272C to Huntington, Oregon, as that community's first local service. As indicated in the attached channel study, Channel 272C can be allotted to Huntington, Oregon in compliance with the Commission's spacing rules provided that the *NPRM* made by KSRV,

Inc., licensee of Station KWRL, to substitute Channel 272C for vacant Channel 260C at Prairie City, Oregon, is not granted. This change is discussed below. From the proposed site the station will provide a 70 dBu signal over 100% of Huntington. The allotment of Channel 272C to Huntington will provide a first local service to 515 persons. Pacific Empire states that that if the Commission grants this counterproposal, Pacific Empire will apply for Channel 272C at Huntington and that it will participate in the auction process for the channel. Pacific Empire also states that should it become the winning bidder in the auction it will construct and operate the station.

2. Huntington, Oregon is located in Baker County, Oregon. It is listed in the 2000 U.S. Census with a population of 515 persons and is therefore presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California, 7 FCC Red 6302,12 (1992)*. The U.S. Postal Service has assigned one zip code, 97907, to Huntington and operates a Post Office located at 10 East Washington Street in Huntington. Among the local and federal government offices located in Huntington are U.S. Postal Service, Oregon Department of Transportation, Huntington School District, and the Huntington Public Library, Huntington is governed by a mayor, six council members, a Municipal Court Judge and a Justice of the Peace. Huntington's law enforcement is provided by a City Marshal. Emergency services are provided by volunteer ambulance and fire department personnel. Huntington has its own schools. Currently 81 students attend K-12 at Huntington School. St. Joachim Catholic Church is located in Huntington. Huntington is home to several businesses including the Jiffy Market, Huntington Hairport, and Snake River Garage. Huntington's museum sites include a Union Pacific Caboose and an indoor museum. Clearly Huntington is deserving of radio service on Channel 272C.

3. Channel 272 C can be assigned to the community of Huntington using the reference site 44 18°07'NL and 117 10°24'WL. A site restriction of approximately 8 kilometers southeast of Huntington's city-center coordinates is requested for this proposed allotment. At the reference site, the principal community contour coverage requirements of §73.315 are satisfied, and all minimum

distance separation requirements of §73.202(b) of the Commission's Rules are met except towards the *NPRM* proposal to substitute Channel 272C for vacant Channel 260C at Prairie City, Oregon

B. NEW CHANNEL, COLLEGE PLACE, WASHINGTON.

4. Pacific Empire proposes to allot Channel 254C3 to College Place, Washington as that community's first local service. As indicated in the attached channel study, Channel 254C3 can be allotted to College Place, Washington in compliance with the Commission's spacing rules provided that KUBQ(FM) La Grande, Oregon change from Channel 254C2 to Channel 280C1, and that Channel 280C1 be reallocated to Baker City, Oregon. This change is discussed below. From the proposed site the station will provide a 70 dBu signal over 100% of College Place. The allotment of Channel 254C3 to College Place will provide a first local service to 7,818 persons. Pacific Empire states that that if the Commission grants this counterproposal, Pacific Empire will apply for Channel 254C3 at College Place and that it will participate in the auction process for the channel. Pacific Empire also states that should it become the winning bidder in the auction it will construct and operate the station.

(Baker City, Oregon was incorporated 1874. In 1911, Baker City dropped the word "City" from its name and became Baker, Oregon. In 1989, Baker restored the word "City" to its name, therefore the FCC database currently lists the City of License for stations licensed prior to 1989 in Baker City as Baker.)

