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

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations)
(Pacific Junctions, Iowa))
)

MB Docket No. 10-108

FILED/ACCEPTED

To: The Commission, Office of the Secretary

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Federal Communications Commission
Office of the Secretary

Comments

Connoisseur Media, LLC, by its attorneys, hereby submits these comments on the Notice of Proposed Rulemaking in the above-referenced proceeding. As set forth in many pleadings filed in connection with Connoisseur's attempts to construct the new station at Pacific Junction, Iowa, despite the sincere and prolonged attempts of the company to build the new FM station, FAA issues have made construction impossible. The inability to resolve the issues posed by FAA decisions determining that the use of this frequency at any location in the permitted service area for this station would create potential interference to radio communications frequencies used in connection with air navigation, has precluded use of this frequency for its intended purpose of providing an FM radio service. While Connoisseur remains willing to construct the station should anyone advance a solution that could overcome these FAA issues, despite its repeated attempts to resolve these matters, it has not been able to do so. Thus, absent any unexpected solution being identified, and in connection with a refund of the fees paid by Connoisseur in connection with the auction payment made for this channel, Connoisseur supports the proposed deletion of this channel.

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As detailed in many filings made in connection with this proceeding, despite receiving two construction permits for the Pacific Junction channel from the FCC, and its expenditure of millions of dollars in auction payments, equipment purchases, payments to other licensees to allow the station to upgrade, and consulting and legal fees, Connoisseur believes that it is impossible to construct the station on its assigned channel anywhere in the permissible area in which the station can be located. As Connoisseur was preparing to initiate operations, a change in ownership of the existing tower on which Connoisseur was to locate the antenna for its new station prompted a notice to the FAA of the Connoisseur proposal, and a determination by the FAA that the new station would interfere with several localizer frequencies used for air navigation at several different airports in the area of the new station.¹ Connoisseur has retained two separate FAA consulting firms to review this situation, and engaged in prolonged discussions with FAA representatives about the issues that were identified, and no one has been able to identify any solution to the problem – and the problem has even been exacerbated while this study was ongoing by the addition of yet another FAA frequency in the area that compounds the issues. Even though Connoisseur was willing to pay for the changes in the frequencies of the FAA communications facilities in the area, no one could identify alternate frequencies that could accommodate the number of FAA facilities that would need to be modified to avoid the perceived problems

While Connoisseur remains willing to construct the station should anyone find a solution to these issues but, as stated above, it has not been able to identify such a solution. Thus, in connection with the refund of the auction fees as requested in Connoisseur's Petition for Refund

¹ The statement at Footnote 8 of the Notice of Proposed Rulemaking, that Connoisseur obtained an initial Determination of No Hazard from the FAA is misleading, in that it did not do so, and was not required to do so by FCC rules (or current FAA rules) as it was locating on an existing tower and not proposing any change in the height of that tower. The remainder of the recitation in Footnote 8 of the circumstance in which the FAA notice came about is substantially correct.

of Winning Bid Payment, filed March 27, 2009, and supplemented thereafter, Connoisseur supports the deletion of the channel as proposed in the Notice of Proposed Rulemaking.²

For the reasons set forth above, and subject to the limitations set forth therein, Connoisseur supports the deletion of this channel as it appears to be impossible to construct on its current frequency in the area in which the station can be located.

Respectfully submitted,

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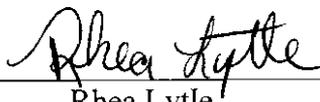
Dated: July 6, 2010

² While Connoisseur believes that the deletion of the channel will compel the FCC to refund its filing fee as the Commission will not be able to fulfill its end of the contractual bargain that it struck to provide an FM channel where a station could, at least theoretically be built, should the Commission determine otherwise, Connoisseur reserves the right to ask that this deletion be stayed while it seeks to determine if other alternatives may be available.

CERTIFICATE OF SERVICE

I, Rhea Lytle, a Secretary in the law firm of Davis Wright Tremaine LLP, hereby certify that on this 6th day of July 2010, I caused a copy of the foregoing “**COMMENTS**” to be served by Hand Delivery upon the following:

Peter H. Doyle, Chief
Audio Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2-A360
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Rhea Lytle