

AUG 19 2008

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J. Dominic Monahan
Attorney at Law

August 18, 2008

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

VIA UPS OVERNIGHT

RE: Reply to Counterproposal to the Petition for Rule Making

Dear Ms. Dortch:

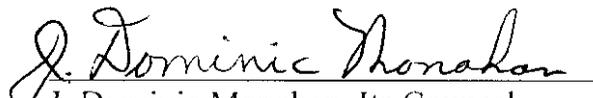
There is transmitted herewith on behalf of KSRV, Inc., the licensee of Station KWRL(FM), La Grande, Oregon [Facility ID 24797], an original and four copies of its Reply in Opposition to Counterproposal to the Petition for Rule Making filed by Pacific Empire Radio Corporation, relating to the *Notice of Proposed Rulemaking* RM -11426, released June 13, 2008 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 Reply in Opposition to Counterproposal by date stamping the extra copy of this transmittal letter and returning it to the undersigned counsel.

Should additional information be desired concerning this Reply in Opposition to Counterproposal, please contact the undersigned counsel.

Respectfully submitted,

KSRV, INC.


J. Dominic Monahan, Its Counsel

JDM/ml
Enclosures

No. of Copies rec'd 0+4
List ABCDE

- cc: John A. Karousos, Assistant Chief, Audio Division, Media Bureau (w/enclosure)
- David Tillotson, Two Hearts Communications, LLC (w/enclosure)
- Jay Mlazgar, Pacific Empire Radio Corporation (w/enclosure)
- David N. Capps (w/enclosure)

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

Received & Inspected

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In the Matter of

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

MB Docket No. 08-67
RM-11426

TO: Marlene H. Dortch, Secretary
Federal Communications Commission

REPLY IN OPPOSITION TO COUNTERPROPOSAL

KSRV, Inc. ("KSRV"), the licensee of Station KWRL(FM), La Grande, Oregon [Facility ID 24797], through counsel, respectfully submits its Reply in Opposition to the counterproposal filed by Pacific Empire Radio Corporation ("Pacific Empire"), in the above referenced rulemaking proceeding. (See Notice of Rulemaking, DA-08-1425, released June 13, 2008).

1. In its original rulemaking, KSRV proposed to substitute Channel 260C-1 for Channel 225C-1 in LaGrande, Oregon. In order to replace Channel 260C in Prairie City, Oregon where it is presently allocated, KSRV further proposed to allocate Channel 272C to that community. The purpose of KSRV's proposed channel shift from Channel 225C to 260C was to allow it to continue operation on Channel 260C-1. Channel 260C-1 had been shifted from La Grande to Prairie City pursuant to an Order to Show Cause entered in MB Docket No. 05-09 (released March 31, 2006 (DA-06-773)).

2. Pacific Empire's counterproposal is flawed in multiple respects including the fact that it seeks to reallocate Channel 260C-1 to Elgin, Oregon (instead of La Grande) and simultaneously requests that Station KWRL FM's city of license be

changed from La Grande, Oregon to Elgin, Oregon, utilizing Channel 260C-1. Pacific Empire's proposal to relocate the Station KWRL to Elgin is simply impermissible under the Commission's rules as KSRV, Inc. has neither proposed nor consented to such a move. Furthermore, even if KWRL were in agreement to such a move, it could not do so until such time as KSRV's pending proposal to reallocate Channel 260C-1 to La Grande is actually granted. In other words, what Pacific Empire proposes is a counterproposal contingent on a change in the city of license for Station KWRL, a change to which KSRV, Inc. has neither applied for nor agreed to.

3. Pacific Empire's proposal for the forced reclassification of Channel 239C in Walla Walla, Washington to Channel 239C-0 is expressly prohibited by the Commission's rules without the consent and cooperation of New Northwest Broadcasting, the licensee of Station KNLN which operates on that channel. There is no evidence that such consent or cooperation of New Northwest has been sought or obtained. Accordingly, for this reason alone the counterproposal should be dismissed.

4. Another flaw in Pacific Empire's counterproposal is the proposed allotment of Channel 254C-3 to College Place, Washington as a first local service to that community. The statement that Channel 254C-3 would serve as a first local service is incorrect. As the Commission's records reflect, Station KGTS (FM) (Facility ID No. 70732) operates on Channel 217C-2, and has been licensed to that community since 1963. Another deficiency in this proposal is that the allotment site proposed by Pacific Empire for Channel 254C-3 in College Place is at least 32 kilometers away from that community. However, under the uniform terrain assumption separations used for vacant channel allotments, such an allotment site cannot be more than 23.2 kilometers from its proposed community. Moreover, it appears the proposed use of Channel 254C-3 in College Place is short spaced to Station KMNA on Channel 254A in Mabton, Washington.

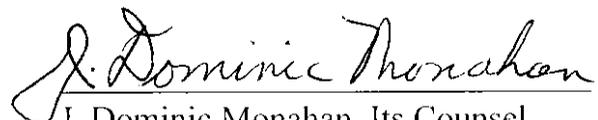
5. Finally, Pacific Empire proposed to substitute Channel 290C-1 for vacant Channel 280C-1 in Monument, Oregon. This proposed substitution in Monument does not recognize the fact that such a proposal is short spaced to a proposal which would require Station KHAL, now operating on 228C-1 in Condon, to switch channels to 291C-1 in Condon. That proposal was set forth as part of an application to modify Station KSHL by changing its city of license from Gleneden Beach, Oregon, to Coburg, Oregon (see BPH-20080331ACW).

For the reasons cited above, it is respectfully submitted that the counterproposal of Pacific Empire is procedurally and substantively flawed to a point that it cannot be considered. Accordingly, KSRV, Inc. requests that the counterproposal of Pacific Empire Radio Corporation be summarily dismissed.

DATED this 18th day of August, 2008.

Respectfully submitted,

KSRV, INC.


J. Dominic Monahan, Its Counsel

CERTIFICATE OF SERVICE

I, MONICA LaROSA, a secretary in the law offices of Luvaas Cobb, certify that I have on this 18th day of August, 2008 sent by United States mail, postage prepaid, on behalf of KSRV, Inc., copies of the foregoing *Reply in Opposition to Counterproposal* to:

David Tillotson, Esquire
4606 Charleston Terrace, NW
Washington, DC 20007-1911
Attorney for Two Hearts Communications, LLC

Jay Mlazgar, Vice President
Pacific Empire Radio Corporation
111 Main Street
P.O. Box 538
Lewiston, ID 83501


MONICA LaROSA