5. College Place, Washington is located in Walla Walla County, Washington. It is listed in the 2000 U.S. Census with a population of 7,818 persons and is therefore presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California, 7 FCC Red 6302,12 (1992)*. The U.S. Postal Service has assigned one zip code, 99324, to College Place and operates a Post Office located at 500 South College Avenue in College Place. Among the local and federal government offices located in College Place are U.S. Government Department of Natural Resources, U.S. Government Recruiting Office, College Place School District 250, and College Place Public

Library, College Place has a Mayor, City Council, Police, and Fire Departments. College Place has its own schools including Davis Elementary, Meadowbrook Intermediate, and Sager Middle School. College Place is also home to Walla Walla University. Currently 847 students attend school at College Place School District 250 Schools. College Place has its own airport, Martin Field. College Place is home to several businesses including the American West Bank, Sterling Savings Bank, and WalMart. Clearly College Place is deserving of radio service on Channel 254C3.

6. Channel 254 C3 can be assigned to the community of College Place using the reference site 45 56'52"NL and 117 59'16"WL. A site restriction of approximately 32 kilometers east/southeast of College Place's city-center coordinates is requested for this proposed allotment. At the reference site, the principal community contour coverage requirements of §73.315 are satisfied, and all minimum distance separation requirements of §73.202(b) of the Commission's Rules are met except towards KUBQ(FM) La Grande, Oregon.

7. Pacific Empire can find no other alternate C3 channels available to serve the community of College Place, Washington.

C. STATION KUBQ(FM) LA GRANDE, OREGON TO BAKER CITY, OREGON

8. In order to allot Channel 254C3 to College Place, Washington, Station KUBQ(FM) La Grande, Oregon must change channel from Channel 254C2 to Channel 280C1, and its community of license to Baker City, Oregon. As indicated in the attached channel study, Channel 280C1 can be assigned to the community of Baker City, Oregon using the reference site 44 39'09"NL and 118 23'46"WL. A site restriction of approximately 46 kilometers west/southwest of Baker City's city-center coordinates is requested for this proposed allotment. At the reference site, the principal community contour coverage requirements of §73.315 are satisfied, and all minimum distance separation requirements of §73.202(b) of the Commission's Rules are met provided that the open allocation for Monument, Oregon be changed from Channel 280C1 to Channel 290C1. This change is discussed below. From

the proposed site the station will provide a 70 dBu signal over 100% of Baker City, Oregon. This reallocation will result in a net gain in 60 dBu service of 8,252 persons. This reallocation will replace the current allotment of station KKBC(FM) Baker, Oregon which will be reallocated to La Grande, Oregon and is required and discussed below as part of this counterproposal and thus present level of FM services will be maintained at both Baker City and La Grande Oregon.

(Baker City, Oregon was incorporated 1874. In 1911, Baker City dropped the word "City" from its name and became Baker, Oregon. In 1989, Baker restored the word "City" to its name, therefore the FCC database currently lists the City of License for stations licensed prior to 1989 in Baker City as Baker, Oregon.)

9. In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License")*, 4 FCC Red 4870 (1989), *recon. granted in part*, 5 FCC Red 7094 (1990), the Commission stated that in order to grant a change in community of license: (1) the proposed use of the channel must be mutually exclusive with its current use; (2) the existing community of license must retain local service; and (3) the proposed arrangement of allotments must be preferred over the existing arrangement under the Commission's allotment priorities.

10. These criteria are met here. First, the proposed use of Channel 280C1 at Baker City is mutually exclusive with the current use of Channel 254C2 at La Grande. Second, La Grande will not be deprived of its only local service and will in fact have improved service due to the reallocation of Station KKBC(FM) Baker, Oregon to La Grande, Oregon and the reallocation of Station KRJT(FM) Elgin, Oregon to La Grande, Oregon which will be required and discussed below as part of this counterproposal and the present level of FM services will be maintained at La Grande, Oregon.

