

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

ORIGINAL

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(The Dalles, Tualatin, Eugene, Albany,)
Lebanon, Paisley, and Diamond Lake,)
Oregon and Goldendale, Washington))

MB Docket No. 05-10
RM-11279

TO: The Secretary
Attention: Chief, Audio Division
Media Bureau

FILED/ACCEPTED
SEP 10 2009
Federal Communications Commission
Office of the Secretary

MOTION FOR LEAVE TO FILE SUPPLEMENT

Cumulus Licensing LLC (“Cumulus”) hereby moves for leave to file the accompanying Supplement to Motion for Stay (the “Supplement”) in the above-captioned proceeding. The Supplement updates the status of proceedings at the Federal Aviation Administration (the “FAA”) and the United States Court of Appeals for the District of Columbia Circuit (the “Court”) with respect to the localizer frequencies in use at Mahlon Sweet Field Airport in Eugene, Oregon (the “Airport”). In support of this motion, the following is stated:

1. Portland Broadcasting, LLC (“PB”), licensee of KXPC-FM, Lebanon, Oregon, Bicoastal Media Licenses IV, LLC (successor-in-interest to Columbia Gorge Broadcasters, Inc. and M.S.W. Communications, LLC), licensee of KACI-FM, The Dalles, Oregon, and KMSW(FM), The Dalles, Oregon, and Extra Mile Media, Inc., licensee of KHPE(FM), Albany, Oregon (collectively, the “Joint Petitioners”) filed a petition for rulemaking in the above-referenced docket that would, *inter alia*, (a) modify the license for KACI-FM to Channel 250C2 in Tualatin, Oregon, and (b) require the involuntary modification of the license for KNRQ-FM

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("KNRQ"), a radio station licensed to Cumulus and currently located on Channel 250C in Eugene, Oregon, to Channel 300C. Cumulus opposed the modification of KNRQ's license. In support of its opposition, Cumulus submitted a Notice of Presumed Hazard ("NPH") from the FAA dated April 15, 2006. In that NPH, the FAA stated, in essence, that KNRQ's operation at Channel 300C would create interference with frequencies utilized by the FAA at the Airport. In a *Report and Order* released on September 5, 2006, the Commission dismissed the Joint Petitioners' proposal on the basis of the NPH without further consideration. *Ione, Oregon*, 21 FCC Rcd 10017, 1022 (2006) ("*Report and Order*").

2. On October 27, 2006, the Joint Petitioners filed a petition for reconsideration of the *Report and Order*. In that reconsideration petition, the Joint Petitioners stated that they had already initiated efforts to have the FAA change the frequencies used at the Airport to allow operation of KNRQ at Channel 300C. The Joint Petitioners subsequently filed supplements to their reconsideration petition to report (a) that PB had entered into a Reimbursable Agreement with the FAA on June 17, 2008 to fund the FAA's expenses in changing the frequencies at the Airport, (b) that the FAA had issued a Determination of No Hazard to Air Navigation (the "DNH") on September 10, 2008 in anticipation of changing the frequencies at the Airport, and (c) that the frequencies had in fact been changed at the Airport as of October 24, 2008.

3. On November 14, 2008, Cumulus filed the Motion for Stay to request that the Commission stay or otherwise hold in abeyance any further proceedings in the above-captioned matter until there was a final resolution of proceedings initiated by Cumulus at the FAA with respect to the changes in the frequencies at the Airport and the FAA's concomitant issuance of the DNH on September 10, 2008 to permit operation of KNRQ on Channel 300C in Eugene, Oregon.

4. By letter dated January 26, 2009, the FAA denied Cumulus' requests (a) to terminate that agency's Reimbursable Agreement with PB to change the frequencies at the Airport and (b) after the frequencies were changed (and the DNH issued), to enter into a reimbursable agreement with Cumulus to restore the frequencies to those in use prior to implementation of PB's Reimbursable Agreement with the FAA. Cumulus subsequently filed a Petition for Review with the Court seeking a reversal of the FAA's decision.

5. The purpose of the attached Supplement is to provide a letter from the FAA which, *inter alia*, references a Settlement Agreement between Cumulus and the FAA that will result in the vacation of the FAA decision of January 26, 2009, the dismissal of Cumulus' appeal at the Court, and the inauguration of new proceedings at the FAA that could result in the revision or rescission of the DNH.

6. The new proceedings described in the attached FAA letter could affect, if not constitute a determinative factor in, the Commission's resolution of the above-captioned matter.

Accordingly, Cumulus respectfully requests leave to file the accompanying Supplement.

Respectfully submitted,
CUMULUS LICENSING LLC



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September 10, 2009

CERTIFICATE OF SERVICE

I, Joan P. George, a secretary in the law firm of Fletcher, Heald & Hildreth, PLC, do hereby certify that a true copy of the "Motion for Leave to File Supplement" was sent this 10th day of September, 2009, via email where indicated and United States First Class Mail, postage prepaid, to the following:

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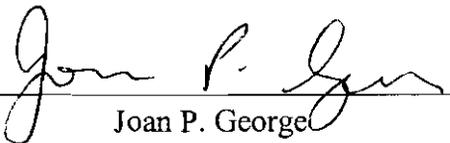
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