Ch247C1 was substituted for vacant Ch280C1* at Weiser, ID. FCC Report & Order DA 07-3154 Released July 13, 2007*

D. VACANT ALLOTMENT, MONUMENT, OREGON

11. In order to allot Channel 280C1 to Baker City, Oregon, the open allocation for Monument, Oregon must be changed from Channel from Ch 280C1 to Ch 290C1. As indicated in the attached channel study, Channel 290C1 can be assigned to the community of Monument, Oregon using the

reference site 44 41'39"NL and 119 12'30"WL. A site restriction of approximately 21 kilometers southeast of Monument's city-center coordinates is requested for this proposed allotment. At the reference site, the principal community contour coverage requirements of §73.315 are satisfied, and all minimum distance separation requirements of §73.202(b) of the Commission's Rules are met provided that Station KRJT(FM) Elgin, Oregon, change channel from Channel 290A to Channel 237C1 and that Channel 237C1 be reallocated to LaGrande Oregon. This change is discussed below. From the proposed site Channel 290C1 will provide a 70 dBu signal over 100% of Monument, Oregon. This reallocation will result in a net gain in 60 dBu service of 3,256 persons over the allotment of Channel 280C1 at Monument. The proposed substitution of Channel 290C1 for Channel 280C1 in Monument does not conflict or affect established broadcast operations for the proposed use of Channel 280C1 in Monument. Clearly the use of Channel 290C1 is preferable over Channel 280C1.

E. STATION KRJT(FM) ELGIN, OREGON TO LA GRANDE, OREGON

12. In order to allot Channel 290C1 to Monument Oregon, Station KRJT(FM) Elgin, Oregon must change channel from Channel 290A to Channel 237C1, and its community of license to La Grande, Oregon. As indicated in the attached channel study, Channel 237C1 can be allotted to the community of La Grande, Oregon using the reference site 45 07'57"NL and 118 30'37"WL. A site restriction of approximately 40 kilometers southwest of La Grande's city-center coordinates is requested for this proposed allotment. At the reference site, the principal community contour coverage requirements of §73.315 are satisfied, and all minimum distance separation requirements of §73.202(b) of the Commission's Rules are met provided that Station KKBC(FM) Baker, Oregon change channel from Channel 237A to Channel 225C1, that Channel 225C1 be reallocated to La Grande, Oregon, and that Station KNLT(FM) Walla Walla, Washington be reclassified from Channel 239C to Channel 239C0. This change is discussed below. From the proposed site the station will provide a 70 dBu signal over 100% of La Grande, Oregon. This reallocation will result in a net gain in 60 dBu service of 32,097

persons. This reallocation will replace the current allotment of station KWRL(FM) LaGrande, Oregon which will be reallocated to Elgin, Oregon and is required and will be discussed below as part of this counterproposal and thus the present level of FM services will be maintained at both La Grande and Elgin, Oregon.

13. In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License")*, 4 FCC Red 4870 (1989), *recon. granted in part*, 5 FCC Red 7094 (1990), the Commission stated that in order to grant a change in community of license: (1) the proposed use of the channel must be mutually exclusive with its current use; (2) the existing community of license must retain local service; and (3) the proposed arrangement of allotments must be preferred over the existing arrangement under the Commission's allotment priorities.

14. These criteria are met here. First, the proposed use of Channel 237C1 at La Grande is mutually exclusive with the current use of Channel 290A at Elgin. Second, Elgin will not be deprived of its only local service due to the reallocation of Station KWRL(FM) La Grande, Oregon to Elgin, Oregon which will be required and will be discussed below as part of this counterproposal and the present level of FM services will be maintained at both La Grande and Elgin Oregon.

F. STATION KNLT(FM) WALLA WALLA, WASHINGTON RECLASSIFIED TO C0

15. In order to allot Channel 237C1 to LaGrande Oregon, Station KNLT(FM) Walla Walla, Washington must be reclassified from Channel 239C to Channel 239C0. As indicated in the attached channel study, KNLT(FM) Walla Walla, Washington is currently licensed on Channel 239C with a tower height below the required 451 meters HAAT. Pacific Empire can find no alternate channels available to serve the community of La Grande, Oregon.

16. Station KNLT(FM) currently operates on Channel 239C with an effective radiated power ("ERP") of 100 kilowatts ("kW") at 427 meters height above average terrain (HAAT), which is less than the minimum Class C antenna height of 451 meters HAAT. Pacific Empire concluded that if Station KNLT(FM) operates as a Class CO facility, any short-spacing between Station KNLT(FM) and the proposed use of Channel 237C1 at La Grande, Oregon, at the proposed site would be eliminated. Pacific Empire asks that the Commission issue an Order to Show Cause directed to New Northwest Broadcasters, LLC, the Licensee of Station KNLT(FM) Walla Walla, Washington, to show cause why its facilities should not be reclassified.

17. Pursuant to the reclassification procedures set forth in the Commission's Second Report and Order and note 2 of Section 1.420 (g) of the Commission's Rules, a petitioner may initiate the reclassification of a Class C FM station to a Class CO station through the filing of an amendment of the FM Table of Allotments. In those instances in which a triggering petition proposes an amendment or amendments to the FM Table of Allotments in addition to the proposed reclassification, the Commission shall issue an order to show cause as set forth in Note 4 to Section 73.3573 of the Rules, and a *NPRM* will be issued only after the reclassification issue is resolved. In order to comply with the foregoing reclassification procedures, it is first necessary to issue this Order to Show Cause directed to New Northwest Broadcasters, LLC, the Licensee of Station KNLT(FM) Walla Walla, Washington, to show cause why Station KNLT(FM)'s license should not be modified to specify operation on Channel 239CO in lieu of Channel 239C at Walla Walla, Washington. Section 316(a) of the Communications Act of 1934, as amended, permits the Commission to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that the Commission notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. Pacific Empire asks that this procedure now be set forth in Section 1.87 of the Commission's Rules. In this instance, the reclassification of Station KNLT(FM) as a Class CO station at Walla Walla, Washington, will accommodate the allotment of Channel 237C1 to La Grande, Oregon, as proposed by Pacific Empire. Pacific Empire asks that the

Commission consider the proposed reclassification of Station KNLT-FM to have sufficient public interest benefits to justify the issuance of a show cause order.

18. The license of Station KNLT(FM) Walla Walla, Washington, can be modified to allow the Reclassification of Channel 239C to Channel 239CO at its currently authorized transmitter site.

G. STATION KKBC(FM) BAKER, OREGON TO LA GRANDE, OREGON

19. In order to allot Channel 237C1 to LaGrande, Oregon, Station KKBC(FM) Baker, Oregon must change channel from Channel 237A to Channel 225C1, and its community of license to La Grande, Oregon. As indicated in the attached channel study, Channel 225C1 can be assigned to the community of La Grande, Oregon using the reference site 45 02'22"NL and 118 23'00"WL. A site restriction of approximately 39 kilometers southwest of La Grande's city-center coordinates is requested for this proposed allotment. At the reference site, the principal community contour coverage requirements of §73.315 are satisfied, and all minimum distance separation requirements of §73.202(b) of the Commission's Rules are met provided that Station KWRL(FM) La Grande, Oregon change channel from Channel 225C1 to Channel 260C1 and that Channel 260C1 be reallocated to Elgin, Oregon. This change is discussed below. From the proposed site the station will provide a 70 dBu signal over 100% of La Grande, Oregon. This reallocation will result in a net gain in 60 dBu service of 25,271 persons. This reallocation will replace the current allotment of station KUBQ(FM) La Grande, Oregon which will be reallocated to Baker City, Oregon and is required and was discussed above as part of this counterproposal and thus present level of FM services will be maintained at both Baker City and La Grande Oregon.

20. In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License")*, 4 FCC Red 4870 (1989), *recon. granted in part*, 5 FCC Red 7094 (1990), the Commission stated that in order to grant a change in

community of license: (1) the proposed use of the channel must be mutually exclusive with its current use; (2) the existing community of license must retain local service; and (3) the proposed arrangement of allotments must be preferred over the existing arrangement under the Commission's allotment priorities.

21. These criteria are met here. First, the proposed use of Channel 225C1 at La Grande is mutually exclusive with the current use of Channel 237A at Baker. Second, Baker City will not be deprived of its only local service and will in fact have improved service due to the reallocation of Station KUBQ(FM) La Grande, Oregon to Baker City, Oregon which will be required and was discussed above as part of this counterproposal and the present level of FM services will be maintained at La Grande, Oregon.

H. STATION KWRL(FM) LA GRANDE, OREGON TO ELGIN, OREGON

22. In order to allot Channel 225C1 to LaGrande, Oregon, Station KWRL(FM) La Grande, Oregon must change channel from Channel 225C1 to Channel 260C1, and its community of license to Elgin, Oregon. As indicated in the attached channel study, Channel 260C1 can be assigned to the community of Elgin, Oregon using the reference site 45 07'21"NL and 117 46'48"WL. A site restriction of approximately 49 kilometers south/southeast of Elgin's city-center coordinates is requested for this proposed allotment. At the reference site, the principal community contour coverage requirements of §73.315 are satisfied, and all minimum distance separation requirements of §73.202(b) of the Commission's Rules are met provided that the open allocation for Prairie City, Oregon be changed from Channel 260C to Channel 294C. This change is discussed below. From the proposed site the station will provide a 70 dBu signal over 100% of Elgin, Oregon. This reallocation will result in a net gain in 60 dBu service of 2,875 persons. This reallocation will replace the current allotment of station KRJT(FM) Elgin, Oregon which will be reallocated to La Grande, Oregon and is

required and was discussed above as part of this counterproposal and thus the present level of FM services will be maintained at both Elgin and La Grande Oregon.

23. In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License* ("Community of License"), 4 FCC Red 4870 (1989), *recon. granted in part*, 5 FCC Red 7094 (1990), the Commission stated that in order to grant a change in community of license: (1) the proposed use of the channel must be mutually exclusive with its current use; (2) the existing community of license must retain local service; and (3) the proposed arrangement of allotments must be preferred over the existing arrangement under the Commission's allotment priorities.

24. These criteria are met here. First, the proposed use of Channel 260C1 at Elgin, Oregon is mutually exclusive with the current use of Channel 225C1 at La Grande, Oregon. Second, Elgin, Oregon will not be deprived of its only local service by the reallocating of Station KWRL(FM) to Elgin and the present level of FM services will be maintained at Elgin, Oregon.

25. KSRV, Inc., licensee of Station KWRL, Channel 225C1, La Grande, Oregon, has proposed the substitution of Channel 260C1 for Channel 225C1 in order to permit Station KWRL to continue operation on Channel 260C1. To this end, KSRV, Inc. filed an application proposing the modification of the Station KWRL to specify operation on Channel 260C1 and the Commission issued the *Notice of Proposed Rule Making*, DA 08-1425 (rel. June 13, 2008).

26. Rather than propose the use of Channel 260C1 for Station KRJT(FM) at Elgin, Oregon and oppose the change of channel for Station KWRL, Pacific Empire proposes to move Station KRJT to Channel 237C1 at La Grande, Oregon. This move can only be made if the community of Elgin, Oregon retains a local service. In making this counterproposal, Pacific Empire finds that Channel 260C1 can not only provide 70 dBu coverage for all of La Grande, Oregon, but that it also provides

70 dBu coverage for all of Elgin, Oregon as well. Therefore, Pacific Empire proposes that the Commission grant the request for Station KWRL to change channel to Channel 260C1 provided that the community of license for Station KWRL be reallocated to Elgin, Oregon.

27. This counterproposal allows KSRV, Inc., licensee of Station KWRL, to change channels to its desired channel and to relocate to its desired transmitter site. The counterproposal does not change in any way the coverage area or the amount of people receiving service from Station KWRL and in fact supports the relocation of Station KWRL to Channel 260C1.

I. VACANT ALLOTMENT, PRAIRIE CITY, OREGON

28. In order to allot Channel 260C1 to Elgin, Oregon, the open allocation for Prairie City, Oregon must be changed from Channel 260C to Channel 294C. As indicated in the attached channel study, Channel 294C can be assigned to the community of Prairie City, Oregon using the reference site 44 12'14"NL and 118 17'14"WL. A site restriction of approximately 42 kilometers southeast of Prairie City's city-center coordinates is requested for this proposed allotment. At the reference site, the principal community contour coverage requirements of §73.315 are satisfied, and all minimum distance separation requirements of §73.202(b) of the Commission's Rules are met. From the proposed site Channel 297C will provide a 70 dBu signal over 100% of Prairie City, Oregon. This reallocation will result in a net gain in 60 dBu service of 3,972 persons over the allotment of Channel 260C and a net gain of 3,510 over the allotment of Channel 272 at Prairie City, Oregon. The proposed substitution of Channel 297C for Channel 260C in Prairie City Oregon does not conflict or affect established broadcast operations for the proposed use of Channel 260C in Prairie City, Oregon. Clearly the use of Channel 294C is preferable over Channel 272C.

IV. CONCLUSION

Pacific Empire proposes a number of changes to the FM Table of Allotments which, taken together, will (1) establish first local services to Huntington, Oregon and College Place, Washington (with a combined population of 8,333), (2) improved allocations for vacant channels at Monument and Prairie City Oregon, (3) a net gain in radio service to 357,591 people, (4) a first aural service to 3,450 persons, and (5) a first local service to 8,333 persons. This counterproposal conflicts with the *NPRM* proposal to substitute Channel 272C for vacant Channel 260C at Prairie City, Oregon and to reallocate Channel 260C1 at La Grande, Oregon. Under the FM allotment priorities, the Commission should favor the public interest benefits proposed herein under priorities 1, 2, and 3 and grant this counterproposal.

Respectfully submitted,

PACIFIC EMPIRE RADIO CORPORATION

By: 

Jay Mlazgar

Vice President and General Manager
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Lewiston, ID. 83501
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**ENGINEERING STATEMENT
IN SUPPORT OF A
COUNTERPROPOSAL**

MB DOCKET 08-67

Pacific Empire Radio Corporation

Prepared by:

Pacific Empire Radio Corporation

111 Main Street

P.O. Box 538

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July 31, 2008

ENGINEERING STATEMENT

In Support of a
Counterproposal
MB Docket 08-67

Pacific Empire Radio Corporation
La Grande and Prairie City, Oregon

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29	Exhibit E, Figure 16 KNLN 239C0 Walla Walla, WA -70 dBu Coverage Map

- 30 Exhibit E, Figure 17 KKBC 237A Baker, OR -70 dBu Coverage Map
- 31 Exhibit E, Figure 18 KKBC 225C1 La Grande, OR - Allocation Study
- 32 Exhibit E, Figure 19 KKBC 225C1 La Grande, OR -70 dBu Coverage Map
- 33 Exhibit E, Figure 20 KWRL 225C1 La Grande, OR -70 dBu Coverage Map
- 34 Exhibit E, Figure 21 KWRL 260C1 Elgin, OR - Allocation Study
- 35 Exhibit E, Figure 22 KWRL 260C1 Elgin, OR -70 dBu Coverage Map
- 36 Exhibit E, Figure 23 VAC ALLO 260C Prairie City, OR -70 dBu Coverage Map
- 37 Exhibit E, Figure 24 VAC ALLO 294C Prairie City,, OR -Allocation Study
- 38 Exhibit E, Figure 25 VAC ALLO 294C Prairie City,, OR -70 dBu Coverage Map

ENGINEERING STATEMENT

In Support of a

Counterproposal

ME Docket 08-67

Pacific Empire Radio Corporation

La Grande and Prairie City, OR

Introduction

Pacific Empire Radio Corporation ("Pacific Empire"), permittee of Stations KUBQ(FM), La Grande, Oregon, KRJT(FM), Elgin, Oregon, and KKBC(FM), Baker, Oregon,, hereby offers the instant engineering statement in support of its counterproposal to the *Notice of Proposed Rule Making*, DA 08-1425 (rel. June 13, 2008) ("NPRM") in the above captioned proceeding.

The counterproposal is mutually exclusive to MB Docket 08-67, which proposes the reallocation of channel 260C1 at La Grande, Oregon and the reallocation of channel 272C at Prairie City, Oregon.

All proposed spectrum modifications are first demonstrated by a channel or allocations study.

The study shows the spacings to all known FM entries in the Commission's database, and it also establishes if additional spectrum modifications are required. Spectrum modifications that require antenna site relocations, class changes or community of license changes are followed by a series of maps demonstrating compliance with all current Commission allotment rules.

Pacific Empire's counterproposal creates first aural reception service to 3,450 persons in Southwestern Idaho, Eastern Oregon, and South-Central Washington under Priority 1 of the Commission's allotment priorities. It also provides first local services at College Place, WA. (population 7,818), and Huntington, (Population 515). The counterproposal has the added benefit of increasing the total population served with new FM service by 357,591 persons under Priority 4.

This page includes a summary of the changes proposed to the FM Table of Allotments (listed alphabetically).

City	Current	Proposed
Baker, Oregon	<u>237A</u> , 284C	<u>280C1</u> , 284C
College Place, Washington	----	<u>254C3</u>
Elgin, Oregon	<u>290A</u>	<u>260C1</u>
La Grande, Oregon	<u>225C1</u> , <u>254C2</u>	<u>225C1</u> , <u>237C1</u>
Huntington, Oregon	----	<u>272C</u>
Monument, Oregon	<u>280C1</u>	<u>290C1</u>
Prairie City, Oregon	<u>260C</u>	<u>294C</u>
Walla Walla, Washington	227C1, <u>239C</u> , 246C0	227C1, <u>239C0</u> , 246C0
	256C1 , 264C3	256C1,264C3

Pacific Empire's counterproposal is presented first with a Methods section that demonstrates the end results and the spectrum changes, and sub changes where needed, required to implement the request. A section entitled Exhibits Explained follows this. It lists each technical exhibit and the data it documents. It also lists any additions, deletions, and modifications entries that should be made by the Commission Staff to the CDBS database when examining this counterproposal.

Methods

1) **ADD 272C, Huntington, OR** Pacific Empire proposes to add channel 272C at Huntington, OR, as that community's first local service. If channel 272C is assigned to Huntington, Pacific Empire hereby expresses an interest in and would file an application for Channel 272C at Huntington and would participate in an auction for that channel. The allotment of channel 272C at Huntington at coordinates N44-18-07, W117-10-24, creates a short space of 188.89 kilometers to one facility: a) the *NPRM* filed by KSRV, Inc., licensee of Station KWRL, Channel 225C1, La Grande, Oregon, that proposed the substitution of Channel 272C for vacant Channel 260C at Prairie City, Oregon. This is one of the Counterproposal's MX Points to the *NPRM* in MB Docket 08-67.

a) **VAC ALLO 272C Prairie City, OR** To eliminate the short space created by the proposed allotment at Prairie City, Oregon, Pacific Empire proposes to substitute channel 294C at Prairie City, Oregon for vacant Channel 260C and proposed Channel 272C at coordinates N44-12-14, W 118-17-14. A site restriction of approximately 42 kilometers southeast of Prairie City's city-center coordinates is requested for this proposed allotment. Currently channel 260C at Prairie City is allocated for use, and Pacific Empire requests that it be modified accordingly. The substitution of channel 294C for channel 260C from Prairie City is an un-built allocation having not yet signed on the air. As such, the general public in this area has not become accustomed to receiving a station and does not have any expectation for the service.

(2) **ADD 254C3, College Place, WA** Pacific Empire proposes to add channel 254C3 at College Place, WA, as that community's first local service. If channel 254C3 is assigned to College Place, Pacific Empire hereby expresses an interest in and would file an application for Channel 254C3 at College Place and would participate in an auction for that channel. The allotment of channel 254C3 at College Place at coordinates N45-56-52, W117-59-16, creates a short space of 120.13 kilometers to one facility: a) Station KUBQ, Channel 254C2, La Grande, Oregon.

a) **KUBQ-FM** Presently KUBQ operates on channel 254C2 at La Grande, Oregon. In order to eliminate the short spacing to channel 254C3 at College Place, Pacific Empire proposes to substitute upgraded channel 280C1 for 254C2, change the community of license to Baker City, Oregon, and modify the antenna site location of KUBQ to coordinates N44-39-09, W118-23-46. This creates a short spacing of 161.75 kilometers to the vacant Channel 280C1 at Monument, Oregon and a short spacing of 137.99 kilometers to the vacant Channel 280C1 at Weiser, Idaho

b) **VAC ALLO 280C1 Monument, OR** To eliminate the short space created by the proposed allotment at Monument, Oregon, Pacific Empire proposes to substitute channel 290C1 at Monument, Oregon for vacant Channel 280C1 at coordinates N44-41-39, W 119-12-30. A site restriction of approximately 21 kilometers southeast of Monument's city-center coordinates is requested for this proposed allotment. Currently channel 280C1 at Monument is allocated for use, and Pacific Empire requests that it be modified accordingly. The substitution of channel 290C1 for channel 280C1 from Monument is an un-built allocation having not yet signed on the air. As such, the general public in this area has not become accustomed to receiving a station and does not have any expectation for the service. The allotment of channel 290C1 at Monument creates a short space of 67.30 kilometers to one facility: a) Station KRJT, Channel 290A, Elgin, Oregon.

c) **VAC ALLO 280C1* Weiser, ID** Ch247C1* was substituted for vacant Ch280C1* at Weiser, ID. (see FCC Report & Order DA 07-3154 Released July 13, 2007). The spacing study indicates an apparent short-spacing to the vacant allocation on Channel 280C1* at Weiser, Idaho. However, per the Report and Order DA 07-3154 that station was reallocated to Channel 247C1* at Weiser. That action is now effective and final. Per the policy enunciated in *Auburn, Alabama*, no further protection of the vacant allocation on Channel 280C1* is required.

See Auburn, Alabama, et al, Memorandum Opinion and Order, 18 FCC Red 10333 (MB 2003) (stating that parties may rely on actions taken in earlier rule making proceedings that are effective but not yet final) ("Auburn").

d) **KRJT-FM** Presently KRJT operates on channel 290A at Elgin, Oregon. In order to eliminate the short spacing to channel 290A at Elgin, Pacific Empire proposes to substitute upgraded channel 280C1 for 290A, change the community of license to La Grande, Oregon, and modify the antenna site location of KRJT to coordinates N45-07-57, W118-30-37. This creates a short spacing of 132.84 kilometers to KKBC Channel 237A at Baker, Oregon and a short spacing of 6.67 kilometers to KNLT Channel 239C at Walla Walla, Washington.

e) **KKBC-FM** Presently KUBQ operates on channel 237A at Baker, Oregon. In order to eliminate the short spacing to channel 237C1 at La Grande, Pacific Empire proposes to substitute upgraded channel 225C1 for 237A, change the community of license to La Grande, Oregon, and modify the antenna site location of KKBC to coordinates N45-02-22, W118-23-00. This creates a short spacing of 196.60 kilometers to KWRL Channel 225C1 at La Grande, Oregon. This is one of the Counterproposal's MX Points to the NPRM in MB Docket 08-67.